

federal register

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

Selected Subjects

- Aviation Safety**
Federal Aviation Administration
- Bridges**
Coast Guard
- Credit Union**
National Credit Union Administration
- Energy**
National Oceanic and Atmospheric Administration
- Marine Safety**
Coast Guard
- Medicaid**
Health Care Financing Administration
- Medical Devices**
Food and Drug Administration
- Postal Service**
Postal Service
- Radio Broadcasting**
Federal Communications Commission
- Television Broadcasting**
Federal Communications Commission
- Warehouses**
Commodity Credit Corporation
- Wine**
Alcohol, Tobacco and Firearms Bureau



FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for \$300.00 per year, or \$150.00 for 6 months, payable in advance. The charge for individual copies is \$1.50 for each issue, or \$1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under **INFORMATION AND ASSISTANCE** in the **READER AIDS** section of this issue.

How To Cite This Publication: Use the volume number and the page number. Example: 50 FR 12345.

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.

PHILADELPHIA, PA

- WHEN:** Dec. 17; at 1 pm.
Dec. 18; at 9 am. (identical session)
- WHERE:** Room 3306/10,
William J. Green, Jr., Federal
Building,
600 Arch Street, Philadelphia, PA.
- RESERVATIONS:** Laura Lewis,
Philadelphia Federal Information
Center,
215-597-1709

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.

Contents

Federal Register

Vol. 50, No. 225

Thursday, November 21, 1985

- The President**
ADMINISTRATIVE ORDERS
 48073 El Salvador; assistance to public security forces (Presidential Determination 86-2 of October 29, 1985)
- Executive Agencies**
- Agency for International Development**
NOTICES
 Housing guaranty programs:
 48141 Sri Lanka
 Meetings:
 48142 Research Advisory Committee
 48142 Voluntary Foreign Aid Advisory Committee
- Agriculture Department**
See Commodity Credit Corporation; Food Safety and Inspection Service; Forest Service; Soil Conservation Service.
- Alcohol, Tobacco and Firearms Bureau**
RULES
 Alcohol; viticultural area designations:
 48078 Mimbres Valley, NM
 48083 South Coast, CA
- Arts and Humanities, National Foundation**
See National Foundation on Arts and Humanities.
- Coast Guard**
RULES
 Regattas and marine parades:
 48086 Annual Parker Thanksgiving Regatta
 48086 Lake Havasu Classic
PROPOSED RULES
 Drawbridge operations:
 48099 Alabama
- Commerce Department**
See International Trade Administration; National Oceanic and Atmospheric Administration; National Technical Information Service.
- Commodity Credit Corporation**
PROPOSED RULES
 Loan and purchase programs:
 48094 Grain; warehouse approval standards
- Defense Department**
See Navy Department.
- Economic Regulatory Administration**
NOTICES
 Remedial orders:
 48120 Atlantic Richfield Co.
- Education Department**
NOTICES
 Grants; availability, etc.:
 48118 Desegregation of public education program
- Energy Department**
See also Economic Regulatory Administration; Energy Information Administration; Federal Energy Regulatory Commission.
RULES
 48075 Electric power and transmission rate adjustments and extensions; public participation procedures; correction
- Energy Information Administration**
NOTICES
 48120 Natural gas, high cost; alternative fuel price ceilings and incremental price threshold
- Environmental Protection Agency**
PROPOSED RULES
 Air pollution control; new motor vehicles and engines:
 48100 Gasoline volatility and hydrocarbon emissions; regulatory strategies analysis availability and hearing
 Toxic substances:
 48102 Octamethylcyclotetrasiloxane; testing requirements; correction
 Water quality standards:
 48102 Idaho; extension of time
NOTICES
 Hazardous waste:
 48129 Land disposal facilities, construction quality assurance; draft availability and inquiry
 Meetings:
 48130 Agricultural Pesticides Negotiated Rulemaking Farmworker Protection Standards Advisory Committee
- Federal Aviation Administration**
RULES
 Airworthiness standards, etc.:
 48077 Shoulder harnesses in normal, utility, acrobatic category airplanes; correction
 48077 VOR Federal airways
- Federal Bureau of Investigation**
NOTICES
 Meetings:
 48143 National Crime Information Center Advisory Policy Board
- Federal Communications Commission**
RULES
 Radio stations; table of assignments:
 48089 Arizona
 48090 Texas
 48091 Virginia
 Television stations; table of assignments:
 48092 Arizona
 48092 Arkansas
 48093 Montana and Oregon
PROPOSED RULES
 Television stations; table of assignments:
 48106 Colorado; dismissal

- NOTICES**
- 48130 Agency information collection activities under OMB review
- 48153 Meetings; Sunshine Act
- Federal Deposit Insurance Corporation**
- NOTICES**
- 48153 Meetings; Sunshine Act
- Federal Energy Regulatory Commission**
- NOTICES**
- Hearings, etc.:
- 48127 American Electric Power Service Corp.
- 48128 ANR Production Co.
- 48128 Chevron U.S.A. Inc.
- 48122 Columbia Gas Transmission Corp.
- 48129 Mountain Fuel Resources, Inc., et al.
- 48122, Northwest Pipeline Corp. (2 documents)
- 48123 United Gas Pipe Line Co.
- 48153 Meetings; Sunshine Act
- Small power production and cogeneration facilities; qualifying status:
- 48124 A.E. Staley Manufacturing Co. et al.
- Federal Highway Administration**
- NOTICES**
- Environmental statements; notice of intent:
- 48148 Anchorage, AK
- 48149 St. Paul, MN
- Federal Maritime Commission**
- NOTICES**
- Freight forwarder licenses:
- 48130 Hasman Shipping Corp. et al.
- Federal Railroad Administration**
- NOTICES**
- Exemption petitions, etc.:
- 48149 Little Rock & Western Railway Corp. et al.
- Federal Reserve System**
- NOTICES**
- Bank holding company applications, etc.:
- 48130 Bank of Virginia Co.
- 48131 Keycorp et al.
- 48132 Olde Windsor Bancorp, Inc., et al.
- Fish and Wildlife Service**
- NOTICES**
- 48136 Agency information collection activities under OMB review
- Environmental statements; availability, etc.:
- 48136 Great Swamp National Wildlife Refuge, NJ
- Food And Drug Administration**
- RULES**
- Food for human consumption:
- 48078 Infant formula; nutrient requirements; correction
- Human drugs:
- 48078 Antibiotic drugs; cefotaxime sodium injection; correction
- PROPOSED RULES**
- Medical devices:
- 48156 Cardiac monitor; performance standard development; advance notice
- NOTICES**
- Medical devices; premarket approval:
- 48134 Product Development Corp.
- 48133 SoftSite Contact Lens Laboratory
- Food Safety and Inspection Service**
- RULES**
- Meat and poultry inspection:
- 48075 Trichinae in pork products; methods for destruction; correction
- PROPOSED RULES**
- Meat and poultry inspection:
- 48096 Labeling system; total plant quality control; extension of time
- 48097 Partially defatted products; compositional and processing requirements; advance notice; extension of time
- Forest Service**
- NOTICES**
- Environmental statements; availability, etc.:
- 48109 Angeles National Forest, CA
- General Services Administration**
- NOTICES**
- Property management:
- 48132 Transportation and monitor vehicles; Government national credit card (SF 149); ordering procedures
- Health and Human Services Department**
- See also* Food and Drug Administration; Health Care Financing Administration; Health Resources and Services Administration; Public Health Service; Social Security Administration.
- NOTICES**
- 48133 Privacy Act; computer matching program
- Health Care Financing Administration**
- PROPOSED RULES**
- Medicaid:
- 48102 Pregnant women and children, and newborn children; coverage
- Health Resources and Services Administration**
- NOTICES**
- 48135 Medical reimbursement rates; inpatient and outpatient medical care; 1986 FY
- Interior Department**
- See* Fish and Wildlife Service; Land Management Bureau; Minerals Management Service.
- Internal Revenue Service**
- NOTICES**
- Committees; establishment, renewals, terminations, etc.:
- 48151 Commissioner's Advisory Group
- International Development Cooperation Agency**
- See* Agency for International Development.
- International Trade Administration**
- NOTICES**
- 48110 Export trade certificates of review
- Meetings:
- 48110, Computer Systems Technical Advisory
- 48111 Committee (3 documents)

- Interstate Commerce Commission**
NOTICES
Railroad services abandonment:
48142 Northern Missouri Railroad Co.
- Justice Department**
See also Federal Bureau of Investigation.
NOTICES
Pollution control; consent judgments:
48142 Joint Meeting-Rutherford, Rutherford, Carlstadt, et al.
- Land Management Bureau**
NOTICES
Coal leases, exploration licenses, etc.:
48137 Colorado; correction
Conveyance and opening of public lands:
48140 Washington
Environmental statements; availability, etc.:
48139 Mill Creek wilderness study area, UT
Exchange of lands:
48137 Arizona
Management framework plans, etc.:
48137 Colorado
Meetings:
48138 Susanville District Grazing Advisory Board; postponement
Motor vehicles; off-road vehicle designations:
48138 California
Oil and gas leases:
48139 Alaska (2 documents)
48139 Colorado
Opening of public lands:
48139 Montana
Recreation management plans:
48138 Diamond Craters, OR
Withdrawal and reservation of lands:
48140 Wyoming; correction
- Minerals-Management Service**
NOTICES
Outer Continental Shelf; development operations coordination:
48141 Tenneco Oil Exploration & Production
- National Credit Union Administration**
RULES
Federal credit unions:
48075 Loan interest rates
NOTICES
48153 Meetings; Sunshine Act
- National Foundation on Arts and Humanities**
NOTICES
48143 Agency information collection activities under OMB review
- National Highway Traffic Safety Administration**
PROPOSED RULES
48107 Tire identification and recordkeeping; reconsideration petition denied
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
48151 Sumitomo Rubber Industries, Ltd.
- National Oceanic and Atmospheric Administration**
PROPOSED RULES
Fishery conservation and management:
48108 Western Pacific spiny lobster
48097 Ocean thermal energy conversion facilities and plantships, licensing
NOTICES
Permits:
48111 Foreign fishing
- National Technical Information Service**
NOTICES
Patent licenses, exclusive:
48118 Beckman Instruments, Inc.
- National Transportation Safety Board**
NOTICES
48153 Meetings; Sunshine Act
- Navy Department**
RULES
Navigation, COLREGS compliance exemptions:
48085 USS O'Brien
NOTICES
Meetings:
48118 Chief of Naval Operations Executive Panel Advisory Committee
- Nuclear Regulatory Commission**
NOTICES
Applications, etc.:
48144 Consolidated Edison Co. of New York, Inc.
Environmental statements; availability, etc.:
48144 Connecticut Yankee Atomic Power Co.
- Postal Service**
RULES
Domestic Mail Manual:
48087 Merchandise return service for Federal agencies
- Public Health Service**
NOTICES
Medical technology scientific evaluations:
48135 Endoscopic electrocoagulation for treatment of upper gastrointestinal bleeding; correction
- Securities and Exchange Commission**
NOTICES
48154 Meetings; Sunshine Act
- Small Business Administration**
NOTICES
Disaster loan areas:
48144 Pennsylvania
48144 Virginia
48145 West Virginia
- Social Security Administration**
NOTICES
Social security; foreign insurance or pension systems:
48136 Seychelles
- Soil Conservation Service**
NOTICES
Environmental statements; availability, etc.:
48109 Bayou Mallet Watershed, LA
48109 West Franklin Watershed LA

Transportation Department

See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; National Highway Traffic Safety Administration.

NOTICES

Aviation proceedings; hearings, etc.:

- 48146 Golden States Airlines
48146 Horizon Air et al.

Treasury Department

See Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.

United States Information Agency**NOTICES**

Committees; establishment, renewals, terminations, etc.:

- 48152 Medical Science Advisory Committee

Separate Parts in This Issue**Part II**

- 48156 Department of Health and Human Services, Food and Drug Administration

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.

3 CFR**Administrative Orders:****Presidential Determinations:**

No. 86-2 of
October 29, 1985..... 48073

7 CFR**Proposed Rules:**

1421..... 48094

9 CFR

318..... 48075

Proposed Rules:

317..... 48096

318..... 48096

319..... 48097

381..... 48096

10 CFR

903..... 48075

12 CFR

701..... 48075

14 CFR

21..... 48077

23..... 48077

71..... 48077

91..... 48077

15 CFR**Proposed Rules:**

981..... 48097

21 CFR

107..... 48078

442..... 48078

Proposed Rules:

870..... 48156

27 CFR

9 (2 documents)..... 48078,
48083

32 CFR

706..... 48085

33 CFR

100 (2 documents)..... 48086

Proposed Rules:

117..... 48099

39 CFR

111..... 48087

40 CFR**Proposed Rules:**

Ch. I..... 48100

131..... 48102

797..... 48102

799..... 48102

42 CFR**Proposed Rules:**

435..... 48102

436..... 48102

47 CFR

73 (6 documents)..... 48089-
48093

Proposed Rules:

73..... 48106

49 CFR**Proposed Rules:**

574..... 48107

50 CFR**Proposed Rules:**

681..... 48108

Presidential Documents

Title 3—

Presidential Determination No. 86-2 of October 29, 1985

The President

Presidential Determination To Make Available Assistance to the Public Security Forces of El Salvador

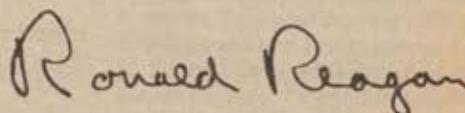
Memorandum for the Honorable George P. Shultz, the Secretary of State

Pursuant to Section 660(d) of the Foreign Assistance Act of 1961, as amended, I hereby determine that the Government of El Salvador has made significant progress, during the six month period preceding this determination, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the non-violent expression of their political views, or prolonged detention without trial.

You are requested to report this determination to the Congress immediately, together with a full description of the assistance to be provided and of the purposes to which it is to be directed. None of the assistance so provided shall be furnished until 30 days after such a report has been made, as required by law.

I hereby delegate to the Secretary of State authority to make such determinations and reports as called for in the future under Section 660(d).

This determination shall be published in the **Federal Register**.



THE WHITE HOUSE,
Washington, October 29, 1985.

cc: The Honorable Caspar W. Weinberger, the Secretary of Defense

Presidential Documents

The President

the Right Secured by the Constitution

to the President of the United States

Richard Nixon

Richard Nixon

of the United States

of the United States

of the United States

Rules and Regulations

Federal Register

Vol. 50, No. 225

Thursday, November 21, 1985

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 80-054C]

Additional Methods for Destruction of Trichinae in Pork Products; Correction

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule with request for comments; correction.

SUMMARY: This document corrects a final rule on trichina destruction by adding a parenthetical phrase for clarification and by revising the calculation given as an example in a footnote.

FOR FURTHER INFORMATION CONTACT: Mr. Bill F. Dennis, Director, Processed Products Inspection Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3640.

SUPPLEMENTARY INFORMATION: On February 7, 1985, the Food Safety and Inspection Service (FSIS) published a final rule with request for comments in the *Federal Register* (50 FR 5226) which permits additional treatment methods for trichina destruction in pork products. Under Method No. 6 (9 CFR 318.10(c)(3)(i)(C)), the reference to dry ingredients was intended to be clarified with a parenthetical phrase giving examples of such ingredients. This phrase was inadvertently omitted in the final version of the rule. Also, under that same paragraph, the calculation in Footnote 1 of Table 4 is in error and is being corrected.

§ 318.10 [Corrected]

Accordingly, FSIS amends § 318.10(c)(3)(i)(C) of the Federal meat inspection regulations as follows:

1. The first sentence is amended by adding the following parenthetical phrase directly after the word "ingredients": "(such as salts, sugars, and spices)."

2. Footnote 1 of Table 4 is amended by correcting the calculation given as the example to read as follows:

Example: 120 lbs. pork, 3.56 lbs. salt, 2 lbs. spices, 0.5 lbs. wine, 1 lb. water and starter culture, 0.8 lbs. sugar, .012 lbs. sodium nitrite total weight is 127.872 lbs.
 $(3.56 \times 100) / (127.872 - 3.56 - 2 - .8 - .012) = 356 / 121.5 = 2.93$

Therefore, the sausage drying time must be increased by 13 percent.

FSIS is reviewing the comments received in response to the final rule and will publish its response to those comments in the near future.

Done at Washington, DC on November 15, 1985.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[ER Doc. 85-27750 Filed 11-20-85; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

10 CFR Part 903

Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions

Correction

In FR Doc. 85-22365, beginning on page 37835 in the issue of Wednesday, September 18, 1985, make the following corrections:

1. On page 37837, third column, the section heading for § 903.1 should have read:

§ 903.1 Purpose and scope; application.

2. On page 37838, second column, in § 903.2(m), the second sentence should have read as follows: "It does not include a change in rate schedule, provisions or in contract terms, other than changes in the price per unit of service, nor does it include changes in the monetary charge pursuant to a formula stated in a rate schedule or a contract."

BILLING CODE 1505-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Loan Interest Rates

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This rule continues the 21 percent Federal credit union loan rate ceiling through May 14, 1987. The 21 percent ceiling was scheduled to expire on January 25, 1986. This rule will provide the continued flexibility necessary for each Federal credit union's member-elected board of directors to set loan rates consistent with changing market conditions and in a manner that represents the best interest of the credit union's members.

EFFECTIVE DATE: November 14, 1985.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: D. Michael Riley, Director, or Martin Kushner, Financial Analyst, Office of Examination and Insurance, or Robert M. Fenner, General Counsel, at the above address. Telephone numbers: (202) 357-1065 (Mr. Riley or Mr. Kushner); (202) 357-1030 (Mr. Fenner).

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 96-221 raised the loan interest rate ceiling for Federal credit unions from 1 percent per month (12 percent per year) to 15 percent per year. It also authorized the NCUA Board to set a higher limit, after consultation with Congress and other Federal financial agencies, for a period not to exceed 18 months, if the Board should determine that (i) money market interest rates have risen over the preceding six months and (ii) prevailing interest rate levels threaten the safety and soundness of individual credit unions as evidenced by adverse trends in liquidity, capital, earnings, and growth.

On December 3, 1980, the NCUA Board determined that these conditions had been met. The Board therefore raised the interest rate ceiling to 21 percent for a nine-month period. In subsequent actions, the Board extended the period covered by the 21 percent

ceiling. The 21 percent ceiling was most recently scheduled to expire on January 25, 1986. In view of recent increases in market interest rates and the effects of prevailing rate levels on credit unions, as discussed below, the Board has continued the 21 percent ceiling through May 14, 1987.

Market Interest Rates

Market interest rates have continued to show uncertainty and actual periodic increases over the preceding six months. A major indicator of money market interest rates is the 90-day U.S. Treasury bill rate. Table 1 shows the average monthly discount rate for the 90 day Treasury bill auction. This rate has increased three of the past four months.

TABLE 1.—MONTHLY AVERAGE DISCOUNT RATE FOR THE WEEKLY 90-DAY TREASURY BILL AUCTION

| Month | Rate (percent) |
|----------------|----------------|
| June 1985 | 7.01 |
| July 1985 | 7.05 |
| August 1985 | 7.17 |
| September 1985 | 7.08 |
| October 1985 | 7.17 |

A second, and more important, indicator of market rates for Federal credit unions is that of their actual cost of funds. While interest rates have not approached their historical highs of the early 1980's, recent increases in market rates cause pressure on Federal credit unions to increase the rates they pay on market rate savings instruments. Since the rates Federal credit unions pay on IRA/Keogh accounts and term certificates closely follow general market rates of interest, the increases indicated in Table 1 will have an effect on the cost of funds to Federal credit unions. The overall impact of this increase can be seen by considering the increase in the percentage and dollar volume of funds in Federal credit union IRA/Keogh and term certificate accounts (Table 2), obtained from NCUA's semiannual call reports.

TABLE 2.—FEDERAL CREDIT UNION SHARES IN MARKET RATE ACCOUNTS

| Period ending | Percent of all savings | Dollar volume (in billions) |
|---------------|------------------------|-----------------------------|
| Dec. 31, 1983 | 26.1 | 13.0 |
| Dec. 31, 1984 | 31.3 | 18.1 |
| June 30, 1985 | 31.6 | 20.9 |

The increase in market rates, combined with the increased percentage of funds in market rate accounts, causes the overall effective cost of Federal credit union funds to increase.

Effects on Credit Unions

To offset increases in the cost of funds, credit unions must retain the flexibility to maintain or increase their return on assets. Since loans account for the largest portion of most credit unions' assets, it is necessary to maintain a rate of return on loans that will permit the payment of expenses, provide for reserve transfers and pay a market rate of return on member savings. If this is not done, profitability will be reduced and the overall safety and soundness of individual credit unions, and the credit union system as a whole, could be placed in jeopardy. As of June 30, 1985, 45.5% of all Federal credit unions granting unsecured loans were charging loan rates in excess of 15%.

The overall trends in Federal credit unions during the first half of 1985 reflect a need to retain the flexibility of the current 21 percent ceiling thereby giving officials the ability to deal with the specific needs of their own credit union. As of June 30, 1985, all reserves and undivided earnings of Federal credit unions were 6.6% of assets, a decline from a ratio of 6.8% as of December 31, 1984. During this same six-month period, Table 3 shows that the number of credit unions experiencing operating losses increased significantly. A reduction in allowable interest rates to 15 percent could cause further financial difficulty to those Federal credit unions currently experiencing operating losses and place increased pressure on the profitability of many others.

TABLE 3.—FCU'S EXPERIENCING OPERATING LOSSES

| | Number of FCU's | Percent of total | Assets (mil-lions) | Percent of total |
|---------------|-----------------|------------------|--------------------|------------------|
| June 30, 1985 | 1,569 | 15.2 | 6,809 | 11.3 |
| Dec. 31, 1984 | 1,049 | 9.9 | 4,148 | 6.1 |

While growth of member savings continues to be strong, loan demand has exceeded savings growth for eight of the past nine months. Table 4 shows the annual rate of change of loans and savings in natural person Federal credit unions from December 1984 to August 1985. These figures are obtained from NCUA's monthly sample of Federal credit unions. If the loan interest rate ceiling were permitted to revert to 15 percent, it is reasonable to assume there would be a significant increase in loan demand. Without a similar increase in member savings, Federal credit unions could experience liquidity problems and be forced to liquidate investments (possibly at a loss) or place significant restrictions on lending. Either of these alternatives would have a long-term,

negative impact on individual credit unions.

TABLE 4.—ANNUAL PERCENTAGE RATE OF CHANGE FOR ALL FEDERAL CREDIT UNIONS

| | Total Loans | Total savings |
|---------------|-------------|---------------|
| Dec. 31, 1984 | 25.8 | 14.0 |
| Jan. 31, 1985 | 22.5 | 14.2 |
| Feb. 28, 1985 | 22.4 | 14.9 |
| Mar. 31, 1985 | 22.2 | 17.0 |
| Apr. 30, 1985 | 18.4 | 13.2 |
| May 31, 1985 | 18.6 | 19.1 |
| June 30, 1985 | 18.6 | 17.7 |
| July 31, 1985 | 17.8 | 15.7 |
| Aug. 31, 1985 | 16.4 | 16.9 |

It is apparent from the current trends that a reduction in the NCUA interest rate ceiling would increase significantly the negative pressures on liquidity, reserves and earnings. The interest rate ceiling must be established at a level sufficient to allow flexibility and responsiveness to recent and potential future market rate increase.

Extension on Interest Rate Ceiling

The NCUA Board is therefore extending the 21 percent interest rate ceiling for a period of 18 months from the date of this decision. The ceiling will now expire on May 14, 1987, unless otherwise ordered by the NCUA Board. The Board emphasizes that it does not expect that this action will result in increased loan rates. Rather, the ceiling is being extended so that the board of directors of each Federal credit union will continue to have the flexibility to react to economic conditions in a manner that is in the best interests of the credit union's members.

Due to the time lag encountered in making changes to data processing systems and the time necessary to revise forms, the ceiling is being extended at this time in order to facilitate planning by credit union officials. Without the extension, Federal credit unions would now have to begin planning for the expiration of the interest rate ceiling.

Regulatory Procedures

The NCUA Board has determined that notice and public comment on this rule are impractical and not in the public interest, 5 U.S.C. 553(b)(B). Due to the need for a planning period and threat to the safety and soundness of individual credit unions with insufficient flexibility to determine loan rates, an immediate extension of the 21 percent ceiling is necessary. For these reasons and because the rule relieves restrictions, the Board has determined not to provide a delayed effective date, 5 U.S.C. 553d.

For the same reasons and because the change will increase the management flexibility and competitive positions of small credit unions, a regulatory flexibility analysis is not required, 5 U.S.C. 605(a) and 604(a). Since the rule will relieve burdens and delays, and will cause no unnecessary harm, the NCUA Board also finds that full and separate consideration of all the requirements of the Regulatory Simplification Act is impracticable. However, the NCUA Board has considered a number of these policies as set forth above.

List of Subjects in 12 CFR Part 701

Credit unions, Loan interest rates.

By the National Credit Union Administration Board on November 14, 1985.

Rosemary Brady,
Secretary of the Board.

PART 701—[AMENDED]

The authority citation for Part 701 continues to read as follows:

Authority: 12 U.S.C. 1757(5)(A)(vi)(I), 1757(5)(A)(ix), 1766.

§ 701.21 [Amended]

Accordingly, NCUA amends § 701.21(c)(7) by replacing the date "January 25, 1986" with the date "May 14, 1987" each time it appears, and by replacing the date "January 26, 1986" with the date "May 15, 1987" each time it appears.

[FR Doc. 85-27848 Filed 11-20-85; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 23, and 91

[Docket No. 23815; Amdt. Nos. 21-58, 23-32, and 91-191]

Shoulder Harnesses in Normal, Utility, and Acrobatic Category Airplanes

Correction

In FR Doc. 85-26923, beginning on page 46872 in the issue of Wednesday, November 13, 1985, make the following correction:

On page 46873, first column, in paragraph no. 8, fifth line, "registration" should read "re-registration".

BILLING CODE 1505-01-M

14 CFR Part 71

[Airspace Docket No. 84-ANM-30]

Alteration of VOR Federal Airway V-142 and Establishment of Additional Control Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters Federal Airway V-142 by extending it from Malad City, ID, to Twin Falls, ID, and establishes additional controlled airspace between Burley, ID, and Ogden, UT. This action will allow more flexibility by providing more direct routing and better utilization of radar capabilities and available navigable airspace.

EFFECTIVE DATE: 0901 G.M.T., January 16, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Burton Chandler, Airspace and Air Traffic Rules Branch (ATO-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On February 21, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend VOR Federal Airway V-142 by extending it from Malad City, ID, to Twin Falls, ID, and establish additional controlled airspace between Burley, ID, and Ogden, UT (50 FR 7185). This action will allow more flexibility by providing more direct routing and better utilization of radar capabilities and available navigable airspace. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes and additional controlled airspace being described by geographic points instead of in relation to airways, this amendment is the same as that proposed in the notice. Sections 71.123 and 71.163 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will

extend VOR Federal Airway V-142 from Malad City, ID, to Twin Falls, ID, and establish additional controlled airspace between Burley, ID, and Ogden, UT. This will allow flexibility by providing more direct routing and better utilization of radar capabilities and available navigable airspace.

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

VOR Federal airways, Aviation safety.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

2. Section 71.123 is amended as follows:

V-142 [Amended]

By removing the words "From Malad City, ID," and substituting the words "From Twin Falls, ID, via INT Twin Falls 115° and Malad City, ID, 242° radials; Malad City:"

3. Section 71.163 is amended as follows:

Burley, ID [New]

That airspace extending upward from 1,200 feet above the surface within lines drawn from lat. 42°26'10" N., long. 113°40'19" W.; to lat. 41°57'37" N., long. 113°02'36" W.; to lat. 41°48'16" N., long. 113°25'24" W.; to lat. 42°10'24" N., long. 114°00'02" W.; thence to the point of beginning; except that airspace within the confines of Federal airways.

Ogden, UT [New]

That airspace extending upward from 8,500 feet MSL within lines drawn from lat. 41°52'54" N., long. 112°56'26" W.; to lat. 41°46'53" N., long. 113°04'50" W.; to lat. 41°30'20" N., long. 112°43'27" W.; to lat. 41°28'50" N., long. 112°55'34" W.; to lat. 41°48'16" N., long. 113°25'24" W.; to lat. 41°57'37" N., long. 113°02'36" W.; thence to the point of beginning; except that airspace within the confines of Federal airways.

Issued in Washington, D.C., on November 6, 1985.

James Burns, Jr.,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85-27780 Filed 11-20-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 107

[Docket No. 83N-0270]

Nutrient Requirements for Infant Formulas

Correction

In FR Doc. 85-25875 beginning on page 45106 in the issue of Wednesday, October 30, 1985, make the following correction:

On page 45107, third column, in the "Authority", fifth line, "31 CFR" should have read "21 CFR".

BILLING CODE 1505-01-M

21 CFR Part 442

[Docket No. 85N-0466]

Antibiotic Drugs; Cefotaxime Sodium Injection

Correction

In FR Doc. 85-25809 beginning on page 45108 in the issue of Wednesday, October 30, 1985, make the following corrections:

1. On page 45109, first column, in amendatory instruction 2, "§ 442.13" should have read "§ 442.13".

2. On page 45110, first column, in § 442.2136(b), first line, "Test" should read "Tests". Also, in the same column, in § 442.2136(b)(1)(i), thirteenth line, "or" should read "of".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-217 Re: Notice No. 556]

Mimbres Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule. Treasury decision.

SUMMARY: This final rule establishes a viticultural area located in Luna and Grant Counties in southwestern New Mexico to be known as the "Mimbres Valley." The southern boundary of the viticultural area reaches the U.S./Mexico border. The Bureau of Alcohol, Tobacco and Firearms believes the establishment of the "Mimbres Valley" as a viticultural area and subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate the specific grape-growing areas where their wines come from, enabling consumers to better identify the wines they may purchase.

EFFECTIVE DATE: December 23, 1985.

FOR FURTHER INFORMATION CONTACT: Edward A. Reisman, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR, Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in Subpart C of Part 9.

Section 4.25a(e)(2), outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Petition

ATF received a petition proposing a viticultural area that extends from Grant County to Luna County along the Mimbres River Valley in southwestern New Mexico. The viticultural area follows the Mimbres River southward from an area located approximately 2 miles north of Mimbres to approximately 3 miles south of Columbus on the New Mexico, U.S./Mexico border. It consists of 995 square miles of land (636,800 acres) on which there is one bonded winery and 12 private grape-growers. The one bonded winery is located near Deming, New Mexico. Currently there are approximately 1,500 acres of grapes planted for viticulture in the Mimbres Valley viticultural area. Local experts predict that during the next few years, grape acreage and viticultural activity is expected to increase dramatically in the Mimbres Valley.

In response to this petition ATF published a notice of proposed rulemaking, No. 556, in the *Federal Register* on February 12, 1985, (50 FR 5775) proposing the establishment of the "Mimbres Valley" viticultural area.

After thorough analysis of the evidence, ATF agrees that the viticultural area is distinguished from the surrounding areas based on the following evidence submitted by the petitioner:

(1) Evidence that the name "Mimbres Valley" is locally and/or nationally known as referring to the area specified in the petition. (a) The Mimbres Valley derives its name from the Mimbres Indians who inhabited the valley between 1100 and 1300 A.D. Today, ruins of their dwellings are still found in the valley. After the Mimbres Indians disappeared, the Mimbreno Apaches moved in from the Southern Great Plains.

(b) During the period that the Apaches were inhabiting the area, the Spanish began their first exploration into New Mexico. De Vaca crossed this area as early as 1535. The famous explorer, Coronado, explored most of New Mexico in 1600. Just like the Indians, the Spanish left a strong cultural imprint upon the area. That is why many locations in the viticultural area have both Spanish and Indian names. The mountain peak north of Deming was first called Picacho del Mimbres until it was later renamed Cook's Peak by the Anglo-American settlers who came during the westward expansion. The valley in which Deming is located is named Mimbres, which means "willow," or osier tree.

(c) Copies of maps submitted by the petitioner dated 1850 depict the Mimbres Mountains, Camp Mimbres (U.S. Cavalry installation), and the Rio Mimbres (Mimbres River). At that time the Rio Mimbres extended south into Mexico.

(d) Viticulture in the Mimbres Valley is documented in *The History of Luna County*, published in 1978 by the Luna County Historical Society. According to that publication, vineyards were found in Chinese gardens located east of Deming at the turn of the century. In 1913, the Holy Family Church was established in Deming. At that time grape vines, shade trees, shrubbery and fruit trees were planted on the church grounds.

(e) The name of Mimbres Valley is in widespread usage today. Since 1850, the name has been applied to natural and manmade landmarks in the Mimbres Valley. It also appears in literature and maps of the area. Some uses of the name that are found within or near the boundaries of the viticultural area are Mimbres, Mimbres Valley, Mimbres Peak, Mimbres River, Camp Mimbres, soil associations including Mimbres (Mimbres-Verhalen, Hondale-Mimbres-Bluepoint) and also the Mimbres Underground Basin. These references all appear on U.S.G.S. and Soil Conservation Service maps submitted by the petitioner and verified by ATF. These names have long been established to clearly and closely associate the identity of the Mimbres Valley to the land within the boundaries of this viticultural area.

(f) There is one bonded winery located within the boundaries of the viticultural area. It is known as St. Clair Vineyards and is located three miles south of Deming. The base of the operation of this new winery is 600 acres of grapes. The grape varieties being grown by St. Clair Vineyards include French Colombard, Sauvignon Blanc, Chardonnay, Malvasia Bianca, Muscat Canelli, Ugni Blanc, Zinfandel, Barbera, Cabernet Sauvignon, Merlot, Ruby Cabernet, Pinot Noir and Chenin Blanc. Another winery, owned by Luna County Wine Development Corporation, is proposed to be constructed near Deming in the near future.

(2) *Historical or current evidence that the boundaries of the viticultural area are as specified in the petition.* (a) The area historically known as the Mimbres Valley begins at the headwaters of the Mimbres River between Reeds Peak and McKnight Mountain, in the Black Range, near the Continental Divide in Grant County, New Mexico. This northern part of the valley which is not included in the boundaries of the viticultural area is a

narrow channel for the Mimbres River. It is bordered by foothills and mountains.

(b) The northern portion of the Mimbres Valley viticultural area is in Grant County near Bear Canyon Dam, where the valley begins to widen and show distinct evidence of a flood plain area. As the river enters Luna County, the valley widens into a broad, gently sloping flood plain. The course of the river winds around scattered foothill areas until it sinks from sight northeast of Deming, New Mexico. At one time, the primary river course was west of Deming and proceeded south through the pass separating the Florida Mountains and the Tres Hermanas Mountains. Over the years, the river sank at an area east of Columbus, New Mexico (U.S.G.S. Bulletin 618, 1916).

(c) Today, the Mimbres River is an intermittent stream and is usually dry except during periods of rainfall. The Mimbres River has no definite channel in the southern part of Luna County. At times, water from rainfall drainage has reached as far south as the Mexican border. The viticulture extends south to the New Mexico, U.S.A.-Mexico border.

(d) The Florida, Tres Hermanas Mountains and other non-agricultural land areas were excluded from the boundaries of the proposed viticultural area because the soils, terrain and no available water rights make these mountain areas off limits to grape-growing or any other commercial agricultural potential. Elevations in these excluded areas that contain much rock out-croppings reach as high as 7,500 feet. Elevations within the viticultural area generally range from approximately 4,000 to 6,000 feet above sea level.

After carefully considering the boundaries and name of the viticultural area and supporting evidence submitted by the petitioner, ATF is adopting the Mimbres Valley viticultural area boundaries and name stated in the notice of proposed rulemaking and found in this final rule.

(3) *Evidence of the geographical characteristics which distinguish the Mimbres Valley viticultural area from the surrounding areas.*—(a) *Soils.* The geographical features within the boundaries of this viticultural area are level to gently sloping alluvial soils. The soil associations within the boundaries of the viticultural area are based upon U.S.D.A. Soil Conservation Service and Water Resources Research Institute information verified by ATF. Soils found within the boundaries of the viticultural area include Mimbres-Verhalen, Mohave Stellar, Hondale-Mimbres-Bluepoint, and Mimbres associations.

These soils were formed on flood plains and stream terraces. They range from sandy to loamy alluvium, and are generally fine, mixed and deep in character. These soils are usually level to gently sloping in terrain.

The following soil associations are found within the boundaries of the viticultural area:

The Mimbres association is found in the center of the Mimbres Valley viticultural area. This soil association includes a relatively broad, nearly level to gently sloping basin floor or plains area near the center of Luna County in the vicinity of Deming. Except for a few dunes and hummocks and low alluvial ridges, the land surface is relatively smooth with a nearly uniform slope toward the south. These soils, which are dominantly deep, consist of alluvial materials of mixed origin. According to Soil Conservation Service information, much of the alluvial material undoubtedly was brought into this basin by the Mimbres River and its tributaries. Most of the irrigated land in Luna County is in this association. Cotton, grain sorghums, alfalfa, corn, small grains, beans, vegetables and pecans are the principal agricultural crops of the area.

Mimbres soils, the most extensive in the association, are characterized by a moderately thick surface layer of light brownish-gray loam or silty clay loam over a thick subsoil of pale brown silty clay loam or clay loam. A very high percentage of the soils in this association are well suited for use as cropland under irrigation.

The Mimbres-Verhalen association is found in the southern part of the Mimbres Valley. It occupies nearly level to very gently sloping valley bottoms and basin floors contiguous to the Mimbres and Macho intermittent drainages. These soils, which are moderately fine and fine-textured, consist of alluvial sediments of mixed origin.

The Hondale-Mimbres-Bluepoint association is found in the central and western area of the Mimbres Valley. Included in this association are broad, nearly level to very gently sloping basin floors and valley bottoms. These soils which are deep, consist of basin-fill sediments of mixed origin.

The following soils, not found within boundaries of the viticultural area but are found within the areas surrounding it are:

The Rockland-Lehmans association includes the mountain ranges, isolated mountain peaks, ridges and hills that are not found with the boundaries of the Mimbres Valley viticultural area. This

association is formed in areas surrounding the Mimbres Valley such as in the Cook's Range (to the east), Tres Hermanas Mountains (just outside to the west of Columbus), Florida Mountains (to the east), Carrizalillo Hills (to the west), Cedar Range (to the west) and Good Sight Mountains (to the east). Their characteristic features are the steep to very steep slopes and shallow and rocky soils which contain numerous exposures of bedrock. The stony and extremely rocky soils of this association are dominated by materials of acid igneous origin.

The *Nickel-Upton-Tres Hermanas* association includes the gently to strongly sloping and undulating piedmont slopes located at the base of the desert mountains and hills found surrounding the viticultural area. It is common for this general soil area to completely surround the rough broken and rockland areas that are dominated by hills and low mountains. According to U.S. Soil Conservation Service maps, this association is found near the Cook's Range, Tres Hermanas Mountains and the Cedar Range.

(b) *Water Availability.* In the early part of this century irrigation was introduced to Luna County. By 1915 this form of delivering water to the soil reached a peak in the area. The favorable climate and suitability of soils for irrigation, coupled with the skillful management applied to the various kinds of soils by farmers, have allowed the land in the viticultural area to be agriculturally productive. Water for irrigation in the viticultural area has always been obtained from wells.

In this area of the country, the potential for expanding irrigation is limited by the lack of water and by economic restrictions, rather than by a shortage of suitable soils. The State of New Mexico has devised a plan for agricultural land use based on the relationship between suitability of soils, size, and location of land in relation to developmental demand. The surrounding areas excluded from the boundaries of the viticultural area are generally steep and rocky and are not suited to viticulture either because of soil type or unavailability of water sources. ATF has verified the fact that some areas of land were excluded from the limits of the viticultural area because that land lacked water rights. ATF agrees with the petitioner, that areas such as those where water rights are unavailable, lack potential for agricultural development regardless of soil, climate, location, or any other geographical feature.

Rainfall in this desert area is insufficient to support viticulture or any

other type of commercial agricultural products. Therefore, grape-growers must depend on underground supplies of water that are delivered to the grape vines either by flood or drip irrigation methods. Presently, there are approximately 1,500 acres of grape vines within the Mimbres Valley viticultural area. Of the 1,500 acres of grapes now producing, 683 acres operate under the drip irrigation method.

According to the publication titled "New Mexico Water Rights (March 1984)" written by Linda G. Harris of the New Mexico Water Resources Research Institute, virtually all of New Mexico's surface water already belongs to someone. The rights to the ground water are vested rights if existing and recognized at the time a ground water basin is declared. The state engineer must review applications for permits to withdraw or use surface or ground water. Water rights may be transferred only within basin boundaries. There are currently 31 declared ground water basins in New Mexico. The Mimbres Valley is one of those basins. The area has similar climate features, elevations and soil types. Most important, this area has potential for commercial agricultural irrigation with the existing water rights.

According to Kenneth Kunkel, Climatologist for the State of New Mexico and facts obtained from the New Mexico State University, Agriculture Experiment Station Research Report (176), precipitation averages 9 inches annually in the Mimbres Valley. At Fort Bayard, located just west (near the north end of the Mimbres Valley viticultural area) it averages 15 inches. At Lordsburg, located 40 miles to the west of the viticultural area, it averages 10.5 inches annually. In the Mesilla Valley which is located 30 miles east of the Mimbres Valley, rainfall averages only 8 inches annually. The Mesilla Valley which covers approximately 445 square miles of land running along the Rio Grande River, extends from just north of Las Cruces, New Mexico to El Paso, Texas. The Mesilla Valley viticultural area which is located partially in New Mexico and Texas, was approved as an American viticultural area on March 18, 1985 (T.D. ATF-197).

(c) *Distinct valley area.* According to information provided by the petitioner, the non-mountainous part of Luna County conveniently divides into two physiographic areas, the piedmont slopes surrounding the mountains and the basin floor valley area. The nearly level to very gently sloping basin floors occupy the lower parts of the landscapes in this area. The three general soil associations recognized on

these basin floors include the Hondale-Mimbres-Bluepoint association, the Mimbres association and the Mimbres-Verhalen association. Most water drainage in the Mimbres Valley viticultural area flows into these closed basins. It is part of a larger closed-basin complex that drains into the Playa region of Northern Chihuahua in Mexico. The Mimbres River which originates in the mountains north of Luna County is the principal drainage of the Mimbres Valley.

The more extensive and important mountain ranges excluded from the boundaries of the viticultural area include the Cook's (Cooke's) Range located to the east, which attains an altitude of 8,404 feet on the summit of Cook's (Cooke's) Peak, and the Florida Mountains located southeast of Deming, with altitudes reaching 7,500 feet. These upland areas consisting of mountains and hills are steep, with considerable differences in local relief. In these mountain areas, temperatures may be expected to be a few degrees cooler and precipitation a little greater. Soils in these areas are found to be rocky and not useful for agriculture. Reports compiled by the New Mexico State University, Agricultural Experimental Station at Las Cruces titled *Soil Classification for Irrigation—Luna and Grant Counties (Research Reports 178 and 200)*, substantiate the distinction between the mountain areas surrounding the Mimbres Valley and the flood plain valley areas within it.

Although most of the land area included within the boundaries of the viticultural area is similar in topography, there are a few spotted locations where independent lesser mountains are located within it. They are Red Mountain (elevation 5,422 feet), Black Mountain (elevation 5,375 feet) and Taylor Mountain (elevation 5,938 feet). They are rather small mountains with minimal amounts of foothills associated with them.

As a result of the combined evidence provided by the petitioner, ATF finds the "Mimbres Valley" viticultural area to be a delimited grape-growing region distinguishable by geographical features (soils, water availability and distinct valley area).

Discussion of Comments

In Notice No. 556, ATF invited comments from interested parties regarding the proposal of the establishment of the Mimbres Valley viticultural area. ATF was particularly interested in receiving comments regarding the boundaries of the viticultural area. ATF received no

comments during the 45-day comment period.

Miscellaneous

ATF does not wish to give the impression by approving the "Mimbres Valley" as an American viticultural area that it is approving or endorsing the quality of the wine that comes from this area. ATF is approving this area as being distinct and not better than other areas. By approving this area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of "Mimbres Valley" wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. This final rule will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. This final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance with Executive Order 12291

It has been determined that this final rule is not classified as a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not 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; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is proposed.

Disclosure

A copy of the petition and supporting evidence are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue NW, Washington, DC 20226.

Drafting Information

The principal author of this document is Edward A. Reisman, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

PART 9—[AMENDED]

27 CFR Part 9—AMERICAN VITICULTURAL AREAS is amended as follows:

Paragraph 1. The authority citation for Part 9 is revised to read as follows and the authority citations following § 9.23 and § 9.29 are removed:

Authority: 27 U.S.C. 205.

Par. 1A. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.103 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.103 Mimbres Valley.

Par. 2. Subpart C, is amended by adding § 9.103 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.103 Mimbres Valley.

(a) *Name.* The name of the viticultural area described in this section is "Mimbres Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Mimbres Valley viticultural area are 28 U.S.G.S. quadrangle maps (26-7.5 minute series and 2-15 minute series). They are entitled:

(1) "Akela, N. Mex.," 7.5 minute series, edition of 1972;

(2) "Antelope Hill, N. Mex.," 7.5 minute series, edition of 1963 (photoinspected 1974);

(3) "Bisbee Hills, N. Mex.," 7.5 minute series, edition of 1965;

(4) "Bowlin Ranch, N. Mex.," 7.5 minute series, edition of 1965;

(5) "Capital Dome, N. Mex.," 7.5 minute series, edition of 1965;

(6) "Carne, N. Mex.," 7.5 minute series, edition of 1965;

(7) "Columbus, N. Mex.," 7.5 minute series, edition of 1965;

(8) "Columbus NE, N. Mex.," 7.5 minute series, edition of 1966;

(9) "Columbus SE, N. Mex.," 7.5 minute series, edition of 1966;

(10) "Deming East, N. Mex.," 7.5 minute series, edition of 1965;

(11) "Deming West, N. Mex.," 7.5 minute series, edition of 1964 (photoinspected 1972);

(12) "Dwyer, N. Mex.," 15 minute series, edition of 1956;

(13) "Faywood Station, N. Mex.," 7.5 minute series, edition of 1947;

(14) "Florida Gap, N. Mex.," 7.5 minute series, edition of 1964;

(15) "Goat Ridge, N. Mex.," 7.5 minute series, edition of 1964;

(16) "Gym Peak, N. Mex.," 7.5 minute series, edition of 1964;

(17) "Hermanas, N. Mex.," 7.5 minute series, edition of 1964;

(18) "Malpais Hill, N. Mex.," 7.5 minute series, edition of 1965;

(19) "Midway Butte, N. Mex.," 7.5 minute series, edition of 1965;

(20) "Myndus, N. Mex.," 7.5 minute series, edition of 1972;

(21) "North Peak, N. Mex.," 7.5 minute series, edition of 1965;

(22) "Red Mountain, N. Mex.," 7.5 minute series, edition of 1965;

(23) "San Lorenzo, N. Mex.," 15 minute series, edition of 1956;

(24) "Sibley Hole, N. Mex.," 7.5 minute series, edition of 1972;

(25) "South Peak, N. Mex.," 7.5 minute series, edition of 1965;

(26) "Spalding, N. Mex.," 7.5 minute series, edition of 1964;

(27) "West Lime Hills, N. Mex.," 7.5 minute series, edition of 1965; and

(28) "Williams Ranch, N. Mex.," 7.5 minute series, edition of 1964.

(c) *Boundaries.* The Mimbres Valley viticultural area is located within Grant and Luna Counties, New Mexico. The boundaries are as follows: The beginning point is located at Faywood Station on an unimproved dirt road at benchmark 4911 in Luna County, New Mexico on the northern part of Section 2, Township 21 South (T21S), Range 12 West (R12W) on the Faywood Station Quadrangle U.S.G.S. map;

(1) From the beginning point the boundary runs northeast 2.25 miles along an unimproved dirt road until it intersects U.S. Route 180 (indicated on map as U.S. Rte. 260) at New Mexico Highway 61 (indicated on map as an unnumbered secondary highway) at the south portion of Sec. 30, T20S/R11W;

(2) The boundary proceeds in a generally northerly direction on N.M. Hwy. 61 for 34.5 miles crossing over U.S. Rte. 90 (indicated on map as U.S. Rte. 180) west of San Lorenzo, N.M. until it meets an unimproved dirt road near Bear Canyon Dam at the west line of Sec. 28, T16S/R11W on the San Lorenzo, N. Mex. U.S.G.S. map;

(3) It then heads east on the unimproved dirt road for .2 mile until it meets the Mimbres River at Sec. 28, T16S/R11W;

(4) It then goes south on the Mimbres River for .25 mile until it intersects the 6,000 foot elevation contour line at Sec. 28, T16S/R11W;

(5) From there the boundary runs south along the 6,000 foot elevation contour line until it meets the east line of Sec. 11, T17S/R11W;

(6) Then it proceeds south on the section line for .6 mile until it hits the south line of Sec. 12, T17S/R11W;

(7) Then it travels east on the section line for 1.8 miles until it intersects an unimproved dirt road in Noonday Canyon on the north line of Sec. 18, T17S/R10W;

(8) It then heads south on the unimproved dirt road for 2.2 miles until it intersects a medium duty road at the northern part of Sec. 30, T17S/R10W;

(9) The boundary goes south on the medium duty road for .8 mile until it reaches the north line of Sec. 31, T17S/R10W;

(10) The boundary goes east 5 miles on the section line to the east line of Sec. 36, T17S/R10W;

(11) The boundary proceeds south on the section line for 13 miles to the south line of Sec. 36 (also indicated on map as Luna/Grant Country line), T19S/R10W on the Dwyer, N. Mex. U.S.G.S. map;

(12) The boundary travels west on the Luna/Grant County line for three miles to the east line of Sec. 4, T20S/R10W;

(13) The boundary goes south on the section line for three miles to the south line of Sec. 16, T20S/R10W;

(14) Then it goes west on the section line for approximately .6 mile to a light duty road located 500 feet south of Benchmark 5119 on the south line of Sec. 16, T20S/R10W;

(15) The boundary heads south on the light duty road for approximately 10.25 miles until it meets Hwy. 180 at Benchmark 4672 near the west line of Sec. 9, T22S/R10W on the Spalding, N. Mex. U.S.G.S. map;

(16) Then it proceeds southeasterly on Hwy. 180 for approximately 5 miles to the north line of Sec. 6, T23S/R9W on the Deming West, N. Mex. U.S.G.S. map;

(17) It then goes east on the section line approximately 11.75 miles to the

east line of Sec. 1, T23S/R8W on the Carne, N. Mex. U.S.G.S. map;

(18) It then travels south on the section line for 1.5 miles until it meets an unimproved dirt road at Sec. 12, T23S/R8W;

(19) It follows the unimproved dirt road in a easterly direction for 3 miles to Carne Windmill at the northeast part of Sec. 17, T23S/R7W;

(20) From there it follows an unimproved dirt road in a southeasterly direction for .75 mile until it meets the south line of Sec. 16, T23S/R7W;

(21) Then it proceeds east along the section line for 9 miles until it arrives at the east line of Sec. 24, T23S/R6W on the Myndus, N. Mex. U.S.G.S. map;

(22) Then it goes south on the section line for 15 miles until it meets the south line of Sec. 36, T25S/R6W on the Sibley Hole, N. Mex. U.S.G.S. map;

(23) Then it heads west on the section line for 8 miles until it intersects the 4,200 foot elevation contour line at the southeast corner of Sec. 34, T25S/R7W on the Gym Peak, N. Mex. U.S.G.S. map;

(24) Then it heads north on the 4,200 foot elevation contour line for 11 miles until it meets N.M. Hwy. 549 (indicated on map as U.S. Rte. 70/80/180) at the southwest corner of Sec. 5, T24S/R7W on the Florida Gap, N. Mex. U.S.G.S. map;

(25) The boundary heads west on M.M. Hwy. 549 (indicated on map as U.S. Rte. 70/80/180) for 4.5 miles until it meets the light duty road at the east line of Sec. 3, T24S/R8W on the Capital Dome, N. Mex. U.S.G.S. map;

(26) It then goes south on the light duty road/section line for 4 miles until it meets another light duty road at the south line of Sec. 22, T24S/R8W;

(27) Then the boundary heads west for 2 miles on the light duty road/section line until it intersects an unimproved dirt road at the east line of Sec. 29, T24S/R8W;

(28) Then it travels south on the unimproved dirt road/section line for 2 miles until it meets another unimproved dirt road at the south line of Sec. 32, T24S/R8W;

(29) It then moves west .25 mile on the unimproved dirt road until it reaches the east line of Sec. 5, T25S/R8W;

(30) Then it goes south on the section line for 6 miles until it reaches an unimproved dirt road near Crawford Ranch at the north line of Sec. 5, T25S/R8W on the South Peak, N. Mex. U.S.G.S. map;

(31) Then it follows the unimproved dirt road in a southwest then southern direction for approximately 3 miles until it hits the north line of Sec. 19, T26S/R8W;

(32) It then travels east for 1.1 mile along the section line until it hits the east line of Sec. 20, T26S/R8W;

(33) From there it proceeds south for 2 miles on the section line until it intersects the north line of Sec. 33, T26S/R8W;

(34) It then heads east for 5 miles on the section line until it intersects the east line of Sec. 31, T26S/R7W on the Gym Peak, N. Mex. U.S.G.S. map;

(35) The boundary goes south on the section line for 7 miles until it meets the north line of Sec. 5 (which also is a light duty road), T28S/R7W on the Columbus NE, N. Mex. U.S.G.S. map;

(36) Then it goes east for 4 miles on the section line until it meets the east line of Sec. 2 near Oney Tank T28S/R7W;

(37) Then it goes south on the section line for 8.7 miles until it meets the New Mexico, U.S.A./Mexico International border at the east line of Sec. 17, T29S/R7W on the Columbus SE, N. Mex. U.S.G.S. map;

(38) The boundary follows in a westerly direction along the International border for 23 miles to the west line of Sec. 18, T29S/R10W on the Hermanas, N. Mex. U.S.G.S. map;

(39) It then heads north on the western section for 3.5 miles to the north line of Sec. 31, T28S/R10W;

(40) It then moves east for 13 miles on the section line until it intersects the east line of Sec. 32, T28S/R8W on the Columbus, N. Mex. U.S.G.S. map;

(41) Then it follows the section line north for 8 miles until it meets the south line of Sec. 18, T27S/R8W on the North Peak, N. Mex. U.S.G.S. map;

(42) Then it proceeds west on the section line for 11 miles to the west part of Sec. 16 identified as longitude point 107 degrees, 52 minutes, 30 seconds, T27S/R10W on the West Lime Hills, N. Mex. U.S.G.S. map;

(43) Then it moves north on the 107 degrees, 52 minutes, 30 seconds longitude point for 9 miles until it intersects the north line of Sec. 4, T26S/R10W on the Midway Butte, N. Mex. U.S.G.S. map;

(44) Then it goes west on the section line for 6.5 miles until it meets the west line of Sec. 33, T25S/R11W on the Bisbee Hills, N. Mex. U.S.G.S. map;

(45) The boundary then travels north on the section line for 26.5 miles (crossing the Southern Pacific Railroad tracks) until it intersects with the Atchison, Topeka and Santa Fe Railroad tracks on the west line of Sec. 21, T21S/R11W on the Spalding, N. Mex. U.S.G.S. map;

(46) Finally it follows the Atchison, Topeka and Santa Fe Railroad tracks in

a northwesterly direction for 5 miles until it reaches the beginning point at benchmark 4911 on an unimproved dirt road in Faywood Station at Sec. 2, T21S/R12W on the Faywood Station, N. Mex. U.S.G.S. map.

Signed: October 25, 1985.
Stephen E. Higgins,
Director.

Approved: November 6, 1985.
Edward T. Stevenson,
Deputy Assistant Secretary (Operations).
[FR Doc. 85-27604 Filed 11-20-85; 8:45 am]
BILLING CODE 4810-31-M

27 CFR Part 9

[T.D. ATF-218; Ref. Notice No. 562]

South Coast Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) has decided to establish a viticultural area in California to be known as "South Coast." This decision is the result of a petition submitted on behalf of the South Coast Vintners Association, a group of wineries in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising enables winemakers to label wines more precisely and helps consumers to better identify the wines they purchase.

EFFECTIVE DATE: December 23, 1985.

FOR FURTHER INFORMATION CONTACT: Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7026).

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 provide for the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Part 9 of 27 CFR provides for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person

may petition ATF to establish a grape-growing region as a viticultural area.

Notice of Proposed Rulemaking

ATF received a petition from the South Coast Vintners Association, proposing an area south of Los Angeles, California, as a viticultural area to be known as "South Coast." The area contains about 1,800 square miles. It is located along the Pacific coastline between Los Angeles and the Mexican border. There are about 3,000 acres of grapes currently planted in the area. The petitioner stated that at least 15 wineries are operating within the area.

In response, ATF published a notice of proposed rulemaking, Notice No. 562, in the *Federal Register* on April 19, 1985 (50 FR 15588). That notice proposed establishment of the "South Coast" viticultural area and solicited public comment with respect to the proposed viticultural area.

During the comment period, which closed June 3, 1985, no comments were received. Accordingly, this document establishes the "South Coast" viticultural area with the same boundaries as proposed in Notice No. 562. Some changes in the descriptive wording of those boundaries have been made, in order to better describe the "South Coast" boundaries; but no substantive change has been made.

Name of the Area

Winegrape growing in the coastal region south of Los Angeles is of relatively recent origin, as compared with some other areas of California. However, uncontradicted evidence demonstrates that "South Coast" is the name by which this grape-growing area is currently known. Such evidence includes the following:

(a) *Wine Maps*, published in 1984 by The Wine Spectator, designates various coastal grape-growing areas of California. One such area is identified, on both a "Key Map" and a more detailed map, as "South Coast." The area shown on these maps corresponds to the viticultural area established by this Treasury decision.

(b) The South Coast Vintners Association (the petitioner) was incorporated in the State of California on January 31, 1984. Prior to incorporation, this association existed informally for several years. Its membership includes most of the wineries in the "South Coast" viticultural area. While in existence, the petition stated, this association "has created publications featuring 'South Coast' wines, has held joint tastings and public relations functions, and generally has sought to create name and location

identification in the wine industry for 'South Coast' fine wines." As evidence of this effort, the petitioner submitted a booklet published by it, titled "South Coast Wineries." This booklet features a map showing the locations of the association's winery members, and also contains this description: "The wineries are located in the foothills and valleys of the coastal region, most, less than thirty miles from the ocean. Here the combination of higher elevations, well drained soils, and cooling Pacific breezes produce an ideal environment for growing the finest European grape varieties."

Geographical Description of the Area

The "South Coast" viticultural area is distinguished geographically from the surrounding areas as follows:

(1) To the north, the area is set off by the predominant urbanization of Los Angeles County, which makes grape-growing there unfeasible. The petition explained this as follows: "No doubt portions of Los Angeles County would qualify [with respect to name] as 'South Coast.' However, as a practical matter the entire Los Angeles County coastal area is urbanized and no present or potential grape growing areas exist. Since no grapes come from Los Angeles County and it is very unlikely that any ever will, it was considered confusing to include the County in 'South Coast.'"

(2) To the west, the area is bounded by the Pacific Ocean.

(3) The southern boundary of the area, the Mexican-American border, does not correspond to a geographical distinction. However, since 27 CFR Part 9 is titled "American Viticultural Areas," and since "American" is defined in 27 CFR 9.11 as "Of or relating to the several States, the District of Columbia, and Puerto Rico," it is evident that an American viticultural area must not extend into Mexico.

(4) To the east, the proposed area is distinguished geographically by the limit of "coastal influence." This distinction was described in the petition as follows: "Applicant believes that 'coast' infers some substantial coastal influence on the grape growing areas involved, resulting in classification of same as Zones I through III of the Davis scale. While many grapes are grown in San Bernardino, eastern Riverside, eastern San Diego and Imperial Counties, they are grown in Zones IV or V, and are primarily table grapes rather than wine grapes."

A good explanation of the "Davis scale" for classifying the climates of wine regions is given in *Alexis Linchins' New Encyclopedia of Wines*

8 Spirits (New York, Alfred A. Knopf, 1984) on page 496:

One of the achievements of the men at Davis was the classification of the California viticultural districts into five temperature zones. In the 1930s Professors A. J. Winkler and Maynard Amerine studied the relation between climate and the quality of wine produced from different grape varieties in the various regions of California. They found that temperature is one of the most important climatic factors affecting the successful cultivation of wine grapes and that the summation of daily degree readings is of significant value for predicting the best varieties to be grown in any district. Their heat summation concept developed from the total mean daily temperatures above 50 °F. (10 °C.) for the days from April 1 through October 31. 50 °F. is the temperature above which most vine-shoot growth occurs; the time period corresponds to the vine-growing season. Thus, a day with an average temperature of 65 °F. is given a heat summation value of 15 "degree-days." Five climate regions were then defined according to the totals for the season:

- Region I—less than 2,500 degree-days
- Region II—2,501 to 3,000 degree-days
- Region III—3,001 to 3,500 degree-days
- Region IV—3,501 to 4,000 degree-days
- Region V—more than 4,000 degree-days

Knowing the temperature region of his vineyard, a grape-grower can make a general prediction as to which vines will prove most successful. . . . In warmer districts the grapes mature quickly and yield huge crops, but the acidity, color, and aroma are too low to make good dry table wines. Dessert or fortified wine requiring much natural grape sugar and common table wines are made in these hot sections of the state. In the cooler vineyards, where a vine can bear only a limited crop, the fruit can ripen slowly, retain its high acidity, and concentrate those elements of color and aroma which make fine table wines.

The premium wine districts of California fall in Regions I, II, and III, while Regions IV and V produce mostly table grapes or the bulk and dessert—fortified—wines already mentioned.

Miscellaneous

ATF does not want to give the impression by approving "South Coast" as a viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct and not better than other areas. By approving this area, ATF allows wine producers to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage can only come from consumer acceptance of "South Coast" wines.

The following approved viticultural areas are located entirely within the boundaries of "South Coast": "Temecula" (§ 9.50) and "San Pasqual Valley" (§ 9.25). Both smaller areas are influenced by coastal climate factors. In establishing a large viticultural area

based on geographical features which affect viticultural features, ATF recognizes that the distinctions between a small area and its surroundings are more refined than the differences between a large area and its surroundings. It is possible for a large viticultural area to contain approved viticultural areas, if each area fulfills the requirements for establishment of a viticultural area.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule, because it will not have a significant economic impact on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities. Further, the final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291 of Feb. 17, 1981, the Bureau has determined that this final rule is not a major rule since it will not result in:

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or
- (c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

List of Subjects in 27 CFR Part 9

Administrative practice and procedures, Consumer protection, Viticultural areas, Wine.

Drafting Information

The principal author of this document is Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Issuance

Accordingly, 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for Part 9 is revised to read as follows and the authority citations following § 9.22 and 9.29 are removed.

Authority: 27 U.S.C. 205.

Par. 2. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.104, to read as follows:

| | |
|--|--------------|
| * * * | |
| Subpart C—Approved American Viticultural Areas | |
| Sec. | |
| * * * | |
| 9.104 | South Coast. |
| * * * | |

Par. 3. Subpart C of 27 CFR Part 9 is amended by adding § 9.104, which reads as follows:

§ 9.104 South Coast.

(a) *Name.* The name of the viticultural area described in this section is "South Coast."

(b) *Approved maps.* The appropriate maps for determining the boundaries of South Coast viticultural area are four U.S.G.S. maps. They are titled:

- (1) San Diego, 1:250,000 series, 1958 (revised 1978).
- (2) Santa Ana, 1:250,000 series, 1959 (revised 1979).
- (3) Long Beach, 1:250,000 series, 1957 (revised 1978).
- (4) Wildomar Quadrangle, 7.5 minute series, 1953 (photorevised 1973).

(c) *Boundary*—(1) *General.* The South Coast viticultural area is located in California. The starting point of the following boundary description is the northern intersection of the Orange County line with the Pacific Ocean (on the Long Beach map).

(2) *Boundary Description*—(i) From the starting point generally northeastward, eastward, and southeastward along the Orange County line, to the intersection of that county line with the township line on the northern border of Township 7 South (in Range 6 West; on the Santa Ana map).

(ii) From there eastward along that township line to its intersection with the northern boundary of the Temecula

viticultural area described in § 9.50; at this point, the Temecula viticultural area boundary coincides with the boundary of the Cleveland National Forest (on the Wildomar Quadrangle map).

(iii) From there following the northern boundary of the Temecula viticultural area, at and near its northernmost point, generally northeastward, eastward, and southeastward until the Temecula viticultural area boundary again intersects the township line on the northern border of Township 7 South (in Range 4 West; thus all of the Temecula viticultural area is included inside of South Coast viticultural area).

(iv) Then eastward, along the township line on the northern border of Township 7 South, to the San Bernardino Meridian (on the Santa Ana map).

(v) Then southward along the San Bernardino Meridian to the Riverside County-San Diego County line.

(vi) Then westward along that county line for about 7½ miles, to the western boundary of the Cleveland National Forest (near the Pechanga Indian Reservation).

(vii) Then generally southeastward along the Cleveland National Forest boundary to where it joins California Highway 76.

(viii) From there generally southeastward along Highway 76 to California Highway 79.

(ix) Then southeastward along Highway 79 to the township line on the northern border of Township 12 South (in Range 3 East).

(x) Then eastward along that township line to its intersection with the range line on the eastern border of Range 3 East.

(xi) From there southward along that range line to the U.S.-Mexico international border.

(xii) Then westward along that international border to the Pacific Ocean.

(xiii) Then generally northwestward along the shore of the Pacific Ocean to the starting point.

Signed: October 25, 1985.

Stephen E. Higgins,

Director.

Approved: November 6, 1985.

Edward T. Stevenson,

Deputy Assistant Secretary (Operations).

[FR Doc. 85-27803 Filed 11-20-85; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea; USS O'BRIEN

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 O'BRIEN (DD 975) 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: November 5, 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 O'BRIEN (DD 975) 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.

Notice is also provided to the effect that USS O'BRIEN (DD 975) is a member of the DD 963 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, 32 CFR Part 706, are equally applicable to USS O'BRIEN (DD 975).

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and 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:

| Vessel | Number | Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i) | Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii) | Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f) | Vertical separation of masthead lights used when lowering less than required by Annex I, sec. 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, sec. 2(b) | Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a) | After masthead light not less than 1/3 ship's length aft of forward masthead light. Annex I, sec. 3(a) | Percentage horizontal separation attained |
|-------------|--------|--|--|--|---|---|---|--|---|
| USS O'BRIEN | DD 975 | | | | | | x | x | 48.1 |

Dated: November 5, 1985.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 85-27794 Filed 11-20-85; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 85-16]

Marine Event; Annual Parker Thanksgiving Regatta; Parker, AZ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule will establish special local regulations during the Annual Parker Thanksgiving Regatta. Through this action the Coast Guard intends to ensure the safety of spectators and participants on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on November 29, 1985 and terminate on December 1, 1985.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Eleventh Coast Guard District Boating Affairs Office, 400 Oceangate Boulevard, Long Beach, California 90822, Tel: (213) 590-2331.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this regulation are LTJG Jorge Arroyo, Project Officer, Boating Affairs Office, Eleventh Coast Guard District and LT David S. Riley, Project Attorney, Legal Office, Eleventh Coast Guard District.

On September 9, 1985, the Coast Guard published a notice of proposed rulemaking in the *Federal Register* for these regulations (50 FR 36629). Interested persons were requested to submit comments and no comments were received.

Discussion of Comments

Although no comments were received, interested persons wishing to comment may do so by submitting written arguments to the office listed under "FOR FURTHER INFORMATION CONTACT" in this preamble. Commenters should include their names and addresses, identify this notice (CGD11 85-16), and give reasons for their comments. Based on comments received, the regulation may be changed.

Discussion of Regulation

The Southern California Speedboat Club, "Annual Parker Thanksgiving Regatta" will be conducted between 6:00 am and 5:30 pm on November 29 thru December 1, 1985 adjacent to La Paz County Park. This event will have

approximately 60 boats 13 to 20 feet in length, that could pose a hazard to navigation. Therefore, vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary, since the regulated area will be in effect for a short period of time.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Regulations

In consideration of the foregoing Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46(b) and 33 CFR 100.35.

2. Part 100 is amended by adding the § 100.35 11-85-16 to read as follows:

§ 100.35 11-85-16—Annual Parker Thanksgiving Regatta, Parker, Arizona.

(a) *Regulated Area.* The following area will be closed intermittently to all vessel traffic: that portion of Colorado River in front of La Paz County Park, Arizona.

(b) *Effective Dates.* These regulations will be effective from 6:00 AM to 5:30 PM on November 29 thru December 1, 1985.

(c) *Special Local Regulations.* All persons and/or vessels not registered with the sponsor as participants or official regatta patrol vessels are considered spectators. The "official regatta patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol this event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of

participants or official regatta patrol vessels in the regulated area during the effective dates, unless cleared for such entry by or through an official regatta patrol vessel.

(2) When hailed and/or signaled by horn or whistle by an official regatta patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions of the designated Patrol Commander. Failure to do so may result in a citation for failure to comply.

(3) The Patrol Commander is empowered to forbid and control the movement of vessels in the regulated area. He may terminate the marine event at any time it is deemed necessary for the protection of life and property. He may be reached on VHF Channel 16 (156.8 MHz) when required, by the call sign "PATCOM".

Dated: November 5, 1985.

A.B. Beran,

Rear Admiral (Lower Half), U.S. Coast Guard District Commander, Eleventh Coast Guard District.

[FR Doc. 85-27815 Filed 11-20-85; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD11 85-17]

Marine Event; Lake Havasu Classic, AZ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule will establish special local regulations during the Lake Havasu Classic. Through this action the Coast Guard intends to ensure the safety of spectators and participants on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on November 27, 1985 and terminate on December 1, 1985.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Eleventh Coast Guard District Boating Affairs Office, 400 Oceangate Boulevard, Long Beach, California 90822, Tel: (213) 590-2331.

SUPPLEMENTARY INFORMATION: On September 9, 1985, the Coast Guard published a notice of proposed rulemaking in the *Federal Register* for these regulations (50 FR 36628). Interested persons were requested to submit comments and no comments were received.

Drafting Information

The drafters of this regulation are LTJG Jorge Arroyo, Project Officer, Boating Affairs Office, Eleventh Coast

Guard District and LT David S. Riley, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Comments

Although no comments were received, interested persons wishing to comment may do so by submitting written arguments to the office listed under "FOR FURTHER INFORMATION CONTACT" in this preamble. Commenters should include their names and addresses, identify this notice (CGD11 85-17), and give reasons for their comments. Based on comments received, the regulation may be changed.

Discussion of Regulation

The Havasu Sports Federation, "Lake Havasu Classic" will be conducted between 8:00 am and 5:30 pm on November 27, thru December 1, 1985 on the Colorado River east of Spectator Point in Thompson Bay, Lake Havasu, Arizona. This event will have approximately 50 tunnel and pleasure/modified V-bottom outboards 16 to 20 feet in length, that could pose a hazard to navigation. Therefore, vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary, since the regulated area will be in effect for a short period of time.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Regulations

In consideration of the foregoing Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46(b) and 33 CFR 100.35.

2. Part 100 is amended by adding the § 100.35 11-85-17 to read as follows:

§ 100.35 11-85-17—Lake Havasu Classic, Lake Havasu City, Arizona.

(a) *Regulated Area.* The following area will be closed intermittently to all vessel traffic: that portion of Thompson Bay, Lake Havasu, Arizona starting approximately 100 yards on a bearing of 130°T off Spectator Point, thence due north approximately 2200 yards, thence due west approximately 2400 yards, then back to the starting point.

(b) *Effective Dates.* These regulations will be effective from 8:00 AM to 5:30 PM on November 27 thru 30, and December 1, 1985.

(c) *Special Local Regulations.* All persons and/or vessels not registered with the sponsor as participants or official regatta patrol vessels are considered spectators. The "official regatta patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol this event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official regatta patrol vessels in the regulated area during the effective dates, unless cleared for such entry by or through an official regatta patrol vessel.

(2) When hailed and/or signaled by horn or whistle by an official regatta patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions of the designated Patrol Commander. Failure to do so may result in a citation for failure to comply.

(3) The Patrol Commander is empowered to forbid and control the movement of vessels in the regulated area. He may terminate the marine event at any time it is deemed necessary for the protection of life and property. He may be reached on VHF Channel 16 (156.8 MHz) when required, by the call sign "PATCOM".

Dated November 5, 1985.

A.B. Beran,

Rear Admiral (Lower Half), U.S. Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. 85-27818 Filed 11-20-85; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

Merchandise Return Service for Federal Agencies

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule establishes final regulations permitting federal agencies to use Merchandise Return Service. Merchandise Return Service provides a

means by which a parcel can be returned to a federal agency with postage paid by the agency. It also provides agencies an alternative to First-Class Business Reply rates when paying postage on returned parcels.

EFFECTIVE DATE: January 2, 1986.

FOR FURTHER INFORMATION CONTACT: Margaret H. Munro, (202) 268-3252.

SUPPLEMENTARY INFORMATION: On September 4, 1985, the Postal Service published for comment in the Federal Register (50 FR 35843) a proposal to revise sections 137.276 a and f of the Domestic Mail Manual and add section 137.276h, Penalty Merchandise Return.

Interested persons were invited to submit written comments concerning the proposed rule by October 4, 1985. Written comments were received from one Federal government organization. The commenter did not oppose the proposal, but requested a temporary waiver for one of its components.

The commenter stated that its component's conversion to use of postage meters and penalty mail stamps, which are two of the options for paying penalty mail Merchandise Return postage and fees, would not be completed before September 30, 1989.

The waiver was requested for that interim period to provide that Merchandise Return charges be included in the agency's penalty mail bill in the same manner as charges for business reply mail. To grant the agency's request would require the Postal Service to establish a new reporting and accounting system. Information available at this time indicates that use of Merchandise Return Service will not be sufficiently extensive to justify the cost of developing and operating the required system. In addition, the procedures as proposed provide simple, inexpensive and easily implemented alternatives to pay for penalty mail Merchandise Return Service. Penalty mail stamps may be used to pay the postage and fees when Merchandise Return items are delivered. These stamps are available to any Federal agency and their use does not require additional costs for equipment and can be quickly implemented. For high volume operations, an inexpensive penalty mail postage meter can be obtained or the agency can establish an advance deposit account. Because the proposed procedures contain adequate provision for postage payment which can be implemented easily and inexpensively by the using agency, the requested waiver is not granted.

For the reasons given and after careful consideration, the Postal Service hereby

adopts the following changes and additions to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. (39 CFR 111.1)

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408, 3001-3011, 3201-3219, 3403-3405, 3601, 3621; 42 U.S.C. 1973 cc-13, 1973 cc-14.

PART 137—OFFICIAL MAIL

2. Revise 137.276 a and f and add new 137.276h to read as follows:

276 Penalty Reply Mail.

a. Restriction to Approved Formats. Agencies may distribute penalty envelopes, cards, cartons, or labels to any person, concern, or organization from whom or through whom official matter is desired by: (1) Using the penalty business reply format provided by 137.276g; (2) using the penalty metered reply format provided by 137.276d; (3) affixing penalty mail adhesive stamps or using penalty mail stamped stationery as provided in 137.276e; (4) using the penalty merchandise return label as provided in 137.267h; or (5) following the special services reply procedures in 137.267f. Standard penalty indicium envelopes, cards, cartons, and labels described in 137.272 may not be distributed for reply purposes except as provided in 137.276f, or when used to return matter to the Bureau of the Census as provided in 137.276b.

f. Penalty Special Services Reply Mail. Agencies may distribute penalty envelopes, cards, cartons or labels for return with a special service, by using the standard penalty indicium format in 137.272a. Prior written approval is required from the Manager, Official Mail Accounting Branch. (*Exception:* An authorized merchandise return permit holder may have merchandise return matter insured in accordance with 137.276h(4).) Requests to use this procedure must be submitted in writing to the Manager, Official Mail Accounting Branch, Room 8621, Department of the Controller, USPS Headquarters, Washington, DC 20280-5215. Such requests must include: (1) the service desired; (2) the post offices to which the mail will be returned; and (3) the proposed procedures to determine actual volume and postage due. Return envelopes, cards, cartons, or labels distributed under this provision must

have the desired special service preprinted on them.

h. Penalty Merchandise Return.

(1) *Description.* Merchandise return service allows a merchandise return permit holder to authorize individuals and organizations to send First-Class (Priority), third-, and fourth-class parcels to the permit holder. The permit holder pays the return postage and fees. (See 919.)

(2) *Application.* (a) An agency must apply by letter to the Manager, Official Mail Accounting Branch, for authorization to use merchandise return labels. A single permit number will be assigned to each agency unless the agency requests multiple numbers.

(b) An agency authorized to use merchandise return service must submit Form 3625, *Merchandise Return Permit Application*, with a copy of the authorization letter from Manager, Official Mail Accounting Branch, to each post office where parcels will be returned. In addition the agency must furnish the local post office the name,

address, and telephone number of a contract person for the agency.

(c) The agency must renew the license by December 31 each year by providing the post office with a renewal request letter that contains up-to-date local contact information for the agency and the annual fee payment in accordance with (5)c.

(3) *Label Format.* The one-part merchandise return label available for use by Federal Government agencies (Exhibit 137.276h(3)) must bear the address of one of the authorized agencies listed in 137.252 or one of their components. The label must be printed in the format required by 919.4 with the following exceptions:

(a) The phrases "Official Business" and "Penalty for Private Use, \$300" must be printed immediately below the return address and above the class of service requested in the upper left corner of the label.

(b) The name of the post office required to appear in the "Merchandise Return Label" legend must be the same as the post office to which the matter has been authorized to be returned.

CLASS OF MAIL ENDORSEMENT

| | | |
|---|---|---|
| Agency Name Delivery Address City, State, ZIP Code OFFICIAL BUSINESS Penalty for Private Use \$300 | DELIVERY POST OFFICE COMPUTE POSTAGE DUE (See 919.7 Domestic Mail Manual) | NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES |
| ACCEPTANCE POST OFFICE FOR ANCILLARY SERVICES ONLY | | |
| POSTAGE _____ MERCHANDISE RETURN FEE _____ INSURANCE FEE IF ANY _____ TOTAL POSTAGE DUE \$ _____ (See 919.6 Domestic Mail Manual) | | |
| INSURANCE REQUESTED ENDORSEMENT | <div style="border: 1px solid black; padding: 5px; display: inline-block;"> MERCHANDISE RETURN LABEL PERMIT NO 1 CONESTOGA, PA 17516 U.S. GOVT. AGENCY 501 FIRST AVE </div> | |
| AGENCY NAME | <div style="border: 1px solid black; padding: 5px; display: inline-block;"> POSTAGE DUE UNIT U.S. POSTAL SERVICE CONESTOGA, PA 17516 </div> | |

Exhibit 137.276 h (3)

(4) *Special Services—Insurance.* (a) Only the permit holder may request that the mail piece be insured.

(b) Indemnity under Penalty Mail Merchandise Return is limited to \$50. Items requiring insurance greater than \$50 may not be mailed under the Penalty Mail Merchandise Return procedures.

(c) Items requiring insurance must have the following information

preprinted on the Merchandise Return Label. It may not be typewritten, handwritten, or rubber stamped.

"Insurance Desired by Shipper \$(value)"

(5) *Payment of Postage and Fees.* (a) Agencies will be charged an annual merchandise return permit fee of \$50 for each post office where merchandise return matter is returned.

(b) The amount to be paid for penalty mail merchandise return matter is the appropriate postage for the class of service requested plus a fee of 30 cents per parcel. The insurance fee is additional where applicable.

(c) Postage and fees including the annual permit fee will be paid either by postage meter strip, penalty mail stamps, or cash to the post office(s) authorized to process merchandise return matter.

(6) *Cancellation of permit.* A permit may be cancelled by the Manager, Official Mail Accounting Branch for any violation of postal regulations including:

(a) Refusal to accept and pay the required charges for merchandise return offered for delivery.

(b) Distributing merchandise return labels which do not conform to Postal Service specifications.

(c) Failure to renew permit in accordance with 137.276h(2)(c).

(7) *Receipt of Parcels After Cancellation of Permit.* When a permit is cancelled, parcels received after the cancellation will be treated in accordance with 919.233 a and b.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the *Federal Register* as provided by 39 CFR 111.3.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 85-27796 Filed 11-20-85; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-300; RM-4649]

FM Broadcast Station in Payson, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Class C FM Channel 282 for Channel 280A at Payson, Arizona, and modifies the Class A license of Station KKJJ(FM), in response to a petition filed by High County Broadcasting. In addition, Class C FM Channel 266 is allocated to Payson as that community's second local FM broadcast service, in response to an expression of interest by RIMCO, Inc.

EFFECTIVE DATE: December 23, 1985.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1061, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Payson, Arizona), MM Docket No. 84-300, RM-4649.

Adopted: November 8, 1985.

Released: November 15, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making* herein, 49 FR 17979, published April 26, 1984, issued in response to a petition filed by High Country Broadcasting ("petitioner"), licensee of Station KKJJ(FM) (formerly KPSN(FM)), Payson, Arizona, requesting the substitution of Class C Channel 282 for Channel 280A and modification of its license accordingly. In response to the *Notice*, petitioner filed comments reiterating its interest in Channel 282. Comments and an expression of interest were filed by RIMCO, Inc. ("RIMCO"). Reply comments were filed by the petitioner.

2. In its comments, RIMCO cites the Commission's *Cheyenne, Wyoming* policy, 82 F.C.C. 2d 63 (1976) for the proposition that in light of its expressed interest, Station KKJJ(FM) cannot be modified to Channel 282, but rather, that the channel must be open to all interested parties.

3. The policy cited by RIMCO has been superseded by the Commission's subsequent amendment of § 1.420 of its Rules, effective September 24, 1984, by adding subpart (g). That provision permits the Commission to modify the license or permit of a station requesting a change in its facilities to a higher class of channel in the course of a rule making proceeding for an FM channel allotment provided an additional equivalent channel is made available for other parties expressing an interest. See,

Modification of FM and TV Station Licenses, 98 F.C.C. 2d 916 (1984).¹

4. In light of RIMCO's expressed interest in applying for a Class C channel at Payson, and in accord with our present modification policy, we have determined that Channel 266 is available at that community. However, in order to conform with the minimum spacing standards of § 73.207(b) of the Commission's Rules, the transmitter for Channel 266 must be sited in an area approximately 18.5 kilometers (11.5 miles) south of Payson to avoid shortspacing on the co-channel to Station KBBC(FM), Lake Havasu City, Arizona, and to the protected 16 kilometer buffer zone of Station KCKK(FM), Kanab, Utah.

5. In view of the above determination, we believe the public interest would benefit from the substitution of Class C Channel 282 for Channel 280A at Payson, since it could provide a wide-coverage service to the area. As indicated in the *Notice*, Channel 282 can be allotted to Payson consistent with the required separation standards of § 73.207(b) of the Commission's Rules. Therefore, we shall modify the license of Station KKJJ(FM) to specific operation on Channel 282 at Payson, Arizona.

6. Since Payson is within 320 kilometers (199 miles) of the United States-Mexico border, concurrence in the proposals by the Mexican government was obtained.

PART 73—[AMENDED]

7. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204 and 0.283 of the Commission's Rules, it is ordered, that effective December 23, 1985, the FM Table of Allotments, § 73.202(b) of the Commission's Rules is amended with respect to the community listed below, as follows:

| City | Channel No. |
|------------|-------------|
| Payson, AZ | 266, 262 |

8. It is further ordered, that pursuant to section 316(a) of the Communications

¹ It should be noted that the Commission is presently considering a proposal in MM DKT. 85-313, 50 FR 45439, published October 31, 1985, to further amend § 1.420(g) of its rules concerning co-channel or adjacent channel modification requests. As proposed, it will permit FM stations to upgrade on the co-channel or adjacent channels without demonstrating the availability of another equivalent class of channel for other expressed interests.

Act of 1934, as amended, the license of High Country Broadcasting for Station KKJJ, Payson, Arizona, is modified effective December 23, 1985, to specify operation on Channel 282 in lieu of Channel 280A. The license modification for Station KKJJ(FM) is subject to the following conditions:

(a) The licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

9. It is further ordered, that the Secretary of the Commission shall send a copy of this Order by Certified Mail, Return Receipt Requested, to High Country Broadcasting, c/o Chuck Crisler, 200 W. Frontier, Payson, AZ 85541.

10. It is further ordered, that this proceeding is terminated.

11. The filing window for filing applications on Class C Channel 266 at Payson, Arizona will open on December 24, 1985 and close on January 22, 1986.

12. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-27774 Filed 11-20-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-212; RM-4925; RM-5137; RM-5141]

FM Broadcast Station in Paris, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein, at the request of Gene Sudduth Co., Inc., allots Channel 230C2 to Paris, Texas, as that community's third FM service. In addition, Channels 270C2 and 299C2 are substituted for Channels 280A and 257A, respectively, at the request of Lamar County Broadcasting and KPLT, Incorporated, the licensees of existing Class A Stations KBUS-FM (Channel 280A), and KTXU-FM (Channel 257A). The licenses for these stations are also modified to Channels 270C2 and 299C2, respectively.

EFFECTIVE DATE: December 23, 1985.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1062, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1061, 1062, as amended, 1063, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Paris, Texas); MM Docket No. 85-212. RM-4925, RM-5137, RM-5141.

Adopted: November 4, 1985.

Released: November 15, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 50 FR 29453, published July 19, 1985, proposing the allotment of Channel 230C2 to Paris, Texas, as that community's third FM service, at the request of Gene Sudduth Co., Inc. ("petitioner"). Petitioner submitted supporting comments reiterating its intention to apply for the channel. In response to the *Notice*, separate proposals were filed by Lamar County Broadcasting ("Lamar"), licensee of Station KBUS-FM, Channel 280A, Paris, and KPLT, Incorporated ("KTXU"), licensee of Station KTXU-FM, Channel 257A, Paris, requesting modification of their facilities to specify operation on Channel 270C2 and Channel 259C2, respectively. Petitioner filed an opposition. Lamar and KTXU filed reply comments. Hayden G. Jackson and M. Lindsay Jackson ("Jackson") filed late comments.¹

2. Petitioner, in its opposition, requests that the Commission deny consolidation of the Lamar and KTXU petitions. Petitioner argues that the proposals are intended to delay inauguration of new service to Paris. Although it does not object to the

¹The late-filed comments of Jackson have not been accepted for consideration herein because they were filed late and were not accompanied by a request for their acceptance. However, Jackson may initiate a new proceeding to allot a Class A channel to Paris, Texas, in accordance with § 1.401 of the Commission's rules.

allotment of three new Class C2 channels, it argues that the Commission must first issue a Notice and seek comments on the new proposals rather than allow these parties to "ride the coattails of the original Paris proposal." In this regard, petitioner states that there are three other Class C2 channels available for allotment should the Commission institute a new proceeding.

3. In its reply comments, Lamar states that petitioner's speculative remarks as to the reasons why parties have requested consolidation are totally without merit. Lamar contends there is no bar, either procedurally or substantively, to consideration of its request for modification in conjunction with this proceeding. Lamar believes the most effective way to allocate three new Class C2 channels to a community is in one proceeding rather than three proceedings. KTXU adds that if petitioner's opposition is successful, it would have the effect of delaying improved service by the existing Paris, Texas, stations.

4. We believe the three requests should be consolidated in the instant proceeding in order to avoid unnecessary delay in initiating new service and unnecessary burdens on Commission resources. Although petitioner argues that notice and comment are necessary before we could allocate additional channels at Paris or modify the existing licenses, we believe such additional procedures are unnecessary. The scope of the *Notice* permits the Commission to allot additional channels to Paris. We know of no other communities adversely affected by the additional channels. As for the modification of two licenses requested herein, the Commission's "Helena" policy (*Modification of FM Station Licenses*, 98 F.C.C. 2d 916 (1984)) allows such modification of licenses where an additional equivalent channel is available for general application. The Commission's action did not contemplate further proceedings in order to accomplish the modifications since it is not necessary to elicit still other expressions of interest. The additional channel (230C2) would be available for general application here.

5. We have determined that three Class C2 channels can be allotted to Paris, Texas, consistent with the Commission's minimum distance separation requirements provided site restrictions are imposed. Channel 230C2 requires a site restriction of 17.2 kilometers (10.7 miles) north of Paris to avoid short spacings to Station KMBQ-FM, Channel 229, at Shreveport, Louisiana, and Station KESS-FM,

Channel 231 at Fort Worth, Texas. Channel 270C2 can be used by Station KBUS (FM) with a site restriction of 13.5 kilometers (8.4 miles) east of the city to avoid short spacings to Station KDSQ-FM, Channel 269A at Denison, Texas, and Station KTXQ-FM, Channel 271 at Fort Worth, Texas. Channel 259C2, which was requested by Station KTXU, at Paris, is in conflict with a proposal to allot the same channel to Atlanta, Texas, as a substitution for Channel 257A (RM-5094). Therefore, in order to resolve that conflict, we have found an alternate channel. A staff engineering study reveals that Channel 299C2 can be used by Station KTXU with a site restriction of 8.2 kilometers (5.1 miles) northeast of the community to avoid short spacing to Station KAND, Channel 300, at Corsicana, Texas.

6. Accordingly, the Commission believes the public interest would be served by the allotment of the three Class C2 channels to Paris, Texas. Channel 230C2 will be made available for general application; Channel 270C2 will be substituted for Channel 280A with the license for Station KBUS modified accordingly, and Channel 299C2 substituted for Channel 257A with the license for Station KTXU also modified.

PART 73—[AMENDED]

7. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.81, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective December 23, 1985, the FM Table of Allotments, § 73.202(b) of the rules, is amended with regard to the following community:

| City | Channel No. |
|-----------|-------------------------|
| Paris, TX | 230C2, 270C2, and 299C2 |

8. It is further ordered, pursuant to the authority contained in section 316 of the Communications Act of 1934, as amended, that the license of Station KBUS-FM, Paris, Texas, is modified to specify operation on Channel 270C2 in lieu of Channel 280A and that the license of Station KTXU-FM, Paris, Texas, is modified to specify operation on Channel 299C2 in lieu of Channel 257A. The modifications are subject to the following conditions:

(a) At least 30 days before operating on the new channel, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301);

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.301 of the Commission's Rules.

9. The window period for filing applications for Channel 230C2 will open on December 24, 1985, and close on January 22, 1986.

10. It is further ordered, that this proceeding is terminated.

11. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-27778 Filed 11-20-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-199; RM-4952]

FM Broadcast Station in Spotsylvania, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein allots Channel 257A to Spotsylvania, Virginia, as that community's first FM service, at the request of Keith E. Angstadt.

EFFECTIVE DATE: December 23, 1985.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303; Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Spotsylvania, Virginia), MM Docket No. 85-199, RM-4952.

Adopted: November 4, 1985.

Released: November 15, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 50 F.R. 26231, published June 25, 1985, proposing the allotment of FM Channel 257A to Spotsylvania, Virginia, as that community's first FM service, at the request of Keith E. Angstadt ("petitioner"). Petitioner filed supporting comments reiterating his intention to apply for the channel.¹ Comments were also filed by Therese A. Hayes ("Hayes") and Greater Media, Inc. ("Greater Media"), licensee of Station WGAY(FM), Channel 258, Washington, D.C.

2. Channel 257A can be allotted to Spotsylvania in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.4 kilometers (7.1 miles) southwest of the community. This restriction is necessary to avoid short spacing to FM Station WGAY in Washington, D.C. However, since a site restriction 11.4 kilometers removed from the center of the city may prove difficult to provide city-grade (70 dBu) signal to the principal community, the *Notice* requested the petitioner to provide information that a site is available which would provide a city-grade signal to the community.

3. Petitioner states that he has found a transmitter site that will meet the Commission's minimum distance separation requirements and provide a city-grade signal to Spotsylvania. Hayes, in its supporting comments and an amendment thereto, expressed an interest in the channel and provided information regarding site availability.

4. Greater Media opposes the proposal because it states that the petitioner used incorrect coordinates for Station WGAY when calculating the distance separation. However, the Commission's site restriction of 11.4 kilometers southwest would meet this concern about compliance with the separation requirements. As for city grade coverage, our engineering study has confirmed that a 70 dBu signal can be provided from the restricted site.

5. In view of the foregoing, the Commission believes that the public interest would be served by the allotment of FM Channel 257A to Spotsylvania, Virginia, thereby

¹ Petitioner originally mailed his comments to the Commission on July 20, 1985, which would have met the comment deadline. However, they were never received. Petitioner then resubmitted his comments before the reply comment period expired. We have therefore accepted the comments as timely filed.

providing that community with its first FM service.

PART 73—[AMENDED]

6. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective December 23, 1985, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with regard to the following community:

| City | Channel No. |
|------------------|-------------|
| Spotsylvania, VA | 257A |

7. The window period for filing applications will open on December 24, 1985, and close on January 22, 1986.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-27779 Filed 11-20-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-4; RM-4849]

TV Broadcast Station in Flagstaff, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns VHF television Channel 9 to Flagstaff, Arizona, as that community's fourth commercial television service, in response to a petition filed by Terrell Communications.

EFFECTIVE DATE: December 23, 1985.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48

Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Flagstaff, Arizona) MM Docket No. 85-4, RM-4849.

Adopted: November 1, 1985.

Released: November 15, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 50 FR 4240, published January 30, 1985, proposing the assignment of VHF television Channel 9 to Flagstaff, Arizona, as that community's fourth commercial television service, in response to a petition filed by Terrell Communications ("petitioner"). Supporting comments were filed by petitioner reiterating its intention to apply for the channel, if assigned.

2. Flagstaff (population 34,743),¹ the seat of Coconino County (population 75,008), is located in northern Arizona, approximately 190 kilometers (120 miles) north of Phoenix, Arizona. Currently, Flagstaff is served by commercial television Stations KNAZ-TV (Channel 2), Channel 4 (vacant), and KKTU (Channel 13, CP issued), as well as noncommercial educational Channel *16 (vacant).

3. As indicated in the *Notice*, a staff engineering study reveals that VHF television Channel 9 can be assigned to Flagstaff consistent with the minimum distance separation requirements of § 73.610 of the Commission's Rules. Additionally, since the proposed assignment is within 400 kilometers (250 miles) of the common U.S.-Mexico border, concurrence of the Mexican government was obtained.

4. In view of the above, the Commission believes the public interest would benefit by the allocation of a fourth commercial television outlet at Flagstaff for the expression of diversified viewpoints and programming.

PART 73—[AMENDED]

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective December 23, 1985, the

¹ Population figures were extracted from the 1980 U.S. Census.

Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended with respect to Flagstaff, Arizona, as follows:

| City | Channel No. |
|---------------|-----------------------|
| Flagstaff, AZ | 2, 4+, 9, 13, and *16 |

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-27773 Filed 11-20-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-9; RM-4848]

TV Broadcast Station in El Dorado, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 49 to El Dorado, Arkansas as that community's third local commercial television broadcast service in response to a petition filed by Steven D. King.

EFFECTIVE DATE: December 23, 1985.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (El Dorado, Arkansas), MM Docket No. 85-9, RM-4848.

Adopted: November 1, 1985.

Released: November 15, 1985.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 50 FR 5404, published February 8, 1985, proposing the assignment of UHF television Channel 49 to El Dorado, Arkansas,¹ as that community's third commercial service, in response to a petition filed by Steven D. King ("petitioner"). Petitioner submitted comments in support of the *Notice* and indicated his intention to apply for the channel, if assigned. No other comments were received.

2. El Dorado (population 25,270),² the seat of Union County (population 48,573), is located in south central Arkansas, approximately 170 kilometers (105 miles) south of Little Rock. Currently, El Dorado has the following television assignments: Channel 10 (KTVE-TV), Channel *30 (vacant) and Channel 43 (KCMM-TV).

3. The Commission believes the public interest would be served by assigning UHF television Channel 49 to El Dorado, since it could provide the community with its third local commercial television service. As indicated in the *Notice*, the assignment can be made consistent with the minimum distance separation requirements of § 73.610 and 73.698 of the Commission's Rules.

PART 73—[AMENDED]

4. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective December 23, 1985, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended with respect to the community listed below, as follows:

| City | Channel No. |
|---------------|-------------------------|
| El Dorado, AR | 10-, *30+, 43-, and 49- |

5. It is further ordered, that this proceeding is terminated.

6. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

¹Petitioner originally proposed the dereservation of UHF television Channel *30 at El Dorado to free it for commercial use. However, as stated in the *Notice*, the Commission generally refrains from such requests where, as here, an alternate channel is available for commercial use.

²Population figures were extracted from the 1980 U.S. Census.

Federal Communications Commission.
Charles Schott,
Chief, Policy and Rules Division, Mass Media Bureau.
[FR Doc. 85-27775 Filed 11-20-85; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-73; RM-4850]

TV Broadcast Station in Pendleton, OR, Missoula and Havre, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns VHF TV Channel 11- to Pendleton, Oregon, as that community's first local television service, at the request of Terrell Communications. The offset for unused and unapplied for Channel 11 at Havre, Montana, is changed to specify "minus" rather than its current "plus" designation, and the offset on unused and unapplied for Channel 11 at Missoula, Montana, is changed to specify "plus" rather than its current "minus" designation.

EFFECTIVE DATE: December 23, 1985.

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

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Pendleton, Oregon, Missoula and Havre, Montana), MM Docket No. 85-73, RM-4850.

Adopted: November 4, 1985.

Released: November 15, 1985.

By the Chief, Policy and Rules Division

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 50 FR 15591, published April 29, 1985, seeking comments on the proposed assignment of VHF TV Channel 11 to Pendleton, Oregon, at the request of Terrell Communications ("petitioner"). Petitioner filed comments reiterating its intention to apply for the channel, if assigned.

2. As stated in the *Notice*, the assignment of Channel 11 at Pendleton required the offsets on unused and unapplied for Channel *11- at Missoula, Montana, and unused and unapplied for Channel 11+ at Havre, Montana, be reversed. With the change in offsets, Channel 11- can be assigned to Pendleton, Oregon, in compliance with the Commission's minimum distance separation and other technical requirements.

PART 73—[AMENDED]

3. In view of the expressed interest in the assignment of VHF TV Channel 11- at Pendleton, Oregon, the Commission believes the public interest would be served by assigning the channel, as it could provide the community with its first local television service. Canadian concurrence in the proposed assignment has been received. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules, it is ordered, that effective December 23, 1985, the Television Table of Assignments, § 73.606(b) of the rules, is amended with respect to the following communities, to read as follows:

| City | Channel No. |
|---------------|-----------------------------|
| Havre, MT | 9+, 11-, and *18- |
| Missoula, MT | 8-, *11+, 13-, 17-, and 23- |
| Pendleton, OR | 11- |

4. It is further ordered, that this proceeding is terminated.

5. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.
Charles Schott,
Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-27777 Filed 11-20-85; 8:45 am]
BILLING CODE 6712-01-M

Proposed Rules

Federal Register

Vol. 50, No. 225

Thursday, November 21, 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.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

Loan and Purchase Programs; Grain; Warehouse Approval Standards

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations at 7 CFR Part 1421 to provide for changes with respect to acceptable moisture levels for warehouse-stored corn, sorghum, and soybeans pledged as collateral under the 1986 and subsequent crop year Commodity Credit Corporation (CCC) price support loan and purchase programs. This proposed rule would reduce the maximum acceptable level for warehouse-stored corn, sorghum, and soybeans to more accurately reflect commercial warehouse storage practices.

DATE: Comments must be received on or before January 21, 1986.

ADDRESS: Send comments to Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Steve Gill, Program Specialist, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013. Phone: (202) 447-8480.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (7 CFR Part 1421) have been approved by the Office of Management and Budget in accordance with the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Number 0560-0087.

This proposed rule has been reviewed under U.S. Department of Agriculture

(USDA) procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of \$100 million or more; (2) Major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this proposed rule applies are: Title—Commodity Loans and Purchases; Number—10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since 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 this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity 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).

Acceptable Moisture Levels for Warehouse—Storage Corn, Sorghum, and Soybeans

The regulations at 7 CFR 1421.91(c) currently provide that warehouse-stored corn may not be pledged as collateral for a CCC price support loan if the warehouse receipt indicates that the corn contains more than 15.5 percent moisture. If the warehouse receipt states that the corn has a moisture content in excess of 15.5 percent, the receipt must be accompanied by a supplemental certificate which states that the corn has been dried to at least the maximum

acceptable level of 15.5 percent. Similar requirements are found at 7 CFR 1421.211(b) for warehouse-stored sorghum and 7 CFR 1421.366(b) for warehouse-stored soybeans pledged as collateral for CCC price support loans, except that the maximum acceptable moisture level sorghum and soybeans is 14.0 percent.

Some warehouses have indicated that 15.5 percent moisture corn and 14.0 percent moisture sorghum and soybeans are difficult to store under certain circumstances. Accordingly, this proposed rule would amend 7 CFR 1421.91, 1421.93, and 1421.94 to provide that, effective for the 1986 and subsequent crops, warehouse-stored corn pledged as collateral for CCC price support loans must not contain over 14.0 percent moisture. The regulations at 7 CFR 1421.211, 1421.213, and 1421.214 would be amended by this proposed rule to reduce the maximum acceptable moisture level for 1986 and subsequent crops of sorghum pledged as collateral for CCC price support loans from 14.0 percent to 13.0 percent. Similarly, the regulations at 7 CFR 1421.366, 1421.368, and 1421.369 would be amended to reduce the maximum acceptable moisture level for 1986 and subsequent crops of soybeans pledged as collateral for CCC price support loans from 14.0 percent to 13.0 percent. If the warehouse receipt representing the grain indicates that the grain has a moisture content higher than the maximum acceptable moisture content, the warehouse receipt must be accompanied by a supplemental certificate which states that the grain has been dried to at least the maximum acceptable level.

Certain technical amendments are also proposed for purposes of clarity.

List of Subjects in 7 CFR Part 1421

Grains, Loan programs/agriculture, Price support programs, Surety bonds, Warehouses.

Proposed Rule

PART 1421—[AMENDED]

Accordingly, it is proposed that 7 CFR Part 1421 be amended as follows:

1. The authority citation for Part 1421 continues to read as follows:

Authority: Secs. 4 and 5; 62 Stat. 1070, as amended, 1072 (15 U.S.C. 714b, 714c); secs. 101, 105B, 107B, 110, 201, 301, 401, 405; 63 Stat. 1051, as amended, 95 Stat. 1242, as amended.

1227, as amended, 1221, as amended, 91 Stat. 951, as amended, 83 Stat. 1052, as amended, 1053, as amended, 1054, as amended (7 U.S.C. 1441, 1444d, 1445b-1, 1445e, 1446, 1447, 1421, 1425).

2. In § 1421.91, paragraph (c) is revised to read as follows:

§ 1421.91 Eligible corn.

(c) *Warehouse-stored loan grade requirements.* In order to be eligible for a warehouse-stored loan, corn must meet the requirements specified in paragraphs (a) and (b) of this section. Such corn must also grade No. 3 or better or, on the factor of test weight only, No. 4 or better. In addition, such corn must not grade "Weevily" and must not have moisture over 14.0 percent.

3. Section 1421.93 is revised by designating the currently undesignated paragraph as paragraph (a), by redesignating current paragraphs (a) and (b) as paragraphs (b) and (c), respectively, and revising newly redesignated paragraph (b) to read as follows:

§ 1421.93 Determination of quantity.

(b) *In warehouse.* The quantity of corn on which a warehouse-stored loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net bushels specified on the warehouse receipt or, if applicable, on the supplemental certificate. If the corn has been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or, if applicable, the supplemental certificate, shall represent the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight, excluding dockage, of 1.2 times the percentage difference between the moisture content of the corn, when received, and 14.0 percent.

4. Section 1421.94 is revised by designating the currently undesignated paragraph as paragraph (a), by redesignating paragraphs (a), (b), (c), and (d) as paragraphs (b), (c), (d), and (e), respectively, and revising newly redesignated paragraph (d) to read as follows:

§ 1421.94 Warehouse receipts.

(d) *Where warehouse receipt shows "Weevily," excess moisture, or both.* (1) If a warehouse receipt tendered as security for a loan indicates that the corn grades "Weevily" or contains over 14.0 percent moisture, or both, the

warehouse receipt must be accompanied by a supplemental certificate in order for the corn to be eligible for price support. The grade, grading factors, and quantity to be delivered must be shown on the supplemental certificate as follows:

(i) When the warehouse receipt shows "Weevily" and the corn has been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt.

(ii) When the warehouse receipt shows a moisture content of over 14.0 percent and the corn has been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the corn to a moisture of not over 14.0 percent. Such quantity also shall reflect a drying or blending shrink as specified in § 1421.93(b).

(2) The supplemental certificate issued by the warehouseman must provide that no lien for processing the corn represented by the supplemental certificate will be asserted by the warehouseman against CCC or any subsequent holder of the warehouse receipt and that the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items shown on the warehouse receipt.

5. In § 1421.211, paragraph (b) is revised to read as follows:

§ 1421.211 Eligible sorghum.

(b) *Warehouse-stored loan grade requirements.* In order to be eligible for a warehouse-stored loan, the sorghum must meet the requirements specified in paragraph (a) of this section. Such sorghum must also grade No. 4 or better and may carry the special grade designation "Smutty". The sorghum must not grade "Weevily" and must not have moisture over 13.0 percent.

6. Section 1421.213 is revised by designating the currently undesignated paragraph as paragraph (a), by redesignating current paragraphs (a) and (b) as paragraphs (b) and (c), respectively, and revising newly redesignated paragraph (b) to read as follows:

§ 1421.213 Determination of quantity.

(b) *In warehouse.* The quantity of sorghum on which a warehouse-stored loan shall be made and the quantity delivered to or acquired by CCC in an

approved warehouse shall be the net weight specified on the warehouse receipt or, if applicable, on the supplemental certificate. If the sorghum has been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or, if applicable, on the supplemental certificate shall represent the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight, excluding dockage, of 1.2 times the percentage difference between the moisture content of the sorghum, when received, and 13.0 percent.

7. Section 1421.214 is revised by designating the currently undesignated paragraph as paragraph (a), by redesignating current paragraphs (a), (b), (c), (d), and (e) as paragraphs (b), (c), (d), (e), and (f), respectively, and revising newly redesignated paragraph (d) to read as follows:

§ 1421.214 Warehouse receipts.

(d) *Where warehouse receipts shows "Weevily," excess moisture, or both.* (1) If a warehouse receipt tendered as security for a loan indicates that the sorghum grades "Weevily" or contains over 13.0 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate in order for the sorghum to be eligible for price support. The grade, grading factors, and quantity to be delivered must be shown on the supplemental certificate as follows:

(i) When the warehouse receipt shows "Weevily" and the sorghum has been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt.

(ii) When the warehouse receipt shows a moisture content of over 13.0 percent and the sorghum has been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the sorghum to a moisture of not over 13.0 percent. Such quantity also shall reflect a drying or blending shrink as specified in § 1421.213(b).

(2) The supplemental certificate issued by the warehouseman must provide that no lien for processing the sorghum represented by the supplemental certificate will be asserted by the warehouseman against CCC or any subsequent holder of the warehouse receipt and that the grade, grading factors, and the quantity shown on the

supplemental certificate shall supersede the entries for such items shown on the warehouse receipt.

8. In § 1421.366, paragraph (b) is revised to read as follows:

§ 1421.366 Eligible Soybeans.

(b) *Warehouse-stored loan grade requirements.* In order to be eligible for a warehouse-stored loan, the soybeans must meet the requirements specified in paragraph (a) of this section. Such soybeans must also grade No. 4 or better, must not grade "Weevily" and must not have moisture over 13.0 percent.

9. Section 1421.368 is revised by designating the currently undesignated paragraph as paragraph (a), by redesignating current paragraphs (a) and (b) as paragraphs (b) and (c), respectively, and revising newly redesignated paragraph (b) to read as follows:

§ 1421.368 Determination of Quantity.

(b) *In warehouse.* The quantity of soybeans on which a warehouse-stored loan shall be made and the quantity delivered to or acquired by CC in an approved warehouse shall be the net bushels specified on the warehouse receipt or, if applicable, on the supplemental certificate. If the soybeans have been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or, if applicable, on the supplemental certificate shall represent the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight of 1.2 times the percentage difference between the moisture content of the soybeans, when received, and 13.0 percent.

10. Section 1421.369 is revised by designating the currently undesignated paragraph as paragraph (a), by redesignating current paragraphs (a), (b), (c), and (d) as paragraphs (b), (c), (d), and (e), respectively, and revising newly redesignated paragraph (d) to read as follows:

§ 1421.369 Warehouse receipts.

(d) *Where warehouse receipt shows "Weevily," excess moisture, or both.* (1) If a warehouse receipt tendered as security for a loan indicates that the soybeans grade "Weevily" or contain over 13.0 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate in order for the soybeans to be eligible for price

support. The grade, grading factors, and quantity to be delivered must be shown on the supplemental certificate as follows:

(i) When the warehouse receipt shows "Weevily" and the soybeans have been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt.

(ii) When the warehouse receipt shows a moisture content of over 13.0 percent and the soybeans have been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the soybeans to a moisture of not over 13.0 percent. Such quantity also shall reflect a drying or blending shrink as specified in § 1421.368(b).

(2) The supplemental certificate issued by the warehouseman must provide that no lien for processing the soybeans represented by the supplemental certificate will be asserted by the warehouseman against CCC or any subsequent holder of the warehouse receipt and that the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items shown on the warehouse receipt.

Signed at Washington, DC, on November 18, 1985.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 85-27805 Filed 11-20-85; 8:45 am]

BILLING CODE 3410-05-M

Food Safety and Inspection Service

9 CFR Parts 317, 318, and 381

[Docket No. 84-020E]

Total Plant Quality Control for Labeling

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On September 25, 1985, the Food Safety and Inspection Service (FSIS) published a proposed rule to expand the concept of generically approved labeling of meat and poultry products for those establishments operating a USDA-approved Total Quality Control system which can develop an acceptable plan for controlling the labeling of their products. FSIS has received several requests to extend the comment period to allow

more time for reviewing and evaluating the proposal. FSIS is hereby extending the comment period for 60 days.

DATE: Comments must be received on or before January 24, 1986.

ADDRESS: Written comments to: Policy Office, Attn: FSIS Hearing Clerk, Room 3803, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph V. Germano, Deputy Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-4293.

SUPPLEMENTARY INFORMATION: On September 25, 1985, FSIS published in the Federal Register (50 FR 38824) a proposed rule and amend the Federal meat and poultry products inspection regulations to expand the concept of generically approved labeling of meat and poultry products for those establishments operating a USDA-approved Total Quality Control system which can develop an acceptable plan for controlling the labeling of their products. Eligible establishments would submit their plan for a Total Quality Control for Labeling system to the FSIS Administrator for approval. If the Administrator would find the plan for the Total Quality Control for Labeling system to be adequate to assure that misbranding of product would not occur, all labeling for products made at the establishment and for which there is a standard of identity or composition in the meat and poultry products inspection regulations or for which there are certain specified Agency policies would be eligible for generic approval and would not be subject to additional individual review and approval by FSIS before use.

Interested persons were given until November 25, 1985, to comment on this proposed rule. FSIS has received several requests to extend the comment period to allow more time to review and evaluate the proposal. FSIS is interested in receiving additional data, and therefore has decided to extend the comment period for an additional 60 days, to January 24, 1986.

Done at Washington, D.C., on November 15, 1985.

Donald L. Houston,
Administrator, Food Safety and Inspection Service.

[FR Doc. 85-27749 Filed 11-20-85; 8:45 am]

BILLING CODE 3410-05-M

9 CFR Part 319

[Docket No. 83-028N]

Requirements for Partially Defatted Products; Extension of Comment Period**AGENCY:** Food Safety and Inspection Service, USDA.**ACTION:** Notice of intent to initiate proposed rulemaking; extension of comment period.

SUMMARY: On August 23, 1985, the Food Safety and Inspection Service (FSIS) published a notice of intent to initiate proposed rulemaking concerning compositional and processing requirements for various low temperature rendered meat products. That notice concerned regulatory compliance, nutritional value, processing safety, and labeling of such products. FSIS received several requests to extend the comment period to allow more time to study the issues discussed in the notice. FSIS is hereby extending the comment period for an additional 60 days.

DATE: Comments must be received on or before January 21, 1986.**ADDRESS:** Written comments to: Policy Office, Attn: FSIS Hearing Clerk, Room 3803, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: On August 23, 1985, FSIS published in the Federal Register (50 FR 34157) a notice of intent to initiate proposed rulemaking to amend the Federal Meat Inspection Act regarding compositional and processing requirements for various low temperature rendered meat food products. The notice described considerations of regulatory compliance, nutritional value of the products, processing safety and product labeling. FSIS requested comments from interested persons on how to proceed with implementing a proposed rule.

Interested persons were given until November 21, 1985, to submit their comments on the notice. The Agency received three requests to extend the comment period in order for interested persons to fully evaluate the notice of intent. FSIS is interested in receiving all relevant data and is therefore extending the comment period for an additional 60 days to January 21, 1986.

Done at Washington, D.C., on November 15, 1985.

Donald L. Houston,
Administrator, Food Safety and Inspection Service.[FR Doc. 85-27748 Filed 11-20-85; 8:45 am]
BILLING CODE 3410-DM-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 981

[Docket No. 50223-5151]

Licensing of Ocean Thermal Energy Conversion Facilities and Plantships**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.**ACTION:** Proposed rule with request for comments.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) proposes to amend the regulations implementing the Ocean Thermal Energy Conversion (OTEC) Act of 1980 as amended (42 U.S.C. 9101, *et seq.*, Pub. L. 96-320, amended by Pub. L. 98-623). No applications for OTEC licenses have been submitted to NOAA since passage of the OTEC Act and the President's budgets for fiscal years 1985 and 1986 have proposed no further funding for the OTEC licensing program. The purpose of the proposed regulations is to fulfill NOAA's obligation to conform the regulations to the OTEC statute as amended in 1984. The proposed regulations also reflect NOAA's conclusion, as a result of the periodic review of regulations required by the OTEC Act, that no additional modifications to the regulations are necessary. This notice provides interested persons with an opportunity to comment on these proposed regulations. Interested persons are invited to submit written statements or comments on the proposed rule. A public hearing may be held in Washington, DC, if NOAA determines it is warranted. If any person wishes NOAA to conduct a public hearing they should include that request in their comments.

DATE: Comments must be received by NOAA on or before December 23, 1985.**ADDRESS:** Submit comments to James B. Rucker, OTEC Program Manager, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, Page 1 Building, Suite

105, 2001 Wisconsin Avenue, NW., Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: James B. Rucker at the above address. Telephone (202) 254-3483.**SUPPLEMENTARY INFORMATION:****I. Prior Actions**

On July 31, 1981, NOAA issued final regulations establishing a licensing process for Ocean Thermal Energy Conversion Facilities and Plantships (46 FR 39388-39420). The final rules were supported by a programmatic environmental impact statement (PEIS) and a combined Regulatory Impact Analysis and Regulatory Flexibility Analysis (RIA-RFA) both dated July 1981.

II. Availability of Comments

All comments received in response to this notice of proposed rulemaking will be available for public examination and copying during normal business hours in Suite 105, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, DC.

III. Related Actions

In order to satisfy requirements for analysis as specified by Executive Order 12291 and the Regulatory Flexibility Act NOAA has analyzed the costs and benefits of this rule.

A. Executive Order 12291

NOAA has made an initial determination that these proposed amendments are not a "major" rule under E.O. 12291. These amendments have been submitted to the Office of Management and Budget (OMB) for review as required by E.O. 12291.

B. Regulatory Flexibility Act

These amendments have been reviewed under the Regulatory Flexibility Act (5 U.S.C. 50 *et seq.*) and NOAA has determined that they will not have a significant economic impact on a substantial number of small entities. The proposed regulations are intended to implement statutory amendments. The amendments and proposed regulations relate primarily to NOAA jurisdiction and impose no new reporting, recordkeeping or other compliance requirements.

C. Paperwork Reduction Act

The proposed regulations contain no collection of information requirements and are not subject to the Paperwork Reduction Act. The information collection requirements in the existing rule have been reviewed and approved by OMB (OMB Control #0648-0144).

IV. General Background

On November 9, 1984, the OTEC Act was amended by Pub. L. 98-623 (hereinafter "1984 Amendments") primarily to clarify the extent of NOAA jurisdiction over OTEC facilities and plantships and to modify the requirements for Coast Guard documentation of OTEC facilities and plantships. The purpose of these proposed regulations is to implement the 1984 Amendments by revising those portions of 15 CFR Part 981 which are inconsistent with, or technically inadequate in view of, the 1984 Amendments. The substance of the proposed revisions is discussed in section V of the preamble.

In the past 18 months NOAA has also conducted a periodic review of the OTEC regulations as required by section 117 of the OTEC Act. On May 11, 1983 (48 FR 21154) NOAA requested comments on the appropriateness and adequacy of existing regulations. Three comments were received, one expressing satisfaction with the existing information requirements, and two suggesting some modification to the application fee section. After review of these comments, and in consideration of the 1984 Amendments to the application fee section and NOAA experience with OTEC and other similar licensing programs, NOAA has concluded that no additional modifications to the existing regulations are necessary.

V. Summary of Proposed Revisions

Section 981.40 Definitions.

The definition of an OTEC facility has been modified to delete the requirement that a facility be located in the territorial sea, and to provide instead that a facility which is "standing, fixed or moored in whole or in part seaward of the high water mark" constitutes an "OTEC facility" if the other elements of the definition are met. This change implements section 602(a)(2) of the 1984 Amendments. Similarly, the last sentence of the regulation's definition—which stated the previous scope of the definition in view of the territorial sea (i.e., seaward of the high water mark) limitation—has been deleted and the following has been inserted: "If part of the OTEC facility is located seaward of the high water mark and part on land, the definition includes the entire facility." Therefore, under the 1984 Amendments and the proposed definition, a facility is an "OTEC facility," and would therefore be authorized for ownership, construction and operation under a license, if any part of that facility is located seaward of the high water mark. The "facility"

includes equipment on the facility, cables or pipelines, water intake and effluent discharge structures, as well as other associated equipment and appurtenances which are not located wholly on land.

Section 981.50 Who must apply for an OTEC license (and who does not need one)?

Section 981.50(a)(2) of the regulations has been revised to implement section 602(a)(3) of the 1984 Amendments. This section clarifies that if a facility is partially located seaward of the high water mark, the entire OTEC facility is covered by the licensing provisions of the Act.

Section 981.130 Application fees.

Section 602(f) of the 1984 Amendments dropped the requirement that the application fee be nonrefundable. The existing regulations provide that the fee consist of three nonrefundable payments: \$100,000 submitted to NOAA with the application; \$100,000 submitted prior to the first public hearing on the application and a final payment of \$50,000 prior to the end of the review process for a license. The proposed regulations make no change in the schedule or amount of fee payment. After review, NOAA has determined that \$250,000 is a reasonable estimate of the costs which will be incurred in reviewing and processing the application. However, the proposed regulations do provide procedures for adjustment of costs and refund of a portion of the payments upon termination or withdrawal, in accordance with the 1984 Amendments.

Section 981.470 Criteria for approval or denial.

The phrase "not be documented under the laws of the United States" in § 981.470(a)(7) has been changed to "will be documented under the laws of a foreign nation" based on section 602(a)(5) of the 1984 Amendments, which modifies section 101(c)(7) of the OTEC Act. This change in the statute allows greater flexibility with respect to documentation by the Coast Guard. NOAA thus may issue a license for an OTEC facility or plantship, which has not been documented under the laws of the United States when Coast Guard laws or regulations do not require such documentation.

Section 981.520 Terms and conditions of a license.

The term "in or" has been added in § 981.520(g)(1) after "employees" based on section 602(a)(8) of the 1984

Amendments, amending section 110(1) of the OTEC Act. This change in the statute clarifies that Federal employees/observers may be "in" an OTEC facility (recognizing that it may be landbased) as well as "aboard" a facility or plantship (which connotes one floating).

Section 981.550 Suspension, revocation, termination, relinquishment or surrender of a license.

The term "as recognized in any treaty or convention to which the United States is a party" has been deleted from the end of § 981.550(c) to conform to section 602(e)(17) of the 1984 Amendments, amending section 111(b) of the OTEC Act.

List of Subjects in 15 CFR Part 981

Administrative practice and procedure, Energy.

Approved: November 14, 1985.

Dated: November 14, 1985.

Paul M. Wolff,

Assistant Administrator for Ocean Services and Coastal Zone Management.

PART 981—[AMENDED]

For the reasons set forth above, the National Oceanic and Atmospheric Administration proposes to amend Part 981 of Title 15 of the Code of Federal Regulations as follows:

1. The authority citation for Part 981 is revised to read as follows:

Authority: Ocean Thermal Energy Conversion Act of 1980, Pub. L. 96-320, 94 Stat. 991 (42 U.S.C. 9101, *et seq.*) as amended by Pub. L. 98-623.

2. In § 981.40, the definition of OTEC facility is revised to read as follows:

§981.40 Definitions.

OTEC facility means any facility which is standing, fixed or moored in whole or in part seaward of the high water mark and which is designed to use temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work and includes any equipment installed on such facility to use such electricity or other form of energy to produce, process, refine, or manufacture a product, and any cable or pipeline used to deliver such electricity, fresh water or product to shore, and all other associated equipment and appurtenances of such facility, to the extent they are located seaward of the high water mark. If part of the OTEC facility is located seaward of the high water mark and part on land, the definition includes the entire facility.

3. In § 981.50, paragraph (a) is revised to read as follows:

§ 981.50 Who must apply for an OTEC license (and who does not need one)?

(a) *OTEC facilities.* No person may engage in the ownership, construction or operation of an OTEC facility which is:

(1) Documented under the laws of the United States; or

(2) Located in whole or in part between the high water mark and the seaward boundary of the United States territorial sea; or

(3) Connected to any State by pipeline or cable;

except in accordance with a license issued pursuant to this part.

4. Section 981.130 is revised to read as follows:

§ 981.130 Application fee.

(a) *General.* Section 102(h) of the OTEC Act requires each applicant for a license to pay a fee which reflects the reasonable administrative costs incurred by NOAA in reviewing and processing the application.

(b) *Amount.* The applicant must submit the application fee in accordance with the following schedule:

(1) A payment of \$100,000 must be submitted with each formal application for issuance of a license.

(2) An additional payment of \$100,000 dollars must be submitted prior to the first public hearing held by NOAA on the issuance of the license.

(3) A final payment of \$50,000 must be submitted prior to the end of the statutory review period outlined in § 981.360.

(c) *Adjusted costs.* If the costs incurred by NOAA in reviewing and processing the application are significantly in excess of \$250,000, the applicant is required to submit the additional payment before issuance of the license. If the costs incurred by NOAA in reviewing and processing the application are significantly less than \$250,000, NOAA will refund the difference to the applicant.

(d) *Effect of withdrawal or termination of an application.* If the application is withdrawn or terminated by the Administrator or the applicant prior to a decision on the license application, the applicant is entitled to a refund of the application fee minus those costs incurred by NOAA in reviewing and processing the application up to the date of withdrawal or termination of the application. If the costs are significantly in excess of the amount submitted by the applicant based on the payment schedule in

§ 981.130(b), then the applicant is required to submit the additional payment to NOAA.

5. In § 981.470 paragraph (a)(7) is revised to read as follows:

§ 981.470 Criteria for approval or denial.

(a) * * *

(7) The proposed OTEC facility or plantship will be documented under the laws of a foreign nation.

6. In § 981.520 paragraph (g) is revised to read as follows:

§ 981.520 Terms and conditions of a license.

(g) *Monitoring of licensee's activities.* Each license will contain terms or conditions requiring the licensee:

(1) To allow the Administrator to place appropriate Federal officers or employees in or aboard the OTEC facility or plantship to which the license applies at such times and to such extent as the Administrator deems reasonable and necessary to assess compliance with any terms, conditions, or regulations applicable to the license, and to report to the Administrator whenever such officers or employees have reason to believe there is a failure to comply;

(2) To cooperate with such officers and employees in the performance of monitoring functions; and

(3) To monitor the environmental effects of the operation of the OTEC facility or plantship in accordance with those terms and conditions.

7. § 981.550, paragraph (c) is revised to read as follows:

§ 981.550 Suspension, revocation, termination, relinquishment or surrender of a license.

(c) *Emergency orders.* The Administrator may order the licensee to cease or alter construction or operation activities pending the completion of a judicial proceeding pursuant to paragraph (a) of this section if the Administrator determines that immediate suspension of such activities is necessary to protect public health and safety or to eliminate any imminent and substantial danger to the environment.

[FR Doc. 85-27480 Filed 11-20-85; 8:45 am]

BILLING CODE 3510-12-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8-85-18]

Drawbridge Operation Regulations; Bayou LaBatre, AL

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the City of Bayou LaBatre and the Alabama Highway Department (AHD), the Coast Guard is considering a change in the regulation governing the operation of the lift span bridge on St. Hwy. 188 over Bayou LaBatre, mile 2.3 at Bayou LaBatre, Mobile County, Alabama, by permitting the draw to remain closed from 8 p.m. to 4 a.m. daily, and from 7:00-8:00 a.m. and 2:15-3:30 p.m. from September 15 through June 15. The bridge would open on signal outside these hours. Presently, the draw is closed from 7:30-8:30 a.m. and 3-4:30 p.m. Monday through Friday except Federal holidays, throughout the year. This proposal is being made because there have been no openings for navigation between 8 p.m. and 4 a.m. since 1955, and because there is no need to close the draw on weekdays while area schools are not in session. This action should relieve the bridge owner of the burden of having a person available at the bridge during the proposed closure periods, and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before January 6, 1986.

ADDRESS: Comments should be mailed to Commander (obr), Eighth Coast Guard District, 500 Camp Street, New Orleans, Louisiana 70130. The comments and other materials referenced in this notice will be available for inspection and copying in Room 1115 at this address. Normal office hours are between 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and

give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. This proposed regulation may be changed in the light of comments received.

Drafting Information

The drafters of this notice are Perry Haynes, project officer, and Lieutenant Commander James Vallone, project attorney.

Discussion of Proposed Regulation

Vertical clearance of the bridge in the closed position is 6.7 feet above high water. Navigation through the bridge consists of commercial fishers and pleasure boats. On 17 November 1980 the Coast Guard published a final rule (45 FR 75659) to permit the draw to remain closed during the peak vehicular traffic periods of 7:30-8:30 a.m. and 3-4:30 p.m. Monday through Friday except holidays. This peak traffic is associated with the schools of the area and diminishes significantly when the schools are not in session during the summer months, while at the same time commercial fishing and pleasure boating activity increases significantly. Because navigation has not used the bridge between 8 p.m. and 4 a.m. since 1955, and because the current regulation serves no useful purpose between June 15 and September 15, the Coast Guard feels that the proposed regulation will provide relief to the bridge owner; will benefit navigation during the peak boating season; and will have no impact on vehicular traffic.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that there have been no requests to open the bridge between 8 p.m. and 4 a.m. since 1955, and the present regulation provides no significant benefit to vehicular traffic during the summer months. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if

adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; and 49 CFR 1.46(c)(5) and 33 CFR 1.05-1(g).

2. Section 117.103 is revised to read as follows:

§ 117.103 Bayou LaBatre

The draw of the S188 bridge, mile 2.3 at Bayou LaBatre, shall open on signal; except that, the draw need not be opened from 8 p.m. to 4 a.m., and from September 15 through June 15 from 7:00 to 8:00 a.m. and 2:15 to 3:30 p.m. Monday through Friday except holidays.

Dated: November 8, 1985.

Clyde T. Lusk Jr.,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 85-27813 Filed 11-20-85; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL 2926-7]

40 CFR Ch. I

Gasoline Volatility and Hydrocarbon Emissions From Motor Vehicles; Availability of a Regulatory Strategies Analysis

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of regulatory strategies analysis; hearing and request for comment.

SUMMARY: This notice announces the availability to the public of a comprehensive EPA study which examines the effect of gasoline volatility on both evaporative and exhaust hydrocarbon emissions from motor vehicles. Evaporative hydrocarbon emissions from vehicle refueling and gasoline storage and distribution sources are also examined as a function of gasoline volatility.

DATES: A public hearing on the issues brought forth in this study will be held on January 8, 1986, convening at 9:00 a.m. The hearing will continue through January 9, 1986 if additional time is needed. Written comments on the study must be received on or before February 10, 1986.

ADDRESSES: The public hearing will be held in the Conference Room of the U.S. EPA, Motor Vehicle Emission Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan 48105. Written comments other than those presented to EPA at the hearing should be submitted (in duplicate, if possible) to: Central Docket Section (LE-131A), U.S. Environmental Protection Agency, Attention: Docket No. A-85-21, 401 M Street, SW., Washington, DC 20460.

Materials relevant to this study are contained in Public Docket A-85-21. This docket is located at the above address in the West Tower Lobby, Gallery 1; phone (202) 382-7548. The docket may be inspected between 8 a.m. and 3 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged by EPA for photocopying.

FOR FURTHER INFORMATION CONTACT: Ms. Amy J. Brochu, U.S. EPA (SDSB-12, Emission Control Technology Division, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone: (313) 668-4270. Copies of the study may be requested at this number.

SUPPLEMENTARY INFORMATION:

I. Background

Current violation of the ambient ozone standard is somewhat widespread in urban areas across the United States. The Clean Air Act requires all such non-attainment areas to have implementation plans that provide for attainment by December 31, 1987.¹ Therefore, additional reduction of hydrocarbon emissions has become a growing concern. Of late, increasing attention has been directed toward evaporative hydrocarbon (HC) emissions from gasoline-fueled motor vehicles.

Evaporative HC emissions from motor vehicles originate from two basic components of the vehicle's fuel system—the fuel tank and the carburetor. Evaporative emissions from the fuel tank—known as "diurnal" losses—occur as the gasoline vapors expand in response to daily ambient temperature increases. The other type of vehicle evaporative emissions—referred

¹ 1982 was the original deadline for attainment; however, under special circumstances, an extension to 1987 is permitted.

to as "hot-soak" losses—occur just after the engine is turned off, when residual engine heat causes the evaporation of some of the fuel remaining in the carburetor bowl and fuel lines. In fuel-injected vehicles, some hot-soak losses also originate from the fuel tank as well, probably due to recirculation of gasoline that has been heated by the engine.

Currently, all gasoline-fueled vehicles and trucks are equipped with evaporative control systems designed to capture the majority of these diurnal and hot-soak losses. A typical system consists of a canister filled with carbon granules which absorb the HC vapors generated in the fuel tank and the carburetor. Later, while the engine is operating, the evaporative canister is periodically purged with air and the collected HCs are stripped from the canister and burned in the engine.

Light-duty gasoline vehicles (LDGVs) and gasoline trucks weighing less than 6000 lbs. GVW (rated gross vehicle weight), classified as LDGT_s, have been equipped with evaporative canisters since 1971, when the first evaporative HC standards came into effect. Evaporative control of heavier trucks came later, with canisters first installed in light-duty gasoline trucks over 6000 lbs. GVW (LDGT_s) in 1979 and in heavy-duty gasoline vehicles (HDGVs) in the current model year (1985). Current evaporative HC standards for these classes—required to be met during certification testing—are as follows: 2.0 grams/test for LDGVs, LDGT_s and LDGT_s; 3.0 grams/test for HDGVs at 14,000 lbs. GVW or less; and 4.0 grams/test for HDGVs greater than 14,000 lbs. GVW. These standards represent the sum of diurnal and hot-soak losses measured via the Sealed Housing Emission Determination (SHED) test, as outlined in Title 40 of the Code of Federal Regulations (Part 86, Subparts B and M).

Evaporative control systems have been designed to meet these HC standards when the vehicle is fueled with certification test gasoline (Indolene), which has a typical Reid Vapor Pressure (RVP)—a measure of volatility—of 9.0 psi. Although this level of volatility was representative of commercial fuels in the early 1970's when certification test fuel specifications were developed, the RVP of commercial gasoline has risen steadily since then due primarily to an increasing butane content in response to rising energy costs. Results of EPA's in-use emission factor testing indicate that evaporative emissions are significantly greater with fuels of higher volatility; therefore, evaporative emissions from

most vehicles operating on commercial fuels appear to be well above the certification standards. In other words, because vehicles are operating on fuels of higher volatility than that on which they are tested (i.e., 9.0 psi RVP), the evaporative control systems apparently cannot contain all the evaporative vapors and relatively large quantities of hydrocarbons are potentially being released to the atmosphere. Further, EPA's testing has also revealed that many in-use carbureted vehicles are unable to meet the evaporative standards even while operating on Indolene (9.0 psi), which suggests possible design problems such as inadequate canister purge during typical operating conditions. Fuel-injected vehicles (a small minority in today's fleet, but expected to dominate late 1980's sales) perform well on Indolene, but seem to substantially exceed 2 grams/test when tested on commercial fuel.

Based on this testing, the Agency has tentatively concluded that the majority of vehicles being driven in the field today are exceeding the current evaporative HC standards and will continue to do so, though to a lesser extent, in the future. This evaporative excess appears to be a significant contributor to the current ozone non-attainment problem. In order to address this problem, the Agency has conducted a comprehensive technical study which analyzes various strategies designed to reduce this evaporative excess via in-use fuel volatility controls and/or modifications to certification fuel volatility specifications and test procedures. As explained in the report, the long-term goal is to equate commercial and certification fuel volatilities; the question is at what volatility level. In the shorter term, additional control of commercial fuel volatility below the applicable certification specification could provide additional benefits. In the study, the various long- and short-term alternatives are analyzed and compared on the basis of emission reductions, cost, and cost effectiveness.

After comments on the study are received and reviewed, the Agency will develop a regulatory strategy to reduce excess evaporative emissions, if deemed appropriate.

II. Key Results

The control strategies examined in the report consist of: (1) Revisions to certification fuel RVP and test procedure, (2) Control of commercial (in-use) fuel volatility, (3) Combinations of both measures. Long-term strategies that equate in-use and certification fuel

volatilities were analyzed at various RVP levels at and between 9.0 psi (current certification fuel RVP specification) and 11.5 psi (estimated future commercial fuel RVP average).

Based on the Agency's current best technical estimates and assumptions, purely vehicle-oriented control (i.e., certification fuel RVP revised to 11.5 psi and test procedure modified) appears to be the most cost-effective approach in the long-term. As shown in the study, a total of 584,000 tons of HC emissions could be eliminated via this strategy in the year 2010 at a net savings of roughly \$274/ton to the public. However, because a change in certification fuel and test procedure can only affect vehicle design, strategies involving in-use RVP control can potentially eliminate additional emissions. This is possible because in-use RVP levels affect those portions of vehicular evaporative emissions attributable to malmaintenance, defective components and tampering, as well as other emission sources such as gasoline storage, distribution, and vehicle refueling, whereas certification fuel RVP has no impact on these emissions. In 2010, in-use fuel RVP control could eliminate up to an additional 426,000 tons of HC emissions at an incremental cost/ton ranging between \$998 and \$1681 per ton.

The above projections represent the Agency's best estimates at this time and are based on the absence of onboard or Stage II controls and evaporative I/M, and a 100-percent utilization of increased energy density of less-volatile fuels. However, because some of these assumptions could influence the above results, a number of sensitivity analyses are also performed in the study.

III. Request for Public Comment

EPA is not, at this time, prepared to make a final determination on the need for, nor the most appropriate method for, control of excess evaporative hydrocarbon emissions from motor vehicles. To aid the Agency in this decision, we encourage all interested parties to comment in writing on the issues addressed in this study of gasoline volatility and its relation to hydrocarbon emissions. Following receipt and analysis of these comments, the Agency will make a decision on the proper approach, if any, to be taken with respect to control of excess evaporative emissions from motor vehicles.

Parties wishing to present testimony at the hearing should, if possible, notify the contact person listed above of such intent at least six days prior to the opening day of the hearing. The contact person should also be given an estimate

of the time required for the presentation of the testimony.

It is suggested that approximately 50 copies of the statement or material to be presented by brought to the hearing for distribution to the audience. In addition, it will be helpful for EPA to receive an advance copy of any statement or material to be presented at the hearing at least one week before the scheduled hearing date, in order for EPA staff to have adequate time to give such material full consideration. Such advance copies should be submitted to the contact person listed above.

The official record of the hearing will be kept open for 30 days following the hearing to allow submission of rebuttal and supplementary testimony. All such submittals should be directed to the Central Docket Section, Docket No. A-85-21 (see "Addresses").

Mr. Richard D. Wilson, Director of the Office of Mobile Sources, is hereby designated Presiding Officer of the hearing. The hearing will be conducted informally, and technical rules of evidence will not apply. A written transcript of the hearing will be taken. Anyone desiring to purchase a copy of the transcript should make individual arrangements with the court reporter recording the proceedings.

Dated: November 14, 1985.

Charles L. Elkins,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 85-27676 Filed 11-20-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 131

[OW-FRL-2927-5]

Water Quality Standards for Surface Waters of the State of Idaho

AGENCY: Environmental Protection Agency.

ACTION: Extension of Public Comment Period.

SUMMARY: Environmental Protection Agency (EPA) announces a 60-day extension for public comment on proposed rule for water quality standards in Idaho, to allow time for the State to consider an alternative to EPA's proposal.

DATES: Written comments should be submitted to the person listed below by January 17, 1986.

FOR FURTHER INFORMATION CONTACT: David K. Sabock, (202) 245-3042.

ADDRESS: David K. Sabock, Chief, Standards Branch, Criteria and Standards Division (WH-585), U.S. EPA,

401 M Street, SW., Washington, DC 20460

SUPPLEMENTARY INFORMATION: On August 20, 1985, (50 FR 33672) EPA proposed rules to replace four provisions of Idaho's water quality standards. Public hearings were held on September 24, 25, and 26, 1985 at four cities in Idaho. The Governor of Idaho and members of the Idaho congressional delegation requested an extension to the public comment period for the purpose of allowing the State to formally consider an alternative to EPA's proposal. EPA decided to grant the request and will consider comments received by January 17, 1986.

Dated: November 14, 1985.

William B. Hedeman,

Acting Assistant Administrator for Water.

[FR Doc. 85-27789 Filed 11-20-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 797 and 799

[OPTS-42071; TSH-FRL 2905-5]

Octamethylcyclotetrasiloxane; Proposed Test Rule

Correction

In FR Doc 85-25791, beginning on page 45123 in the issue of Wednesday, October 30, 1985, make the following corrections:

1. On page 45129, third column:

a. In the eighth line from the top of the page, "and" should read "are".

b. In the eighteenth line from the bottom of the page, "00" should read "99"

2. On page 45132, first column:

a. In § 799.3100(b), the sixth and seventh lines should read:
"effective date of this final rule (44 days after the publication date of the final rule in the Federal Register) to the end of the reimbursement".

b. In § 799.3100(c), the heading should read "Performance criteria".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 435 and 436

[BERC-304-P]

Medicaid Program; Coverage of Qualified Pregnant Women and Children and Newborn Children

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

ACTION: Proposed rule.

SUMMARY: These proposed amendments to the Medicaid regulations would add sections on two mandatory eligibility groups of individuals for Medicaid coverage: (1) Qualified pregnant women and certain children under age 5; and (2) newborn children of Medicaid-eligible women. The proposed revisions reflect statutory changes made under the Deficit Reduction Act of 1984.

Comment period: To ensure consideration, comments must be received by January 21, 1986.

ADDRESSES: Address comments in writing to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BERC-304-P, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC; or
Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to file code BERC-304-P. Comments will be available for public inspection beginning approximately 2 weeks after publication of this document in Room 309-G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

FOR FURTHER INFORMATION CONTACT: Richard Strauss, 301-594-6529.

SUPPLEMENTARY INFORMATION:

Background

General

States with Medicaid programs are required to provide medical assistance to needy individuals who are receiving (or deemed to be receiving) cash assistance under the aid to families with dependent children (AFDC) program under the provisions of section 1902(a)(10)(A)(i)(I) of the Social Security Act (the Act). Before enactment of the Deficit Reduction Act of 1984 on July 18, 1984 (Pub. L. 98-369), these needy individuals included (1) pregnant women who, at State option, receive AFDC in the last 4 months of pregnancy under the provisions of section 406(b) of the Social Security Act; and (2) pregnant women who, at State option, are deemed AFDC recipients if they would be eligible for AFDC cash payments if the child had been born and was living

with the mother in the month of payment, and the pregnancy had been medically verified (under the provisions of section 406(g)(2) of the Social Security Act). These needy individuals also included, at State option, children under the ages of 21, 20, 19, or 18, or reasonable classifications of these children, who meet AFDC income and resource requirements but who did not meet other categorical requirements for AFDC eligibility, such as parental deprivation (section 1902(a)(10)(A)(ii) of the Act). (These children are sometimes referred to as "Ribicoff children".) States could not use an age limit lower than 18 years in setting up reasonable classifications.

Under section 1902(a)(10)(C)(ii) of the Act, if a State has a medically needy program, pregnant women and children under 18 also must be covered as medically needy if they meet certain conditions. Children under 18 must be covered under a State's medically needy program if they would be eligible as mandatory categorically needy except that they have excess income and resources. Pregnant women must be covered under a State's medically needy program if they would be eligible as mandatory or optional categorically needy except that they have excess income or resources. The mandatory medically needy groups must meet all of the requirements that govern the medically needy in general. Thus, for example, to be eligible, their income and resources must not exceed the medically needy income and resources standards respectively. If they have excess income, they may become eligible by incurring medical expenses in the amount by which their income exceeds the income standards (i.e., spending down).

Revised Eligibility Group of Pregnant Women

Section 2361 of the Deficit Reduction Act amended section 1902(a)(10)(A)(i) of the Social Security Act to require States to provide Medicaid coverage to certain qualified pregnant women as a distinct mandatory categorically needy eligibility group. Section 2361 deleted the optional categorically needed eligibility group of pregnant women who were deemed AFDC recipients under section 406(g)(2) of the Act and replaced it with a mandatory categorically needy eligibility group of qualified pregnant women (under section 1902(a)(10)(A)(i)(III) of the Act). In addition, section 2361 added a new section 1905(n) to the Act that defines a qualified pregnant woman for the mandatory eligibility group. The statute defines a qualified pregnant woman as one whose pregnancy has been

medically verified and who (a) if the child had been born to her and was living with her in the month of payment, would be eligible or deemed eligible for an AFDC cash payment, or would be eligible for an AFDC cash payment if coverage under the State's AFDC plan included an unemployed parents program, or (b) is a member of a family that would be eligible for AFDC if the State's AFDC plan included an unemployed parents program. Eligibility of a pregnant woman under provision (a) of the definition relies on the assumption that the child has been born—that is, in determining the woman's eligibility, the State must assume that she actually has the unborn child in her care. This provision provides Medicaid coverage for pregnant women who may have no other children in their care (such as first-time pregnant women) or pregnant women whose only children living with them receive SSI. Eligibility under provision (b) of the definition does not rely on the assumption that the child has been born. Rather, it overlaps with eligibility under provision (a) and it includes the assertion that a pregnant woman is to be covered under Medicaid if she is a member of a family that could be covered if the State had an AFDC unemployed parents program. For example, a pregnant woman under the age of 18 who is living with both of her unemployed parents could be covered under provision (b).

The provisions for mandatory coverage of qualified pregnant women apply as of October 1, 1984, without regard to whether or not final regulations to carry out the statutory amendment have been published (unless, as determined by the Secretary, State legislation is needed for the State Medicaid plan to meet the requirements). If the Secretary determines that State legislation is needed, these statutory provisions apply the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after July 18, 1984 (the date of enactment of the Deficit Reduction Act).

These proposed regulations would conform the Medicaid regulations to the language of the statute by adding qualified pregnant women as a specific eligibility group for mandatory categorically needed coverage. The existing regulations at 42 CFR 435.301(b)(1)(i) already provide for medically needy coverage of pregnant women who, but for income and resources, would be eligible for Medicaid as categorically needy.

Previously, we have provided guidance through manual instructions to States for implementing the statutory amendment. Generally, as with other AFDC-related eligibility groups, State agencies must use all applicable financial and nonfinancial criteria of the State's approved AFDC program in determining whether an AFDC payment would be made to a pregnant woman or family under this provision. These criteria include appropriate methodologies and standards for the treatment of income and resources as well as relevant categorical criteria such as deprivation and unemployment factors. Thus, in determining whether a pregnant woman would be eligible if her child were born and living with her in the month that aid would be paid, the State is to assume for all purposes that the child is actually born and living with the mother. Consequently, the child's needs would be included in determining the amount of the grant and the child (and other appropriate family members) would be included in determining the relevant number of members of the assistance unit in making this determination.

In relation to eligibility criteria under an unemployed parents program, all States, regardless of whether they have an unemployed parents program in their AFDC State plans, must use AFDC unemployment program criteria, as appropriate, in determining Medicaid eligibility for qualified pregnant women under the statutory amendment. A state that has an unemployed parents program in its AFDC plan would use the relevant methodologies of the program in determining Medicaid eligibility for a pregnant woman in situations where unemployment is involved. However, a State without an unemployed parents program in its AFDC plan (that may not be familiar with requirements of the AFDC unemployed parents program) would need to develop appropriate unemployed parents program requirements in conjunction with its AFDC State agency and the HCFA regional office.

In our view, the language of section 1905(n)(1)(B) of the Act, defining a qualified pregnant woman, appears to identify a subset of the group already defined in section 1905(n)(1)(A) of the Act. As such, it seems to be superfluous to the definition of the term (since all members of the group would already have been covered under section 1905(n)(1)(A)). Our proposed regulation defining "a qualified pregnant woman" mirrors the two parts presented in the statute. In the interest of giving full effect to the intent of Congress, we specifically invite comments on whether

section 1905(n)(1)(B) of the Act covers any pregnant women who are not already included under the terms of section 1905(n)(1)(A).

Eligibility Group of Children Under 5

Section 2361 of the Deficit Reduction Act also added a new mandatory Medicaid eligibility group of qualified children under 5. The statute defines qualified children under 5 under the new section 1905(n) as those who are under 5 years of age, who are born after September 30, 1983, and who meet the income and resource requirements of the State's approved AFDC plan. These children are not required to meet other eligibility requirements of the AFDC plan. However, they must meet the general Medicaid requirements not specific to the AFDC program, for example, citizenship and alienage, residency, etc. Coverage under section 2361 only applies to children born after September 30, 1983. In effect, coverage of all qualified children under 5 will be phased in—that is, States may not elect to cover all children under age 5 under this new mandatory group. Rather, States can cover only those children under age 5 who were born on or after October 1, 1983. The effect of the provision is that in fiscal year 1985 (October 1, 1984 through September 30, 1985), only those qualified children up to 2 years of age will be covered; in fiscal year 1986, only those qualified children up to 3 years of age; in fiscal year 1987, only those qualified children up to 4 years of age; and in fiscal year 1988 and following, all qualified children up to 5 years of age.

As stated earlier, under section 1902(a)(10)(A)(ii) of the Act, States may cover, as optional categorically needy, children under 21 (or 20, 19, or 18) or reasonable classifications of children who meet the income and resource requirements of the AFDC State plan (Ribicoff children). The mandatory coverage of qualified children under 5 does not alter this optional coverage group. States still may not impose coverage limitations on their optional categorically needy coverage group of children under age 21 (or 20, 19, or 18) that are based on age. The conference committee report for the Deficit Reduction Act (H.R. Rept. No. 98-861, 98th Cong., 2d sess., pp. 1359-1360 (1984)) reiterated that States may not impose coverage limitations on the optional group of Ribicoff children based on age—that is, for children between the ages of 5 and 18, age may not be used as a reasonable classification. States may continue to establish reasonable categories permitted under current regulations,

such as children in foster care homes, children in subsidized adoptions, or children in intermediate care facilities for purposes of optional coverage. However, States must cover all qualified children born after September 30, 1983, up to age 5 as a mandatory categorically needy coverage group, as discussed earlier.

In addition, under section 1902(a)(10)(C)(ii)(I), if a State has a medically needy program, it must cover as medically needy all children under 18 who, except for income and resources, would be eligible as mandatory categorically needy. Therefore, children under 5 who, except for income and resources, would be eligible under the mandatory categorically needy group of qualified children under section 2361 must be covered as medically needy.

We propose to conform the Medicaid regulations to the language of the statute by specifying the new eligibility group of qualified children under 5 for mandatory categorically needy coverage under a new § 435.116. As previously noted, the provision on coverage of qualified children under 5 also applies as of October 1, 1984, without regard to whether or not final regulations to carry out the statutory amendments have been published by that date (unless State legislation is needed). Previously, we have provided guidance to States on implementation.

Clarification of Eligibility of Newborn Children

Before passage of the Deficit Reduction Act, some State Medicaid programs may not have established application procedures that provided for automatic Medicaid coverage of a newborn child born to a Medicaid-eligible woman. Section 2362 of the Deficit Reduction Act established a specific requirement for Medicaid eligibility for certain newborn children. Section 2362 amended section 1902(e) of the Social Security Act to provide that a child born on or after October 1, 1984, to a woman eligible for and receiving Medicaid at the time of the child's birth is deemed to have filed an application and been found eligible for Medicaid on the date of birth and remains eligible for one year so long as the woman remains eligible and the child is a member of the woman's household. The newborn child's eligibility is connected to the mother's eligibility. Therefore, if the mother is eligible as categorically needy, the newborn child under the section 2362 provision is categorically needy. If the mother is eligible as medically needy, the newborn child under the section 2362 provision is medically needy.

Section 2362 specifies that the newborn child remains eligible for up to one year as long as the mother remains eligible. We have interpreted this to mean that there must be continuous eligibility during the 1-year period—that is, if the mother loses eligibility or there is a break in her eligibility, the newborn would no longer be deemed eligible for Medicaid under the provisions of section 2362. Failure of the mother to meet or continue to meet or comply with any of the eligibility requirements would result in loss of her eligibility which would, in turn, result in loss of the newborn child's eligibility.

In addition, section 2362 ties the newborn child's eligibility to the child being a "member of the woman's household." In determining what constitutes a child being a member of the woman's household, we believe that States should apply the methodologies of the cash assistance program related to the mother's eligibility (that is, for AFDC-related mothers, the AFDC rules on living with a specified relative under regulations at 45 CFR 233.90(c)(1)(v), and for SSI-related mothers, the SSI rules for blind or disabled children or children of blind or disabled mothers under regulations at 20 CFR 416.1149(a) and 416.1167(a)).

We propose to conform the Medicaid regulations to the statute by adding a provision for coverage of newborn children as a categorically needy eligibility group under Medicaid under a new § 435.117. We also propose to add under § 435.301(b)(1) a provision for medically needy coverage of newborn children of Medicaid-eligible mothers if the mother was eligible as medically needy at the time the child was born, did not qualify as categorically needy because of income and resources above a certain level, and the mother and child still have excess income and resources that make the unit ineligible as categorically needy.

Provisions of the Regulations

We propose to revise 42 CFR Parts 435 and 436 to add provisions for the coverage of the eligibility groups of qualified pregnant women and children under age 5 and newborn children. We propose to define these qualified persons as they are defined in the statutory amendments made by section 2361 and 2362 of the Deficit Reduction Act. Under Part 435, we propose to remove the eligibility group of pregnant women deemed to be receiving AFDC (§435.115(c)) and to add the mandatory categorically needy eligibility groups of qualified pregnant women and children and newborn children under new

§§ 435.116 and 435.117 under the heading, "Mandatory Coverage of Qualified Pregnant Women and Children and of Newborn Children," under Subpart B. We also propose to amend the regulations at § 435.301(b)(1) to provide for mandatory medically needy coverage of newborn children of Medicaid-eligible women. The changes in Part 435 would apply to the States, the District of Columbia, and the Northern Mariana Islands. We also propose to make similar changes in Part 436 that would apply to Guam, Puerto Rico, and the Virgin Islands.

Response to Public Comments

Because of the large number of public comments that we receive on proposed rules, we cannot acknowledge or respond to them individually. However, we will consider any comments received by the date specified under the Comment Period section of this document and respond to them in the preamble to the final regulations.

Impact Analyses

Executive Order 12291 and Regulatory Flexibility Act of 1980 (Pub. L. 96-354)

Executive Order 12291 requires us to prepare and publish a regulatory impact analysis for any regulation that will have an annual effect on the economy of \$100 million or more; cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or meet other thresholds specified in section 1(b) of the Act.

The Regulatory Flexibility Act requires us to prepare and publish a regulatory flexibility analysis (RFA) for any regulation that will have a significant impact on a substantial number of small entities. A small entity is a small business, a nonprofit enterprise, or a government jurisdiction (such as a county or township) with a population of less than 50,000. The purpose of the analysis is to anticipate the impact and to seek an alternative that would have a less significant effect.

We estimate that the mandatory inclusion of the two eligibility groups of qualified pregnant women and children and newborn children of Medicaid-eligible women for Medicaid coverage will increase Federal Medicaid expenditures by \$40 million in fiscal year 1985 and by \$105 million in fiscal year 1986. We estimate that State Medicaid expenditures will increase by \$35 million in fiscal year 1985 and \$85 million in fiscal year 1986. However, there also will be State or local fiscal savings or offsets to the extent that States or localities previously furnished

these services to some or all individuals in these groups under State or local programs. These increases in Medicaid program costs are a result of the additional coverage (that is, beyond that now as optional groups) of approximately 65,000 children in fiscal year 1985 and 109,000 children in fiscal year 1986 under State Medicaid programs, and of the inclusion of approximately 50,000 pregnant women in each fiscal year 1985 and 1986.

Apart from the Federal and State budget impacts noted above, the statutory provision for mandatory coverage of qualified pregnant women and children and newborn children will have an impact on newly covered individuals utilizing various Medicaid services in their respective State. Principally, we believe that some women and children may gain improved access to health care services.

Those providers who furnish Medicaid services to these new eligibility groups of individuals will incur some additional administrative expense related to billing and completing medical assistance forms, but may receive a benefit in the form of additional income to the extent that these individuals seek services more frequently and that in the past provisions of health care services (of the type covered under the State's Medicaid plan) to these woman and children may have resulted in nonpayment and bad debt for the providers.

In summary, we acknowledge that the increases in program costs and the benefit or burden impact on States, recipients, and providers of health care services result from the statutory provisions under sections 2361 and 2362 of the Deficit Reduction Act which mandate coverage of these qualified pregnant women, qualified children under 5, and certain qualified newborn children, and not from these regulations. Therefore, because these regulations do not result in an annual economic impact that meets the threshold criteria of Executive Order 12291 or the Regulatory Flexibility Act, we have determined, and the Secretary certifies, that regulatory impact and regulatory flexibility analyses are not required.

Paperwork Reduction Act of 1980 (Pub. L. 96-511)

These proposed regulations do not contain information collection requirements that are subject to approval by the Executive Office of Management and Budget (OMB) under the Paperwork Reduction Act. Therefore, we have not submitted a copy of the regulations to OMB for its review.

List of Subjects

42 CFR Part 435

Aid to Families with Dependent Children, Aliens, Categorically needy, Contracts, (Agreements—State Plan), Eligibility, Grant-in-Aid program—health, Health facilities, Medicaid, Medically needy, Reporting requirements, Spend-down, Supplemental security income (SSI).

42 CFR Part 436

Aid to Families with Dependent Children, Aliens, Contracts (Agreements), Eligibility, Grant-in-Aid program—health, Guam, Health facilities, Medicaid, Puerto Rico, Supplemental security income (SSI), Virgin Islands.

42 CFR Chapter IV is amended as set forth below:

A. Part 435 is amended as follows:

1. The table of contents is amended by adding a new undesignated center heading and new §§ 435.116 and 435.117 immediately after existing § 435.115 under Subpart B to read as follows:

PART 435—ELIGIBILITY IN THE STATES, DISTRICT OF COLUMBIA, AND THE NORTHERN MARIANA ISLANDS

Sec.

Subpart B—Mandatory Coverage of the Categorically Needy

Mandatory Coverage of Qualified Pregnant Women and Children and of Newborn Children

435.116 Qualified pregnant women and children.
435.117 Newborn children.

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

§ 435.3 [Amended]

2. Section 435.3 is amended by inserting the following statutory reference in the proper numerical order:

1905(n) Definition of qualified pregnant women and child.

3. Section 435.115 is amended by removing and reserving paragraph (c).

§ 435.115 Individuals deemed to be receiving AFDC.

(c) [Reserved]

4. In Subpart B, a new undesignated center heading and new §§ 435.116 and 435.117 are added immediately after § 435.115 to read as follows:

Mandatory Coverage of Qualified Pregnant Women and Children and of Newborn Children

§ 435.116 Qualified pregnant women and children.

(a) Effective October 1, 1984, the Medicaid agency must provide Medicaid to a pregnant woman whose pregnancy has been medically verified and who—

(1) Would be eligible or deemed eligible for an AFDC cash payment (or would be eligible for an AFDC cash payment if coverage under the State's AFDC plan included an AFDC-unemployed parents program) if the child had been born and was living with her in the month of payment; or

(2) Is a member of a family that would be eligible or deemed eligible for an AFDC cash payment if the State's AFDC plan included an AFDC-unemployed parents program.

(b) The Medicaid agency must provide Medicaid to children who meet all of the following criteria:

(1) They are born after September 30, 1983;

(2) They are under 5 years of age; and

(3) They meet the income and resource requirements of the State's approved AFDC plan.

§ 435.117 Newborn children.

(a) The Medicaid agency must provide Medicaid to a child born to a woman who is eligible as categorically needy and is receiving Medicaid at the time of the child's birth. The child is deemed to have applied and been found eligible for Medicaid on the date of birth and remains eligible for one year so long as the woman remains eligible and the child is a member of the woman's household.

(b) The requirements under paragraph (a) of this section apply to children born on or after October 1, 1984.

5. In Subpart D, § 435.301, paragraph (b)(1) is reprinted for the convenience of the user and a new paragraph (b)(1)(iii) is added to read as follows:

§ 435.301 General rules.

(b) If the agency chooses this option, the following provisions apply:

(1) The agency must provide Medicaid to—

(iii) All newborn children born on or after October 1, 1984, to a woman who is eligible as medically needy and is receiving Medicaid at the time of the child's birth. The child is deemed to have applied and been found eligible for Medicaid on the date of birth and remains eligible for one year so long as the woman remains eligible and the

child is a member of the woman's household.

B. Part 436 is amended as follows:

1. The table of contents is amended by removing the listing of § 436.18 as a typographical error and adding new §§ 436.120 and 436.122 under Subpart B to read as follows:

PART 436—ELIGIBILITY IN GUAM, PUERTO RICO, AND THE VIRGIN ISLANDS

Sec.

Subpart B—Mandatory Coverage of the Categorically Needy

§ 436.120 Qualified pregnant women and children.

§ 436.122 Newborn children.

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

§ 436.2 [Amended]

2. Section 436.2 is amended by inserting the following statutory reference in numerical order:

1905(n) Definition of qualified pregnant woman and child.

3. Section 436.114 is amended by removing and reserving paragraph (c).

§ 436.114 Individuals deemed to be receiving AFDC.

(c) [Reserved]

3. New §§ 436.120 and 436.122 are added to Subpart B to read as follows:

§ 436.120 Qualified pregnant women and children.

(a) Effective October 1, 1984, the Medicaid agency must provide Medicaid to a pregnant woman whose pregnancy has been medically verified and who—

(1) Would be eligible or deemed eligible for an AFDC cash payment (or would be eligible for an AFDC cash payment if coverage under the State's AFDC plan included the AFDC-unemployed parents program) if the child had been born and was living with her in the month of payment; or

(2) Is a member of a family that would be eligible or deemed eligible for an AFDC cash payment if the State's AFDC plan included an AFDC-unemployed parents program.

(b) The Medicaid agency must provide Medicaid to children who meet all of the following criteria:

(1) They are born after September 30, 1983;

(2) They are under 5 years of age; and

(3) They meet the income and resource requirements of the State's approved AFDC plan.

§ 436.122 Newborn children

(a) The Medicaid agency must provide Medicaid to a child born to a woman who is eligible for and receiving Medicaid at the time of the child's birth. The child is deemed to have applied and been found eligible for Medicaid on the date of birth and remains eligible for one year so long as the woman remains eligible and the child is a member of the woman's household.

(b) The requirements under paragraph (a) of this section apply to children born on or after October 1, 1984.

4. In Subpart D, § 436.301, paragraph (b)(1) is reprinted for the convenience of the user and a new paragraph (b)(1)(iii) is added to read as follows:

§ 436.301 General rules.

(b) If the agency chooses this option, the following provisions apply:

(1) The agency must provide Medicaid to—

(iii) All newborn children born on or after October 1, 1984, to a woman who is eligible as medically needy and receiving Medicaid at the time of the child's birth. The child is deemed to have applied and been found eligible for Medicaid on the date of birth and remains eligible for one year so long as the woman remains eligible and the child is a member of the woman's household.

(Catalog of Federal Domestic Assistance Program No. 13.714—Medical Assistance Program)

Dated: August 9, 1985.

Carolyne K. Davis,
Administrator, Health Care Financing Administration.

Approved: October 7, 1985.

Margaret M. Heckler,
Secretary.

[FR Doc. 85-27811 Filed 11-20-85; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85-71; RM-4856]

TV Broadcast Station in Agate, CO; Dismissal

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Dismissal of proposal.

SUMMARY: Action taken herein dismisses a petition filed by the Freedom Development Co. to assign UHF television Channel 63 to Agate, Colorado, based on the petitioner's failure to express continuing interest in the proposal.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.806(b), Table of Assignments, TV Broadcast Stations (Agate, Colorado); MM Docket No. 85-71, RM-4856.

Adopted: November 1, 1985.

Released: November 15, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 50 FR 14948, published April 16, 1985, proposing the assignment of UHF television Channel 63¹ to Agate, Colorado, as that community's first local television broadcast service, in response to a petition filed by the Freedom Development Co. ("petitioner").

2. According to Commission policy, a showing of continuing interest is required before a channel will be assigned to a community. See, paragraph 2 of the Appendix of the *Notice and Williams, Arizona*, 47 FR 20827, published May 14, 1982. The petitioner herein failed to file comments in response to the *Notice*. The time provided for such filing in this proceeding has lapsed and, or our knowledge, no other party has expressed an interest in the proposal.

¹ Petitioner requested the assignment of UHF television Channel 69 to Agate. Although that channel could comply with the Commission's mileage separation and other technical requirements, we substituted Channel 63 in lieu thereof to avoid any potential interference with land mobile licensees in the area which may be licensed on the adjacent 806-816 MHz band.

3. Therefore, in light of the above, it is ordered, That the petition of the Freedom Development Co. proposing the assignment of UHF television Channel 63 of Agate, Colorado, is dismissed.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission,
Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-27782 Filed 11-20-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 574

[Docket No. 84-07; Notice 3]

Tire Identification and Recordkeeping

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for reconsideration and rulemaking.

SUMMARY: On January 16, 1985, this agency published a final rule amending Part 574 to give retreaders of tires for motor vehicles other than passenger cars an option during the retreading process. The retreader may either remove the original manufacturer's DOT symbol from the sidewall of the finished retread or leave that DOT symbol on the tire.

A petition for reconsideration of that rule was timely filed. The petition asked the agency to require that the original manufacturer's DOT symbol remain on the sidewall of the finished retread, so that retread tire purchasers and lessors can identify the original manufacturer of the tire. This was said to be needed in case of some problem with the retreaded tire.

The DOT symbol, which consists of the letters "DOT", does not identify the manufacturer of a tire, and the petition for reconsideration is denied. NHTSA assumes that the petitioner was asking the agency to prohibit the removal of the original manufacturer's tire identification number from the finished retread, since that number would identify the original manufacturer, and has treated the request as a petition for rulemaking asking for that change.

There is a retreading process known as "bead-to-bead" retreading, in which the sidewall of the used tire is buffed and all the original manufacturer's

information labeled on the sidewall of the tire is removed. While there are some instances in which it would be useful for the retread tire purchaser or lessor to be able to identify the original manufacturer of the tire which has been retreaded, NHTSA believes these instances are infrequent. Moreover, the only way to ensure that this identification can be made would be to prohibit bead-to-bead retreading. NHTSA believes that any benefits which might be derived from requiring the original manufacturer's tire identification number to remain on the sidewall of retreaded tires are not significant enough to justify prohibiting bead-to-bead retreading. Therefore, to the extent that this petition for reconsideration was actually a petition for rulemaking, it is likewise denied.

FOR FURTHER INFORMATION CONTACT: Arturo Casanova, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-426-1714).

SUPPLEMENTARY INFORMATION: NHTSA published a final rule amending Part 574 at 50 FR 2287, January 16, 1985. Before that time, Part 574 required retreaders of tires for use on motor vehicles other than passenger cars to remove the original manufacturer's DOT symbol from the sidewall of the finished retread. (Tires for use on motor vehicles other than passenger cars will be referred to as "non-car tires" throughout the rest of this notice.) Since the agency determined that no significant safety interest was served by requiring this step of non-car tire retreaders, the January 16, 1985 final rule gave such retreaders the option of either removing the original manufacturer's DOT symbol or leaving it on the finished retread. Passenger car tire retreaders already had this option.

A petition for reconsideration of this rule was timely filed on February 15, 1985, by the Metro Dade Transportation Administration (MDTA) of Dade County, Florida. The petition asked that the rule be modified to require that the original manufacturer's DOT symbol be retained on the sidewall of finished non-car retreaded tires. According to MDTA's petition, the rule "reduces the ability of the lessor of tires to identify performance problems" which might be attributable to the original manufacturer of the tire.

NHTSA believes that MDTA was confused as to the DOT symbol referred to in the rule. The original manufacturer's DOT symbol consists solely of the letters "DOT" molded into

the sidewall of the tire. Those letters are required to appear on at least one sidewall of every new tire for use on motor vehicles, and in no way identify the manufacturer of the tire. The petition for reconsideration is therefore denied.

It is most probable that MDTA was thinking of the tire identification number, instead of the DOT symbol. The tire identification number consists of 10 digits for new tires, as specified in 49 CFR 574.5, and, among other things, identifies the manufacturer of the tire. NHTSA has assumed that MDTA was referring to the tire identification number in its petition for reconsideration, and has treated the petition for reconsideration as a petition for rulemaking, pursuant to 49 CFR 552.5.

This petition for rulemaking asks the agency to amend Part 574 to require non-car retreaded tires to retain the original manufacturer's tire identification number. NHTSA notes that there are some instances in which performance problems with retreaded tires would result from a problem during the original manufacture of the casing which has subsequently been retreaded. However, the information available to the agency suggests that this is an infrequent occurrence.

NHTSA also notes that the petition appears to assume that all performance problems with retreaded tires result from a problem during either the original manufacturer of the tire or the retreading process, and this is not true. There are many instances in which performance problems with retreaded tires could not be attributed to a problem in either the original manufacturer or retreading of the tire. Such instances include, but are not limited to, a hole larger than a nail suffered by the tire while in service with its original tread, damage to the inner liner from being run flat, damage to the bead area of the tire during mounting, and damage to the sidewall from being run against curbs.

However, the agency's main concern with this petition is that granting it would force the agency to prohibit the use of bead-to-bead retreading for non-car tires. As NHTSA explained in a recent notice of proposed rulemaking for Part 574:

With respect to the concern that the labeling not be buffed off during standard retreading operations, the agency has always permitted bead-to-bead retreading. In bead-to-bead retreading, the entire sidewall areas

and tread are buffed and new rubber is applied. The effect of using this retreading process is that all of the information labeled on the casing is removed and the retreader must relabel all of the safety information. While this does raise the possibility that the information could be incorrect, this possibility was not sufficient reason to prohibit a safe and effective retreading process. 49 FR 37815 at 7816, September 26, 1984 [emphasis in original].

NHTSA has the same concerns with this petition. While there are instances in which it is useful for the user of a retreaded tire to be able to identify the original manufacturer of the tire, these infrequent situations do not justify prohibiting the above retreading process. Accordingly, the petition for rulemaking is denied.

The agency would like to note that nothing in this denial notice prohibits MDTA or any other user of retreaded non-car tires from specifying in its lease or purchase agreement that the retreaded tires provided must retain the original manufacturer's tire identification number. However, the agency has no evidence to support prohibiting the use of bead-to-bead retreading, and it would therefore be inappropriate to require that the original manufacturer's tire identification number be retained on the sidewall of all non-car tires.

(15 U.S.C. 1392 and 1407; delegation of authority at 49 CFR 1.50).

Issued on November 18, 1985.

Diane K. Steed,
Administrator.

[FR Doc. 85-27834 Filed 11-20-85; 8:45 am]
BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 681

Western Pacific Spiny Lobster Fisheries

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

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

SUMMARY: NOAA issues this notice that the Western Pacific Fishery Management Council (Council) has submitted Amendment 3 to the Fishery Management Plan for the Western

Pacific Spiny Lobster Fisheries for review by the Secretary of Commerce (Secretary) and is requesting comments from the public on the amendment and its environmental assessment. Copies of the amendment may be obtained from the Council at the address below.

DATE: Comments on the plan amendment should be submitted on or before January 31, 1986.

ADDRESS: Send comments to E.C. Fullerton, Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, CA 90731. Copies of the amendment and its environmental assessment are available upon request from the Council at 1164 Bishop Street, Suite 1405, Honolulu, HI 96813.

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

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) requires that each regional fishery management council submit any fishery management plan or plan amendment it prepares to the Secretary for review and approval or disapproval. This act also requires that the Secretary, upon receiving the plan or amendment, must immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the plan or amendment.

Amendment 3 proposes the following measures: (1) Eliminate the use of carapace length to define a legal-sized spiny lobster and substitute a minimum tail width measurement instead; (2) eliminate the 15 percent allowance for undersized lobsters in favor of a 4.8 cm minimum tail width for a one-year trial period starting with the effective date of this amendment; and (3) codify a new location on a spiny lobster tail (as presently defined in emergency regulations) where measurement is to be made to determine minimum size. This amendment would only apply to the fishery conservation zone around the Northwestern Hawaiian Islands.

Dated: November 18, 1985.

Richard B. Roe,

Director, Office of Fisheries Management,
National Marine Fisheries Service.

[FR Doc. 85-27850 Filed 11-19-85; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 50, No. 225

Thursday, November 21, 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.

DEPARTMENT OF AGRICULTURE

Forest Service

Angeles Pipeline Southern California Pipeline System; Angeles National Forest, Los Angeles County, CA; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service will prepare an environmental impact statement for a proposal to permit construction of the Angeles Pipeline on the Saugus Ranger District.

The State of California, Department of Transportation will be a cooperating agency, and will prepare an Environmental Impact Report complying with the California Environmental Quality Act for non-Federal lands. A joint document will be prepared.

The public review process for the Angeles National Forest Proposed Land Management Plan and Draft Environmental Impact Statement has been completed. The preferred alternative identifies a transportation and utility corridor along the proposed project route. The final environmental impact statement is expected to be issued by mid-1985.

A range of alternatives for the project will be considered. One of these will be nondevelopment of the pipeline. Other alternatives will consider various locations of the line.

Federal, State, and local agencies; the proponent; and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. The process will include:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a previous environmental review.
4. Determination of potential cooperating agencies and assignment of responsibilities.

The Bureau of Land Management, Department of the Interior, will be a cooperating agency to evaluate the potential impacts on the Public Lands under its jurisdiction. The right of way grant of all Federal lands will be issued by the Bureau of Land Management under the Mineral Leasing Act.

The Fish and Wildlife Service, Department of the Interior, will be invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat.

The Forest Supervisor and the Department of Transportation will hold the following public scoping meetings:

1. Agency & Public Officials, 1:00 P.M. Tuesday, December 3, 1985, 120 S. Spring Street, Room #445, Los Angeles, California.

2. Newhall/San Fernando Valley, 6:30 P.M. Tuesday, December 10, 1985, Placerita Junior High School, Multipurpose Room, 25015 Newhall Avenue, Newhall, California.

3. Southbay, 6:30 P.M. Wednesday, December 11, 1985, Gardena High School Auditorium, 1301 W. 183rd Street, Gardena, California.

4. Burbank/San Fernando Valley, 6:30 P.M. Thursday, December 12, 1985, Marshall High School, Oral Arts Room, 3939 Tracy Street, Los Angeles, California.

Zane G. Smith, Regional Forester, Pacific Southwest Region, San Francisco, California, is the responsible official.

The analysis is expected to take about 6 months. The draft environmental impact statement should be available for public review by fall 1986. The final environmental impact statement is scheduled to be completed by spring 1987.

Written comments and suggestions concerning the analysis should be sent to Donald M Winslow, District Ranger, Saugus Ranger District, Angeles National Forest, 30800 Bouquet Canyon Road, Saugus, California 91350, by December 31, 1985.

Questions about the proposed action and environmental impact statement should be directed to Richard L. Borden, Forester, Saugus Ranger District, Angeles National Forest, phone (805) 252-9710.

Dated: November 13, 1985.

Henry H. Hazen III,
Deputy Forest Supervisor.

[FR Doc. 85-27754 Filed 11-20-85; 8:45 am]
BILLING CODE 3410-11-M

Soil Conservation Service

Bayou Mallet Watershed, LA

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Availability of Record of Decision.

SUMMARY: Harry S. Rucker, responsible Federal official for projects administered under the provisions of Pub. L. 83-566, 16 U.S.C. 1001-1008, in the State of Louisiana, is hereby providing notification that a record of decision to proceed with the installation of the Bayou Mallet Watershed project is available. Single copies of this Record of Decision may be obtained from Harry S. Rucker at the address shown below.

FOR FURTHER INFORMATION CONTACT: Harry S. Rucker, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, LA 71302, telephone (318) 473-7751.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention, State and local review procedures for Federal and federally assisted programs and projects are applicable)

Dated: November 13, 1985.

Harry S. Rucker,
State Conservationist.

[FR Doc. 85-27824 Filed 11-20-85; 8:45 am]
BILLING CODE 3410-16-M

West Franklin Watershed, LA

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Availability of a Record of Decision.

SUMMARY: Harry S. Rucker, responsible Federal official for projects administered under the provisions of Pub. L. 83-566, 16 U.S.C. 1001-1008, in the State of Louisiana, is hereby providing notification that a record of decision to proceed with the installation of the West Franklin Watershed project is available. Single copies of this record of decision may be obtained from Harry S. Rucker at the address shown below.

FOR FURTHER INFORMATION CONTACT:
Harry S. Rucker, State Conservationist,
Soil Conservation Service, 3737
Government Street, Alexandria, LA
71302, telephone (318) 473-7751.

(Catalog of Federal Domestic Assistance
Program No. 10.904, Watershed Protection
and Flood Prevention. State and local review
procedures for Federal and federally assisted
programs and projects are applicable)

Dated: November 13, 1985.

Harry S. Rucker,

State Conservationist.

[FR Doc. 85-27825 Filed 11-20-85; 8:45am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review; Application

AGENCY: International Trade
Administration, Commerce.

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading
Company Affairs, International Trade
Administration, Department of
Commerce, has received an application
for an Export Trade Certificate of
Review. This notice summarizes the
conduct for which certification is sought
and requests comments relevant to
whether the certificate should be issued.

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

SUPPLEMENTARY INFORMATION: Title III
of the Export Trading Company Act of
1982 (Pub. L. 97-290) authorizes the
Secretary of Commerce to issue Export
Trade Certificates of Review. A
certificate of review protects its holder
and the members identified in it from
private treble damage actions and from
civil and criminal liability under Federal
and state antitrust laws for the export
conduct specified in the certificate and
carried out during its effective period in
compliance with its terms and
conditions. Section 302(b)(1) of the Act
and 15 CFR 325.6(a) require the
Secretary to publish a notice in the
Federal Register identifying the
applicant and summarizing its proposed
export conduct.

Request for Public Comments

Interested parties may submit written
comments relevant to the determination
whether a certificate should be issued.
An original and five (5) copies should be
submitted not later than (insert date 20
days after publication in the **Federal**

Register) to: Office of Export Trading
Company Affairs, International Trade
Administration, Department of
Commerce, Room 5618, Washington, DC
20230. Information submitted by any
person is exempt from disclosure under
the Freedom of Information Act (5 U.S.C.
552). Comments should refer to this
application as "Export Trade Certificate
of Review, application number 85-
00017."

Applicant: Pacific Northwest Fish
Export Association, Inc., 4200
Seattle—First National Bank Building,
Seattle, Washington 98154

Application #: 85-00017

Date Deemed Submitted: November 8,
1985

Members (in addition to applicant):
Icicle Seafoods, Inc.; Peter Pan
Seafoods, Inc.; Sea-Alaska Products,
Inc.; and Ocean Beauty Seafoods.

Summary of the Application

A. Export Trade

Products

The Applicant and its members intend
to export from the United States fish or
fish products, including salmon (fresh,
frozen and canned), salmon roe, herring
roe, tanner crab, king crab and black
cod.

Services

Consulting; international market
research; advertising; marketing;
insurance; product research and design,
exclusively for export; legal assistance;
transportation, including trade
documentation and freight forwarding;
communication and processing of
foreign orders; warehousing; foreign
exchange; financing; and taking title to
goods in connection with the export of
fish and fish products.

B. Export Markets

The applicant and its members intend
to export to all parts of the world.

C. Export Trade Activities and Methods of Operation

Pacific Northwest Fish Export
Association, Inc. ("PNFEA") and its
members seek certification to engage in
the following activities to export the
products in export trade and provide
related services:

1. Compile, collect from the
disseminate to its members information
related to:

(a) Sales and marketing efforts and
opportunities in export markets for fish
and fish products, including, but not
limited to, selling strategies, sales,
contract and spot pricing, projected
demand, standard terms of sale,
financing, insurance, transportation,

foreign competition, and specifications
of customers in export markets;

(b) Quality and quantity of fish and
fish products available for export by its
members, including, but not limited to,
export inventory levels and geographic
availability; and

(c) Domestic and foreign legislation,
regulations and policies affecting export
sales.

2. Conduct meetings of its members to
discuss information regarding the export
of fish and fish products to export
markets.

3. Prescribe conditions on membership
in and withdrawal from PNFEA.

Dated: November 18, 1985.

George Muller,

Acting Director, Office of Export Trading,
Company Affairs.

[FR Doc. 85-27806 Filed 11-20-85; 8:45 am]

BILLING CODE 3510-DR-M

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

A meeting of the Foreign Availability
Subcommittee of the Computer Systems
Technical Advisory Committee will be
held December 11, 1985, 1:00 p.m., The
Herbert C. Hoover Building, Room 1851,
14th Street and Constitution Ave., NW.,
Washington, DC. The Foreign
Availability Subcommittee was formed
to ascertain if certain kinds of
equipment are available in non-COCOM
and Communist countries, and if such
equipment is available, then to ascertain
if it is technically the same or similar to
that available elsewhere.

Agenda

1. Introduction of members and guests.
2. Opening remarks by the Chairman.
3. Presentation of papers or comments
by the public.
4. Discussion of potential TAC foreign
availability certifications.
5. Old business.
6. New business.
7. Action items underway.
8. Action items due at next meeting.

The meeting will be open to the public
and a limited number of seats will be
available. To the extent time permits,
members of the public may present oral
statements to the Committee. Written
statements may be submitted at any
time before or after the meeting.

For further information or copies of
the minutes telephone 202-377-2583.

November 18, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of
Export Administration.

[FR Doc. 85-27818 Filed 11-20-85; 8:45 am]

BILLING CODE 3510-DT-M

**Hardware Subcommittee of the
Computer Systems Technical Advisory
Committee; Closed Meeting**

A meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held December 12, 1985, 9:30 a.m.—12:30 p.m., the Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Ave., NW., Washington, DC. The Hardware Subcommittee was formed to focus on manufacturing and performance characteristics of main frames and other computer hardware.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202-377-4217. For further information contact Margaret A. Cornejo, 202-377-2583.

Dated: November 18, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of
Export Administration.

[FR Doc. 27819 Filed 11-20-85; 8:45 am]

BILLING CODE 3510-DT-M

**Software Subcommittee of the
Computer Systems Technical Advisory
Committee; Closed Meeting**

A meeting of the Software Subcommittee on the Computer Systems Technical Advisory Committee will be held December 11, 1985, 1:00 p.m., the Herbert C. Hoover Building, Room 5611, 14th Street and Constitution Ave., NW., Washington, DC. The Software Subcommittee was formed to study computer software with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202-377-4217. For further information contact Margaret A. Cornejo, 202-377-2583.

Dated: November 18, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of
Export Administration.

[FR Doc. 85-27820 Filed 11-20-85; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF COMMERCE**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 to 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, D.C. 20235.

or, send comments to the Fishery Management Council(s), as specified below:

Douglas G. Marshall, Executive Director,
New England Fishery Management
Council, 5 Broadway (Route 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, 302/674-
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
Council, 411 W. Fourth Avenue, Suite
2D, Anchorage, AK 99510, 907/271-
4060

Kitty M. Simonds, Executive Director,
Western Pacific Fishery Management
Council, 164 Bishop Street, Room 1405,
Honolulu, HI 96813, 808/523-1368

For further information contact John
D. Kelly or Shirley Whitted (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 have been received between September 1985 and November 1985, from the Governments shown below.

Dated: November 15, 1985.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

Fishery codes and designation of Regional Fishery Management Councils which review applications for individual fisheries are as follows:

Code fishery and regional fishery management councils:

- ABS Atlantic Billfishes and Sharks—New England, Mid Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
 BSA Bering Sea and Aleutian Islands Groundfish—North Pacific.
 GOA Gulf of Alaska—North Pacific.
 NWA Northwest Atlantic Ocean—New England, Mid-Atlantic.
 SNA Snails (Bering 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 and fishing operations:

- 1—Catching, processing and other support.
 2—Processing and other support only.
 3—Other support only.
 *—Vessel in support of U.S. vessels (Joint Venture).

Joint Venture

Japan

The Government of Japan submitted permit applications to engage in joint venture activities off Alaska during 1986. The applications request that processing vessels of Japan receive total transshipments of U.S. harvested fish and appropriate by-catch as follows: 310,000 mt of Alaska pollock, and 30,000 mt of Yellowfin sole in the Bering Sea and Aleutian Islands fishery and 120,000 mt of pollock in the Gulf of Alaska fisheries and associated by-catch species in those fisheries. The American partners identified are as follows: Northern Deep Sea Fisheries, Inc., Alyeska Ocean, Inc., Alaska Contact, Ltd., Peter Pan Seafoods, Inc., Profish International Inc., Whitney-Fidalgo Seafoods, Inc., and Westward Trawlers, Inc.

Poland

The Government of the Polish People's Republic submitted permit applications to engage in joint venture activities off Alaska during 1986. The applications request that processing vessels of Poland receive total transshipments of U.S. harvested fish and appropriate by-catch species in the following amounts: 40,000 mt of Alaska pollock, in the Bering Sea and Aleutian Islands and 10,000 mt of Alaska pollock in the Gulf of Alaska; and 20,000 mt of Pacific whiting in the Pacific Groundfish fishery.

Korea

The Government of the Republic of Korea submitted applications to engage in joint venture activities off Alaska during 1986. The applications request that processing vessels of Korea receive total transshipment of U.S. harvested fish and appropriate by-catch species in the Bering Sea and Aleutian Islands for 112,720 mt of Alaska pollock, 8,680 mt of Pacific cod, 23,850 mt of Yellowfin sole, 26,140 mt of Atka mackerel, and 2,290 mt of Other groundfish; in the Gulf of Alaska 72,260 mt of Alaska pollock, 1,880 mt of Pacific cod, 1,740 mt of Other flounders, 2,790 mt of Atka mackerel, and 650 mt of other groundfish. The American partners that have been identified are Profish Alaska Inc., Daerim America, Inc., Cal-Alaska Fisheries, Inc., and Alaska Joint Venture Fisheries, Inc.

China

The Government of the People's Republic of China submitted applications to engage in joint venture activities of Alaska during 1986. The applications request that processing vessels of China receive total transshipments of U.S. harvested fish and appropriate by-catch species in the Bering Sea and Aleutian Islands and the Gulf of Alaska for 15,550 mt of Alaska pollock, 13,450 mt of Turbot, 2,000 mt of Atka mackerel and 4,000 mt of Pacific cod.

Several of the applications did not identify the American partner due to on going contract negotiations.

| Nation, vessel name, and vessel type | Application No. | Fishery | Activity |
|--|-----------------|--------------------|----------|
| Government of the People's Republic of China: | | | |
| Geng Hai (factory ship) | CH-86-0001 | BSA, GOA | *1 |
| Kai Chuang (factory ship) | CH-86-0003 | BSA, GOA | *1 |
| Liao Ying (cargo transport vessel) | CH-86-0004 | BSA, GOA | 3 |
| Yan Yuan 1 (factory ship) | CH-86-0002 | BSA, GOA | *1 |
| Government of the German Democratic Republic: | | | |
| Boito Uhsa (large stern trawler) | GC-86-0040 | NWA | *1 |
| Binno (large stern trawler) | GC-86-0053 | NWA | *1 |
| Granitz (large stern trawler) | GC-86-0051 | NWA | *2 |
| Hana Marchwiza (large stern trawler) | GC-86-0052 | NWA | *1 |
| Lichtenhagen (cargo/transport vessel) | GC-86-0055 | NWA | 3 |
| Ludwig Renn (large stern trawler) | GC-86-0054 | NWA | *1 |
| Luttin Klein (cargo/transport vessel) | GC-86-0026 | NWA | 3 |
| Rudolf Leonhard (large stern trawler) | GC-86-0048 | NWA | *1 |
| Willi Bredel (large stern trawler) | GC-86-0024 | NWA | *1 |
| Government of Japan: | | | |
| Shinsei Maru No. 78 (longline fishing vessel) | JA-86-1569 | ABS | 1 |
| Akashi Maru No. 18 (pair trawler) | JA-86-0176 | BSA | 1 |
| Akashi Maru No. 19 (pair trawler) | JA-86-1136 | BSA | 1 |
| Akashi Maru No. 58 (pair trawler) | JA-86-0164 | BSA | 1 |
| Akashi Maru No. 59 (pair trawler) | JA-86-0165 | BSA | 1 |
| Akashi Maru No. 63 (pair trawler) | JA-86-0168 | BSA | 1 |
| Akashi Maru No. 65 (pair trawler) | JA-86-0167 | BSA | 1 |
| Akashi Maru No. 66 (pair trawler) | JA-86-0169 | BSA | 1 |
| Akashi Maru No. 67 (pair trawler) | JA-86-0169 | BSA | 1 |
| Akashi Maru No. 68 (pair trawler) | JA-86-0170 | BSA | 1 |
| Akashi Maru No. 69 (pair trawler) | JA-86-0171 | BSA | 1 |
| Akashi Maru No. 71 (pair trawler) | JA-86-0172 | BSA | 1 |
| Akashi Maru No. 72 (pair trawler) | JA-86-0173 | BSA | 1 |
| Akashi Maru No. 73 (pair trawler) | JA-86-0174 | BSA | 1 |
| Akashi Maru No. 75 (pair trawler) | JA-86-0175 | BSA | 1 |
| Akashi Maru No. 76 (pair trawler) | JA-86-0176 | BSA | 1 |
| Akashi Maru No. 77 (pair trawler) | JA-86-0177 | BSA | 1 |
| Akashia Maru (cargo/transport vessel) | JA-86-1156 | BSA, GOA, NWA, SNA | 3 |
| Akebono Maru No. 15 (medium stern trawler) | JA-86-0312 | BSA | *1 |
| Akebono Maru No. 16 (medium stern trawler) | JA-86-0315 | BSA | *1 |

| Nation, vessel name, and vessel type | Application No. | Fishery | Activity |
|---|-----------------|------------------------|----------|
| Akebono Maru No. 2 (medium stern trawler) | JA-86-1154 | BSA, GOA | *1 |
| Akebono Maru No. 22 (medium stern trawler) | JA-86-0317 | BSA, GOA | *1 |
| Akebono Maru No. 27 (medium stern trawler) | JA-86-0308 | BSA, GOA | *1 |
| Akebono Maru No. 32 (medium stern trawler) | JA-86-0307 | BSA, GOA | *1 |
| Akebono Maru No. 72 (large stern trawler) | JA-86-0339 | BSA, GOA | *1 |
| Akebono Maru No. 1 (medium stern trawler) | JA-86-1153 | BSA, GOA | *1 |
| Akiho Maru (pair trawler) | JA-86-0061 | BSA | 1 |
| Albatross (cargo/transport vessel) | JA-86-0081 | BSA, GOA, NWA | 3 |
| Anyo Maru No. 11 (medium stern trawler) | JA-86-0541 | BSA, GOA | *1 |
| Anyo Maru No. 17 (medium stern trawler) | JA-86-0496 | BSA, GOA | *1 |
| Anyo Maru No. 18 (medium stern trawler) | JA-86-1175 | BSA, GOA | *1 |
| Aoba Maru (pair trawler) | JA-86-0116 | BSA | 1 |
| Aoyagi Maru (cargo/transport vessel) | JA-86-0026 | BSA, GOA, NWA, SNA | 3 |
| Asama Maru (cargo/transport vessel) | JA-86-0126 | BSA, GOA, NWA, SNA | 3 |
| Asuka Reefer (cargo/transport vessel) | JA-86-0045 | BSA, GOA, NWA, SNA | 3 |
| Banshu Maru No. 6 (large stern trawler) | JA-86-0373 | NWA | 1 |
| Banshu Maru No. 7 (large stern trawler) | JA-86-0374 | NWA | 1 |
| Bering Maru (cargo/transport vessel) | JA-86-1159 | BSA, GOA, NWA, SNA | 3 |
| Biyo Maru (cargo/transport vessel) | JA-86-0598 | BSA, GOA, NWA, SNA WOC | 3 |
| Bizon Reefer (cargo/transport vessel) | JA-86-0037 | BSA, GOA, NWA, SNA | 3 |
| Bungo Reefer (cargo/transport vessel) | JA-86-0038 | BSA, GOA, NWA, SNA | 3 |
| Cambridge Reefer (cargo/transport vessel) | JA-86-0036 | BSA, GOA, NWA, SNA | 3 |
| Chikubu Maru (large stern trawler) | JA-86-0336 | BSA, GOA | *1 |
| Chitose Maru (cargo/transport vessel) | JA-86-0180 | BSA, GOA, NWA, SNA | 3 |
| Choyoh Maru (cargo/transport vessel) | JA-86-0574 | BSA, GOA, NWA, SNA | 3 |
| Daian Maru No. 186 (medium stern trawler) | JA-86-0553 | BSA | *1 |
| Daigen Maru (cargo/transport vessel) | JA-86-1147 | BSA, GOA, NWA | 3 |
| Daikan Maru (cargo/transport vessel) | JA-86-0033 | BSA, GOA, NWA | 3 |
| Daikoh Maru (cargo/transport vessel) | JA-86-0021 | BSA, GOA, NWA | 3 |
| Dainyo Maru (cargo/transport vessel) | JA-86-1002 | BSA, GOA, NWA | 3 |
| Daishin Maru, 12 (large stern trawler) | JA-86-0285 | NWA | 1 |
| Daishin Maru No. 26 (large stern trawler) | JA-86-0569 | BSA, GOA | *1 |
| Daisho Maru (cargo/transport vessel) | JA-86-0035 | BSA, GOA, NWA | 3 |
| Dejima Maru (pair trawler) | JA-86-1179 | BSA | 1 |
| Douglas (cargo/transport vessel) | JA-86-2028 | BSA, GOA, NWA | 3 |
| East Wind (cargo/transport vessel) | JA-86-0131 | BSA, GOA, NWA, SNA | 3 |
| Eastern Reefer (cargo/transport vessel) | JA-86-0600 | BSA, GOA, NWA, SNA | 3 |
| Ebisu Fontaine (cargo/transport vessel) | JA-86-0589 | BSA, GOA, NWA | 3 |
| Ebisu Maru No. 11 (Danish seiner) | JA-86-0042 | BSA | 1 |
| Ebisu Maru No. 5 (Danish seiner) | JA-86-1183 | BSA | 1 |
| Eiho Maru (cargo/transport vessel) | JA-86-1062 | BSA, GOA, NWA, SNA | 3 |
| Eiyo Maru No. 11 (Medium stern trawler) | JA-86-0900 | BSA | 1 |
| Eiyo Maru No. 2 (Medium stern trawler) | JA-86-0299 | BSA | 1 |
| Eiyo Maru No. 3 (Medium stern trawler) | JA-86-1174 | BSA | *1 |
| Eiyo Maru No. 81 (Medium stern trawler) | JA-86-0082 | BSA | *1 |
| Eiyo Maru (Pair trawler) | JA-86-0111 | BSA | 1 |
| Eiyo Maru (cargo/transport vessel) | JA-86-0109 | BSA, GOA, NWA, SNA | 3 |
| Ene Maru (cargo/transport vessel) | JA-86-0577 | BSA, GOA, NWA | 3 |
| Eriyoh Maru (cargo/transport vessel) | JA-86-0086 | BSA, GOA, NWA, SNA | 3 |
| Etsuyoh (cargo/transport vessel) | JA-86-0089 | BSA, GOA, NWA, SNA | 3 |
| Falcon (cargo/transport vessel) | JA-86-0918 | BSA, GOA, NWA | 3 |
| Fuji Maru No. 1 (Medium stern trawler) | JA-86-0255 | BSA | 1 |
| Fuji Reefer (cargo/transport vessel) | JA-86-0908 | BSA, GOA, NWA, SNA | 3 |
| Fujishio Maru (cargo/transport vessel) | JA-86-0594 | BSA, GOA, NWA | 3 |
| Fukuyo Maru (pair trawler) | JA-86-0113 | BSA | 1 |
| Fukuyo Maru (cargo/transport vessel) | JA-86-1025 | BSA, GOA, NWA, SNA | 3 |
| Fukuyoshi Maru No. 36 | JA-86-0304 | BSA, GOA | *1 |
| Fuyo Maru (cargo/transport vessel) | JA-86-0925 | BSA, GOA, NWA, SNA | 3 |
| Hakko Boomarang (cargo/transport vessel) | JA-86-0881 | BSA, GOA, NWA | 3 |
| Hakko Cardiod (cargo/transport vessel) | JA-86-0882 | BSA, GOA | 3 |
| Hakko Fontaine (cargo/transport vessel) | JA-86-0587 | BSA, GOA, NWA | 3 |
| Hakubasan Maru (cargo/transport vessel) | JA-86-1027 | BSA, GOA, NWA, SNA | 3 |
| Hakurei Maru (pair trawler) | JA-86-0013 | BSA | 1 |
| Hakuyo Maru (cargo/transport vessel) | JA-86-0570 | BSA, GOA, NWA, SNA | 3 |
| Hamanasu Maru (cargo/transport vessel) | JA-86-0083 | BSA, GOA, NWA, SNA | 3 |
| Hamanasu (cargo/transport vessel) | JA-86-0139 | BSA, GOA, NWA, SNA | 3 |
| Haruna Maru (large stern trawler) | JA-86-0350 | BSA, GOA | *1 |
| Harushio Maru (cargo/transport vessel) | JA-86-0582 | BSA, GOA, NWA | 3 |
| Hayatsuki Maru (cargo/transport vessel) | JA-86-1037 | BSA, GOA, NWA, SNA | 3 |
| Heiyo Maru No. 35 (Danish seiner (stern chute)) | JA-86-0567 | BSA | 1 |
| Hideshima Maru (cargo/transport vessel) | JA-86-0048 | BSA, GOA, NWA | 3 |
| Hikari Maru No. 8 (cargo/transport vessel) | JA-86-0142 | BSA, GOA, NWA | 3 |
| Hirado Maru (pair trawler) | JA-86-1180 | BSA | 1 |
| Hiyo Maru (cargo/transport vessel) | JA-86-2025 | BSA, GOA, NWA, SNA | 3 |
| Hiyoshi Maru (cargo/transport vessel) | JA-86-0075 | BSA, GOA, NWA, SNA | 3 |
| Hokan Maru No. 36 (medium stern trawler) | JA-86-1164 | BSA | 1 |
| Hokkai Maru (cargo/transport vessel) | JA-86-0922 | BSA, GOA, NWA, SNA | 3 |
| Hokkai Maru (pair trawler) | JA-86-0012 | BSA | 1 |
| Hokko Maru No. 17 (Danish seiner) | JA-86-0050 | BSA | 1 |
| Hoko Maru No. 31 (cargo/transport vessel) | JA-86-1083 | BSA, GOA, NWA, SNA | 3 |
| Hokusei Maru (cargo/transport vessel) | JA-86-0049 | BSA, GOA, NWA | 3 |
| Hokushin Maru (cargo/transport vessel) | JA-86-0138 | BSA, GOA, NWA, SNA | 3 |
| Hokushin Maru (pair trawler) | JA-86-0014 | BSA | 1 |
| Hokuto Maru (pair trawler) | JA-86-0015 | BSA | 1 |
| Hoyo Maru (factory ship) | JA-86-0190 | BSA | 2 |
| Iceland Rex (cargo/transport vessel) | JA-86-0072 | BSA, GOA, NWA | 3 |
| Roma Maru (cargo/transport vessel) | JA-86-0127 | BSA, GOA, NWA, SNA | 3 |
| Ishikan Maru (cargo/transport vessel) | JA-86-0595 | BSA, GOA, NWA, SNA | 3 |
| Isokaze Maru (cargo/transport vessel) | JA-86-1036 | BSA, GOA, NWA, SNA | 3 |
| Izumo Reefer (cargo/transport vessel) | JA-86-0053 | BSA, GOA, NWA, SNA | 3 |
| James (cargo/transport vessel) | JA-86-0584 | BSA, GOA, NWA | 3 |
| Jinyo Maru (cargo/transport vessel) | JA-86-1132 | BSA, GOA, NWA, SNA | 3 |
| Junyo Maru (pair trawler) | JA-86-0065 | BSA | 1 |
| Kaiko Maru No. 6 (Danish seiner, stern chute) | JA-86-1560 | BSA | 1 |

| Nation, vessel name, and vessel type | Application No. | Fishery | Activity |
|---|-----------------|-------------------------|----------|
| Kaun Maru No. 62 (Danish seiner) | JA-86-1482 | BSA | 1 |
| Kaun Maru No. 78 (Danish seiner) | JA-86-0092 | BSA | 1 |
| Kaiyo Maru (cargo/transport vessel) | JA-86-0088 | BSA, GOA, NWA, SNA, WOC | 3 |
| Kaiyo Maru No. 11 (medium stern trawler) | JA-86-0313 | BSA, GOA | 1 |
| Kakudai Maru No. 25 (medium stern trawler) | JA-86-0254 | BSA | 1 |
| Kakuyo Maru No. 1 (pair trawler) | JA-86-0210 | BSA | 1 |
| Kakuyo Maru No. 11 (pair trawler) | JA-86-2008 | BSA | 1 |
| Kakuyo Maru No. 12 (pair trawler) | JA-86-2009 | BSA | 1 |
| Kakuyo Maru No. 2 (pair trawler) | JA-86-0211 | BSA | 1 |
| Kakuyo Maru No. 3 (pair trawler) | JA-86-0212 | BSA | 1 |
| Kakuyo Maru No. 5 (pair trawler) | JA-86-0213 | BSA | 1 |
| Kakuyo Maru No. 7 (pair trawler) | JA-86-0214 | BSA | 1 |
| Kakuyo Maru No. 8 (pair trawler) | JA-86-0215 | BSA | 1 |
| Kashima Maru (factory ship) | JA-86-0001 | BSA, GOA, NWA, SNA | 2 |
| Kashima Reefer (cargo/transport vessel) | JA-86-0054 | BSA, GOA, NWA, SNA | 3 |
| Kashiwagi Maru (cargo/transport vessel) | JA-86-0019 | BSA, GOA, NWA | 3 |
| Kashiwahana Maru No. 1 (cargo/transport vessel) | JA-86-0884 | BSA, GOA, NWA, SNA | 3 |
| Kasuga Maru (cargo/transport vessel) | JA-86-0181 | BSA, GOA, NWA, SNA | 3 |
| Kasuga Reefer (cargo/transport vessel) | JA-86-0055 | BSA, GOA, NWA, SNA | 3 |
| Katon Maru (pair trawler) | JA-86-0114 | BSA | 1 |
| Katsuki Maru (pair trawler) | JA-86-0115 | BSA | 1 |
| Katsuyama Maru (pair trawler) | JA-86-0833 | BSA | 1 |
| Kazu Maru No. 8 (cargo/transport vessel) | JA-86-0143 | BSA, GOA, NWA | 3 |
| Keifu Maru (cargo/transport vessel) | JA-86-0572 | BSA, GOA, NWA, SNA, WOC | 3 |
| Keiyo Maru (cargo/transport vessel) | JA-86-0102 | BSA, GOA, NWA, SNA, WOC | 3 |
| Kendrick (cargo/transport vessel) | JA-86-0912 | BSA, GOA, NWA | 3 |
| Khalif Cooler (cargo/transport vessel) | JA-86-0089 | BSA, GOA, NWA | 3 |
| Khalif Freezer (cargo/transport vessel) | JA-86-0058 | BSA, GOA, NWA | 3 |
| Khalif Frost (cargo/transport vessel) | JA-86-0068 | BSA, GOA, NWA | 3 |
| Khalif Reefer (cargo/transport vessel) | JA-86-0059 | BSA, GOA, NWA | 3 |
| Kinyo Maru (cargo/transport vessel) | JA-86-0103 | BSA, GOA, NWA, SNA | 3 |
| Kisaragi Maru (cargo/transport vessel) | JA-86-0929 | BSA, GOA, NWA | 3 |
| Kishin Maru (cargo/transport vessel) | JA-86-1165 | BSA, GOA, NWA, SNA | 3 |
| Kiyo Maru (cargo/transport vessel) | JA-86-1026 | BSA, GOA, NWA, SNA | 3 |
| Koi Maru No. 78 (longline fishing vessel) | JA-86-1564 | ABS | 1 |
| Kohfu Maru (cargo/transport vessel) | JA-86-0641 | BSA, GOA, NWA, SNA, WOC | 3 |
| Kohoku Maru No. 18 (side trawler) | JA-86-0839 | BSA, GOA, SNA | 1, 3 |
| Kohsho Maru (cargo/transport vessel) | JA-86-0579 | BSA, GOA, NWA | 3 |
| Komei Maru (cargo/transport vessel) | JA-86-0139 | BSA, GOA, NWA, SNA | 3 |
| Komeshima Maru (cargo/transport vessel) | JA-86-2021 | BSA, GOA, NWA | 3 |
| Kongo Maru (large stern trawler) | JA-86-0341 | BSA, GOA | *1 |
| Koroy Maru No. 15 (longline fishing vessel) | JA-86-1489 | ABS | 1 |
| Koshin Maru No. 11 (medium stern trawler) | JA-86-0303 | BSA, GOA | *1 |
| Koshin Maru No. 38 (longline fishing vessel) | JA-86-1494 | ABS | 1 |
| Kotoku Maru (cargo/transport vessel) | JA-86-1035 | BSA, GOA, NWA, SNA | 3 |
| Kotoshiro Maru No. 11 (longline fishing vessel) | JA-86-1339 | ABS | 1 |
| Koyo Maru (large stern trawler) | JA-86-0365 | NWA | 1 |
| Koyo Maru (pair trawler) | JA-86-0112 | BSA | 1 |
| Koyo Maru No. 3 (large stern trawler) | JA-86-0343 | BSA, GOA | 1 |
| Kunashin (cargo/transport vessel) | JA-86-1151 | BSA, GOA, NWA, SNA | 3 |
| Kunisaki (cargo/transport vessel) | JA-86-0999 | BSA, GOA, NWA | 3 |
| Kurashima Maru (cargo/transport vessel) | JA-86-2027 | BSA, GOA, NWA | 3 |
| Kuroha Maru (pair trawler) | JA-86-0011 | BSA | 1 |
| Kyoho Maru (Cargo/transport vessel) | JA-86-1034 | BSA, GOA | 3 |
| Kyoho Maru (pair trawler) | JA-86-1034 | BSA, GOA | 3 |
| Kyokushin Maru (cargo/transport vessel) | JA-86-1161 | BSA, GOA, NWA, SNA | 3 |
| Levanila (cargo/transport vessel) | JA-86-0141 | BSA, GOA, NWA | 3 |
| Mabah (cargo/transport vessel) | JA-86-0108 | BSA, GOA, NWA, SNA | 3 |
| Manne Ace (cargo/transport vessel) | JA-86-0002 | BSA, GOA, NWA, SNA | 3 |
| Manne Fellow (cargo/transport vessel) | JA-86-0003 | BSA, GOA, NWA, SNA | 3 |
| Matsukaze Maru (cargo/transport vessel) | JA-86-1045 | BSA, GOA, NWA, SNA | 3 |
| Matsushima Maru (cargo/transport vessel) | JA-86-0920 | BSA, GOA, NWA | 3 |
| Matsuyama Maru (pair trawler) | JA-86-1157 | BSA | 1 |
| Miyo Maru (cargo/transport vessel) | JA-86-1133 | BSA, GOA, NWA, SNA | 3 |
| Mikami Maru (large stern trawler) | JA-86-0368 | NWA | 1 |
| Mineshima Maru (factory ship) | JA-86-0080 | BSA | 2 |
| Milus Maru No. 51 (Danish seiner, stern chuta) | JA-86-1559 | BSA | 1 |
| Miyashima Maru (cargo/transport vessel) | JA-86-0918 | BSA, GOA, NWA | 3 |
| Miyoshima Maru (cargo/transport vessel) | JA-86-0025 | BSA, GOA, NWA, SNA | 3 |
| Mizuho Maru (cargo/transport vessel) | JA-86-0060 | BSA | 1 |
| Mizuho Reefer (cargo/transport vessel) | JA-86-0016 | BSA, GOA, NWA, SNA | 3 |
| Mutsu Maru No. 52 (medium stern trawler) | JA-86-0251 | BSA | 1 |
| Nanshin Maru (cargo/transport vessel) | JA-86-0057 | BSA, GOA, NWA, SNA | 3 |
| Nichyo Maru (cargo/transport vessel) | JA-86-1167 | BSA, GOA, NWA, SNA | 3 |
| Nihonka Maru (medium stern trawler) | JA-86-0369 | NWA | 1 |
| Nitaka Maru (large stern trawler) | JA-86-0289 | BSA, GOA, NWA | 1 |
| Nikka Maru (cargo/transport vessel) | JA-86-0927 | BSA, GOA, NWA, SNA | 3 |
| Nikko Maru (cargo/transport vessel) | JA-86-1077 | BSA, GOA, NWA, SNA | 3 |
| Nipponham Maru No. 1 (cargo/transport vessel) | JA-86-1082 | BSA, GOA, NWA, SNA | 3 |
| Nishiyama Maru (pair trawler) | JA-86-0836 | BSA | 1 |
| Nissel Maru (cargo/transport vessel) | JA-86-0914 | BSA, GOA, NWA, SNA | 3 |
| Nissin Maru No. 2 (factory ship) | JA-86-0140 | BSA | 2 |
| Nitto Maru No. 35 (pair trawler) | JA-86-0220 | BSA | 1 |
| Nitto Maru No. 36 (pair trawler) | JA-86-0221 | BSA | 1 |
| Nojima Maru (cargo/transport vessel) | JA-86y-1096 | BSA, GOA, NWA, SNA | 3 |
| North Wind (cargo/transport vessel) | JA-86-0135 | BSA, GOA, NWA, SNA | 3 |
| Ohtori Maru (large stern trawler) | JA-86-0342 | BSA, GOA | *1 |
| Okushiri (cargo/transport vessel) | JA-86-0580 | BSA, GOA, NWA, SNA | 3 |
| Oron (cargo/transport vessel) | JA-86-0591 | BSA, GOA, NWA | 3 |
| Osaka Reefer (cargo/transport vessel) | JA-86-2011 | BSA, GOA, NWA, SNA | 3 |
| Otoha Maru (pair trawler) | JA-86-0010 | BSA | 1 |
| Pailoma (cargo/transport vessel) | JA-86-0068 | BSA, GOA, NWA | 3 |
| Phoenix (cargo/transport vessel) | JA-86-0917 | BSA, GOA, NWA | 3 |
| Punante (cargo/transport vessel) | JA-86-0132 | BSA, GOA, NWA | 3 |

| Nation, vessel name, and vessel type | Application No. | Fishery | Activity |
|--|-----------------|-------------------------|----------|
| Rakuyo Maru (pair trawler) | | | |
| Reefer Badger (cargo/transport vessel) | JA-86-0063 | BSA | 1 |
| Rikuzen Maru (large stern trawler) | JA-86-0144 | BSA, GOA, NWA | 3 |
| Rishiri (cargo/transport vessel) | JA-86-0340 | BSA, GOA | 1 |
| Ryoyo Maru (cargo/transport vessel) | JA-86-0027 | BSA, GOA, NWA, SNA | 3 |
| Ryusei Maru (cargo/transport vessel) | JA-86-1024 | BSA, GOA, NWA, SNA | 3 |
| Ryusei Maru (cargo/transport vessel) | JA-86-0626 | BSA, GOA, NWA, SNA | 3 |
| Ryusho Maru (cargo/transport vessel) | JA-86-0083 | BSA, GOA, NWA, SNA | 3 |
| Ryuyo Maru (large stern trawler) | JA-86-0627 | BSA, GOA, NWA, SNA | 2 |
| Sachishio Maru (cargo/transport vessel) | JA-86-0280 | BSA, GOA | 1 |
| Sanuki Maru (cargo/transport vessel) | JA-86-0097 | BSA, GOA, NWA | 3 |
| Sanwa Fontaine (cargo/transport vessel) | JA-86-0915 | BSA, GOA, NWA | 3 |
| Sapporo Maru (cargo/transport vessel) | JA-86-0590 | BSA, GOA, NWA | 3 |
| Seagull (cargo/transport vessel) | JA-86-0585 | BSA, GOA, NWA, SNA | 3 |
| Seiho Maru No. 15 (Danish seiner) | JA-86-0034 | BSA, GOA, NWA | 3 |
| Seiyoh Maru (cargo/transport vessel) | JA-86-0043 | BSA | 1 |
| Seki Rex (cargo/transport vessel) | JA-86-0583 | BSA, GOA, NWA, SNA | 3 |
| Shidaka Maru (cargo/transport vessel) | JA-86-1146 | BSA, GOA, NWA, SNA, WOC | 3 |
| Shiga Maru (cargo/transport vessel) | JA-86-0179 | BSA, GOA, NWA, SNA | 3 |
| Shikishima Mura (factory ship) | JA-86-1012 | BSA, GOA, NWA | 3 |
| Shinasahi Maru (cargo/transport vessel) | JA-86-0030 | BSA | 2 |
| Shinbungo Maru (cargo/transport vessel) | JA-86-0578 | BSA, GOA, NWA, SNA | 3 |
| Shinmei Maru No. 16 (longline fishing vessel) | JA-86-0047 | BSA, GOA, NWA | 3 |
| Shinnichi Maru No. 38 (medium stern trawler) | JA-86-1481 | ABS | 1 |
| Shinnyu Maru No. 16 (cargo/transport vessel) | JA-86-0563 | BSA | 1 |
| Shinnyu Maru No. 38 (cargo/transport vessel) | JA-86-0906 | BSA, GOA, NWA, SNA | 3 |
| Shinsei Maru (cargo/transport vessel) | JA-86-0905 | BSA, GOA, NWA, SNA | 3 |
| Shinsho Maru (cargo/transport vessel) | JA-86-0890 | BSA, GOA, NWA | 3 |
| Shintakara Maru (cargo/transport vessel) | JA-86-0640 | BSA, GOA, NWA, SNA | 3 |
| Shinwa Maru (cargo/transport vessel) | JA-86-0046 | BSA, GOA, NWA | 3 |
| Shinyo Maru (cargo/transport vessel) | JA-86-0137 | BSA, GOA, NWA, SNA | 3 |
| Shoel Maru No. 1 (longline fishing vessel) | JA-86-0074 | BSA, GOA, NWA, SNA, WOC | 3 |
| Shoju Maru (cargo/transport vessel) | JA-86-1570 | ABS | 1 |
| Shoken Maru (cargo/transport vessel) | JA-86-0134 | BSA, GOA, NWA, SNA | 3 |
| Shosei Maru No. 30 (Danish seiner) | JA-86-0930 | BSA, GOA, NWA, SNA | 3 |
| Shoshin Maru No. 62 (longline fishing vessel) | JA-86-0556 | BSA | 1 |
| Shoshin Maru No. 83 (longline fishing vessel) | JA-86-1308 | ABS | 1 |
| Shoutoku Maru (cargo/transport vessel) | JA-86-1308 | ABS | 1 |
| Shoyo Maru (B) (cargo/transport vessel) | JA-86-0028 | BSA, GOA, NWA, SNA | 3 |
| Shunyo Maru (cargo/transport vessel) | JA-86-1563 | BSA, GOA, NWA, SNA | 3 |
| Shunyoo Maru No. 118 (medium stern trawler) | JA-86-0136 | BSA, GOA, NWA, SNA | 3 |
| Shuyo Maru (pair trawler) | JA-86-0564 | BSA | 1 |
| Shuyo Maru (cargo/transport vessel) | JA-86-0110 | BSA | 1 |
| Singapore Fontaine (cargo/transport vessel) | JA-86-1028 | BSA, GOA, NWA, SNA | 3 |
| Sky Reefer (cargo/transport vessel) | JA-86-0566 | BSA, GOA, NWA | 3 |
| Skylark (cargo/transport vessel) | JA-86-0907 | BSA, GOA, NWA, SNA | 3 |
| Southern Reefer (cargo/transport vessel) | JA-86-0023 | BSA, GOA, NWA | 3 |
| Soyo Maru (factory ship) | JA-86-0145 | BSA, GOA, NWA | 3 |
| Soyokaze-Maru (cargo/transport vessel) | JA-86-0240 | BSA | 3 |
| Starling (cargo/transport vessel) | JA-86-1040 | BSA, GOA, NWA, SNA | 3 |
| Stevens (cargo/transport vessel) | JA-86-0024 | BSA, GOA, NWA | 3 |
| Suiyo Maru (cargo/transport vessel) | JA-86-0022 | BSA, GOA, NWA | 3 |
| Sumi Maru No. 18 (longline fishing vessel) | JA-86-0575 | BSA, GOA, NWA, SNA, WOC | 3 |
| Sun Beauty No. 18 (cargo/transport) | JA-86-1491 | ABS | 1 |
| Sun Field (cargo/transport vessel) | JA-86-0129 | BSA, GOA, NWA, SNA | 3 |
| Sun Happiness (cargo/transport vessel) | JA-86-0130 | BSA, GOA, NWA, SNA | 3 |
| Sunbird (cargo/transport vessel) | JA-86-0891 | BSA, GOA, NWA, SNA | 3 |
| Suchi (cargo/transport vessel) | JA-86-0576 | BSA, GOA, NWA | 3 |
| Suruga Maru (cargo/transport vessel) | JA-86-0893 | BSA, GOA, NWA, SNA | 3 |
| Suzuka Maru (large stern trawler) | JA-86-2014 | BSA, GOA, NWA, SNA | 3 |
| Suzukaze Maru (cargo/transport vessel) | JA-86-0303 | NWA | 1 |
| Suzuran (cargo/transport vessel) | JA-86-1058 | BSA, GOA, NWA, SNA | 3 |
| Suzuran Maru (cargo/transport vessel) | JA-86-0128 | BSA, GOA, NWA, SNA | 3 |
| Swallow (cargo/transport vessel) | JA-86-1152 | BSA, GOA, NWA, SNA | 3 |
| Syonyo Maru (pair trawler) | JA-86-0032 | BSA, GOA, NWA | 3 |
| Taisei Maru No. 101 (cargo/transport vessel) | JA-86-0062 | BSA | 1 |
| Taisei Maru No. 3 (cargo/transport vessel) | JA-86-1144 | BSA, GOA, NWA, SNA | 3 |
| Taisei Maru No. 52 (cargo/transport vessel) | JA-86-0085 | BSA, GOA, NWA, SNA | 3 |
| Taisei Maru No. 87 (cargo/transport vessel) | JA-86-1055 | BSA, GOA, NWA, SNA | 3 |
| Taisei Maru No. 98 (cargo/transport vessel) | JA-86-1053 | BSA, GOA, NWA, SNA | 3 |
| Taiyo Maru No. 83 (medium stern trawler) | JA-86-1054 | BSA, GOA, NWA, SNA | 3 |
| Takachiho Maru (large stern trawler) | JA-86-0380 | NWA | 1 |
| Takatsuki Maru (cargo/transport vessel) | JA-86-0291 | BSA, GOA | 1 |
| Takeshima Maru (cargo/transport vessel) | JA-86-2022 | BSA, GOA, NWA, SNA | 3 |
| Takuyo (cargo/transport vessel) | JA-86-0921 | BSA, GOA, NWA | 3 |
| Tateyama Maru (pair trawler) | JA-86-0029 | BSA, GOA, NWA, SNA | 3 |
| Tenkai Maru (tanker fuel/water) | JA-86-0835 | BSA | 1 |
| Tenshun Maru (tanker fuel/water) | JA-86-0834 | BSA, GOA, SNA | 3 |
| Tonyo Maru (large stern trawler) | JA-86-0182 | BSA, GOA, SNA | 3 |
| Tonyo Maru No. 2 (large stern trawler) | JA-86-0352 | BSA, GOA | 1 |
| Tonyo Maru No. 3 (large stern trawler) | JA-86-0332 | BSA, GOA | 1 |
| Tonyo Maru No. 5 (large stern trawler) | JA-86-0333 | BSA, GOA | 1 |
| Tonyo Maru No. 26 (Danish Seiner (Stem Chute)) | JA-86-0334 | BSA, GOA | 1 |
| Teshio Maru (large stern trawler) | JA-86-1483 | BSA | 1 |
| Tokachi Maru (large stern trawler) | JA-86-1169 | NWA | 1 |
| Tokachi Maru (cargo/transport vessel) | JA-86-0360 | NWA | 1 |
| Tokachi Maru (B) (cargo/transport vessel) | SP-86-359 | BSA, GOA, NWA, SNA | 3 |
| Tokiwa Maru (cargo/transport vessel) | JA-86-0359 | BSA, GOA, NWA, SNA | 3 |
| Tokuko Maru (cargo/transport vessel) | JA-86-0631 | BSA, GOA, NWA, SNA | 3 |
| Tokuryu Maru (cargo/transport vessel) | JA-86-0593 | BSA, GOA, NWA | 3 |
| Tokyo Reefer (cargo/transport vessel) | JA-86-0592 | BSA, GOA, NWA | 3 |
| Tomi Maru No. 83 (medium stern trawler) | JA-86-1135 | BSA, GOA, NWA, SNA, WOC | 3 |
| Tomi Maru No. 85 (medium stern trawler) | JA-86-1170 | BSA, GOA | 1 |
| Tora Maru No. 31 (medium stern trawler) | JA-86-0282 | BSA, GOA | 1 |
| | JA-86-0422 | BSA | 1 |

| Nation, vessel name, and vessel type | Application No. | Fishery | Activity |
|--|-----------------|--------------------|----------|
| Tosa Maru (cargo/transport vessel) | JA-86-1071 | BSA, GOA, NWA, SNA | 3 |
| Toshin Maru (cargo/transport vessel) | JA-86-0056 | BSA, GOA, NWA, SNA | 3 |
| Toyoshima Maru (pair trawler) | JA-86-0123 | BSA | 1 |
| Tramuntana (cargo/transport vessel) | JA-86-0073 | BSA, GOA, NWA | 3 |
| Tsuda Maru (large stern trawler) | JA-86-0337 | BSA, GOA | *1 |
| Tsusasaki (cargo/transport vessel) | JA-86-0630 | BSA, GOA, NWA, SNA | 3 |
| Tsushima Maru (pair trawler) | JA-86-0071 | BSA | 1 |
| Uno Maru No. 16 (cargo/transport vessel) | JA-86-1104 | BSA, GOA, NWA, SNA | 3 |
| Uno Maru No. 8 (cargo/transport vessel) | JA-86-1032 | BSA, GOA, NWA, SNA | 3 |
| Wakaba Maru (pair trawler) | JA-86-0117 | BSA | 1 |
| Wakatsuki Maru (cargo/transport vessel) | JA-86-1150 | BSA, GOA, NWA | 3 |
| Washing Maru (pair trawler) | JA-86-0122 | BSA | 1 |
| Wayo Maru (pair trawler) | JA-86-0064 | BSA | 1 |
| Western Reefer (cargo/transport vessel) | JA-86-0599 | BSA, GOA, NWA, SNA | 3 |
| White Arrow (cargo/transport vessel) | JA-86-0084 | BSA, GOA, NWA | 3 |
| World Fontaine (cargo/transport vessel) | JA-86-0588 | BSA, GOA, NWA | 3 |
| Yagishiri (cargo/transport vessel) | JA-86-0561 | BSA, GOA, NWA, SNA | 3 |
| Yamato Maru (large stern trawler) | JA-86-0339 | BSA, GOA | *1 |
| Yasaka Reefer (cargo/transport vessel) | JA-86-0052 | BSA, GOA, NWA, SNA | 3 |
| Yashima Maru (pair trawler) | JA-86-0070 | BSA | 1 |
| Yayoi Maru (cargo/transport vessel) | JA-86-0018 | BSA, GOA, NWA, SNA | 3 |
| Yohei Maru (cargo/transport vessel) | JA-86-0076 | BSA, GOA, NWA, SNA | 3 |
| Yoko Maru (cargo/transport vessel) | JA-86-0087 | BSA, GOA, NWA, SNA | 3 |
| Yoshiho Maru (cargo/transport vessel) | JA-86-0031 | BSA, GOA, NWA, SNA | 3 |
| Yoshino Reefer (cargo/transport vessel) | JA-86-0039 | BSA, GOA, NWA, SNA | 3 |
| Yuryo Maru No. 35 (Danish seiner) | JA-86-0201 | BSA | 1 |
| Yuwasa Maru (cargo/transport vessel) | JA-86-0005 | BSA, GOA, NWA, SNA | 3 |
| Zao Maru (large stern trawler) | JA-86-0361 | NWA | *1 |
| Zenpo Maru No. 21 (medium stern trawler) | JA-86-0253 | BSA | 1 |
| Zuihoo Maru No. 28 (medium stern trawler) | JA-86-0565 | BSA | *1 |
| Zuiyo Maru (large stern trawler) | JA-86-0335 | BSA, GOA | *1 |
| Zuiyo Maru No. 2 (large stern trawler) | JA-86-0351 | BSA, GOA | *1 |
| Zuiyo Maru No. 3 (large stern trawler) | JA-86-0331 | BSA, GOA | *1 |
| Government of The Republic of Korea: | | | |
| No. 73 Tae Chang (longline fishing vessel) | KS-86-3060 | PBS | 1 |
| No. 101 Victoria (longline fishing vessel) | KS-86-3077 | PBS | 1 |
| No. 102 Victoria (longline fishing vessel) | KS-86-3078 | PBS | 1 |
| No. 107 (Oyang (longline fishing vessel) | KS-86-3068 | PBS | 1 |
| No. 108 Oyang (longline fishing vessel) | KS-86-3055 | PBS | 1 |
| No. 11 Heung Young (longline fishing vessel) | KS-86-3067 | PBS | 1 |
| No. 201 Oyang (longline fishing vessel) | KS-86-3059 | PBS | 1 |
| No. 301 Dong Won (longline fishing vessel) | KS-86-3041 | PBS | 1 |
| No. 303 Dong Won (longline fishing vessel) | KS-86-3071 | PBS | 1 |
| No. 306 Dong Won (longline fishing vessel) | KS-86-3072 | PBS | 1 |
| No. 317 Dong Won (longline fishing vessel) | KS-86-3073 | PBS | 1 |
| No. 318 Dong Won (longline fishing vessel) | KS-86-3074 | PBS | 1 |
| No. 32 Oryong (longline fishing vessel) | KS-86-3043 | PBS | 1 |
| No. 33 Oryong (longline fishing vessel) | KS-86-3033 | PBS | 1 |
| No. 35 Oryong (longline fishing vessel) | KS-86-3044 | PBS | 1 |
| No. 5 Han Dok (longline fishing vessel) | KS-86-3064 | PBS | 1 |
| No. 503 Haeng Bok (longline fishing vessel) | KS-86-3051 | PBS | 1 |
| No. 511 Haeng Bok (longline fishing vessel) | KS-86-3052 | PBS | 1 |
| No. 519 Haeng Bok (longline fishing vessel) | KS-86-3053 | PBS | 1 |
| No. 55 Oryong (longline fishing vessel) | KS-86-3035 | PBS | 1 |
| No. 557 Haeng Bok (longline fishing vessel) | KS-86-3079 | PBS | 1 |
| No. 6 Acacia (longline fishing vessel) | KS-86-3076 | PBS | 1 |
| No. 61 Oryong (longline fishing vessel) | KS-86-3069 | PBS | 1 |
| No. 62 Oryong (longline fishing vessel) | KS-86-3045 | PBS | 1 |
| No. 63 Oryong (longline fishing vessel) | KS-86-3046 | PBS | 1 |
| No. 65 Oryong (longline fishing vessel) | KS-86-3047 | PBS | 1 |
| No. 7 Han Dok (longline fishing vessel) | KS-86-3065 | PBS | 1 |
| No. 71 Oryong (longline fishing vessel) | KS-86-3007 | PBS | 1 |
| No. 75 Tae Chang (longline fishing vessel) | KS-86-3061 | PBS | 1 |
| No. 77 Oryong (longline fishing vessel) | KS-86-3036 | PBS | 1 |
| No. 77 Tae Chang (longline fishing vessel) | KS-86-3062 | PBS | 1 |
| No. 79 Tae Chang (longline fishing vessel) | KS-86-3063 | PBS | 1 |
| No. 8 Han Dok (longline fishing vessel) | KS-86-3066 | PBS | 1 |
| No. 801 Dong Won (longline fishing vessel) | KS-86-3075 | PBS | 1 |
| No. 81 Dong Yeong (longline fishing vessel) | KS-86-3070 | PBS | 1 |
| No. 85 Oryong (longline fishing vessel) | KS-86-3048 | PBS | 1 |
| No. 87 Oyang (longline fishing vessel) | KS-86-3054 | PBS | 1 |
| No. 91 Oryong (longline fishing vessel) | KS-86-3049 | PBS | 1 |
| No. 93 Oryong (longline fishing vessel) | KS-86-3050 | PBS | 1 |
| Government of the Polish People's Republic: | | | |
| Antares (large stern trawler) | PL-86-0046 | BSA, GOA, WOC | *1 |
| Antares (large stern trawler) | PL-86-0037 | BSA, GOA, WOC | *1 |
| Antoni Gamuszowski (cargo/transport vessel) | PL-86-0106 | BSA, GOA, NWA, WOC | 3 |
| Aqzanas (large stern trawler) | PL-86-0103 | BSA, GOA, WOC | *1 |
| Aquila (large stern trawler) | PL-86-0097 | BSA, GOA, WOC | *1 |
| Awior (large stern trawler) | PL-86-0060 | BSA, GOA, WOC | *1 |
| Bogar (large stern trawler) | PL-86-0085 | BSA, GOA, WOC | *1 |
| Cassiopeia (large stern trawler) | PL-86-0099 | BSA, GOA, WOC | *1 |
| Delfin (large stern trawler) | PL-86-0065 | BSA, GOA, WOC | *1 |
| Dziewi Polskie (cargo/transport vessel) | PL-86-0091 | BSA, GOA, NWA, WOC | 3 |
| Garneta (large stern trawler) | PL-86-0008 | BSA, GOA, WOC | *1 |
| Gdynski Kosynier (cargo/transport vessel) | PL-86-0090 | BSA, GOA, NWA, WOC | 3 |
| Geminu (large stern trawler) | PL-86-0048 | BSA, GOA, WOC | *1 |
| Grinwal (large stern trawler) | PL-86-0007 | BSA, GOA, WOC | *1 |
| Humbak (large stern trawler) | PL-86-0019 | BSA, GOA, WOC | *1 |
| Indus (large stern trawler) | PL-86-0094 | BSA, GOA, WOC | *1 |
| Kalmar (large stern trawler) | PL-86-0039 | BSA, GOA, WOC | *1 |
| Kapitan Ledochowski (cargo/transport vessel) | PL-86-0087 | BSA, GOA, NWA, WOC | 3 |
| Kaszuby 2 (cargo/transport vessel) | PL-86-0027 | BSA, GOA, NWA, WOC | 3 |
| Kokias (large stern trawler) | PL-86-0050 | BSA, GOA, WOC | *1 |

| Nation, vessel name, and vessel type | Application No. | Fishery | Activity |
|---|-----------------|-------------------|----------|
| Manta (large stern trawler) | PL-86-0052 | BSA, GOA WOC | *1 |
| Marin (large stern trawler) | PL-86-0034 | BSA, GOA WOC | *1 |
| Mazury (cargo/transport vessel) | PL-86-0098 | BSA, GOA, NWA WOC | 3 |
| Mors (large stern trawler) | PL-86-0063 | BSA, GOA WOC | *1 |
| Mustel (large stern trawler) | PL-86-0012 | BSA, GOA WOC | *1 |
| Orcyn (large stern trawler) | PL-86-0077 | BSA, GOA WOC | *1 |
| Orien (large stern trawler) | PL-86-0078 | BSA, GOA WOC | *1 |
| Otol (large stern trawler) | PL-86-0011 | BSA, GOA WOC | *1 |
| Parma (large stern trawler) | PL-86-0084 | BSA, GOA WOC | *1 |
| Perseus (large stern trawler) | PL-86-0004 | BSA, GOA WOC | *1 |
| Plock (cargo/transport vessel) | PL-86-0109 | BSA, GOA, NWA WOC | 3 |
| Pollux (large stern trawler) | PL-86-0006 | BSA, GOA WOC | *1 |
| Prof. Bogucki (large stern trawler) | PL-86-0107 | BSA, GOA WOC | *1 |
| Regulus (large stern trawler) | PL-86-0095 | BSA, GOA WOC | *1 |
| Rekin (large stern trawler) | PL-86-0080 | BSA, GOA WOC | *1 |
| Sagitta (large stern trawler) | PL-86-0040 | BSA, GOA WOC | *1 |
| Sirius (large stern trawler) | PL-86-0062 | BSA, GOA WOC | *1 |
| Tazar (large stern trawler) | PL-86-0054 | BSA, GOA WOC | *1 |
| Tunek (large stern trawler) | PL-86-0045 | BSA, GOA WOC | *1 |
| Voga (large stern trawler) | PL-86-0055 | BSA, GOA WOC | *1 |
| Wallen (large stern trawler) | PL-86-0009 | BSA, GOA WOC | *1 |
| Wineta (cargo/transport vessel) | PL-86-0061 | BSA, GOA, NWA WOC | 3 |
| Wloczynk (large stern trawler) | PL-86-0020 | BSA, GOA WOC | *1 |
| Zulawy (cargo/transport vessel) | PL-86-0041 | BSA, GOA, NWA WOC | *3 |
| Zyranow (cargo/transport vessel) | PL-86-0089 | BSA, GOA, NWA WOC | *3 |
| Government of Spain: | | | |
| Ana Maria Garidon (medium stern trawler) | SP-86-0057 | NWA | 1 |
| Ancora D'ouro (medium stern trawler) | SP-86-1989 | NWA | 1 |
| Andes (medium stern trawler) | SP-86-0117 | NWA | 1 |
| Anguicho (medium stern trawler) | SP-86-0118 | NWA | 1 |
| Area Cova (side trawler) | SP-86-0113 | NWA | 1 |
| Axixo (side trawler) | SP-86-0104 | NWA | 1 |
| Beramar Dos (small stern trawler) | SP-86-0179 | NWA | 1 |
| Campa De Torres (medium stern trawler) | SP-86-0178 | NWA | 1 |
| Canton De Cora (medium stern trawler) | SP-86-0030 | NWA | 1 |
| Capitan Emilio (side trawler) | SP-86-0123 | NWA | 1 |
| Capitan Jorge Segundo (side trawler) | SP-86-0069 | NWA | 1 |
| Chicha Touza (medium stern trawler) | SP-86-0025 | NWA | 1 |
| Codeside (medium stern trawler) | SP-86-0165 | NWA | 1 |
| Conbaroya II (medium stern trawler) | SP-86-0015 | NWA | 1 |
| Conbaroya III (medium stern trawler) | SP-86-0047 | NWA | 1 |
| Congelamar Primero (medium stern trawler) | SP-86-0174 | NWA | 1 |
| Congelamar Segundo (medium stern trawler) | SP-86-0173 | NWA | 1 |
| Costa De Normandia (medium stern trawler) | SP-86-0054 | NWA | 1 |
| Cruna (medium stern trawler) | SP-86-0124 | NWA | 1 |
| Cudillero (medium stern trawler) | SP-86-0111 | NWA | 1 |
| Egunserria (medium stern trawler) | SP-86-0062 | NWA | 1 |
| Farpasca IV (medium stern trawler) | SP-86-0093 | NWA | 1 |
| Frangana (medium stern trawler) | SP-86-0046 | NWA | 1 |
| Isla Aleganza (medium stern trawler) | SP-86-0126 | NWA | 1 |
| Isla Graciosa (medium stern trawler) | SP-86-0127 | NWA | 1 |
| Isla Montana Clara (medium stern trawler) | SP-86-1028 | NWA | 1 |
| Izarra (medium stern trawler) | SP-86-0064 | NWA | 1 |
| Lax Dos Picos (medium stern trawler) | SP-86-0035 | NWA | 1 |
| Madroa (small stern trawler) | SP-85-0024 | NWA | 1 |
| Manuel Nores (medium stern trawler) | SP-86-0107 | NWA | 1 |
| Maposa Curato (medium stern trawler) | SP-86-0161 | NWA | 1 |
| Maposa Octavo (medium stern trawler) | SP-86-0163 | NWA | 1 |
| Maposa Primero (side trawler) | SP-86-0149 | NWA | 1 |
| Maposa Quinto (medium stern trawler) | SP-86-0072 | NWA | 1 |
| Maposa Segundo (side trawler) | SP-86-0150 | NWA | 1 |
| Maposa Septimo (medium stern trawler) | SP-86-0164 | NWA | 1 |
| Maposa Sexto (side trawler) | SP-86-0085 | NWA | 1 |
| Maposa Tercero (medium stern trawler) | SP-86-0156 | NWA | 1 |
| Maria Eugania G (medium stern trawler) | SP-86-0170 | NWA | 1 |
| Maria Teresa Rodriguez (medium stern trawler) | SP-86-1067 | NWA | 1 |
| Mayi Cuatro (medium stern trawler) | SP-86-0073 | NWA | 1 |
| Moradina (small stern trawler) | SP-86-0-0180 | NWA | 1 |
| Mouta (medium stern trawler) | SP-86-0040 | NWA | 1 |
| Navijosa Noveno (medium stern trawler) | SP-86-0168 | NWA | 1 |
| Navijosa Octavo (medium stern trawler) | SP-86-0160 | NWA | 1 |
| Navijosa Quinto (side trawler) | SP-86-0152 | NWA | 1 |
| Navijosa Sexto (side trawler) | SP-86-0153 | NWA | 1 |
| Navijosa VII (side trawler) | SP-86-0154 | NWA | 1 |
| Nuska (medium stern trawler) | SP-86-0043 | NWA | 1 |
| Orballo (medium stern trawler) | SP-86-0036 | NWA | 1 |
| Pogago Cuarto (side trawler) | SP-86-0151 | NWA | 1 |
| Pogago Segundo (side trawler) | SP-86-0098 | NWA | 1 |
| Pogago Tercero (medium stern trawler) | SP-86-0070 | NWA | 1 |
| Peixino (medium stern trawler) | SP-86-0108 | NWA | 1 |
| Perca (medium stern trawler) | SP-86-0045 | NWA | 1 |
| Pescamaro UNO (medium stern trawler) | SP-86-0034 | NWA | 1 |
| Pescapuerta Terceco (medium stern trawler) | SP-86-0020 | NWA | 1 |
| Pescapureta Segundo (large stern trawler) | SP-86-0112 | NWA | 1 |
| Pineiro Correa (medium stern trawler) | SP-86-0066 | NWA | 1 |
| Pinzon Primero (medium stern trawler) | SP-86-0172 | NWA | 1 |
| Playa De Cadiz (medium stern trawler) | SP-86-0136 | NWA | 1 |
| Playa De Menduina (small stern trawler) | SP-86-0137 | NWA | 1 |
| Playa De Mogor (medium stern trawler) | SP-86-0021 | NWA | 1 |
| Playa De Pesmar (medium stern trawler) | SP-86-0113 | NWA | 1 |
| Puente De Gondomar (medium stern trawler) | SP-86-0077 | NWA | 1 |
| Puente Lourido (medium stern trawler) | SP-86-0109 | NWA | 1 |
| Puente Minor (medium stern trawler) | SP-86-0023 | NWA | 1 |
| Puente Toralla (small stern trawler) | SP-85-0052 | NWA | 1 |

| Nation, vessel name, and vessel type | Application No. | Fishery | Activity |
|--|-----------------|---------|----------|
| Punta De Robeleira (small stern trawler) | SP-86-0148 | NWA | 1 |
| Ria Deportavedra (large stern trawler) | SP-86-0076 | NWA | 1 |
| Rio Verdugo (medium stern trawler) | SP-86-0085 | NWA | 1 |
| Suemar Uno (medium stern trawler) | SP-85-0059 | NWA | 1 |
| Tasarte (medium stern trawler) | SP-86-0014 | NWA | 1 |
| Teucro (medium stern trawler) | SP-86-0101 | NWA | 1 |
| Tito Marquez (medium stern trawler) | SP-86-0038 | NWA | 1 |
| Toralia (medium stern trawler) | SP-86-0016 | NWA | 1 |
| Ur Ertza (medium stern trawler) | SP-86-0110 | NWA | 1 |
| Vilachan (medium stern trawler) | SP-86-0078 | NWA | 1 |
| Villa Ana (side trawler) | SP-86-0145 | NWA | 1 |
| Villa De Marin (medium stern trawler) | SP-86-0051 | NWA | 1 |
| Voxador (medium stern trawler) | SP-86-0039 | NWA | 1 |
| Xeitosino (medium stern trawler) | SP-86-0022 | NWA | 1 |
| Zamanes (side trawler) | SP-86-0053 | NWA | 1 |

[FR Doc. 85-27724 Filed 11-20-85; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Exclusive Patent License; Beckman Instruments, Inc.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Beckman Instruments, Inc., having a place of business at 2500 Harbor Boulevard, Box 3100, Fullerton, California 92634, an exclusive right in the United States and certain foreign countries to manufacture, use, and sell products embodied in the invention entitled "Method and Apparatus for Sequential Fractionation," U.S. Patent Application Serial Number 6-724,033. The patent rights in this invention will be assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.9. The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151 to the attention of Robert P. Auber.

Douglas J. Campion,

Office of Federal Patent Licensing,
Department of Commerce, National Technical
Information Service.

[FR Doc. 85-27763 Filed 11-20-85; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Navy

Chief of Naval Operations, Executive Panel Advisory Committee, Pacific Basin Task Force; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Pacific Basin Task Force will meet December 10-11, 1985, from 9 a.m. to 5 p.m. each day, at 4401 Ford Avenue, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to examine the broad policy issues related to maritime aspects in the Pacific. The entire agenda for the meeting will consist of discussions of key issues related to United States national security interests and naval strategies in the Pacific and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c) (1) of title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Paul G. Butler, Executive Secretary of the CNO Executive Panel Advisory Committee; 4401 Ford Avenue, Room 928, Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Dated: November 18, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve;
Federal Register Liaison Officer.

[FR Doc. 85-27795 Filed 11-20-85; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Desegregation of Public Education Program

AGENCY: Department of Education.

ACTION: Application Notice for Noncompeting Continuation Projects for Fiscal Year 1986.

SUMMARY: Applications are invited for noncompeting continuation projects under the Desegregation Assistance Center (DAC) program for race, sex, and national origin desegregation assistance under section 403 of the Civil Rights Act of 1964.

Authority for this program is contained in Title IV of the Civil Rights Act of 1964. (42 U.S.C. 2000c-2000c-5).

The program issues awards to DACs.

The purpose of the awards is to provide technical assistance, training, and advisory services to school districts in coping with the special educational problems caused by the desegregation of their schools based on race, sex, or national origin.

Closing Date For Transmittal of Applications: To be assured of consideration for funding, applicants for noncompeting continuation awards should mail or hand deliver their applications on or before January 9, 1986.

If an application is late, the Department of Education may lack sufficient time to review it with other applications for noncompeting continuation awards and may decline to accept it.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Washington, D.C. 20202. Applications for the DAC program should be marked Attention: 84.004C.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3635, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

Program Information: the present recipients of DAC awards are eligible to apply for the continuation of those awards. Under 34 CFR 270.38(c) (formerly 45 CFR 180.38(c)) the Secretary is authorized to approve the continuation of an existing DAC award if the recipient of that award "has complied with the terms of the award, has provided satisfactory assistance, and continues to show promise of success in providing that assistance".

Intergovernmental Review: On June 24, 1983, the Secretary published in the Federal Register final regulations (34 CFR Part 79, published at 48 FR 29158-29168) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their

own process for review and comment on proposed Federal financial assistance;

- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is the current list of States that have established a process, designated a single point of contact, and have selected this program for review:

| State | |
|----------------------|-----------------|
| Alabama | Nevada |
| Arizona | New Hampshire |
| Arkansas | New Jersey |
| California | New Mexico |
| Connecticut | New York |
| Delaware | North Dakota |
| District of Columbia | Ohio |
| Florida | Oklahoma |
| Hawaii | Oregon |
| Indiana | Pennsylvania |
| Iowa | South Dakota |
| Kansas | Texas |
| Kentucky | Tennessee |
| Louisiana | Trust Territory |
| Maine | Vermont |
| Massachusetts | Virginia |
| Michigan | Washington |
| Missouri | Wyoming |
| Montana | Guam |
| Nebraska | Virgin Islands |

Immediately upon receipt of this notice, applicants that are governmental entities must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by February 10, 1986 to the following address:

The Secretary, U.S. Department of Education, Room 4181, (84.004C) 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.

Available Funds: In 1985, \$24,000,000 was appropriated for Training and Advisory services. For 1986 the President has requested \$16,000,000 as the first stage of a planned phase out of the program over the next two years. However, the Congress has not yet enacted a 1986 appropriation and may appropriate funds comparable to the 1985 level.

The Department is planning to award 40 grants for 1986 DAC projects. The Department makes separate grants for race, sex, and national origin.

Application Forms: Application forms and program information packages are expected to be ready for mailing on December 9, 1985. They may be obtained by writing to the Equity Training and Technical Assistance Program Staff, U.S. Department of Education (Room 2033, FOB-6), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations.

The Secretary strongly urges that applicants not submit information that is not requested.

(The application is approved under OMB Control Number 1810-0517.)

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Desegregation of Public Education program, 34 CFR Part 270 (formerly 45 CFR Part 180).

(b) Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79, (except as provided in 34 CFR 270.02(c)-(e)).

FOR FURTHER INFORMATION: For further information contact George R. Rhodes, Jr., Director, Division of Educational Support, U.S. Department of Education (Room 2011, FOB-6), Mail Stop 6264, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245-8484.

(42 U.S.C. 2000c-2000c-5)

(Catalog of Federal Domestic Assistance Number 84.004, Civil Rights Technical Assistance Programs)

Dated: November 18, 1985.

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 85-27792 Filed 11-20-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Issuance of Proposed Remedial Order to Atlantic Richfield Co. and Notice of Opportunity for Objection

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that a Proposed Remedial Order (PRO) was issued by ERA to Atlantic Richfield Company (ARCO), 515 South Flower Street, Los Angeles, California 90071, on October 4, 1985, and amended on October 11, 1985. This PRO, as amended, charges ARCO, a refiner, with selling domestic price-controlled crude oil at prices in excess of those permitted by DOE regulations at 10 CFR 212.183(b), 205.202, 210.62(c), and 212.10(a).

The PRO alleges that during the audit period from August 1, 1977 through January 27, 1981, ARCO sold 48,251,710 barrels of domestic price-controlled crude oil to eleven crude oil resellers, conditioning those sales upon ARCO's receipt of various price concessions from those resellers on linked, or tied-in, transactions involving uncontrolled crude oil, either in the form of discounts on ARCO's purchases of exempt foreign or domestic crude oil or premiums on its sales of exempt foreign crude oil. As a result, ARCO received prices in excess of those permitted in its sales of controlled crude oil.

During the violation period from March 1, 1978 through January 27, 1981, the total excess consideration, or premiums, alleged to have been unlawfully received by ARCO from the eleven resellers for the 48,251,710 barrels of domestic price-controlled crude oil was \$239,948,207.00, exclusive of interest. The interest thereon, computed through October 31, 1985, is

\$259,347,879.00, yielding a total of \$499,296,086.00 in over-charges and interest. The PRO contemplates that, within 20 days of issuance of a final Remedial Order in this case ARCO will pay to DOE, for deposit in a suitable account for ultimate disposition by DOE, the total amount received by ARCO in violation of the regulations cited plus interest accrued to the date of payment.

A copy of the PRO, with confidential information (if any deleted, may be obtained from the DOE Freedom of Information Reading Room, U.S. Department of Energy, 1000 Independence Avenue, SW., Room 1E-190, Washington, DC 20585.

Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection to the PRO with the Office of Hearing and Appeals, U.S. Department of Energy, Room 6F-055, 1000 Independence Avenue, SW., Washington, DC 20585, in accordance with 10 CFR 205.193. A person who fails to file a Notice of Objection shall be deemed to have admitted the findings of fact and conclusions of law stated in the proposed order. If a Notice of Objection is not filed in accordance with § 205.193, the proposed order may be issued as a final Remedial Order by the Office of Hearings and Appeals.

Issued in Washington, D.C., on the 13th day of November, 1985.

Avrom Landesman,

Director, Office of Enforcement Programs, Economic Regulatory Administration.

[FR Doc. 85-27784 Filed 11-20-85; 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 required 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 December 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, DC 20585, Telephone: (202) 252-6077.

Section I

As required 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 of 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 | BTU's (millions) |
|-----------------------------|------------------|
| Alabama | \$3.73 |
| Arizona ¹ | 3.42 |
| Arkansas ¹ | 3.24 |
| California | 3.21 |
| Colorado ² | 3.27 |
| Connecticut ¹ | 3.49 |
| Delaware ¹ | 3.88 |
| Florida | 2.59 |
| Georgia ¹ | 3.74 |
| Idaho ² | 3.27 |
| Illinois | 3.35 |
| Indiana ¹ | 3.30 |
| Iowa ¹ | 3.27 |
| Kansas | 3.19 |
| Kentucky ¹ | 3.41 |
| Louisiana | 3.23 |
| Maine | 3.48 |
| Maryland ² | 3.88 |
| Massachusetts ¹ | 3.49 |
| Michigan | 3.23 |
| Minnesota | 3.23 |
| Mississippi ¹ | 3.74 |
| Missouri ¹ | 3.27 |
| Montana ² | 3.27 |
| Nebraska ¹ | 3.27 |
| Nevada ¹ | 3.42 |
| New Hampshire | 3.84 |
| New Jersey | 3.84 |
| New Mexico ¹ | 3.24 |
| New York | 3.88 |
| North Carolina ¹ | 3.74 |
| North Dakota ¹ | 3.27 |
| Ohio | 3.25 |
| Oklahoma ¹ | 3.24 |
| Oregon ¹ | 3.42 |
| Pennsylvania | 3.84 |
| Rhode Island ¹ | 3.49 |
| South Carolina ¹ | 3.74 |
| South Dakota ¹ | 3.27 |
| Tennessee ¹ | 3.74 |
| Texas | 3.23 |
| Utah ² | 3.27 |
| Vermont ¹ | 3.49 |

| State | BTU's (millions) |
|----------------------------|---------------------|
| Virginia | 3.09 |
| Washington ¹ | 3.42 |
| West Virginia ¹ | 3.41 |
| Wisconsin ¹ | 3.41 |
| Wyoming ² | 3.27 |

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 September 1985 was \$31.84 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 December 1, 1985, is \$7.14 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. RM81-27 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 July 1985, August 1985, and September 1985.¹ All reports of volume sold and price

¹ 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.

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 December 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, July 1985, August 1985, and September 1985. Reported prices for sales in July 1985 were adjusted by the percent change in the nationwide volume-weighted average price from July 1985 to September 1985. Prices for August 1985 were similarly adjusted by the percent change in the nationwide volume-weighted average price from August 1985 to September 1985. The volume-weighted 3-month average of the adjusted July 1985 and August 1985, and the reported September 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 national 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 July 1985, August 1985, and September 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 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 November 15, 1985, and dividing that price by the corresponding weighted average price computed from prices published by *Platt's* for the month of September 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 distant regions as follows:

Region A
Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Region B

Delaware
Maryland
New Jersey
New York
Pennsylvania

Region C

Alabama
Florida
Georgia
Mississippi
North Carolina
South Carolina
Tennessee
Virginia

Region D

Illinois
Indiana
Kentucky
Michigan
Ohio
West Virginia
Wisconsin

Region E
Iowa
Kansas
Missouri
Minnesota
Nebraska
North Dakota
South Dakota

Region F

Arkansas
Louisiana
New Mexico
Oklahoma
Texas

Region G

Colorado
Idaho
Montana
Utah
Wyoming

Region H

Arizona
California
Nevada
Oregon
Washington

Commission approval of minor modifications to the PGA Settlement in Docket Nos. TA82-1-21, *et al.*, and a finding that the settlement, as modified, conforms with Order No. 436 issued in Docket No. RM85-1 on October 9, 1985. The Motion also requests limiting to November 22, 1985 the time for filing answers.

The Movants state that the Commission orders of June 14, 1985 and June 25, 1985 approving the settlement expressly provided that settlement's terms and conditions were subject to the outcome of the rulemaking in Docket No. RM85-1; that Columbia, its customers, intervenors and the Commission staff met on November 13, 1985. The Movants have agreed upon minor modifications to the settlement; and request that prompt approval by the Commission of the modification to the PGA Settlement is required by Columbia before it commits to become a long-term Order No. 436 transporter.

In support of their request the Movants state that Columbia pipelines are presently providing non-discriminatory transportation for the interim period from November 1, 1985 to December 15, 1985; that Commission action is needed prior to December 13, 1985 if transportation by Columbia is to continue and that termination of service even for a brief period would result in substantial injury to the ultimate consumers.

Movants state that a draft Motion dated November 8, 1985 which included a request for a shorter answering period was served on all participants by express mail on November 8, 1985. Further, a meeting of the participants was held on November 13, 1985, pursuant to the Commission's Notice issued November 8, 1985. During the course of the meeting, the Motion including the request for shortened time was discussed. Prior to the filing of the Motion, the major participants to the proceeding were fully apprised that the request for a shorter answering period to November 22, 1985, would be forthcoming. Furthermore, the Motion has been served by express mail on all participants.

Upon consideration, good cause exists for shortening the time for filing answers to the subject Motion. Pursuant to Rules 213(d)(1) and 302(b), Notice is hereby given that answers to the Motion, if any,

must be filed on or before November 25, 1985.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27745 Filed 11-20-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-118-007]

Northwest Pipeline Corp.; Petition To Amend

November 15, 1985.

Take notice that on November 1, 1985, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP85-118-007 a petition to amend further the Commission's order issued May 8, 1985, as amended September 30, 1985, in Docket Nos. CP85-118-000, CP85-118-001 and CP85-118-002, pursuant to section 7(c) of the Natural Gas Act so as to authorize Northwest to continue the transportation of natural gas for the account of CPEX-Pacific, Inc. (CPEX), for an additional one-year term extending through December 23, 1986, all as more fully described in the petition to amend which is on file with the Commission and open to public inspection.

Northwest states that the Commission's May 8, 1985, order authorized Northwest to transport, on a best-efforts basis, up to 10 billion Btu's of natural gas per day for the account of Reichhold Chemicals, Inc. (Reichhold), CPEX's predecessor, pursuant to a gas transportation agreement dated October 26, 1984. Northwest states that under this agreement, Northwest transports gas for CPEX, successor in interest to Reichhold, from the Canadian border at Sumas, Washington, to the Deer Island meter station in Columbia County, Oregon, where thermally equivalent volumes, less fuel, are redelivered to Northwest Natural Gas Company for CPEX's account where the gas is used as a process fuel and feedstock in the manufacture of anhydrous ammonia.

Further, Northwest states the Commission's September 30, 1985, order in Docket No. CP85-118-002 authorized an extension of the term for the transportation service through December 23, 1985, subject to the receipt of appropriate export authority. Northwest states that it and CPEX agreed to extend the term of the

Issued in Washington, D.C., on November 19, 1985.

L.A. Pettis,

Acting Deputy Administrator, Energy Information Administration.

[FR Doc. 85-27904 Filed 11-19-85; 1:47 pm]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. TA82-1-21 *et al.*]

Columbia Gas Transmission Corp.; Granting Request to Shorten Time

November 15, 1985.

On November 14, 1985, Columbia Gas Transmission Corporation, Columbia Gulf Transmission Company ("Columbia") and the various parties (Movants) filed a motion for prompt

transportation agreement through December 23, 1986.

Northwest requests the Commission to amend its May 8, 1985, order to authorize Northwest to continue to transport gas for CPEX under the transportation agreement, as amended, through December 23, 1986.

Other than the extension of term, Northwest states that it proposes no change in the existing transportation service and that it would continue to charge its effective tariff rate applicable to incremental on-system transportation services which is currently 20.0 cents per billion Btu plus a fuel charge and a GRI surcharge.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 27, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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.

Kenneth F. Plumb,

Secretary,

[FR Doc. 85-27746 Filed 11-20-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-17-000]

Northwest Pipeline Corp.; Change in FERC Gas Tariff

November 15, 1985.

Take notice that on November 6, 1985, Northwest Pipeline Corporation (Northwest) tendered for filing, to be a part of its FERC Gas Tariff, Original Volume No. 2, the following tariff sheets: First Revised Sheet No. 457
First Revised Sheet No. 461

According to § 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until November 7, 1985.

The tendered tariff sheets will amend the pricing provision of Rate Schedule X-46 to allow Northwest to sell off-system natural gas to Southwest Gas

Corporation (Southwest) which is being made available to Northwest by Westcoast Transmission Company Limited (Westcoast).

Northwest proposes to change Southwest the "posted off-system sales prices[s]" for those volumes offered by Westcoast for each month. Northwest will notify the Commission of the price and volume to be sold under Rate Schedule X-46 five days prior to the beginning of each month and will report actual monthly prices and volumes within 30 days after the end of each month.

Northwest requests waiver of the Commission's regulations to permit an effective date of November 6, 1985, for the tendered tariff sheets. Northwest states that copies of this filing have been mailed to all jurisdictional sales customers and affected state commissions and to Southwest Gas Corporation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 22, 1985. 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. 85-27747 Filed 11-20-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP86-111-000]

United Gas Pipe Line Co.; Application

November 15, 1985.

Take notice that on October 31, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP86-111-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Entex, Inc. (Entex), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United proposes to transport, on a firm basis, up to 25,000 Mcf of natural gas per day for Entex pursuant to a gas

transportation agreement, dated September 30, 1985, for a term ending January 1, 1990.

United States that it would receive natural gas for Entex's account at existing interconnections between the facilities of United and Natural Gas Pipeline Company of America in Cameron and Vermilion Parishes, Louisiana, and would redeliver equivalent volumes to Entex at various existing interconnections between United and Entex's facilities within a 75-mile radius of the receipt points.

It is explained that Entex would pay United a rate equal to United's Type I Rate consisting of a monthly demand charge plus a commodity charge including cost of company-used gas as set forth in United's FERC Gas Tariff, First Revised Volume No. 1, Rate Schedule T. United States that the currently effective contract demand rate is 57 cents per Mcf and the commodity charge including cost of company-used gas is 8.52 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 application 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 United to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27744 Filed 11-20-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF86-169-000 et al.]

A.E. Staley Manufacturing Co. et al.; Small Power Production and Cogeneration 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. A.E. Staley Manufacturing Co.

[Docket No. QF86-169-000]

November 13, 1985.

On October 31, 1985, A.E. Staley Manufacturing Co. (Applicant), of 2200 East Eldorado Street, Decatur, Illinois 62525 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 is located at 2245 Sagamore Parkway North, Lafayette, Indiana 47905. The facility will consist of an extraction back-pressure steam turbine-generator. The power production capacity will be 7,415 kilowatts and the primary energy source will be coal. The extracted steam will be used in a corn processing plant. Installation of the facility began in July 1984.

2. BV Partners

November 14, 1985.

[Docket No. QF81-30-001]

On November 1, 1985, BV Partners, 1925 N. Lynn Street, Suite 1200, Arlington, Virginia 22209, 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 is located in Monaca, Pennsylvania. The facility consists of three coal-fired steam boilers and two steam turbine-generators. Steam is sold for use in an adjacent chemical plant. The primary energy source for the facility will be coal. The electric power

production capacity of the facility is 31,500 kilowatts. The facility was previously owned by ARCO Polymers, Inc. and received certification as a cogeneration facility on August 10, 1981. BV Partners has purchased the existing facility and desire recertification of the facility as the new owner.

3. Batten Kill Hydro Associates (Upper Greenwich Hydropower Project)

[Docket No. QF86-69-000]

November 14, 1985.

On October 22, 1985, Batten Kill Hydro Associates (Applicant), of 410 Severn Avenue, Suite 409, Annapolis, Maryland 21403 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 800 kilowatt hydroelectric facility is located in Washington County, New York.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

4. Second Imperial Geothermal Company

[Docket No. QF 86-114-000]

November 13, 1985.

On October 30, 1985, Second Imperial Geothermal Company (Applicant), of 226 West Brokaw Road, Suite 550, San Jose, California 95110 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 40 megawatt geothermal facility will be located near the Heber Geothermal Project No. 1 facility in the Imperial Valley, California. The primary energy source will be geothermal fluids which will be converted to electric power using flash tanks and a turbine generator.

5. Dr. Forrest F. Evans

[Docket No. QF86-83-000]

November 14, 1985.

On October 28, 1985, Dr. Forrest F. Evans (Applicant), of Rt. 1, Biota, Joelson, Tennessee 37080 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 estimated 4.5 kilowatt hydroelectric facility is located on Marrowbone Creek, near Nashville, Tennessee.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

6. Pan Pacific Hydro (Davis Creek Project)

[Docket No. QF86-97-000]

On October 29, 1985, Pan Pacific Hydro (Applicant), of 215 Main Street, Weaverville, California 96093 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 475 kilowatt hydro electric facility is located on Davis Creek near Trinity Center in Trinity County, California.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

7. Pan Pacific Hydro (Van Matre Creek Project)

[Docket No. QF86-95-000]

November 14, 1985.

On October 29, 1985, Pan Pacific Hydro (Applicant), of 215 Main Street,

Weaverville, California 96093 submitted for filing an application for certification on 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 320 kilowatt hydroelectric facility is located on Van Matre Creek, in Trinity County, California.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

8. Pan Pacific Hydro (East Fork Project)

[Docket No. QF86-98-000]

On October 29, 1985, Pan Pacific Hydro (Applicant), of 215 Main Street, Weaverville, California 96093 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 700 kilowatt hydroelectric facility is located in Trinity County, California.

A separate application is required for a hydroelectric project license,

preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

9. Pan Pacific Hydro (Weber # 2 Project)

[Docket No. QF86-100-000]

On October 29, 1985, Pan Pacific Hydro (Applicant), of 215 Main Street, Weaverville, California 96093 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 400 kilowatt hydroelectric facility is located in Trinity County, California.

A separate application is required for hydroelectric project licenses, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

10. Mega Renewables

[Docket No. QF86-101-000, et al. (see attached list)]

November 12, 1985.

On October 30, 1985, Mega Renewables (Applicant),¹ of 2576 Hartnell Avenue, Redding, California 96002 submitted for filing 14 applications for certification of facilities as qualifying small power production facilities pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

Each hydroelectric small power production facility will be located in the state of California. The nearest township, county, water resources, FERC project number and power production capacity of each facility is listed below. Each facility will consist of one hydraulic turbine with connected generator.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

| Docket No. | Location | Resources | FERC project number | Capacity (kilowatts) |
|--------------|----------------------------------|--------------------------------|---------------------|----------------------|
| QF86-101-000 | Pittville in Lassen County | Pit River | p. 8826 | 1,000 |
| QF86-102-000 | Whitmore in Shasta County | Aikin Creek | p. 8780 | 1,000 |
| QF86-104-000 | Lamoine in Shasta County | North Fork State Creek | p. 8453 | 450 |
| QF86-105-000 | do | State Creek | p. 8451 | 5,000 |
| QF86-106-000 | French Gulch in Shasta County | Clear Creek | p. 8472 | 5,000 |
| QF86-108-000 | Lamoine in Shasta County | South Fork State Creek | p. 8452 | 450 |
| QF86-109-000 | Round Mountain in Shasta County | Little Cow Creek | p. 8676 | 2,000 |
| QF86-110-000 | Whitmore in Shasta County | South Cow Creek and Real Creek | p. 8779 | 2,000 |
| QF86-111-000 | Manton in Tehama & Shasta County | Digger Creek | p. 8738 | 3,000 |
| QF86-112-000 | Whitmore in Shasta County | Old Cow Creek | p. 8681 | 4,000 |
| QF86-121-000 | Burney in Shasta County | Burney Creek | p. 8671 | 3,000 |
| QF86-122-000 | Whitmore in Shasta County | South Cow Creek | p. 8659 | 7,000 |
| QF86-123-000 | Fall River in Shasta County | Pit River | p. 8829 | 3,000 |
| QF86-126-000 | Old Station in Shasta County | Bidwell Ditch from Lost Creek | p. 9034 | 1,500 |

11. Signal Environmental Systems Inc.

[Docket No. QF86-179-000]

November 14, 1985.

On November 1, 1985, Signal Environmental Systems Inc. (Applicant), Liberty Lane, Hampton, New Hampshire 03842, 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 small power production facility will be located in Broward County, Florida. The primary fuel for the facility

will be biomass in the form of municipal solid waste. Oil or natural gas will be used only for start-up fuel and in the aggregate will not exceed 25 percent of

¹ Mega Renewables is a partnership consisting of Resource Electric, Inc. and Baccarat Development Corp.

the total energy input during the calendar year. No other small power production facility owned by the applicant and using the same energy source will be located within one mile of the facility. The electric power production capacity of the facility is 57 megawatts.

12. Signal Environmental Systems Inc.

[Docket No. QF86-178-000]

November 14, 1985.

On November 1, 1985, Signal Environmental Systems Inc. (Applicant), Liberty Lane, Hampton, New Hampshire 03842, 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 small power production facility will be located in West Deptford, New Jersey. The primary fuel for the facility will be biomass in the form of municipal solid waste. Oil or natural gas will be used only for start-up fuel and in the aggregate will not exceed 25 percent of the total energy input during the calendar year. No other small power production facility owned by the applicant and using the same energy source will be located within one mile of the facility. The electric power production capacity of the facility is 12 megawatts.

13. Signal Environmental Systems Inc.

[Docket No. QF86-175-000]

November 14, 1985.

On November 1, 1985, Signal Environmental Systems Inc. (Applicant), Liberty Lane, Hampton, New Hampshire 03842, 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 small power production facility will be located in Milbury, Massachusetts. The primary fuel for the facility will be biomass in the form of municipal solid waste. Oil or natural gas will be used only for start-up fuel and in the aggregate will not exceed 25 percent of the total energy input during the calendar year. No other small power production facility owned by the applicant and using the same energy source will be located within one mile of the facility. The electric power production capacity of the facility is 38.5 megawatts.

14. Signal Environmental Systems Inc.

[Docket No. QF86-177-000]

November 14, 1985.

On November 1, 1985, Signal Environmental Systems Inc. (Applicant), Liberty Lane, Hampton, New Hampshire 03842, 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 small power production facility will be located in Claremont, New Hampshire. The primary fuel for the facility will be biomass in the form of municipal solid waste. Oil or natural gas will be used only for start-up fuel and in the aggregate will not exceed 25 percent of the total energy input during the calendar year. No other small power production facility owned by the applicant and using the same energy source will be located within one mile of the facility. The electric power production capacity of the facility is 4.5 megawatts.

15. Signal Environmental Systems Inc.

[Docket No. QF86-176-000]

November 14, 1985.

On November 1, 1985, Signal Environmental Systems Inc. (Applicant), Liberty Lane, Hampton, New Hampshire 03842, 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 small power production facility will be located in Concord, New Hampshire. The primary fuel for the facility will be biomass in the form of municipal solid waste. Oil or natural gas will be used only for start-up fuel and in the aggregate will not exceed 25 percent of the total energy input during the calendar year. No other small power production facility owned by the applicant and using the same energy source will be located within one mile of the facility. The electric power production capacity of the facility is 11 megawatts.

16. Third Imperial Geothermal Company

[Docket No. QF86-115-000]

November 13, 1985.

On October 30, 1985, Third Imperial Geothermal Company (Applicant), of 226 West Brokaw Road, Suite 550 San Jose, California 95110 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 40 megawatt geothermal facility will be located near the Heber Geothermal Project No. 1 facility in the Imperial Valley, California. The primary energy source will be geothermal fluids which will be converted to electric power using flash tanks and a turbine generator.

17. Synergics, Inc. (Mt. Storm Hydropower Project)

[Docket No. QF86-67-000]

November 14, 1985.

On October 22, 1985, Synergics, Inc. (Applicant), of 410 Severn Avenue, Suite 409, Annapolis, Maryland 21403 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 750 kilowatt hydroelectric facility is located on the Stony River near the Town of Mt. Storm, in Grant County, West Virginia.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction operation, licensing and pollution abatement.

18. Synergics, Inc. (Edwards Falls Hydropower Project)

[Docket No. QF86-73-000]

November 13, 1985.

On October 24, 1985, Synergics, Inc. (Applicant), of 410 Severn Avenue, Suite 409, Annapolis, Maryland 21403 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 800 kilowatt hydroelectric facility is located on the Limestone Creek near the Town of Manlius, in Onondaga County, New York.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from

licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility or any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

19. Synergics, Inc. (Huntington Dam Hydropower Project)

[Docket No. QF86-71-000]

November 14, 1985.

On October 22, 1985, Synergics, Inc. (Applicant), of 410 Severn Avenue, Suite 409, Annapolis, Maryland 21403 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 3,100 kilowatt hydroelectric facility is located on the Wabash River near the Town of Huntington in Huntington, County, Indiana.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

20. Synergics, Inc. (Twelfth Street Hydropower Project)

[Docket No. QF86-70-000]

November 14, 1985.

On October 22, 1985, Synergics, Inc. (Applicant), of 410 Severn Avenue, Suite 409, Annapolis, Maryland 21403 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 3 megawatt hydroelectric facility is located on the James River in the City of Richmond, Virginia.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves

only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

21. Synergics, Inc. (Cooleemee Hydropower Project)

[Docket No. QF86-68-000]

November 14, 1985.

On October 22, 1985, Synergics, Inc. (Applicant), of 410 Severn Avenue, Suite 409, Annapolis, Maryland 21403 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 constitute a complete filing.

The 1,500 kilowatt hydroelectric facility is located on the South Yadkin River near the Town of Cooleemee, in David County, North Carolina.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

22. Weber Basin Water Conservancy District

[Docket No. QF86-92-000]

November 14, 1985.

On October 28, 1985, Weber Basin Water Conservancy District (Applicant), of 2837 East Highway 193, Layton, Utah 84041 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 constitute a complete filing.

The 9,510 kilowatt hydroelectric facility is located on the Weber River in Davis County, Utah.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR

Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Standard Paragraphs

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, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27743 Filed 11-20-85; 8:45 am]

BILLING CODE 6710-01-M

[Docket No. E-9206-004]

American Electric Power Service Corp.; Notice of Refund Compliance Report

November 14, 1985.

Take notice that American Electric Power Service Corporation ("AEPSC"), on November 4, 1985, tendered for filing a refund compliance report pursuant to the Commission's May 20, 1985 letter order in Docket No. E-9206-000.

AEPSC's compliance filing includes monthly data showing Tanners Creek Unit 1-3 mwh generation allocated to system sales (by type of sale), calculation of the refund factor for each year, calculation of the refund owed to each category of customer, calculation of the refund owed to each customer and the allocation of the refund obligation among the operating companies of the American Electric Power Company System. A copy of the filing was served on the FERC Staff.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 27, 1985. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-27842 Filed 11-20-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI84-555-005]

ANR Production Co.; Notice of Application for Extension and Modification of Special Marketing Program and Request for Expedited Action

November 15, 1985.

Take notice that on October 31, 1985, ANR Production Company (Applicant) of 5075 Westheimer—Suite 1100 West, Houston, Texas 77056, filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations under the NGA for temporary extension and modification of its special marketing program (SMP) authorized by the Commission in Docket No. CI85-555-000. The extension is requested from November 1, 1985 until October 31, 1986. Applicant also requests that the Commission consider this application on an expedited basis and that the requested extension be granted effective as of October 31, 1985, the date on which all SMP's expired.

Applicant's SMP program was authorized pursuant to the terms and conditions of the orders of the Commission issued September 26, 1984 and December 17, 1984, imposing uniform conditions on all SMP programs.¹ The extension of the SMP program will permit Applicant to sell low-cost gas to natural gas consumers which otherwise would not be purchased by Transcontinental Gas Pipe Line Corporation (Transco), and other interstate pipelines, and will provide Transco and other pipelines significant take-or-pay relief.

Unless extended by the Commission, Applicant's SMP program will expire at a time when Applicant most needs a special marketing program to supply low-cost gas to consumers. Order No. 436, issued October 9, 1985, in Docket No. RM85-1-000, established blanket transportation certificate procedures to facilitate the movement of competitively priced gas supplies to consumers. Without extension of the limited term partial abandonment and limited term blanket certificate authority requested herein, however, Applicant will not be

able to sell its gas supplies through any SMP program and will suffer further shut-in by Transco and other purchasers.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before November 27, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-27843 Filed 11-20-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI86-46-000]

Chevron U.S.A. Inc.; Notice of Application of Chevron U.S.A., Inc. for Blanket Certificate of Public Convenience and Necessity, Pre-granted Abandonment, and Abandonment Authorization

November 15, 1985.

Take notice that on October 31, 1985, Chevron U.S.A. Inc. (Chevron), of 1 Montgomery Street, San Francisco, California 94104, filed an application pursuant to sections 4 and 7 of the Natural Gas Act (NGA) (15 U.S.C. 717c and 717f), and Commission regulations thereunder, 18 CFR 2.77 and section 157 et seq., requesting that the Federal Energy Regulatory Commission (Commission) issue a blanket certificate of public convenience and necessity, with pre-granted abandonment authorization, and grant abandonment authorization for certain certificated sales. These authorizations would permit Chevron to institute an expanded short-term spot sales marketing program, hereinafter identified as Chevron SMP II. The Commission

previously certificated Chevron SMP I by order of April 3, 1985, in Docket No. CI85-167-000.

Chevron requests that the Commission process this application in accordance with the Commission's newly established expedited producer abandonment procedures provided in Order No. 436, Docket No. RM85-1-000, 18 CFR 2.77. The blanket authorizations requested herein would permit: (1) Sales to any willing purchaser without market restrictions, including sales for resale in interstate commerce, of any natural gas, without supply restrictions, produced by Chevron or its joint venture owners; (2) pre-granted abandonment for termination of such sales as necessary; (3) abandonment of sales from those categories of natural gas still under Commission NGA jurisdiction without regard to source; (4) transportation of natural gas by interstate pipeline companies able and willing to participate in the Chevron SMP; and (5) pre-granted abandonment of any transportation services conducted under the requested certificate. Under the requested blanket certificate, Chevron will be able to sell to any customer on a spot basis natural gas which remains subject to the Commission's NGA jurisdiction. The requested authorization will also permit transportation in interstate commerce of any gas sold under Chevron's SMP to any purchaser to the extent that authorization sought herein is not otherwise made effective on or before November 1, 1985 in Docket No. RM85-1-000 or any other Commission proceeding.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before November 27, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be

¹ *Tenneco Oil Company, et al.*, Docket Nos. CI83-289, et al., 28 FERC ¶ 61,383 (1984), and *ANR Production Company*, Docket No. CI84-555, 29 FERC ¶ 61,328 (1984).

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27844 Filed 11-20-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-73-002 et al]

**Mountain Fuel Resources, Inc., et al.;
Filing of Pipeline Refund Reports and
Refund Plans**

November 14, 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, N.E., Washington, D.C. 20426, on or before November 26, 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 |
|---------------|--------------------------------------|--------------|-------------------|
| Oct. 15, 1985 | Mountain Fuel Resources, Inc. | RP85-73-002 | Btu. |
| Do | Texas Gas Pipe Line Corp. | RP85-84-003 | Btu. ¹ |
| Do | Tennessee Gas Pipeline Co. | RP85-84-003 | Btu. ¹ |
| Do | Texas Eastern Transmission Corp. | RP85-85-003 | Btu. ¹ |
| Oct. 21, 1985 | Valley Gas Transmission, Inc. | RP85-104-002 | Btu. ¹ |
| Oct. 22, 1985 | Alabama-Tennessee Natural Gas Co. | RP85-117-006 | Btu. ¹ |
| Oct. 31, 1985 | Western Gas Interstate Co. | RP84-77-004 | Report |
| Nov. 1, 1985 | Lawrenceburg Gas Transmission Corp. | RP73-37-013 | Do. |
| Do | South Georgia Natural Gas Co. | RP83-49-003 | Btu. |
| Nov. 4, 1985 | Mississippi River Transmission Corp. | RP72-149-922 | Report |

¹ Refunds resulting from Btu Measurement Adjustments. Each company will retain its basic docket number and future related filings receive new sub-docket numbers.

[FR Doc. 85-27845 Filed 11-20-85; 8:45 am]

BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION
AGENCY**

[SW5-FRL-2927-2]

**Construction Quality Assurance for
Hazardous Waste Land Disposal
Facilities**

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of Public Comment Draft.

SUMMARY: The Environmental Protection Agency (EPA) announces the availability of a draft document entitled, "Construction Quality Assurance for Hazardous Waste Land Disposal Facilities" for public review and comment. The document will be available for public comment on or about December 2, 1985. Those persons interested in commenting on the document will be able to obtain copies as follows:

(1) The document will be available in single copy quantity from EPA at the following address: ORD Publication, CERL-FRN/SW, U.S. Environmental Protection Agency, 26 West St. Clair Street, Cincinnati, Ohio 45268, 513/569-7562.

Requestors should be sure to cite the EPA number assigned to the document, EPA/530-SW-85-021. The receive the document, requestors should be send their names and addresses to CERL at this time.

(2) The document will also be available for public inspection at the: Public Information Reference Unit, U.S. Environmental Protection Agency, Room M2404, 401 M Street SW, Washington, DC 20460

EPA Library (MD-35), U.S. Environmental Protection Agency, Environmental Research Center, Research Triangle Park, NC 27711
EPA Library, U.S. Environmental Protection Agency, Andrew W. Breidenbach Environmental Research Center, Room 406, 26 W. St. Clair Street, Cincinnati, Ohio 45268

and at all ten of the EPA Regional Office Libraries during their operating hours.

Commentors must submit no later than March 4, 1986, comments in writing addressed to: Project Officer—Construction Quality Assurance, Land Pollution Control Division, Hazardous Waste Engineering Research Laboratory, U.S. Environmental Protection Agency, 26 West St. Clair Street, Cincinnati, Ohio 45268.

DATES: The document will be available for public comment on or about December 2, 1985. Comments must be

received by March 4, 1986, or postmarked on that date.

SUPPLEMENTARY INFORMATION: Construction quality assurance (CQA) as applied in this document uses scientific and engineering principles and practices to ensure, with a reasonable degree of certainty, that a hazardous waste land disposal facility meets or exceeds all design criteria, plans, and specifications. The document covers CQA for hazardous waste landfills, surface impoundments, and waste piles. The major components of these facilities that are addressed include: foundations, dikes, low-permeability soil liners, flexible membrane liners, leachate collection systems and final cover systems. This document is intended to complement the "Minimum Technology Guidance" being issued by EPA's Office of Solid Waste. It is believed that a technically sound, well developed, site-specific CQA plan will assist in improving the long-term performance of hazardous waste land disposal facilities.

The CQA plan is a site-specific document that should be submitted during permitting to satisfy EPA's CQA requirements. At a minimum, the CQA plan should include five elements as summarized below.

- **Responsibility and Authority.** The responsibility and authority of all organizations and key personnel involved in permitting, designing and constructing the hazardous waste land disposal facility should be described fully in the CQA plan.

- **CQA Personnel Qualifications.** The qualifications of CQA officer and supporting inspection personnel should be presented in the CQA plan to demonstrate that they possess the training and experience necessary to fulfill their identified responsibilities.

- **Inspection Activities.** The observations and tests that will be used to monitor the installation of the hazardous waste and disposal facility components should be summarized in the CQA plan.

- **Sampling Requirements.** The sampling activities, sample size, sample locations, frequency of testing, acceptance and rejection criteria, and plans for implementing corrective measures as addressed in the project specifications, should be presented in the CQA plan.

- **Documentation.** Reporting requirements for CQA activities should be described in detail in the CQA plan. This should include such items as daily summary reports, inspection data sheets, problem identification and corrective measures reports, block

evaluation reports, design acceptance reports, and final documentation. Provisions for the final storage of all records should also be presented in the CQA plan.

The document describes these elements in detail and presents information of those activities pertaining to each of the elements that are necessary to ensure, with a reasonable degree of certainty, that the facility meets or exceeds the specified design. It is intended for the use of organizations involved in permitting, designing, and constructing hazardous waste land disposal facilities.

FOR FURTHER INFORMATION CONTACT:
Jonathan G. Herrmann, U.S.
Environmental Protection Agency,
Hazardous Waste Engineering Research
Laboratory, 26 West St. Clair Street,
Cincinnati, Ohio 45268, 513/569-7839 or
FTS: 684-7839.

Dated: November 8, 1985.

Donald J. Ehreth,
*Acting Assistant Administrator for Research
and Development.*

[FR Doc. 85-27790 Filed 11-20-85; 8:45 am]

BILLING CODE 6560-50-M

[OPPE-FRL-2928-1]

**Farmworker Protection Standards for
Agricultural Pesticides, Negotiated
Rulemaking Advisory Committee;
Open Meeting**

As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), we are giving notice of an open meeting of the Advisory Committee negotiating Farmworker Protection Standards for Agricultural Pesticides. The meeting will be held on December 6, 1985 at the Day's Inn, 2000 Jefferson Davis Highway, Arlington, Virginia. The meeting will start at 9:00 a.m., and will last until completion.

The purpose of this meeting is to work on the substantive issues, which include requirements for protective clothing, reentry intervals, notification, training, enforcement, greenhouses, nurseries, and medical monitoring.

If interested in attending or receiving more information, please contact Chris Kirtiz at (202) 382-7565.

Dated: November 18, 1985.

Milton Russell,
*Assistant Administrator for Policy, Planning
and Evaluation.*

[FR Doc. 85-27793 Filed 11-20-85; 8:45 am]

BILLING CODE 6560-50-M

**FEDERAL COMMUNICATION
COMMISSION**

**Agency Information Collection
Activities Under OMB Review**

November 15, 1985.

The following information collection requirements have been approved by the Office of Management and Budget. For further information contact Doris Benz, FCC, (202) 632-7513.

OMB No.: 3060-0050

Title: Application for Ship Radio

Inspection or Survey

Form No.: FCC 801

The approval on FCC 801 has been extended through 10/31/88. The October 1984 edition with an OMB expiration date of 12/31/85 will remain in use until updated forms are available.

OMB No.: 3060-0096

Title: Application for Ship Radio Station

License and Temporary Operating
Authority

Form No.: FCC 506/506-A

A revised application form FCC 506/506-A has been approved for use through 11/30/88. The May 1984 edition with an OMB expiration date of 3/31/86 will remain in use until revised forms are available.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-27781 Filed 11-20-85; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

**Ocean Freight Forwarder License;
Revocations; Hasman Shipping Corp.
et al.**

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. App. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR Part 510.

License No.: 262

Name: Hasman Shipping Corp.
Address: 26 Broadway, Suite 1210, New
York, NY 10004

Date revoked: October 20, 1985

Reason: Failed to maintain a valid
surety bond

License No.: 2584

Name: Quick Freight Inc.
Address: P.O. Box 65-1803, Miami, FL
33265-1803

Date revoked: October 31, 1985

Reason: Surrendered license voluntarily
License No.: 2801

Name: Damco Offshore (Texas) Inc.

Address: 500 Dallas Street, #500,

Houston, TX 77002

Date revoked: November 4, 1985

Reason: Surrendered license voluntarily

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 85-27762 Filed 11-20-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

**Bank of Virginia Co.; Acquisition of
Company Engaged in Permissible
Nonbanking Activities**

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 USC 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 12, 1985.

A. Federal Reserve Bank of Richmond
(Lloyd W. Bostian, Jr., Vice President)

701 East Byrd Street, Richmond, Virginia 23261:

1. *Bank of Virginia Company*, Richmond, Virginia; to acquire Internet, Inc., Reston, Virginia, and thereby engage in providing electronic network and switching services, pursuant to § 225.25(b)(7) of Regulation Y.

Board of Governors of the Federal Reserve System, November 15, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-27728 Filed 11-20-85; 8:45am]

BILLING CODE 6210-01-M

Keycorp, et al; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 10, 1985.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Keycorp*, Albany, New York and *Key Bancshares of Maine, Inc.*, Augusta, Maine; to engage *de novo* through its subsidiary, Key Trust Company of Maine, Portland, Maine, in performing functions or activities that may be performed by a trust company (including activities of a fiduciary agent, or custodial nature) in the manner authorized by federal or state law, pursuant to § 225.25(b)(3) of Regulation Y, but the institution will not be a bank and will not make loans or investments or accept deposits other than: (i) Deposits that are generated from trust funds not currently invested and that are properly secured to the extent required by law; (ii) deposits representing funds received for a special use in the capacity of managing agent or custodian for an owner of, or investor in, real property, securities, or other personal property; or for such owner or investor as agent or custodian of funds held for investment or as escrow agent; or for an issuer of, or broker or dealer in securities, in a capacity such as a paying agent, dividend disbursing agent, or securities clearing agent; but such deposits will not be employed by or for the account of the customer in the manner of a general purpose checking account or interest-bearing account; or (iii) making call loans to securities dealers or purchasing money market instruments or municipal securities, and bankers acceptances (such authorized loans and investments, however, will not be used as a method of channeling funds to nonbanking affiliates of the trust company). These activities would be conducted in the state of Maine.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Boulevard Bancorp, Inc.*, Chicago, Illinois; to engage *de novo* directly in making, acquiring or servicing loans or other extensions of credit for the company's account or the account of others pursuant to § 225.25(b)(1) of Regulation Y. Some such loans will be made to officers and directors of the company at rates below that of the general market, in which case it is expressly intended that a benefit in the form of compensation be conferred on the recipient. These activities would be conducted in Chicago, Illinois, and its surrounding suburbs.

2. *Farmers National Bancorp, Inc.*, Remington, Indiana; to retain Farmers National Insurance Agency, Remington, Indiana (a subsidiary of Applicant's

subsidiary bank, Farmers National Bank of Remington, Remington, Indiana), and engage in general insurance activities in a place that has inadequate insurance agency facilities, pursuant to section 4(c)(8)(C)(ii) of the Act. These activities would be conducted in the state of Indiana.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Montana Bancsystem, Inc.*, Billings, Montana; to engage *de novo* directly in all normal lending, collection, and financing arrangements necessary and desirable in the administration, extension, renegotiations, and collection of one specific loan pursuant to § 225.25(b)(1) of Regulation Y. This activity would be conducted in various locales as are necessary and desirable to effect the activity described below. Comments on this application must be received not later than December 6, 1985.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Interfirst Corporation*, Dallas, Texas; to engage *de novo* through its subsidiary, Interfirst Securities Company, Dallas, Texas, in securities brokerage activities restricted to buying and selling securities solely as agent for the account of customers and will not include securities underwriting, dealing, or the provision of investment advice or research services, pursuant to § 225.25(b)(15) of Regulation Y.

2. *Texas Commerce Bancshares, Inc.*, Houston, Texas; to engage *de novo* through its subsidiary, Texas Commerce Brokerage Services, Inc., Houston, Texas, in securities brokerage activities restricted to buying and selling securities solely as agent for the account of customers and will not include securities underwriting, dealing, or the provision of investment advice or research services, pursuant to § 225.25(b)(15) of Regulation Y.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Valley National Corporation*, Phoenix, Arizona; to engage *de novo* through its subsidiary, Valley National Financial Services Company ("Valley National Financial"), San Diego, California, in consumer finance, sales finance, leasing finance and commercial finance activities, pursuant to § 225.25(b)(1) of Regulation Y. Applicant also will engage through Valley National Financial in leasing of personal

property, pursuant to § 225.25(b)(5) of Regulation Y. Applicant also will engage through Valley National Financial in acting as an agent or broker for credit life and disability insurance, pursuant to § 225.25(b)(8) of Regulation Y.

Board of Governors of the Federal Reserve System, November 15, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-27727 Filed 11-20-85; 8:45 am]

BILLING CODE 6210-01-M

Olde Windsor Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 8, 1985.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Olde Windsor Bancorp, Inc.*, Windsor, Connecticut; to acquire 100 percent of the voting shares of New England Bank and Trust Company, Enfield, Connecticut. Comments on this application must be received not later than December 6, 1985.

B. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Commonwealth Bancshares Corporation*, Williamsport, Pennsylvania; to acquire 18 percent of the voting shares of The Turbotville

National Bank, Turbotville, Pennsylvania. Comments on this application must be received not later than December 12, 1985.

C. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Colonial Bankshares Corporation*, Chicago, Illinois; to acquire at least 50.1 percent of the voting shares of Community Bank & Trust Company of Edgewater, Chicago, Illinois. Comments on this application must be received not later than December 12, 1985.

2. *Sumcorp*, Fort Wayne, Indiana; to acquire 100 percent of the voting shares of American Bank & Trust Company, Marion, Indiana. Comments on this application must be received not later than December 12, 1985.

D. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Breckinridge Bancshares, Inc.*, Irvington, Kentucky; to acquire 80 percent of the voting shares of The West Point Bank, West Point, Kentucky.

E. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *United Community Corporation*, Oklahoma City, Oklahoma; to acquire 11.44 percent of the voting shares of Liberty State Bancshares, Inc., Tahlequah, Oklahoma, thereby indirectly acquiring The Liberty State Bank, Tahlequah, Oklahoma.

F. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *United Bankers, Inc.*, Waco, Texas; to acquire 100 percent of the voting shares of Red Bird Bancshares, Inc., Dallas, Texas, thereby indirectly acquiring Red Bird Bank of Dallas, Dallas, Texas.

Board of Governors of the Federal Reserve System, November 15, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-27729 Filed 11-20-85; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR G-170]

Ordering Procedures for Standard Form (SF) 149, U.S. Government National Credit Card

AGENCY: Federal Supply Service, GSA.

ACTION: GSA Bulletin.

SUMMARY: This bulleting announces the award of a requirements contract for the operation and continued maintenance of the U.S. Government National Credit Card (SF 149) program and provides information on procedures for ordering the SF 149.

FOR FURTHER INFORMATION CONTACT: Ms. Erika Vesey, National Fleet Management Division, FTS 285-2178 / (703) 285-2178.

GSA Bulletin FPMR G-170 Transportation and Motor Vehicles

To: Heads of Federal agencies.

Subject: Ordering procedures for Standard Form (SF) 149, U.S. Government National Credit Card.

1. *Purpose.* This bulletin announces the award of a requirements contract for the operation and continued maintenance of the U.S. Government National Credit Card (SF 149) program and provides information on procedures for ordering the SF 149.

2. *Expiration date.* This bulletin expires September 30, 1986.

3. *Background.* GSA has awarded a requirements contract for the operation and continued maintenance of the SF 149 program. The SF 149 may be used to purchase fuel and services from authorized vendors under a contract issued by the Defense Fuel Supply Center (DFSC). Operation of the SF 149 program will continue with the previous GSA contractor and there will be no major operational changes for ordering offices. However, with the award of the current GSA contract, GS-00F-88000, the SF 149 is no longer included as an item under the Federal Supply Schedule (FSC 75, Part VII, Class 7540).

4. *Contract period.* The GSA contract period is October 1, 1985, to September 30, 1986.

5. *Contractor.* The GSA contractor is: Faraday National Corporation, Post Office Box 627, Herndon, Virginia 22070. Telephone: FTS 285-2178, Commercial (703) 285-2178.

6. *Ordering instructions and price data.*

a. *Nonautomated ordering.* GAS has developed instructions to replace the Federal Supply Schedule 75. The instructions provide for continued use of the standard ordering formats previously included in the schedule. The GSA contract also increases the minimum order charge to \$30.00 (1-44 credit cards). The cost for 45 or more cards is \$0.683 per card. Copies of the ordering instructions may be obtained by calling GSA personnel at the contractor's facility.

b. *Automated ordering.* Agencies with automated credit card ordering systems should continue to use the U.S. Government Credit Card Program specifications and instructions issued by GSA. The cost per credit card for automated credit card ordering systems, including magnetic tapes processed for the United States Department of Agriculture, is \$0.621, with no minimum order charge. Orders should continue to be called in to the GSA personnel at the contractor's facility. Agencies with automated credit card ordering systems should establish a single purchase order for the term of the new GSA contract.

7. *Assistance and information.* Additional assistance and information concerning the new SF 149 ordering procedures may be obtained by contacting GSA personnel at the contractor's facility.

By delegation of the Assistant Administrator,

James J. Grady, Jr.,

Director of Policy and Agency Assistance.

[FR Doc. 85-27757 Filed 11-20-85; 8:45 am]

BILLING CODE 8820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act of 1974; Matching Program—HHS Physician Records/Federation of State Medical Boards of the United States, Inc. Disciplinary Records

AGENCY: Department of Health and Human Services.

ACTION: Notification of Matching Program—HHS Physician Records/Federation of State Medical Boards of the United States, Inc. Disciplinary Records.

SUMMARY: The Department of Health and Human Services (DHHS) is providing notice that the Office of Inspector General intends to conduct a match of DHHS physician records against physician disciplinary records of the Federation of State Medical Boards of the United States, Inc. A matching report is set forth below:

DATE: The match will begin in November 1985.

ADDRESS: Send all comments to Office of Public Affairs, Office of Inspector General, Department of Health and Human Services, Room 5640A, HHS North Building, 330 Independence Avenue, SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Judy Holtz, Office of Public Affairs,

Office of Inspector General, Department of Health and Human Services, Room 5640A, HHS North Building, 330 Independence Avenue, SW., Washington, DC 20201.

SUPPLEMENTARY INFORMATION: The Office of Inspector General has initiated a project to determine whether disciplinary actions have been taken against HHS full time physician employees, by State medical licensing boards, which would raise questions about their ability to provide professional health care to the patient population served. The purpose of the project is to evaluate the Department's procedures for identifying these physicians and to determine whether appropriate corrective action has been taken. Set forth below is the information required by paragraph 5.f.1 of the Revised Supplemental Guidance for Conducting Computerized Matching Programs issued by the Office of Management and Budget, 47 FR 21656 (May 19, 1982). A copy of this notice has been furnished to both Houses of Congress and the Office of Management and Budget.

Dated: October 28, 1985.

Richard P. Kusserow,

Inspector General.

Report of Matching Program: HHS Physician Records/Federation of State Medical Boards of the United States, Inc. Disciplinary Records

a. *Authority:* Pub. L. 94-505

b. *Program Description:* The Office of Inspector General plans to conduct a match of HHS full time physician employees identified as holding positions involving the provision of professional health care, against the Federation of State Medical Boards of the United States, Inc. computerized disciplinary data bank, to verify and update information on disciplinary actions by state medical licensing boards. Raw hits will be reviewed and verified as necessary with Federal, State, and local officials. The information will be used to evaluate the Department's procedures for identifying employees providing medical services whose actions raise questions about their ability to provide professional health care. The information will also be used to determine whether the Department is taking appropriate corrective action upon learning of these disciplinary actions. Information on specific cases identified during the match will be furnished to appropriate officials in the Department where administrative action may be necessary.

c. *Records to be Matched:* Records on DHHS physicians from the General

Personnel Records System (OPM/GOVT-1), 47 FR 16489 (April 16, 1982) will be matched against the Federation of State Medical Boards of the United States, Inc. computerized disciplinary data bank.

d. *Period of the Match:* This match will begin in November 1985 and will be completed within 3 months.

e. *Safeguards:* Records used in this match will be maintained under strict security. Access to the computer files and printed information is restricted to only those persons associated with the matching program on a "need-to-know" basis. The records will be kept in locked file cabinets and under the control of the Office of Inspector General. All computer source tapes will be returned within 60 days of the match. We protect all computer tapes by the use of passwords to prohibit unauthorized access. All computer files are safeguarded in accordance with the provisions of the National Bureau of Standards Federal Information Processing Standards 41 and HHS ADP Systems Manual, Part 6, "ADP Systems Security."

f. *Retention and Disposition of Records:* Records on DHHS employees produced in the match will only be maintained where the information meets predetermined criteria indicating a serious problem requiring administrative action. All records maintained will be destroyed within 6 months except for those records which are necessary to the completion of pending administrative activities of the matching program. Paper listings will either be shredded or burned. The data will be verified to insure accuracy prior to any dissemination of records on individuals.

[FR Doc. 85-27822 Filed 11-20-85; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 85M-0512]

SoftSite Contact Lens Laboratory: Premarket Approval of SoftSite® (Heflicon B) Bifocal Contact Lenses and Bausch & Lomb® (Heflicon B) Crescent Bifocal Contact Lenses

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application submitted by SoftSite Contact Lens Laboratory, Coral Gables, FL, for premarket approval, under the

Medical Device Amendments of 1976, of the SoftSite* (hefilcon B) Bifocal Contact Lenses and the BAUSCH & LOMB* (hefilcon B) Crescent Bifocal Contact Lenses. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by December 23, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Lippman, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On January 19, 1984, SoftSite Contact Lens Laboratory, Coral Gables, FL 33146, submitted to CDRH a supplemental application for premarket approval of the SoftSite* (hefilcon B) Bifocal Contact Lenses and the BAUSCH & LOMB* (hefilcon B) Crescent Bifocal Contact Lenses. The lenses range in powers from -6.00 diopters (D) to +6.00 D with add powers from +1.00 D to +3.50 D and are indicated for daily wear for the correction of visual acuity in not-aphakic presbyopic persons with nondiseased eyes that are myopic or hyperopic. The lenses may be worn by persons with refractive astigmatism of 1.50 D or less or corneal astigmatism of 2.00 D or less that does not interfere with visual acuity. The lenses are to be disinfected using either a heat or chemical lens care system.

On October 23, 1984, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On September 30, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at

CDRH—contact Richard E. Lippman (HFZ-460), address above.

The labeling of the SoftSite* (hefilcon B) Bifocal Contact Lenses and of the BAUSCH & LOMB* (hefilcon B) Crescent Bifocal Contact Lenses states that the lenses are to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than polymethylmethacrylate, to comply with the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.), and regulations thereunder, and with the Federal Trade Commission Act (15 U.S.C. 41-58), as amended. Accordingly, whenever CDRH publishes a notice in the *Federal Register* of the approval of a new solution for use with an approved lens, the applicant shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before December 23, 1985, file with the Dockets Management Branch (address

above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: November 14, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85-27737 Filed 11-20-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85M-0511]

Product Development Corp.; Premarket Approval of PDC* (Polymacon) Hydrophilic Contact Lens

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Product Development Corp., Little Rock, AR, for premarket approval, under the Medical Device Amendments of 1976, of the PDC* (polymacon) Hydrophilic Contact Lens. The lens is to be manufactured under an agreement with International Hydron Corp., Woodbury, NY, which has authorized Product Development Corp. to incorporate by reference information contained in its approved premarket approval application for the Hydron* (polymacon) Hydrophilic Contact Lens. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by December 23, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Lippman, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757

Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On June 20, 1985, Product Development Corp., Little Rock, AR 72203, submitted to CDRH an application for premarket approval of the PDC* (polymacon) Hydrophilic Contact Lens. The lens ranges in powers from -20.00 diopters to +20.00 diopters and is indicated for daily wear for the correction of visual acuity in aphakic and not-aphakic persons with nondiseased eyes that are myopic or hyperopic. The lens may be worn by persons who may exhibit astigmatism of 1.50 diopters or less which does not interfere with visual acuity. It is to be disinfected by either heat or chemical lens care systems. The application included authorization from International Hydron Corp., Woodbury, NY 11797, to incorporate by reference the information contained in its approved premarket approval application for the Hydron* (polymacon) Hydrophilic Contact Lens (Docket No. 79M-0244).

On July 15, 1985, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed the application and recommended approval of it. On September 19, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Richard E. Lippman (HFZ-460), address above.

The labeling of the PDC* (polymacon) Hydrophilic Contact Lens states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than polymethylmethacrylate, to comply with the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.), and regulations thereunder, and with the

Federal Trade Commission Act (15 U.S.C. 41-58), as amended. Accordingly, whenever CDRH publishes a notice in the *Federal Register* of the approval of a new solution for use with an approved lens, the applicant shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before December 23, 1985, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: November 14, 1985.

John C. Villforth,
Director, Center for Devices and Radiological Health.

[FR Doc. 85-27739 Filed 11-20-85; 8:45 am]
BILLING CODE 4160-01-M

Health Resources and Services Administration

Medical Reimbursement Rates for Fiscal Year 1986; Inpatient and Outpatient Medical Care

Notice is given that the Assistant Secretary for Health, under the authority of sections 321(a) and 322(b) of the Public Health Service Act (42 U.S.C. 248(a) and 249(b)), has approved the following reimbursement rates for inpatient and outpatient medical care in facilities operated by the Health Resources and Services Administration for Fiscal Year 1986: Emergency Non-Beneficiaries, Beneficiaries of Other Federal Agencies, Medicare and Medicaid Beneficiaries.

Inpatient Services Per Day

Hospital—\$347

Physician—\$20

(In Alaska—Hospital \$421, Physician \$22)

Outpatient—\$66 Per Visit

(In Alaska—\$112 Per Visit)

Dated: November 14, 1985.

James O. Mason, M.D., Dr. P.H.,
Acting Assistant Secretary for Health.

[FR Doc. 85-27766 Filed 11-20-85; 8:45 am]
BILLING CODE 4160-17-M

Public Health Service

National Center for Health Services Research and Health Care Technology Assessment; Correction

In *Federal Register* notice Vol. 50, No. 210, p. 45167, of October 30, 1985, the Public Health Service through the Office of Health Technology Assessment (OHTA) announced the assessment of electrocoagulation for the treatment of gastrointestinal bleeding. The announcement should read assessment of laser photocoagulation for the treatment of gastrointestinal bleeding.

The introductory paragraph should read as follows:

In continuation of the *Federal Register* notice in Vol. 48, No. 82, p. 19081 of April 27, 1983, the Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is seeking additional information in coordinating an assessment of the safety, clinical

effectiveness, and indications for endoscopic laser photocoagulation in the treatment of upper gastrointestinal bleeding. Specifically, this assessment seeks to determine whether data exists to support a coverage determination regarding the safety and clinical effectiveness of endoscopic Nd:YAG and Argon laser photocoagulation for the treatment of upper gastrointestinal bleeding caused by gastric or duodenal ulcers, Mallory-Weiss tears, varices, or vascular anomalies.

Dated: November 15, 1985.

Morgan N. Jackson, M.D.,

Acting Director, Office of Health Technology Assessment, National Center for Health Services Research and Health Care Technology Assessment.

[FR Doc. 85-27812 Filed 11-20-85; 8:45 am]

BILLING CODE 4150-17-M

Social Security Administration

Republic of Seychelles: Finding Regarding Foreign Social Insurance of Pension System

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Finding Regarding Foreign Social Insurance of Pension System) Republic of Seychelles.

Finding: Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to any individual who is not a United States citizen or national for any month after he or she has been outside the United States for 6 consecutive months. This prohibition does not apply to such an individual where one of the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through (t)(5)) affects his or her case.

Section 202(t)(2) of the Social Security Act provides that, subject to certain residency requirements of section 202(t)(11), the prohibition against payment shall not apply to any individual who is a citizen of a country which the Secretary of health and Human Services finds has in effect a social insurance or pension system which is of general application in such country and which:

- (a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death; and
- (b) Permits individuals who are United States citizens but not citizens of that country and who qualify for such benefits to receive those benefits, or the actuarial equivalent thereof, while outside the foreign country regardless of the duration of the absence.

The Secretary of Health and Human Services has delegated the authority to make such a finding to the Commissioner of Social Security. The Commissioner has redelegated that authority to the Director of the International Policy Staff. Under that authority the Director of the International Policy Staff has approved a finding that the Republic of Seychelles, beginning March 1, 1979, has a social insurance system of general application in effect which pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death, but that under this social insurance system, citizens of the United States who are not citizens of the Republic of Seychelles, and who leave the Republic of Seychelles, are not permitted to receive such benefits, or their actuarial equivalent, at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that the Republic of Seychelles has in effect, beginning March 1, 1979, a social insurance system which meets the requirements of section 202(t)(2)(A) of the Social Security Act (42 U.S.C. 402(t)(2)(A)), but not the requirements of section 202(t)(2)(B) of the Act (42 U.S.C. 402(t)(2)(B)).

Subparagraphs (A) and (B) of section 202(t)(4) of the Social Security Act (42 U.S.C. 402(t)(4)(A) and (B)) provide that, subject to certain residency requirements of section 202(t)(11), section 202(t)(1) shall not be applicable to benefits payable on the earnings record of an individual who has 40 quarters of coverage under Social Security or who has resided in the United States for a period or periods aggregating 10 years or more. However, the provisions of subparagraphs (A) and (B) of section 202(t)(4) shall not apply to an individual who is a citizen of a foreign country that has in effect a social insurance or pension system which is of general application in such country and which satisfies the provisions of subparagraph (A) of section 202(t)(2) but not the provisions of subparagraph (B) of section 202(t)(2).

By virtue of the finding herein, the provisions of subparagraph (A) and (B) of section 202(t)(4) do not apply to citizens of the Republic of Seychelles.

FOR FURTHER INFORMATION CONTACT: Roy G. Hatch, Room 1104, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-6122.

(Catalog of Federal Domestic Assistance Programs No. 13.802 Social Security—Disability Insurance; 13.803 Social Security—

Retirement Insurance; 13.805 Social Security—Survivors Insurance)

Dated: November 14, 1985.

Elizabeth K. Singleton,

Director International Policy Staff.

[FR Doc. 85-27742 Filed 11-20-85; 8:45 am]

BILLING CODE 4150-11-M

DEPARTMENT OF THE INTERIOR

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 requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer, Washington, DC 20503, telephone 202-395-7313.

Title: Reporting and Sealing Requirements for Walrus, Polar Bear and Sea Otter.

Abstract: The Marine Mammal Protection Act of 1972 exempted the killing, generally without restriction, of polar bear, walrus, and sea otter to Natives who dwell along the coast of Alaska. Mandatory sealing and reporting regulations will provide information on the kill and the health of the populations and aid the Service to make decisions on management.

Form Number(s): R7-50, R7-50a, R7-51, and R7-52.

Frequency: On Occasion.

Description of Respondents: Alaska Natives.

Annual Responses: 5,000.

Annual Burden Hours: 1,250.

Service Clearance Officer: Arthur J. Ferguson, 202-653-7499, Room 859, Riddell Building, U.S. Fish and Wildlife Service, Washington, DC 20240.

Dated: October 7, 1985.

Ronald E. Lambertson,

Associate Director—Wildlife Resources.

[FR Doc. 85-27821 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-55-M

Availability of a Draft Environmental Impact Statement on the Great Swamp National Wildlife Refuge Master Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Draft Environmental Impact Statement on the Master Plan for the Great Swamp National Wildlife Refuge in Morris County, New Jersey is available for public review. Comments and suggestions are requested.

The statement discusses four management and development alternatives for the future management of the refuge.

DATE: Written comments are requested by January 31, 1986. A public meeting will be held in Basking Ridge, New Jersey on December 17, 1985 at 7:00 p.m. at the Somerset County Environmental Education Center.

ADDRESS: Comments should be addressed to Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis A. Laffin, U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158 (617) 985-5100, X222.

Individuals wishing copies of the DEIS should immediately contact the above individual. Copies have been sent to all agencies and organizations who participated in the scoping process. Copies will be available for examination at FWS, One Gateway Center, in Newton Corner, Massachusetts and at the Great Swamp National Wildlife Refuge Headquarters, Pleasant Plains Road, Basking Ridge, New Jersey.

SUPPLEMENTARY INFORMATION: This environmental impact statement addresses a comprehensive land use plan that will set forth long-term (ten to 20 years) objectives for resource management and public use on the refuge.

The alternatives that are analyzed and evaluated in the DEIS are:

1. *No Action*—will perpetuate current management practices and levels of public use, habitat and wildlife population protection, water management in the refuges five freshwater impoundments, management of upland field and forest habitat, wildlife surveys and bird banding.

2. *Proposed Action*—will emphasize wetland and upland habitat improvement for species of special emphasis and many other species. Other enhancements will expand wildlife

education, interpretation and wildlife oriented recreation. Specific actions include: trail system expansion, land acquisition, upgrading water management capabilities, increased production of selected wildlife species and actions to minimize impacts of watershed development outside the refuge.

3. *Public Use Alternative*—expands options for public access, and for wildlife education and interpretation while maintaining wildlife habitat diversity through moderate management activities. Proposed public uses include canoeing, fishing, horseback riding trails, additional visitor contact points and 79 additional parking spaces. Land acquisition would include floodplains of some streams which flow into the refuge. Self guided trails will connect the refuge trail systems to adjacent county environmental centers.

4. *Wildlife Management Alternative*—closes Pleasant Plains Road to through traffic and intensifies most wildlife management activities, especially for woodcock and waterfowl. An alternative deer control plan proposed by a private citizen, Mr. Charles Lane, is considered. Raccoon control will be implemented. Major management changes include acquisition of land which may be flooded by raising dikes, and woodcock habitat management which would set back successional stages of upland habitat.

Dated: November 14, 1985.

William C. Ashe,

Acting Regional Director.

[FR Doc. 85-27826 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[C-40672]

Emergency Coal Lease Offering by Sealed Bid; Routt County, CO

Correction

In FR Doc. 85-27225, beginning on page 47281 in the issue of Friday, November 15, 1985, make the following corrections on page 47282, in the description of Township 4 North, Range 87 West, 6th P.M.:

1. In the first column, Sec. 24, in the second line, "the part" should read "that part".

2. In the third line, "S¼" should read "SE¼".

3. In the seventh line, "northeast" should read "northeast".

4. In the eleventh line, insert "in the" after "seam".

5. In the fourteenth line, "NE¼" should read "NW¼" and the second "SW¼" should read "SE¼".

6. In the second column, Sec. 26, in the third line, "N¼" should read "NW¼".

BILLING CODE 1505-01-M

[A-21410]

Federal Land Exchange; Cochise and Maricopa Counties, AZ

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Receipt of Exchange Proposal—Exchange, Federal Lands in Cochise and Maricopa Counties, Arizona.

SUMMARY: On November 7, 1985, the Bureau of Land Management received a land exchange proposal from H.B. Bell Investments (Arizona), Incorporated.

The exchange proponent proposes to exchange approximately 44,000 acres of private land located along the San Pedro River in Cochise County for federal lands of equal value located west of the White Tank Mountains in Maricopa County, Arizona.

An Environmental Assessment is currently being prepared to determine if the exchange is a viable proposal.

Dated: November 14, 1985.

Marlyn V. Jones,

District Manager.

[FR Doc. 85-27839 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-32-M

Colorado; Intent To Prepare a Realty Amendment to the Royal Gorge Management Framework Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Request for public comments on the proposed issues, criteria, and alternatives to be used in the Realty Amendment/Environmental Assessment.

SUMMARY: The proposed amendment would add a new lands (realty) decision to the plan which establishes criteria for lands suitable for exchange. These criteria will then be applied to a two township area located in Park County, Colorado. This action is necessary to clarify plan decisions relating to exchange so that applications may be further reconsidered.

DATES: This notice initiates a 45 day public comment period on the preliminary issues criteria and

alternatives to be used in the proposed amendment/environmental assessment.

ADDRESS: Comments should be addressed to: L. Mac Berta, Area Manager, Bureau of Land Management, 9th and Royal Gorge Blvd., P.O. Box 1470, Canon City, Colorado 81212.

FOR FURTHER INFORMATION CONTACT: Interested persons may obtain the preliminary issues, criteria, and alternatives to be used in the proposed amendment/environmental assessment by contacting the above address.

SUPPLEMENTARY INFORMATION: This amendment is being proposed to clarify the Royal Gorge Management Framework Plan decisions issued in 1978 relating to exchange in Township 13 S., Ranges 73 and 74 W., 6th P.M., Park County, Colorado. These two townships contain approximately 10,793 acres of public land.

Criteria developed during this planning process will be applied to determine which lands are suitable for further consideration for exchange. The criteria will interpret for this locale the legal requirements of 43 U.S.C. 1716. Alternatives considered will include a No Action (no plan amendment) alternative and others based on the criteria developed. The plan amendment/environmental assessment will be prepared in conformance with the requirements of 40 CFR Parts 1500-1508 and 43 CFR Parts 1600-1610.

Donnie R. Sparks,

District Manager.

[FR Doc. 85-27756 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-JB-M

Oregon; Diamond Craters Recreation Management Plan; Final

AGENCY: Bureau of Land Management, Interior.

ACTION: Burns District, Oregon: Notice of Availability of Diamond Craters Recreation Management Plan—Final and Public Review Period.

SUMMARY: Notice is hereby given that the Diamond Craters Recreation Management Plan—Final will be available for public review after December 2, 1985.

The 30-day public review period will continue from December 2 to December 31, 1985, and the management decisions shown in the final document will be implemented after this time.

FOR FURTHER INFORMATION CONTACT: Joshua L. Warburton, Burns District Manager, Burns District Office, 74 South Alvord Street, Burns, Oregon 97720.

Copies of the Diamond Craters Recreation Management Plan are

available for review at the following public libraries or obtainable at the following BLM offices:

Harney County Library, 80 West 'D' Street, Burns, OR 97720 (503) 573-6670
Grant County Library, 507 S. Canyon Boulevard, John Day, OR 97845 (503) 575-1992

BLM—Burns District Office, 74 South Alvord Street, Burns, OR 97720 (503) 573-5241

BLM—Oregon State Office (912), 825 N.W. Multnomah Street, Portland, OR 97208 (503) 231-6274

SUPPLEMENTARY INFORMATION: The plan outlines the various management directions the Bureau of Land Management will be taking in the coming years on the public land in Diamond Craters Outstanding Natural Area.

The Diamond Craters Recreation Management Plan—Final covers 16,656 acres of BLM administered land within the Three Rivers Resource Area which encompasses the central portion of Harney County, Oregon.

Dated: November 8, 1985.

Thomas R. Thompson, Jr.,

Acting District Manager.

[FR Doc. 85-27840 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-33-M

Postponement of Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior; Susanville District Grazing Advisory Board; Susanville, California 96130.

ACTION: Notice of Postponement of Meeting.

SUMMARY: Notice is hereby given that the meeting of the Susanville District Grazing Advisory Board that was to be held in Cedarville, California, on November 26, 1985, with a notice being placed in the Federal Register October 10, 1985, Volume 50, No. 197 page 41423, is postponed. The new date for the meeting is December 18, 1985.

C. Rex Cleary,

District Manager.

[FR Doc. 85-27841 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-40-M

Off-Road Vehicle Designations; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Off-Road Vehicle Use Designations.

SUMMARY: Off-road vehicle use on BLM Bakersfield District administered lands in Kern, Tulare, Kings, San Luis Obispo, Santa Barbara and Ventura counties is designated as limited to existing routes of travel except for the following closed routes/areas:

1. Vehicle access to the Pt. Sal Management Area to protect sensitive archaeological resources.

2. The critical habitat area in the Blue Ridge Management Area to protect endangered species habitat for the California Condor.

3. The road to the Advance Site in the North Fork Management Area to protect archaeological resources.

4. The Piute-Cypress groves in the Isabella Management Area to protect the Unique scientific values of the Piute Cypress (*Cupressus nevadensis* Abrams).

5. Spur road access (to protect known archaeological resources) at the junction of primitive vehicle trails located in:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, T. 24 S., R. 36 E., M.D.B.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, T. 24 S., R. 36 E., M.D.B.M.

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T. 23 S., R. 36 E., M.D.B.M.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T. 25 S., R. 36 E., M.D.B.M.

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T. 26 S., R. 32 E., M.D.B.M.

NE $\frac{1}{4}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, T. 26 S., R. 32 E., M.D.B.M.

6. The Congressionally ordered vehicle closure of the Pacific Crest National Scenic Trail will still be in effect.

SUPPLEMENTARY INFORMATION: These designations are made in accordance with the authority and requirements of Executive Orders 11644 and 11969 and regulations contained in 43 CFR Part 8340.

The affected public lands include 476,790 acres of federal surface management responsibility in western Kern, Tulare, Kings, San Luis Obispo, Santa Barbara and Ventura counties. These designations are based on land use decisions made in the 1984 Coast/Valley Resource Management Plan (RMP) and the South Sierra Foothills Management Framework Plan (MFP). The RMP/Environmental Impact Statement and MFP/Off-Road Vehicle Route Designations Environmental Assessment are available for public review in the Caliente Resource Area office of the Bakersfield District.

Designations

A. Vehicle use limited to existing routes of travel (as inventoried on master planning maps in the Caliente

Resource Area office). This designation was chosen for 476,690 acres of public land in western Kern, Tulare, Kings, San Luis Obispo, Santa Barbara and Ventura counties. It will provide for resource protection while allowing existing uses to continue.

B. Vehicle use closed. This designation was chosen for the areas listed above (under SUMMARY) to protect archaeological, endangered species habitat and unique vegetation resources.

FOR FURTHER INFORMATION CONTACT:

Glenn A. Carpenter, Area Manager, Bureau of Land Management, Caliente Resource Area, 520 Butte Street, Bakersfield, California 93305 (805) 861-4236.

Dated: September 25, 1985.

Glenn A. Carpenter,

Caliente Resource Area Manager.

[FR Doc. 85-27838 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-40-M

[M 57789]

Montana; Order Providing for Opening of Public Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Order providing for opening of public land in Madison County, Montana.

SUMMARY: This order opens certain lands that were segregated from all the nondiscretionary public and land laws, including the mining laws, by the Notice of Realty Action published in the *Federal Register* on December 11, 1984 (49 FR 48227).

DATE: At 9 a.m. on December 31, 1985, the lands described below will be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law:

Principal Meridian, Montana

T. 2 S., R. 2 W.,

Sec. 31, lots 6 and 13.

Containing 73.98 acres.

FOR FURTHER INFORMATION CONTACT:

Edward H. Croteau, Chief, Lands Adjudication Section, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, Phone (406) 657-6082.

James Binando,

Acting Deputy State Director, Division of Lands and Renewable Resources.

November 13, 1985.

[FR Doc. 85-27760 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-DN-M

[Alaska AA-48383-R]

Proposed Reinstatement of a Terminated Oil and Gas Lease; Alaska

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease AA-48383-R has been received covering the following lands:

Copper River Meridian, Alaska

T. 11 N., R. 8 W.,

Sec. 31, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

34 acres.

The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to \$5 per acre per year, and royalty increased to 16 $\frac{2}{3}$ percent. The \$500 administrative fee and the cost of publishing this Notice have been paid. The required rentals and royalties accruing from March 1, 1985, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA-48383-R as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective March 1, 1985, subject to the terms and conditions cited above.

Dated: November 15, 1985.

Robert E. Sorenson,

Chief, Branch of Mineral Adjudication.

[FR Doc. 85-27765 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-JA-M

[Alaska AA-48511-AT]

Proposed Reinstatement of a Terminated Oil and Gas Lease; Alaska

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease AA-48511-AT has been received covering the following lands:

Copper River Meridian, Alaska

T. 10 N., R. 5 W.,

Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to \$5 per acre per year, and royalty increased to 16 $\frac{2}{3}$ percent. The \$500 administrative fee and the cost of publishing this Notice have been paid. The required rentals and royalties accruing from March 1, 1985, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA-48511-AT as

set out in section 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective March 1, 1985, subject to the terms and conditions cited above.

Robert E. Sorenson,

Chief, Branch of Mineral Adjudication.

Dated: November 13, 1985.

[FR Doc. 85-27755 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-JA-M

[Colorado 25308]

Proposed Reinstatement; Colorado

Notice is hereby given that a petition for reinstatement of oil and gas lease C-25308 for lands in Moffat County, Colorado, was timely filed and was accompanied by all the required rentals and royalties accruing from July 1, 1985, the date of termination.

The lessee has agreed to new lease terms for rentals and royalties at rates of \$5.00 and 16 $\frac{2}{3}$ percent, respectively.

The lessee has paid the required \$500 administrative fee for the lease and has reimbursed the Bureau of Land Management for the estimated cost of this *Federal Register* notice.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective July 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Questions concerning this notice may be directed to Karen Purvis of the Colorado State Office at (303) 294-7600.

Evelyn W. Axelson,

Chief, Mineral Leasing Section.

[FR Doc. 85-27753 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-JB-M

[U68-W83-01]

Mill Creek Wilderness Study Area; Utah

November 14, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Availability of Final Environmental Assessment and Record of Decision for mining activity in Mill Creek Wilderness Study Area (WSA).

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Land Policy and Management Act, section 603, and the Bureau's Interim Management Policy,

notice is hereby given of availability of Final Environmental Assessment and Record of Decision.

WSA Name: Mill Creek.

WSA Number: UT-060-139A.

Decision: After a 30 day comment period, October 10 to November 8, 1985, which resulted in no comments being received, the decision has been made to allow Ivy Minerals, Inc. to excavate the trench site as proposed. The trench dimensions will be 1 yard deep by 10 yards wide by 10 yards long. The excavated material will be transported off site to private ground to be concentrated by conventional gravity methods. Only existing routes will be used. This trench is a continuation of an existing plan of operations. The reclamation will consist of recontouring, refilling and reseeding the trench upon completion of excavation of this site.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Grand Resource Area, P.O. Box M, Moab, Utah 84532. A copy of the final Environmental Assessment and the accompanying Record of Decision is available upon request.

Kenneth V. Rhea,

Acting District Manager.

[FR Doc. 85-27836 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-DQ-M

[OR-37859 (WASH)]

Conveyance of Public Lands; Order Providing for Opening of Lands; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 390.00 acres of public lands out of Federal ownership. This action will also open 804.75 acres of reconveyed lands to surface entry. A total of 71.30 acres will be opened to mining and mineral leasing, and has been and remains open to oil and gas leasing. Of the balance, 84.79 acres have been and remain open to mining and mineral leasing and 648.66 acres remain closed to mining and mineral leasing.

EFFECTIVE DATE: December 23, 1985.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (Telephone 503-231-6905).

SUPPLEMENTARY INFORMATION:

1. Notice is hereby given that in an exchange of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, a patent has been issued transferring 390

acres of lands in Benton County, Washington, from Federal to private ownership with a reservation of all oil and gas deposits to the United States.

2. In the exchange, the following described lands have been reconveyed to the United States:

Willamette Meridian

T. 9 N., R. 25 E.,

Sec. 24, SE $\frac{1}{4}$ SE $\frac{1}{4}$, except road and gravel pit;

Sec. 25, S $\frac{1}{2}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$, except gravel pit;

Sec. 36, N $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 9 N., R. 26 E.,

Sec. 19, All south of Hwy., except S $\frac{1}{2}$ S $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, 6 Yakitat lots and tract survey of Dec. 3, 1984 (No. 955);

Sec. 20, All N $\frac{1}{2}$ south of Yakima River except for railroad, highway, and tract survey of Dec. 3, 1984 (No. 955);

Sec. 24, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate approximately 804.75 acres in Benton County.

3. The following described lands have been and will remain open to operation of the mineral leasing laws as to oil and gas:

Willamette Meridian

T. 9 N., R. 25 E.,

Sec. 24, SE $\frac{1}{4}$ SE $\frac{1}{4}$, except road and gravel pit.

T. 9 N., R. 26 E.,

Sec. 24, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate approximately 71.30 acres in Benton County.

4. The mineral estate in the following described land has been and will remain open to operation of the mining laws and mineral leasing laws:

Willamette Meridian

T. 9 N., R. 26 E.,

Sec. 20, All S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, south of tract survey of Dec. 3, 1984 (No. 955).

The area described contains approximately 84.79 acres in Benton County.

5. The mineral estate in the following described lands was not reconveyed to the United States and will not be opened to operation of the mining laws and mineral leasing laws:

Willamette Meridian

T. 9 N., R. 25 E.,

Sec. 25, S $\frac{1}{2}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$, except gravel pit;

Sec. 36, N $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 9 N., R. 26 E.,

Sec. 19 All south of Hwy., except S $\frac{1}{2}$ S $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, 6 Yakitat lots, and tract survey of Dec. 3, 1984 (No. 955);

Sec. 20 All SW $\frac{1}{4}$ NW $\frac{1}{4}$ south of tract survey of Dec. 3, 1984 (No. 955).

The areas described aggregate approximately 648.66 acres in Benton County.

6. At 8:30 a.m., on December 30, 1985, the lands described in paragraph 2 will be open to operation of the public land laws generally subject to valid existing rights, the provisions of existing

withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on December 30, 1985, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

7. At 8:30 a.m., on December 30, 1985, the lands described in paragraph 2, except as provided in paragraphs 4 and 5, will be open to location and entry under the United States mining laws. Appropriation of land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

8. At 8:30 a.m., on December 30, 1985, the lands described in paragraph 2, except as provided in paragraphs 3, 4, and 5 will be open to applications and offers under the mineral leasing laws.

Dated: November 15, 1985.

B. Lavelle Black,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85-27752 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-33-M

[W-83356]

Wyoming; Proposed Modification and Continuation of Stock Driveway Withdrawals

Correction

In FR Doc. 85-25823, beginning on page 45167, in the issue of Wednesday, October 30, 1985, make the following corrections:

1. On page 45168:
a. In the first column, Sec. 2 in T.41 N., R. 86 W., should have read:

Sec. 2 lots 5-17, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

b. In the third column, Sec. 2 in T.41 N., R. 88 W., should have read:

Sec. 2 NE $\frac{1}{4}$ SE $\frac{1}{4}$;

2. On page 45169:

a. In the first column, the entries for Secs. 18 and 19 of T. 44 N., R. 90 W., should have read as follows:

Sec. 18, lots 7, 8, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 19, lots 5-7, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

b. In the third column, in T.52 N., R. 101 W., Sec. 18 should have read:

Sec. 18, lot 1, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;

c. In the third column, in T.53 N., R. 101 W., the entry for Sec. 6 should have read:

Sec. 6, lot 13, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

BILLING CODE 1505-01-M

Minerals Management Service

Outer Continental Shelf; Development Operations Coordination Document; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 2241, Block 643, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Sabine Pass, Texas.

DATE: The subject DOCD was deemed submitted on November 12, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and

procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: November 13, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-27827 Filed 11-20-85; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Housing Guaranty Program; Sri Lanka; Investment Opportunity

The Agency for International Development (A.I.D.) has authorized the guaranty of a loan for Sri Lanka as part of A.I.D.'s development assistance program. The proceeds of this loan will be used to finance shelter projects for low income families in Sri Lanka. The name and address of the representative of the Borrower to be contacted by interested U.S. lenders or investment bankers, the amount of the loan and project number are indicated below:

SRI LANKA, Project: 383-HG-002—\$14,000,000. Attention: Dr. A. C. Randeni, Director of Economic Affairs, Ministry of Finance and Planning, Telephone: 212/986-7040. Telex: 420646 or 423040 Lankrep, NY, c/o Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations, 630 Third Avenue, 20th Floor, New York, NY 10017.

Interested investors should telegram their bids to the Borrower's representative on December 3, 1985 but no later than 12:00 noon New York time. Bids should be open for at least 24 hours. Copies of all bids should be simultaneously sent to the following addresses:

Dr. W. M. Tilakaratna, Secretary, Ministry of Finance and Planning, Colombo 1, Sri Lanka, Telex: 21409 FINMIN C.E.

Jeremy Hagger, Mission Housing Advisor, USAID/Colombo, c/o American Embassy, Colombo, Sri Lanka, Telephone: 94-1-21271 Ext. 240, Telex: 0803-21305 AMEMB CE Agency for International Development, Michael G. Kitay, PRE/H, Room 625, SA-12, Washington, DC 20523, Telex No. 892703

For the \$14,000,000 loan the Borrower is requesting and will consider three (3) bidding options as follows: (1) Fixed, (2) Floating and (3) Floating with option to convert to Fixed.

Fixed rate bids should provide for prepayment at borrowers option commencing at the end of five years.

Floating rate bids (with or without option to convert) should specify the index on which the interest is to be based, margin over the index, frequency of reset and frequency of payments. While margin over index is primary concern, attention will also be given to ease of conversion from a floating rate to a fixed rate obligation which will be governed by market conditions at the conversion date. Such conversion shall be solely at the option of the borrower with the approval of AID. For convertible loans, bidders should specify (1) earliest date at which loan can be converted consistent with no (or nominal) penalty and (2) costs associated with the remarketing and nature of the remarketing commitment (i.e., underwritten or best efforts).

Other requirements of responsive bids:

1. Full amount of loan will be disbursed at same time as closing of loan.

2. The loan shall be for a thirty (30) year period.

3. There will be a ten (10) year grace period on the repayment of principal; no grace period on interest payments.

4. All investment expenses, fees and costs will be paid at closing from the proceeds of the loan. Bids should specify all fees and expenses associated with financing.

5. The repayment schedule shall not call for extraordinarily large payments during the mortization period.

Selection of investment bankers and/or lenders and the terms of the loan are initially subject to the individual discretion of the Borrowers and thereafter subject to approval by A.I.D. The lender and A.I.D. shall enter into a Contract of Guaranty, covering the loan. Disbursement under the loan will be subject to certain conditions required of the Borrower by A.I.D. as set forth in agreements between A.I.D. and the Borrower.

The full repayment of the loan will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in section 222 of the Foreign Assistance Act of 1961, as amended (the "Act").

Lenders eligible to receive an A.I.D. guaranty are those specified in Section 238(c) of the Act. They are: (a) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose

share capital is at least 95 percent owned by U.S. citizens; and, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established from time to time by A.I.D.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from: Director, Office of Housing and Urban Programs, Agency for International Development, Room 625, SA/12, Washington, DC 20523, Telephone: (202) 632-3544.

Dated: November 14, 1985.

Mario Pita,

Deputy Director, Office of Housing and Urban Programs.

[FR Doc. 85-27761 Filed 11-20-85; 8:45 am]

BILLING CODE 4710-02-M

Research Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on December 16-17, 1985 at the Pan American Health Organization Building, 525 23rd Street, NW., Washington, DC. Conference Room 'C'. The Committee will discuss recent developments in A.I.D. research policy.

The meeting will begin at 9:00 a.m. and adjourn at 5:30 p.m. The meeting is open to the public. Any interested persons may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee and to the extent the time available for the meeting permits. Dr. Erven J. Long, Director, Office of Technical Review and Information, Bureau for Science and Technology, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Long, 1601 N. Kent Street, Arlington, Virginia 22209 or call area code (703) 235-8929.

Dated: November 1, 1985.

Erven J. Long,

A.I.D. Representative, Research Advisory Committee.

[FR Doc. 85-27823 Filed 11-20-85; 8:45 am]

BILLING CODE 5116-01-M

Advisory Committee on Voluntary Foreign Aid; Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee on Voluntary Foreign Aid (ACVFA) on *Small-Scale Projects for Long-Term African Development*, which will be held Thursday and Friday, December 5 and 6, 1985, in the Loy Henderson International Conference Room, Department of State. To enter the building, use C Street (Diplomatic Entrance) between 21st and 23rd Streets, N.W., Washington, D.C.

Registration:

The meeting is free and open to the public. However, Pre-Registration by November 29 Through Advisory Committee Headquarters is Required by the State Department for Security reasons.

For pre-registered participants, on-site registration will begin at 8:00 a.m., Thursday, December 5, 1985.

Thursday, December 5, 1985

8:30-9:30 a.m.—Introductory Remarks—Brief Question and Answer Period

Topic I: Increasing the Number of Small-Scale Projects in Africa

9:30-12:00 a.m.—Session 1: Management issues

(10:45-11:00 a.m.—Break)

A. Mechanisms for Funding Multiple Small-Scale Activities

B. Operational Issues

12:00-1:30 p.m.—Lunch Break

1:30-3:30 p.m.—Session 2: Program Issues

A. Coordination in Planning Program Priorities

B. Communication

C. Forging and Strengthening Links Between U.S. and African PVOS

3:30-3:45 p.m.—Break

Topic II: Increasing PVO Participation in P.L. 480 Development Programs

3:45-4:30 p.m.

4:30-5:30 p.m.—ACVFA Business Session

Friday, December 6, 1985

9:00-12:00 noon—ACVFA Business Session—Adjournment

Any interested person may attend, request to appear before, or file statements with the Advisory Committee. Written statements should be filed prior to the meeting and should be available in twenty five copies.

Persons wishing to attend the ACVFA meeting must call (703) 235-2708 or 3336, or write, or send registration form, NLT NOVEMBER 29, 1985, to arrange entrance to the Department of State Building. The address is: The Advisory Committee on Voluntary Foreign Aid, Room 227, SA-8, Agency for

International Development, Washington, D.C. 20523.

Dated: November 14, 1985.

Julia Chang Bloch,

Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance.

[FR Doc. 85-27832 Filed 11-20-85; 8:45 am]

BILLING CODE 5116-01-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-252 (Sub-No. 1X)]

Northern Missouri Railroad Co.; Discontinuance of Service in Iowa and Missouri; Exemption

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights*, to discontinue service over trackage of the Norfolk & Western Railway as follows: (1) Between milepost 226.0 at Chillicothe and milepost 239.2 at Lock Springs, MO, (2) between milepost 332.4 at Burlington Junction, MO., and milepost 344.8 at Blanchard, IA, and (3) between milepost 344.8 at Blanchard and milepost 410.86 at Council Bluffs, IA.

Applicant has certified (1) that no local traffic has moved over the lines for at least 2 years and that overhead traffic is not moved over the lines or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the lines (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the lines either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agencies have been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the discontinuance of service shall be protected pursuant to *Oregon Short Line R. Co. Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective December 21, 1985, (unless stayed pending reconsideration). Petitions to stay must be filed by December 2, 1985 and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by December 11, 1985, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission must be sent to applicant's

representative: John D. Heffner, Suite 1000, 1133 15th Street, NW., Washington, DC 20005.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: November 18, 1985.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-27817 Filed 11-20-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Partial Consent Decree Under Clean Water Act To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a partial consent decree in *United States v. Joint Meeting-Rutherford, East Rutherford, Carlstadt, Borough of Rutherford, New Jersey; Borough of East Rutherford, New Jersey; Borough of Carlstadt, New Jersey; State of New Jersey*, Civil Action No. 84-2744(SA), was lodged with the United States District Court for the District of New Jersey on November 7, 1985. The partial consent decree establishes a compliance program for the Rutherford, Bergen County, New Jersey sewage treatment facility owned and operated by defendants, Joint Meeting-Rutherford and the Boroughs of Rutherford, East Rutherford, and Carlstadt, to bring the facility into compliance with the Clean Water Act, 33 U.S.C. 1251 *et seq.* and its National Pollutant Discharge Elimination System ("NPDES") permit, relating to the discharge of pollutants into navigable waters of the United States.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the partial consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530 and should refer to *United States v. Joint Meeting-Rutherford, East Rutherford, Carlstadt, et al.*, D.J. Ref. No. 90-5-2-1-2152.

The partial consent decree may be examined at the office of the United States Attorney, District of New Jersey, Newark, New Jersey 07102; at the Region II office of the Environmental Protection Agency, 26 Federal Plaza,

New York, New York 10278; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW, Washington, DC 20530. A copy of the partial consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$1.70 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-27830 Filed 11-20-85; 8:45 am]

BILLING CODE 4410-01-M

Federal Bureau of Investigation

Advisory Policy Board, National Crime Information Center; Meeting

The Advisory Policy Board of the National Crime Information Center (NCIC) will meet on December 4-5, 1985, from 9 a.m. until 5 p.m. at the Kona Kai Inn, 1551 Shelter Island Drive, San Diego, California 92106.

The major topics to be discussed include:

(1) Presentations of proposals recommended by state and local users of the NCIC System to enhance the quality and completeness of records in the System.

(2) Status report and future testing plans for the Interstate Identification Index.

(3) Status of various efforts to improve the use and results of the Missing and Unidentified Persons Files.

The meeting will be open to the public with approximately 30 seats available for seating on a first-come-first-served basis. Any member of the public may file a written statement with the Advisory Policy Board before or after the meeting. Anyone wishing to address a session of the meeting should notify the Advisory Committee Management Officer, Mr. William A. Bayse, FBI, at least 24 hours prior to the start of the session. The notification may be by mail, telegram, cable, or hand-delivered note. It should contain the name, corporate designation, along with a capsulized version of the statement and an outline of the material to be offered. A person will be allowed not more than 15 minutes to present a topic, except with the special approval of the Chairman of the Board.

Inquiries may be addressed to Mr. David F. Nemecek, Committee

Management Liaison Officer, NCIC Federal Bureau of Investigation, Washington, DC 20535, telephone number 202-324-2606.

Dated: November 15, 1985.

William H. Webster,

Director.

[FR Doc. 85-27764 Filed 11-20-85; 8:45 am]

BILLING CODE 4410-02-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted on or before December 23, 1985.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202) 786-0233 or Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503 (202) 395-7316.

FOR FURTHER INFORMATION CONTACT:

Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202) 786-0233 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Revisions

Title: Applications and Instruction
Forms for the Conferences Category
Form Number: Not Applicable

Frequency of Collection: Twice a year
Respondents: Humanities researchers
and institutions

Use: Application for funding

Estimated Number of Respondents: 133
per year

Estimated Hours for Respondents to
Provide Information: 60 per
respondents

Susan Metts,

Acting Director of Administration.

[FR Doc. 85-27770 Filed 1-20-85; 8:45 am]

BILLING CODE 7536-01-M

**NUCLEAR REGULATORY
COMMISSION**

[Docket No. 50-213]

**Connecticut Yankee Atomic Power
Co.; Environmental Assessment and
Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the schedular requirement of 10 CFR 50.71(e)(3)(ii) to the Connecticut Yankee Atomic Power Company (CYAPCo) (the licensee) for the Haddam Neck Plant, located at the licensee's site in Middlesex County, Connecticut.

Environmental Assessment

Identification of Proposed action

The proposed action would grant an exemption from the requirements of 10 CFR 50.71(e)(3)(ii) to submit an updated Facility Description and Safety Analysis (FDSA) for the Haddam Neck Plant within 24 months of receipt of a letter notifying the licensee that the systematic evaluation program has been completed. By letter dated July 20, 1983, the staff informed CYAPCo that the systematic evaluation program had been completed for the Haddam Neck Plant and that, pursuant to 10 CFR 50.71(e)(3), the licensee was required to file an updated FDSA. By letter dated February 4, 1985, the licensee requested an exemption to defer submittal of the updated FDSA for the Haddam Neck Plant. By letter dated April 11, 1985, the staff issued an exemption to 10 CFR 50.71(e)(3) for the Haddam Neck Plant permitting a 6 month extension from the date of issuance of the exemption for submittal of the updated FDSA. Any additional exemptions to 10 CFR 50.71 would be granted by the Director of Licensing, ONRR, only upon review and approval of a program plan for the

submittal of an updated FDSA. By letter dated September 13, 1985, the licensee requested an additional exemption to defer submittal of the updated FDSA for the Haddam Neck Plant. However, by letter dated October 2, 1985, the staff notified CYAPCo that its request for an additional exemption was being denied because the licensee's request was not responsive to the term identified in the exemption issued on April 11, 1985. By letter dated October 11, 1985, CYAPCo resubmitted a request for an exemption from the schedular requirements of 10 CFR 50.71(e)(3)(ii) that contained the schedular information required. The deferral of the submittal of the updated FDSA is the proposed action being considered by the staff.

The Need for the Proposed Action

For most plants covered by 10 CFR 50.71(e)(3)(ii), ample time was available for updating the FDSA within the 24-month interval allowed in the regulations. However, the Haddam Neck Plant requested participation in an expanded assessment of outstanding regulatory requirements with the idea of establishing an integrated schedule for the completion of these issues in a resource efficient manner.

The licensee has other ongoing activities which would directly affect the quality and substance of an updated FDSA. For example, CYAPCo is contracting with Westinghouse to develop and document detailed information on the design and licensing bases for key systems at the Haddam Neck Plant. CYAPCo has also undertaken an extensive design bases reanalysis which will result in new analyses for all FDSA Chapter 10 transients and accidents for several systematic evaluation program topics. Also, the staff is now implementing a limited Integrated Safety Assessment Program (ISAP) for the Haddam Neck Plant. The purpose of ISAP is to prioritize outstanding NRC requirements and licensee initiatives resulting in an integrated living schedule and will serve as a basis upon which future regulatory requirements can be judged. The licensee believes that these additional efforts will facilitate a better understanding of the plant design bases when the updated FDSA is submitted.

The licensee in its October 11, 1985, exemption request identified the milestones for the completion of the FDSA update as required in the April 11, 1985 exemption. In this exemption request the licensee requested relief from the required completion date until June 30, 1987.

Environmental Impact of the Proposed Action

The proposed exemption affects only the required date for updating the FDSA and does not affect the risk of facility accidents. Thus, post-accident radiological releases will not differ from those determined previously, and the proposed exemption does not otherwise affect facility radiological impacts, the proposed exemption does not affect plant non-radiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives with equal or greater environmental impacts need not be evaluated. The principal alternative to the exemption would be to require an earlier date for submittal of the updated FDSA. Such an action would not enhance the protection of the environment and would result in unnecessary diversion of utility engineering resources from other work of higher safety significance.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for the Haddam Neck Plant.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensee's letter dated October 11, 1985. This letter is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Russell Library, 123 Broad Street, Middletown, Connecticut 06547.

Dated at Bethesda, Maryland, this 12th day of November 1985.

For the Nuclear Regulatory Commission.
Dennis M. Crutchfield,
*Assistant Director for Safety Assessment,
 Division of Licensing, Office of Nuclear
 Reactor Regulation.*
 [FR Doc. 85-27801 Filed 11-20-85; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Company of New York, Inc. (Indian Point Nuclear Generating Unit No. 2); Exemption

I

The Consolidated Edison Company of New York (the licensee) is the holder of Facility Operating License No. DPR-26 which authorizes operation of the Indian Point Nuclear Generating Unit No. 2 (IP-2). This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility consists of one pressurized water reactor at the licensee's site located in Westchester County, New York.

II

On November 19, 1980, the Commission published a revised section 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding the fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section 50.48(c) established the schedules for satisfying the provisions of Appendix R. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of the fifteen subsections, III.J, is the subject of this exemption request.

1.0.0 Technical Exemption.

1.1.1 Exemption Requested.

By letter dated July 13, 1983 the licensee requested an exemption from Section III.J of Appendix R to 10 CFR 50 to the extent that it requires that all areas needed for operation of safe shutdown equipment and in access and egress routes thereto be provided with 8-hour battery powered emergency lighting units.

1.2 Discussion and Evaluation.

To effect and maintain safe shutdown under certain fire scenarios the licensee has indicated that operators would need to operate transfer switches adjacent to the 1P-2 Screenwell Area; to operate breakers at the Indian Point Unit No. 1 (IP-1) Intake Structure/Screenwell

House; to check local level indication at the Refueling Water Storage Tank (RWST) and Condensate Storage Tank (CST); and to manhandle certain valves in the Piping Penetration Area. The licensee also indicated that operators would have to gain access to the 1P-1 Superheater Building which contains the switchgear and controls for operation of certain shutdown-related pumps.

The licensee does not meet the Section III.J. requirements in the IP-2 screenwell area, the RWST area or the CST area. However, the licensee intends to utilize the pole-mounted security lighting system available in the yard area for these areas. The security lighting will provide sufficient illumination to the shutdown components and access and egress routes thereto, that are associated with this exemption. In addition, the security lighting is supplied power from the security diesel and is, therefore, not vulnerable to fire loss under the postulated fire scenario.

1.3.4 Conclusions.

Based on our review, we conclude that the use of the proposed emergency lighting systems provides an acceptable margin of safety equivalent to that provided by the technical requirements of Section III.J. Therefore, the licensee's request for an exemption should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR Part 50.12, this technical exemption is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The Commission hereby approves the requested exemption from Appendix R of 10 CFR Part 50 Section III.J.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the Exemption will have no significant impact on the environment (50 FR 45954).

This exemption is effective upon issuance.

Dated at Bethesda, Maryland this 13th day of November 1985.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 85-27802 Filed 11-20-85; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2219]

Pennsylvania; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on November 9, 1985, I find that the Counties of Allegheny, Fayette, Greene, Somerset, Washington, and Westmoreland constitute a disaster loan area because of damage from severe storms, landslides and flooding beginning on or about November 3, 1985. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on January 10, 1986, and for economic injury until August 11, 1986, at: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring St., SW., Suite 822, Atlanta, Georgia 30303.

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 |
| Businesses (EIDL) without credit available elsewhere..... | 4.000 |
| Other (non-profit organizations including charitable and religious organizations)..... | 10.500 |

The number assigned to this disaster is 221906 for physical damage and for economic injury the number is 636800.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: November 13, 1985.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 85-27854 Filed 11-20-85; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2218]

Virginia; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on November 9, 1985, I find that the Counties of Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Botetourt, Campbell, Clarke, Craig, Fluvanna, Franklin, Gloucester, Highland, Madison, Montgomery,

Nelson, Northumberland, Page, Richmond, Roanoke, Rockbridge, Rockingham, Shenandoah, Stafford, Warren and Westmoreland, and the independent Cities of Buena Vista, Clifton Forge, Covington, Harrisonburg, Lynchburg, Richmond, Roanoke, Salem and Waynesboro, constitute a disaster loan area because of damage from severe storms, landslides and flooding beginning on or about November 3, 1985. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on January 10, 1986, and for economic injury until August 11, 1986, at: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring St., SW., Suite 822, Atlanta, Georgia 30303.

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 |
| Businesses (EIDL) without credit available elsewhere..... | 4.000 |
| Other (non-profit organizations including charitable and religious organizations)..... | 10.500 |

The number assigned to this disaster is 221806 for physical damage and for economic injury the number is 636700.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: November 13, 1985.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 85-27855 Filed 11-20-85; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2217]

West Virginia; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on November 7, 1985, I find that the Counties of Grant, Greenbrier, Hardy, Harrison, Pendleton, Pocahontas, Preston and Tucker constitute a disaster loan area because of damage from severe storms, landslides and flooding beginning on or about November 3, 1985. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on January 6, 1986, and for economic injury

until August 7, 1986, at: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring St., SW., Suite 822, Atlanta, Georgia 30303.

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 |
| Businesses (EIDL) without credit available elsewhere..... | 4.000 |
| Other (non-profit organizations including charitable and religious organizations)..... | 10.500 |

The number assigned to this disaster is 221706 for physical damage and for economic injury the number is 636600.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Date: November 8, 1985.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 85-27856 Filed 11-20-85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of Golden States Airlines

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 85-11-42, Order to Show Cause and Grant of Exemption (D. 43445).

SUMMARY: The Department of Transportation is proposing to find that Golden States Airlines is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service will conform to applicable safety standards. Pending the outcome of the fitness review, the Department has granted Golden State an emergency exemption to begin its proposed commuter operations.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Special Authorities Division, Room 6420, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, and serve them

on all persons listed in Attachment A to the order. Objections shall be filed no later than December 6, 1985.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Special Authorities Division, Department of Transportation, 400 7th Street, SW., Washington, DC 20590 (202) 755-3812.

Dated: November 15, 1985.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 85-27725 Filed 11-20-85; 8:45 am]

BILLING CODE 4910-62-M

[Docket 43419]

Horizon Air et al.; Application

Issued by the Department of Transportation on the 14th day of November 1985.

Order

On September 23, 1985, Horizon Air Industries, Inc. d/b/a Horizon Air ("Horizon"), Cascade Airways, Inc. ("Cascade"), Vanguard Ventures, Inc. ("Vanguard"), AIC Management Corporation, American Investment Corporation, and Field Point Holding Corporation filed a joint application for approval under section 408 of the Federal Aviation Act, 49 U.S.C. 1378, of the acquisition of Cascade by Horizon.

Field Point Holding Corporation owns 82 percent of Cascade's outstanding stock, the balance being held by Cascade's president and employees. Under the proposed acquisition, Horizon will buy Field Point's shares of Cascade stock.¹ Cascade and Horizon serve points in the Pacific Northwest, mostly with commuter aircraft, but each holds section 401 certificate authority (49 U.S.C. 1371) and conducts some operations with large jet aircraft.

The applicants state that Cascade's worsening financial difficulties led Vanguard to attempt to sell its Cascade stock. Following several unsuccessful negotiations with other parties, Horizon agreed to purchase the Cascade stock on July 31, 1985. However, despite the stock purchase agreement, Cascade filed for protection from its creditors under Chapter 11 of the Bankruptcy Code on August 12, 1985. The applicants state that Cascade has been able to continue operating since then only because Horizon has loaned Cascade funds to support its operations. Horizon made

¹ Field Point Holding is a wholly-owned subsidiary of American Investors Corporation, which is, in turn, wholly-owned by AIC Management Corporation, a subsidiary of Vanguard Ventures, Inc.

these loans pursuant to a financing agreement (Ex. HOCA-102(a)), which restricts Cascade's operational freedom and apparently limits the routes which may be operated by Cascade. See Financing Agreement, Para. 2.3. The applicants further state they believe that this agreement required no prior approval from the Department, but they seek the Department's approval to the extent required. Ap. p. 7, n.4.

The applicants request expeditious processing of the application through show cause procedures. They claim that the transaction poses no threat to competition in any relevant market in light of the presence of actual and potential competitors and the absence of entry barriers. They further contend that the proposal falls within the "failing company doctrine," which permits approval of otherwise anticompetitive transactions. Furthermore, they submit that the precarious financial state of Cascade requires prompt approval. The applicants do not seek antitrust immunity under section 414 of the Act, 49 U.S.C. 1384. Horizon states that it will not accept the imposition of labor protective provisions (LPP's) as a condition to section 408 approval.

The applicants filed substantial portions of the information required by part 303 of the Department's regulations, 14 CFR Part 303, but request an exemption from the filing requirements for Cascade's parent corporations. The applicants assert that those corporations will hold no other aviation interests once the sale of their Cascade stock is approved. They accordingly consider the data requirements of Part 303 unnecessary as applied to the parent corporations.

After review of the application, the Department's staff informally asked applicants' counsel to file additional information on Vanguard's earlier efforts to sell Cascade and to review the applicants' records to see whether the original application contained all the material required by § 303.13(c) of the Department's rules, which requires the filing of documents on such matters as competition, new entry, profitability, and scheduling.² In response, the applicants by October 21 filed Vanguard's documents on its efforts to sell Cascade and the two carriers' materials required by § 303.13(c), and asked for confidential treatment for those filings. The applicants also filed copies of relevant pleadings form Cascade's bankruptcy proceeding.

² The staff's informal request was confirmed by an October 11, 1985, letter to applicants' counsel, a copy of which is included in the docket of this proceeding.

Before the applicants filed this additional material, the Office of the Attorney General of the State of Washington (the "State") filed objections to the sufficiency of the application.³ The State submitted that the applicants' initial non-compliance with Part 303 prevented any informed analysis of the effects of the transaction. The State also objected to exempting Cascade's parent corporations from Part 303. It asked the Department either to dismiss the application or to require the applicants to file additional information. The Air Line Pilots Association ("ALPA") filed comments contending that the Department must impose LPP's if it approves Horizon's acquisition of Cascade.

The applicants filed a response to the State's objections which contended that the application was substantially complete.

Request for Comments

The Department's antitrust rules, effective on August 30, 1985, provide that interested parties may file comments on a section 408 application twenty-one days after the application's filing. 14 CFR 303.42. In this case, the comment period would have closed on October 15, 1985; however, the initial application's incompleteness has necessitated an alteration of the procedural schedule to enable other persons to comment on the application. See 14 CFR 303.04. The applicants submitted sufficient information by October 21 to allow the Department to begin processing the application and other persons to respond to the application. Accordingly, we will set a schedule for public comment on the application.

We find, however, that the applicants have not provided sufficient documentation if they wish us to consider approving the transaction under the "failing company" doctrine or section 408's savings clause, as discussed below. We are therefore requiring the applicants to provide us additional documentation if they wish us to apply the "failing company" doctrine or the savings clause. We have decided to allow interested persons to comment on the application within twenty-one days from the date that the applicants either provide the additional documentation required for the "failing company" doctrine and the savings clause or the date that the applicants notify us and the other parties that they choose not to seek approval on those grounds. Comments may address the

³ We will grant the State's motion for leave to file its objections.

merits of the application, whether additional information should be required from the applicants, what procedures should be followed in considering the application, and other matters interested persons wish to raise at this time. Any person who wishes the Department to conduct an oral evidentiary hearing on the application must specify the disputed material issues of fact that cannot be resolved without such a hearing. We will consider ALPA's previously-filed comments when we consider the responses to this order, but ALPA may file additional comments if it chooses. We will also rule on the applicants' request to exempt Cascade's parent corporations from the requirements of Part 303 of our regulations after we review the comments on the application. At the same time, we will determine whether the financing agreement required approval under section 408 and, if so, what further action (e.g., approval or enforcement review or both) is warranted.

Additional Information Requirements

Although the Department has determined to begin reviewing the application on its merits, the Department finds that additional information is required with respect to the "failing company" doctrine as a potential ground for approving Horizon's acquisition of Cascade.⁴ The applicants have asked us to rely on this doctrine as a basis for approving the acquisition; however, the applicants have not filed adequate documentation to permit our consideration of it.

Therefore, if the applicants wish us to rely on the "failing company" doctrine, they must submit affidavits from the appropriate officers of Cascade and Vanguard discussing in detail Cascade's dependence on additional financing to maintain operations, its inability to obtain additional financing from anyone but Horizon, and Vanguard's inability to sell its interest in Cascade to anyone but Horizon. The affidavits should also explain why Cascade found it necessary to seek protection under chapter 11 of the Bankruptcy Code. In addition, the applicants must file copies of all Cascade and Vanguard documents relevant to their claims that Cascade cannot maintain operations without Horizon's financial assistance and that the "failing company" doctrine is applicable. The applicants should file the affidavits and other documents

⁴ *Southwest Airlines-Mesa Air Show-Cause Acquisition Proceeding*, Orders 85-5-28 (May 3, 1985) at 20-22 and 85-6-79 (June 24, 1985) at 21-27.

fourteen days after the issuance of this order.

The applicants also have asked the Department to approve the Acquisition under section 408's savings clause, if the Department finds that the transaction will result in a monopoly or a substantial reduction in competition. The savings clause allows the Department to approve an anticompetitive transaction if its effects are outweighed in the public interest by meeting significant transportation needs and conveniences which would not be satisfied by reasonably available, less anticompetitive alternatives. Section 408(b)(1)(B) of the Act. The application, however, does not include an adequate response to the filing requirements applicable to a party seeking section 408 approval under the savings clause, § 303.15, although the proponents of the transaction must demonstrate the applicability of the savings clause. If the applicants nonetheless wish us to consider approving Horizon's acquisition on these grounds, they must file the material required by § 303.15 fourteen days after this order's issuance.

We recognize the applicants' interest in obtaining an early approval for Horizon's acquisition. We intend to rule promptly on the merits of their application, but our ability to do so largely depends on the applicants' timely submission of the additional information required by this order and needed for our review of the transaction.

The State's Objection

The State argues that the application is incomplete with respect to equipment and facilities information (14 CFR 303.12), financial and competitive data (14 CFR 303.11 and 303.13, respectively), and resource availability (14 CFR 303.14).

We agree, in part, with the State's objections, particularly with the contention that the application's information is insufficient to allow consideration of the "failing company" doctrine. However, the earlier staff requests that the applicants file documentation on Vanguard's efforts to sell Cascade, and this order's requirement for additional information, address that problem. The State also alleged that the original application's filing of competitive information appears to be incomplete, but the later filing of information and this order's requirements should also serve to remedy that problem.

The State, on the other hand, incorrectly asserted that the applicants failed to file adequate information on airport facilities and potential restrictions on entry at any airport. We

believe the application is adequate in these areas. If, however, the State can show that other carriers may not be able to gain entry into one or more of the airports served by the applicants, we would consider requiring additional information.

Confidentiality

The applicants requested confidential treatment for the documentation submitted after filing of the original application. We will grant the motion, subject to reconsideration at any time for good cause shown. Counsel and experts for other parties may inspect the documents on the submission of an affidavit stating that he or she will preserve the confidentiality of the information contained in the documents. See Order 85-7-17 (July 3, 1985) at 2.

Accordingly,

1. We direct the applicants to file within 14 calendar days all material relevant to the "failing company" doctrine and the transaction's public benefits under the savings clause of section 408, if the applicants wish the Department to consider approval of the transaction under either theory;

2. We direct interested parties to file their comments on the application within 21 calendar days after the applicants either provide the documentation called for by ordering paragraph 1 or give notice to the Department and the parties that the applicants do not wish to consider approval of the transaction under either the "failing company" doctrine or the savings clause of section 408;

3. We grant, subject to reconsideration at any time for good cause shown, the applicants' motion for confidential treatment;

4. We grant the request of the State of Washington for leave to file its objections; and

5. This order will be published in the **Federal Register**.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 85-27726 Filed 11-20-85; 8:45 am]

BILLING CODE 4910-62-M

Federal Highway Administration

Environmental Impact Statement; Anchorage, AK

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environment impact statement will be

prepared for a proposed highway project in the Municipality of Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Tom Neunaber, Operations Engineer, Federal Highway Administration, P.O. Box 1648, Juneau, Alaska 99801, Telephone (907) 586-7428; Merlyn L. Paine, Central Region Environmental Coordinator, Alaska Department of Transportation and Public Facilities, P.O. Box 196900, Anchorage, Alaska 99519-6900, Telephone (907) 266-1508.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Alaska Department of Transportation and Public Facilities (ADOT&PF), will prepare an Environmental Impact Statement (EIS) on proposed improvements to C Street in the Municipality of Anchorage (MOA), Alaska. The proposed action is the construction of an expressway facility along the C Street corridor between Minnesota Drive and Tudor Road. The proposed project is approximately four miles long; one and one-half miles of the length will be construction on a new location (between Minnesota Drive and Dimond Boulevard).

Proposed improvements would include: four to six express lanes for through traffic along the entire length of the project; a one-way street system on each side of the express lanes which would have at-grade intersections with all existing arterial and collector streets for local access; full urban interchanges at Tudor Road, Dimond Boulevard, and Minnesota Drive; modified urban interchanges at 100th Avenue, 92nd Avenue, Dowling Road, and International Airport Road intersections; grade separations (over or undercrossings) at the Alaska Railroad (Neilsen Way), 64th Avenue, 68th Avenue, and 76th Avenue (76th Avenue would have access ramps to and from the north); a new bridge crossing Campbell Creek; facilities for pedestrian, bicyclists, handicapped, and transit users; signalization and illumination; and a drainage system. The proposed would be stage constructed.

The proposed action is necessary to meet current and future traffic demands on the facility. The existing C Street facility between Dimond Boulevard and Tudor Road is primarily a two-lane street with a 40-foot paved surface. South of Dimond Boulevard, C Street does not presently exist. The major intersections in the proposed project area are currently operating near capacity during peak hours. The proposed action is an integral part of the Anchorage Metropolitan Area

Transportation Study (AMATS) Long Range Transportation Plan and Transportation Improvements Plan and the MOA Official Streets and Highway Plan.

Alternatives to the proposed action which would be considered in the EIS include: widening the existing facility with at-grade intersections; transportation systems management; mass transit; and making no improvements (No-Build Alternative).

A scoping process to identify the full range of issues related to the proposed action will include solicitation of comments from appropriate Federal, State, and local agencies, private organizations, and the public. This process will most likely include formal and informal meetings and written correspondence. All meetings will be announced well in advance of their scheduled dates.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction)

Issued on: November 13, 1985.

Robert E. Ruby,

Assistant Division Administrator, Federal Highway Administration, Juneau, Alaska.

[FR Doc. 85-27751 Filed 11-20-85; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Saint Paul, MN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Saint Paul, Minnesota.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Fudaly, Area Engineer, Federal Highway Administration, Suite 490, Metro Square Building, Saint Paul, Minnesota 55101, Telephone (612) 349-5238, or Mr. Robert Peterson Associate City Engineer, City Hall Annex, Saint Paul, Minnesota 55102, Telephone (612) 298-5070.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Minnesota Department of Transportation and the City of Saint Paul, intends to prepare a draft Environmental Impact Statement (EIS) for a proposed street construction project in the City of Saint Paul referred to as the Shepard Road Improvement and Construction project. The project consists of two (2) separate, but related, projects. The first involves the upgrading of existing Shepard Road and

Warner Road from the vicinity of Randolph Avenue to the proposed East Central Business District (ECBD) Bypass, while the second involves the construction of a new segment of Shepard Road, referred to as the ECBD Bypass, between Warner Road and I-35E (north of downtown Saint Paul). The proposed project generally consists of the construction or reconstruction of a divided four (4) lane arterial type street. The total project length will be from 4.75 to 5.25 miles depending on the specific location corridor and final alignment selected.

Various alignment alternatives are being considered along the entire length of the project, particularly along Shepard Road between Randolph Avenue and Chestnut-Eagle Street, at the Shepard Road-Warner Road-ECBD Bypass interchange area, and at the ECBD Bypass connection to I-35E north of downtown Saint Paul. Some of these alternatives may be dropped from consideration while others are added as a result of the scoping process. The "Do Nothing" or "No Build" alternative will also be evaluated in the environmental review process.

A task force will be formed, comprised of representatives from the public and all interested agencies and parties to participate in the scoping process. Information will be sent to Federal, State and local agencies that may have an interest in the project to inform them of the proposed project and scoping progress, as well as to solicit their comments and concerns.

To ensure that the full range of issues related to this project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed project and the EIS should be directed to the FHWA or the City of Saint Paul at the addresses provided above.

Issued on November 13, 1985.

Alan J. Friesen,

District Engineer.

[FR Doc. 85-27829 Filed 11-20-85; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[FRA Waiver Petition Docket No. HS-85-11, etc.]

Little Rock & Western Railway Corp. et al.; Exemption

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that eleven railroads have petitioned the Federal Railroad Administration (FRA) for a waiver of compliance with the

provisions of the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)).

The Hours of Service Act currently makes it unlawful for a railroad to require specified employees to remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad which employs not more than fifteen employees who are subject to the statute to seek an exemption from the twelve-hour limitation.

Little Rock and Western Railway Corp. (LRWN)

[FRA Waiver Petition Docket No. HS-85-11]

The LRWN seeks a continuation of a previously issued exemption so that it can permit certain employees to remain on duty not more than sixteen hours in any twenty-four hour period.

The LRWN states that it is not their intention to employ a train crew over twelve (12) hours per day under normal operating conditions, but that this exemption, if granted, would help their operation if they encountered unusual operating conditions or circumstances.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than fifteen employees and has demonstrated good cause for granting this exemption.

AT&L Railroad Company (AT&L)

[FRA Waiver Petition Docket No. HS-85-12]

The AT&L seeks this exemption so that it can permit certain employees to remain on duty not more than sixteen hours in any twenty-four period.

The AT&L provides switching service between Watonga, Oklahoma, and El Reno, Oklahoma, a distance of 39.7 miles. The normal operation of the railroad calls for only one (1) train per day, with work completed within the twelve hour limitation. This exemption, if granted, would allow the carrier to function if they encountered unusual operating conditions or circumstances.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than fifteen employees and has demonstrated good cause for granting this exemption.

Kankakee, Beaverville and Southern Railroad (KB&S)

[FRA Waiver Petition Docket No. HS-85-13]

The KB&S seeks this exemption so that it can permit certain employees to

remain on duty not more than sixteen hours in any twenty-four hour period.

The KB&S provides switching service to six grain elevators and stores empty cars for two private rail car owners. The normal operation of the railroad calls for only one (1) train per day, with work completed within eight to ten hours. This exemption, if granted, would allow the carrier to function if they encountered unusual operating conditions or circumstances.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than fifteen employees and has demonstrated good cause for granting this exemption.

Tencken Railroad Company (TK)

[FRA Waiver Petition Docket No. HS-85-14]

The TK seeks this exemption so that it can permit certain employees to remain on duty not more than sixteen hours in any twenty-four hour period.

The TK provides service between Dyersburg, Tennessee, to Hickman, Kentucky, a distance of 51.7 miles. The normal operation of the railroad calls for only one (1) train per day, with work completed within the twelve hour limitation. This exemption, if granted, would allow the carrier to function if they encountered unusual operating conditions or circumstances.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than fifteen employees and has demonstrated good cause for granting this exemption.

Maryland & Delaware Railroad (M&D)

[FRA Waiver Petition Docket No. HS-85-15]

The M&D seeks this exemption so that it can permit certain employees to remain on duty not more than sixteen hours in any twenty-four hour period.

The M&D provides line haul and industrial switching service on 117 miles of track located in the states of Maryland and Delaware. The normal operation of the railroad calls for only one (1) train per day, with work completed within the twelve hour limit. This exemption, if granted, would allow the carrier to function if they encountered unusual operating conditions or circumstances.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than fifteen employees and has demonstrated good cause for granting this exemption.

Green Mountain Railroad (GM)

[FRA Waiver Petition Docket No. HS-85-16]

The GM seeks a continuation of a previously issued exemption so that it can permit certain employees to remain on duty not more than sixteen hours in any twenty-four hour period.

The GM provides service between Bellows Falls, Vermont, and Rutland, Vermont, a distance of 50 miles. The GM states that it is not their intention to operate a train crew over twelve (12) hours per day under normal operating conditions, but that this exemption, if granted, would help their operation if they encountered unusual operating conditions or circumstances.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than fifteen employees and has demonstrated good cause for granting this exemption.

Ontario Midland Railroad (OM)

[FRA Waiver Petition Docket No. HS-85-18]

The OM seeks a continuation of a previously issued exemption so that it can permit certain employees to remain on duty not more than sixteen hours in any twenty-four hour period.

The OM provides service, on two interconnected lines joined at Wallington, New York. The first line is between Newark, New York and Sodus Point, New York, a distance of 15 miles. The second line is between West Webster, New York and Red Creek, New York, a distance of 40.6 miles. Total mileage operated by the OM is 55.6 miles.

The OM states that it is not their intention to operate a train crew over twelve (12) hours per day under normal operating conditions, but that this exemption, if granted, would help their operation if they encountered unusual operating conditions or circumstances.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than fifteen employees and has demonstrated good cause for granting this exemption.

Pioneer Valley Railroad (PV)

[FRA Waiver Petition Docket No. HS-85-19]

The PV seeks a continuation of a previously issued exemption so that it can permit certain employees to remain on duty not more than sixteen hours in any twenty-four hour period.

The PV provides freight service between Holyoke and Westfield, Massachusetts, a distance of 24 miles in addition, the PV is a contract operation

for a non-profit excursion company, hauling passengers on weekends and special occasions.

The PV states that it is not their intention to operate a train crew over twelve (12) hours per day under normal operating conditions, but that this exemption, if granted, would help their operation if they encountered unusual operating conditions or circumstances.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than fifteen employees and has demonstrated good cause for granting this exemption.

West Tennessee Railroad (WT)

[FRA Waiver Petition Docket No. HS-85-20]

The WT seeks this exemption so that it can permit certain employees to remain on duty not more than sixteen hours in any twenty-four hour period.

The WT provides service between Kenton and Jackson, Tennessee, a distance of 47 miles. The normal operation of the railroad calls for only one (1) train per day, with work completed within the twelve-hour limitation. This exemption, if granted, would allow the carrier to function if they encountered unusual operating conditions or circumstances.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than fifteen employees and has demonstrated good cause for granting this exemption.

Illinois and Rock River Railroad (IROC)

[FRA Waiver Petition Docket No. HS-85-21]

The IROC seeks this exemption so that it can permit certain employees to remain on duty not more than sixteen hours in any twenty-four hour period.

The normal operation of the railroad calls for only one (1) train per day, with work completed within the twelve-hour limitation. This exemption, if granted, would allow the carrier to function if they encountered unusual operating conditions or circumstances.

The petitioners indicate that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than fifteen employees and has demonstrated good cause for granting this exemption.

Ontario Central Railroad (OC)

[FRA Waiver Petition Docket No. HS-85-22]

The OC seeks this exemption so that it can permit certain employees to

remain on duty not more than sixteen hours in any twenty-four hour period.

OC provides service, between East Shortsville and West Victor, New York, a distance of 12.9 miles. The OC states that it is not their intention to operate a train crew over twelve (12) hours per day under normal operating conditions, but that this exemption, if granted, would help their operation if they encountered unusual operating conditions or circumstances.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in these proceedings by submitting written views and comments. FRA has not scheduled a hearing or other opportunity for oral comments since the facts do not appear to warrant it. Communications concerning the proceedings should identify the docket number and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Communications received before January 10, 1986 will be considered by FRA before final action is taken. Comments received after that will be considered as far as practicable.

All comments received will be available for examination both before and after the closing date for comments during regular business hours (9 a.m.-5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C., on November 15, 1985.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 85-27791 Filed 11-20-85; 8:45am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP85-12; Notice 2]

Sumitomo Rubber Industries, Ltd.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Sumitomo Rubber Industries, Ltd., of Kobe, Japan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.109,

Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires—Passenger Cars". The basis of the grant was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on July 29, 1985, and an opportunity afforded for comment (50 FR 30778).

Paragraph section 4.3(e) of Standard No. 109 requires that the sidewall of each tire be labeled with the actual number of plies in the sidewall, and the actual number of plies in the tread area, if different. Sumitomo produced 6,821 SC675 White Slim Line passenger car tires, size designation P215/75R14, where the actual number of plies in the tread area was mistakenly labeled as "4" plies instead of "6" plies. The incorrect labeling indicates "TREAD 4 PLYS 2 POLYESTER + 2 STEEL + 2 NYLON" whereas the correct labeling should indicate "TREAD 6 PLYS 2 POLYESTER + 2 STEEL + 2 NYLON". The tires were manufactured during the period from October 16, 1983 through June 9, 1985.

Sumitomo has impounded 509 of the tires in its possession and all recovered tires were rebranded with the correct information of "6 PLYS". Of the remaining tires, 5,860 were shipped to the United States, 216 to Puerto Rico, and 236 to Canada. Therefore, this petition affects 6,076 passenger car tires shipped to jurisdictions covered by the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*).

Sumitomo argued that the noncompliance is inconsequential because the failure to label property has no impact on motor vehicle safety and the tires otherwise comply with Standard No. 109.

No comments were received on the petition.

After consideration, NHTSA has concluded that the labeling error is an obvious one since it is followed by a discrete count of the six plies of generic cord material in the tire. The error in no way affects the load carrying or endurance properties of the tires, and retreading operations will not compromise safety. Accordingly it is hereby found that Sumitomo has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is granted.

The engineer and attorney primarily responsible for this notice are Art Gasanova and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: November 18, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85-27833 Filed 11-20-85; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Commissioner's Advisory Group; Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-776, 5 U.S.C. App. 1, Supp. II), and with the approval of the Secretary of the Treasury and the concurrence of the Office of Management and Budget, the Office of the Commissioner of Internal Revenue announces the renewal of the following advisory committee:

Title: The Advisory Group to the Commissioner of Internal Revenue

Purpose: The primary purpose of the Advisory Group is to provide an organized public forum for discussion of relevant tax administration issues between officials of IRS and representatives of the public. The Advisory Group also offers constructive observations about IRS' current or proposed policies, programs, and procedures and, where necessary, suggests ways to improve IRS' operations.

The Commissioner and other senior officials receive from the Advisory Group a significant amount of information about the problem taxpayers encounter, not only in dealing with IRS, but also in meeting obligations imposed on them statutorily. The Service uses the advice of the Advisory Group to develop a tax administration system which reflects the simplest, most equitable approach to administering the tax system that it is within our power to pursue. Accordingly, the Advisory Group conveys to the Service the public's perceptions of IRS activities.

Termination Date: The services of the Group are expected to be needed for an indefinite period of time. No termination date has been established which is less than two years from the date the Advisory Group's Charter is approved. The Advisory Group's Charter is approved by signature of the Assistant Secretary of the Treasury for Management.

Rescoe L. Egger, Jr.,

Commissioner.

[FR Doc. 85-27837 Filed 11-20-85; 8:45 am]

BILLING CODE 4830-01-M

**UNITED STATES INFORMATION
AGENCY****Medical Science Advisory Committee;
Establishment**

The United States Information Agency announces the creation of the Medical Science Advisory Committee, effective November 14, 1985.

Members of this new committee will be eminent cardiologists who are interested in sharing their medical knowledge with foreign countries.

The committee will advise USIA on how to disseminate information on medical science and technology through the communications facilities of the U.S. Information Agency.

Creation of this committee is considered to be in the public interest.

Dated: November 14, 1985.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 85-27628 Filed 11-20-85; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 50, No. 225

Thursday, November 21, 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

| | Item |
|--|------|
| Federal Communications Commission..... | 1 |
| Federal Deposit Insurance Corporation..... | 2 |
| Federal Energy Regulatory Commission..... | 3 |
| National Credit Union Administration..... | 4 |
| National Transportation Safety Board..... | 5 |
| Securities and Exchange Commission..... | 6 |

1

FEDERAL COMMUNICATIONS COMMISSION

November 18, 1985.

The Federal Communications Commission will hold a Special Open Meeting on the subject listed below on Monday, November 25, 1985, which is scheduled to commence at 2:00 p.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Agenda, Item No., and Subject

Mass Media—1—Title: Applications to transfer control of Storer Communications, Incorporated, licensee of television stations WAGA-TV, Atlanta, Georgia; WJBK-TV, Detroit, Michigan; WJKW-TV, Cleveland, Ohio; WTVG, Toledo, Ohio; WITI-TV, Milwaukee, Wisconsin; KCST-TV, San Diego, California; WSBK-TV, Boston, Massachusetts; and K62AR (translator), La Jolla, California; from The Board of Directors of Storer Communications, Incorporated, on behalf of all shareholders, to SCI Holdings, Inc. (BTCCT-850715KE-KL). Summary: The Commission will consider SCI Holdings' applications to acquire control of Storer Communications. Since the Grade B contours of television stations WJBK-TV, Detroit; WTVG, Toledo; and WJKW-TV, Cleveland overlap one another, Section 73.3555(a)(3) of the Commission's Rules prohibits their transfer to a single entity. SCI Holdings has stated that it will divest itself, within 18 months of consummation, of either the Detroit or Toledo television station and has requested that the rule be waived permanently to permit common ownership of the Cleveland station with either the Toledo or Detroit television station. No election has been made. The Commission will also consider a petition to deny filed by Ferris E. and Irene V. Traylor.

Issued: November 18, 1985.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-27935 Filed 11-19-85; 3:58 pm]

BILLING CODE 6712-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:15 p.m. on Friday, November 15, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a personnel matter.

In calling the meeting, the Board determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Mr. Michael A. Mancusi, acting in the place and stead of Director H. Joe Selby (Acting Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Dated: November 19, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-27925 Filed 11-19-85; 3:36 pm]

BILLING CODE 6714-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 49 FR 47497, November 18, 1985.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., November 20, 1985.

CHANGE IN THE MEETING: The following items have been added:

Item Nos., Docket Nos., and Companies

CAM-10—RM85-1-000 (Parts A-D),
Regulation of Natural Gas Pipelines After

Partial Wellhead Decontrol (Columbia Gas Transmission Corporation)

CAM-11—RM85-1-000 (Parts A-D),
Regulation of Natural Gas Pipelines After
Partial Wellhead Decontrol (Frito-Lay, Inc.)

CAM-12—RM85-1-000 (Parts A-D),
Regulation of Natural Gas Pipelines After
Partial Wellhead Decontrol (Battle Creek
Gas Company and Kellogg Company)

CAM-13—RM85-1-000 (Parts A-D),
Regulation of Natural Gas Pipelines After
Partial Wellhead Decontrol (Teepak Inc.
and Consolidated Fuel Supply, Inc.)

CAM-14—RM85-1-000 (Parts A-D),
Regulation of Natural Gas Pipelines After
Partial Wellhead Decontrol (Southwest
Gas Company and United Distribution
Companies)

CAM-15—RM85-1-000 (Parts A-D),
Regulation of Natural Gas Pipelines After
Partial Wellhead Decontrol (Energy
Marketing Exchange Inc.)

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27847 Filed 11-19-85; 9:03 am]

BILLING CODE 6717-02-M

4

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 11:00 a.m., Tuesday,
November 26, 1985.

PLACE: 1776 G Street, NW., Washington,
DC 20456, Filene Board Room, 7th Floor.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Purchase of Agency Capital Equipment.
Closed pursuant to exemption (2).

FOR MORE INFORMATION CONTACT:
Rosemary Brady, Secretary of the Board,
telephone (202) 357-1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 85-27924 Filed 11-19-85; 3:35 pm]

BILLING CODE 7535-01-M

5

NATIONAL TRANSPORTATION SAFETY BOARD

"FEDERAL REGISTER" CITATION OF
PREVIOUS ANNOUNCEMENT: 50 FR 45960,
November 5, 1985.

PREVIOUSLY ANNOUNCED TIME AND DATE
OF MEETING: 9 a.m., November 13, 1985.

PLACE: NTSB Board Room Eighth Floor,
800 Independence Avenue, SW.,
Washington, DC 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED: A majority of the Board determined by recorded vote that the business of the Board required cancelling this meeting at this time and that no earlier announcement was possible.

CONTACT PERSON FOR MORE

INFORMATION: Catherine T. Kaputa (202) 382-6525.

Catherine T. Kaputa,

Federal Register Liaison Officer.

November 19, 1985.

[FR Doc. 85-27905 Filed 11-19-85; 1:08 pm]

BILLING CODE 7533-01-M

6

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of November 18, 1985.

A closed meeting will be held on Wednesday, November 20, 1985, at 10:00 a.m. An open meeting will be held on Thursday, November 21, 1985, at 3:00 p.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Commissioner Peters, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, November 20, 1985, at 10:00 a.m., will be:

Formal orders of investigation.

Litigation matter.

Institution of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Settlement of injunctive actions.

Chapter 11 proceeding.

The subject matter of the open meeting scheduled for Thursday, November 21, 1985, at 3:00 p.m., will be:

1. Consideration of whether to issue a release for public comment proposed amendments to Securities Exchange Act Rule 17f-1 that, among other things, would: (1) Broaden existing registration exemptions to include all reporting institutions that limit their securities activities to uncertificated securities, global certificate securities issues or any securities for which neither record nor beneficial owners can obtain negotiable securities certificates; (2) eliminate current exemptions from the reporting and inquiry requirements for registered government securities, security issues that are not assigned CUSIP numbers, and bond coupons, and replace them with exemptions for uncertificated securities, global certificate securities issues and any securities for which neither record nor beneficial owners can obtain negotiable securities certificates; (3) reduce the *de minimis* exemption from the inquiry requirements to securities transactions that have an aggregate value of \$5,000 or less; (4) narrow the customer exemption from the inquiry provisions to circumstances where a reporting institution receives securities certificates from a person to whom it previously had sold those certificates; and (5) define "appropriate law enforcement agency," "uncertificated security," and "global certificate securities issue." For further information, please contact Joseph Furey at (202) 272-2416.

(2) Consideration of whether to repropose for public comment a revision of Rule 70 and amendments to Rule 50 under the Public Utility Holding Company Act of 1935. The revision of rule 70 would simplify and expand the exemptions now available under the existing rule which permit persons affiliated with investment bankers and commercial banking institutions to serve as officers or

directors of registered holding companies and their subsidiaries. The amendments to Rule 50 would codify revised competitive bidding procedures and address potential conflicts of interest. The Commission had redrafted the proposal to reflect certain comments received on the initial proposal. For further information, please contact Denis R. Molleur at (202) 272-2073 or Elizabeth K. Norsworthy at (202) 272-2048.

3. Consideration of whether to issue notices of and orders for hearing on two applications filed by South Jersey Industries, Inc. ("South Jersey"), an exempt holding company under the Public Utility Holding Company Act of 1935 ("Act"). The first application requests an order permitting South Jersey to acquire Chesapeake Utilities Corporation ("Chesapeake"). The second application request an order declaring that if South Jersey's proposed acquisition of Chesapeake is approved, and South Jersey obtains control of Chesapeake, it will remain entitled to its exempt status under the Act. For further information, please contact William C. Weeden at (202) 272-7683.

4. Consideration of whether to adopt amendments to various rules and forms under the Securities Acts. These amendments would eliminate rules which are duplicative of generally accepted accounting principles or otherwise unnecessary, clarify language or conform rules to existing staff interpretations and correct technical omissions and errors. For further information, please contact John W. Albert at (202) 272-2130.

At times changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Ida Wurczinger at (202) 272-2014.

Dated: November 8, 1985

John Wheeler,
Secretary.

[FR Doc. 85-27906 Filed 11-19-85; 1:08 pm]

BILLING CODE 8010-01-M

federal register

Thursday
November 21, 1985

Part II

Department of Health and Human Services

Food and Drug Administration

**21 CFR Part 870
Medical Devices; Cardiac Monitor;
Performance Standard Development;
Advance Notice of Proposed Rulemaking**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 870

[Docket No. 83N-0191]

Medical Devices; Invitation for Offers To Submit or To Develop a Performance Standard for Cardiac Monitor (Including Cardiometer and Rate Alarm)

AGENCY: Food and Drug Administration.
ACTION: Notice of Inquiry.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to invite interested persons, including any Federal agency, to submit any existing standard as a proposed performance standard for the cardiac monitor (including cardiometer and rate alarm) for use in measuring heart rate, or to submit an offer to develop such a proposed standard. If FDA does not receive any response to this notice, or receives a response but does not accept any existing standard or offer to develop a standard, the agency will proceed to develop a performance standard or take other appropriate action to facilitate the development of a performance standard for the device.

DATE: Existing standards or offers shall be submitted on or before January 21, 1986.

ADDRESS: Existing standards or offers shall be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION:

Background/Introduction

Under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA is required to classify each medical device into one of three regulatory categories: class I (general controls), class II (performance standards), or class III (premarket approval).

In the Federal Register of February 5, 1980 (45 FR 7923), FDA published a final rule (21 CFR 870.2300) classifying the device, the cardiac monitor (including cardiometer and rate alarm), into class II. In the Federal Register of July 8, 1983 (48 FR 31394), FDA initiated a proceeding to establish for the device a

performance standard under section 514 of the act (21 U.S.C. 360d). As required by section 514(b) of the act, the proceeding was initiated by publishing in the Federal Register a notice of opportunity to submit to the agency, within 15 days of the date of publication of the notice, a request for a change in the classification of the device based on new information relevant to its classification. FDA did not receive any request for a change in the classification of the device. Therefore, further action is not required under section 514(b) of the act.

As provided by section 514(c) of the act and Part 861 of the regulations governing performance standards development (21 CFR Part 861), FDA is continuing the proceeding to establish a performance standard for the cardiac monitor by inviting interested persons to submit an existing standard as a proposed performance standard for the device or to submit an offer to develop such a proposed standard.

Comments

Although FDA did not receive any requests for a change in the classification of the cardiac monitor, the agency received two comments in response to the July 8, 1983 notice. One comment was from a hospital and the other comment was from a manufacturer of cardiac monitors.

1. Each comment noted that there are few difficulties with cardiac monitors and that any such difficulties would be adequately controlled by adherence to existing voluntary standards. Difficulties cited by the comments include failure to detect cardiac arrhythmias, misdiagnosis due to inaccurate data as a result of inaccurate or unstable calibration, and electrical shock to users of the device.

FDA advises that a class II device is defined in section 513(a)(1)(B) of the act as one for which it is "necessary to establish for the device a performance standard under section 514" of the act. Therefore, even the existence of an adequate, adhered to voluntary standard would not authorize FDA to decline to initiate proceedings to establish a performance standard under section 514 of the act for the device, as long as it remained in class II. The existence of an adequate, adhered to voluntary standard for cardiac monitors could be relied upon by FDA to set priorities for initiating proceedings under section 514 of the act for the development of a performance standard for the device.

In any event, the agency believes that the difficulties with cardiac monitors enumerated later in this notice are not

adequately controlled by voluntary standards because of the inadequacy of existing voluntary standards. As discussed later in this notice, such voluntary standards inadequately define the specific performance features applicable to the product and do not require disclosure of sufficient information about the behavior of the device either through labels on the product or through the user information sheets supplied with the product.

2. A comment expressed concern that any standard developed by the agency would primarily be a design standard and would be limited in its usefulness because applied technology changes rapidly. The comment argued, in addition, that the requirements of the standard should be confined to safety and to only those performance parameters directly related to safety and effectiveness.

As to whether a performance standard for cardiac monitors will, or should, primarily be a "design standard," FDA advises that section 514(a)(2)(B) of the act requires that a performance standard for a device include, to the extent "necessary to provide reasonable assurance of its safe and effective performance," provisions respecting both design and performance characteristics of the device. Thus, a performance standard for the cardiac monitor may include either design or performance features, or both, as necessary to provide reasonable assurance of the safety and of the effectiveness of the device. The Center for Devices and Radiological Health has considerable experience with performance standards issued under the Radiation Control for Health and Safety Act of 1968. FDA believes that the distinction, in this case, between performance requirements and design requirements is primarily one of the specificity required in the manner of implementation of the protection needed against a particular health hazard. A performance requirement will enable the use of many product-design options. Close cooperation between all the parties in the standards-setting process is needed to select the appropriate balance between design and performance requirements.

Current Action

Section 514(c)(1)(A) of the act and § 861.20(c) of the regulations provide that in the event further action is not required under section 514(b) of the act, FDA shall publish in the Federal Register a notice inviting any interested person, including any Federal agency, to submit to FDA, within 60 days after the

date of publication of the notice, an existing standard as a proposed performance standard or an offer to develop a proposed performance standard.

Section 514(c)(2)(B) of the act and § 861.22 of the regulations provide that the notice is to include (1) a description or other designation of the device; (2) a statement of the risk or risks associated with the use of the device and which are intended to be controlled by a performance standard, including pertinent portions of the recommendations of FDA's advisory committees with respect to the device; (3) a summary of the data on which FDA has found a need for initiation of the proceeding to develop a performance standard, including pertinent portions of the recommendations of FDA's advisory committees with respect to the device; (4) identification of any existing performance standard known to FDA which may be relevant to the proceeding; (5) the approximate number of products (i.e., kinds of models) within the generic type of device; and (6) the time period within which the standard is to be developed, which may be extended by the Commissioner of Food and Drugs for good cause shown.

Device Description

The cardiac monitor is identified in § 870.2300(a) as a device used to measure the heart rate from an analog signal produced by an electrocardiograph, vectorcardiograph, or blood pressure monitor. This device may sound an alarm when the heart rate falls outside preset upper and lower limits. The agency notes that the term "sound an alarm" includes any method of providing an alarm that is appropriate to the manner of use of the cardiac monitor, e.g., aural, visual, tactile, or a signal to another machine.

Cardiac monitors classified by § 870.2300 include only devices that monitor the beating rate of the heart. The term "cardiac monitor" has developed through usage in the medical community, however, and now covers a broader range of devices than FDA considered at the time it issued § 870.2300, e.g., those that also can detect arrhythmias. For this reason, the device classified by § 870.2300 would more appropriately be called a "cardiac rate monitor," but for the purpose of this proceeding it will be referred to as the cardiac monitor. The device may but does not necessarily detect arrhythmias. (Arrhythmia detection is the function of a class III device classified by 21 CFR 870.1025.)

Scope of the Standard; Models of the Device

The term "cardiac monitor" as defined for the purpose of § 870.2300 includes devices that utilize any signal from which heart rate information can be derived. FDA intends, however, that any proposed performance standard to be offered or developed at this time would apply only to the cardiac monitor device products which utilize electrical signals associated with the heart. Cardiac monitors that function using these electrical signals constitute the majority of the market, are likely to have most of the risks associated with them, and frequently are depended upon for critical diagnostic information.

Uses of cardiac monitors that employ electrical signals associated with the heart now include, but are not limited to, monitoring patients in surgery and in surgical recovery rooms; monitoring the condition of emergency patients, especially where heart attack is suspected, during transport and in emergency care facilities; and monitoring patients in intensive care units for long periods. Also, cardiac monitors are used on persons during diagnostic stress testing periods to help determine the optimum exercise level and to prevent overexertion, especially where cardiac problems may be suspected.

The many uses of cardiac monitors that employ electrical signals associated with the heart have led to a multiplicity of design combinations for these uses. The cardiac monitor can be part of a general diagnostic monitoring system for many patient parameters, such as arrhythmia, respiration rate, systolic and diastolic blood pressures, and blood temperatures, or the cardiac monitor can be a separate unit that measures only cardiac rate. The device can be designed for use on adults, infants, or fetuses. The cardiac monitor read-out can be produced by using a video display, liquid crystals, strip chart, or blinking light. The device can be rack mounted, wall mounted, carried by a person other than the patient, or carried by the person being monitored. The cardiac monitor can be electrically powered either by using self-contained batteries or by using the electrical supply mains.

As of March 20, 1984, 65 companies have submitted to FDA premarket notifications under section 510(k) of the act (21 U.S.C. 360(k)) regarding cardiac monitors. FDA is aware of about 148 different models of the device that would be covered by the performance standard proposed to be established in this proceeding.

Risks Associated With the Device and Which Are To Be Controlled by a Performance Standard

FDA believes that the characteristics of the cardiac monitor necessitating a performance standard include the importance of the accurate and reliable performance of the device, and the general risks to health associated with the electrical and mechanical features of the device. Its use in medical contexts in which its failure to work properly can have a significant negative effect on the health of the patient, or can, in some situations, be life-threatening. Some specific risks associated with use of the device include cardiac arrhythmia and electrical shock due to electrical current leakage; misdiagnosis due to inaccurate calibration or unstable zero of the device or failure to alarm, when intended, or inadequate processing circuitry; unreliability of transportable devices; and improper cabling.

A description of the risks identified by FDA's advisory committees is presented in the section of this notice "Summary of the Data Supporting the Need for a Performance Standard."

Based upon the risks currently known to FDA, the agency is providing to interested persons guidance in the concepts that may be used in a performance standard and that FDA believes will provide reasonable assurance of the safety and effectiveness of the device.

A cardiac monitor should measure a person's heart rate with reliability, accuracy, safety, and compatibility with other devices. These characteristics are especially necessary during physiopathologic conditions, such as bradycardia or tachycardia. The cardiac monitor, when intended to provide an alarm (including an alarm signal to another device) if the heart rate falls outside preset upper and lower limits, should do so in a timely manner and should do so regardless of the method of providing the alarm. The read-out of the heart rate should be legible and unambiguous.

The monitor should have the ability to reject or not be affected by environmental noises and spurious electrical signals, such as signals from other portions of the patient's body, from a pacemaker pulse generator or from other equipment that may be operating nearby. As a corollary, the operation of the monitor should not interfere with the functioning of other devices that may be operating nearby.

The monitor should not present an electrical shock or burn hazard to either the patient or any operator of the device.

There should not be any electrical cable interface problems, including broken jacks, excessive contact resistance, stiff or weak cables, and cables without strain relief. If the device is portable (or depends upon batteries in the event of a power failure), the state of charge of the batteries should be provided through self-contained charge measuring components to inform the operator of the remaining operating time. The monitor should be well constructed so that it is mechanically stable.

Each device should be supplied with user information that clearly delineates the proper usage of that device and the quantities measured by that device. The information should state the response of the monitor when the input signals are less than ideal, especially during various physiopathologic situations. The user information should include statements concerning those cardiac monitoring uses not intended for the unit, especially those diagnostic uses that may be necessary for supporting or sustaining of human life or for a use which is of substantial importance in preventing impairment of human health or that presents a potential unreasonable risk of illness or injury. In addition, adequate user instructions and servicing instructions should be available to keep the device in proper operating condition throughout its useful life.

Summary of the Data Supporting the Need for a Performance Standard

The need to establish a performance standard for the cardiac monitor is based on information from FDA's advisory committees, reports received through the agency's Device Experience Network (DEN), and information submitted to the agency under Part 803 of the regulations governing medical device reporting (21 CFR Part 803).

The Circulatory System Devices Panel, the General Hospital and Personal Use Devices Panel, and the Anesthesiology and Respiratory Therapy Devices Panel (formerly the Cardiovascular Device Classification Panel, the General Hospital and Personal Use Device Classification Panel, and the Anesthesiology Device Classification Panel, respectively), FDA advisory committees, made comments concerning the risks to health presented by the cardiac monitor (see the Federal Register of March 9, 1979; 44 FR 13329). The committee members noted that excessive electrical leakage current can disturb the normal electrophysiology of the heart, leading to the onset of cardiac arrhythmias. Also, electrical leakage current can cause electrical shock to a physician during a catheterization or surgical procedure; this may lead to

iatrogenic complications. If the zero or calibration of the device is inaccurate or unstable, or if the processing circuitry is inadequate, the device may generate inaccurate diagnostic data. If inaccurate diagnostic data are used in managing the patient, the physician may prescribe a course of treatment that places the patient at risk unnecessarily.

The advisory committees offered the following reasons for recommending that the cardiac monitor (including cardiostethometers and rate alarms) be classified into class II:

The cardiac monitor is an electrically powered device that is neither life-supporting nor life-sustaining, but is potentially hazardous to life or health even when properly used. Failure of the device to accurately measure heart rate can result in misdiagnosis that could have a significant negative effect on the patient's health. The device is attached to the body through a series of amplifiers, transducers, or electrodes and is used in a clinical environment where excessive leakage current can be a serious hazard. Thus, the electrical characteristics of the device, e.g., electrical leakage current, need to meet certain requirements. Performance characteristics, including accuracy, reproducibility, and any limitations on the device's measurement of heart rate, should be maintained at a generally accepted satisfactory level and should be made known to the user through special labeling. The device is used with other devices in a system that may be hazardous if not satisfactorily assembled, used, and maintained. The advisory committees believed that general controls alone would not provide sufficient control over the performance and electrical characteristics of the device. They further believed that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard to provide such assurance. The advisory committee members based their recommendation on the potential hazards associated with the inherent properties of the device and on their personal knowledge of, and experience with, the device.

DEN is an FDA system for reporting and tracking malfunctions in medical devices. The system is voluntary, which limits the reliability of the data. FDA assumes that: (1) Not all device malfunctions are reported; (2) a listing of reported kinds of malfunctions probably does not include all of the kinds of malfunctions that occur; and (3) the frequency of reported kinds of

malfunctions does not provide quantitative information and should be regarded only qualitatively.

FDA has reviewed recently received DEN reports to identify those malfunctions of the cardiac monitor that were associated with the heart rate monitor function. Specific reported malfunctions to September 11, 1985, are: (1) Erratic operation of the device due to various causes (29 reports); (2) electrical shorts, including device meltdown, and excessive voltage applied to patient and operator (8 reports); (3) electrical cable interface problems, including broken jacks, no strain relief on cables, and stiff cables (11 reports); (4) rechargeable battery fails to take an adequate charge, including failure to provide an indication when the battery is not charged (7 reports); (5) failure to alarm in cases of bradycardia or tachycardia (4 reports); (6) unreliability in moving vehicle (2 reports); (7) erratic operation when switching power sources (2 reports); and (8) faulty instrument case construction (4 reports).

In the Federal Register of September 14, 1984 (49 FR 36348), FDA issued Part 803 effective December 13, 1984, which requires manufacturers and importers of medical devices, including diagnostic devices, to report to FDA whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed devices (1) may have caused or contributed to a death or serious injury or (2) has malfunctioned and that the device or any other device marketed by the manufacturer or importer would be likely to cause or contribute to a death or serious injury if the malfunction were to recur. Several such reports regarding cardiac monitors have been submitted to the agency under Part 803. These reports currently are being investigated by FDA and will be considered in the proceeding to establish a performance standard for the cardiac monitor to the extent that they may bear on the provisions of any such standard.

A search of the scientific literature published since 1980 was made to identify significant causes of malfunctions of the heart rate monitor function of the device. No relevant publications were found.

Invitation for Offers To Submit Existing Standards

In accordance with section 514(c)(1)(A) of the act and § 861.20(c), FDA invites any interested person, including any Federal agency, to submit by [insert date 60 days after date of publication in the Federal Register], an

existing standard as a proposed performance standard for the cardiac monitor. Alternatively, any such person may submit pertinent portions of an existing standard, including completed portions of any standard that is under development.

FDA has identified one voluntary standard that is intended to cover cardiac monitors. This is the "American National Standard for Cardiac Monitors, Heart Rate Meters and Alarms" that was developed by the Association for the Advancement of Medical Instrumentation (AAMI) (Ref. 1). The standard was approved August 6, 1984, by the American National Standards Institute, Inc. (ANSI).

As approved August 6, 1984, the ANSI/AAMI voluntary standard has many useful and worthwhile concepts, but the agency does not believe that this standard in its current form would be acceptable as a performance standard to ensure the safety and effectiveness of the current generation of cardiac monitors.

In general, the text of the ANSI/AAMI voluntary standard is not clear and is sufficiently difficult to follow that FDA believes the intent of the standard may be subverted. FDA believes that some of the ambiguity arises from the use of undefined technical terms that have meaning only to a narrow group of specialists and from the mixing of labeling requirements, performance requirements, and test methods for several different devices.

The ANSI/AAMI voluntary standard does not require disclosure in labeling or user information of the response of the cardiac monitor to cardiac signals that are associated with physiopathologic situations, such as ventricular fibrillation and tachycardia. Such information is important knowledge for the operator of the monitor, especially if the cardiac rate monitoring function is part of a generalized cardiac monitoring system and is being depended upon in a life-supporting or life-sustaining situation.

Further, the system noise of the cardiac monitor, including the transducer, does not appear to be described appropriately in the ANSI/AAMI voluntary standard. FDA believes that the input signal to the system should be specified in terms of a ratio of signal power to noise power, normalized to the system bandwidth of observation, or in terms of a suitable equivalent.

There are other voluntary standards, some of which are in final form, that are relevant only in part to a performance standard for the cardiac monitor. These include standards for electrical safety and fire hazard. None of these standards

by itself would provide reasonable assurance of the safety and effectiveness of the cardiac monitor, but these standards contain many concepts that should be considered in the development of a performance standard under section 514 of the act for the device (Refs. 2, 3, and 4).

Section 861.24 sets forth the conditions under which FDA may accept an existing standard or a standard under development as a proposed performance standard. Accordingly, FDA advises that any such submission is to include the following:

1. A description of the procedures used to develop the standard and a list of persons and organizations that participated in, or in the event the standard is under development, that are participating in its development, to the extent that such information is available or reasonably obtainable;

2. An identification of the specific portions of the existing standard, or standard under development, that the person submitting the standard believes are appropriate for adoption as, or inclusion in, the proposed standard; and

3. A summary of the test data and other information, including rationales, necessary to support each specific portion of the standard identified by the person submitting the standard. More detailed information may be requested concerning certain portions of the standard if FDA determines that the summary is inadequate.

In accordance with section 514(d)(2) of the act, if an existing standard or one that is under development is submitted to FDA in response to this notice and FDA does not accept the standard, the agency will publish a notice of that fact together with the reasons therefor. In accordance with § 861.24(b), if an existing standard or one that is under development is submitted to FDA in response to this notice and FDA accepts the standard, or accepts the standard with modification, as a proposed standard, the agency will publish a notice of that fact. FDA advises that in the latter event, it may publish the notice as a notice of proposed rulemaking to establish a performance standard under section 514(g) of the act and § 861.20(e)(1). FDA expects to make such determination and publish the notice of its decision within 180 days after the close of the comment period on this notice.

Invitation for Offers To Develop Proposed Standards

In accordance with section 514(c)(1)(B) of the act and §§ 861.20(c) and 861.22, FDA invites any interested person, including any Federal agency, to

offer by January 21, 1986, to develop a performance standard for the cardiac monitor, as described in this notice, to control the risks associated with the device.

Section 514(c)(3) of the act sets out certain criteria applicable to any offerors. Section 514(e)(3) of the act provides that if an offer is accepted, FDA may, upon application which may be made before the acceptance of the offer, agree to contribute to the offeror's cost in developing a proposed standard if FDA determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution. Therefore, in accordance with section 514(c)(3) and (e) of the act and § 861.26, FDA advises that any offer to develop a proposed performance standard is to include:

1. Information on the offeror's expertise and experience that qualifies the offeror to develop the standard.

2. Sufficient information on the offeror's financial stability to establish its capability to conduct adequate standards development either with or without contribution by FDA to the offeror's costs. Any request for contribution by FDA to the offeror's cost of developing the standard shall include:

- (i) A list of the items of expense for which contribution is sought and the amount requested for each item;

- (ii) A justification of each item of expense, including an explanation of how the contribution is likely to ensure development of a more satisfactory standard;

- (iii) A statement that the offeror will employ an adequate accounting system (one in accordance with generally accepted accounting principles) to record the costs and expenditures allocable to development of the standard; and

- (iv) A statement requesting an advance payment of funds, if necessary to enable the offeror to meet operating expenses during the development period.

3. Information relating to any potential conflicts of interest on the part of the offeror, its directors or officers, or any employees or consultants who may participate in the development of the standard, including any financial interest in the particular device or in the device industry generally, current industrial or commercial affiliates of the offeror, current sources of financial support for research, and all business entities in which the offeror has a financial interest that may be relevant to the offeror's qualifications to develop a standard for the particular device.

4. Information regarding the offeror's compliance with Federal, State, and local environmental regulations.

5. A detailed description of the procedures the offeror intends to utilize in developing the standard.

6. A description of how the offeror intends to provide interested persons adequate and reasonable notice of their right and opportunity to participate in the development of the standard.

7. A description of the method whereby interested persons who respond to the notice may participate, either in person or through correspondence, in the development of the standard.

8. A statement describing the facilities or equipment the offeror intends to utilize in developing the standard, and how the offeror intends to gain access to them.

9. An estimate of the time required to develop the standard, including a detailed schedule for each phase of the procedure.

10. A description of the method the offeror intends to use or has used to acquire test data or other information needed to support the standard.

11. A description of the method the offeror intends to use to maintain records of the development of the standard and other relevant matters and to make such records available for disclosure during development, and a schedule for meeting the periodic reporting requirements of § 861.30(b).

FDA advises that under section 514(c)(3) of the act and § 861.26(b), information included in an offer to develop a proposed standard is to be made available to the public only if the offer is accepted (except for information exempt from disclosure under 21 CFR 20.61), or if disclosure is required under 21 CFR Part 20.

Time Period To Develop a Standard

FDA estimates the time period to develop a proposed standard and rationale for the cardiac monitor will be 2 years. This time span will enable the collection of existing information to consider in the development of the standard and will enable some public comment to occur on the drafts of the standard. The time period may be extended by the Commissioner for good cause shown.

Acceptance by FDA

As required by section 514(e)(1) of the act and § 861.28(a), in determining whether to accept an offer to develop a performance standard, FDA will

evaluate the qualifications of the offeror on the basis of the offeror's expertise, experience, financial stability, and potential conflicts of interest. In choosing among competing offerors, the offeror without any financial interest in the particular device for which a proposed standard is sought or in the device industry generally will be preferred, all other things being equal. More than one offer, however, may be accepted.

As required by section 514(e)(2) of the act and § 861.28(c), FDA will publish in the Federal Register the name and address of each person whose offer to develop a standard is accepted and a summary of the terms of the accepted offer, including a statement of the extent to which FDA will contribute, if at all, to the cost of developing the proposed standard. As required by section 514(e)(5) of the act and § 861.28(d), if FDA does not accept an offer, the agency will publish in the Federal Register a notice of that fact and the reasons for its decision.

Future Actions

Following expiration of the 60-day time period provided by this notice for interested persons to submit an existing standard or to offer to develop a proposed standard, FDA will:

1. Authorize a Federal agency to develop a proposed performance standard if FDA determines that a performance standard can be developed by a Federal agency, based on the personnel, expertise, and resources of the agency; or

2. Accept an existing standard as a proposed performance standard or as a basis upon which a proposed performance standard may be developed provided FDA determines that such standard is based upon scientific data and information and has been subjected to adequate scientific consideration. An existing standard may be one that is submitted in response to the invitation for standards or it may be a standard that has been issued or adopted (or is being developed) by any Federal agency or any other qualified entity; or

3. Accept one or more offers to develop a proposed standard; or

4. Proceed to develop a proposed standard; or

5. Take other appropriate action to facilitate development of a performance standard for the device.

The agency has determined under 21 CFR 25.24(e)(3) (April 26, 1985; 50 FR 16636) that this action is of a type that

does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In any notice of proposed rulemaking that includes a proposed performance standard for the cardiac rate monitor, FDA will announce its initial determination whether the proposed rule is a major rule under Executive Order 12291 and will consider the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). Until the provisions of any proposed standard are known, FDA cannot determine the economic consequences of the promulgation of such standard.

References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. "American National Standard for Cardiac Monitors, Heart Rate Meters and Alarms (ANSI/AAMI EC13-1983)," Association for the Advancement of Medical Instrumentation, 1901 North Fort Meyer Dr., Arlington, VA.

2. "Safe Current Limits (SCL-12/73)," Association for the Advancement of Medical Instrumentation, 1901 North Fort Meyer Dr., Arlington, VA.

3. "Medical Electrical Equipment Part 1: General Requirements (IEC 601-1-(1977)), " American National Standards Institute, 1430 Broadway, New York, NY.

4. "Medical Electrical Equipment Part 2: Particular Requirements for the Safety of Cardiac Defibrillators and Cardiac Defibrillators-monitors (IEC 601-2-4-(1983)), " American National Standards Institute, 1430 Broadway, New York, NY.

Interested persons may, on or before January 21, 1986, submit to the Dockets Management Branch (address above) an existing standard or an offer to develop a standard for the cardiac monitor. Two copies of any standards or offers are to be submitted. Submissions are to be identified with the docket number found in brackets in the heading of this document. Received submissions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 30, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-27738 Filed 11-20-85; 8:45 am]

BILLING CODE 4160-01-M

Reader Aids

Federal Register

Vol. 50, No. 225

Thursday, November 21, 1985

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

| | |
|-----------------------------------|--------------|
| Subscriptions (public) | 202-783-3238 |
| Problems with subscriptions | 275-3054 |
| Subscriptions (Federal agencies) | 523-5240 |
| Single copies, back copies of FR | 783-3238 |
| Magnetic tapes of FR, CFR volumes | 275-1184 |
| Public laws (Slip laws) | 275-3030 |

PUBLICATIONS AND SERVICES

Daily Federal Register

| | |
|--|----------|
| General information, index, and finding aids | 523-5227 |
| Public inspection desk | 523-5215 |
| Corrections | 523-5237 |
| Document drafting information | 523-5237 |
| Legal staff | 523-4534 |
| Machine readable documents, specifications | 523-3408 |

Code of Federal Regulations

| | |
|--|----------|
| General information, index, and finding aids | 523-5227 |
| Printing schedules and pricing information | 523-3419 |

| | |
|------|----------|
| Laws | 523-5230 |
|------|----------|

Presidential Documents

| | |
|--|----------|
| Executive orders and proclamations | 523-5230 |
| Public Papers of the President | 523-5230 |
| Weekly Compilation of Presidential Documents | 523-5230 |

| | |
|---------------------------------|----------|
| United States Government Manual | 523-5230 |
|---------------------------------|----------|

Other Services

| | |
|-------------------------|----------|
| Library | 523-4986 |
| Privacy Act Compilation | 523-4534 |
| TDD for the deaf | 523-5229 |

FEDERAL REGISTER PAGES AND DATES, NOVEMBER

| | |
|-------------|----|
| 45591-45804 | 1 |
| 45805-45900 | 4 |
| 45901-45984 | 5 |
| 45985-46278 | 6 |
| 46279-46414 | 7 |
| 46415-46626 | 8 |
| 46627-46736 | 12 |
| 46737-47026 | 13 |
| 47027-47200 | 14 |
| 47201-47354 | 15 |
| 47355-47520 | 18 |
| 47521-47702 | 19 |
| 47703-48072 | 20 |
| 48073-48160 | 21 |

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

| | |
|---------------------|-------|
| Proclamations: | |
| 4907 (See EO 12538) | 47527 |
| 5141 (See EO 12538) | 47527 |
| 5402 | 45591 |
| 5403 | 45593 |
| 5404 | 46279 |
| 5405 | 46737 |
| 5406 | 47027 |
| 5407 | 47029 |
| 5408 | 47201 |
| 5409 | 47203 |
| 5410 | 47521 |
| 5411 | 47523 |
| 5412 | 47525 |

Executive Orders:

| | |
|--|-------|
| 12170 (See Notice of November 1, 1985) | 45901 |
| 12538 | 47527 |

Administrative Orders:

| | |
|------------------|-------|
| Notices: | |
| November 1, 1985 | 45901 |

Memorandums:

| | |
|------------------|-------|
| November 5, 1985 | 47198 |
|------------------|-------|

Presidential Determinations:

| | |
|------------------------------|-------|
| No. 86-2 of October 29, 1985 | 48073 |
|------------------------------|-------|

5 CFR

| | |
|-----------------|-------------|
| Proposed Rules: | |
| 530 | 47057-47059 |
| 630 | 47060 |

7 CFR

| | |
|------|--------------|
| 6 | 47703, 47704 |
| 27 | 47706 |
| 29 | 45805, 45806 |
| 371 | 47205 |
| 404 | 45903 |
| 405 | 45903 |
| 408 | 45903 |
| 442 | 45903 |
| 981 | 47707 |
| 999 | 45807 |
| 1002 | 45595 |
| 1004 | 45595 |
| 1032 | 46627 |
| 1468 | 47031 |
| 1530 | 47703, 47704 |
| 1736 | 47709, 47713 |
| 1772 | 46628 |
| 1864 | 45740 |
| 1872 | 45740 |
| 1900 | 45740, 45906 |
| 1910 | 45740 |
| 1924 | 45740 |
| 1941 | 45740 |
| 1943 | 45740 |
| 1945 | 45740 |
| 1950 | 45740 |
| 1951 | 45740 |

| | |
|------|-------|
| 1955 | 45740 |
| 1960 | 45740 |
| 1962 | 45740 |
| 1965 | 46415 |
| 1980 | 46415 |
| 3015 | 47034 |

Proposed Rules:

| | |
|------|-------|
| 51 | 47551 |
| 70 | 45829 |
| 225 | 45898 |
| 318 | 47551 |
| 400 | 45625 |
| 426 | 46772 |
| 928 | 46773 |
| 945 | 47226 |
| 989 | 45627 |
| 1007 | 46441 |
| 1421 | 48094 |

8 CFR

| | |
|------|-------|
| 100 | 45597 |
| 212 | 47035 |
| 287 | 47205 |
| 316a | 47355 |

Proposed Rules:

| | |
|-----|-------|
| 204 | 46441 |
|-----|-------|

9 CFR

| | |
|-----|--------------|
| 51 | 47035 |
| 71 | 45985 |
| 78 | 45808, 45985 |
| 85 | 47346 |
| 97 | 47529 |
| 112 | 46416 |
| 318 | 48075 |

Proposed Rules:

| | |
|-----|--------------|
| 51 | 46077 |
| 75 | 46079 |
| 92 | 45918 |
| 94 | 46443 |
| 145 | 47555 |
| 147 | 47555 |
| 307 | 47060 |
| 317 | 48096 |
| 318 | 47060, 48096 |
| 319 | 48097 |
| 381 | 47060, 48096 |

10 CFR

| | |
|-------|--------------|
| Ch. I | 45597, 47355 |
| 2 | 47716 |
| 20 | 46630 |
| 21 | 46630 |
| 73 | 46630 |
| 903 | 48075 |

Proposed Rules:

| | |
|-------|-------|
| Ch. I | 46672 |
| 19 | 45628 |
| 21 | 45628 |
| 30 | 45628 |
| 40 | 45628 |
| 50 | 45628 |

| | | | | | | | |
|-----------------|---|-----------------|----------------------------|-----------------|---|-----------------|----------------------------|
| 70..... | 45628 | 259..... | 46300 | 357..... | 46594 | 57..... | 47700 |
| 71..... | 45628 | 444..... | 46082 | 730..... | 47760 | 75..... | 47702 |
| 73..... | 45628 | 453..... | 46266-46271 | 864..... | 48058 | 914..... | 47228 |
| 110..... | 45628 | 1500..... | 48300 | 870..... | 48156 | 938..... | 47230 |
| 962..... | 45736, 47409 | | | | | 943..... | 47231, 47232 |
| 1046..... | 46672 | | | | | 944..... | 47233 |
| 11 CFR | | 17 CFR | | 22 CFR | | 31 CFR | |
| Proposed Rules: | | 33..... | 45811 | 41..... | 47048 | 103..... | 46283, 47390 |
| 7..... | 47752 | 140..... | 47530, 47531 | 151..... | 47214 | 355..... | 46284 |
| 12 CFR | | 200..... | 45602, 45990 | Proposed Rules: | | 545..... | 46726 |
| 202..... | 48018 | 249..... | 46281 | 41..... | 46085 | | |
| 202a..... | 48018 | 275..... | 46281 | 42..... | 46085 | 32 CFR | |
| 227..... | 47036 | Proposed Rules: | | 60..... | 46555 | 78..... | 47219 |
| 265..... | 45809 | 1..... | 45831, 46674 | 61..... | 46555 | 518..... | 47730 |
| 561..... | 46739 | 33..... | 45831, 46674 | 62..... | 46555 | 644..... | 47731 |
| 563..... | 45988, 46739 | 145..... | 45833 | 63..... | 46555 | 706..... | 46435, 48085 |
| 591..... | 46744 | 146..... | 45833 | 64..... | 46555 | 883..... | 47048 |
| 611..... | 46417, 47043 | 190..... | 45831, 46674 | 65..... | 46555 | | |
| 614..... | 47043 | 240..... | 46731 | 23 CFR | | 33 CFR | |
| 615..... | 46418 | 18 CFR | | 635..... | 46282 | 100..... | 48086 |
| 701..... | 48075 | 2..... | 45907 | 658..... | 46425 | 117..... | 46647, 47390 |
| Proposed Rules: | | 157..... | 45907 | 1204..... | 45815 | 185..... | 46284 |
| 210..... | 47752 | 250..... | 45907 | 24 CFR | | Proposed Rules: | |
| 225..... | 47754 | 271..... | 46758 | 20..... | 45910 | 117..... | 46674, 48099 |
| 353..... | 47409 | 282..... | 47532 | 201..... | 45993 | 165..... | 46780 |
| 13 CFR | | 284..... | 45907-45908, 46424 | 203..... | 45993 | | |
| 121..... | 46418 | 375..... | 45907, 47532 | 232..... | 47726 | 34 CFR | |
| 309..... | 46749 | Proposed Rules: | | 234..... | 45993 | Proposed Rules: | |
| Proposed Rules: | | 1b..... | 47556 | 242..... | 47726 | 614..... | 46675 |
| 122..... | 47227 | 19 CFR | | 251..... | 46763 | 36 CFR | |
| 14 CFR | | 12..... | 47206 | 990..... | 47368 | 254..... | 45823 |
| 21..... | 46872, 48077 | 175..... | 45812 | 25 CFR | | 327..... | 46284 |
| 23..... | 46872, 48077 | Proposed Rules: | | 61..... | 46427 | 902..... | 45823, 45824 |
| 39..... | 45598, 45810, 46631, 46750, 47356 | 191..... | 45919 | 26 CFR | | 903..... | 45824 |
| 71..... | 45718, 45810, 45989, 46281, 46751, 46753, 47044-47046, 47358-47361, 48077 | 20 CFR | | 1..... | 45996, 46004, 46006 | 905..... | 45824 |
| 73..... | 47361, 47363 | 418..... | 46760 | 5..... | 45996 | 907..... | 45824 |
| 75..... | 47047 | Proposed Rules: | | 5h..... | 45996 | 908..... | 45824 |
| 91..... | 45599, 46872, 48077 | 404..... | 47758 | 602..... | 45996, 46004, 46006 | Proposed Rules: | |
| 97..... | 46421 | 416..... | 46778 | Proposed Rules: | | 903..... | 45841 |
| Proposed Rules: | | 21 CFR | | 1..... | 46086-46088, 46303, 46306, 46460, 46674 | 38 CFR | |
| Ch. I..... | 47757 | 5..... | 47207 | 20..... | 46460 | 21..... | 46763 |
| 39..... | 45829, 46444, 46775-46777, 47409, 47411 | 73..... | 45814, 45991, 47532 | 25..... | 46460 | Proposed Rules: | |
| 71..... | 45830, 46447-46452, 47061, 47062 | 74..... | 45909 | 53..... | 46460 | 21..... | 45629, 47066 |
| 75..... | 47062 | 81..... | 45909 | 301..... | 47563 | 39 CFR | |
| 139..... | 46673 | 82..... | 45909 | 602..... | 46088, 46460 | Proposed Rules: | |
| 241..... | 47063 | 107..... | 48078 | 27 CFR | | 10..... | 46307, 46463 |
| 15 CFR | | 172..... | 47367 | 9..... | 48078, 48083 | 111..... | 47564, 48087 |
| 371..... | 47363 | 175..... | 47208 | 47..... | 46647 | 265..... | 47068 |
| 373..... | 47363 | 176..... | 47208, 47209 | 28 CFR | | 310..... | 46464 |
| 379..... | 47363 | 177..... | 47210 | 2..... | 46282 | 320..... | 46464 |
| 385..... | 47363 | 178..... | 47211, 47212 | 17..... | 46388 | 40 CFR | |
| 386..... | 47363 | 189..... | 47367 | 29 CFR | | 35..... | 45892, 46648 |
| 399..... | 47363 | 310..... | 46582 | Proposed Rules: | | 52..... | 45603, 45606, 48041, 47731 |
| 923..... | 46422 | 430..... | 47212 | 541..... | 47696 | 60..... | 46042, 47732 |
| 930..... | 46422 | 436..... | 45603, 47212 | 1953..... | 46460, 46462 | 61..... | 46042, 46284 |
| Proposed Rules: | | 440..... | 47367 | 30 CFR | | 62..... | 47734 |
| 981..... | 48097 | 442..... | 48078 | 256..... | 47377 | 81..... | 46436, 46649, 46650, 47735 |
| 16 CFR | | 444..... | 47212 | 906..... | 47215 | 141..... | 46880, 47142 |
| 13..... | 45990, 46423, 46753, 46757 | 446..... | 47212 | 916..... | 47216 | 158..... | 46764 |
| 803..... | 46633 | 450..... | 47212 | 917..... | 47728 | 162..... | 46764 |
| Proposed Rules: | | 452..... | 47212 | 920..... | 47379 | 180..... | 45607, 46043 |
| 13..... | 46453, 47063 | 455..... | 47212 | 925..... | 47218 | 256..... | 47049 |
| | | 520..... | 47725 | 926..... | 47386 | 271..... | 46437, 47736, 47740 |
| | | 522..... | 45603 | 938..... | 45820 | 280..... | 46602 |
| | | 558..... | 45910, 46282, 47048, 47367 | Proposed Rules: | | 300..... | 47912 |
| | | 1020..... | 46646 | 946..... | 47388 | 704..... | 47534 |
| | | 1308..... | 45815 | Proposed Rules: | | 712..... | 47538 |
| | | Proposed Rules: | | 56..... | 47700 | 716..... | 46295, 47538 |
| | | 201..... | 47558 | | | | |
| | | 343..... | 46588 | | | | |
| | | 355..... | 46303 | | | | |

| | |
|------------------------|---|
| 717..... | 46766 |
| 721..... | 47534 |
| Proposed Rules: | |
| Ch. I..... | 48100 |
| 52..... | 45630, 46782, 47069, 47234, 47235 |
| 60..... | 46464 |
| 65..... | 46307 |
| 81..... | 45630, 46089 |
| 131..... | 48102 |
| 141..... | 46902, 46936, 47025, 47156 |
| 142..... | 46902, 47156 |
| 143..... | 47156 |
| 147..... | 47761 |
| 180..... | 46103, 47761 |
| 261..... | 46468, 47763 |
| 264..... | 47236 |
| 265..... | 47236 |
| 271..... | 46734, 47073, 47566, 47567 |
| 302..... | 46468 |
| 435..... | 46784 |
| 439..... | 45920 |
| 440..... | 47982 |
| 704..... | 46090, 46309 |
| 716..... | 46104, 46309, 47765 |
| 796..... | 46785 |
| 797..... | 48102 |
| 798..... | 46104, 46121 |
| 799..... | 46909, 46104, 46121, 46133, 46785, 47569, 48102 |

42 CFR

| | |
|------------------------|-------|
| 412..... | 46651 |
| 432..... | 46652 |
| 433..... | 46652 |
| 435..... | 46652 |
| 436..... | 46652 |
| Proposed Rules: | |
| 435..... | 48102 |
| 436..... | 48102 |
| 442..... | 45921 |

43 CFR

| | |
|------------------------|-------|
| 4..... | 47222 |
| 403..... | 47049 |
| 416..... | 47050 |
| 1820..... | 46044 |
| 2780..... | 46770 |
| 4100..... | 45824 |
| Proposed Rules: | |
| 4..... | 47237 |
| 7..... | 47073 |

44 CFR

| | |
|------------------------|--------------|
| 64..... | 46297, 47540 |
| 65..... | 46044 |
| 67..... | 46045 |
| Proposed Rules: | |
| 67..... | 46143 |

45 CFR

| | |
|----------|-------|
| 801..... | 45608 |
|----------|-------|

46 CFR

| | |
|------------------------|--------------|
| Proposed Rules: | |
| 67..... | 47411 |
| 172..... | 46315, 47238 |

47 CFR

| | |
|---------|--------------|
| 0..... | 47050 |
| 1..... | 45608, 47051 |
| 2..... | 47050 |
| 13..... | 45827 |

| | |
|------------------------|---|
| 18..... | 47050 |
| 21..... | 47051 |
| 61..... | 47741 |
| 67..... | 47746 |
| 68..... | 47543 |
| 73..... | 46047, 47051, 47055, 47391, 47408, 48089-48093 |
| 90..... | 46048, 47748 |
| 97..... | 46048 |
| Proposed Rules: | |
| Ch. I..... | 45841 |
| 15..... | 45843, 47412 |
| 18..... | 46144 |
| 21..... | 45608 |
| 22..... | 45843 |
| 67..... | 47765, 47774 |
| 73..... | 47076, 47784, 48106 |
| 76..... | 45843, 47412 |
| 87..... | 47080 |

48 CFR

| | |
|------------------------|--------------|
| Ch. 24..... | 46572 |
| 319..... | 46298 |
| Proposed Rules: | |
| 31..... | 45708, 46470 |
| 231..... | 47784 |
| 235..... | 46796 |

49 CFR

| | |
|------------|--------------------|
| Ch. V..... | 46666 |
| 1..... | 49614, 45728 |
| 106..... | 45728 |
| 107..... | 45728 |
| 171..... | 45728 |
| 172..... | 45728, 46053 |
| 173..... | 45728, 46053-46054 |
| 174..... | 45728, 46053 |
| 175..... | 45728 |
| 176..... | 45728, 46053 |
| 177..... | 45728 |
| 178..... | 45728 |
| 190..... | 45728 |
| 191..... | 45728 |
| 192..... | 45728 |
| 193..... | 45728 |
| 195..... | 45728 |
| 571..... | 46056 |
| 1002..... | 47224 |
| 1144..... | 46066, 47055 |
| 1241..... | 47749 |

Proposed Rules:

| | |
|----------|-------|
| 192..... | 45845 |
| 212..... | 45917 |
| 217..... | 45917 |
| 218..... | 45917 |
| 219..... | 45917 |
| 225..... | 45917 |
| 571..... | 46144 |
| 574..... | 48107 |

50 CFR

| | |
|----------|---------------------|
| 17..... | 45614-45621 |
| 204..... | 46068 |
| 285..... | 45828 |
| 604..... | 47225 |
| 650..... | 46069 |
| 652..... | 46072, 46671, 47225 |
| 663..... | 45828 |
| 671..... | 47549 |
| 675..... | 46072 |

Proposed Rules:

| | |
|----------|-------------------------------------|
| 17..... | 45632-45638, 45846, 46320, 46797 |
| 611..... | 47080 |
| 652..... | 46145 |
| 672..... | 47080 |

| | |
|----------|-------|
| 675..... | 47080 |
| 681..... | 48108 |

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's list of Public Laws. Last List November 20, 1985

THE HISTORY OF THE COUNTY OF MIDDLESEX
BY JOHN STUBBS
ESQ.

THE HISTORY OF THE COUNTY OF MIDDLESEX
BY JOHN STUBBS
ESQ.

THE HISTORY OF THE COUNTY OF MIDDLESEX
BY JOHN STUBBS
ESQ.