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federal register

Monday
December 9, 1985

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

Selected Subjects

Aviation Safety
Federal Aviation Administration

Banks, Banking
Federal Reserve System

Bridges
Coast Guard

Communications Common Carriers
Federal Communications Commission

Fisheries
National Oceanic and Atmospheric Administration

Government Procurement
General Services Administration

Marine Safety
Coast Guard

Maritime Carriers
Maritime Administration

Marketing Agreements
Agricultural Marketing Service

Milk Marketing Orders
Agricultural Marketing Service

Trade Practices
Federal Trade Commission

Wildlife
Fish and Wildlife Service

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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

WASHINGTON, DC

WHEN: January 17; at 9 am.

WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC.

RESERVATIONS: Howard Landon 202-523-5227
Melanie Williams 202-523-5229 (TDD)

NOTE: There will be a sign language interpreter for hearing impaired persons at the Washington, DC briefing.

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Separate Parts in This Issue

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 50, No. 236
Monday, December 9, 1985

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 958

Onions Grown in Certain Designated Counties in Idaho, and Malheur County, OR; Amendment No. 2 to Handling Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule further amends continuing regulation § 958.328 by defining "pearl onions," permitting their shipment under special purpose shipments and exempting them from grade, size, maturity, inspection and assessments, and extending the regulated period to twelve months from ten. This should improve the efficiency of the order and permit shippers to ship relatively small quantities of specialized onions that do not meet size requirements to a specialty-type market.

EFFECTIVE DATE: December 9, 1985.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-5764.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities.

Approximately 23 handlers of onions will be subject to regulation under the Idaho-Eastern Oregon Onion Marketing Order during the course of the current season and the great majority of this group may be classified as small entities.

Notice was published in the **Federal Register** of October 8, 1985 (50 FR 40981) allowing interested persons opportunity to file written comments regarding this proposed amendment. None was filed.

Marketing Agreement No. 130 and Order No. 958, both as amended, regulate the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Idaho Oregon Onion Committee, established under the order, is responsible for its local administration.

Because requirements under this program have changed infrequently, in June 1982 the committee recommended and the Secretary approved, a regulation which would continue in effect from marketing season to marketing season indefinitely unless modified, suspended or terminated by the Secretary upon recommendation of the committee or other information available to the Secretary.

At its public meetings on June 18 and August 21, at Ontario, Oregon, the committee recommended the continuing handling regulation be amended. The current regulation regulates from August 1 to June 1 of each season. The committee believes that by extending the regulation for all twelve months, the relatively few shipments made during June and July will be required to meet the same requirements as those made during the rest of the shipping season. This should benefit producers by ensuring a constant minimum quality level year round for production area onions.

The committee also recommended that pearl onions be exempt from grade, size, maturity and inspection regulations and be handled under special purpose shipments. Pearl onions are onions grown specifically to small sizes using special cultural techniques for a specialized market. By their own definition, i.e., onions of the same general size as boiler and picklers, they are unable to meet the size requirements of the regulations. By recommending shipment under special purpose shipments the committee is recognizing that a limited market exists for small onions both for fresh use and planting, thus responding to industry needs.

Findings: After considering all relevant matters, including the proposal in the notice, it is found that the following amendment will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this regulation until 30 days after its pubication in the **Federal Register** (5 U.S.C. 553) in that (1) shipments of onions grown in the production area have begun, (2) to maximize benefits to producers this regulation should apply to as many shipments as possible during the marketing season, (3) notice was given in the October 8, 1985, **Federal Register** (50 FR 40981) allowing interested persons until November 7, 1985, in which to file comments and none was filed, and (4) compliance with this regulation, which is similar to regulations issued during previous seasons, requires no special preparation by handlers subject to it which cannot be completed by the effective date.

List of Subjects in 7 CFR Part 958

Marketing agreements and orders, Onions, Idaho, Oregon.

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

1. The authority citation for Part 958 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 958.328 (47 FR 32912, July 30, 1982, and 49 FR 31257, August 6, 1984) is hereby further amended by revising the introductory text, paragraph (c), paragraph (d) and adding the definition "pearl onions" after "moderately cured" to paragraph (f), to read as follows:

§ 958.328 Handling regulation.

From the effective date hereafter, no person may handle any lot of onions, except braided red onion, unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraphs (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c) and (d) or (e) of this section

* * * * *

(c) *Special purpose shipments.* The minimum grade, size, maturity, assessment and inspection requirements of this section shall not be applicable to shipments of pearl onions or onions for any of the following purposes: (1) planting, (2) livestock feed, (3) charity, (4) dehydration, (5) canning, (6) freezing, (7) extraction, and (8) pickling.

(d) *Safeguards.* Each handler making shipments of pearl onions or onions for dehydration, planting, canning, freezing, extraction or pickling pursuant to paragraph (c) of this section shall:

* * * * *

(f) *Definitions.*

* * * * *

"Pearl onions" means onions produced using specific cultural practices that limit growth to the same general size as boilers and picklers, usually less than 1½ inches in diameter.

* * * * *

Dated: December 3, 1985. To become effective December 9, 1985.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85-29161 Filed 12-6-85; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 989

Raisins Produced From Grapes Grown in California; Changes to the Raisin Diversion Program Procedures

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment and finalization of an interim final rule.

SUMMARY: The Department of Agriculture (USDA) has decided to make final an interim final rule which makes three changes in the Raisin Diversion Program's (RDP's) operating procedures. Two changes are necessary to bring the operating procedures into conformity with two order changes that were effective on October 4, 1985. These changes will require handlers to pay certain costs, in addition to harvest costs, when redeeming diversion certificates and allow the Raisin Administrative Committee (Committee) to increase the weight on diversion certificates issued to RDP participants agreeing to divert through vine removal or other means established by the Committee. A third change will require handlers to redeem diversion certificates promptly to the Committee after they obtain them from producers. These changes were recommended by the Committee, which works with USDA in administering the marketing order for California raisins.

EFFECTIVE DATE: December 9, 1985.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250, Telephone: (202) 447-5053.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders and rules proposed under the Agricultural Marketing Agreement Act are unique in that they are brought about through the group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that approximately 23 handlers of raisins will be subject to regulation under the Marketing Order for Raisins Produced from Grapes Grown in California during the course of the current season and that the great majority of this group may be classified as small entities. While regulations issued during the season impose some costs on affected handlers, the added burden imposed on small entities, by this amendment, if present at all is not significant.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that: (1) This action finalizes changes to the raisin diversion program procedures issued by the Department on October 2, 1985; (2) prompt implementation of this action is necessary to maintain 1985 program continuity; and to allow the Committee to begin planning for the 1986 RDP; and (3) delaying the effective date would serve no useful purpose.

This action finalizes the interim final rule which amended § 989.156 of Subpart—Administrative Rules and Regulations (7 CFR 989.102—989.176; 50 FR 3879; 33911) to improve the effectiveness and operation of the RDP in 1985 and in future years. This subpart is operative pursuant to the Marketing Agreement and Order No. 989, both as amended, regulating the handling of raisins produced from grapes grown in California (50 FR 1830; 40476). The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The interim final rule was issued on October 2, 1985, and published in the **Federal Register** on October 4, 1985 (50 FR 40475). Interested persons were given until November 4, 1985, to submit written comments. One comment was received from the Committee proposing an additional change in the RDP unrelated to the three procedural changes in the interim final rule. Therefore, it could not be considered in this action and was referred back to the Committee.

The first change revising § 989.156(k) will require handlers to pay receiving, storing, fumigating, handling, and inspecting costs, in addition to harvest costs, when redeeming diversion certificates under the RDP. This change will bring the provisions in paragraph (k) into conformity with the order change in § 989.56(d) bringing handlers' costs for the acquisition of reserve raisins purchased under the RDP in line with costs handlers pay for other purchases of reserve raisins. The order change will maintain consistency in reserve tonnage sales under the marketing order.

The second change will add authority to § 989.156(i) to recognize the order amendment in § 989.56(c) allowing the Committee to issue diversion certificates in an amount greater than the creditable fruit weight of the raisins produced on a particular production unit to an RDP applicant agreeing to divert that production unit, or portion thereof, from production, through vine removal or other means established by the Committee. This will provide an incentive for more producers to use vine removal which is the most direct and effective way currently known of bringing raisin supplies in line with market needs.

The third change, independent of the order changes, will revise § 989.156(k) and require handlers to report the acquisition of diversion certificates from producers and promptly submit them to the Committee for redemption. This will assure that reserve pool equity holders are promptly paid for tonnage acquired under the RDP and would be consistent with § 989.173(b) requiring handlers to submit a weekly report of their raisin acquisitions to the Committee.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee, and other available information, it is further found that the changes hereinafter set forth will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 989

Marketing agreements and orders, Grapes, Raisins, and California.

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 989 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. The interim final rule published October 4, 1985 (50 FR 40475) is hereby made final with the following changes: Paragraphs (i) and (k) of § 989.156 are revised to read as follows:

§ 989.156 Raisin diversion program.

* * * * *

(i) *Issuance of certificates.* On or before October 5 of the following crop year, the Committee shall issue diversion certificates to those approved applicants who have removed grapes in accordance with this section. Such certificates shall represent an amount of reserve tonnage raisins equal to the amount of raisins diverted from the production unit(s), or portion(s) thereof, specified in the producer application, or additional quantity granted by the Committee when vines are diverted through vine removal or any other means established by the Committee, as the case may be. If, prior to issuance of a certificate, the Committee is notified by an approved applicant that that applicant's interest in the production unit(s), or portion(s) thereof, involved in the program has been transferred to another person, the Committee may substitute the transferee for the applicant provided the transferee agrees to comply with the provisions of this section.

* * * * *

(k) *Redemption of certificates.* Any handler holding diversion certificates may redeem such certificates for reserve pool raisins from the Committee. To redeem a certificate, a handler must present the diversion certificate to the Committee and pay the Committee an amount equal to the established harvest cost plus an amount equal to the payment for receiving, storing, fumigating, handling, and inspecting raisins as specified in § 989.401 for the entire tonnage shown on the certificate. Handlers who acquire diversion certificates from producers shall report acquisitions of such certificates and submit them for redemption in a manner and for the reporting periods provided in § 989.173(b) for the acquisition of raisins acquired from producers. The Committee shall then issue a reserve release entitling the handler to a specified amount of reserve pool raisins for free tonnage use equal to the multiple of the free percentage and entire tonnage shown on the certificate. The Committee shall transfer the appropriate amount of reserve tonnage raisins to satisfy any reserve pool obligation and shall release to the handler the appropriate reserve tonnage for free tonnage use. Upon receipt of the diversion certificate, the Committee shall note on the certificate that it is cancelled. Diversion certificates will only be valid and honored by the Committee if presented to it for redemption on or before February 15 of the crop year for which they were issued.

* * * * *

Dated: December 3, 1985.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division.

[FR Doc. 85–29162 Filed 12–6–85; 8:45 am]

BILLING CODE 3410–02–M

Agricultural Marketing Service

7 CFR Part 1136

Milk in the Great Basin Marketing Area; Notice of Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to continue through April 1986 a suspension of certain diversion provisions of the Great Basin Federal milk order. The proposed suspension would continue to remove the limit on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The requirement that at least 6 days' production of each producer whose milk is diverted to nonpool plants be received at pool plants in order for the diverted milk to be priced and pooled under the order would also continue to be suspended. Suspension of the provisions was requested by a cooperative association representing most of the producers supplying the market to prevent uneconomic movements of milk. The proposed suspension would be for the months of January through April 1986.

DATE: Comments are due not later than December 16, 1985.

ADDRESS: Comments (two copies) should be filed with the Dairy Division, Agricultural Marketing Service, Room 2968, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–7311.

SUPPLEMENTARY INFORMATION: The Administrator of the Agricutural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) the suspension of the following provisions of the order regulating the handling of milk in the Great Basin marketing area is being considered for the months of January through April 1986:

(1) section 1136.13(c)(2).

(2) In § 1136.13(c)(3), the language "*Provided*, That the total quantity of milk so diverted that exceeds 25 percent of the milk physically received at all pool plants from member producers in any month of March through August, and that exceeds 20 percent of such receipts in any month of September through February, shall not be producer milk;", and

(3) In § 1136.13(c)(4), the language "*Provided*, That the total quantity of milk so diverted that exceeds 25 percent of the milk physically received at such plant from producers who are not members of a cooperative association in any month of March through August, and that exceeds 20 percent of such receipts in any month of September through February, shall not be producer milk;".

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Dairy Division, Agricultural Marketing Service, Room 2968 South Building, U.S. Department of Agriculture, Washington, DC 20250, not

later than 7 days from the date of publication of this notice in the **Federal Register.** The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include January 1986 in the suspension period.

The comments that are received will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would continue, for the months of January through April 1986, to remove the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert up to 25 percent of its member milk physically received at pool plants in any month of March through August, and up to 20 percent of its member milk physically received at pool plants in any month of September through February. Similarly, the operator of a pool plant may divert up to 25 percent of its receipts of producer milk for which the operator of such plant is the handler during the month) during the months of March through August, and 20 percent during the months of September through February. Also proposed to continue to be suspended for the same period is the requirement that at least 6 days' production of each producer be received at a pool plant each month.

The proposed suspension was requested by Western General Dairies, Inc., a cooperative association that supplies most of the market's fluid milk needs and handles most of the market's reserve milk supplies. The basis for the request is an increased amount of milk surplus to the fluid needs of the market which must be handled by Western General. In support of its request, the cooperative states that milk production has increased to a level of 57.4 percent above last year's, while fluid demand has increased only 11.5 percent. In the absence of the suspension, the cooperative expects that for the foreseeable future some of the milk of its member producers who regularly have supplied the fluid market would have to be moved, uneconomically, first to pool plants and then to nonpool manufacturing plants in order to continue pool status for such milk.

Western General has requested that a public hearing be held to merge the Great Basin and Lake Mead orders, and expects that the diversion provisions contained in the proposed merged order would offer a long-term solution to the problems of operating within the order's present diversion limits. A decision on whether such a hearing will be held has not yet been reached. However, if a hearing is held, continuation of the proposed suspension beyond April, if necessary, would be based on the record of the public hearing.

List of Subjects in 7 CFR Part 1136

Milk marketing orders, Milk, Dairy products.

The authority citation for 7 CFR Part 1136 continues to read as follows:

Authority: (Secs. 1–19, 48 Stat. 31, as amended; U.S.C. 601–674.)

Signed at Washington, DC, on December 2, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85–29082 Filed 12–6–85; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Reg. Q; Docket No. R–0560]

Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, flooding and mudslides in the designated areas of Virginia, West Virginia and Pennsylvania.

EFFECTIVE DATE: See Supplementary Information.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Senior Attorney (202/452–3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On November 7, 1985, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated several areas in West Virginia major disaster areas. Similar declarations were issued on November 9, 1985, for certain areas of Virginia and Pennsylvania. The Presidential declarations for Virginia, West Virginia, and Pennsylvania subsequently have been amended several times to include additional areas. The Board regards the President's actions as recognition by the Federal government that a disaster of major proportions had occurred.

The President's designations enable victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms, flooding, and mudslides beginning on or about November 3, 1985. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to the dates given below, and will remain in effect until 12 midnight, May 24, 1986

State of West Virginia

Effective Date—November 7, 1985

Grant County	Pendleton County
Greenbrier County	Pocahontas County
Hardy County	Preston County
Harrison County	Tucker County

Effective Date—November 9, 1985

Randolph County

Effective Date—November 10, 1985

Barbour County	Mineral County
Berkeley County	Monongalia County
Braxton County	Monroe County
Calhoun County	Morgan County
Doddridge County	Nicholas County
Gilmer County	Summers County
Hampshire County	Taylor County
Jefferson County	Tyler County
Lewis County	Upshur County
Marion County	Webster County

Commonwealth of Virginia

Effective Date—November 9, 1985

Alleghany County	Franklin County
Botetourt County	Roanoke City
Buena Vista City	Roanoke County
Clifton Forge City	Rockbridge County
Covington City	Salem City

Effective Date—November 10, 1985

Albermarle County	Lynchburg City
Amherst County	Madison County
Appomattox County	Montgomery County
Augusta County	Nelson County
Bath County	Page County
Campbell County	Rockingham County
Clarke County	Shenandoah County
Craig County	Warren County
Fluvanna County	Waynesboro City
Highland County	

Effective Date—November 11, 1985

Bedford County
Harrisonburg City
Lexington City
Northumberland County
Richmond City
Richmond County
Westmoreland County

Effective Date—November 12, 1985

Gloucester County
Stafford County

Effective Date—November 14, 1985

Powhatan County

Effective Date—November 16, 1985

Chesterfield County
King George County
Poquoson City
Surrey County
York County

Effective Date—November 17, 1985

Mathews County

Effective Date—November 23, 1985

Greene County

Commonwealth of Pennsylvania

Effective Date—November 9, 1985

Allegheny County
Fayette County
Greene County
Somerset County
Washington County
Westmoreland County

List of Subjects in 12 CFR Part 217

Advertising, Banks, Banking, Federal Reserve System, Foreign Banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated areas directly affected by the severe storms, flooding and mudslides, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, December 3, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-29056 Filed 12-6-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 24852; Amdt. No. 1309]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO-230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment 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 97

Approaches, Standard instrument.

Issued in Washington, DC, on November 29, 1985.

John S. Kern,

Acting Director of Flight Standards.

Adoption of the Amendment

PART 97—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. The authority citation for Part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983; and 14 CFR 11.49(b)(2)).

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35 [Amended]

2. By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective January 16, 1986*

Stuttgart, AR—Stuttgart Muni, NDB RWY 18, Amdt. 7
Bishop, CA—Bishop, VOR-A, Amdt. 5
Bishop, CA—Bishop, VOR/DME-B, Amdt. 2
Modesto, CA—Modesto City Co-Harry Sham Fld, VOR RWY 28R, Amdt. 10
Atlanta, GA—DeKalb-Peachtree, VOR RWY 27, Amdt. 15, Cancelled
Atlanta, GA—DeKalb-Peachtree, NDB RWY 27, Amdt. 1
Atlanta, GA—DeKalb-Peachtree, ILS RWY 20L, Amdt. 3
Atlanta, GA—DeKalb-Peachtree, RNAV RWY 20L, Amdt. 8, Cancelled
Lawrenceville, GA—Gwinnett County, VOR RWY 7, Amdt. 8, Cancelled
Lawrenceville, GA—Gwinnett County, VOR/DME RWY 25, Amdt. 4, Cancelled
Lawrenceville, GA—Gwinnett County, LOC RWY 25, Amdt. 1
Lawrenceville, GA—Gwinnett County, NDB RWY 25, Amdt. 2
Canton, IL—Ingersoll, VOR-A, Amdt. 7
Manito, IL—Waddell, VOR-A, Amdt. 3
Pekin, IL—Pekin Muni, VOR-A, Amdt. 4
Pekin, IL—Pekin Muni, RNAV RWY 9, Amdt. 3
Peoria, IL—Mount Hawley Auxiliary, VOR-A, Amdt. 2
Rochelle, IL—Rochelle Muni, VOR-A, Amdt. 6
Connersville, IN—Mettel Field, VOR/DME-A, Amdt. 4
Connersville, IN—Mettel Field, NDB RWY 18, Amdt. 8
Connersville, IN—Mettel Field, RNAV RWY 18, Amdt. 4
Elkhart, IN—Elkhart Muni, SDF (BC) RWY 9, Amdt. 3, Cancelled
Kendallville, IN—Kendallville Muni, VOR-A, Amdt. 3
Knox, IN—Starke County, VOR RWY 18, Orig
Machias, ME—Machias Valley, NDB RWY 36, Orig
Howell, MI—Livingston County VOR RWY 31, Amdt. 8
Muskegon, MI—Muskegon County, LOC RWY 24, Amdt. 6, Cancelled
Muskegon, MI—Muskegon County, LOC BC RWY 14, Amdt. 7
Muskegon, MI—Muskegon County, ILS RWY 24 Orig
Kansas City, MO—Kansas City Intl, LOC BC RWY 27, Amdt. 10
Kansas City, MO—Kansas City Intl, NDB RWY 9, Amdt. 7
Kansas City, MO—Kansas City Intl, ILS RWY 9, Amdt. 9
Ozark, MO—Air Park South, VOR RWY 17, Amdt. 3
Great Falls, MT—Great Falls Intl, RADAR-1, Amdt. 9
Greensboro, NC—Greensboro-High Point-Winston Salem Regnl NDB RWY 14, Amdt. 14
Greensboro, NC—Greensboro-High Point-Winston Salem Regnl ILS RWY 14, Amdt. 17
Charleston, SC—Charleston AFB/Intl, VOR/DME or TACAN RWY 3, Amdt. 11
Charleston, SC—Charleston AFB/Intl, VOR/DME or TACAN RWY 15, Amdt. 12
Charleston, SC—Charleston AFB/Intl, VOR/DME or TACAN RWY 21, Amdt. 11
Charleston, SC—Charleston AFB/Intl, VOR/DME or TACAN RWY 33, Amdt. 10
Charleston, SC—Charleston AFB/Intl, NDB RWY 15, Amdt. 18
Charleston, SC—Charleston AFB/Intl, ILS RWY 15, Amdt. 19
Charleston, SC—Charleston AFB/Intl, ILS RWY 33, Amdt. 3
Charleston, SC—Charleston AFB/Intl, RADAR-1, Amdt. 14
Charleston, SC—Charleston Executive, VOR-A, Amdt. 7
Charleston, SC—Charleston Executive, NDB RWY 9, Amdt. 6
Charleston, SC—Charleston Executive, RNAV RWY 9, Amdt. 4
Moncks Corner, SC—Berkeley County, NDB RWY 5, Amdt. 2
Austin, TX—Bird's Nest, VOR/DME-B, Amdt. 2, Cancelled
Big Sandy, TX—Ambassador Field, VOR/DME-B, Amdt. 1, Cancelled
Greenville, TX—Majors, VOR/DME RWY 13 (TAC), Amdt. 1, Cancelled
Houston, TX—Baytown, RADAR-1, Amdt. 1, Cancelled
Houston, TX—Houston Gulf, VOR RWY 13, Amdt. 2
La Porte, TX—La Porte Muni, RADAR-1, Amdt. 6, Cancelled
Midland, TX—Midland Regional, RADAR-1, Amdt. 3
Abingdon, VA—Virginia Highlands, NDB RWY 24, Amdt. 1, Cancelled
Moses Lake, WA—Grant County, VOR RWY 3, Amdt. 4
Moses Lake, WA—Grant County, VOR RWY 14L, Amdt. 10
Moses Lake, WA—Grant County, VOR RWY 21, Amdt. 3
Moses Lake, WA—Grant County, VOR RWY 32R, Amdt. 18
Moses Lake, WA—Grant County, NDB RWY 32R, Amdt. 15
Moses Lake, WA—Grant County, ILS RWY 32R, Amdt. 17
Moses Lake, WA—Grant County, RNAV RWY 21, Amdt. 6
Oconto, WI—Oconto Muni, NDB RWY 11, Amdt. 3

** * * Effective December 19, 1985*

Nantucket, MA—Nantucket Memorial, ILS RWY 24, Amdt. 11

** * * Effective November 13, 1985*

Houston, TX—Baytown, VOR RWY 31, Amdt. 1

The FAA published an Amendment in Docket No. 24843, Amdt. No., 1308 to Part 97 of the Federal Aviation Regulations [VOL 50 FR No. 226 Page 48180; dated Friday, November 22, 1985] under § 97.23 effective 16 JAN 86, which is hereby amended as follows:

Menominee, MI—Menominee-Marinette Twin County, VOR-A, Orig, Eff 16 JAN 86 and VOR RWY 18, Amdt. 8, Eff 16 JAN 86, Cancelled are hereby rescinded.

[FR Doc. 85-29039 Filed 12-6-85; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 455

Trade Regulation Rule; Sale of Used Motor Vehicles; Extension of Temporary Stay of Effective Date as Rule Applies in the State of Wisconsin

AGENCY: Federal Trade Commission.

ACTION: Extension of temporary stay of effective date as Rule applies within Wisconsin.

SUMMARY: The Federal Trade

Commission is considering a petition from the Wisconsin Department of Transportation ("WisDOT") requesting a statewide exemption from the Commission's Trade Regulation Rule Concerning the Sale of Used Motor Vehicles (the "Rule" or the "Used Car Rule"), 16 CFR Part 455. The Commission is extending the stay of the effective date of the Used Car Rule in Wisconsin for an additional 180 days to permit WisDOT to seek amendments to the state regulations that form the basis for the Petition.

DATE: The 180 day extension of the stay of the Used Car Rule within Wisconsin is effective December 5, 1985, and expires on June 3, 1986.

FOR FURTHER INFORMATION CONTACT: Lee J. Plave [202/376-2805], Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On May 8, 1985, the Commission stayed the effective date of the Used Car Rule as it applied within the State of Wisconsin for a temporary period of 120 days, from May 9, 1985, to September 6, 1985. 50 FR 20094 (1985). On May 23, 1985, the Commission published a notice in the Federal Register soliciting public comment on the Wisconsin Petition. 50 FR 21269 (1985). The period for public comments expired on June 24, 1985. On September 5, 1985, the Commission decided to extend the stay of the effective date of the Used Car Rule as it applies within the State of Wisconsin for a period of 90 days, until December 5, 1985. 50 FR 37345 (1985).

For good cause, the Commission has now decided to extend the stay of the effective date of the Used Car Rule as it applies within the State of Wisconsin, for a period of 180 days, from December 5, 1985 to June 3, 1986.

The Commission has decided that an extension of the stay of the effective date of the Used Car Rule should be granted pending the Commission's further consideration of the Petition. In addition, during this period of time, WisDOT will be seeking amendments to the regulations that form the basis for this Petition. In a letter dated October 18, 1985, WisDOT indicated that it is considering amendments that address some of the differences between the Used Car Rule and Wisconsin's regulations.[1]

Wisconsin has had its regulations in effect for several years and dealers are already using the disclosure forms required by the regulations that are the basis for the Petition. Wisconsin dealers are thus providing some information to consumers. Therefore, an extension of the stay of the effective date of the Used Car Rule, as it applies within the State of Wisconsin, is unlikely to cause significant consumer injury if the Petition is denied, and may avoid unnecessary expense to Wisconsin dealers if an exemption is granted.

In addition, the Commission has, for good cause, determined that public notice and comment on this 180 day extension of the stay of the effective date is unnecessary. Public comment would appear to be unnecessary because the stay is merely designed to maintain the status quo and to avoid placing a potentially unnecessary burden on dealers in the State of Wisconsin during the limited period of time during which the Petition is being considered. Thus, in accordance with §§ 1.26(b) and 1.26(e) of the Commission's Rules of Practice, 16 CFR 1.26(b) and 1.26(e), and sections 553(b) and 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(b) and 553(d), the Commission, for the reasons stated above, determined that there is good cause for deciding that prior public notice and comment is not necessary before granting an extension of the stay of the effective date of the Used Car Rule as it applies within the State of Wisconsin. For the same reasons, the extension of the temporary stay will become effective immediately on December 5, 1985.

Given the unique circumstances surrounding this Petition, the Commission has determined that an extension of the temporary stay of the effective date is appropriate. In addition, WisDOT has notified the Commission's staff that the rulemaking process, discussed above, will take approximately six months to complete. Accordingly, the Commission temporarily extends the stay of the effective date of the Used Car Rule, as it applies within the State of Wisconsin, for an additional 180 days, from December 5, 1985 to June 3, 1986, pending final consideration of the Petition.

List of Subjects in 16 CFR Part 455

Used cars, Trade practices.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 85-29044 Filed 12-6-85; 8:45 am]

BILLING CODE 6750-01-M

[1] A copy of this letter has been placed on the public record and is identified as Document 100-6 in FTC File No. 215-54.

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8-85-16]

Drawbridge Operation Regulations; Teche Bayou, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD) and St. Mary Parish (SMP), the Coast Guard is changing the regulations governing the operation of two state owned drawbridges and two parish owned drawbridges over Teche Bayou, St. Mary Parish, Louisiana, as follows:

(1) The swing span bridge, mile 27.0, at Baldwin (parish owned).

(2) The swing span bridge, mile 32.5, on LA 324 at Charenton.

(3) The swing span bridge, mile 37 .0, on LA 670 at Adeline.

(4) The swing span bridge, mile 38.9, Sorrel (parish owned).

The change requires the draw of each bridge to open on at least four hours advance notice between 6 p.m. and 10 a.m. and to open on signal between 10 a.m. and 6 p.m. Presently, the draws are required to open on at least four hours advance notice between 9 p.m. and 5 a.m. and to open on signal at all other times.

This change is being made because of infrequent requests to open the draws between 6 p.m. and 10 a.m. This action will relieve the bridge owners of the burden of having persons constantly available at the four bridges in the period from 6 p.m. to 10 a.m., while still providing for the reasonable needs of navigation. The draws will continue to open on signal between 10 a.m. and 6 p.m.

EFFECTIVE DATE: This regulation becomes effective January 8, 1986.

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

SUPPLEMENTARY INFORMATION: On September 23, 1985, the Coast Guard published a proposed rule (50 FR 38548) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a public notice dated 3 October 1985. In each notice interested persons were given unitl 7 November 1985 to submit comments.

Drafting Information

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

Discussion of Comments: Two letters were received in response to the notice, offering no objections to the change.

Economic Assessment and Certification

This regulation is 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 has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that the average number of vessels passing the bridges during the advance notice period, 6 p.m. to 10 a.m., is one vessel about every three days. These few vessels can reasonable give four hours advance notice for a bridge opening by placing a collect call to the bridge owner at any time. The advance notice to request an opening of the draws would be given by placing a collect call at any time to the LDOTD District Office at Lafayette, Louisiana, telephone (318) 233–7404, for state bridges; and to the SMP at Franklin, Louisiana, (318) 828–1960, for the parish bridges. From afloat, this contact may be made by radiotelephone through a public coast station.

Both the LDOTD and SMP recognize that there may be an unusual occasion to open the bridges on less than four hours notice between 6 p.m. and 10 a.m. for an emergency or to operate the bridges on demand for an isolated but temporary surge in waterway traffic, and have committed to doing so if such an event should occur. Mariners requiring the bridge openings are repeat users of the waterway and scheduling their arrival at the bridge at the appointed time during the advance notice period should involve little or no additional expense to them. Since the economic impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section 117.501 is amended by revising paragraph (a) and adding paragraph (e) to read as follows:

§ 117.501 Teche Bayou.

(a) The draws of the following bridges shall open on signal; except that, from 6 p.m. to 10 a.m. the draws shall open on signal if at least four hours notice is given:

(1) St. Mary Parish bridge, mile 27.0 at Baldwin.

(2) S324 bridge, mile 32.5 at Charenton.

(3) S670 bridge, mile 37.0 at Adeline.

(4) St. Mary Parish bridge, mile 38.9 at Sorrel.

* * * * *

(e) The draws of the bridges listed in paragraphs (a) and (b) shall open on less than four hours notice for an emergency during the advance notice period, and shall open on signal should a temporary surge in waterway traffic occur.

Dated: November 26, 1985.

Clyde T. Lusk, Jr.,

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

[FR Doc. 85–29145 Filed 12–6–85; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[COTP San Diego Regulation 85–16]

Safety Zone Regulations; Coronado Roads, San Diego, CA; Pacific Ocean

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in Coronado Roads, Pacific Ocean, near San Diego, California, consisting of a 500 yard square area of water to the west of San Diego Channel Buoy 3. This safety zone is established at the request of the United States Navy to protect the public during hazardous naval operations at that location. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective on 2 December 1985 and terminates on 5 December 1985. It becomes effective again on 10 December 1985 and terminates on 13 December 1985 unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: LCDR Steven P. Mojonnier, USCG, c/o U.S. Coast Guard Captain of the Port, 2710 N. Harbor Drive, San Diego, CA 92101–1064, telephone (619) 293–5860.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) was not published for this regulation and it is being made effective in less than 30 days from the date of publication. Following the normal rulemaking process would have been contrary to the public interest since immediate action is needed to respond to potential hazards to vessels and persons in the area.

Drafting Information

The drafters of this regulation are LCDR Steven P. Mojonnier, project officer for the Captain of the Port, and LT Joseph R. McFaul, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation is a U.S. Navy exercise conducted by Explosive Ordnance Disposal Mobile Unit Three. The exercise will take place on 2–4 December and again on 10–12 December 1985. It will involve towing of objects and detonation of explosive charges during the exercise. These activities will present a hazard to other vessels and persons in the area of this safety zone. This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of Part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Subpart C of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new § 165.T1103 is added to read as follows:

§ 165.T1103 Safety Zone: Coronado Roads, San Diego, California, Pacific Ocean.

(a) *Location:* The following area is a safety zone: An area of water approximately 500 yards square in the Pacific Ocean at Coronado Roads (Approach to San Diego), immediately west of San Diego Channel Bouy 3, bounded by the following points:

(1) 32°38'35" N, 117°14'20" W,
(2) 32°38'35" N, 117°14'50" W,
(3) 32°38'10" N, 117°14'20" W,
(4) 32°38'10" N, 117°14'50" W.

(b) *Effective Dates.* This regulation becomes effective on 2 December 1985 and terminates on 5 December 1985. It becomes effective again on 10 December 1985 and terminates on 13 December 1985 unless sooner terminated by the Captain of the Port.

(c) *Regulations:*

(1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: November 27, 1985.

E. A. Harmes,

Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.

[FR Doc. 85-29146 Filed 12-6-85; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[BPO-040-F]

Medicare Program; Forms Used for Applying for Entitlement or Enrollment or Claiming Payment

Correction

In FR Doc. 85-23242 beginning on page 39669 in the issue of Monday, September 20, 1985, make the following corrections:

1. On page 39671, third column, in § 405.1662 (b), eighteen lines from the bottom of the column, "Part 406" should have read "Part 408".

2. On page 39672, first column, in § 405.1662 (d), sixth line, "XVII" should have read "XVIII". Also on the same page, in § 405.1662 (d), second column, ninth line, "HCFA-149OS" should have read "HCFA-1490S".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6611

[C-021250]

Colorado; Public Land Order 6610, Correction: Modification of Public Land Order 1800

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct the errors in the land description in Public Land Order No. 6610 of September 20, 1985.

EFFECTIVE DATE: December 9, 1985.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2020 Arapahoe Street, Denver, Colorado 80205, 303-294-7635.

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

The land description in Public Land Order No. 6610 of September 20, 1985, in FR Doc. 85-23004 in the issue of Thursday, September 26, 1985 (50 FR 38984), is hereby corrected as follows:

Land description which reads "Sec. 27, S½S¼" is corrected to read "Sec. 26, S½SE¼".

Dated: November 29, 1985.

Robert N. Broadbent,

Assistant Secretary of the Interior.

[FR Doc. 85-29084 Filed 12-6-85; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Parts 308 and 309

War Risk Insurance

AGENCY: Maritime Administration, DOT.

ACTION: Final rule.

SUMMARY: The authority of the Secretary of Transportation (Secretary) to provide insurance and reinsurance under Title XII, Merchant Marine Act, 1936, (Act) as amended (46 U.S.C. 1281-1293), expired on September 30, 1984. That authority was reinstated by Pub. L. 99-59, which was enacted into law on July 3, 1985, and which will expire on June 30, 1990. The principal purpose of this rulemaking is to reissue, with some minor procedural amendments, final regulations (46 CFR Part 308), implementing the re-enacted Public Law with one conforming amendment to the regulations at 46 CFR Part 309, Values for War Risk Insurance. These rules provide the terms and conditions upon which war risk insurance interim binders for U.S.-flag vessels will be immediately reinstated for U.S.-flag vessels, and certain foreign-flag vessels owned or controlled by United States citizens. This rulemaking also consolidates and simplifies application and binder forms.

EFFECTIVE DATE: December 9, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Malkin, Director, Office of Marine Insurance, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, Tel. (202) 382-0369.

SUPPLEMENTARY INFORMATION: The authority of the Secretary to provide war risk insurance and reinsurance under Title XII of the Act was last reinstated in 1980 by Pub. L. 96-195. MARAD published implementing amendments to regulations at 46 CFR Part 308 on April 3, 1980 (45 FR 22041). That Public Law expired on September 30, 1984. This final rule again reinstates the war risk insurance interim binders on U.S.-flag vessels. It also reinstates the interim binders on certain foreign-flag vessels owned or controlled by United States citizens, and reissues the provisions for submitting new applications for these interim binders.

As authorized by Title XII, of the Act, as amended (46 U.S.C. 1283), the Secretary of Transportation may provide war risk insurance adequate for the needs of the waterborne commerce of the United States, if such insurance cannot be obtained on reasonable terms and conditions from campanies authorized to do an insurance business in a state of the United States. The U.S. Government's war risk insurance program is a stand-by emergency program. It becomes effective upon and simultaneously with the automatic termination of ocean marine commercial war risk insurance policies. Those policies are automatically terminated upon the outbreak of war, whether declared or not, between any of the five great powers (United States of America, United Kingdom, France, People's Republic of China, or the Union of Soviet Socialist Republics) or upon the hostile detonation of a weapon of war employing atomic or nuclear fission.

This program makes it possible for applicants to obtain war risk insurance from the U.S. Government when such insurance is unavailable on reasonable terms from the commercial market. The program is mutually beneficial to the United States and to the shipowner in

that it assures continued flow of essential U.S. trade and protection for the shipowner from loss by risks of war.

A war risk insurance interim binder is a contract by which, for consideration of a fee paid, the Government agrees to provide to the applicant, upon the conditions set forth in 46 U.S.C 1282, evidence of war risk insurance coverage in the interim period after termination of commercial insurance coverage, but prior to the actual commencement of Government insurance coverage. It implements war risk insurance authority re-enacted by the Congress through Pub. L. 99–59, on July 3, 1985.

The binder fees are in the same amount as those imposed under the expired authority. This final rule is substantially the same as the regulations that expired with Pub. L. 96–195. This rule merely provides information about the mechanism for reinstating or acquiring various types of war risk insurance, through interim binders, for insured ship owners that were covered by interim binders at the time that the war risk insurance, authorized under Pub. L. 96–195, expired. It effects no changes in eligibility criteria or binder fees. The rule also reinstates fee binders for foreign-flag vessels. There are conforming amendments to effectuate the consolidation of application forms for three types of war risk coverage into one form, as well as the introduction of a single interim binder of insurance form to replace the three existing forms.

Statutory and Regulatory Requirements

Pursuant to E.O. 12291 and the Department of Transportation's Regulatory Policies and Procedures dated February 26, 1979 (DOT Order 2100.5), respectively, the Maritime Administration has determined that this is neither a major rule nor a significant rule. There were 624 binders outstanding as of September 30, 1984. Reinstatement of the various insurance coverages under those binders would result in the payment of binder fees by insured owners/operators in a total amount of less than $200,000. Accordingly, the economic impact has been found to be so minimal that further evaluation is unnecessary. Since the rule affects principally the owners and operators of large commercial ships, the Maritime Administrator certifies that it will not have a significant economic impact on a substantial number of small entities, under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.)

This rule contains information collection requirements, in §§ 308.3 and 308.6. They include a consolidation of existing forms. These requirements have been submitted to the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Persons desiring to comment on this information requirement should submit their comments to: Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, ATTN: Desk Officer, Maritime Administration. Persons submitting comments to OMB are also requested to submit a copy of their comments to the MARAD contact person indicated in an earlier section of this notice.

Procedural Requirements

This rule makes no substantive change in established procedures for the affected shipowners/operators. It is unlikely that any meaningful comment would be received if notice were published, under any circumstances. Moreover, since the expiration of the Public Law, vessels have been without war risk insurance and are therefore, at risk, in the event of the occurrence of any incident that would require such insurance coverage. Therefore, pursuant to 5 U.S.C. 553, MARAD believes that notice and public procedure thereon are impractical, unnecessary and contrary to the public interest, and that there is good cause for the rule to become effective immediately.

List of Subjects in 46 CFR Part 308

Maritime carriers, War risk insurance.

Accordingly, 46 CFR Part 308 is amended as follows:

PART 308—[AMENDED]

1. The table of contents is amended as follows:

a. In the citations to §§ 308.4, 308.101, 308.106, 308.201, 308.206, 308.301, and 308.305, the titles are removed and the word "Reserved" is added after the respective section numbers, in brackets.

b. The citation to § 308.553 is removed in its entirety.

2. The citations of authority set forth after the text of various sections in 46 CFR Part 308 are removed and the citation of authority set forth after the table of contents is revised to read as follows:

Authority: Secs. 204(b) 1201–1214, Merchant Marine Act 1936, as amended (46 U.S.C. 1114(b); 1281–1294).

§ 308.2 [Amended]

3. Section 308.2 is amended as follows:

a. Paragraph (c) is revised to read as follows:

* * * * *

(c) *Vessel Position Reports.* All vessels for which war risk insurance interim binders have been issued shall file a Vessel Position Report. The purpose of this report is to inform cognizant U.S. agencies of vessel arrivals, departures and at-sea locations. Failure to make required regular reports will cause MARAD to issue a one-time notice of default. If failure to report continues, MARAD shall cancel the interim binder for the subject vessel and any insurance attaching thereunder. MARAD will issue reporting instructions and formats with the binders.

* * * * *

b. In paragraph (d) by removing the parenthetical reference "(32A CFR Parts 701 and 502)" and substituting the parenthetical reference "(44 CFR Parts 401, 402 and 403)."

§ 308.3 [Amended]

4. Section 308.3 is amended as follows:

a. Revise paragraph (a) to read as follows:

* * * * *

(a) *Application, binder forms.* A single application for War Risk Insurance shall be filed on Form MA–528, specifying the types of insurance coverages for which the applicant is applying. A single application may be submitted for several vessels, if the application identifies each vessel to be insured and the coverage(s) required, by completing Appendices A and B to that form. An interim binder for war risk insurance coverage, of the types described in subparts B, C and D of this part, shall be on Form MA–942.

* * * * *

b. In the first sentence of paragraph (b)(1) remove the parenthetical reference to "(32A CFR Parts 701 and 502)" and substitute the parenthetical reference "(44 CFR Parts 401, 402, and 403)."

c. In paragraph (c) remove the words "in triplicate," wherever they appear, remove the reference to "§§ 308.101, 308.201, and 308.301", and substitute "§ 308.3".

d. In paragraph (d)(1)(i), remove the words "executed in triplicate originals".

e. In paragraph (d)(1)(iii), remove the first two sentences.

f. Revise paragraph (d)(2) to read as follows:

* * * * *

(d) * * *

(2) *Certification of citizenship.* An application for insurance on such a vessel shall be supported by execution of the citizenship certification, in the format set out in Appendix C to Form MA–528, as described in § 308.3. That certification shall be required to

establish the U.S. citizenship of the majority ownership and control of the vessel-owning corporation, whether that ownership is direct or through intervening corporations.

* * * * *

g. In paragraph (d)(3) remove the words "and citizenship certificate(s) in triplicate in the form prescribed in § 308.3 of this part", and substitute the words "and a completed Appendix C to Form MA–528, described in § 308.3".

h. Revise paragraph (g) to read as follows:

* * * * *

(g) *Availability of Application Forms.* Form MA–528 may be obtained from either the American War Risk Agency, at the address in paragraph (e) of this section, or the Maritime Administration, Attention: Director, Office of Marine Insurance (MAR–540), 400 Seventh Street, S.W., Washington, D.C. 20590.

§ 308.4 [Removed and Reserved]

5. Section 308.4 is removed and reserved.

§ 308.6 [Amended]

6. Section 308.6 is revised to read as follows:

§ 308.6 Period of interim binders and renewal procedures.

(a) All interim binders on U.S.-flag vessels under § 308.1(a) and United States citizen-owned or controlled foreign-flag vessels under § 308.1(b), issued in accordance with Subparts B, C, and D of this part, and which expired at midnight, September 30, 1984, are reinstated from July 3, 1985 until midnight, July 30, 1990: *Provided,* that on or before March 10, 1986, the assureds under interim binders on U.S.-flag vessels, as well as United States citizen-owned or controlled foreign-flag vessels, comply with the requirements set forth in paragraph (b) of this section, except that applicants to reinstate binders for foreign-flag vessels shall mail their statements to the address in paragraph (d) of this section. Failure to comply with such requirements, within the prescribed time, will result in automatic termination of the binders on March 10, 1986.

(b) Assureds under interim binders on U.S.-flag vessels extended under paragraph (a) of this section shall file a statement, in triplicate, on the letterhead of the assured, setting forth the former binder numbers, the vessel name and official number (unless the vessel is undocumented), and a list of all documents previously submitted, with a certification as to their completeness and accuracy as of the date of filing for reinstatement. If any previously submitted documents are no longer complete and accurate, as required, assureds shall submit corrected documents. Any required documents not previously submitted shall be attached to the certification and accompany the binder fees, as prescribed in § 308.102, 308.202 and/or 308.302. Checks should be made payable to "Maritime Adm.—Transportation" and be sent with the other required documents to the American War Risk Agency, 14 Wall Street, New York, N.Y., 10005, within the prescribed day period, by November 3, 1985.

(c) New applications for interim binders on U.S.-flag vessels, with necessary attachments (as specified in § 308.3), as well as checks for the binder fees prescribed, shall be filed with the American War Risk Agency at the address shown in paragraph (b) of this section. All interim binders on U.S.-flag shall become effective as of the date of determination of eligibility by the Maritime Administration (as required).

(d) Interim binder reinstatement on a United States citizen-owned or controlled foreign-flag vessel will terminate on March 10, 1986, if that vessel no longer meets one or more eligibility requirements specified in § 308.2(a). MARAD shall make this determination based on examination of the same information as required under paragraph (b) of this section, which shall be filed with the Maritime Administration, Attn: Director, Office of Marine Insurance, Washington, D.C., 20590.

§§ 308.4, 308.101, 308.106, 308.201, 308.206, 308.301, and 308.305 [Removed and Reserved]

7. Sections 308.4, 308.101, 308.106, 308.201, 308.206, 308.301, and 308.305 are removed and reserved.

§§ 308.102, 308.202, and 308.302 [Amended]

8. Sections 308.102, 308.202, and 308.302 all references to one or more sections removed by preceding paragraph 7 of this document are removed, and a reference to "§ 308.3" is substituted therefor.

§ 308.103 [Amended]

9. In paragraph (a) of § 308.103, the citation in parentheses, at the end of the paragraph, is removed.

§ 308.205 [Amended]

10. Section 308.205 is amended as follows: Remove the designation "Division of Insurance" and substitute the designation "Office of Marine Insurance."

§ 309.8 [Amended]

11. In 46 CFR Part 309, § 309.8(a) is revised to read as follows:

* * * * *

(a) *To accompany application for insurance.* Each application for war risk insurance, submitted in accordance with § 308.3 of this chapter, shall be accompanied by a completed Form MA–828, Vessel Data. Copies of this form may be obtained from either the American War Risk Agency, 14 Wall Street, New York, N.Y. 10005, or the Director, Office of Marine Insurance (MAR–540) Maritime Administration 400 Seventh Street SW., Washington, DC 20590.

* * * * *

§ 308.553 [Removed]

12. Section 308.553 is removed in its entirety.

By order of the Maritime Administrator, Maritime Administration.

Dated: December 4, 1985.

Georgia P. Stamas,

Secretary.

[FR Doc. 85–29160 Filed 12–6–85; 8:45 am]

BILLING CODE 4910–81–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[Gen Docket No. 81–768; FCC 85–627]

Selections From Among Certain Applications Using Random Selection or Lotteries Instead of Comparative Hearings

AGENCY: Federal Communications Commission.

ACTION: Denial of petition for reconsideration.

SUMMARY: This document responds to petitions for reconsideration that were filed in response to an earlier Order in this proceeding. That Order expressed the Commission's view that a tie-breaker lottery could be held under the Commission's general public interest authority to resolve "tied" comparative hearings. This document affirms the Commission's earlier views and denies the petitions for reconsideration.

FOR FURTHER INFORMATION CONTACT: Randy W. Thomas, Office of General Counsel, Federal Communications Commission, Washington, DC 20554, (202) 632–6990.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

In the matter of amendment of the Commission's Rules to Allow the Selection from Among Certain Applications Using Random Selection or Lotteries Instead of Comparative Hearings, Gen. Docket No. 81-768.

Adopted: November 25, 1985.

Released: December 2, 1985.

By the Commission.

Introduction and Background

1. Before the Commission are two petitions seeking partial reconsideration of the *Memorandum Opinion and Order* in Gen. Docket No. 81-768, released December 4, 1984, 49 FR 49466 (December 20, 1984) ("*Reconsideration Order*"). The petitioners, (1) Youth News and (2) National Latino Media Coalition, Black Citizens for a Fair Media, Telecommunications Research and Action Center, National Association for Better Broadcasting and League of United Latin Citizens (collectively "NLMC") seek reconsideration only of the portion of the *Order* pertaining to tie-breaker lotteries.

2. In its *Reconsideration Order*, the Commission considered whether lotteries may be used on an *ad hoc* basis to resolve comparative hearing proceedings that have resulted in a deadlock between two or more applicants. In the *Second Report and Order* in this docket, the Commission had earlier concluded that the lottery statute afforded authority to conduct tie-breaker lotteries but decided that it had insufficient information to implement such a proposal. 93 FCC 2d 952, 959 (1983). However, in the *Reconsideration Order* the Commission revisited the issue and reasoned that the occasional, *ad hoc* use of a lottery to resolve a tied comparative hearing case does not amount to a "system of random selection," envisioned by the lottery statute. 47 U.S.C. 309(i). Pointing to certain case precedents, the Commission decided, rather, that any tie-breaker lottery authority would emanate from other provisions of the Communications Act and not from the lottery statute.[1]

3. Petitioners raise issues regarding the scope of the Commission's public interest authority, the requirements of the lottery statute and notice and comment rule making procedures. Each of these issues is addressed below.

Administrative Procedure Requirements

4. Petitioners Youth News (at 11-13) and NLMC (at 6-7) argue that the Commission erred in reversing, without opportunity for public notice and comment, its prior conclusion in the *Second Report* that section 309(i) conveyed tie-breaker authority. In addition, Youth News (at 12) maintains that "[t]he issue of the Commission's general public interest authority to conduct tie-breaker lotteries must be presented for public comment."

5. We reject petitioners' procedural arguments. In the Notice of Proposed Rule Making in this docket the Commission expressly invited comment on the Commission's authority under the lottery statute to implement tie-breaker lotteries. *See* 47 FR 45046, 45047 (Oct. 13, 1982). Thus, all parties were given clear notice that this legal issue would be explored and were afforded an opportunity to present their views. In its *Reconsideration Order*, the Commission *sua sponte* reconsidered its conclusion in the *Second Report* that tie-breakers were envisioned by the lottery statute and concluded they were outside the scope of that statutory provision. But it is clearly within this agency's power to reconsider and change its position on an issue raised in a rule making proceeding. Moreover, the fact the Commission ultimately reached a determination contrary to petitioners' position did not in any way abridge their rights to comment fully on the question set forth in the notice.[2] Accordingly, we believe petitioners' procedural objections are ill-founded.

6. Youth News also believes that the Commission must entertain further comment on the question of the Commission's authority to conduct tie-breakers under its general public interest authority. We point out, however, that our discussion of the Commission's "residual" authority to conduct tie-breakers was intended mainly to clarify the relationship of the lottery statute to other Commission precedents and statutory provisions. Having determined that the lottery statute does not deal with tie-breakers, we sought to clarify that neither does the provision foreclose tie-breaker procedures.[3] In this connection, we made reference to other parts of the Communications Act and previous case precedents concerning our authority to conduct tie-breakers under the general public interest standard. These subsidiary questions, we believe, were so closely related to the question of our tie-breaker authority under the lottery provisions that we would have been remiss in not clarifying our views on this subject.

7. In any event, petitioners claim of lack of notice is unpersuasive because the *Reconsideration Order* did not culminate in a binding rule or policy authorizing tie-breakers in comparative proceedings. The legal discussion was clearly in the nature of a "general statement of policy," which reviewed the relevant Commission precedents in this area and indicated what the Commission might do in the future in an appropriate adjudication. As such, the discussion did not constitute a "rule" [4] was not subject to the APA's notice and comment requirements.[5] Of course, in any subsequent adjudication in which a tie-breaker might be implemented, the parties affected would have a full opportunity to address the legal issues involved.

Substantive Issues

8. In view of our disposition of the preceding question, we see no need to offer here a detailed response to the Petitioners' arguments challenging our authority to conduct tie-breaker lotteries under general provisions of the Act. We affirm our earlier view that the Commission has ample general public interest authority pursuant to 47 U.S.C. 154(j) and 303(g) to conduct tie-breaker lotteries. *See Reconsideration Order*, 49 FR at 49467-68. In addition to the Commission's broad public interest

[1] The Commission referred to its mandate to "encourage the larger and more effective use of radio in the public interest," 47 U.S.C. 303(g), and its wide latitude to "conduct its proceedings in such manner as will best conduce to the proper dispatch of justice." 47 U.S.C. 154(j). *Reconsideration Order*, 49 FR 49466, 49467-68 (Dec. 20, 1984).

[2] Petitioners may believe they were entitled to prior notice of every possible argument that might be relied upon by the Commission to resolve the question of its authority to conduct tie-breakers under the lottery statute. However, we believe the APA's "notice" requirements are not so exacting and think the legal issue framed in the Notice was sufficiently specific to permit well-informed comment. In any event, the parties have now had an opportunity to present their views on the reasoning set forth in the *Reconsideration Order*, and we have fully considered their positions, *see* discussion, *infra*. *See also Computer and Communications Industry Association v. FCC*, 693 F. 2d 198, 217-18 (D.C. Cir. 1982), *cert. denied*, 461 U.S. 938 (1983). ("Notice" adequate where Commission gave more explicit notice in final order than in tentative decision, and parties, on reconsideration, took full advantage of opportunities to voice their objections.)

[3] *Reconsideration Order*, 49 FR 49466, 49467, n. 5 (Dec. 20, 1984).

[4] The Administrative Procedure Act defines "rule" as an "agency statement of general or particular applicability and future effect designed to implement, interpret or prescribe law or policy . . . ." 5 U.S.C. 551(4). The tie-breaker lottery discussion in the *Reconsideration Order*, however, was framed in the tentative terms of a policy statement and not the prescriptive terms of a rule. *See* 49 FR 49466 at 49467-68.

[5] However, we would point out that in MM Docket No. 83-253, (ITFS Order), the Commission recently adopted a rule authorizing tie-breaker lotteries. 50 FR 26736 (June 28, 1985). *See also* 48 FR 27182, 27196 (June 13, 1983).

authority under Section 4(j) and 303(g), we also believe that section 4(i) of the Act confers tie-breaker lottery authority.[6] In this connection, the Seventh Circuit recently stated that: "Section 4(i) empowers the Commission to deal with the unforeseen—even if it that (sic) means straying a little way beyond the apparent boundaries of the Act—to the extent necessary to regulate effectively those matters already within the boundaries." *North American Telecommunications Ass'n v. FCC*, No. 84-2216, slip op. at 19 (7th Cir. Aug. 27, 1985).

9. As noted in the *Reconsideration Order*, as well as in other Commission proceedings,[7] we continue to believe the Commission is obliged not only to implement the various requirements of the Commissions Act in selecting licensees, but also to satisfy the objectives of the Administrative Procedure Act. When in the context of a comparative hearing it appears that the applicants' qualifications are in true equipoise, we believe it is reasonable to harmonize the objectives of both Acts by conducting a value-free, tie-breaking lottery. In this manner, the Commission may satisfy the APA by avoiding a strained or arbitrary decision on the merits.[8] Further, a "full hearing" has been held in which it is certain that a "better applicant" has not been passed over. Thus, in a legitimate "tied" situation, use of a lottery would not contravene the section 309 hearing requirements. Of course, before conducting a tie-breaker, the Commission would have to examine the evidence and conclude that either there were no significant differences between the applicants, or the differences between them weighed equally in their favor. Under these conditions, a random chance tie-breaker would not deprive any applicant of its right to a full hearing.

10. As mentioned, Petitioner Youth News (at 5) also asserts that the Commission erred in reversing its previous position that the lottery statute confers tie-breaker authority. Although petitioner NLMC (at 17–18) does not concede that tie-breaker lotteries can be held pursuant to the lottery statute (47 U.S.C. 309(i)), it asserts that should such lotteries be held, they would first require explicit findings and the award of preferences in mass media services.

11. As discussed fully in the *Reconsideration Order*, the lottery statute was established as a separate system intended as a *substitute* for comparative hearings. This view is supported by the language and purposes of Congress in crafting the lottery statute. Thus, the system of random selection is expressly intended to alleviate the delays and costs of comparative proceedings. H.R. Rep. No. 97-765, 97th Cong., 2nd Sess., 37 (1982). Congress intended only to address the systematic use of lotteries as a primary tool for selecting licensees and not the occasional *ad hoc* use of lotteries to select a licensee at the end of a comparative hearing that resulted in an even draw.

12. We agree with NLMC that when lotteries are conducted pursuant to section 309(i), the statute requires the Commission to make findings and administer preferences for mass media services. Because the authority to conduct tie-breakers does not emanate from the lottery statute, however, there is no legal requirement that the Commission follow the 309(i) procedures when using tie-breaker lotteries to resolve tied comparative cases. Indeed, if the new statute governed tie-breaker situations, it could create the anomalous result of according diversity or minority preferences in a lottery, even though the Commission, after a full hearing, had already applied such preferences in finding the rival applicants equally meritorious. Such a result seems clearly unreasonable, and we believe it could not have been intended by Congress.

13. As a final matter, we emphasize that, in the comparative process that precedes any tie-breaker lottery, applicants would already have been awarded any applicable preferences or enhancements. Only if the applicants were evenly tied at the end of the comparative hearing would a lottery be held in which each applicant would be given an equal chance of winning. The use of a value-free lottery thus would be fully consistent with Congressional policies underlying the lottery statute and would also preclude any objections concerning double preferences.

14. Accordingly, based upon the discussion above, it is ordered, That pursuant to § 1.106(j) of the Commission's Rules, the petitions for reconsideration filed by NLMC and Youth News are denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-29077 Filed 12-6-85; 8:45 am]

BILLING CODE 6712-01-M

[6] Section 4(i) provides that "[t]he Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions." 47 U.S.C. 154(i).

[7] *ITFS Order*, *supra* note 5.

[8] "A finding without substantial evidence to support it—an arbitrary or capricious finding—does violence to the law." *Federal Radio Commission v. Nelson Bros. Bond & Mortgage Co.*, 289 U.S. 266, 277 (1933).

GENERAL SERVICES ADMINISTRATION

48 CFR Part 514

[APD 2800.12 CHGE 21]

General Services Administration Acquisition Regulation; Prompt Payment Discounts and Payment Terms

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5, is amended to add section 514.201-2 to prescribe a cautionary notice to be included in sealed bid solicitations that contain the Standard Form 33, Solicitation, Offer and Award. The notice cautions offerors against inserting any statement in block 13 of SF 33, which would indicate that payment is due sooner than the time stipulated in the Payment Due Date clause of the solicitation. In addition, section 514.201 is revised to provide for use of the GSA Form 1602, Notice Concerning Solicitation. The intended effect is to improve the regulatory coverage.

EFFECTIVE DATE: November 27, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb, Office of GSA Acquisition Policy and Regulations, 18th & F Sts., NW, Washington, DC 20405, (202) 535-7791.

SUPPLEMENTARY INFORMATION:

Background

On September 19, 1985, the General Services Administration published in the **Federal Register** (50 FR 38016) GSAR Notice No. 5-119 inviting comments from interested parties on these proposed changes to the regulation and provided a 30-day comment period. No public comments were received. Comments from various GSA offices were reviewed, reconciled, and incorporated, when appropriate, in this final rule.

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations

from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). The regulation will benefit prospective contractors by cautioning them against preparing their offer in a fashion that would cause the offer to be rejected as nonresponsive. Accordingly, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et. seq.

List of Subjects in 48 CFR Part 514

Government procurement.

1. The authority citation for 48 CFR Part 514 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. The table of contents for Part 514 is amended by adding an entry for 514.210–2 as set forth below:

PART 514—SEALED BIDDING

Sec.

Subpart 514.2—Solicitation of Bids

* * * * *

514.201–2 Part I—The schedule.

* * * * *

Authority: 40 U.S.C. 486(c).

3. Section 514.201 is amended to designate the current text as paragraph (a) and to add paragraph (b) to read as follows:

514.201 Preparation of invitation for bids.

(a) Refer to GSAR 514.270 for information on specifying a minimum bid acceptance period.

(b) Notices such as those prescribed in GSAR 514.201–1 and GSAR 514.201–2 may be included on GSA Form 1602, Notice Concerning Solicitation.

4. Section 514.202–2 is added to read as follows:

514.201–2 Part I—The schedule.

All solicitations that contain the Standard Form 33, Solicitation, Offer and Award, should include the following cautionary notice:

"Offerors are reminded that block 13 of the Standard Form 33, Solicitation, Offer and Award, is to be used to offer prompt payment discounts. Payment terms are set forth in the Payment Due Date clause of this solicitation. Offerors are cautioned against inserting any statement in block 13 which indicates that payment is due sooner than the time stipulated in the Payment Due Date clause. EXAMPLE: When the Payment Due Date clause indicates payment is due in 30 days and the offeror inserts "NET 20". Inserting this type of statement will cause the offer to be rejected as nonresponsive."

* * * * *

Dated: November 27, 1985.

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 85–29067 Filed 12–6–85; 8:45 am]

BILLING CODE 6820–61–M

48 CFR Parts 536 and 552

[APD 2800.12 CHGE 19]

General Services Administration Acquisition Regulation; Basis of Award—Construction Contract

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5, is amended to revise section 536.570–4 to restrict the use of the Basis of Award—Construction Contract provision to solicitations that require a base bid with: (1) Unit price bids; (2) bids on alternates; (3) bids on options; or (4) a combination thereof. In addition, section 552.236–73 is revised to delete the language in the introductory paragraph that repeats the prescriptive language for use of the provision in section 536.570–4. The intended effect is to improve the regulatory coverage and to provide uniform procedures for contracting under the regulatory system.

EFFECTIVE DATE: November 27, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. John Joyner, Office of GSA Acquisition Policy and Regulations (VP), (202) 523–4764.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OBM), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). The change simply clarifies when the Basis of Award—Construction Contract provision is to be used. Therefore, no regulatory flexibility analysis has been prepared. This rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et. seq.

List of Subjects in 48 CFR Parts 536 and 552

Government procurement.

1. The authority citation for 48 CFR Parts 536 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c)

PART 536—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

2. Section 536.570–4 is revised to read as follows:

§ 536.570–4 Basis of award—construction contract.

The contracting officer shall insert a provision substantially the same as the provisions at GSAR 552.236–73, Basis of Award—Construction Contract, in solicitations for fixed price construction contracts except when: (a) The solicitation requires the submission of a lump sum bid only; (b) the solicitation is for an indefinite quantity contract; or (c) the contract amount is not expected to exceed the small purchase limitation. If the solicitation requests the submission of a base bid and unit prices, the contracting officer shall use the basic provision. If the Solicitation requests the submission of a base bid and options the contracting officer shall use the provision with its Alternate I. If the solicitation requests the submission of a base bid and alternates, the contracting officer shall use the provision with its Alternate II. If the solicitation requests the submission of a base bid, alternates, and options, the contracting officer shall use the provision with its Alternate III.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 552.236–73 is amended to revise the introductory text preceding the clause to read as follows:

552.236–73 Basis of award—construction contract.

As prescribed in GSAR 536.570–4, insert the following provision or the appropriate Alternate:

* * * * *

Dated: November 27, 1985.

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 85–29064 Filed 12–6–85; 8:45 am]

BILLING CODE 6820–61–M

Proposed Rules

Federal Register
Vol. 50, No. 236
Monday, December 9, 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

Agricultural Marketing Service

7 CFR Part 971

[Amdt. 2]

Lettuce Grown in South Texas; Amendment No. 2 to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would remove Exports to Mexico § 971.322(e)(2) from the handling regulation. This special purpose shipment exemption has been difficult to enforce and many lettuce shipments have been marketed to small Texas retailers instead of being exported to Mexico.

DATES: Comments due December 24, 1985.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2069 South Building, Washington, DC 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Kenneth C. Johnson, Vegetable Branch, F&V, AMS, USDA, Washington, DC 20250, (202) 447-7920.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact of a substantial number of small entities.

Approximately four handlers of lettuce will be subject to regulation under the South Texas Lettuce Marketing Order during the course of the current season and this group may be classified as small entities. Under the current regulation, handlers desiring to export lettuce to Mexico are required to obtain a Certificate of Privilege prior to handling, loading and transporting such lettuce in vehicles bearing Mexican registration (license). This amendment to the continuing handling regulation would remove exports to Mexico from the special purpose shipments exemption making them subject to the regulation. Such amendment would contribute to orderly marketing in the area, and would not impose a significant economic burden on the affected handlers.

Marketing Agreement No. 144 and Order 971 regulate the handling of lettuce grown in designated counties in South Texas. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The South Texas Lettuce Committee, established under the order, is responsible for its local administration.

Because requirements under this program have been changed infrequently, in October 1981 the committee recommended, and the Secretary approved, a regulation which would continue in effect from marketing season to marketing season indefinitely unless modified, suspended or terminated by the Secretary upon recommendation submitted by the committee or other information available to the Secretary.

At its public organizational meeting in McAllen, Texas, on October 10, 1985, the committee recommended that "for export to Mexico" § 971.322(e)(2) be removed from the handling regulation. This action is intended to reduce the number of marketing order violations under this provision. Currently, § 971.322(e)(2) permits lettuce loaded and transported to Mexico in vehicles bearing Mexican registration (license) to be exempt from assessment, container, pack and inspection requirements. There has been evidence of widespread abuse of this exemption. Several lettuce shipments have been classified for exports to Mexico and latter sold to some small Texas retailers.

When lettuce is exempted under § 971.322(e)(2), a special shipment report form must be completed and turned in at border crossings when these vehicles transporting lettuce leave the United States. This form provides a method for certifying that lettuce shipments to exempted outlets do not enter fresh market outlets in the United States. Many of these forms are not being returned to the South Texas Lettuce Committee office. The Department has received information that handlers are selling lettuce shipments to small Texas retailers prior to leaving the United States and discarding the report forms. The committee finds that in order to secure compliance within the guidelines for § 971.322 and promote orderly marketing this proposed amendment is needed.

Although the proposed regulation would be effective for an indefinite period, the committee will continue to meet prior to or during each season to consider recommendations for modification, suspension or termination of the regulation. Prior to making any such recommendations, the committee will submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Fruit and Vegetable Division. The Department will evaluate committee recommendations and information submitted by the committee and other available information and determine whether modification, suspension or termination of the regulation on shipments of South Texas lettuce would tend to effectuate the declared policy of the Act.

It is hereby found and determined that providing more than fifteen days notice with respect to this proposal is impractical, unnecessary and contrary to the public interest because the lettuce shipping season begins on December 1, and any regulatory amendment should become effective as soon as possible.

List of Subjects in 7 CFR Part 971

Marketing agreements and orders, Lettuce, Texas.

PART 971—LETTUCE GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR Part 971 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 971.322 (46 FR 57023, November 20, 1981; 49 FR 48529, December 13, 1984) is hereby proposed to be further amended by revising paragraph (e) as follows:

§ 971.322 Handling regulation.

* * * * *

(e) *Special purpose shipments.* The assessment, container, pack and inspection requirements of this section shall not be applicable to shipments as follows: For relief, charity, experimental purposes, if a handler presents a Certificate of Privilege for such lettuce prior to handling it pursuant to §§ 971.120–971.125.

* * * * *

Dated: December 3, 1985.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85–29163 Filed 12–6–85; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85–ASW–31]

Airworthiness Directives; McDonnell Douglas Helicopter Co. (Hughes Helicopters, Inc.) Model 269 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD) which requires repetitive inspections of certain tail rotor blades and use of corrosion protection procedures, as necessary, on McDonnell Douglas Helicopter Company (MDHC) Model 269A, 269A–1, 269B, and 269C helicopters, including military TH–55A. MDHC now produces improved blades. This amendment is needed to limit the applicability of the AD to tail rotor blades which have not had the improved cadmium plating process applied.

DATE: Comments must be received on or before February 28, 1986.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, or delivered in duplicate to: Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, Room 158, Building 3B, 400 Blue Mound Road, Fort Worth, Texas 76106.

Comments delivered must be marked: Docket No. 85–ASW–31. Comments may be inspected in Room 158, Building 3 B, 4400 Blue Mound Road, Fort Worth, Texas 76106.

Comments delivered must be marked: Docket No. 85–ASW–31. Comments may be inspected in Room 158 between 8 a.m. and 4 p.m. weekdays, except Federal holidays.

A copy of each document is contained in the Rules Docket at the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Sullivan, Aerospace Engineer, Airframe Section, ANM–172W, Western Aircraft Certification Office, Northwest Mountain Region, FAA, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009–2007, telephone (213) 297–1166.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, Office of the Regional Counsel, Soutwest Region, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 85–ASW–31." The postcard will be date/time stamped and returned to the commenter.

This notice proposes to amend Amendment 39–3608 (44 FR 65387), AD 79–23–03, which currently requires repetitive inspection of certain tail rotor blades for corrosion of the blade spar and use of corrosion protection procedures, as necessary, on MDHC Model 269 series helicopters. After issuing Amendment 39–3608 in 1979, the FAA has determined that the MDHC improved cadmium plating process used since 1983 in the manufacture of spars for tail rotor blades, Part Numbers (P/N) 269A6035–21 and 23, has proven to be effective in controlling corrosion. Consequently, the tail rotor blades manufactured using this processs should no longer be included in the applicability paragraph of AD 79–23–02. As AD 79–23–02 is presently written, every –21 and –23 tail rotor blade being produced is subject to the repetitive inspections imposed by the AD since the manufacturer did not assign a new part number to the improved blade. Therefore, the FAA is proposing to amend Amendment 39–3608 to include the pertinent serial numbers to limit the applicability of AD 79–23–02 to tail rotor blades P/N 269A6035–21, Serial Numbers (S/N) 0877 and prior, as well as P/N 269A6035–23, S/N's 2710 and prior, on MDHC Model 269 series helicopters.

This proposed amendment would also revise paragraph (J) to reflect the FAA aircraft certification office currently responsible for the continued airworthiness of MDHC Model 269 series helicopters.

The FAA has determined that this proposed regulation would provide relief in the form of limiting mandatory repetitive inspections to tail rotor blades which have not had the improved cadmium plating process applied. It would, therefore, remove an unnecessary economic burden from the public, and impose no additional regulatory burden on any person. Therefore, I certify that this proposed action (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) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because the impact is a minimal positive impact. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person

identified under the caption "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 39.

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

2. In § 39.13 amend Amendment 39-3608 (44 FR 65387), AD 79-23-02, by revising the applicability paragraph and paragraph (j) to read as follows:

McDonnell Douglas Helicopter Company (Hughes Helicopters)

Applies to Models 269A, 269A-1, 269B, and 269C, including military TH-55A, certificated in any category, equipped with tail rotor blades designated below:

Group I	Group II
* * *	P/N 269A6035-21, S/N's 0877 and prior. P/N 269A6035-23, S/N's 2710 and prior.

* * * * *

(j) Alternative inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Manager, Western Aircraft Certification Office, ANM-170W, FAA, Northwest Mountain Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007.

F.E. Whitfields,

Acting Director, Southwest Region.

[FR Doc. 85-29037 Filed 12-6-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-ASO-26]

Proposed Designation of Transition Area, Greensboro, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to designate the Greensboro, Alabama, transition area to accommodate Instrument Flight Rules (IFR) operations at Greensboro Municipal Airport. This action will lower the base of controlled airspace from 1,200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure, based on the proposed Cedarville Nondirectional Radio Beacon (NDB), is being developed to serve the airport and the controlled airspace is required for protection of IFR aeronautical activities.

DATE: Comments must be received on or before: January 27, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stampted postcard on which the following statement is made: "Comments to Airspace Docket No. 85-ASO-26." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that will designate the Greensboro, Alabama, transition area. This action will provide controlled airspace for aircraft executing a new instrument approach procedure to Greensboro Municipal Airport. If the proposed designation of the transition area is found acceptable, the operating status of the airport will be changed to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6A dated January 2, 1985.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

The Proposed Amendment

PART 71—[AMENDED]

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

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

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); [14 CFR 11.65]; 49 CFR 1.47.

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Greensboro, AL—[New]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Greensboro Municipal Airport [Lat. 32°40'54" N., Long. 87°39'43" W.].

Issued in East Point, Georgia, on November 29, 1985.

William H. Pollard,

Deputy Director, Southern Region.

[FR Doc. 85-29036 Filed 12-6-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 85-AWP-9]

Proposed Alteration to the Honolulu, HI, Terminal Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM) and notice of meeting.

SUMMARY: This notice proposes to modify the Honolulu, HI, Terminal Control Area (TCA) by: (1) Describing the TCA based on the relocated Honolulu, HI, Very High Frequency Omni-Directional Radio Range and Tactical Air Navigational Aid (VORTAC)" (2) lowering the ceiling of the vertical limits by 2,000 feet; (3) decreasing the distance from the airport to the TCA southern, southeastern, and southwestern perimeters by approximately 12 miles; (4) expanding the northern lateral limit; and (5) adjusting the floors of certain TCA segments upward and others downward to reflect the current traffic flows. These actions resulted from a review of the existing TCA configuration which revealed a lessening in complexity of air traffic conditions in certain areas and an increasing midair collision potential in other areas. The adoption of this proposal would result in an overall reduction in the present TCA airspace.

DATES: Comments must be received on or before February 15, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 85-AWP-9, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: William C. Davis, 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, DC 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, exonomic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85-AWP-9." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Meeting Procedures

In addition to seeking written comments on this proposal, the FAA will hold an informal airspace meeting in order to receive additional input with respect to the proposal. The meeting place and time is listed below. Persons who plan to attend the meeting should be aware of the following procedures to be followed:

(1) The meeting will be informal in nature and will be conducted by the designated representative of the Administrator. Each participant will be given an opportunity to make a presentation.

(2) The meeting will begin at 7:00 p.m. (local time). There will be no admission fee or other charge to attend and participate. The meeting will be open to all persons on a space available basis. The FAA representative may accelerate the meeting agenda to enable early adjournment if the progress of the meeting is more expeditious than planned.

(3) The meeting will not be recorded. A summary of the comments made at each meeting will be filed in the docket.

(4) Position papers or other handout material relating to the substance of the meeting may be accepted. Participants submitting handout materials should present an original and two copies to the presiding officer before distribution. There should be an adequate number of copies provided for further distribution to all participants.

(5) Statements made by FAA participants at the meeting should not be taken as expressing a final FAA position.

Public Meeting Schedule

The schedule for the meeting is as follows:

Date: January 22, 1986, 7:00 p.m. to 10:00 p.m.

Place: EWA Conference Room #2, Honolulu Terminal Building, Honolulu International Airport, Honolulu, HI 96818

Agenda

7:00 p.m. to 7:15 p.m.—Presentation of Meeting Procedures

7:15 p.m. to 7:30 p.m.—FAA Presentation of Proposal

7:30 p.m. to 10:00 p.m—Public Presentations and Discussion

The Proposed Airspace Designation

Part 71 of the Federal Aviation Regulations (FAR) designates certain airspace as Terminal Control Areas

(TGA) within which aircraft operations must be conducted under an ATC authorization and with certain minimum equipment requirements prescribed by § 91.24 and § 91.90 of the Federal Aviation Regulations. The FAA is considering amending Part 71 of the FAR's to modify the Honolulu, HI, TCA. A new Honolulu, HI, VORTAC is being installed on the Honolulu Airport which is approximately 5 miles east of the previous VORTAC's location. In anticipation of the commissioning of the new VORTAC, a review of the Honolulu TCA was conducted to determine whether its volume of airspace could be reduced in size, whether its description and chart depiction could be made less complex, and whether air traffic conditions in the airspace of the TCA continued to be complex. The following is the result of that review:

(1) The current TCA description, effective August 30, 1984, (49 FR 34442 and 49 FR 37375) is based on latitude/longitude points because the navigational aid, upon which it had been described, was decommissioned. A new navigational aid has since been commissioned which can be conveniently used to describe the TCA. The FAA believes that TCA descriptions should be based on, to the maximum extent possible, navigational aids or geographical references so that pilots may easily correlate their positions relative to the TCA. This proposed airspace amendment is in concert with this precept.

(2) Complex air traffic conditions caused by the mix of large turbine-powered aircraft and other aircraft of varying operating charcteristics do not exist above 7,000 feet MSL in the area encompassed by the TCA. Additionally, nearly all aircraft operations in the TCA above 7,000 feet MSL are conducted under IFR. Accordingly, the FAA sees no need to continue restricting access to this airspace and is proposing to set the vertical limits of the Honolulu TCA at 7,000 feet MSL. Complex conditions also do not exist below 1,500 feet MSL east of the decommissioned Honolulu VORTAC 123 degree radial between the 10- and 15-nautical-mile arcs of the airport; therefore, the FAA is proposing to raise the floor of the TCA in this area from 1,000 feet MSL to 1,500 feet MSL (See proposed Area E in the attached chart).

(3) Routine mixes of large turbine-powered aircraft with other aircraft do not occur in the airspace of the TCA beyond 20 nautical miles from the VORTAC. For this reason, the FAA is proposing to bring the southeastern, southern, and southwestern perimeter 12 nautical miles closer to the airport.

(4) When conditions require the use of Runways 22L/R and Runways 26L/R for landing, nonheavy aircraft that must use the LDA DME RWY 26L approach, circle to land on Runway 26R or Runways 22L/R. In executing these maneuvers, the aircraft operate very close to the existing northeastern lateral boundary of the existing TCA surface area and very close to a heavily traversed VFR flyway. For this reason, the FAA is proposing that the TCA surface area and the area with the floor of 1,500 feet MSL (See proposed Areas A & B on the attached chart) be expanded slightly to the northeast to encompass the flight paths of these operations.

(5) Large turbine-powered aircraft operations on final approach to the Runway 8L (primary arrival runway) are often within .5 nautical miles of uncontrolled aircraft operating at similar altitudes and on parallel tracts along the north lateral boundary of certain segments of the TCA. By lowering the floor of the affected TCA segments to encompass these uncontrolled operations within the TCA, the FAA believes that the midair collision potential is reduced (See proposed Areas H, I, & J on the attached chart).

(6) High-performance military tactical-type aircraft making tactical approaches to Runway 8L exit the existing TCA northest of the airport because these maneuvers cannot be entirely contained within the TCA. Additionally, the same type of aircraft using military standard instrument departure procedures frequently operate at altitudes between 3,000 and 7,000 feet MSL over Ford Island Field in Pearl Harbor and over Halawa Heights north of H-1 Freeway. For these reasons the FAA believes it necessary to expand the surface area of the TCA northeastward slightly, raise the ceiling of a portion of that area from 2,000 to 7,000 feet MSL, and establish a new area in the TCA from 1,500 to 7,000 feet MSL over Ford Island Field (See proposed Areas K and A in the attached chart).

(7) Large turbine-powered trans-Pacific departing flights which are often heavily loaded find it necessary to execute fuel conserving climb procedures; however, such operations frequently require ATC authorization to deviate from the regulatory requirement to operate at or above the floors of the TCA between 15 and 5 miles of the airport. Additionally, inter-Island traffic executing visual approaches often operate in and out of the TCA between 1,500 and 1,000 feet MSL also between 15 and 5 miles south of the airport. When these situations exist, air traffic conditions tend to become more complex. The FAA believes that by lowering the floor of the TCA in this area (See proposed Area D on the attached chart) to 1,000 feet MSL containment of these aircraft within the TCA can be readily accomplished and air traffic conditions are made less complex.

Availability of ANPRM's

Any person may obtain a copy of this Advance Notice of Proposed Rulemaking (ANPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this ANPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Economic Questions

An important consideration in the FAA regulatory process is the examination of the benefits and costs of rulemaking actions. Agencies of the Federal Government are required by Executive Order 12291 to adopt only those regulatory programs in which the potential benefits to society outweigh the potential costs to society.

Any regulatory proposal FAA might make will be accompanied by a full evaluation which will quantify, to the extent possible, the benefits and costs of such a proposal. Therefore, it is essential that comments for or against the proposals discussed here are accompanied by statements of the economic impacts perceived by the commenter.

FAA specifically solicits comments from individuals, corporate entities and organizations on the economic impacts of the proposed regulations. In particular, the FAA is concerned about the "differential cost" associated with proposed regulations. By "differential cost" FAA means the difference between complying with the proposed regulations, and the cost of complying with current regulations or standard practices. For example, what is the differential cost for an aircraft operator fly "over the top" or circumnavigate the airspace of the proposed TCA amendment compared to the normal operating practices of aircraft operations in the airspace?

With this in mind, the FAA invites commenters to address several additional issues:

(1) The expected increases in trip time in minutes as a result of the proposed changes and the number of trips per month and the type of aircraft that will be impacted. This information will help in calculating delay costs as a result of expanding controlled airspace to the northeast.

(2) The additional avionics, if any, that will have to be purchased as a result of the proposed airspace changes and the number and types of aircraft requiring the avionics. The FAA believes no additional avionics will be required by civilian users since only a military airfield lies within the expanded controlled airspace.

(3) The economic impact (changes in revenues or costs) to any small businesses such as an air taxi, commercial and commuter operations, and fixed base operators. The Regulatory Flexibility Act puts the burden on the government to review all proposed regulations to ensure they do not unduly inhibit the ability of small entities to compete.

Responses to these questions should fully address the nature of the impact, the site-specific location of impact, and the groups or types of operators, businesses or entities that are impacted. Commenters should describe and quantify the specific benefits and costs supported by factual data to the extent possible, or explain why costs are not quantifiable. Commenters should also provide the rational for their opinions, which might include information pertaining to frequency of flight in the area, number of miles and minutes to avoid the area, type of operation and typical aviation practices. The FAA will examine separately the costs imposed on the Federal Government (e.g. impact on military training routes, revision of instrument approach procedures).

The benefit and cost questions outlined above cover the broad areas of this ANPRM. The FAA desires comments pertaining to these areas of impact and other areas which the commenter feels may be of impact. The FAA invites particularly interested groups to gather the preferences, ideas and comments of their group members, through such devices as articles in membership publications and polls of their membership.

The description of the proposed airspace amendment is set forth below and depicted on a chart at the end of this document.

The FAA has determined that this proposal is considered nonsignificant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A full regulatory evaluation will be prepared with the assistance of comments received as a result of this advance notice, if necessary, in conjunction with any notice of proposd rulemaking that may be issued on this subject.

ICAO Considerations

As part of this proposal relates to navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Operations Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the exablishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

List of Subjects in 14 CFR Part 71

Aviation safety, Terminal control areas.

PART 71—[AMENDED]

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.401(b) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

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

Authority: Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65.)

§ 71.401 [Amended]

2. Section 71.401(b) is amended as follows:

Honolulu, HI, Terminal Control Area [Revised]

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an area bounded by a line beginning at a point 4 miles north of the Honolulu VORTAC (lat. 21°8'41" N., long. 157°55'59"W.) on the Honolulu VORTAC 001° T(350°M) radial, then clockwise along a 4-mile radius arc of the Honolulu VORTAC to the Honolulu VORTAC 106°T(095°M) radial, then east on the Honolulu VORTAC 106°T(095°M) to 5 miles, then clockwise along a 5-mile radius arc of the Honolulu VORTAC to the Honolulu VORTAC 270°T(259°M) radial, then west on the Honolulu VORTAC 270°T(259°M) radial to 5.6 miles, then clockwise along a 5.6-mile radius arc of the Honolulu VORTAC to the Honolulu VORTAC 286°T(275°M) radial, then east on the Honolulu VORTAC 286°T(275°M) radial to a point 0.5 miles north of the ILS Runway 8L localizer course, then east along a line 0.5 miles north of and parallel to the ILS Runway 8L localizer course to the Honolulu VORTAC 001°T(350°M) radial, then north on the Honolulu VORTAC 001°T(350°M) radial to the point of beginning.

Area B. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning 4 miles east northeast of the Honolulu VORTAC on the Honolulu VORTAC 071°T(060°M) radial, then east northeast on the Honolulu VORTAC 071°T(060°M) to 5 miles, then clockwise along a 5-miles radius arc of the Honolulu VORTAC to the Honolulu VORTAC 091°T(080°M) radial, then east on the Honolulu VORTAC 091°T(080°M) radial to 10 miles, then clockwise along a 10-mile radius arc of the Honolulu VORTAC to the Honolulu VORTAC 106°T(095°M) radial, then west on the Honolulu VORTAC 106°T(095°M) to 4 miles, then counterclockwise along a 4-mile radius arc of the Honolulu VORTAC to the point of beginning.

Area C. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at a point 10 miles east of the Honolulu VORTAC on the Honolulu VORTAC 091°T(080°M) radial, then east on the Honolulu VORTAC 091°T(080°M) to 20 miles, then clockwise along a 20-mile radius arc of the Honolulu VORTAC to the Honolulu VORTAC 106°T(095°M) radial, then west on the Honolulu VORTAC 106°T(095°M) to 10 miles, then counterclockwise along a 10-mile radius arc of the Honolulu VORTAC to the point of beginning.

Area D. That airspace extending upward from 1,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at a point 5 miles east southeast of the Honolulu VORTAC on the Honolulu VORTAC 106°T(095°M) radial, then east southeast on the Honolulu VORTAC 106°T(095°M) radial to 10 miles, then clockwise along a 10-mile radius arc of the Honolulu VORTAC to the Honolulu VORTAC 239°T(228°M) radial, then northeast on the Honolulu VORTAC 239°T(228°M) radial to 5 miles, then counterclockwise along a 5-mile radius arc of the Honolulu VORTAC to the point of beginning.

Area E. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at a point 10 miles east southeast of the Honolulu VORTAC on the Honolulu VORTAC 106°T(095°M) radial, then east southeast on the Honolulu VORTAC 106°T(095°M) radial to 15 miles, then clockwise along a 15-mile radius arc of the Honolulu VORTAC to the Honolulu VORTAC 239°T(228°M) radial, then northeast on the Honolulu VORTAC 239°T(228°M) radial to 10 miles, then counterclockwise along a 10-mile radius arc of the Honolulu VORTAC to the point of beginning.

Area F. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at a point 15 miles east southeast of the Honolulu VORTAC on the Honolulu VORTAC 106°T(095°M) radial, then east southeast on the Honolulu VORTAC 106°T(095°M) radial to 20 miles, then clockwise along a 20-mile radius arc of the Honolulu VORTAC to the Honolulu VORTAC 239°T(228°M) radial, then northeast on the Honolulu VORTAC 239°T(228°M) radial to 15 miles, then counterclockwise along a 15-mile radius arc of the Honolulu VORTAC to the point of beginning.

Area G. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at a point 5 miles southwest of the Honolulu VORTAC on the Honolulu VORTAC 239°T(228°M) radial, then southwest on the Honolulu VORTAC 239°T(239°M) radial to 20 miles, then clockwise along a 20-mile radius arc of the Honolulu VORTAC to the Honolulu VORTAC 286°T(095°M) radial, then east southeast on the Honolulu VORTAC 286°T(275°M) radial to 15 miles, then counterclockwise along a 15-mile radius arc of the Honolulu VORTAC to the Honolulu VORTAC 270°T(259°M) radial, then east on the Honolulu VORTAC 270°T(259°M) radial to 5 miles, then counterclockwise along a 5-mile radius arc of the Honolulu VORTAC to the point of beginning.

Area H. That airspace extending upward from 2,200 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at a point 7.7 miles west of the Honolulu VORTAC on the Honolulu VORTAC 270°T(259°M) radial, then west on the Honolulu VORTAC 270°T(259°M) radial to 15 miles, then clockwise along a 15-mile radius arc of the Honolulu VORTAC to the Honolulu VORTAC 286°T(275°M) radial, then east southeast on the Honolulu VORTAC 286°T(275°M) radial to 7.7 miles, then counterclockwise along a 7.7-mile radius arc of the Honolulu VORTAC to the point of beginning.

Area I. That airspace extending upward from 1,900 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at a point 6.7 miles west of the Honolulu VORTAC on the Honolulu VORTAC 270°T(259°M) radial, then west on the Honolulu VORTAC 270°T(259°M) radial to 7.7 miles, then clockwise along a 7.7-mile radius arc of the Honolulu VORTAC to the Honolulu VORTAC 286°T(275°M) radial, then east southeast on the Honolulu VORTAC 286°T(275°M) radial to 6.7 miles, then counterclockwise along a 6.7-mile radius arc of the Honolulu VORTAC to the point of beginning.

Area J. That airspace extending upward from 1,600 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at a point 5.6 miles west of the Honolulu VORTAC on the Honolulu VORTAC 270°T(259°M) radial, then west on the Honolulu VORTAC 270°T(259°M) radial to 6.7 miles, then clockwise along a 6.7-mile radius arc of the Honolulu VORTAC to the Honolulu VORTAC 286°T(275°M) radial, then east southeast on the Honolulu VORTAC 286°T(275°M) radial to 5.6 miles, then counterclockwise along a 5.6-mile arc of the Honolulu VORTAC to the point of beginning.

Area K. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at a point 4 miles north of the Honolulu VORTAC on the Honolulu VORTAC 001°T(350°M) radial, then counterclockwise along a 4-mile radius arc of the Honolulu VORTAC to a point 0.5 miles north of the ILS Runway 8L localizer course, then east along a line 0.5 miles north of and parallel to the ILS Runway 8L localizer course to the Honolulu VORTAC 001°T(350°M) radial, then north on the Honolulu VORTAC 001°T(350°M) radial, to the point of beginning.

Issued in Washington, D.C., on December 2, 1985.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 85-29038 Filed 12-6-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Bureau of Standards

15 CFR Part 10

[Docket Number 50952-5152]

Amendment to Procedures for the Development of Voluntary Product Standards

AGENCY: National Bureau of Standards, Commerce.

ACTION: Extension of Comment Period.

SUMMARY: On October 28, 1985 the National Bureau of Standards published in the **Federal Register** (50 FR 43573) a proposed amendment to the "Procedures for the Development of Voluntary Product Standards." The notice provided a 45-day public comment period and established a closing date of December 12, 1985 to submit comments.

The National Bureau of Standards has been requested by the American Lumber Standards Committee (ALSC), the Standing Committee for PS 20-70 "American Softwood Lumber Standard," to extend the comment period by 90 days. This extension is deemed necessary to allow the various members of the ALSC representing lumber production, inspection, distribution and user organizations to review the proposed amendment and to develop a single coordinated response to the notice.

The National Bureau of Standards concurs in this request. The public comment period is extended to March 12, 1986.

DATES: The comment closing date is extended from December 12, 1985, to March 12, 1986.

ADDRESS: Send comments to: Director, Office of Product Standards Policy, Room A603, Administration Building, National Bureau of Standards, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Donald R. Mackay, Standards Management Program, Room A625, Administration Building, National Bureau of Standards, Gaithersburg, Maryland 20899 (301/921-3287).

Dated: December 3, 1985.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 85-29066 Filed 12-6-85; 8:45 am]

BILLING CODE 3510-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 444

Trade Regulation Rule; Credit Practices

AGENCY: Federal Trade Commission.

ACTION: Request for exemption from trade regulation rule by the State of New York Banking Department.

SUMMARY: The Federal Trade Commission hereby publishes for comment a request from that State of New York for an exemption from that portion of the Commission's trade regulation rule on Credit Practices that pertains to consigners, 16 CFR 444.3 (1984) (Credit Practices Rule).

The Credit Practices Rules states that it is unfair for a creditor in a transaction subject to the Rule [1] to include in a contract a provision that consitutes or contains a confession of judgment or similar waiver; a waiver of exemptions; an assignment of wages (with certain limited exceptions); or a non-purchase money security interest in household goods. The Rule also states that it is deceptive for a creditor to misrepresent a consigner's liability and unfair for a creditor to fail to disclose the cosigner's liability. The Rule requires that a particular notice be provided to potential cosigners and states that a creditor complying with that disclosure provision does not violate the prohibition against unfair and deceptive statements concerning the cosigner's liability. The Rule states that it is an unfair practice for a creditor to assess multiple late fees when the only delinquency is the failure to pay a previously assessed late fee.

The Credit Practices Rule provides (Rule § 444.5, 16 CFR 444.5) that if an appropriate state agency applies for an exemption from a provision of the Rule, such exemption will be granted if the Commission determines that: (1) There is in effect a State requirement or prohibition that applies to any transaction to which a provision of the Credit Practices Rule applies; and (2) the state requirement or prohibition affords a level of protection to consumers that is substantially equivalent to, or greater than, the protection afforded by the Rule's provision. Such an exemption will continue for so long as the state effectively administers and enforces its law. The result of the exemption is that the exempted provision of the Credit Practices Rule is not in effect that state.[2]

The State of New York asserts that the New York General Obligations Law section 15-702, the General Business Law section 349, and the state enforcement scheme meet the standards for exemption contained in the Rule and requests an exemption from § 444.3 of the Rule, the section pertaining to unfair or deceptive consigner practices, on that basis.

Pursuant to § 1.16 of the Commission's Rules of Practice, the Commission has determined to publish the exemption request for public comment for 60 days to receive information from the public on whether the state requirements meet the Rule's criteria for exemption.

Call for Comment

Interested persons are invited to comment on the State of New York's exemption request summarized below, and on certain issues raised by the request that are identified below. At the end of the comment period, the Commission staff will review the comments received and make a recommendation to the Commission as to whether the requested exemption should be granted. The Commission will publish its decision to grant or deny the exemption.

DATE: Comments are invited and must be received on or before February 7, 1986.

ADDRESS: Comments on the Request for Exemption of the State of New York should be sent to: Secretary, Federal Trade Commission, Washington, DC 20580.

Comments should be captioned: "New York Petition for Statewide Exemption from the Credit Practices Rule."

Copies of the Petition can be obtained from the Public Reference Room, Room 130, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580, (202) 523-3598.

In addition, the Petition may also be obtained from the Superintendent of Banks, State of New York Banking Department, Two Recter Street, New York, New York 10006.

FOR FURTHER INFORMATION CONTACT: Ruth R. Amberg or Sandra M. Wilmore, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580 724-1187 or (202) 724-1100.

SUPPLEMENTARY INFORMATION: As set forth in 16 CFR 444.5, the Commission will evaluate in the context of an exemption proceeding appropriate state petitions for exemption to determine whether the level of protection afforded to consumers under the state law is substantially equivalent to the Credit Practices Rule and whether the state law is administered and enforced effectively. As explained in the staff guidelines, the exemption proceeding will be conducted pursuant to § 1.16 of the Commission's Rules of Practice.[3]

As indicated by the Commission in the Rule's Statement of Basis and Purpose,

> The requirement in [16 CFR] § 444.5 that a comparable state requirement be "substantially equivalent" to the Commission rule provision does not, in our view, require that the state requirement mirror exactly the Commission provision. Any differences that exist, however, should be so minor as not to deprive consumers of the level of protection guaranteed by the Commission Rule nor to complicate significantly compliance by interstate creditors. [footnote omitted] Other factors that will be considered by the Commission in determining whether an exemption is warranted include the resources committed by the state to enforce its provisions, and the extent of any private rights of action available to aggrieved consumers. 49 FR 7740, 7783.

Contents of the New York Submission

New York has provided a copy of the relevant state statutes and a narrative statement comparing and explaining how state law and the Rule would apply to the same transaction. The submission is signed by the Deputy Superintendent of Banks for New York State.

The New York Law as Described in the Submission

A. General

1. *Coverage.* New York General Business Law section 349 prohibits deceptive practices generally, and case law interpreting this provision states that the determination as to what constitutes a deceptive practice is to be made with direct reference to the rules and interpretations of the Federal Trade Commission. However, the New York

[1] The Federal Trade Commission does not have jurisdiction over banks or federally-chartered or insured savings and loan associations, so transactions by those creditors are not subject to the Rule. However, the Federal Reserve Board and the Federal Home Loan Bank Board have adopted substantially similar rules for those institutions. The FRB's rule and the FHLBB's rule may be found at 50 FR 11605 (April 29, 1985) and 50 FR 19325 (May 8, 1985), respectively.

[2] To assist the State in applying for exemptions, the FTC has published staff guidelines for exemption proceedings under the Credit Practices Rule at 50 FR 19335, May 8, 1985.

[3] The staff guidelines also state that additional procedures for public participation may be scheduled if necessary for a full and fair presentation of significant factual issues, such as when cross-examination is necessary. The guidelines list the information that should be contained in any request for such additional procedures. Any such request should be sent to the Office of the Secretary, Federal Trade Commission, Washington, DC 20580.

law does not prohibit unfair practices, as the Rule does. The New York General Obligations Law section 15–702 provides for written notices to be given to cosigners for consumer credit transactions and accounts. Under the New York law, a consumer credit transaction means a loan or sale pursuant to which credit is extended to a consumer primarily for personal, family or household use. A consumer credit account means an account established pursuant to an agreement under which the creditor may permit the consumer to make purchases or obtain loans, for personal, family or household purposes, from time to time, directly from the creditor or indirectly by use of a credit card, check or other device as the agreement may provide. The New York law applies only to transactions where the amount financed will not exceed $25,000 or to accounts with a credit limit of no more than $25,000.

The Rule, issued pursuant to the Commission's authority under the Federal Trade Commission Act, prohibits unfair and deceptive practices with respect to cosigners and requires written notices to cosigners by lenders and retail installment sellers. Under the Rule, a lender is a person who engages in the business of lending money to consumers within the jurisdiction of the Federal Trade Commission. A retail installment seller is a person who sells goods or services to consumers on a deferred payment basis or pursuant to a lease-purchase arrangement within the jurisdiction of the Federal Trade Commission. The Rule sets no dollar limit on covered transactions.

Public comment is sought on the degree to which the differences in coverage between state law and the Rule affect the level of protection afforded by state law.

2. *Enforcement and Remedies.* The penalty provided for violating the cosigner provisions of the New York General Obligations Law is that the creditor may not proceed directly against the cosigner as a guarantor of payment, but must exhaust all remedies, including judgment and execution, against the primary debtor first. The petition states that the New York Banking Department considers this law to be self-enforcing. With respect to deceptive practices generally, the New York law provides a private right of action to an aggrieved consumer and provides for the state Attorney General to sue on the public's behalf. The Attorney General may obtain an injunction and restitution of money or property obtained as a result of the violative practice. A consumer injured by a violative practice may sue to enjoin the practice and to obtain actual damages or fifty dollars, whichever is greater. For willful violations, a court may award the consumer three times actual damages up to one thousand dollars. The court may also award reasonable attorney's fees.

The Rule provides for penalties of $10,000 per violation, but failure to comply with the Rule does not alter the underlying obligation. The FTC may sue to enforce the Rule, but no private right of action is provided under the Rule.

Public comment is sought on whether the enforcement mechanisms and remedies provided under state law afford a level of protection comparable to that afforded by the Rule.

B. The Cosigner Provisions

The Rule prohibits a creditor from misrepresenting the nature and extent of a cosigner's liability and failing to inform the cosigner prior to the time that the agreement creating the cosigner's liability is executed of the nature of that liability. The Rule requires that a particular disclosure be provided to a consigner prior to the time that the cosigner becomes obligated, and states that a creditor providing that disclosure does not violate the prohibition against misrepresenting and failing to inform the cosigner of his or her liability.

The notice required by the Rule states: (1) That the creditor can collect from the cosigner without first trying to collect from the borrower; (2) that the nature is not the contract that makes the cosigner liable; (3) that the same collection remedies may be used against the cosigner as against the borrower; (4) that if the debt goes into default that fact could become a part of the cosigner's credit history; and (5) that the cosigner should think carefully before becoming obligated. The Rule requires that the notice to the cosigner be a separate document. The Rule does not require that the cosigner be provided with copies of other documents relevant to the transaction.

The New York law requires a notice to cosigners that is similar but not identical to the Notice required by the Rule. Under New York law, a cosigner gets "a written notice that identifies the debt the cosigner may have to pay and reasonably informs the cosigner of his or her obligation with respect to it . . ." and a copy of all relevant documents. The New York notice states: (1) That the cosigner is obligated to pay despite not having received the loan proceeds; (2) that the creditor can collect from the cosigner even if the borrower is able to pay; and (3) that the notice is not the contract that makes the cosigner liable. The notice also identifies the debt by providing a space for the name of the borrower, the name of the creditor, and the date. New York law permits the state's cosigner notice to be a separate document or to be a part of the note or contract.

New York law prohibits deceptive acts or practices generally. The state contends that this general prohibition would cover misrepresentations concerning a cosigner's liability although such misrepresentations are not specifically prohibited by New York law, unlike the Rule.

Public comment is sought on the degree to which these differences in the required consider notice and related provisions affect the level of protection afforded by state law.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 85–29042 Filed 12–6–85; 8:45 am]

BILLING CODE 6750–01–M

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 Cardiotachometer and Rate Alarm)

Correction

In FR Doc. 85–27738 beginning on page 48156 in the issue of Thursday, November 21, 1985, make the following correction:

On page 48158, third column, in the last two lines of the column, insert "January 21, 1986" in the place of "(*insert date 60 days after the date of publication in the* Federal Register)".

BILLING CODE 1505–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 66

[CGD 85–057]

Private Aids to Navigation

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the private aids to navigation regulation. Currently, electronic private aids to navigation, with the exception of shore based radar systems, are prohibited (33 CFR 66.01(d)). Requests from the offshore industry and favorable experience with radar beacons (racons) as federal aids to navigation have caused the Coast Guard to recognize the desirability of allowing racon use as private aids to navigation. This proposed rule will provide that racons are excepted from the general prohibition against electronic private aids to navigation.

DATE: Comments must be submitted on or before January 23, 1986.

ADDRESSES: Comments should be submitted to Commandant (G-CMC), U.S. Coast Guard, Washington, DC, 20593. Comments may be delivered to, and will be available for inspection and copying at, the Marine Safety Council, U.S. Coast Guard Headquarters, Room 2100, 2110 Second St. SW., Washington, DC 20593, between the hours of 8 a.m. and 4 p.m., Monday through Friday excluding holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander H.E. Blaney, Jr., Office of Navigation (G-NSR-1), U.S. Coast Guard, Room 1416, 2100 Second St., Washington, DC 20593. (202) 426-1973.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his or her name and address, identify this notice as CGD 85-058, and give the reasons for the comment. All comments received before the expiration of the comment period will be considerd before final action is taken on this proposal. No public hearing is planned, but one may be held if written request are received and the Coast Guard determines that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principle persons involved in drafting this rulemaking are Lieutenant Commander H.E. Blaney, Jr., Project Manager, Office of Navigation, and Lieutenant Dave Shippert, Project Attorney, Office of Chief Counsel.

Background

Presently, the use of electronic devices as private aids to navigation is prohibited, with the exception of shore based radar stations. (33 CFR 66.01-1(d)). The intent of this prohibition was to prevent private radionavigation systems from interfering with federally operated loran systems. However, as the result of significant technological advancements, racons have emerged as highly effective electronic aids to navigation. Coast Guard experience with racons as federal aids to navigation has shown that the proper use of these devices will enhance the present system of federal and private short range aids to navigation, and will increase maritime safety, particularly in areas of offshore development. Additionally, since racons are not long range aids to navigation, their use does not interfere with the federal loran system.

Indiscriminate use of racons could, however, result in degradation of navigational safety. District Commanders, therefore, will oversee racon use and control the establishment of racons as conditions in the operating areas dictate. Factors which will be considered include: The distance to federal or private racon stations, the proximity to traffic lanes, the racon's operating range, its ratio of response time to the silent period, the code length, and the suppression of sidelobe responses. Subsequent changes in the area of a previously established racon station may result in that racon's becoming a hinderance to navigation. Therefore, racon private aid to navigation permits will not be issued on a permanent basis, but will be subject to annual review after an initial two year period.

Regulatory Evaluation

This proposed rule is considered to be nonmajor under Executive Order 12291, and nonsignificant under the DOT regulatory policies and procedures (44 FR 11034 February 26, 1979). The economic impact of this proposal has been found to be so minimal that further evaluation is unnecessary. No requirements or costs burdens are placed on the public. The proposal merely authorizes District Commanders to approve voluntary use of racons as private aids to navigation upon application of the owner. The Coast Guard certifies that if adopted this proposal will have no significant economic impact on a substantial number of small entities. The reporting and recordkeeping measures required by this proposal have been approved by the Office of Management and Budget (OMB) and have been assigned control number 2115-0038.

List of Subjects in 33 CFR Part 66

Navigation (water).

PART 66—[AMENDED]

In view of the foregoing, the Coast Guard proposes to amend Part 66 of Title 33, Code of Federal Regulations as follows:

(1) The authority citation for Part 66 is revised to read as set forth below, and the citations following §§ 66.01 and 66.05 are removed:

Authority: 14 U.S.C. 81, 83, 85, 86, 92, 633; 33 U.S.C. 409; 43 U.S.C. 1333; 49 U.S.C. 108; and 49 CFR 1.4 and 1.46.

(2) Section 66.01-1 is amended by revising paragraph (d) to read as follows:

§ 66.01-1 Basic provisions.

* * * * *

(d) With the exception of shore based radar stations and radar beacons (racons), operation of electronic aids to navigation as private aids will not be authorized.

(3) Section 66.01-5 is amended by adding a new paragraph (i) to read as follows:

§ 66.01-5 Application procedure.

* * * * *

(i) *For racons:* Manufacturer and model number of racon, height above water of desired installation, and requested coding characteristic. Equipment must have FCC type acceptance.

(4) Section 66.01-15 is amended by revising paragraph (b) to read as follows:

§ 66.01-15 Action by Coast Guard.

* * * * *

(b) Upon approval by the District Commander, a signed copy of the application will be returned to the applicant. Approval for radar beacons (racons) will be effective for an initial two year period, then subject to annual review without further submission required of the owner.

Dated: December 4, 1985.

W.J. Brogdon, Jr.,

Captain, U.S. Coast Guard, Chief, Office of Navigation (Acting).

[FR Doc. 85-29144 Filed 12-6-85; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 85-347; FCC 85-603]

Reduction of the Construction Period for Cellular Communications Systems

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed rulemaking.

SUMMARY: The Commission proposes to revise the period allowed for construction of new cellular systems by requiring permittees to begin initial operation within 12 months of station authorization. The proposed revision will ensure that cellular permittees proceed expeditiously to construct authorized systems and facilitate the provision of cellular service to the public.

DATES: Comments must be submitted on or before January 8, 1986, replies must be submitted on or before January 23, 1986.

FOR FURTHER INFORMATION CONTACT: Common Carrier Bureau, Lawrence Krevor, (202) 632-6450.

SUPPLEMENTARY INFORMATION:

Proposed Rulemaking

In the Matter of Amendment of the Commission's Rules To Reduce the Construction Period for Cellular Communications Systems; CC Docket No. 85-347.

Adopted November 14, 1985.

Released December 3, 1985.

By the Commission.

1. This Notice of Proposed Rulemaking concerns the period allowed for construction of new cellular communications systems. Under § 22.43(c) of the Commission's rules, the holder of a cellular construction permit is required to complete construction and have ready for operation cellular base stations providing 39 dBu coverage over 75 percent of the system's Cellular Geographic Service Area (CGSA) within 36 months from the date the station authorization is granted.[1] This existing rule would remain in effect. We are proposing, however, to amend § 22.43(c) to require the permittee to begin initial operation within 12 months of the station authorization. We tentatively conclude that this amendment is needed to ensure that cellular permittees selected by lottery proceed expeditiously to construct authorized systems and to facilitate the provision of cellular service to the public.

2. Our tentative conclusion that a rule requiring cellular permittees to institute at least some service within one year of station authorization is based on a number of interrelated public interest factors.[2] First, the existing rule does not require the permittee to initiate service at all for three years. However, in the top-90 markets, where many systems have been authorized, most permittees filed licenses to cover at least part of their proposed systems well within a year of authorization, presumably in response to marketplace and other competitive factors; i.e., the opportunity to initiate service in a market or to minimize the headstart of a competitor. While these factors will continue to operate in smaller markets as well, we are concerned that without a stricter rule, many smaller markets may not expeditiously receive the benefits of competitive service that have occurred in the larger markets.[3]

3. It has also been suggested that reduction of the 36-month construction deadline would discourage speculative, insincere applicants thereby expediting the licensing process.[4] This is of particular concern given the number of applicants that are applying for cellular systems largely as part of "get rich quick" investment schemes. We are attempting, through the application review and petition to deny process, to screen out insincere applications and ensure that permittees are technically and financially qualified to provide high-quality, competitive cellular service. In addition, we believe that it is in the public interest to deter permittees, particularly in the smaller markets, from failure to proceed expeditiously to construct their systems and commence operations.[5] We tentatively conclude, therefore, that a 12-month initial service requirement, coupled with the automatic expiration of the construction permit for failure to comply, will deter speculative applications. Moreover, we note that if a permittee fails to comply with the 12-month rule, expiration of its construction permit will be followed by an expeditious grant to another applicant.[6] Under the existing provisions, this would not be possible until the expiration of the 36-month period.[7]

4. Accordingly, we tentatively conclude that all holders of cellular construction permits in markets beyond the top-90 be required to commence operation of the initial phase of their systems within 12 months of the grant of the construction permit.[8] The initial phase may consist of one or more cells and the permittee will still have up to three years to construct and place into operation base stations providing 39 dBu coverage of 75 percent of the applicant's authorized CGSA. We believe this policy will promote the prompt availability of competitive service, particularly in the smaller markets, and help to control the proliferation of speculative or insincere applications in future filing rounds. Moreover, the proposed rule is consistent with our existing policy of allowing cellular operators maximum flexibility to develop their systems in response to marketplace demand and competitive market forces within the three-year 75 percent coverage requirement.

5. Throughout our administration of the cellular licensing process we have emphasized the maintenance of a market structure in which two cellular carriers are authorized in each market to bring to the consuming public the benefits of competitive prices and service offerings. The rule we propose here will facilitate the creation of a competitive market structure in future markets and the provision of competitive high-quality cellular service throughout the nation.

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[1] See § 22.903 for the definition of a Cellular Geographic Service Area.

[2] We note that most stations in the Public Mobile Service are required to be completed and ready for operation within 12 months after grant of the authorization.

[3] We believe that licensees should be free to respond to marketplace and competitive factors in developing mature systems and in meeting the 75 percent coverage rule. Our proposal would not endanger that flexibility while it would serve the public interest by ensuring that permittees move expeditiously to commence service.

[4] For example, NewVector made this suggestion in a recently-filed proposal regarding ways to expedite the cellular licensing process. We incorporate its proposal here by reference. See Proposal of NewVector Communications, Inc. regarding Expediting Cellular Licensing in Post-120 Markets, filed July 31, 1985.

[5] The proposed rule should be particularly effective in this regard since commencing service will require a permittee to expeditiously select its equipment and obtain and install its central switch—the most expensive and complex aspect of system implementation.

[6] In this regard, we tentatively conclude that the proposed rule would not place a significant or unwarranted burden on cellular operators. An applicant for cellular authorization should contemplate the expeditious construction and operation of its system or it should not file an application.

[7] A licensee that fails to complete base stations providing 39 dBu coverage to 75 percent of its CGSA within 36 months of station authorization would, under the existing rule, face the loss of its permit.

[8] Since the rationale for the proposed rule is appropriate to all markets in which systems have yet to be authorized, we propose to apply the rule to all markets beyond the top-90. We see no legal or policy infirmity with this decision since lotteries for these markets have not yet been conducted and all eventual permittees will have adequate notice of the requirement.

Regulatory Flexibility Act—Initial Analysis

6. *Reasons for action and objectives.* The proposed action assures the realization of a competitive market structure for cellular services and thus promotes the benefits of competition in this developing industry. It will also help to reduce the incidence of insincere and speculative applications that must be expected under lottery selection procedures and provides a quick and certain cure in the case of a permittee failing to expeditiously exercise its authority.

7. *Legal Basis.* The authority for this proposed rulemaking is contained in sections 1, 4(i), 301 and 303 of the Communications Act of 1934, as amended.

8. *Small entities affected and potential impact.* The proposed action will have no measurable negative impact on small entities. It requires action which most cellular permittees will undertake in any event due to business considerations. Moreover, by helping to reduce abusive applications, the proposed rule will encourage the entry of and improve the chances of *bona fide* small businesses in the cellular licensing process.

9. *Reflect federal rules which overlap, duplicate or conflict with this action.* As discussed in the *Notice*, the proposed rule will augment the Commission's existing rules regarding initial construction of cellular systems. To our knowledge there is no federal rule that conflicts with, duplicates or overlaps the proposal made in this *Notice*.

10. *Reporting, record-keeping and compliance requirements.* None.

11. *Specific alternatives that could accomplish the same objectives.* None.

12. Comments on all aspects of the analysis and proposed rule (see Attachment A) of this *Notice* are encouraged. Interested persons are invited to submit comments in accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419. Comments must be filed by January 8, 1986; and reply comments by January 23, 1986. The expedited comment period set forth above is necessary in order to complete this rulemaking in advance of the licensing of cellular systems for markets 91–120 so that such entities have sufficient notice of the final rule to enable compliance with its requirements. It is our intention not to grant any extensions of time on the comment and reply deadlines.

13. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See 47 CFR 1.1231. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

14. A copy of this Notice of Proposed Rulemaking shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

The Commission proposes to amend Part 22 of Title 47 of the Code of Federal Regulations as follows:

PART 22—PUBLIC MOBILE SERVICE

Subpart B—Applications and Licenses

1. The authority citation for Part 22 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

2. Section 22.43(c) is revised to read as follows:

§22.43 Period of construction.

* * * * *

(c) *Cellular base stations.* (1) Initial Operations. The holder of a construction permit for a new cellular communications system shall initiate and continuously provide service to the public within 12 months from the date the station authorization was granted.

(2) Completion of Construction. Cellular base stations, which will provide 39 dBu coverage over 75 percent of the Cellular Geographic Service Area (CGSA), as defined in § 22.903 of these rules, shall be completed, and ready for operation, within 36 months from the date the station authorization was granted.

[FR Doc. 85–29080 Filed 12–6–85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 64

[CC Docket No. 85–229]

Rates for Competitive Common Carrier Services and Facilities Authorizations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: By order the FCC has extended the date for filing replies in the Third Computer Inquiry (CC Docket No. 85–229) to January 20, 1986. A number of parties had requested an extension, citing the complexity of the issues to be addressed, the breadth and size of the comments to which replies are to be prepared, and the difficulties of coordinating replies among members of filing organizations and trade associations during the end-year period. The FCC concludes that the extension granted will be adequate for the preparation of replies, without adversely affecting the public's interest in expeditious resolution of the issues of the proceeding. The Notice of Proposed Rulemaking in this proceeding was released on August 20, 1985, 50 FR 33581.

DATE: Replies must be received on or before: January 20, 1986.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: William F. Maher, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, DC 20554 (202-632-3214).

SUPPLEMENTARY INFORMATION:

Order

In the matters of: Amendment of § 64.702 of the Commission's Rules and Regulations (Third Computer Inquiry); policy and rules concerning rates for competitive common carrier services and facilities authorizations thereof; and communications protocols under § 64.702 of the Commission's Rules and Regulations, CC Docket No. 85-229.

Adopted: November 27, 1985.
Released: November 27, 1985.

By the Chief, Common Carrier Bureau.

1. Before us are a Joint Motion for Extension of Time (the "Joint Motion"), filed by 17 commenters (the "Movants") [1] in the above-captioned proceeding ("Computer III"), a Request for Extension of Time to File Reply Comments (the "Request"), filed by the Organization for the Protection and Advancement of Small Telephone Companies ("OPASTCO"), another commenter in *Computer III*, and a Motion for an Extension of Time to File Comments (the "IBM Motion") filed by the International Business Machines Corporation ("IBM"), another commenter. The Joint Motion and the Request ask that the deadline for filing reply comments in *Computer III* be extended from December 13, 1985, to February 11, 1986. The IBM Motion requests an extension of time for filing reply comments to February 12, 1986.

2. The Joint Motion states that the initial comments filed in *Computer III* are both voluminous and complex, with over 100 parties having filed over 4,000 pages of comments. The Joint Motion argues that the current due date for replies is "impractical and unreasonable," and that the Movants will require additional time in order to analyze the initial comments, formulate positions on the specific issues raised by the comments, and draft reply comments. According to the Joint Motion, several of the Movants are associations or committees that must distribute documents and call meetings of their members in order to formulate their positions. This process is complicated by the onset of the holiday season. In the Request, OPASTCO contends that it requires an extension in order to analyze adequately, from the small telephone company perspective, the recommendations that other parties have made for collocation and particularly for interconnection arrangements. IBM claims that in light of the number of commenters and the complexity of the issues raised in this proceeding, the preparation of constructive reply comments will require considerably more time than the thirty days now provided in the Commission's pleading cycle.

3. Although it is the policy of the Commission that extensions of time shall not be routinely granted,[2] we recognize the significance of *Computer III* to the telecommunications industry, and acknowledge that the public interest would be served by permitting the Movants, OPASTCO, and IBM to fully develop informed reply comments. However, because of the important public interests in a prompt resolution of the issues at stake in this proceeding, we find that an extension of the period for reply comments to February 11 or 12, 1986, is unwarranted. We shall, however, extend the date for filing reply comments to January 20, 1986. We find that this extension should provide all interested parties with a sufficient period of time to analyze the current record and prepare reply comments, without unduly delaying our consideration and ultimate resolution of the issues raised in the proceeding.

4. Accordingly, it is hereby ordered, pursuant to section 4(j) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. 154(j) and 0.291 of the Commission's Rules, 47 CFR 0.91 and 0.291, that the Joint Motion, the Request, and the IBM Motion are denied in part and granted in part as specified herein.

Federal Communications Commission.

Albert Halprin,

Chief, Common Carrier Bureau.

[FR Doc. 85-29078 Filed 12-6-85; 8:45 am]

BILLING CODE 6712-01-M

[1] The Movants are: Ad Hoc Telecommunications Users Committee, Computer and Business Equipment Manufacturers Association, Compuserve, Association of Data Processing Service Organization, Independent Data Communications Manufacturers Association, Inc., Tymnet, Inc., Boeing Computer Services Company, North American Telecommunications Association, Lee Enterprises Incorporated, American District Telegraph Company, American Newspaper Publishers Association, Associated Telephone Answering Exchanges, Inc., Digital Equipment Corporation, Information Industry Association, Tele-Communications Association, Telocator Network of America, and Trintex.

[2] Section 1.46(a) of the Commission's Rules, 47 CFR 1.46(a) (1984).

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47 CFR Parts 69

[CC Docket No 85-385; FCC 85-631]

Common Carrier Services; Revision of Part 69 of the Commission's Rules Regulations; Access Tariff Filings

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: In its September 30, 1985 *Rate of Return Order* in CC Docket No. 84-800, the Commission revised the schedule for filing annual, comprehensive revisions in the access tariffs. The current June 1, through May 31 effective period was shifted to a calendar year period, January 1 through December 31. *The Rate of Return Order* provided, however, that the initial period of review would be for the period from June 1, 1986 through December 31, 1986. Under the current rules, therefore, carriers would be obliged to make three comprehensive access filings over a period of 15 months. The proposed amendment to § 69.3 would eliminate the comprehensive filing scheduled to become effective June 1, 1986. The Notice also proposes the deletion of § 69.3(e)(8) of the Rules.

DATES: Comments are due by December 23, 1985, and replies are due by December 30, 1985.

ADDRESS: Federal Communications Commission, 1919 M St. NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Pat McQuie Nagle, Tel: (202) 632-6917.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 69

Access changes, communication common carriers, telephone.

Notice of Proposed Rulemaking

In the matter of Revision of Part 69 of the Commission's rules and regulations, CC Docket No. 85-385.

Adopted: December 4, 1985.
Released: December 6, 1985.

By the Commission.

I. Background

1. In this proceeding we propose the amendment of Part 69 of the Commission's Rule to eliminate the requirement that carriers file comprehensive revisions to their access tariffs, effective June 1, 1986.[1] In our

[1] See § 69.3 of the Commission's Rules, 47 CFR 69.3. The proposed amendments are set out in Appendix A.

September 30, 1985 *Order* in CC Docket No. 84–800[2] we revised the schedule for filing annual, comprehensive revisions in the access tariffs. The current June 1 through May 31 effective period for access tariffs was shifted to a calendar year period, January 1 through December 31. This change will become effective in the 1987 calendar year. As a result of these decisions, the current access tariffs, which became effective October 1, 1985, would remain in effect for eight months, until May 31, 1986. They would be replaced on June 1, 1986 by comprehensive tariff revisions which, pursuant to § 69.3(a) of the Commission's Rules, carriers must file no later than March 3, 1986. The June 1 rates if they became effective as scheduled, would remain in effect for only seven months, replaced in turn on January 1, 1987, by comprehensive revisions filed no later than October 3, 1986. Thus, under the current rules, over a period of 15 months, carriers must make three comprehensive access tariff filings.

II. Discussion

2. We previously recognized that certain problems attended the filing of comprehensive access tariff revisions, effective June 1, 1986. In the *Supplemental NPRM* in CC Docket No. 84–800 we stated that it "appeared unlikely that the represcription of a rate of return for interstate access services could be completed in sufficient time to be reflected in access charges effective on June 1, 1986.[3] We determined, however, that it would be undesirable to defer implementation of a represcribed rate until June of 1987, and proposed the filing of new access charges with a January 1, 1987 effective date that could reflect the represcribed rate of return as well as any changes in the Uniform System of Accounts. *Id.* We recognized that excessive churning might result if access charges were revised in January and June of 1987 and proposed to reinstate a calendar access year in 1987. *Id.* In our subsequent *Rate of Return Order*, however, we concluded that two filings in calendar year 1986 would be necessary because of the increases in subscriber line charges for residential and single-line customers scheduled to become effective June 1, 1986.[4] We also anticipated that our adodption of the Federal-State Joint Board recommendation for the direct assignment of WATS closed ends on June 1, 1986 [5] might result in some access charge rule revisions effective on that date.[6] We concluded that we should address the issue of a less comprehensive filing in the context of individual carrier requests for wavier of the access tariff rules for filings effective June 1, 1986. *Id.*

3. It is our tentative view, in light of our further review of the tariff filing requirements established in the *Rate of Return Order*, that requiring comprehensive access tariff revisions to be filed no later than March 3, 1986, appears to be both unnecessary and undersirable in view of the brief periods during which the current and prospective June 1 rates would remain in effect, the limited data base which would be available for the preparation of revised rates, and the burdens imposed by the preparation and review of such filings. Although tariff-by-tariff waivers might moderate these concerns, the develolpment of standards for waivers, their preparation and review, and the coordination of these filings with nationwide, pooled rate filings would involve significant burdens and uncertainty. Furthermore, the grant of waivers on a carrier-by-carrier basis could result in inconsistent and confusing tariffs.

4. In addition, deferral of comprehensive revisions of access rates effective on June 1, 1986 need not delay implementation of the next step in the more accurate recovery of local loop costs by carriers. The one dollar increase in the residential and single-line business end user charge and the appropriate reduction in the Carrier Common Line element can be implemented through a filing that is less comprehensive than an annual filing for all access elements. It should also be possible to implement other access charge rule changes that may become effective on June 1 without requiring a comprehensive filing.

5. The elimination of the comprehensive filing requirement would not, of course, foreclose any carrier from filing revisions it chooses to make with a June 1 or any other effective date and would not excuse such a carrier from filing cost support that is as comprehensive as the filing warrants. The elimination of the comphrehensive filing requirement also would not excuse any carrier from its obligation to make any adjustment that may be necessary to avoid a violation of the maximum rate of return prescription imposed in CC Docket No. 84–800.

6. Although we envision a filing for a June effective date that would be less comprehensive than the usual annual filing, we do not propose to eliminate the 90 day notice requirement for that filing. Interchange carriers are likely to need such notice in order to compute reductions in interchange rates that should become effective on June 1, 1986.

7. Amendment of the portion of § 69.3(a) relating to the scheduled June 1, 1986 access tariff necessitates a companion revision in § 69.3(e)(6) to delete references to notification to the National Exchange Carrier Association, Inc. (NECA) regarding election to continue participation in the NECA pool for that period. Carriers currently participating in the NECA pool would continue to do so, but could elect to file their own tariffs subsequent to December 31, 1986 upon notification to NECA pursuant to section 69.3(e)(6). We also take this opportunity, in light of the recent NECA representation that notifications pursuant to section 69.3(e)(8) are not useful,[7] to propose the repeal of subparagraph 69.3(e)(8). That paragraph presently provides:

> To enable the association to prepare an access tariff for each annual period subsequent to December 31, 1986, each telephone company shall notify the association no later than June 30 of the preceding year of the projected average number of private line terminations and any other lines that would be subject to the special access surcharge; provided, however, that for the period June 1, 1986, to December 31, 1986, such information shall be given to the association by November 30, 1985.

III. Ordering clauses

8. Accordingly, it is ordered, that a rulemaking proceeding is instituted to determine whether Part 69 of the Commission's Rules should be amended to delete the comprehensive filing requirement for access service tariffs for the period from June 1, 1986 to December 31, 1986. This proceeding is

[2] Authorized Rates of Return for the Interstate Service of AT&T Communications and Exchange Telephone Carriers, CC Docket No. 84–800, Phase 1, Report and Order, FCC 85–527, 50 FR 41350 (Oct. 10, 1985) (*Rate of Return Order*).

[3] Authorized Rates of Return for the Interstate Services of AT&T Communications and Exchange Telephone Carriers, CC Docket No. 84–800, Supplemental Notice of Proposed Rulemaking, FCC 85–458, 50 FR 33766 (Aug. 21, 1985) (*Supplemental NPRM*) at para. 9.

[4] *Rate of Return Order* at n.26.

[5] MTS and WATS Market Structure, Recommended Decision and Order, CC Docket No. 78–72, Mimeo No. 139, released Oct. 8, 1985.

[6] *Rate of Return Order* at n.26.

[7] National Exchange Carrier Association, Inc. Petition for Waiver of § 69.3(e)(8) of the Commission's Rules, filed Oct. 29, 1985. NECA subsequently filed on November 27, 1985 a petition requesting the Commission to institute a rulemaking proceeding to eliminate this section from its Rules. Section 69.3(e)(8) of the Commission's Rules, National Exchange Carrier Association, Inc. Petition for Rulemaking, filed Nov. 27, 1985. NECA concerns are resolved by our institution of this proceeding.

instituted pursuant to sections 2(a), 4(i), 4(j), 201, 202, 203, 205, and 403 of the Communications Act, 47 U.S.C. 152(a), 154(i), 154(j), 201, 202, 203, 205, and 403.

9. It is further ordered, that interested persons may file written comments no later than December 23, 1985 and may file reply comments no later than December 30, 1985.. In reaching its decision in this matter the Commission may take into consideration information and ideas not contained in the comments provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the Commission's reliance on such information is noted in the Report and Order. All comments and reply comments shall be filed in accordance with Sections 1.411–1.419 of the Commission's Rules, 47 CFR 1.411–1.419. Materials filed in this proceeding will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters at 1919 M St., NW., Washington DC.

10. It is further ordered, that for purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contracts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments or pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of the presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally* section 1.1231 of the Commission's Rules, 47 CFR 1.1231.

11. Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354), It is certified that sections 603 and 604 of the Act do not apply to this proceeding because this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities, since the effect of this action is to continue for a period for six months rates currently in place for access service. *See* 5 U.S.C. 603, 604, 605(b).

12. It is further ordered, that the Secretary shall cause this Notice of Proposed Rulemaking to be published in the **Federal Register.**

13. It is further ordered, pursuant to section 220(i) of the Communications Act, 47 U.S.C. 220(i), that the Secretary shall serve a copy of this notice on each state commision.

Federal Communication Commission.

William J. Tricarico,

Secretary.

PART 60—[AMENDED]

Part 69 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for Part 69 continues to read:

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat. 1066, 1070, 1072, 1077, 1094, as amended, 47 U.S.C. 154, 201, 202, 203, 205, 218, 403, unless otherwise noted.

2. In § 69.3, paragraphs (a) and (e) (6) are revised and (e)(8) is removed to read as follows:

§ 69.3 Filing of access service tariffs.

(a) A tariff for access service shall be filed with this Commisison for an annual period. Such tariffs shall be filed so as to provide a minimum of 90 days notice with a scheduled effective date of January 1.

* * * * *

(e) * * *

(6) A telephone company or companies that elect to file such a tariff for any annual period shall notify the association not later than June 30 of the preceding year, if such company or companies did not file such a tariff in such preceding period or cross-referenced association charges in such preceding period that will not be cross-referenced in the new tariff.

* * * * *

[FR Doc. 85–29177 Filed 12–6–85; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 80

Federal Aid in Sport Fish Restoration and Federal Aid in Wildlife Restoration Act; Interest Earned From License Fees

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes that interest earned on revenues derived from license fees paid by hunters and fishermen will be considered by the Secretary of the Interior as license fee revenue for purposes of the Federal Aid in Wildlife Restoration (P–R) and Federal Aid in Sport Fish Restoration (D–J) Acts. It also clarifies situations causing diversions, defines other assets acquired by license fees, and identifies sources of license revenues affected by the proposed rule. This action would require States to treat interest earned on license fee revenues as license fee revenues and to use all such revenues for fish and wildlife resource management exclusively in order to remain eligible to receive Federal Aid (PR & DJ) funds for that purpose.

DATE: Comments must be received by January 23, 1986.

ADDRESS: Any comments on the proposed requirement should be mailed to the Associate Director—Federal Assistance, Room 3024 Interior Building, U.S. Fish and Wildlife Service, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: James R. Fielding, Acting Chief, Division of Federal Aid, Room 634, Broyhill Building, U.S. Fish and Wildlife Service, Washington, DC 20240. Telephone 703–235–1526.

SUPPLEMENTARY INFORMATION: Both the Federal Aid in Wildlife Restoration (16 U.S.C. 669 at seq.) and Federal Aid in Sport Fish Restoration (16 U.S.C. *777* et seq.) Acts contain provisions requiring that no money may be apportioned to a State until that State has passed laws assenting to the provisions of the Act and shall have passed laws governing the conservation of wildlife and fish. Such laws must contain a prohibition against diversion of license fees paid by hunters and fisherman for any other purpose than the administration of the State fish and wildlife agency. The proposed rule will clarify previously undefined Department of the Interior rules in accord with the generally

accepted principle that interest should accrue to principal.

The Department has determined that this proposed rule is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act and, therefore, the preparation of an Environmental Impact Statement is not required.

This proposed rule is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601). The small entities under the Regulatory Flexibility Act (5 U.S.C. 601). The annual effect on the economy will be less than the threshold required for a major rule, no major increase in costs or prices will occur, and no significant effects on competition, employment, investment, productivity, innovation are expected. This proposed rule does not contain any recordkeeping or information collection requirements requiring Office of Management and Budget approval under the Paperwork Reduction Act of 1980.

List of Subjects in 50 CFR Part 80

Fish grant programs, Natural resources, Grant administration, and wildlife.

PART 80—[AMENDED]

Accordingly, it is proposed to amend 50 CFR Part 80 as follows:

1. The Authority for 50 CFR Part 80 continues to read as follows:

Authority: Federal Aid in Fish Restoration Act (16 U.S.C. 777i) and Federal Aid in Wildlife Restoration Act (16 U.S.C 669i).

2. Part 80 is amended by revising § 80.4 to read as follows:

§ 80.4 Diversion of license fees.

Revenues from license fees paid by hunters and fishermen shall not be diverted to purposes other than administration of the State fish and wildlife agency.

(a) Revenues from license fees paid by hunters and fishermen are any revenues to the State from the sale of licenses issued by the State conveying to a person the privilege to pursue or take wildlife or fish. For purposes of this rule, revenue is the net income to the State after deducting reasonable vendor fees or similar amounts retained by sales agents. License revenues include income from:

(1) General or special licenses, permits, stamps, tags, access fees or other requisites to hunt, trap or fish for sport, recreation or economic gain.

(2) Sale of real and personal property acquired or produced with license revenues including but not limited to minerals, energy resources, timber, grazing, agricultural crops, and animal products.

(3) Interest, dividends or other income earned or receipts from licenses fees.

(b) For purposes of this rule, administration of the State fish and wildlife agency includes only those functions required to manage the fish and wildlife oriented resources of the State for which the agency has authority under State law.

(c) A diversion of license fee revenues occurs when any portion of license revenues, or assets acquired with such revenues, is used for any purpose other than the administration of the State fish and wildlife agency.

(d) If a diversion of license fees occurs, the State becomes ineligible to participate under the pertinent act from the date the diversion is declared by the Director until:

(1) Adequate legislative prohibitions are in place to prevent further diversion of license revenue, and

(2) All license revenues or assets acquired with license revenues are restored, or an amount equal to license revenues diverted or the current market value of assets diverted (whichever is greater) is returned and properly available for use for the administration of the State fish and wildlife agency.

Dated: August 19, 1985.

P. Daniel Smith,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-29063 Filed 12-6-85; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

Atlantic Mackerel, Squid, and Butterfish Fisheries

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

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

SUMMARY: NOAA issues this notice that the Mid-Atlantic Fishery Management Council has submitted Amendment 2 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries for Secretarial review and is requesting comments from the public. Copies of the amendment may be obtained from the address below.

DATE: Comments on the plan should be submitted on or before February 14, 1986.

ADDRESS: Comments on Amendment 2 should be sent to Richard Schaefer, Acting Regional Director, National Marine Fisheries Service, Northeast Regional Office, 14 Elm Street, Gloucester, MA 01930. Clearly mark, "Comments on Amendment 2—Atlantic Mackerel, Squid, and Butterfish Plan", on the envelope.

Copies of Amendment 2 are available upon request from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT: Salvatore Testaverde, Regional Plan Coordinator, 617-281-3600, ext. 273.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act, as amended (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 of Commerce (Secretary) for review and approval or disapproval. The 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 plan amendment.

The Amendment proposes measures for revising the fishing year, the foreign fishery bycatch TALFF percentages, the Atlantic mackerel management regime, the butterfish management regime, the U.S. vessel permitting requirements, and introduces a reporting program.

Regulations proposed by the Council and based on this amendment are scheduled to be published within 30 days.

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

Dated: December 2, 1985.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Services.

[FR Doc. 85-29155 Filed 12-4-85; 4:15 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 50, No. 236
Monday, December 9, 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

Office of International Cooperation and Development; Request for Proposals

AGENCY: Office of International Cooperation and Development, USDA.

ACTION: Request for proposals.

Purpose: The purpose of this Notice is to solicit proposals from U.S. universities to cooperate with the Office of International Cooperation and Development (OICD) on a program of applied, operational research designed to assist developing countries improve the food consumption consequences for their agricultural development projects.

Authority for Program: the Foreign Assistance Act of 1961. (Pub. L. 87–195, as amended).

Applicable Regulations: 7 CFR Part 3015.

Tasks which may be undertaken under the proposed cooperative agreement include: (1) Identifying, testing and evaluating alternative ways of incorporating food consumption and nutrition concerns into the design, implementation and evaluation of various types of agricultural and rural development projects; (2) identifying, standardizing and writing case studies on projects where consumption or nutrition concerns have been or are being addressed within past or current agricultural projects; (3) developing and testing low-cost methods for collecting data on diets and other relevant food related activities. To insure that the results are practical and cost effective, these activities will be undertaken in close collaboration with AID and developing countries in connection with the development, implementation and/or evaluation of their projects. Cooperators will also be expected to help disseminate the results of this operations research through technical assistance; the development of guidelines, manuals and other training materials; and through the organization of workshops and training courses and other networking activities. The present intent is to begin with agricultural research projects with an on-farm component, and to gradually work into other types of agricultural projects as funds become available and as experience and interest in the work grows.

Sufficient funds are currently available to cover only the first or planning phase (approximately $30,000) with additional funds expected in FY87. Activities which are expected to be undertaken during the first phase include identifying projects and countries in which to collaborate, searching for existing case study material, preparing additional case study material base on related work already underway, and starting a network.

Requests for the solicitation package should be sent to: Nutrition Economics Group, Attention: Dr. Patricia O'Brien-Place, USDA/OICD/TAD, Room 4300 Auditors Building, Washington, DC 20250.

Requests for the solicitation package must be received in writing by January 15, 1986.

Dated: December 5, 1985.

Charle A. Rooney,

Acting Chief, Management Services.

[FR Doc. 85–29081 Filed 12–6–85; 8:45 am]

BILLING CODE 3410–02–M

COMMISSION ON CIVIL RIGHTS

Colorado Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Colorado Advisory Committee to the Commission will convene at 9:30 a.m. and adjourn at 4:40 p.m., on January 10, 1986, at the Federal Building, 1961 Stout Street, Room 236, Denver, Colorado. The purpose of the meeting is to conduct a community forum on Hispanic education and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Maxine Kurtz or William Muldrow, Acting Director of the Rocky Mountain Regional Office at (303) 844–2211, (TDD 303/844–3031). Hearing impaired person who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the Rules and regulations of the Commission.

Dated at Washington, DC, December 4, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–29069 Filed 12–6–85; 8:45 am]

BILLING CODE 6335–01–M

North Dakota Advisory Committee; Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the North Dakota Advisory Committee to the Commission will convene at 12:30 p.m. and adjourn at 3:30 p.m., on January 31, 1986, at the Town House, 301 Third Avenue, North Club II, Fargo, North Dakota. The purpose of the meeting is to review current North Dakota civil rights issues and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Robert A. Feder or William Muldrow, Acting Director of the Rocky Mountain Regional Office at (303) 844–2211, (TDD 303/844–3031). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, December 4, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–29070 Filed 12–6–85; 8:45 am]

BILLING CODE 6335–01–M

South Dakota Advisory Committee; Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Dakota Advisory Committee to the Commission will convene at 11:00 a.m. and adjourn at 3:30 p.m., on January 24, 1986, at the Downtown Holiday Inn, 100 Eighth Street, Embassy III Room, Sioux Falls, South Dakota. The purpose of the meeting is to review and approve a briefing memorandum on the Surface Transportation Assistance Act and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Francis Whitebird or William Muldrow, Acting Director of the Rocky Mountain Regional Office at (303) 844–2211, (TDD 303/844–3031). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, December 4, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–29071 Filed 12–6–85; 8:45 am]

BILLING CODE 6335-01-M

Wisconsin Advisory Committee; Meeting; Cancellation

Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission originally scheduled for December 10, 1985, convening at 7:00 p.m. and adjourning at 9:00 p.m., at the Madison Metropolitan School District, 545 W. Dayton Street, Room 103, Madison, Wisconsin has been cancelled.

Dated at Washington, DC, December 4, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–29072 Filed 12–6–85; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–502]

Iron Construction Castings From the People's Republic of China; Postponement of Final Antidumping Duty Determination

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of Postponement of Final Antifumping Duty Determination.

SUMMARY: This notice informs the public that we have received a request from the respondents in this investigation to postpone the final determination, as permitted in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)). Based on this request, we are postponing our final determination as to whether sales of iron construction castings (construction castings) from the People's Republic of China (PRC) have occurred at less than fair value until not later than March 12, 1986.

EFFECTIVE DATE: December 9, 1985.

FOR FURTHER INFORMATION CONTACT: Steven Lim, Office of investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 377–1776.

SUPPLEMENTARY INFORMATION: On June 7, 1985, we published a notice in the **Federal Register** (50 FR 24014) that we were initiating, under section 732(b) of the Act, (19 U.S.C. 1673a(b)), an antidumping duty investigation to determine whether construction castings from the PRC were being, or were likely to be, sold at less than fair value. On June 27, 1985, the International Trade Commission determined that there is a reasonable indication that imports of construction castings are materially injuring a U.S. industry. On October 28, 1985, we published a preliminary determination of sales at less than fair value with respect to this merchandise (50 FR 43594). The notice stated that if the investigation proceeded normally, we would make our final determination by January 6, 1986. On November 15, 1985, pursuant to section 735(a)(2)(A) of the Act, the respondents requested an extension of the final determination date until not later than 135 days after the date of publication of the preliminary determination. The respondents are qualified to make such a request because they account for virtually all of the exports of the merchandise. If exporters who account for a significant portion of exports of the merchandise under investigation properly request an extension after an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. Accordingly, we are granting the request and postponing our final determination until not later than March 12, 1986.

This notice is published pursuant to section 735(d) of the Act.

The United States International Trade Commission is being advised of this postponement, in accordance with section 735(d) of the Act.

Comments

The antidumping duty public hearing, orignally scheduled for November 20, 1985, has been postponed. If requested, a hearing will be held on January 10, 1986, at 10:00 a.m., in room 5611, Department of Commerce, 14th Street and Constitution Avenue NW., Washington DC 20230. All written views should be filed in accordance with 19 CFR 353.46, in room B099, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230 and in at least 10 copies, not later than January 3, 1986.

Dated: November 27, 1985.

C. Christopher Parlin,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85–29136 Filed 12–6–85; 8:45 am]

BILLING CODE 3510-DS-M

Short Supply Review on Bright Nickel-Plated Steel Strip; Request for Comments

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short supply determination under Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products with respect to bright nickel-plated steel strip used in the manufacture of battery outer case tops and bottoms.

EFFECTIVE DATE: Comments must be submitted no later than ten days from publication of this notice.

ADDRESS: Send all comments to Joseph A. Spetrini, Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Ave. NW, Washington, DC 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Ave. NW, Washington, DC 20230, Room 3709, (202) 377-1102.

SUPPLEMENTARY INFORMATION: Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products provides that if the U.S. " * * * determines that because of abnormal supply or demand factors, the United States steel industry will be unable to meet demand in the United States of America for a particular category or sub-category (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such category or sub-category. * * *"

We have received a short supply request for aluminum-killed drawing quality, SAE 1008 carbon, cold-rolled steel strip. The material is bright nickel-plated and highly polished on one side only. The dimensions are as follows:

Thickness: .008 inch and .010 inch; +/−.00075 deviation
Width: 1.680 inch through 4.384 inch; +/−.005 deviation
Nickel Plating Thickness: .0001 inch minimum both sides

This product is used in the manufacture of battery outer case tops and bottoms.

Parties interested in commenting on any of these products should send written comments as soon as possible, and no later than ten days from publication of this notice. Comments should focus on the economic factors involved in granting or denying this request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly label the business proprietary portion of the submission and also include a submission without proprietary information which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B-099 at the above address.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

December 3, 1985.

[FR Doc. 85-29139 Filed 12-6-85; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 51194-5194]

Alaskan North Slope Oil Study; Inquiry

AGENCY: Office of Industrial Resource Administration, International Trade Administration, Commerce.

ACTION: Request for Comments, Alaskan North Slope Oil Study.

SUMMARY: Section 126 of the Export Administration Amendments Act of 1985 requires that the President undertake a comprehensive review of issues concerning: (1) Possible changes in the existing incentives to produce crude oil from the North Slope of Alaska; and (2) possible changes in the existing distribution of crude oil from the North Slope of Alaska and the appropriateness of continuing existing controls. The Department of Commerce has been designated by the President to coordinate and prepare this review. This notice is to solicit comments from interested parties to assist the Department in preparing the review.

DATE: Comments must be submitted on or before January 23, 1986.

ADDRESSES: Send written comments to Mr. Rodney A. Joseph, Acting Manager, Short Supply Program, Room 3875, Office of Industrial Resource Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

The public comments may be inspected at the Freedom of Information Records Inspection Facility, International Trade Administration, Room 4104, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Rodney Joseph, Acting Manager, Short Supply Program, Telephone Number: (202) 377-3984.

SUPPLEMENTARY INFORMATION: On July 12, 1985, the President signed the Export Administration Amendments Act of 1985 (Amendments) which extended and amended the Export Administration Act of 1979 (EEA).

Section 126(a) of the Amendments requires that the President undertake a comprehensive review of issues concerning (1) possible changes in the existing incentives to produce crude oil from the North Slope of Alaska (including changes in Federal and State taxation, pipeline tariffs and Federal leasing policies; and (2) possible changes in the existing distribution of crude oil from the North Slope of Alaska (including changes in export restrictions which would permit exports at free market levels and at levels of 50,000 barrels per day, 100,000 barrels per day, 200,000 barrels per day, and 500,000 barrels per day) and the appropriateness of continuing existing controls.

The Amendments further state that such review shall include, but not be limited to, a study of:

(A) The effect of such changes on the energy and national security of the United States and its allies;

(B) The role of such changes in United States foreign policymaking, including international energy policymaking;

(C) The impact of such changes on employment levels in the maritime industry, the oil industry, and other industries;

(D) The impact of such changes on the refiners and on consumers;

(E) The impact of such changes on the revenues and the expenditures of the Federal Government and the Government of Alaska;

(F) The effect of such changes on incentives for oil and gas exploration and development in the United States, and

(G) The effect of such changes on the overall trade deficit of the United States and the trade deficit of the United States with respect to particular countries, including the effect of such changes on trade barriers of other countries.

The Amendments further direct the President to develop, after consulting with appropriate State, Federal, and Congressional officials and other persons, findings, options, and recommendations regarding the production and distribution of crude oil from the North Slope of Alaska, and to submit them to the Congress no later than April 12, 1986.

The Department of Commerce is coordinating this study. This notice is published to provide all interested parties with the opportunity to submit comments to the Department of Commerce for consideration in the study process.

Public Comments Invited

The Department of Commerce is soliciting comments from the general public, especially from interested parties in the maritime industry, the oil industry, consumer groups, environmental groups, foreign governments, and all other industries,

groups or individuals likely to be affected by any change in existing law governing incentives and distribution of crude oil from the North Slope of Alaska.

Interested parties are invited to submit written comments, opinions, data, information or advice with respect to the study to the Short Supply Program, Office of Industrial Resource Administration, U.S. Department of Commerce by January 23, 1986.

In the interest of accuracy and completeness, written comments are preferred. Written comments (three (3) copies) should be sent to the address indicated in the address section above. Oral comments should be directed to Rodney A. Joseph, OIRA, (202) 377–3984. If oral comments are received, the Department of Commerce official receiving such comments will prepare a memorandum summarizing the substance of the comments and identifying the individual making the comments, as well as the person on whose behalf they purport to be made. All such memoranda will be placed in the public rulemaking docket and will be available for public review and copying.

Written comments accompanies by a request that part or all of the material contained be treated confidentially will not be considered in developing the study. Such comments and materials will be returned to the submitter.

Communications from agencies of the United States Government or foreign governments will not be made available for public inspection. The public docket concerning this study will be maintained in the International Trade Administration's Freedom of Information Records Inspection Facility, at the address indicated in the address section above. Records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information pertaining to the Inspection and copying of records may be obtained from Ms. Patricia L. Mann, International Trade Administration's Freedom of Information Officer, at the Records Inspection Facility address provided above or by calling (202) 377–3031.

Dated: December 3, 1985.

John A. Richards,

Director, Office of Industrial Resource Administration.

[FR Doc. 85–29068 Filed 12–6–85; 8:45 am]

BILLING CODE 3510-DT-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Import Limit for Certain Cotton Textile Products Produced or Manufactured in Guatemala Under a New Bilateral Agreement

December 3, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 9, 1985. For further information contact Ann Fields, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377–4212.

Background

The Governments of the United States and Guatemala have exchanged diplomatic notes on a new bilateral agreement concerning trade in certain cotton textiles, produced or manufactured in Guatemala. The agreement establishes a specific limit of 5,050,000 square yards for Category 310/318, exported during the first agreement year which began on January 1, 1985 and extends through December 31, 1985. In the directive to the Commissioner of Customs which follows this notice, the new limit is established and charges are provided for imports exported during period which began on January 1, 1985 and extends through September 30, 1985. As the data become available, further charges will be made.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textiles Agreements.

December 3, 1985

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on December 9, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 310/318, produced or manufactured in Guatemala and exported during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985, in excess of 5,050,000 square yards.[1]

Textile products in Category 310/318 which have been exported to the United States prior to January 1, 1985 shall not be subject to this directive.

Textile products in Category 310/318 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)[A] prior to the effective date of this directive shall not be denied entry under this directive.

The restraint limit set forth above is subject to adjustment pursuant to the provisions of the bilateral agreement between the Governments of the United States and Guatemala which provide that, under certain circumstances, the specific limit may be increased during an agreement year by the application of carryout and carryforward. Any appropriate future adjustments under the bilateral agreement will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

In carrying out the above directions, the

[1] The limit has not been adjusted to reflect any imports exported after December 31, 1984. Imports during the period January 1, 1985 through September 30, 1985 have amounted to 15,097 in Category 310 and 664,951 square yards in Category 318.

Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements

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Requesting Public Comment on Bilateral Textile Consultations With the Government of Malaysia to Review Trade in Category 641

December 3, 1985

On November 1, 1985, the Government of the United States requested consultations with the Government of Malaysia with respect to Category 641 (women's, girls' and infants' blouses and shirts of man-made fibers). This request was made on the basis of the agreement between the Governments of the United States and Malaysia relating to trade in cotton, wool and man-made fiber textile products, effected by exchange of notes dated July 1 and 11, 1985. The agreement provides for consultations when the orderly development of trade between the two countries may be impeded by imports due to market disruption, or the threat thereof.

Agreement has been reached on a mutually satisfactory limit for this category in consultations held the week of November 18, 1985 between the Governments of the United States and Malaysia. The new limit will be published when the necessary notes have been exchanged between the two governments.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-29074 Filed 12-6-85; 8:45 am]

BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING COMMISSION

New York Futures Exchange and Intermarket Clearing Corp.; Transfer of Clearing Functions

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of Comment Period.

SUMMARY: On October 29, 1985, the Commodity Futures Trading Commission ("Commission") published in the **Federal Register** notice of proposed rule charges of the New York Futures Exchange ("NYFE") and the Intermarket Clearing Corporation ("ICC") which would effect the transfer of the clearing functions for trades executed on NYFE from the New York Futures Clearing Corporation to ICC (50 FR 43764). The Commission sought the comments of interested persons for its consideration of the proposed rule changes.

In a letter dated November 29, 1985, the Board of Trade Clearing Corporation ("BTCC") requested that the comment period be extended for a thirty day period so the BTCC can fully review the supporting documentation for the proposal. In order to ensure that all interested parties have an opportunity to submit comments, the Commission has determined to extend the comment period.

DATES: Accordingly, notice is hereby given that all comments on the proposal for NYFE to transfer its clearing functions to ICC must be submitted by December 18, 1985.

FOR FURTHER INFORMATION CONTACT: John C. Lawton, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254-8955.

Issued in Washington, DC, on December 5, 1985 by the Commission.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

[FR Doc. 85-29291 Filed 12-6-85; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following request for renewal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C., Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact for whom a copy of the information proposal may be obtained.

Revision

DoD far supplements Part 27 and related clauses in Part 52.227.

Information principally concerns certain data required to support contractor's right to limit or restrict the use of certain technical data or software.

Reporting is required to determine what technical data or software to be utilized in performance under a contract will be subject to limited/restricted rights and to require the maintenance of records supporting contractors limiting or restricting the government's right to use such technical data or software.

Businesses or others for profit/small business or organizations.

Responses: 16,560

Burden hours: 1,256,160

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202) 746-0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Fred J. Kohout, ODASD(P)CPA, Room 3D116, Pentagon, Washington, DC 20301-8000, telephone (202) 697-6334.

Dated: December 4, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-29166 Filed 12-6-85; 8:45 am]

BILLING CODE 3810-01-M

DoD Advisory Group on Electron Devices; Meeting

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 0900, Tuesday, 7 January 1986.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 201 Varick Street, New York, NY 10014.

FOR FURTHER INFORMATION CONTACT: David Slater, AGED Secretariat, 201 Varick Street, New York 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Pub. L. 92-463, as amended, (5 U.S.C. App. II section 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Dated: December 3, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-29164 Filed 12-6-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Small ICBMs Peacekeeper Sub-Group; Meetings

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Peacekeeper Sub-Group of the Task Force on Small ICBMs will meet in closed session on December 9 and 16, 1985 at Norton Air Force Base, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Sub-Group will receive classified briefings on ICBMs.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

This notice is being published less than 15 days in advance because the Sub-Group was just formed and tasked to present a report to the Under Secretary of Defense for Research and Engineering by December 17, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-29165 Filed 12-6-85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

December 4, 1985.

The USAF Scientific Advisory Board Ad Hoc Committee on Enhanced Joint Tactical Information Distribution System will meet at the Pentagon, Washington, DC on December 10-11, 1985, 8:30 a.m. to 5:00 p.m. on both days.

The purpose of the meeting will be to review the Enhanced Joint Tactical Information Distribution System and alternative systems from a cost, performance, and requirements perspective.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 85-29198 Filed 12-6-85; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

December 3, 1985.

The USAF Scientific Advisory Board Ad Hoc Committee on Unmanned Reconnaissance Vehicles will meet December 16-17, 1985, from 9:00 a.m. to 5:00 p.m. each day at the Pentagon, Washington, DC, Room 5D982.

The purpose of this meeting is to receive briefings on and to advise the Deputy Chief of Staff for Research, Development and Acquisition on existing and potential programs to field an unmanned tactical reconnaissance system.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 85-29199 Filed 12-6-85; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Performance of Commercial Activities; Announcement of Program Cost Studies

The Department of the Navy intends to conduct OMB Circular A-76 (48 FR 37110, August 16, 1983) cost studies of various functions at the Naval Station, New York, commencing 9 January 1996. The cost study process is a rigorous, time-consuming procedure and, depending upon the size of the functions involved, can take several months to several years to complete. Since the studies have not yet begun, specifications have not yet been prepared. When bids/proposals are desired, appropriate advertisements will be placed. No consolidated bidders' list is being maintained.

BOQ/BEQ Management (G901)
Custodial Service (S709)
Insect and Rodent Control (S710)
Motor Vehicle Operation (S716)
Motor Vehicle Maintenance (S717)
Electrical Plants and Systems (S725)
Heating Plants and Systems (S726)
Sewage, waste plants and Systems (S728)
Air Conditioning and Refrigeration Plants (S729)
Other Services and Utilities (S730)
Storage and Warehousing (T801)
Operation of Bulk Liquid Storage (T805)
Administrative Telephone Service (T809)
Data Processing Services (W824)
Buildings and Structures (Non-Family Housing) (Z992)
Water Transportation Services (T811)

Dated: November 22, 1985.

T. H. Upton,

Capt. SC, USN, Head Commercial/Retail Activities Branch, Chief of Naval Operations.

[FR Doc. 85-28781 Filed 12-6-85; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Announcement of Availability of Final Environmental Impact Statement; Remedial Actions at the Former Vanadium Corp. of America Uranium Mill Site; Durango, La Plata County, CO

AGENCY: U.S. Department of Energy.
ACTION: Notice of Availability of Final Environmental Impact Statement.

SUMMARY: The U.S. Department of Energy (DOE) has prepared a final Environmental Impact Statement (DOE/EIS-0111F) on the proposed remedial action at the inactive uranium milling site located in Durango, La Plata County, Colorado. The EIS is being distributed to the public. DOE will issue a Record of Decision no sooner than 30 days after publication of this notice.

Background

On November 8, 1978, the Uranium Mill Tailings Radiation Control Act (UMTRCA), Pub. L. 95–604, was enacted in order to address a Congressional finding that uranium mill tailings located at inactive processing sites may pose a potential health hazard to the public. On November 8, 1979, DOE designated 22 inactive processing sites for remedial action under Title I of UMTRCA, including the inactive uranium mill tailings site at Durango, Colorado (44 FR 74892).

UMTRCA charges the Environmental Protection Agency (EPA) with the responsibility for promulgating remedial action standards for inactive uranium mill sites. The purpose of these standards is to protect the public health and safety and the environment from radiological and nonradiological hazards associated with residual radioactive materials at the sites. The final standards (40 CFR Part 192) were promulgated on January 5, 1983, and became effective on March 7, 1983. The DOE has proposed a plan of remedial action that will satisfy the EPA standards.

Under UMTRCA, the DOE and the State of Colorado entered into a cooperative agreement effective October 19, 1981, for remedial action at the Durango site and eight other sites. Under the agreement, the State of Colorado must concur with the remedial action plan to be developed for the Durango site. The DOE and the State of Colorado will share the costs of remedial action.

Project Description

The former Vanadium Corporation of America site is located on the southwest edge of the City of Durango, La Plata County, in southwest Colorado. The mill processed vanadium, and later uranium which was sold to the Federal Government. Production ceased in 1963 when the mill was shut down permanently. In 1977, the site was purchased by Ranchers Exploration and Development Corporation which was subsequently acquired by Hecla Mining Company in 1984.

The Durango site includes two tailings piles against the side of Smelter Mountain. The large pile contains about 1,230,000 tons of tailings, covers 14 acres, and is about 230 feet high. The smaller pile contains about 325,000 tons of tailings, covers seven acres, and is about 90 feet high. Other contaminated materials are present on the mill site, ore storage area, and raffinate ponds area. In addition to the on-site contamination, approximately 137 off-site properties in the vicinity may be contaminated by tailings that have been removed from the Durango site.

Preferred Alternative

The prefered alternative (Alternative 3 in the final EIS) is to relocate the tailings and other contaminated materials to the Bodo Canyon disposal site approximately 3.5 road miles southwest of the Durango mill site. The tailings and other contaminated material at the Durango site would be excavated and transported to the Bodo Canyon site either by truck or conveyor along with contaminated materials from the vicinity properties. The tailings and other materials would be placed in an embankment constructed partially below grade and compacted. The tailings and other material would be contoured to a nearly level top (0.5 to 1.0 percent slope). A five-foot-thick compacted clay cover would be constructed over the pile to inhibit radon emanation and water infiltration to assure compliance with EPA standards. A two-foot-thick layer of rock would be added to protect the site from erosion forces, penetration by plants and animals, and inadvertent human intrusion.

Four alternatives to the preferred alternative were analyzed in the EIS. These included: (1) No action; (2) stabilization of the waste in place at the Durango site; (3) stabilization of the waste at the Long Hollow disposal site approximately 11 road miles southwest of Durango (alternative 4 in the EIS); and (4) reprocessing the tailings and stabilization of the waste at the Long Hollow site (alternative 5 in the EIS).

Single Copies of the EIS are available from: John Themelis, UMTRA Project Manager, U.S. Department of Energy, UMTRA Project Office, 5301 Central Avenue, N.E., Suite 1700, Albuquerque, New Mexico 87108 (505) 844–3941.

FOR FURTHER INFORMATION, CONTACT: Robert J. Stern, Director, Office of Environmental Guidance EH–23, Office of the Assistant Secretary for Environment, Safety, and Health, Room 3G092 Forrestal Building, U.S. Department of Energy, Washington, DC 20585 (202) 252–4600

Issued at Washington, DC., December 3, 1985.

William A. Vaughan,

Assistant Secretary, Environment, Safety, and Health.

[FR Doc. 85–29169 Filed 12–6–85; 8:45 am]

BILLING CODE 6450–01–M

Bonneville Power Administration

Intent To Prepare an Environmental Impact Statement; Scoping Meetings; Invitation to Comment on New Energy-Efficient Homes

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Intent to Prepare Environmental Impact Statement (EIS), Notice of Scoping Meetings, and Invitation to Comment.

SUMMARY: BPA has been operating various demonstration programs to encourage the construction of new energy-efficient homes which meet the Model Conservation Standards (MCS) developed by the Northwest Power Planning Council (Council). BPA is now developing an incentive program to further construction of dwelling that meet the MCS. The key environmental issue in all these new homes programs is indoor air quality.

One method for gaining energy-efficiency is to eliminate the pathways through which cold air leaks into a home or warm air leaks out. But when these pathways are reduced or eliminated, it is likely that concentrations of indoor air pollutants will increase. To date, BPA has mitigated this effect by making the installation of air-to-air heat exchangers a requirement of its new homes programs. The provision of mechanical ventilation allows tightly built homes to have about the same air changes as recently construced homes which do not necessarily have energy-efficient features. But air-to-air heat exchangers may not be the most practical means for assuring acceptable indoor air quality in new energy-efficient homes. BPA proposes to examine and analyze various options for handling indoor air quality of homes

built to meet the MCS in an EIS on New Energy-Efficient Homes.

More specifically, in this EIS BPA will analyze the effects on indoor air quality of building homes that meet the MCS, and the effectiveness and practicality of different strategies for mitigating these effects. In addition, other environmental effects will be examined that might be associated with building new homes that meet the MCS. The electric energy savings to be gained or lost through alternative strategies for mitigating indoor air quality effects will be compared to supplying that same amount of energy through electric generating resources such as a coal plant.

Preparation of this EIS will help BPA to choose a cost-effective strategy, acceptable to both builders and consumers, for avoiding or minimizing possible environmental harm from energy-saving features that are built into new energy-efficient homes. The analyses in this EIS will also aid government jurisdictions in their deliberations about whether to incorporate the MCS into their building codes. (The Council has recommended that BPA impose a surcharge on the wholesale electric rates charged to the utilities in those jurisdictions where the MCS is not being implemented, either as a building code or as a utility conservation program.)

Suggestions and comments on the scope of the EIS are invited, especially in regard to environmental effects that should be considered and alternative strategies for mitigating possible indoor air quality effects.

EIS Scoping Meetings

Three public meetings on the scope of the EIS will be held on the dates and at the location listed below:

Tuesday, January 7, 1986

Ballroom A, Cavanaugh's Inn at the Park, W. 303 N. River Drive, Spokane, Washington, Time: 7:00 p.m.

For information about this meeting, contact Mr. Wayne Lee, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Wednesday, January 8, 1986

Seattle Center, Mercer Forum, Room VIII (near Opera House), Third North and Mercer, Seattle, Washington, Time: 7:00 p.m.

For information about this meeting, contact Mr. George Reich, Acting, Puget Sound Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130.

Friday, January 10, 1986

Conference Room 124, Federal Building, 211 East 7th Avenue, Eugene, Oregon, Time: 1:00 p.m.

For further information about this meeting, contact Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503–687–6952.

Written Comments

BPA also welcomes written comments on the scope of the EIS. These comments can focus both on the issues that should be emphasized in the EIS and those that should be de-emphasized. Written comments pursuant to this notice will be accepted through January 17, 1986. Send letters of comment to Mr. Anthony R. Morrell, Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208.

Responsible Officials

Mr. Anthony R. Morrell, Environmental Manager, is responsible for preparation of the EIS.

FOR FURTHER INFORMATION CONTACT: For questions on the scope and content of the EIS, contact Mr. Morrell, 503–230–5136, Portland, Oregon. For questions on the relationship between the EIS and energy-efficient new homes programs, contact Mrs. Ruth L. Love in the Office of Conservation, 503–230–5487, Portland, Oregon. Oregon callers outside of Portland may use the toll-free number 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800–547–6048.

SUPPLEMENTARY INFORMATION: In 1984 BPA completed an EIS on expansion of its Residential Weatherization Program. An analysis was done of the effects on indoor air quality and human health of adding such "tightening" measures as storm windows, caulking, weatherstripping, and wall insulation to all electrically heated homes in the region. The alternative of not adding these conservation measures, and therefore not gaining the energy savings from them, was compared to the environmental effects of obtaining a similar amount of energy from a coal or nuclear plant. Various methods for mitigating indoor air quality effects were also analyzed, including the cost of the methods, and the amounts of electric energy they required.

BPA proposes to follow a similar strategy for its New Energy-Efficient Homes EIS. BPA will analyze the health effects of alternative methods for enhancing indoor air quality (IAQ) in the new electrically heated energy-efficient homes that are expected to be built in BPA's service territory in the next 20–40 years. The types of methods for enhancing IAQ include (1) avoiding materials and activities which produce indoor air pollutants, (2) sealing off sources of indoor air pollutants, and (3) ventilating polluted air to the outside through various techniques and technologies.

The feasibility of these three types of methods, the various techniques for implementing them, and their likely effects on electric energy conservation and human health will be analyzed in the EIS.

Through the EIS scoping process BPA would like to receive suggestions and ideas in response to the following questions:

1. What other environmental effects that might be associated with new energy-efficient dwellings should we include in the EIS besides those pertaining to indoor air quality and human health?

2. What strategies should we be considering for assuring acceptable indoor air quality in homes built to meet the Model Conservation Standards besides that of including air-to-air heat exchangers in these homes?

3. BPA is promoting the construction of new homes that meet the MCS formulated by the Northwest Power Planning Council through various programs such as a marketing program (Super GOOD CENTS), an incentive program which is being developed now (most likely, financial incentives to be added to Super GOOD CENTS), and through financial assistance to governmental jurisdictions which incorporate the MCS into their building codes. The various programmatic approaches for promoting energy-efficient homes will also be considered in the EIS. Are there particular programmatic approaches that should be discussed in the EIS?

4. What other factors should be discussed or considered for an EIS on New Energy-Efficient Homes?

Authority for BPA's development and promotion of programs to insure that new dwellings are designed and built to meet the MCS comes from section 4(f) and section 6(a) of the Pacific Northwest Electric Power Planning and Conservation Act. Section 4(f) directs the Council to incorporate MCS into its Northwest Conservation and Electric Power Plan (Plan).

Section 6(a) directs the BPA Administrator to give financial and technical aid to BPA utility customers to encourage maximum cost-effective voluntary electric energy conservation, and to acquire such conservation

resources to reduce the electric load placed on BPA as the Administrator determines are consistent with the Plan developed by the Council.

Related Documents Available from BPA

BPA, "Final Environmental Impact Statement: The Expanded Residential Weatherization Program," DOE/EIS 0035F, Portland, Oregon, August 1984.
BPA, "Issue Backgrounder: Energy-Efficient New Homes and Indoor Air Pollutants," DOE/BP-467, July 1985.

Issued in Portland, Oregon, on November 26, 1985.

Robert E. Ratcliffe,

Acting Administrator.

[FR Doc. 85-29170 Filed 12-6-85; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 85-30-NG]

Transco Energy Marketing Co.; Application to Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application for blanket authorization to import natural gas from Canada for short-term and spot sales.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on November 8, 1985, of an application filed by Transco Energy Marketing Company (TEMCO), a subsidiary of Transco Energy Company, for blanket authorization to import from Canada up to 1 Bcf of natural gas per day and a maximum of 730 Bcf for a two-year period beginning on the date of first delivery. The gas would be supplied by various Canadian suppliers and producer associations and sold by TEMCO on a short-term or spot basis to a wide range of markets in the United States, including local gas distribution companies and end-users. TEMCO would also act as agent for its U.S. purchaser clients and the Canadian suppliers. The specific terms of each import and sale would be negotiated on an individual basis including the price and volumes. TEMCO proposes to make quarterly reports to the ERA.

The application was filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than 4:30 p.m., on January 8, 1986.

FOR FURTHER INFORMATION:

N.V. Breckner, Natural Gas Division, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-9482.
Diana Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, U.S. Department of Energy, Forrestal Building, Room 6E042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: On November 8, 1985, TEMCO filed an application for blanket authorization to import up to 1 Bcf of Canadian natural gas per day and a maximum of 730 Bcf for a two-year period beginning on the date of first delivery. TEMCO proposes to import the gas from various Canadian suppliers and producer associations and to sell it on a short-term or spot basis to a wide range of markets in the United States, including local gas distribution companies and end-users. TEMCO also would act as agent for its U.S. purchaser clients and Canadian supplier clients. Volumes sold in individual transactions could range from 250 Mcf/d to 250,000 Mcf/d. TEMCO will file quarterly reports with the ERA identifying numerous relevant details of each transaction.

In support of its application, TEMCO anticipates that spot market transaction will be for terms up to two years, but asserts that the price in any one contract will probably not remain fixed for longer than one year, and in most cases will be adjusted on a monthly basis as required by market conditions and available competing fuels including domestic natural gas. In addition, most of TEMCO's spot market contracts allow either party to terminate with relatively short notice for any reason. The intention is that such arrangements will ensure competitiveness of the gas supplied in transactions under this proposal, and the quarterly reports of each transaction's details will permit verification that contract terms contain sufficient flexibility to remain price competitive.

According to TEMCO, the transactions it contemplates will utilize existing pipeline facilities both in Canada and the United States. Because no new facilities will be constructed for the proposed importation, an import authorization would not be a Federal action significantly affecting the environment within the meaning of the National Environmental Policy Act, 42 U.S.C. 4321, *et seq.*

Noting that the requested authorization essentially duplicates certain existing authorizations, TEMCO requests that its application be considered on an expedited basis, including dispensing with an opportunity for additional comments such as that utilized in processing certain previous applications for blanket authorization. An ERA decision on this request will depend upon the comments received.

This application is one of a number received by the ERA concerning purchases of imported gas for spot and short-term blanket opportunities. The authorization would provide the applicant with blanket import approval to negotiate and transact individual short-term sales arrangement without further regulatory action. This application is similar to other blanket imports the ERA has recently approved.

The decision on this application will be made consistent with the Secretary of Energy's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). The objective of this policy, with its strong emphasis on competitive arrangements and contract flexibility, is to free commercial parties from undue government interference in determining contract terms and reflects the importance of buyer-seller negotiation. Parties that may oppose this application should comment in their reponses on the issue of competitiveness as set forth in the policy guidelines. The applicant has asserted that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Other Information

In response to this notice, any person may file a portest, motion to intervene, or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural

action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076-A, RG-23, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585. They must be filed no later than 4:30 p.m., January 8, 1986.

The Administrator intends to develop a decisional record on the application through responses to the notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law or policy at issue, show that it is material and relevant to a decision on the proceding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of TEMCO'S application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076-A, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on November 27, 1985.

Robert L. Davies,

Acting Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-29127 Filed 12-6-85; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-85-031; OFP Case No. 61054-9283-20-24]

Carson Energy, Inc.; Exemption

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting to Carson Energy, Inc., exemption from the prohibitions of the Powerplant and industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), to Carson Energy, Inc. (Carson or "the petitioner"). The permanent cogeneration exemption permits the use of natural gas as the primary energy source for a 43.1 MW (net, approximate) combined cycle cogeneration facility designed to produce electricity and process steam at the ICE HAUS II facility located in Carson, California. The final exemption order and detailed information on the proceeding are provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATES: The order shall take effect on February 7, 1986..

The public file containing a copy of the order, other documents, and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

George G. Blackmore, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-045, Washington, DC 20585. Telephone (202) 252-1774.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue SW., Washington, DC 20585. Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: On August 12, 1985, Carson petitioned ERA under section 212(c) of FUA and 10 CFR 503.37 for a permanent cogeneration exemption to permit the use of natural gas in 43.1 MW (net, approximate) combined cycle cogeneration facility consisting of a gas turbine generator, a waste heat recovery steam generator, a steam extraction turbine generator and ancillary equipment. As all of the net annual generation of electric power from the unit will be sold to Southern California Edison Company (Edison), the units is, by definition, an electric powerplant under 10 CFR 500.2. The facility will produce approximately 79,000 pounds of high pressure steam per hour ad 24,000 pounds per hour of low pressure steam which will provide thermal energy for an absorption refrigeration system at Mountain Water Ice Company, Carson, California. Carson will operate the facility .

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including Carson's certification to ERA, in accordance with 10 CFR 503.37(a)(1), that:

1. The oil or natural gas to be consumed by the cogeneration facility will be less then that which would otherwise be consumed in the absence of such cogeneration facility, in accordance with 10 CFR 503.37(a)(1)(i); and

2. The use of a mixture of natural gas and coal or oil and coal in the cogeneration facility will not be technically feasible, in accordance with 10 CFR 503.37(a)(1)(ii).

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition and Availability of Certification in the **Federal Register** on October 3, 1985 (50 FR 40441), commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental Protection Agency for comments as required by section 701(f) of the Act. During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on November 18, 1985; no comments were received and no hearing was requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National environmental Policy Act (NEPA).

Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, EPA has determined that Carson has satisfied the eligibility requirements for the requested permanent cogeneration exemption, as set forth in 10 CFR 503.37. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent cogeneration exemption to Carson to permit the use of natural gas as the primary energy source for its cogeneration facility at ICE HAUS II in Carson, California.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the **Federeal Register**.

Issued in Washington, DC on November 29, 1985

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-29128 Filed 12-6-85; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-85-023; OFP Case No. 67047-9284-20-24]

Sunlaw Energy Corp.; Exemption

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting to Sunlaw Energy Corporation exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), to Sunlaw Energy Corporation (Sunlaw or "the petitioner"). The permanent cogeneration exemption permits the use of natural gas as the primary energy source for a 49.9 MW (net, approximate) combined cycle cogeneration facility designed to produce electricity and process steam at Sunlaw's facility located in Santa Fe Springs, California. The final exemption order and detailed information on the proceeding are provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATES: The order shall take effect on February 7, 1986.

The public file containing a copy of the order, other documents, and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

George G. Blackmore, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-045, Washington, DC 20585. Telephone (202) 252-1774.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue SW., Washington, DC 20585. Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: On July 18, 1985, Sunlaw petitioned ERA under section 212(c) of FUA and 10 CFR 503.37 for a permanent cogeneration exemption to permit the use of natural gas in a 49.9 MW (net, approximate) combined cycle cogeneration facility consisting of a gas turbine generator, a waste heat recovery steam generator, a steam extraction turbine generator and ancillary equipment. As all of the net annual generation of electric power from the unit will be sold to Southern California Edison Company (Edison), the unit is, by definition, an electric powerplant under 10 CFR 500.2. The facility will produce approximately 138,500 pounds of steam per hour which will be sold to Speciality Paper, a paper mill. Sunlaw will operate the facility.

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including Sunlaw's certification to ERA, in accordance with 10 CFR 503.37(a)(1), that:

1. The oil or natural gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of such cogeneration facility, in accordance with 10 CFR 503.73(a)(1)(i); and

2. The use of a mixture of natural gas and coal or oil and coal in the cogeneration facility will not be technically feasible, in accordance with 10 CFR 503.37(a)(1)(ii).

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition and Availability of Certification in the **Federal Register** on August 9, 1985 (50 FR 32257), commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental Protection Agency for comments as required by section 701(f) of the Act. During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on September 23, 1985; no comments were received and no hearing was requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA).

Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, ERA has determined that Sunlaw has satisfied the eligibility requirements for the requested permanent cogeneration exemption, as set forth in 10 CFR 503.37. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent cogeneration exemption to Sunlaw to permit the use of natural gas as the primary energy source for its cogeneration facility in Santa Fe Springs, California.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the **Federal Register.**

Issued in Washington, DC on November 29, 1985.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-29129 Filed 12-6-85; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-86-18; OFP Case No. 64012-9295-23-24]

Klondike Equity Enterprises, Inc.; Acception of Petition for Exemption and Availability of Certification

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption and availability of certification by Klondike Equity Enterprises, Inc.

SUMMARY: On October 28, 1985, Klondike Equity Enterprises, Inc. (KEE), filed a petiton with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting

a permanent cogeneration exemption for a proposed electric powerplant to be located at its Klondike V facility in Santa Ana, California, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroluem and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Part 500, 501, and 503. Final rules governing the cogeneration exemption were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503–37.

The proposed powerplant for which the petition was filed is an approximately 27.6 MW (net) cogeneration facility consisting of a gas turbine and generator, a heat recovery steam generator, a steam turbine and generator, an absorption refrigeration package, and ancillary equipment.

The plant will be constructed at a facility consisting of two ice rinks, a healthclub, swimming pool, and restaurant. The plant will burn natural gas. It is expected that more than 50 percent of the net annual electric power produced by KEE will be sold to Southern California Edison Company, making the cogeneration facility an electric powerplant pursuant to the defintions contained in 10 CFR 500.2. The Facility will also produce thermal energy for an absorption refrigeration system, water heating, and comfort heating system at the adjoining recreational complex.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E–190, Washington, DC 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefore, would be published in the **Federal Register**.

DATE: Written comments are due on or before January 23, 1986. A request for a public hearing must be made within this same 45-day period.

ADDRESS: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA–045, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

Docket No. ERA–C&E–86–18 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Steven Mintz, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA–045, Washington, DC 20585. Telephone (202) 252–9506.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A–113, 1000 Independence Avenue SW., Washington, DC 20585. Telephone (202) 252–6947.

SUPPLEMENTARY INFORMATION: KEE proposes to construct and operate a cogeneration facility in Santa Ana, California, which will (1) generate electrical power for sale to Southern California Edison Company and (2) produce steam to meet the requirements of the adjoining recreation complex. The system will consist of a gas turbine, a heat recovery steam generator, a steam turbine generator, an absorption refrigeration package, and ancillary equipment.

The cogeneration facility is classified as an electric power-plant under FUA because more than 50 percent of its net annual electric generation will be sold.

Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), KEE has certified to ERA that:

1. The gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of petroleum or natural gas and an alternate fuel in the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

In accordance with the evidentiary requirements of § 503.37(c) (and in addition to the certifications discussed above), KEE has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR 1500 *et seq.*; and DOE guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmenfal Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment.

If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that KEE is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC, on November 29, 1985.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85–29130 Filed 12–6–85; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–C&E–86–10; OFP Case No. 55393–9247–01–12]

Owens-Illinois, Inc.; Acceptance of Petition for Exemption and Availability of Certification

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption and availability of certification by Owens-Illinois, Inc., Orange, Texas.

SUMMARY: On October 28, 1985, Owens-Illinois, Inc. (Owens) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act") based on the lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum for a package boiler to be located at its pulp and paper mill located in Orange, Texas. Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new major fuel burning installation (MFBI) consisting of a boiler. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the exemption based on the lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum are found at 10 CFR 502.32.

The project for which the exemption is requesed is a package boiler to be added to an existing system consisting of four (4) oil/gas and biomass fired boilers, which have a design rated capacity of 253,000, 253,000, 270,000 and 220,000 pounds per hour steam peak rating, respectively. The new package boiler will be pressure fired and designed to produce 170,000 pounds of high pressure steam per hour.

ERA has determined that the petition for exemption is sufficient to support an ERA determination, and it is therefore accepted pursuant to 10 CFR 501.3 and 501.63. ERA retains the right, however, to request additional relevant information from Owens any time during the proceeding as circumstances may require. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in Sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing. The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding, is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, DC 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register**.

DATE: Written comments are due on or before January 23, 1986. A request for a public hearing must be made within this same 45-day period.

ADDRESS: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-045, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Docket ERA-C&E-86-10 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

George G. Blackmore, Coal & Electricity Division, Office of Fuels programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-045, Washington, DC 20585. Telephone: (202) 252-1774.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue SW., Washington, DC 20585. Telephone: (202) 252-6947.

SUPPLEMENTARY INFORMATION: Title II of FUA prohibits the use of natural gas of petroleum in new MFBI's that consist of a boiler unless an exemption for such use has been granted by ERA. Owens has filed a petition with ERA requesting a permanent exemption to permit the use of natural gas as the primary energy source for its new package boiler proposed for its pulp and paper mill in Orange, Texas. Granting the requested exemption would permit effcient operation of each unit, reduce maintenance costs, reduce emissions, increase the useful life of the unit, and conserve energy.

Exemption Petition

Section 212(a)(1)(A)(ii) of the Act and 10 CFR 503.32 provide for a permanent exemption for lack of alternate fuel supplies at a cost which does not substantially exceed the cost of using imported petroleum. In accordance with the requirements of § 503.32(b), Owens' petition includes the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of that section;

(2) Exhibits containing the basis for certifications required under paragraph (a) of that section;

(3) Environmental impact analysis, as required under § 503.13;

(4) Fuels search, as required under § 503.14; and

(5) All data required by § 503.6 (cost calculation).

NEPA Compliance

In processing this exemption, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

Pursuant to 10 CFR 501.3, ERA hereby accepts Owens' petition for a permanent exemption for lack of alternate fuel supplies at a cost which does not substantially exceed the cost of using imported petroleum for its new package boiler. ERA retains the right, however, to request additional relevent information at any time during the pendency of these proceedings. As provided in 10 CFR 501.3 (b)(4), acceptance of this petition for exemption by ERA does not constitute a determination that the petitioner is entitled to the exemption requested. That determination will be based on the entire record of these proceedings, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC on November 29, 1985.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-29131 Filed 12-6-85; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Energy.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: The Department of Energy (DOE) has submitted the energy information collections, listed at the end of this notice, to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by DOE.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The collection number(s); (2) Collection title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Reponse obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to respond to the collection; and (9) A brief abstract describing the proposed collection.

DATES: Last Notice published Monday, November 18, 1985 (50 FR 47425).

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Data Collection Services Division (DCSD), Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-2308.

Vartkes Broussalian, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7313.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer for the appropriate agency as shown above.

If you anticipate commenting on a collection, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, DC, December 4, 1985.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE COLLECTIONS UNDER REVIEW BY OMB

Collection number(s)	Collection title	Type of request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden hours	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
EIA								
EIA-23, 23P and 64A.	Oil and gas reserve system surveys.	Revision	Annually	Mandatory	Domestic oil and gas well operators, and natural gas processing plant operators.	4,963	125,075	These surveys (1) provide data on the reserve of crude oil, natural gas, and natural gas liquids, (2) determine the status and approximate level of production, and (3) provide data used to estimate natural gas liquids production and reserves. Data are published.

[FR Doc. 85-29168 Filed 12-6-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP86-157-000 et al.]

ANR Pipeline Co. et al.; Natural gas certificate filings

November 27, 1985.

Take notice that the following filings have been made with the Commission:

1. ANR Pipeline Company

[Docket No. CP86-157-000]

Take notice that on November 1, 1985, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243 (Applicant), filed in Docket No. CP86-157-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas on behalf of Texas Gas Transmission Corporation (TGT), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that ANR presently transports an aggregate contract demand volume of 183,000 Mcf of gas per day for TGT from various points in the Outer Continental Shelf Lands Area, offshore Louisiana, to a point of redelivery near Calumet, St. Mary Parish, Louisiana, pursuant to a gas transportation agreement, dated February 26, 1969, as amended. It is further stated that TGT has informed ANR that it has acquired additional reserves in the South Marsh Island area, offshore Louisiana, which it desires ANR to transport.

ANR proposes to transport up to 45,000 Mcf of gas per day from South Marsh Island Block 146 (SMI 146) to South Marsh Island Block 108 (SMI 108) at a demand charge of $2.26 per Mcf transported. It is asserted that volumes would be transported from SMI 108 pursuant to an amendment to the 1969 Agreement. Accordingly, ANR requests authority to add the SMI 108 and Ship Shoal Block 207 as new receipt points under Rate Schedule X-11. It is also asserted that there would be no change in the aggregate volumes transported under Rate Schedule X-11 and no change in the term thereof.

Comment date: December 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

2. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP86-50-000]

Take notice that on October 17, 1985, Arkla Energy Resources, a division of Arkla, Inc. (AER), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP86-50-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of CITGO

Petroleum Corporation (CITGO) under the certificates issued in Docket Nos. CP82-384-000 and CP82-384-001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

AER proposes to transport up to 3 billion Btu of gas per day for boiler fuel uses and general refinery fuel requirements in CITGO's industrial plant in Lake Charles, Calcasieu Parish, Louisiana. AER indicates that 80 percent of the gas at CITGO's plant would be used for feedstock and process fuel purposes, the remaining 20 percent for boiler fuel.

By supplement dated November 18, 1985, AER states that it would receive the gas directly from Mid Continent Gas Company (Mid Continent) at the wellhead at twelve different points of receipt in Arkansas, and by displacement, from AER's intrastate system in Shreveport, Louisiana. It is explained that AER would then transport and deliver the gas to an existing point of interconnection with the facilities of United Gas Pipe Line Company (United) in Bienville Parish, Louisiana, and by displacement, to facilities also owned by United in Panola County, Texas, all for further transportation to CITGO's Lake Charles plant.

AER states that it would charge CITGO the currently applicable transportation rate in accordance with its ECOSHARE Transportation Rate Schedule or Rate Schedule No. TRG-1, FERC Gas Tariff, First Revised Volume No. 2.

It is explained that the transportation agreement would be effective on July 29, 1985, and would remain in full force and effect for a term ending one year from the date of initial deliveries.

In addition, it is stated that AER requests flexible authority to add or delete sources of supply or receipt/delivery points, if such altered services are on behalf of the same end-user, at the same end-user location, within the maximum daily and annual volumes authorized in this docket, and under the same terms and conditions authorized for the basic service.

Comment date: January 13, 1986, in accordance with Standard Paragraph G at the end of this notice.

3. Carnegie Natural Gas Company and Apollo Gas Company

[Docket No. CP86-109-000]

Take notice that on October 31, 1985, Carnegie Natural Gas Company (Carnegie), 800 Regis Avenue, Pittsburgh, Pennsylvania 15236, and Apollo Gas Company (Apollo), 800 Regis Avenue, Pittsburgh, Pennsylvania 15236, filed in Docket No. CP86-109-000 a joint application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and the construction and operation of facilities, all as more fully set forth in the joint application which is on file with the Commission and open to public inspection.

Carnegie and Apollo propose to exchange natural gas pursuant to the terms of an exchange agreement dated October 28, 1985. It is stated that the exchange of natural gas would be at the intersection of Carnegie's Line No. M-81 and Apollo's Line No. M-67 near Carnegie's Creighton compressor station located near Creighton, Pennsylvania. It is further stated that Carnegie and Apollo have operational problems relating to fluctuations of pressure or deliverability affecting the quality and reliability of service to their respective customers and that the ability to exchange natural gas at the described interconnection of facilities would mitigate the operational problems.

The exchange agreement provides that Carnegie/Apollo, upon reasonable notice to Apollo/Carnegie, may request and receive from Apollo/Carnegie such requested volumes of surplus natural gas as shall be then available without disadvantage to Apollo's/Carnegie's customers, it is explained. It is further stated that such requested volumes would not exceed 450 dt equivalent of gas per hour. Receipts and deliveries would be balanced out each month on a best efforts basis, with any imbalances to be resolved by the delivery and receipt of necessary volumes at least once each twelve-month period, it is explained.

Carnegie also proposes to install a new meter and related appurtenances to facilitiate the exchange. The estimated cost of the meter is about $25,000, it is explained. It is stated that Apollo would require no new facilities since an existing meter is in place near the Creighton Station.

Apollo also requests a Commission determination that its participation in the exchange would not serve to make Apollo subject to regulation of the Commission as to any of its activities save and except as to the instant transaction.

Comment date: December 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

4. Colorado Interstate Gas Company

[Docket No. CP86-169-000]

Take notice that on November 1, 1985, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP86-169-000 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 RMT Properties, Inc., a wholly owned subsidiary of Flying J. Inc. (Flying J), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Flying J has requested that CIG provide a transportation service on an interruptible basis of up to 12,500 Mcf of natural gas per day which would be delivered by Ecological Engineering Systems, Inc. (EES), to CIG for Flying J's account at existing points of interconnection between the facilities of CIG and Williston Basin Interstate Pipeline Company in Park County, Wyoming, and CIG and MICC, Inc., in Converse County, Wyoming. It is further stated that CIG would redeliver thermally equivalent volumes of natural gas less fuel and unaccounted-for natural gas volumes to Cheyenne Light, Fuel and Power Company (Cheyenne) for Flying J's account, at existing points of interconnection between the facilities of Cheyenne and CIG in Weld County, Colorado. It is indicated that Cheyenne would make the ultimate delivery of the natural gas to Flying J's Cheyenne, Wyoming, plant.

CIG states that it proposes to charge Flying J an initial rate of 62.70 cents per Mcf for the transportation of the redelivery volumes after deducting the applicable fuel gas and unaccounted-for volumes. CIG further states that the transportation charge would only be applicable to the thermally equivalent volumes delivered to Cheyenne for the account of Flying J. It is indicated that in addition to the transportation charge of 62.70 cents per Mcf, a 1.25 cents per Mcf charge for the Gas Research Institute funding fee would be collected by CIG.

CIG states that no new facilities are proposed to be constructed in order to effectuate the proposed transportation service. However, CIG indicates that it requests authority to add and delete supply delivery points. CIG further states that the addition of supply delivery points may require the construction and operation of additional facilities. CIG indicates that any additional facilities required would be constructed pursuant to CIG's blanket certificate in Docket No. CP83-21-000 or specific application, as appropriate. Thus, CIG states, it requests authority to file annually, on or about January 31, tariff revisions, as necessary, to keep the Commission informed of any supply

delivery point additions or deletions pursuant to the authority requested herein.

Comment date: December 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

5. Colorado Interstate Gas Company

[Docket No. CP86-119-000]

Take notice that on October 31, 1985, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP86-119-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the conversion of two existing gas storage observation wells in CIG's Flank storage field, Baca County, Colorado, to the use of injection or withdrawal wells, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG states that due to an increase in the working pressure of the Flank storage field it has determined that the two observation wells could be more effectively used as injection and withdrawal wells. CIG states that conversion of the wells would not change presently existing deliverability rates or maximum storage volume capacity as authorized in Docket No. CP79-128 on June 15, 1979, as amended September 27, 1985. It is asserted that the proposed conversion would permit CIG to attain certificated deliverability rates and extend the duration in which the maximum daily rate can be maintained. CIG estimates the proposed conversion and connection of the two wells to its storage system would cost $157,500. CIG states that such cost would be financed from current funds on hand, funds from operations, short-term borrowing or long-term financing.

Comment date: December 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

6. Columbia Gas Transmission Corporation

[Docket No. CP86-201-000]

Take notice that on November 12, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP86-201-000 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing Transcontinental Gas Pipe Line Corporation (Transco), Natural Gas Pipeline Company of America (Natural), and Trunkline Gas Company (Trunkline) to transport gas on behalf of Columbia, its customers and their consumers without subjecting Transco, Natural and Trunkline to the non-discriminatory access requirements of Order No. 436 to enable Columbia to meet the requirements of its customers for gas purchased directly from Shell Oil Company (Shell), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia states that the transportation services of Transco, Natural and Trunkline are required in order for volumes released by Columbia to reach Columbia's system for redelivery to Shell's spot market purchasers. Columbia further states that it is presently unable to transport these volumes. Columbia indicates that it has elected to accept the non-discriminatory transportation access condition under Order No. 436 for the initial period of 45 days, while other pipelines, including Transco, Natural and Trunkline, have not accepted the non-discriminatory access condition. Columbia explains that non-acceptance by Transco, Natural and Trunkline coupled with Columbia's need of those pipelines' transportation services, would, in effect deny Columbia the opportunity to transport Shell's gas under Order No. 436 to Shell's spot market purchasers.

In order to meet the transportation needs of Shell's spot market purchasers of the released gas, Columbia requests, on behalf on Transco, Natural, and Trunkline, that the Commission authorize Transco, Natural, and Trunkline pursuant to section 7(c) of the Natural Gas Act to transport Shell gas (released by Columbia) to the pipeline system of Columbia Gulf Transmission Company (Columbia Gulf), Columbia's affiliate, for eventual delivery to Columbia.

Columbia states that as part of a tentative pricing and take-or-pay agreement, Shell has agreed to release Columbia from its obligation to purchase 58,500 dt equivalent of natural gas per day from Shell production in Brazos area blocks A-19, A-20, and A-23, offshore Texas, with take-or-pay credit for all such released volumes, provided Shell can sell the gas and have it transported on the spot market. To receive such gas for transportation, Columbia asserts that Columbia Gulf would transport the gas from the production platform to Brazos area Block 538, offshore Texas. Columbia indicates that due to Columbia Gulf's capacity limitation on the Central Texas Gathering System (CTGS), Transco would transport the subject volumes through its capacity in the CTGS.

It is indicated that the released gas moved by Columbia Gulf and Transco would then be handled exclusively by Transco through Transco's compressor station No. 30 for redelivery to Natural or Trunkline. Natural in turn, it is indicated would transport directly to Columbia Gulf at the Henry plant, Vermilion Parish, Louisiana, or South Pecan Lake interchange, Cameron Parish, Louisiana, or to Trunkline at Montgomery County, Texas, depending on capacity restrictions at those points. Finally, it is explained that Trunkline would redeliver the released volumes received from Natural or Transco to Columbia Gulf at the Centerville interchange, St. Mary Parish, Louisiana.

Comment date: December 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

7. Colorado Interstate Gas Company

[Docket No. CP86-163-000]

Take notice that on November 1, 1985, Colorado Interstate Gas Company (Applicant), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP86-163-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation, on an interruptible basis, of up to 650,000 Mcf of gas per day for Mountain Industrial Gas Company (MIC), authorizing the sale of fuel reimbursement volumes, and authorizing the addition and deletion of supply delivery points, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport, on an interruptible basis, up to 650,000 Mcf of gas per day which MIG would initially cause to be delivered to Applicant at certain existing interconnections on Applicant's system. Applicant would redeliver thermally equivalent volumes less an allowance for fuel reimbursement at locations where Applicant's sales and/or transportation deliveries are made. Applicant states that it may redeliver thermally equivalent volumes and sell MIC the fuel reimbursement volumes at a rate equal to Applicant's then current weighted average cost of gas. Applicant's proposed transportation rate is 63.04 cents per Mcf for redelivery volumes that would displace sales and 32.62 cents per Mcf for other transportation service. In addition to the transportation rate, Applicant proposes to charge, when appropriate, a Gas Research Institute funding fee of 1.25 cents per Mcf.

It is stated that volumes would be delivered to Applicant for MIG's account in accordance with a transportation service agreement (agreement) dated August 29, 1985, at the following existing interconnections where Applicant is receiving gas for MIG's account from:

- MIGC, Inc.—Power River, Section 10, Township 33 North, Range 73 West, Converse County, Wyoming
- Gasco, Inc.—Mt. Pearl/Sorrento, Section 16, Township 16 South, Range 48 West, Cheyenne County, Colorado
- Williston Basin Interstate Pipeline Company—Elk Basin, Section 29, Township 58 North, Range 99 West, Park County, Wyoming

Applicant states that the agreement provides for additional points of delivery and that MIG is presently negotiating with a number of different suppliers, some of which would require new delivery points. Applicant further requests authority to add and delete gas supply delivery points to and from its system in order to accommodate the requirements of MIG's gas supply, and to file on or about January 31 of each year tariff revisions as necessary to keep the Commission informed of only delivery point changes.

Applicant avers that the proposal is in the public convenience and necessity because MIG's customers would benefit by being able to purchase gas at competitive prices. It is further averred that Applicant and other pipelines would benefit from the receipt of revenues for providing the interruptible transportation service.

Comment date: December 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

8. Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company

[Docket No. CP85-902-000]

Take notice that on September 24, 1985, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027 (Applicants), filed in Docket No. CP85-902-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authority to transport natural gas on behalf of North Metal & Chemical Company (North Metal & Chemical) under the certificates issued in Docket Nos. CP83-76-000 and CP83-496-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicants propose to transport up to 150 million Btu of natural gas per day on behalf of North Metal & Chemical through the later of any extension of the existing authority to transport under Section 157.209 of the Commission's Regulations, and/or the period of time established by the Commission in the final rule issued in Docket No. RM85-1-000, up to the end of the term of the transportation agreement.

Applicants state that North Metal & Chemical has entered into a gas sales agreement to purchase natural gas from Hadson Gas Systems, Inc. (Hadson Gas), and that such gas was not committed or dedicated to interstate commerce on November 8, 1978. It is stated that Columbia Gulf would receive the quantities at existing points of receipt in Louisiana and redeliver to Columbia Gas which would redeliver to Columbia Gas of Pennsylvania, Inc. (CPA), for ultimate delivery to North Metal & Chemical's plant in York, Pennsylvania. Applicants state that should they add receipt points for additional sources of gas, such additional sources of gas would only be obtained to constitute the quantities to be transported hereunder and not to increase those quantities.

Columbia Gulf states that it would charge one of the rates in its Rate Schedule T-2 for its transportation service offshore to Kentucky—23.92 cents per dt equivalent of gas and retain 1.69 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas; lateral onshore to Kentucky 14.28 cents per dt and 1.50 percent retainage; Rayne, Louisiana to Kentucky—12.76 cents per dt and 1.50 percent retainage; and Corinth, Mississippi, to Kentucky—6.3 cents per dt and 0.75 percent retainage.

Columbia Gas states that it would charge one of the rates set forth in its Rate Schedule TS-1. It is stated that the currents rates for TS-1, within CPA's total daily entitlement, are as follows: received from Columbia Gulf at Leach, Kentucky—21.16 cents per dt; and received from receipt points other than Leach, Kentucky—29.93 cents per dt. It is further stated that the current rates for TS-1, in excess of CPA's total daily entitlement, are as follows: received from Columbia Gulf at Leach, Kentucky—32.50 cents per dt; and received from receipt points other than Leach, Kentucky—41.27 cents per dt. Columbia Gas states that it would retain 2.43 percent of the total quantity received for company-use and unaccounted-for gas. It is further stated that Columbia Gas would charge the General R&D Funding unit of the Gas Research Institute for all quantities transported.

Comment date: January 13, 1986, in accordance with Standard Paragraph G at the end of this notice.

8. Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company

[Docket No. CP86-79-000]

Take notice that on October 28, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027 filed in Docket No. CP86-79-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Durkee Famous Foods, Division of SCM Corporation (Durkee), under the certificates issued in Docket Nos. CP83-76-000 and CP83-496-000, respectively, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Applicants propose to transport up to 191 million Btu equivalent of natural gas per day for Durkee. It is stated that the gas to be transported would be purchased from Hadson Gas Systems, Inc. (Hadson), and would be used as boiler fuel and process gas in Durkee's plant in Bethlehem, Pennsylvania.

Applicants state that they would transport the gas through the later of any extension of the existing authority to transport under § 157.209 of the Commission Regulations, and/or in the event Columbia files a statement of notification pursuant to new § 284.223(g) of the Commission's Regulations and thereafter files for a blanket certificate under § 284.221 of the Commission's Regulations such period of time as may be established by the Commission in any final rule issued in Docket No. RM85-1-000, up to the end of the term of the transportation agreement (July 23, 1986).

It is further stated that Columbia Gulf would receive the transportation volumes at existing receipt points in Louisiana and redeliver to Columbia, which would redeliver to UGI Corporation, the distributor serving Durkee in Bethlehem, Pennsylvania.

Columbia Gulf states that it would charge one of the rates in its Rate Schedule T-2 for its transportation service: offshore to Kentucky—23.92

cents per dt equivalent of gas and retain 1.69 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas; lateral onshore to Kentucky—14.28 cents per dt equivalent of gas and retain 1.50 percent; Rayne, Louisiana, to Kentucky—12.76 cents per dt equivalent of gas and retain 1.50 percent; and Corinth, Mississippi, to Kentucky—6.38 cents per dt equivalent of gas and retain 0.75 percent.

Columbia states that it would charge one of the rates in its Rate Schedule TS–1 for its transportation service: gas received from Columbia Gulf at Leach, Kentucky—21.16 cents per dt equivalent and gas received from Columbia Gulf at receipt points other than Leach, Kentucky—29.93 cents per dt equivalent provided the volumes are within UGI's total daily entitlements (TDE). However, Columbia states it would charge 32.50 cents per dt equivalent for gas it receives from Columbia Gulf at Leach, Kentucky; and 41.27 cents per dt equivalent for gas received from receipt points other than Leach, Kentucky if the volumes are in excess of UGI's TDE's. Columbia further states it would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas.

Comment date: January 13, 1986, in accordance with Standard Paragraph G at the end of this notice.

8. Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company

[Docket No. CP86–152–000]

Take notice that on November 1, 1985, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027 (Applicants), filed in Docket No. CP86–152–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authority to transport natural gas on behalf of J. T. Baker Chemical Company (J. T. Baker) under their certificates issued in Docket Nos. CP83–76–000 and CP83–496–000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in their request on file with the Commission and open to public inspection.

Applicants propose to transport up to 800 million Btu equivalent of natural gas per day on behalf of J. T. Baker through the later of any extension of the existing authority to transport gas under § 157.209 of the Commission's Regulations, and/or in the event Applicants file a statement of notification pursuant to § 284.223(g) of the Commission's Regulations and thereafter file for a blanket certificate under § 284.221 of the Regulations such period of time as may be established by the Commission in any final rule issued in Docket No. RM85–1–000, up to the end of the term of the transportation agreement. Columbia Gulf would receive the quantities at existing points of receipt in Louisiana and redeliver to Columbia Transmission which would redeliver to Elizabethtown Gas Company (Elizabethtown) for ultimate delivery to J. T. Baker.

Columbia Gulf states that it would charge one of the rates in its Rate Schedule T–2 for its transportation service: offshore to Kentucky—23.92 cents per dt equivalent of gas and retain 1.69 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas; lateral onshore to Kentucky—14.28 cents per dt equivalent of gas and retain 1.50 percent; Rayne, Louisiana, to Kentucky—12.76 cents per dt equivalent of gas and retain 1.50 percent; and Corinth, Mississippi, to Kentucky—6.38 cents per dt equivalent of gas and retain 0.75 percent.

Columbia Transmission states that it would charge one of the rates in its Rate Schedule TS–1 for its transportation service: gas received from Columbia Gulf at Leach, Kentucky—21.16 cents per dt equivalent and gas received from Columbia Gulf at receipt points other than Leach, Kentucky—29.93 cents per dt equivalent provided the volumes are within Elizabethtown's total daily entitlements (TDE). However, Columbia Transmission states it would charge 32.50 cents per dt equivalent for gas it receives from Columbia Gulf at Leach, Kentucky; and 41.27 cents per dt equivalent for gas received from receipt points other than Leach, Kentucky, if the volumes are in excess of Elizabethtown's TDE's. Columbia Transmission further states it would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas. In addition, Columbia Transmission states it would collect the General R & D Funding Unit of the Gas Research Institute for all quantities transported under the transportation arrangement.

Comment date: January 13, 1986, in accordance with Standard Paragraph G at the end of this notice.

11. Columbia Gulf Transmission Company, Columbia Gas Transmission Corporation, and Southern Natural Gas Company

[Docket No. CP80–72–005]

Take notice that on November 1, 1985, Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027 Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, (Petitioners) filed in Docket No. CP80–72–000 a petition to amend the order pursuant to section 7(c) of the National Gas Act issued January 17, 1980, in Docket No. CP80–72–000, so as to authorize the increase of gas from an additional source as part of the volumes of gas presently being transported and exchanged for Southern's account in accordance with the arrangements authorized, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that, pursuant to the order issued January 17, 1980, they are exchanging up to 25,000 Mcf per day of Columbia Gas, gas reserves from the Cutoff field, Lafourche Parish, Louisiana, made available to Southern at an interconnection of Southern's and Columbia Gulf's pipelines in Lafourche Parish, Louisiana, and Southern's gas reserves from West Cameron Block 563 and Mississippi Canyon Blocks 267, 268 and 312, offshore Louisiana, made available to Columbia Gulf for the account of Columbia Gas at a point at or near the outlet of Texaco's Henry processing plant near Erath, Vermilion Parish, Louisiana. It is stated that any imbalances are corrected at existing Southern and Columbia Gulf redelivery points.

Petitioners request authorization to include, as part of Southern's exchange volumes, gas Southern is purchasing from West Cameron Blocks 537, 551, 552 and 560, offshore Louisiana, which gas Southern would deliver to Columbia Gulf at a point near Erath, Vermilion Parish, Louisiana.

Comment date: December 18, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

12. Mississippi River Transmission Corporation

[Docket No. CP86–139–000]

Take notice that on November 1, 1985, Mississippi River Transmission

Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP86–139–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing MRT to transport natural gas for El Paso Natural Gas Company (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MRT proposes to transport up to 1,500 Mcf of gas per day for El Paso on an interruptible basis for an initial term of two years with two-year extensions thereafter. It is explained that MRT would receive the gas at the inlet side of its existing wellhead facilities at the Black Kettle No. 1–A well in Roger Mills County, Oklahoma. It is further explained that MRT would redeliver equivalent volumes of gas for El Paso's account to K N Energy, Inc., at an existing interconnection between MRT's and KN's facilities in Roger Mills County.

It is stated that MRT would charge a transportation fee of 16.77 cents per million Btu for the service. It is further stated that MRT provided this transportation service for El Paso from August 1, 1981, through October 31, 1985, under the self-implementing authorization of Part 284 of the Commission's Regulations.

Comment date: December 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

13. National Fuel Gas Supply Corporation

[Docket No. CP86–182–000]

Take notice that on November 1, 1985, National Fuel Gas Supply Corporation (National Fuel), Ten Lafayette Square, Bullalo, New York 14203, filed in Docket No. CP86–182–000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon a segment of pipeline in Erie County, New York, and for a certificate of public convenience and necessity authorizing the construction and operation of replacement pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

National Fuel requests abandonment authorization for a 3,100–foot segment of its 20-inch line N-M44 in Erie County because the line is over 30 years old, consists primarily of bare pipe and is located in a residential area. National Fuel proposes to replace this segment with a segment of 16-inch line which would be laid along an existing right-of-way. It is estimated that the construction cost would be $200,000, to be financed with internally generated funds and/or short-term bank loans.

Comment date: December 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

14. Natural Gas Pipeline Company of America

[Docket No. CP86–135–000]

Take notice that on November 1, 1985, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois, 60148, filed in Docket No. CP86–135–000 an application pursuant to section 7 of the Natural Gas Act for authorization to transport on an interruptible basis up to a maximum of 25 billion Btu of natural gas per day for Jones and Laughlin Steel Inc. (J & L), formerly known as LTV Steel Company, and for permission and approval to abandon such service, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that it requests authority to provide an interruptible transportation service for J & L from the date certificate authority acceptable to Applicant is received through December 31, 1986, and that Applicant would provide such service pursuant to the terms and conditions contained in the gas transportation agreement dated December 28, 1984 (agreement), as amended, between Applicant and J & L.

Applicant proposes to receive natural gas for the account of J & L at (1) the existing point of interconnection between the facilities of Applicant and Oklahoma Natural Gas Company (ONG) in Custer County, Oklahoma; (2) the existing point of interconnection between the facilities of Applicant and ONG in Woodward County, Oklahoma; (3) the existing point of interconnection between the facilities of Applicant and Kaiser Francis Oil Company, in Woodward County, Oklahoma; (4) the existing point of interconnection between the facilities of Applicant and Mustang Fuel Corporation in Washita County, Oklahoma; (5) and the existing point of interconnection between the facilities of Applicant and M. V. Pipeline Company in Caddo County, Oklahoma. Applicant states that redelivery for the account of J & L would occur at (1) the existing point of interconnection between the facilities of Applicant and Northern Indiana Public Service Company (NIPSCO) on the border of Cook County, Illinois, and Lake County, Indiana for use in J & L's Indiana Harbor Works; (2) the existing point of interconnection between the facilities of Applicant and Peoples Gas Light and Coke Company (Peoples) in Cook County, Illinois, for use in J & L's South Chicago Works. Applicant also requests authorization to add additional receipt points in the future that may be necessary to support this service.

Applicant proposes to charge J & L transportation rates as follows:

Receipt point	Transportation fee to NIPSCO in cents per million Btu	Transportation fee to peoples in cents per million Btu
Caddo Co., OK	27.9	28.6
Custer Co., OK	27.2	28.7
Washita Co., OK	28.2	28.7
Woodward Co., OK	27.2	28.0

In addition, Applicant states that it would charge J & L for fuel used and lost and unaccounted-for gas under the agreement. It is stated that this charge would be based on the percentage of fuel utilized in performing the proposed transportation and the weighted average cost of gas contained in Applicant's currently effective purchased gas adjustment. Applicant also proposes to charge J & L the currently effective Gas Research Institute (GRI) surcharge as set forth on Sheet No. 5A of Applicant's FERC Gas Tariff, Volume No. 1. For illustrative purposes, the currently effective GRI surcharge is 1.21 cents per million Btu.

Applicant states that it provided similar service commencing on January 1, 1985, pursuant to §§ 157.205 and 157.209(e)(1) of the Commission's Regulations. Such service would terminate on October 31, 1985, because of the expiration of Order 234–B on that day, it is explained.

Comment date: December 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

15. Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

[Docket No. CP86–127–000]

Take notice that on November 1, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. 2511, Houston, Texas 77001, filed in Docket No. CP86–127–000 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 Panhandle Eastern Pipe Line Company (Panhandle) pursuant to a September 9, 1984, gas transportation agreement between Tennessee and Panhandle, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee proposes to receive and transport up to 10,000 Mcf of natural gas per day produced in East Cameron Block 220, offshore Louisiana, which gas Panhandle has a right to purchase.

Tennessee states it would receive the gas at receipt point located on its S.V. 509A–1301 line in Vermilion Block 241, offshore Louisiana, and transport thermally equivalent natural gas volumes, on an interruptible basis, for Phandle's account to an existing interconnection between Tennessee's facilities and the facilities of the Blue Water Project, jointly-owned by Tennessee and Columbia Gulf Transmission Company in Vermilion Block 245. Tennessee states that the gas would be measured on Panhandle's producer's platform in East Cameron Block 220.

Tennessee states that it has agreed to accept and transport the associated liquid hydrocarbons (exlusive of oil) produced with such transportation quantity and deliver to the Vermilion 245 delivery point such liquid hydrocarbons for Panhandle's producers.

Tennessee states that it would charge Panhandle for the proposed transportation service a volume charge equal to the product of 4.01 cents multiplied by the total volume in Mcf of gas delivered by Tennessee for the account of Panhandle during the month. The agreement also provides for a minimum monthly bill charge.

In addition, it is explained, Panhandle would provide to Tennessee, at no cost to Tennessee, a daily volume of gas for Tennessee's system fuel and uses and gas lost and unaccounted for equal to 1.5 percent of the volume received from Panhandle on any day. Additionally, and pursuant to the agreement, Panhandle would pay Tennessee a liquid transportation charge of 21.66 cents per barrel.

Comment date: December 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

16. Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

[Docket Nos. CP75–23–025 and CP75–120–018]

Take notice that on November 1, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP75–23–025 and CP75–120–018, a petition to amend the order issued on March 7, 1977, in Docket No. CP75–23, *et al.*, as modified and amended, pursuant to section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas for Tenneco Oil Company (TOC) from additional receipt points, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Tennessee states that in Docket No. CP75–23 it was authorized to transport natural gas for TOC from specified receipt points to a point of interconnection with Creole Gas Pipeline Corporation (Creole) at Yscloskey, Louisiana, for delivery to Air Products and Chemicals, Inc. Tennessee further states that in Docket No. CP75–120 it was authorized to transport natural gas for TOC from specified receipt points at Yscloskey, Louisiana, for delivery to Creole for transportation by Creole to TOC's Chalmette refinery.

Tennessee requests further amendment of the orders in the instant dockets to authorize receipt points for deliveries of TOC's gas from West Cameron Block 638 and Ship Shoal Block 97, offshore Louisiana. It is explained that deliveries of gas from the West Cameron 638 source would be made by TOC at the existing point of interconnection between Tennessee's pipeline facilities and TOC's facilities located at Tennessee's Meter No. 0–0038 in West Cameron Block 638. Tennessee indicated that it would transport the gas from this new receipt point and deliver the gas for TOC's account to Truckline Gas Company (Trunkline) at the existing point of interconnection of Tennessee's and Truckline's facilities in West Cameron Block 639, offshore Louisiana.

It is stated that TOC would cause Truckline to transport and deliver thermally equivalent volumes of gas to Tennessee for TOC's account at the existing point of interconnection between the facilities of Tennessee and Truckline at Tennessee's Meter No. 2–0473 in Jefferson Davis Parish, Louisiana (Kinder), and/or Tennessee's Meter No. 1–0907 in St. Mary Parish, Louisiana (Centerville), for transportation by Tennessee for the account of TOC to Yscloskey, Louisiana. Tennessee states that its obligation to receive and transport gas from the proposed new receipt point for the West Cameron 638 source is subject to TOC's causing Truckline to receive and transport the West Cameron 638 gas for TOC's account.

Deliveries of gas from the Ship Shoal 97 source would be made by TOC to Tennessee at Tennessee's Meter No. 1–1837 in Ship Shoal Block 97, offshore Louisiana, it is stated.

Tennessee also proposes to transport gas from the proposed receipt points on a thermal equivalent basis, with the total volume delivered from all sources remaining within the maximum volume currently authorized.

For gas transported from the proposed receipt points, Tennessee states that it proposes to charge TOC 15.45 cents and 9.24 cents per Mcf under Tennessee's Rate Schedules T–43 and T–44, respectively.

Comment date: December 18, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

17. Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

[Docket No. CP81–183–003]

Take notice that on November 1, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81–813–003 a petition to amend the order issued September 9, 1981, in Docket No. CP81–183 pursuant to section 7(c) of the Natural Gas Act so as to authorize an additional receipt point, among other things, for the transportation service Petitioner provides for ANR Pipeline Company (ANR), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Petitioner is authorized by the September 9, 1981, order to transport up to 5,000 Mcf of natural gas per day for ANR from Ship Shoal Area Block 135 (SS 135) pursuant to a gas transportation agreement (agreement) dated December 31, 1980. Petitioner indicates that it transports such gas on a best-efforts basis for delivery to ANR at the tailgate of the Superior Oil Company Lowry plant in Cameron Parish, Louisiana. Pursuant to an amendment to the agreement dated March 1, 1985, Petitioner proposes to add an additional receipt point at the interconnection of the facilities of Petitioner and Texas Eastern Transmission Corporation (Texas Eastern) at Petitioner's side valve 523Q–111 on the Blue Water Project pipeline in Ship Shoal Area Block 120 (SS 120). It is explained that Texas Eastern has installed a 12-inch pipeline connecting ANR's producer's platform in SS 135 to Petitioner's system in SS 120 to transport natural gas for ANR, under a separate agreement, for delivery to Petitioner in order to settle certain imbalances at the SS 135 platform.

In addition, Petitioner proposes to provide for transportation in excess of the currently authorized transportation quantity of 5,000 Mcf per day. It is indicated that Petitioner and ANR have agreed to provide for successive one-year extensions of the agreement upon expiration of the primary term on December 31, 1985.

Petitioner states that its currently effective Rate Schedule T-123 for volumes received at SS 135 would also be applicable to the volumes received at the proposed SS 120 receipt point. Such rate is currently 14.11 cents per Mcf, it is explained.

Petitioner indicates that the proposed changes were commenced on March 1, 1985, under § 284.221 of the Commission's Regulations and Petitioner's Order No. 60 blanket certificate issued February 21, 1980, in Docket No. CP80-132.

Comment date: December 18, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

18. Southern Natural Gas Company

[Docket No. CP86-147-000]

Take notice that on November 1, 1985, Southern Natural Gas Company (Southern), First National-Southern Natural Building, Birmingham, Alabama 35203, filed in Docket No. CP86-147-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Southern to transport gas on an interruptible basis for Tenneco Oil Company (Tenneco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern proposes to transport for Tenneco on an interruptible basis up to 2 billion Btu of gas per day, or such greater quantity as Southern may accept from time to time, for a term of five years and year-to-year thereafter. Southern states that Tenneco would deliver its gas to be transported to Southern at the existing point of interconnection in Main Pass area block 311, offshore Louisiana, between the pipeline facilities extending from Tenneco, *et al.*, Main Pass blocks 311 A and 311 B platforms to Southern's Main Pass block 62 pipeline. Southern would redeliver the daily quantity of gas delivered and accepted less Tenneco's *pro rata* share of gas lost or vented during transportation for any reason except gross negligence or willful misconduct on Southern's part, at the existing point of interconnection between the facilities of Tennessee Gas Pipeline Company and the outlet of the measurement facilities of Southern located on the platform operated by Southern in Main Pass area block 298, offshore Louisiana. Southern states that Tenneco has agreed to pay Southern a transportation charge of $249.00 per billion Btu for the service.

Comment date: December 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

19. Tennessee Gas Pipeline Company, a Division of Tenneco Inc. and Natural Gas Pipeline Company of America

[Docket No. CP76-370-007]

Take notice that on November 1, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148 (Petitioners), filed in Docket No. CP76-370-007, a joint petition to amend the order issued April 18, 1980, in Docket No. CP76-370-000, as amended, pursuant to section 7(c) of the Natural Gas Act to add additional excess exchange gas points of delivery to Petitioners' gas exchange agreement dated May 6, 1976, as amended, all as more fully set forth in the joint petition to amend which is on file with the Commission and open to public inspection.

Petitioners seek authorization to provide for two additional points for onshore redeliveries of excess exchange gas, one near Hungerford, Wharton County, Texas (the Bay City redelivery point), and the other near Chalkley, Cameron Parish, Louisiana (Chalkley redelivery point), as provided for by amendments dated October 4, 1982, and August 28, 1983, to the gas exchange agreement dated May 6, 1976. Petitioners have agreed, based on the amendments, that any excess delivery of gas by either party, after adjustment for fuel and shrinkage, if any, is to be redelivered onshore by the party receiving such excess gas at (1) Cameron Meadows redelivery point, (2) Bay City redelivery point, (3) Chalkley redelivery point, and/or (4) at other mutually agreed points of interconnection. The Chalkley redelivery point would be used to deliver excess exchange gas only in the event that balancing cannot be achieved by delivery of imbalance volumes at the other onshore redelivery points.

Petitioners assert that they are currently utilizing these additional points of redelivery of excess exchange gas pursuant to the provisions of former § 284.221 of the Commission's Regulations and the blanket authorization to transport gas for interstate pipelines issued to Tennessee and Natural, as reported in Docket Nos. ST83-303-000 and ST83-306-000, respectively.

Comment date: December 16, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

20. United Gas Pipe Line Company

[Docket No. CP86-76-000]

Take notice that on October 28, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP86-76-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 205) for authorization to install a 2-inch sales tap on United's 10-inch Maurice field line in East Baton Rouge Parish, Louisiana, under the certificate issued United in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas, Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states that the proposed sales tap would enable United to sell and deliver to Trans-Louisiana Gas Company (Trans-La), the local distributor, an estimated daily average of 15 Mcf of natural gas per day for resale to the Chelsea Place Subdivision located in Trans-La's Lafayette, Louisiana, service area, under United's Rate Schedule G-S. It is stated that the effective service agreement for such service is dated September 23, 1983. It is indicated that the proposal is subject to United's receipt of Commission approval in Docket No. CP85-719-000 to increase Trans-La's maximum daily quantity from 229 Mcf of gas per day to 6,229 Mcf per day in the Lafayette, Louisiana, service area.

United advises that it has sufficient capacity to render proposed service without detriment or disadvantage to United's other customers and that the proposed tap would be installed in compliance with the Regulations.

Comment date: January 13, 1986, in accordance with Standard Paragraph G at the end of this notice.

21. Northwest Central Pipeline Corporation

[Docket No. CP86-174-000]

Take notice that on November 1, 1985, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP86-174-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for permission to abandon by reclaim measuring, regulating and appurtenant facilities serving Colonial Mobil Home Park (Colonial) in Sedgwick County, Kansas, and the transportation of natural gas through such facilities, under the certificate issued in Docket No. CP82-479-000 pursuant to section 7 of

the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest Central states that Colonial has requested that the above mentioned facilities and service be abandoned because Colonial has made arrangements with a local distributor to provide individual metering. It is estimated that the cost to reclaim the subject facilities would be $425, with a salvage value of $90.

Comment date: January 13, 1986, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., 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 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the prqposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-29097 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER86-30-000 et al.]

Dayton Power and Light Co. et al.; Electric Rate and Corporate Regulations Filings

Take notice that the following filings have been made with the Commission:

1. Dayton Power and Light Company

[Docket No. ER86-000]

November 25, 1985.

Take notice that on November 14, 1985, Dayton Power and Light Company (the Company) tendered for filing documents to supplement its filing of October 17, 1985 in Docket No. ER86-30-000. These documents are being transmitted to provide cost suppport for the one mill energy related charge, through which DP&L will recover the cost of generation necessary to provide the losses incurred in wheeling power for the City of Piqua and unquantifiable additional costs for billing and administration. Included are seven copies of revised Schedule E, revised statement BL, and Appendix II. With the exceptions of the revisions to Schedule E and statement BL, the data in DP&L's October 17, 1985 filing remains accurate.

The Company renews its request for waiver of the notice requirement so that, in response to Piqua's request, service under revised Schedule E may commence November 1, 1985, and run through May 31, 1991. The City of Piqua concurs in this request.

Comment date: December 18, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Centel Corporation

[Docket No. ES86-9-000]

November 29, 1985.

Take notice that on November 18, 1985, Centel Corporation (Centel) filed an application pursuant to section 204 of the Federal Power Act seeking authority to issue not more than $300 million of short-term debt with maturities not later than December 31, 1988.

Comment date: December 18, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Iowa Power and Light Company

[Docket No. ES86-10-000]

November 29, 1985.

Take notice that on November 18, 1985, Iowa Power and Light Company, filed an Application seeking authority pursuant to section 204 of the Federal Power Act to issue on or before December 31, 1987, bank notes maturing not more than one year after date of issue and commercial paper notes maturing not more than nine months after the date of issue in principal amounts not exceeding $135,000,000.

Comment date: December 18, 1985, in accordance with Standard Paragraph E at the end of this notice.

4. The Washington Water Power Company

[Docket No. ER86-186-000]

December 2, 1985.

Take notice that on November 25, 1985, the Washington Water Power Company (Washington) tendered for filing copies of a contract between the Company and the United States Department of Interior—Bureau of Reclamation under which the Compnay will provide transmission service for the Bureau for a period of up to 50 years. Initial service under the contract began June 16, 1977.

The Company is required to transfer power and energy from its interconnection with Bonneville Power Administration near Spokane, Washington, to the Spokane Indian Tribe at Little Falls, WA, in amounts up to 3256 kilowatts. The Company has provided required substation, distribution, and metering facilities and will continue to service and maintain these facilities. The Bureau has paid the Company $27,800 annually for these services.

A copy of this filing has been served on the United States Bureau of Reclamation and the Spokane Indian Tribe.

Comment date: December 12, 1985, in accordance with Standard Paragraph E at the end of this notice.

5. Virginia Electric Power Company and Potomac Electric Power Company

[Docket No. ER86-179-000]

December 2, 1985.

Take notice that on November 23, 1985, Virginia Electric and Power Company [Virgnia Power] and Potomac Electric Power Company [Pepco] submitted for filing their executed Agreement For Northern Virginia Services which provides for transitional interconnnections, transmission services and energy and capacity services from February 1, 1986 through May 31, 1991 in conjunction with the transfer to Virginia Power from Pepco of Pepco's retail service territory and associated distribution facilities. The agreement also provides for two of the interconnections to continue after May 31, 1991 pursuant to supplements to the parties' Facilities Agreement dated April 1, 1965 [Virginia Power FERC Rate Schedule No. 71; Pepco FERC Rate Schedule No. 20].

Virginia Power and Pepco request an effective date of February 1, 1986 for this submittal.

Comment date: December 12, 1985, in accordance with Standard Paragraph E at the end of this notice.

6. Pennsylvania Power & Light Company

[Docket No. ER86-189-000]

December 2, 1985.

Take notice that Pennsylvania Power & Light Company (PP&L) tendered for filing on November 26, 1985, as a Supplement to Rate Schedule FERC No. 68, an executed agreement dated as of November 18, 1985 between PP&L and UGI Corporation (UGI). The agreement reduces the prescribed rate of return on common equity from 16.00% to 15.50% and makes several accounting changes of a relatively minor nature. In addition, the agreement extends PP&L's agreement with UGI for five years until 1996 with decreasing supply obligations from the date until 1999. PP&L also tendered for filing a supplement to the Operating Principles and Practices between UGI and PP&L and on file with the Commission as UGI Corporation Rate Schedule FERC No. 3 and Pennsylvania Power & Light Company Rate Schedule FERC No. 46. PP&L requests an effective date of January 1, 1985, for both filings. Certificates of Concurrence executed by UGI accompanied PP&L's filing.

Copies of PP&L's filing have been served upon UGI and the Pennsylvania Public Utility Commission.

Comment date: December 12, 1985, in accordance with Standard Paragraph E at the end of this notice.

7. Main Public Service Company

[Docket No. ER86-180-000]

December 2, 1985

Take notice that Main Public Service Company on November 21, 1985 tendered for filing proposed changes in its FERC Wholesale Electric Tariff to become effective without suspension, December 1, 1985, on less than statutory notice. The proposed changes would increase revenues from jurisdictional sales and service by $814,500 based on the twelve month period ending December 31, 1984.

Main Public Service Company filed these changes in its FERC Electric Tariff in order to cover increased cost of operations and to cover its investment in the cancelled or abandoned Seabrook Unit No. 2. The three Wholesale Customers have given their written consent to the proposed tariff changes prior to the submission of this filing.

Copies of this filing were served upon the public utility's three jurisdictional Customers, the Maine Public Utilities Commission and the Main Public Advocate.

Comment date: December 12, 1985, in accordance with Standard Paragraph E at the end of this document.

8. Consumers Power Company

[Docket No. ER86-185-000]

December 2, 1985.

Take notice that Consumers Power Company ("Consumers Power") on November 26, 1985 tendered for filing a Service Agreement for wholesale for resale electric service between Consumers Power and the City of Eaton Rapids, Michigan ("Eaton Rapids"). On its effective date, October 1, 1985, the agreement replaced a prior contract for electric service between the two parties, dated October 22, 1975, which expired by its own terms September 30, 1985. The Service Agreement is subject to rates, charges and other conditions of service as provided for in Consumers Power's FERC Electric Rate Schedule "WR".

Copies of the filing were served on Eaton Rapids and on the Michigan Public Service Commission.

Comment date: December 12, 1985, in accordance with Standard Paragraph E at the end of this document.

9. Niagara Mohawk Power Corporation

[Docket No. ER86-138-000]

December 3, 1985

Take notice that on November 21, 1985, Niagara Mohawk Power Company (Niagara) tendered for filing supplemental materials to their filing of November 4, 1985.

The new materials related to two corrections in the cost of service study. First, the Federal income tax (FIT) interest deduction (Statement BK, Schedule 2, page 4, lines 2-5) was overstated because of an incorrect allocator for CWIP-related interest expense. Both Statement AP (Federal Income Tax-Deductions) and the Statement BK cost of service study have been corrected to show the proper FIT interest deduction allocable to the transmission service at issue from $7,081,804 to $3,311,644.

Second, on Period II Statement BK, Schedule 3 the total weighted cost of capital figure (line 30) was rounded up to 12.85% when it should have been rounded down to 12.84%, consistent with statement Av (Period II). This correction reduces slightly the requested rate of return.

The combined effect of these two corrections is to increase the revenue requirement and therefore to increase the rate requested from $1.04 per KW per month to $1.37 per KW per month.

If the Commission determines that these correcting changes require an additional 60-day notice period, Niagara Mohawk requests that the proposed rates, as hereby corrected, be put into effect on January 20, 1986.

Niagara also encloses six copies of the following corrected materials, which should be substituted in the copies of the rate application originally filed:

1. Rate Schedule FERC No. 19, Revised Schedule A
2. Testimony of Philip R. Van Horne
3. Statement AK Sheet 1 of 4, Period II
4. Statement AP—Period II
5. Statement BG—Periods I and II
6. Statement BH—Periods I and II
7. Statement BJ Schedule 24
8. Statement BL Period II
9. Statement BK Period II
10. Workpapers for Statement BG Periods I and II
11. Workpapers for statement BH Periods I and II

Comment date: December 12, 1985, in accordance with Standard Paragraph E at the end of this notice.

10. Public Service Company of New Mexico

[Docket No. ER86-182-000]

December 3, 1985

Take notice that on November 25, 1985 Public Service Company of New Mexico (PNM) tendered for filing a Notice of Termination of its San Juan Contingent Capacity Agreement between Arizona Public Service Company (APS) and itself (FERC Rate Schedule No. 59). PNM seeks to

terminate the agreement which expires by its own terms on October 31, 1985. PNM and APS do not presently contemplate filing a new rate schedule or part thereof in place of this agreement.

Comment date: December 13, 1985, in accordance with Standard Paragraph E at the end of this notice.

11. Middle South Services, Inc.

[Docket No. ER82-483-025]

December 3, 1985

Take notice that on November 26, 1985 Middle South Services, Inc. (MASS) tendered for filing pursuant to Commission Opinion No. 234, the Special Intra-System Billing effecting the refund with interest on amounts collected in excess of those allowed resulting from the modification to the adder contained in section 10.02(c) of Service Schedule MSS-1. MSS also enclosed the computations of the refunds, together with the underlying interest caclulations. MSS said the only transaction requiring such a refund occurred between Arkansas Power & Light Company and the Southwest Power Administration from January 1, 1983 through December 30, 1983. The distribution of the refund has been made in accordance with this billing.

Comment date: December 13, 1985, in accordance with Standard Paragraph H at the end of this notice.

12. Gulf States Utilities

[Docket Nos. ER85-753-000, ER85-754-000 and ER85-755-000]

December 3, 1985.

Take notice that on November 8, 1985 Gulf States Utilities (Gulf States) tendered for filing of Amendments to Agreements for Electric Service for the City of Kirbyville, City of Caldwell and City of Newton filed on September 9, 1985 and September 10, 1985.

Included in the filings made on September 9, and September 10, 1985 was a copy of Gulf States Utilities Company Rate Schedule WST, Wholesale Power at Transmission Voltage, dated March 15, 1985. By Commission Order in Docket No. ER85-582-001, this rate schedule was superseded by Rate Schedule WST effective August 20, 1985 which contains a revision to the Fuel and Purchased Economic Power Adjustment Clause (FPEPAC), and therefore this most currently accepted version should be included with the filings of September 9 and 10, 1985.

Comment date: December 16, 1985, in accordance with Standard Paragraph E at the end of this notice.

13. The Dayton Power and Light Company

[Docket No. ER86-173-000]

December 3, 1985.

Take notice that on November 25, 1985, The Dayton Power and Light Company (DP&L) tendered for filing an executed Purchase and Resale Agreement (Agreement) between DP&L and the Village of Versailles (Versailles), Ohio.

The proposed Agreement allows Versailles to purchase energy requirements from third parties who will use existing Interconnection Agreement Rate schedules to deliver the energy requirements to DP&L for delivery to Versailles.

DP&L requests the Commission waive its notice and filing requirements and permit the proposed Agreement to become effective December 1, 1985.

Comment date: December 16, 1985, in accordance with Standard Paragraph E at the end of this document.

14. The Dayton Power and Light Company

[Docket No. ER86-175-000]

December 3, 1985.

Take notice that on November 26, 1985, The Dayton Power and Light Company (DP&L) tendered for filing an executed Purchase and Resale Agreement (Agreement) between DP&L and the Village of Minster (Minster), Ohio.

The proposed Agreement allows Minster to purchase energy requirements from third parties who will use existing Interconnection Agreement Rate schedules to deliver the energy requirements to DP&L for delivery to Minster.

DP&L requests the Commission waive its notice and filing requirements and permit the proposed Agreement to become effective December 1, 1985.

Comment date: December 16, 1985, in accordance with Standard Paragraph E at the end of this notice.

15. Kentucky Utilities Company

[Docket No. ES86-08-000]

December 3, 1985.

Take notice that on November 26, 1985, Kentucky Utilities Company (Applicant) filed an application with the Commission seeking an order pursuant to section 204 of the Federal Power Act, authorizing the issuance of up to $100,000,000 of unsecured short-term notes and commercial paper to be issued with a final maturity date of no later than December 31, 1985.

Comment date: December 16, 1985, in accordance with Standard Paragraph E at the end of this notice.

16. Gulf States Utilities Company

[Docket No. ES86-11-000]

December 3, 1985.

Take notice that on November 22, 1985, Gulf States Utilities Company filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204 of the Federal Power Act, to issue not more than $400 million of short-term unsecured promissory notes with a final maturity no later than December 31, 1988.

Comment date: December 16, 1985, in accordance with Standard Paragraph E at the end of this notice.

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, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

H. Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on or before the comment date. 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. 85-29096 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI63-503-000 et al.]

BHP Petroleum (Americas) Inc; Merger and Name Change

November 29, 1985.

Take notice that on October 15, 1985, BHP Petroleum (Americas) Inc., of P.O.

Box 1201, Wichita, Kansas 67201, filed an application advising the Commission that effective July 11, 1985, BHP Petroleum (USA) Inc. was merged with and into Energy Reserves Group, Inc., with Energy Reserves Group, Inc. being the surviving corporation. Effective the same date, Energy Reserves Group, Inc. changed the name of the corporation to BHP Petroleum (Americas) Inc.

Accordingly, BHP Petroleum (Americas) Inc. respectfully requests Commission authorization to continue the service previously rendered by Energy Reserves Group, Inc. under the permanent certificates of public convenience and necessity listed and described in EXHIBIT 2 enclosed herewith and that such authorization be granted effective as of July 11, 1985. In addition, BHP Petroleum (Americas) Inc. requests that Energy Reserves Group, Inc.'s rate schedules identified in EXHIBIT 2 be redesignated as those of BHP Petroleum (Americas) Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 16, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

EXHIBIT 2

Rate schedule No.	Certificate docket No.	Purchaser
1	CI63-503	Northwest Pipeline Corp.
2	CI68-41	Northwest Pipeline Corp.
6	CI61-1646	Northwest Pipeline Corp.
7	CI68-43	Northwest Pipeline Corp.
8	CI66-42	ANR Pipeline Co.
9	CI67-371	Natural Gas Pipeline Co. of America.
11	CI67-1838	Northwest Pipeline Corp.
13	CI66-614	Ringwood Gathering Co.
15	CI60-383	Tennessee Gas Pipeline Co.
16	CI68-1164	Tennessee Gas Pipeline Co.
17	CI69-103	Tennessee Gas Pipeline Co.
19	CI67-1602	United Gas Pipe Line Co.
20	CI69-733	United Gas Pipe Line Co.
21	G-2724	Panhandle Producing Co.

EXHIBIT 2—Continued

Rate schedule No.	Certificate docket No.	Purchaser
22	G-2800	Colorado Interstate Gas Co.
23	G-2840	Phillips Petroleum Co.
24	G-3949	Panhandle Producing Co.
25	G-4507	Colorado Interstate Gas Co.
27	CI63-1060	Panhandle Producing Co.
29	CI69-368	Phillips Petroleum Co.
30	CI69-382	Phillips Petroleum Co.
34	CI70-474	ANR Pipe Line Co.
35	CI68-46	United Gas Pipe Line Co.
36	CI69-363	United Gas Pipe Line Co.
38	CI69-942	United Gas Pipe Line Co.
39	CI70-1112	Transwestern Pipe Line Co.
40	CI71-58	El Paso Natural Gas Co.
41	CI71-401	El Paso Natural Gas Co.
42	CI60-66	El Paso Natural Gas Co.
43	CI71-129	El Paso Natural Gas Co.
44	CI71-130	El Paso Natural Gas Co.
48	G-5712	Texas Eastern Transmission Corp.
49	CI80-214	El Paso Natural Gas Co.
50	G-7482	Lone Star Gas Co.
52	G-6070	ANR Pipe Line Co.
54	G-14639	El Paso Natural Gas Co.
55	CI63-1392	El Paso Natural Gas Co.
56	G-8376	El Paso Natural Gas Co.
57	G-5209	El Paso Natural Gas Co.
58	CI67-1170	El Paso Natural Gas Co.
63	G-14783	Northern Natural Gas Co.
67	G-17508	Colorado Interstate Gas Co.
69	G-20049	Southern Natural Gas Co.
70	CI60-128	Southern Natural Gas Co.
71	G-19417	Cimarron Transmission Co.
74	CI62-46	Southern Natural Gas Co.
78	CI65-321	Texas Eastern Transmission Corp.
80	CI66-107	Natural Gas Pipeline Co. of America.
81	CI65-424	Transcontinental Gas Pipe Line Corp.
83	CI67-474	Panhandle Eastern Pipe Line Co.
84	CI68-609	Ringwood Gathering Co.
85	CI68-642	Dorchester Master Limited Partnership.
86	CI68-1269	Northwest Pipeline Corp.
87	CI71-300	Southern Union Gathering Co.
88	CI72-797	El Paso Natural Gas Co.
89	CI72-796	El Paso Natural Gas Co.
90	CI72-809	El Paso Natural Gas Co.
91	CI72-826	El Paso Natural Gas Co.
92	CI72-827	El Paso Natural Gas Co.
93	CI72-833	El Paso Natural Gas Co.
94	CI72-849	El Paso Natural Gas Co.
95	CI72-862	El Paso Natural Gas Co.
96	CI72-877	El Paso Natural Gas Co.
97	CI72-878	El Paso Natural Gas Co.
99	CI73-4	El Paso Natural Gas Co.
100	CI73-5	El Paso Natural Gas Co.
102	CI72-752	United Gas Pipe Line Co.
103	CI73-52	Mountain Fuel Resources, Inc.
104	CI72-864	ANR Pipe Line Co.
105	CI73-88	Mountain Fuel Resources, Inc.
106	CI73-48	Tennessee Gas Pipeline Co.
108	CI73-49	United Gas Pipeline Co.
109	CI73-59	Columbia Gas Transmission Corp.
111	CI73-89	Panhandle Eastern Pipe Line Co.
113	CI73-246	Mountain Fuel Resources, Inc.
115	CI73-248	Texas Gas Transmission Corp.
116	CI73-249	Transcontinental Gas Pipe Line Corp.
117	CI73-255	Natural Gas Pipe Line Company of America.
118	CI73-232	Transcontinental Gas Pipe Line Corp.
119	CI73-235	Transcontinental Gas Pipe Line Corp.
121	CI73-294	Trunkline Gas Co.
123	CI73-296	Mountain Fuel Resources, Inc.
126	CI73-304	ANR Pipe Line Co.
127	CI73-385	Southern Union Gathering Co.
128	CI73-254	Northern Natural Gas Co.
129	CI73-400	Southern Union Gathering Co.
131	CI73-386	Arkansas Louisiana Gas Co.
136	G-6073	ANR Pipe Line Co.
141	CI74-125	Panhandle Eastern Pipe Line Co.
144	CI75-333	Colorado Interstate Gas Co.
145	CI75-490	Northwest Pipeline Corp.
146	CI75-603	KN Energy, Inc.
147	CI76-97	Northern Natural Gas Co.

EXHIBIT 2—Continued

Rate schedule No.	Certificate docket No.	Purchaser
148	CI76-349	Texas Gas Transmission Corp.
151	CI76-594	Northern Natural Gas Co.
154	CI77-742	ANR Pipe Line Co.
156	CI78-1019	Natural Gas Pipe Line Co. of America.
159	CI78-1174	El Paso Natural Gas Co.
161	CI79-667	Northern Natural Gas Co.
167	CI84-521	Tennessee Gas Pipe Line Co.

[FR Doc. 85-29016 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE80-22-002]

Commonwealth Edison Co.; Application for Exemption

November 29, 1985.

Take notice that Commonwealth Edison Company (COEC) filed an application on October 10, 1985 for exemption from certain requirements of Part 290 of the Federal Energy Regulatory Commission's (FERC) regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or prior to June 30, 1986 and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D and E or Part 290.

In its application for exemption COEC states that it should not be required to file the specified data for the following reasons:

The data produced and submitted in compliance with Part 290 are for an unadjusted historical period and therefore unlikely to be useful in retail rate proceedings before the Illinois Commerce Commission (ICC) which requires numerous adjustments to historical test periods and authorizes use of both current and future test periods.

The ICC currently requires that COEC, as part of the record in each COEC retail proceeding, to file marginal cost studies. The formats of these studies may differ from those specified in Part 290.

The COEC's current program of class load studies is more extensive than the load studies required by part 290. The results of COEC's ongoing research in class loads are provided to the ICC.

The ICC allows its staff and retail intervenors wide latitude to serve data requests upon COEC for data and information that have not been provided in the initial rate case filings. These data requests are tailored to the specific issues of the rate case, and are not satisfied by the scope of Part 290 information. COEC is not

aware of any instance where Part 290 data has reduced the number and scope of such data requests.

COEC's costs to comply with Part 290 requirements for the 1982 filing were approximately $220,000. Since Part 290 information has not been utilized to any significant extent by either the ICC or intervenors in any past COEC rate proceeding, COEC submits that any incurrence of costs in connection with future Part 290 filings would be unjustified and that the requirements imposed by Part 290 constitute an unwarranted burden on COEC.

The ICC supported the applicant's requests for a blanket exemption from the filing requirements of PURPA Section 133 and 18 CFR Part 290 filing requirements for the June 30, 1984 filing and all subsequent filings.

Copies of the application for exemption are on file with FERC and are available for public inspection. FERC's regulations require that said utility also apply to any state regulatory authority having jurisdiction over it to have the application published in any official state publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45 day period, such person must also serve a copy of such comments on: Mr. Roland Kratz, Director of Rates, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-29107 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 9005-001]

Conejos Water Conservancy District; Surrender of Preliminary Permit

November 27, 1985.

Take notice that Conejos Water Conservancy District, Permittee for the proposed Platoro Dam Project No. 9005, has requested that its preliminary permit be terminated. The preliminary permit was issued on June 26, 1985, and would have expired on May 31, 1988. The project would have been located on the Conejos River, in Conejos County, Colorado.

The Permittee filed the request on October 15, 1985, and the preliminary permit for Project No. 9005 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-29108 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. St80-94-003 et al.]

Cranberry Pipeline Corp. et al.; Extension Reports

November 29, 1985.

The companies listed below have filed extension reports pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years.[1]

[1] Notice of these extension reports does not constitute a determination that service will continue in accordance with Order No. 436, Final Rule and Notice Requesting Supplemental Comments, 50 FR 42,372 (Oct. 18, 1985)

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146 A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. The following symbols are used for transactions pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations: a "G(HT)", "G(HS)" or "G(HA)", respectively, indicates transportation, sale or assignments by a Hinshaw pipeline; a "G(LT)" indicates transportation by a local distribution company, and a "G(LS)" indicates sales or assignments by a local distribution company.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before December 20, 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 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Acting Secretary.

Docket No.	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Effective date	Expiration date**
ST80-94-003*	Cranberry Pipeline Corp. (Successor in interest to Big Sandy Gas Corp.), P.O. Box 3710, Charleston, WV 25337.	Tennessee Gas Pipeline Co	10-26-85	C	01-03-86	1-26-86
ST80-109-003*	Cranberry Pipeline Corp. (Successor in interest to Big Sandy Gas Corp.), P.O. Box 3710, Charleston, WV 25337.	Industrial Gas Corp	10-26-85	C	01-18-86	1-26-86
ST81-216-002*	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001	Southern Natural Gas Co	10-21-85	G	3-06-85	1-19-86
ST82-61-002*	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Houston Pipe Line Co	10-21-85	B	11-03-85	1-19-86
ST82-166-002	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Intratex Gas Co	10-21-85	B	2-01-86	
ST84-395-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Louisiana Gas System, Inc	10-17-85	B	1-17-86	
ST84-431-001	Liberty Natural Gas Co., 5307 E. Mockingbird Lane, Dallas, TX 75206	HNG Industrial Natural Gas Co	10-16-85	C	1-17-86	
ST84-442-001	Louisiana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71309	Texas Gas Transmission Corp	10-31-85	C	2-07-86	
ST84-451-001	Texas Gas Transmission Corp., 3800 Frederica St., Owensboro, KY 42302	United Cities Gas Co	10-16-85	B	1-20-86	
ST84-453-001*	Texas Eastern Transmission Corp., P.O Box 2521, Houston, TX 77252	United Cities Gas Co	10-21-85	B	10-31-85	1-19-86
ST84-499-001	Houston Pipe Line Co., 1200 Travis, Box 1188, Houston, TX 77001	HNG Industrial Natural Gas Co	10-18-85	C	1-17-86	
ST84-500-001	Oasis Pipe Line Co., 1200 Travis, Box 1188, Houston, TX 77001	HNG Industrial Natural Gas Co	10-18-85	C	1-17-86	
ST84-521-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Transcontinental Gas Pipe Line Corp	10-18-85	G	1-23-86	
ST84-524-001	Producer's Gas Co., 4925 Greenville Ave., Dallas, TX 75206	Northwest Pipeline Corp	10-30-85	C	2-16-86	
ST84-539-001	Texas Gas Transmission Corp., 3800 Frederica St., Owensboro, KY 42302	Texas Eastern Transmission Corp	10-22-85	G	1-20-86	

Docket No.	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Effective date	Expiration date**
ST84-567-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Florida Gas Transmission Co	10-17-85	G	1-17-86	
ST84-707-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001	Bridgeline Gas Distribution Co	10-24-85	B	1-24-86	
ST85-72-001*	Delhi Gas Pipeline Corp., 1700 Pacific Ave., Dallas, TX 75201	ANR Pipeline Co	10-21-85	C	10-05-85	1-20-86

*These estension reports were filed after the date specified by the Commission's Regulation, and shall be the subject of a further Commission order.
**The pipeline has sought Commission approval of the extension of this transaction. The 90-day Commission review period expires on the date indicated.
Note: Notice of transactions does not constitute a determination that filings comply with Commission Regulations in accordance with Order No. 436 (Final Rule and Notice Requesting Supplemental Comments, 50 FR 42,372, 10/18/85).

[FR Doc. 85-29109 Filed 12-6-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA85-13-20-002 and TA86-2-20-000, 001]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

December 2, 1985.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on November 26, 1985, tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

Substitute Second Revised Sheet No. 204 proposed to be effective August 1, 1985
Alternate Substitute Second Revised Sheet No. 204 proposed to be effective August 1, 1985
Second, Substitute Third Revised Sheet No. 204 proposed to be effective November 1, 1985
Alternate Substitute Third Revised Sheet No. 204 proposed to be effective November 1, 1985
Substitute Third Revised Sheet No. 204 proposed to be effective November 1, 1985
Alternate Substitute Third Revised Sheet No. 204 proposed to be effective November 1, 1985

Algonquin Gas states that such tariff sheets are being filed to reflect changes in the underlying rates of its supplier, National Fuel Gas Supply Corporation ("National Fuel") which were filed on October 31, 1985 in Docket Nos. TA85-2-16-000 *et al.* and TA86-1-16-000.

Also take notice that Algonquin Gas on November 26, 1985, tendered for filing Revised Second Substitute Seventh Revised Sheet No. 203 in compliance with the Commission's Order dated October 25, 1985 in Docket No. CP82-119-016 to eliminate the reference to the interruptible rate which expired on October 31, 1985.

Algonquin Gas requests that the Commission accept those tariff sheets which sychronizes its rates with the underlying approved rates of National Fuel and to grant any waiver of the regulations as maybe necessary by the Commission to permit such accepted tariff sheets to become effective as proposed.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

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 December 9, 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. 85-29098 Filed 12-6-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER85-375-000]

Centel Corp.; Compliance Report

December 2, 1985.

Take notice that on November 18, 1985 Centel Corporation (Centel) tendered for filing a Compliance Report of refunds made by Centel to customers affiliated with the rate filing Docket Nos. ER85-375-000, in compliance with Commission letter dated October 24, 1985.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, on or before December 9, 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. 85-29099 Filed 12-6-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER86-170-000]

New England Power Co.; Filing

November 29, 1985.

Take notice that New England Power Company (NEP) on November 22, 1985 tendered for filing amendments to its FERC Electric Tariff, Original Volume No. 3 that would increase the non-PTF rates under the tariff, to be effective on January 15, 1986.

NEP submits that the proposed amendments are necessary to establish consistency in rates and terms for customers of wheeling services on the non-PTF system.

The proposed amendments will increase non-PTF revenues by $2,136,366 annually, based on estimated takes for the calendar year 1986.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 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 Dec. 10, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-29100 Filed 12-6-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA86-2-43-000,001]

Northwest Central Pipeline Corp.; Proposed Changes in FERC Gas Tariff

November 27, 1985.

Take notice that Northwest Central Pipeline Corporation (Northwest Central) on November 22, 1985, tendered for filing Sixth Revised Sheet No. 6 to its FERC Gas Tariff, Original Volume No. 1. Northwest Central states that pursuant to Article 23 of the General Terms and

Conditions of such Tariff it proposes to increase its rates effective December 23, 1985 to reflect an increase in the GRI funding unit from 1.25 cents to 1.35 cents for the year 1986 as approved by the Commission's Opinion No. 243 issued September 26, 1985.

Northwest Central states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.211 of 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, or 385.214). All such motions or protests should be filed on or before December 5, 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. 85-29101 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-1-59-000, 001]

Northern Natural Gas Co.; Purchased Gas Cost Adjustment Rate Change

December 2, 1985.

Take notice that on November 26, 1985, Northern Natual Gas Company (Northern) tendered for filing, as part of Northern's F.E.R.C. Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, the following tariff sheets:

Third Revised Volume No. 1

Thirty-Ninth Revised Sheet No. 4a
Thirty-First Revised Sheet No. 4b
Sixth Revised Sheet No. 4c
Sixth Revised Sheet No. 69
Fifth Revised Sheet No. 70

Original Volume No. 2

Fortieth Revised Sheet No. 1c
Fifth Revised Sheet No. 1g
Fourth Revised Sheet No. 1h

Such revised tariff sheets are required in order that Northern may place into effect the proposed rates on December 27, 1985 to reflect:

(1) The estimated decrease in the cost of purchased gas pursuant to Paragraph 18 of Northern's F.E.R.C. Gas Tariff, Third Revised Volume No. 1;

(2) The decrease in the surcharge to amortize the overrecovered cost of purchased gas account and also certain revenue tracking adjustments;

(3) The changes in the costs of transportation of gas through the Alaska Natural Gas Transportation System (ANGTS) pursuant to Paragraph 21 of Northern's F.E.R.C. Gas Tariff, Third Revised Volume No. 1;

(4) The increase in Gas Research Institute unit charge pursuant to Paragraph 19 of Northern F.E.R.C. Gas Tariff, Third Revised Volume No. 1.

(5) No change in Northern's costs associated with Research and Development Expenditures.

Sixth Revised Sheet No. 69 and Fifth Revised Sheet No. 70 of Third Revised Volume No. 1 and Fifth Revised Sheet No. 1g and Fourth Revised Sheet No. 1h of Original Volume No. 2 reflect certain changes to provide for the cost of purchased gas to be adjusted to reflect the effect of concurrent exchange transactions.

The Company states that copies of the filing have been mailed to each of the Gas Utility customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal 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 December 9, 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. 85-29102 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-9-000, 001]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Rate Change Under Tariff Rate Adjustment Provisions

December 2, 1985.

Take notice that on November 27, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing the following tariff sheets to its FERC Gas Tariff to be effective January 1, 1986:

Original Volume No. 1

Eighteenth Revised Sheet No. 21
Thirteenth Revised Sheet No. 20
Twelfth Revised Sheet No. 22
Tenth Revised Sheet Nos. 23 through 30
Original Sheet Nos. 30A through 30H
Original Sheet No. 203A

Tennessee states that the revised tariff sheets reflect an increase of 4.49 cents per dth in Tennessee's Gas Rate, consisting of a 3.66 cents per dth Current Cost of Gas Rate Adjustment and a 0.83 cents per dth Gas Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account. Tennessee also indicates that the tariff sheets set forth demand surcharges for recovering retroactive Order No. 94 payments in accord with Article VI of the Settlement Agreement (February 5, 1985) in Docket No. CP84-441, *et al.* and a GRI rate adjustment.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

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 December 9, 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. 85-29103 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-11-000, 001]

United Gas Pipe Line Co.; Filing of Revised Tariff Sheets

December 2, 1985.

Take notice that on November 27, 1985, United Gas Pipe Line Company (United) tendered for filing the following Tariff Sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Seventy-First Revised Sheet No. 4; Twelfth Revised Sheet No. 4-A; Twelfth Revised Sheet No. 4-B; Eighteenth Revised Sheet No. 4-C; Fourth Revised Sheet No. 4-D; and Third Revised Sheet No. 4-E.

Tariff Sheets 4, 4–A and 4–B and supporting information are being filed pursuant to sections 19, 21, 23 and 24 of United's Tariff. Tariff Sheet No. 4–C is submitted pursuant to the letter order issued by the Office of Pipeline and Producer Regulations dated January 27, 1982 in Docket No. CP81–387–00. The proposed effective date of each preceding Tariff Sheet is January 1, 1986. Tariff Sheet Nos. 4–C, 4–D, and 4–E reflect the Gas Research Institute (GRI) Surcharge Adjustment effective January 1, 1986.

United reports that it mailed copies of the proposed Tariff Sheets and supporting data to its jurisdictional customers and interested state commissions.

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 December 9, 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. 85–29104 Filed 12–6–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP86–25–000]

ANR Pipeline Co.; Proposed Changes In FERC Gas Tariff

December 4, 1985.

Take notice that on November 27, 1985, pursuant to section 4 of the Natural Gas Act and Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations thereunder, ANR Pipeline Company ("ANR") tendered for filing with the Commission Second Revised Sheet No. 570 of its F.E.R.C. Gas Tariff, Orginal Volume No. 2, with an effective date of January 1, 1986.

Second Revised Sheet No. 570 reflects a decrease of $8,057 in the monthly charge paid by the High island Offshore System ("HIOS") to ANR pursuant to Rate Schedule X–64 under Original Volume No. 2 of ANR's F.E.R.C. Gas Tariff. Rate Schedule X–64 is a Service Agreement dated August 4, 1977, between ANR and HIOS. Under the terms of this Service Agreement, which was approved by Commission Order issued July 6, 1978 at Docket No. CP78–134, ANR provides certain gas measurement and related services for HIOS.

A copy of this letter and a set of the enclosures is today being mailed to HIOS.

Any person desiring to be heard or to protest said filing should file a motion to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 or rule 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 December 11, 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 to the proceeding 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. 85–29156 Filed 12–6–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CS74–178 et al.]

James O. Colvin & Teresa McKenna (James Colvin), et al.; Applications for "Small Producer" Certificates [1]

November 29, 1985.

Take notice that each of the Applicants listed herein has filed and application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make protest with reference to said applications should on or before December 16, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket No.	Date filed	Applicant
CS74–178	10/28/85 [2]	James O. Colvin & Teresa McKenna (James Colvin), P.O. Box 527, Denison, TX 75020.
Order No. 411	11/6/85 [3]	Peake Operating Co. (Peake Petroleum Co.) P.O. Box 1386, Charleston, WV 25325–1386.
CS75–241	10/21/85 [3]	Coleman Oil & Gas, Inc. (George E. Coleman), Drawer 3337, Farmington, NM 87401.
CS75–392	11/1/85 [4]	Scarth Oil & Gas Co. (Succ. in Interest to Scarth Petroleum Inc.), 901 South Polk, Amarillo, TX 79101.
CS76–106	11/1/85 [4]	Mrs. Ruth B. Ferrell, Ms. Sally Ferrel, Ms. Rachel Jones, & Ms. Barbara Barron, (Thomas N. Ferrell) Rt. 2, Box 191, Tyler, TX 75704 and Route 3, Box 661, Whitehouse, TX 75791.
CS84–97–000	11/8/85 [4]	Lyco Energy Corporation, 12770 Coit Road, Suite 615, Dallas, TX 75251.
CS85–115–000	10/18/85	Kenworthy Operating Co., 2761 E. Skelly Drive, Suite 704, Tulsa, OK 74105.
CS86–6–000	11/1/85	Villines/Gibson Oil & Gas Inc., 25211 Grogan's Mill Road, Suite 215, The Woodlands, TX 77380.
CS86–7–000	10/31/85	Sue-Ann Oil & Gas Co., P.O. Box 126, LaWard, TX 77970.
CS86–8–000	10/31/85	B.L. Oil and Gas Co., 617 Panorama Dr., Grand Junction, Co. 81503
CS86–9–000	11/4/85	Estate of Hastings Harcourt, et al. P.O. Box 5579, Santa Barbara, CA 93150.
CS86–10–000	11/12/65	LLOG Exploration Co., 433 Metairie Rd. Ste. 217, Metairie, LA. 70005.
CS86–11–000	11/7/85	David M. Hammer, P.O. Box 19030, Oklahoma City, OK. 73144.
CS86–13–000	11/21/85	A.T. Skaer/Skaer Enterprises, Inc., P.O. Box 22418, Denver, CO 80222.
CS86–14–000	11/18/85	Wheeler Energy Co., 810 S. Cincinnati, Suite 200, Tulsa, OK 74119.
CS85–15–000	11/22/85	M.S. Klotzman Exploration, P.O. Box 3723, Victoria, TX 77903.
CS86–16–000	11/25/85	Jay Oil Corp., 410 17 Street, Suite 1305, Denver, CO. 80202.
CS86–17–000	11/25/85	Burk Petroleum Co., Inc., P.O. Box 998, Burkburnett, TX 76354–0998.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[2] James Colvin died 11–20–84 and left his estate to his two children, Teresa, McKenna, Independent Executrix of his estate is requesting redesignation of Docket No. CS74–178

to show that James O. Colvin and Teresa McKenna are owners, instead of James Colvin.

[3] By letter dated 11-3-85, filed 11-6-85, Applicant requested that its small producer certificate issued under Order No. 411 be redesignated from Peake Petroleum Company to peake Operating Company.

[4] Letter dated 10-6-85, requesting that Applicant's small producer certificate in Docket No. CS75-241 be redesignated under the name of Coleman Oil & Gas, Inc.

[5] On 11-19-79, as a result of corporate reorganization and a redistribution of company assets, Scarth Petroleum was replaced by Scarth O&G as operator of all producing properties from which gas has been and was then being sold pursuant to the small producer authorization granted in Docket No. CS75-392. Since 11-19-79, Scarth O&G has operated as successor in interest to Scarth Petroleum which company ceased to exist as a corporate entity on 12-3-79.

[6] Mr. Thomas N. Ferrell is deceased and his interests have passed to his widow and three daughters and they desire that his blanket certificate in Docket No. CS76-106 be amended so as to designate them as joint certificate holders.

[7] By letter 10-30-85, filed 11-8-985, Applicant request that its certificate be amended to include the following persons and/or entities as certificate co-owners: Lyco Panhandle 1985 Limited Partnership, Joe B. Wells, TBC Energy Corporation, Spradling, Inc., Robert E. Glaze, James A. Gibbs, Arthur N. Budge, John Glancy, and H. Leon Walker.

[FR Doc. 85-29110 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF86-180-000 et al.,]

Georgia-Pacific Corp.; Application for Commission Certification of Qualifying Status of Small Power Production Facilities

November 20, 1985.

On November 1, 1985, Georgia-Pacific Corp. (Applicant), of 320 Post Road, Darien, Connecticut 06820 submitted for filing three 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 any of the submittals constitutes a complete filing.

Data for each of three hydroelectric facilities are listed below.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

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 of Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,

Secretary.

Docket No.	Location	Resources	FERC Project No.	Capacity
QF86-180-000	Clinton County, NY	Saranac River		2.4
QF86-182-000	Lewis County, NY	Black & Moose Rivers	P. 2548	15.6
QF86-183-000	Essex County, VT	Connecticut River	P. 2392	5.0

[FR Doc. 85-29149 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-53-000, 001]

K N Energy, Inc.; Proposed Changes in FERC Gas Tariff

December 4, 1985.

Take notice that K N Energy, Inc. on November 29, 1985 tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes will adjust K N's rates charged its jurisdictional customers pursuant to the Gas Research Institute charge adjustment provision (Section 22) of K N's FERC Gas Tariff, Third Revised Volume No. 1. Such adjustment is to track the increased GRI rate set, effective January 1, 1986, per Opinion No. 243 issued on September 26, 1985. Copies of this filing were served upon the company's jurisdictional customers and interested public bodies.

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 Practices and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 11, 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. 85-29157 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-1-6-000, 001]

Sea Robin Pipeline Co.; Filing of Revised Tariff Sheets

December 4, 1985.

Take notice that on November 27, 1985, Sea Robin Pipeline Company (Sea Robin) tendered for filing Forty-Second Revised Sheet No. 4 Twenty-Second Revised Sheet No. 4-A and Seventh Revised Sheet No. 4-B to its FERC Gas Tariff, Original Volume No. 1 and filing Twenty-Fifth Revised Sheet Nos. 127-D and 135-C to its FERC Gas Tariff, Original Volume No. 2 These tariff sheets and supporting information are being filed pursuant to the Purchased Gas Cost Adjustment provision set out in Sections 1, 3, 4, and 5 of Sea Robin's Tariff.

Sea Robin states that these revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protests 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 December 11, 1985. Protests will be considered by the Commission in determining the appropriate action 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. 85-29152 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-1-8-000, 001]

South Georgia Natural Gas Co., Proposed Changes Gas Tariff

December 4, 1985.

Take notice that on November 27, 1985, South Georgia Natural Gas Company (South Georgia) tendered for filing Thirty-Fifth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet and supporting information is being filed with a proposed effective date of January 1, 1986, pursuant to the Purchased Gas cost Adjustments provisions set out in section 14 of South Georgia's tariff.

South Georgia states that its Thirty-Fifth Revised Sheet No. 4 reflects an increase of 7.98¢ per MMBtu in the Current Adjustment and an increase of 10.74¢ per MMBtu in the Surcharge Adjustment presently in effect.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (Section 385.214, 385.211). All such motions or protests should be filed on or before December 11, 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. 85-29158 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-18-000, 001]

Texas Gas Transmission Corp.; Filing of Revised Tariff Sheets

December 4, 1985.

Take notice that on November 27, 1985 Texas Gas Transmission Corporation (Texas Gas) tendered for filing Second Revised Sheet No. 10 and First Revised Sheet Nos. 11 and 12 to its FERC Gas Tariff, Original Volume No. 1, and Twenty-First Revised Sheet No. 333, First Revised Sheet Nos. 583, 1085, and 1086, Second Revised Sheet No. 591, Sixth Revised Sheet No. 919, and Eighth Revised Sheet No. 982, to its FPC Tariff, Original Volume No. 2.

The revised tariff sheets are being filed pursuant to Section 24 of Texas Gas's tariff to reflect the 1986 General RD&D Funding Unit authorized by Opinion No. 243, issued by the Commission on September 26, 1985, in Docket No. RP85-154.

Copies of the revised tariff sheet are being mailed to Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 11, 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. 85-29154 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-29-000, 001]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

December 4, 1985.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on November 27, 1985 tendered for filing to be effective January 1, 1986 certain revised tariff sheets included in Appendix A attached thereto.

Transco states that the purpose of this filing is to reflect an increase of 0.09¢ per dt in the Gas Research Institute (GRI) Adjustment Charge applicable to sales and transportation deliveries to distributors for resale, to pipelines which are not members of GRI and to ultimate consumers.

Transco states that on September 26, 1985, the Commission issued Opinion No. 243 in Docket No. RP85-154-000. The Opinion provides that, as a member of GRI, Transco may file under its Gas Research Institute Charge Adjustment Provision to collect in advance of payments to GRI, 1.35¢ per Mcf (which on Transco's system equates to 1.30¢ per dt) on sales and transportation deliveries. This charge will replace the currently effective charge of 1.21¢ per dt. All amounts collected under this provision will be remitted to GRI, less any applicable taxes.

Transco further states that copies of the filing have been mailed to each of its customers and State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 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 12-11-85. 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. 85-29153 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. IR000-135]

Vermont Independent Power Producers Association; Filing

November 25, 1985.

Take notice that on October 29, 1985 Central Vermont Public Service Board tendered for filing a notice of its avoided cost data pursuant to 18 CFR 292.302(d).

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 18, 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. 85-29151 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF86-262-000 et al.]

Waste Management, Inc.; Applications for Commission Certification of Qualifying Status of Small Power Production Facilities

November 20, 1985.

On November 1, 1985, Waste Management, Inc. (Applicant), of 3003 Butterfield Road, Oak Brook, Illinois 60521 submitted for filing four (4) 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 any of the submittals constitutes a complete filing.

The primary energy source of each facility will be biomass in the form of methane gas extracted from a sanitary landfill. The project number, location and electric power production capacity of each facility is listed below.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

Docket No.	Location	Capacity
QF86-262-000	Simi Valley, CA	3 MW
QF86-263-000	Bordentown, NJ	3 MW
QF86-264-000	Chardon, OH	3 MW
QF86-265-000	Erie, PA	3 MW

[FR Doc. 85-29150 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-19806-002 and Docket Nos. G-4579-034, et al.]

Oxy Cities Service NGL Inc., Coltexo Corp. and Cities Service Oil and Gas Corp.; Application for Certificate of Public Convenience and Necessity to Substitute Oxy Cities Service NGL Inc. for Coltexo Corp. and Cities Service Oil and Gas Corp. in Certain Certificates of Public Convenience and Necessity

November 29, 1985.

Take notice that on November 20, 1985, Oxy Cities Service NGL Inc., wholly-owned subsidiary of Cities Service Oil and Gas Corporation, (Applicant) of P.O. Box 300, Tulsa, Oklahoma 74102, filed an application pursuant to § 157.23(b) for Certificate of Public Convenience and Necessity to substitute Oxy Cities Service NGL Inc. for Coltexo Corporation and Cities Service Oil and Gas Corporation in certain Certificates of Public Convenience and Necessity for service previously authorized by the Commission. Oxy Cities Service NGL Inc. also filed a Certificate of Adoption and request for redesignation of certain Coltexo Corporation and Cities Service Oil and Gas Corporation Rate Schedules, all as more fully shown in the attached Exhibit "A".

This Application results from the name change of Coltexo Corporation to Oxy Cities Service NGL Inc. and the assignment of residue gas sales contracts by Cities Service Oil and Gas Corporation to Oxy Cities Service NGL, Inc., effective November 1, 1985.

EXHIBIT "A"

R.S. No. and Purchaser	Certificate docket
Coltexo Corp.	
5. Transwestern Pipeline Co.	G-19806
Cities Service Oil & Gas Corp.	
42. Northwest Central Pipeline Corp.	G-4579 [1]
43. El Paso Natural Gas Co.	G-4579 [1]
105. El Paso Natural Gas Co.	G-13450
213. Transwestern Pipeline Co.	CI61-1332
214. Natural Gas Pipeline Co. of America	CI65-561
216. K N Energy, Inc.	G-18297
320. Tennessee Gas Pipeline Co.	CI70-891
321. Tennessee Gas Pipeline Co.	CI70-891
324. Williston Basin Interstate Pipeline Co.	CI69-168
390. United Gas Pipe Line Co.	CI61-1094
506. Williston Basin Interstate Pipeline Co.	CI84-4
509. Bridgeline Gas Distribution Co.	CI85-222

[1] Only insofar as the Certificate issued in Docket No. G-4579 covers Rate Schedule Nos. 42 and 43.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 16, 1985, file with the Federal Energy Reglatory Commission, Washington, D.C. 20426, petitions to intervene or protests 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-29111 Filed 12-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-2894-002 et al.]

Arco Oil & Gas Company, Division of Atlantic Richfield Company et al; Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates [1]

December 3, 1985.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 17, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price Per Mcf	Pressure base
G-2894-002, D, Nov. 20, 1985	ARCO Oil & Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	El Paso Natural Gas Company, Various Fields, Lea County, New Mexico.	(1)	
G-4723-000, D, Nov. 4, 1985	Norwest Bank Casper, N.A. & C.L. Tangney, Co-Trustees u/w Fred & Ida Goodstein, P.O. Drawer 2799, Casper, Wyoming 82602.	Williston Basin Interstate Pipeline Company, Worland Field, Big Horn and Washakie Counties, Wyoming.	(2)	
G-7193-006, D, Nov. 18, 1985	Mary H. Trenchard	Williston Basin Interstate Pipeline Company, Worland Field, Big Horn and Washakie Counties, Wyoming.	(2)	
CI64-71-002, D, Nov. 18, 1985	Texaco Inc., P.O. Box 52332, Houston, Texas 77052	Panhandle Eastern Pipe Line Company, N.W. Midwell Field, Cimarron County, Oklahoma.	(3)	
CI68-786-000, D, Nov. 18, 1985	Cities Service Oil & Gas Corp., P.O. Box 300, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Company, Aledo Field, Dewey County, Oklahoma.	(4)	
CI69-68-000, D, Oct. 7, 1985	ARCO Oil & Gas Company, Division of Atlantic Richfield Company.	Tennessee Gas Pipeline Company, East and West Cameron Field, Offshore Louisiana.	(5)	
CI69-341-000, D, Nov. 8, 1985	Cities Service Oil & Gas Corp.	Panhandle Eastern Pipe Line Company, Aledo Field, Dewey County, Oklahoma.	(4)	
CI73-76-001, C, Nov. 6, 1985	Chevron U.S.A. Inc. P.O. Box 7309, San Francisco, Calif. 94120-7309.	Southern Natural Gas Company, Main Pass Block 127, Offshore Louisiana.	(6)	14.73
CI78-208-005, C, Nov. 6, 1985	do	Southern Natural Gas Company, Eugene Island Block 52, Offshore Louisiana.	(6)	14.73
CI80-41-003, D, Nov. 7, 1985	Diamond Shamrock Exploration Co., P.O. Box 631, Amarillo, Texas 79173.	Southern Natural Gas Company, Block 115, Main Pass Area, Offshore (Federal) Louisiana.	(7)	
CI86-55-000, A, Nov. 5, 1985	BelNorth Petroleum Corporation, 10000 Old Katy Road, Houston, Texas 77055.	Florida Gas Transmission Company, Matagorda Island Block 556, Offshore Texas.	(8)	14.73
CI86-61-000, B, Nov. 4, 1985	Philip T. Sharples Trust & Sharples Associates (Succ. in Interest to Sharples & Company Properties), 1450 One Dallas Centre, 350 North St. Paul Street, Dallas, Texas 75201.	Williston Basin Interstate Pipeline Company, Worland Field, Big Horn and Washakie Counties, Wyoming.	(9)	
CI86-66-000 (CI75-466), B, Nov. 14, 1985.	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Eugene Island Blocks 342 and 343, Offshore Louisiana.	(10)	
CI86-67-000, B, Nov. 15, 1985	Gas Futures, Ltd. (1958), 2500 Fondren—Suite 208, Houston, Texas 77063.	Michigan Wisconsin Pipe Line Company, Laverne (Lovedale) Field, Harper County, Oklahoma.	(11)	
CI86-68-000, B, Nov. 18, 1985	Walter Kuhn Drilling Company, P.O. Box 3758, Wichita, Kansas 67201.	Northern Natural Gas Company, Osman A No. 1 Sec. 18-T34S-R38W, Hugoton Gas Field, Stevens County, Kansas.	(12)	
CI86-69-000, (CI64-1052), B, Nov. 21, 1985.	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Columbia Gas Transmission Corporation, Ellis Field, Acadia Parish, Louisiana.	(13)	
CI86-70-000, (CI66-425), B, Nov. 19, 1985.	do	ANR Pipeline company, Boston Bayou Field, Vermilion Parish, Louisiana.	(13)	
CI86-71-000, B, Nov. 20, 1985	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Warren Petroloum Company, Eunice Plant, Lea County, New Mexico.	(14)	
CI86-72-000, B, Nov. 18, 1985	TXO Production Corp., First City Center LB 10, 1700 Pacific Avenue, Dallas, Texas 75201-4696.	Panhandle Eastern Pipe Line Company, L.C. Miller #1 Well, Sec. 34-5n-19ECM, Texas County, Oklahoma.	(15)	
CI86-73-000, B, Nov. 18, 1985	do	Kansas-Nebraska Energy, Inc., Leatherman Bransgrove No. 1, Sec. 35-2N-20ECM, Beaver County, Oklahoma.	(16)	
CI86-74-000, (CI77-650), B, Nov. 21, 1985.	Conoco Inc., P.O. Box 2197 Houston, Texas 77252	ANR Pipeline Company, West Cameron Block 265, Offshore Louisiana.	(17)	
CI86-75-000, (CI64-1010), B, Nov. 21, 1985.	Tenneco Oil Company	Coastal States Gas Producing Company, Chiltipin—A&H Field, Duval County, Texas.	(18)	
CI86-76-000, (CI73-216), B, Nov. 21, 1985.	do	Tennessee Gas Pipeline Company, Hagist Ranch Field, Duval County, Texas.	(17)	
CI86-77-000, (G-10901), B, Nov. 21, 1985.	do	Florida Gas Transmission Corporation, Bay Natchez Field, Assumption Parish, Louisiana.	(17)	
CI86-78-000, (G-14308), B, Nov. 25, 1985.	do	Tennessee Gas Pipeline Company, Coastal Field, Starr County, Texas.	(19)	
CI86-79-000, (CI64-1001), B, Nov. 25, 1985.	Tenneco Oil Company, P.C. Box 2511, Houston, Texas 77001.	United Gas Pipe Line Company, Coward Gulley Field, Beauregard Parish et al Louisiana.	(13)	
CI86-80-000, (G-18223), B, Nov. 25, 1985.	do	Valero Interstate Transmission Company, South Shepherd Field, Hidalgo County, Texas.	(17)	
CI86-81-000, (CI64-1051), B, Nov. 25, 1985.	do	Arkansas Louisiana Gas Company, Sentell Field, Bossier Parish, Louisiana.	(13)	
CI86-82-000, (G-17572), B, Nov. 25, 1985.	The Superior Oil Company, Nine Greenway Plaza—Suite 2700, Houston, Texas 77046.	Tennessee Gas Pipeline Company, Cecil Noble Field, Colorado County, Texas.	(18)	
CI86-83-000, (CI75-270), B, Nov. 25, 1985.	do	El Paso Natural Gas Company, Washington Ranch Field, Eddy County, New Mexico.	(19)	
CI86-84-000, (CI75-385), B, Nov. 25, 1985.	Texaco Inc., P.O. Box 52332, Houston, Texas 77052	ANR Pipeline Company, Bayou Hebert Field, Vermilion Parish, Louisiana.	(20)	

[1] Reclassification of Center Drinkard Unit Well No. 421 from a gas well to an oil well by Oil Conservation Division of the Energy and Minerals Department of the State of New Mexico.
[2] The Phosphoria Formation which underlies the lands dedicated to the Worland Unit contains oil wells which produce associated sour gas. *Union* has received an offer from the operator of a sour gas treating plant which has recently become operational and who will purchase, process and sweeten the gas for resale in interstate markets.
[3] Termination of a portion of the leases committed under the 6-13-63 contract.
[4] By release of oil and gas leases dated 11-25-80, Cities released all of its rights, title, and interest in all of Sec. 36-16N-19W, Dewey County, Oklahoma and the Walker "B" No. 1 well was plugged and abandoned 8-11-83.
[5] OCS-1478 (NE¼, S½ East Cameron Block 83) expired on 4-4-80 and OCS-0187 (NW¼ East Cameron Block 83) expired on 4-2-84.
[6] Applicant is filing for additional acreage under contract amendment dated 9-30-85.
[7] Gas depleted to the extent that the continuance of service is unwarranted and the production of gas has ceased; the wells will be plugged; the lease will be released.
[8] Applicant is filing under Gas Purchase Contract dated 10-22-85.
[9] The Phosphoria Formation which underlies the lands dedicated to the Worland Unit contains oil wells which produce associated sour gas. Sharples has received an offer from the operator of a sour gas treating plant which has recently become operational and who will purchase, process and sweeten the gas for resale in intrastate markets.
[10] The contract covered by this certificate and rate schedule was entered into to correct a gas imbalance. The two year term of the contract has expired and the gas imbalance no longer exists.
[11] Well is incapable of production and all efforts to reinstate production have been unsuccessful.
[12] To release gas for irrigation fuel.
[13] Assignment and/or surrender of all dedicated leases.

[14] Reclassification of State 367 Well No. 1 from an oil well to a gas well by the Oil Conservation Division of the Energy and Minerals Department of the State of New Mexico.
[15] Tubing leak, deemed uneconomical to repair.
[16] Leases have expired under their own terms and Contract has been terminated.
[17] Acreage subject to RS 439 was assigned to Walter Oil & Gas Corporation effective 7-23-85.
[18] Gas depleted, well plugged and abandoned and *lease expired.*
[19] Gas depleted, well plugged and abandoned and *lease released.*
[20] All leases committed to the contract have expired.
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 85-29105 Filed 12-6-85; 8:45 am]
BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $11,387.02 obtained as a result of a consent order which the DOE entered into with Lincoln Land Oil Compnay, a reseller-retailer of petroleum products located in Springfield, Illinois. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for refund of a portion of the Lincoln Land consent order funds must be filed in duplicate and must be received within 90 days of publication of this notice in the **Federal Register.** All applications should refer to Case Number HEF-0116 and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Nancy L. Kestenbaum, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 252.6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The decision relates to a consent order entered into by the DOE and Lincoln Land Oil Company which settled all claims and disputes between Lincoln Land and the DOE regarding the manner in which Lincoln Land applied the federal price regulations with respect to its sales of motor gasoline during the period March 1, 1979, through September 30, 1979. A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the Lincoln Land consent order funds was issued on September 18, 1985. 50 Fr 39,768 (September 30, 1985).

The Decision sets forth procedures and standards that the DOE has formulated to distribute the contents of an escrow account funded by Lincoln Land pursuant to the consent order. The DOE has decided to accept Applications for Refund from firms and individuals who purchased motor gasoline from Lincoln Land. In order to receive a refund, a claimant must furnish the DOE with evidence which demonstrates that it was injured by Lincoln Land's pricing practices. Applicants must submit specific documentation regarding the date, place, and volume of product purchased, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered. A applicant claiming $5,000 or less, however, will be required to document only its purchase volumes.

As the Decision and Order published with this Notice indicates, applications for refunds may now be filed by customers, who purchased motor gasoline from Lincoln Land during the consent order period. Applications will be accepted provided they are received no later than 90 days after publication of this Decision and Order in the **Federal Register.** The specific information required in an Application for Refund is set forth in the Decision and Order.

Dated: December 2, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Firm: Lincoln Land Oil Company.

Date of Filing: October 13, 1983.

Case Number: HEF-0116.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. In accordance with the provisions of Subpart V, on October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Lincoln Land Oil Company (Lincoln Land). This Decision and Order contains the procedures which the OHA has formulated to distribute the funds received pursuant to that consent order.

I. Background

Lincoln Land is a "reseller-retailer" of motor gasoline as that term was defined in 10 CFR 212.31 and is located in Springfield, Illinois. Following an audit of Lincoln Land's records, ERA issued a Notice of Probable Violations (NOPV) in which it alleged that the firm had violated the Mandatory Petroleum Price Regulations, 10 CFR Part 212, Subpart F. The NOPV originally alleged that during the period March 1, 1979, through September 30, 1979 (the consent order period), the prices received for certain volumes of motor gasoline sold by lincoln Land were in excess of the allowable prices under 10 CFR 212.93.

In order to settle all claims and disputes between Lincoln Land and the DOE regarding the firm's sales of motor gasoline during the period covered by the audit, Lincoln Land and the DOE entered into a consent order on August 31, 1981. The consent order refers to ERA's allegations of overcharges, but notes that there was no finding that any violations occurred. Additionally, the consent order states that Lincoln Land does not admit that it violated the regulations.

Under the terms of the consent order, Lincoln Land was required to deposit $11,387 into an interest-bearing escrow account for ultimate distribution by the DOE. Lincoln Land remitted this sum on July 7, 1981.[1]

II. Jurisdiction and Authority to Fashion Refund Procedures

The general guidelines which the OHA may use to formulate and implement a plan to distribute funds received as the result of a consent order are set forth in 10 CFR Part 205, Subpart V. For a more detailed discussion of

[1] As of October 31, 1985, the Lincoln Land escrow account contained a total of $17,885, representing $11,387 in principal and $6,498 in accrued interest.

Subpart V and the authority of the OHA to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE, ¶ 82,508(1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

On September 18, 1985, the OHA issued a Proposed Decision and Order (PD&D) setting forth a tentative plan for the distribution of refunds to parties that can make a reasonable demonstration of injury as a result of Lincoln Land's alleged violations in its sales of motor gasoline during the consent order period. 50 39,768 (September 30, 1985). The PD&O stated that the basic purpose of a special refund proceeding is to make restitution for injuries that were experienced as a result of actual or alleged violations of the DOE regulations.

In order to give notice to all potentially affected parties, a copy of the Proposed Decision was published in the **Federal Register** and comments regarding the proposed refund procedures were solicited. Copies were also sent to various service station dealers' associations. None of Lincoln Land's customers submitted comments on the proposed procedures. Comments were submitted collectively on behalf of the States of Arkansas, Delaware, Iowa, Louisiana, North Dakota, Rhode Island, and West Virginia. All of these comments concern the distribution of any funds remaining after all refunds have been made to injured parties. However, the purpose of this Decision is to establish procedures for filing and processing claims in the first stage of the Lincoln Land refund proceedings. Any procedures pertaining to the disposition of any monies remaining after this first stage will necessarily depend on the size of the fund. **See Office of Enforcement**, 9 DOE ¶ 82,508 (1981). Therefore, we will not address the issues raised by the states at this time.

III. Refunds to Identifiable Purchasers

In the first stage of the Lincoln Land refund proceeding, we propose to distribute the funds currently in escrow to claimants who demonstrate that they were injured by Lincoln Land's alleged overcharges. In order to be eligible to receive a refund, claimants will have to file an application and, with three exceptions discussed later in this Decision, show the extent to which they have been injured by the alleged overcharges. To the extent that any individual or firm can establish injury, it will be eligible for a share of the consent order fund.

In this case we will adopt three rebuttable presumptions regarding injury. These presumptions have been used in many previous special refund cases. First, we will not require a detailed demonstration of injury from regulated utilities or agricultural cooperatives that purchased Lincoln Land motor gasoline and passed the alleged overcharges associated with that product through to their end-user members. Second, we will presume that purchasers of Lincoln Land products who are claiming small refunds ($5,000 or less) were injured by the alleged overcharges. Third, we will adopt a presumption that spot purchasers were not injured. Lastly, we will make a finding that end-users or ultimate consumers of Lincoln Land products whose business operations were unrelated to the petroleum industry were injured by the alleged overcharges. Prior OHA decisions provide detailed explanations of the bases of these presumptions and the end-user finding. *E.g., True Co.*, 13 DOE ¶ 85,178 at 88,484–85 (1985). We also explained the rationale for these presumptions in the PD&O. 50 FR 39,768 (September 30, 1985). These presumptions will permit claimants to apply for refunds without incurring disproportionate expenses and will enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

In the PD&O we proposed that a demonstration of "banks" of unrecovered product costs, along with information regarding an applicant's competitive disadvantage in its local market, would be a sufficient showing of injury for reseller-retailer applicants claiming refunds above the $5,000 threshold.[2] *See, e.g., Triton Oil and Gas Corp./Cities Service Company*, 12 DOE ¶ 85,107 (1984); *Tenneco Oil Company/Mid-Continent Systems, Inc.*, 10 DOE ¶ 85,009 (1982). We will continue to use this requirement for non-threshold-type reseller applicants, but we will use a modified requirement for retailers.

A modification of the injury demonstration for retailers is justified because during part of the Lincoln Land consent order period, specifically from July 16, 1979 to September 30, 1979, retailers of motor gasoline were not required to compute MLSP's with reference to May 15, 1973 selling prices and increased costs. *See* 10 CFR 212.93; 45 FR 29546 (1980). Instead, effective July 16, 1979, a retailer was required to calculate its MLSP under a fixed-margin approach set forth in the new rule. Unrecouped increased product costs could no longer be banked for later recovery. *Id.* Consequently, retailers were not required to maintain or compute cost banks during this two-month period. As a result, any requirement that a retailer claimant make a demonstration of injury like that contemplated for resellers, i.e., based on unrecouped cost banks, would probably eliminate all retailer claimants for the bulk of the consent order period.

Therefore, in this proceeding, we propose that retailers which lack banks subsequent to July 16, 1979 may still file a claim for a refund which exceeds the small claim threshold. Retailers should, however, submit bank calculations from March 1, 1979 through July 16, 1979.[3] Like resellers, retailers will be required for the entire consent order period to show that market condiions s prevented them from recovering those increased product costs, i.e., through a demonstration of lowered profit margins, decreased market shares, or depressed sales volumes.[4]

IV. Calculation of Refund Amounts

We will use a volumetric method to divide the settlement moneys among applicants who demonstrate that they are eligible to receive refunds. This method presumes that the alleged overcharges were spread equally over all the gallons of motor gasoline which Lincoln Land sold. We have calculated a volumetric refund amount by dividing the consent order amount by the approximate number of gallons which Lincoln Land sold during the period covered by the consent order. Successful claimants will receive refunds based on their purchase volumes multiplied by the volumetric refund amount. We hve set the Lincoln Land volumetric refund amount at $0.0008 per gallon.[5] In

[2] This injury requirement reflects the nature of the petroleum price regulations in effect beginning August 19, 1973, and ending July 16, 1979 for retailers, and May 1, 1980 for resellers. Under the original rules, a retailer or reseller of motor gasoline was required to compute its maximum lawful selling price (MLSP) by summing its selling price on May 15, 1973 with increased costs incurred since that time. A firm which was unable to charge its MLSP in a particular month could "bank" any unrecovered increased product costs, so that those costs could be recouped in a later month, if possible. *See* 10 CFR 212.93; 45 FR 29546 (1980).

[3] The cost bank requirement has been relaxed in other instances regarding the change in the pricing regulations for motor gasoline. *See* Tenneco Oil Company/United Fuels Corporation, 10 DOE ¶ 85,005 at 88,017 n.1 (1982) (Tenneco).

[4] Resellers or retailers of Lincoln Land products who claim a refund in excess of $5,000 but who cannot establish that they did not pass through the price increases will be eligible for a refund of up to the $5,000 threshold, without being required to submit evidence of injury beyond purchase volumes. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000. *See* Vickers, 8 DOE at 85,396. *See also* Office of Enforcement, 10 DOE ¶ 85,029 at 88,122 (1982) (Ada).

[5] This figure has been calculated by dividing the $11,387 settlement amount by the 15,072,152 gallons

Continued

addition, successful claimants will receive a proportionate share of the accrued interest.

We recognize that a particular purchaser could have suffered a disproportionate share of the injury. Any purchaser who can make a showing of disproportionate overcharge may file a refund application based on such a claim.

As in previous cases, only claims for at least $15 will be processed. We have found through our experience in prior refund cases that the cost of processing claims for refunds of less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Company*, 9 DOE at 85,225. *See also* 10 CFR 205.286(b). The same principle applies here.

V. Application for Refund

We have determined that by using the procedures described above, we can distribute the Lincoln Land consent order funds as equitably and efficiently as possible. Accordingly, we will now accept applications for refunds from individuals and firms who purchased motor gasoline from Lincoln Land during the period March 1, 1979, through September 30, 1979.

In order to receive a refund, each claimant will be required to submit a schedule of its monthly purchases of motor gasoline from Lincoln Land. Purchasers will be required to provide specific information as to the volume of motor gasoline purchased, the date of purchase, the name of the firm from which the purchase was made, and the extent of any injury alleged. Applicants should also provide all relevant information necessary to support their claim in accordance with the presumptions stated above.

In addition, all applications must state:

(1) whether the applicant has previously received a refund, from any source, with respect to the alleged overcharges identified in the ERA audit underlying this proceeding;

(2) whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement from the other owners indicating that they do not claim a refund;

(3) whether the applicant is or has been involved as a party in DOE enforcement or private, 210 actions. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its application for refund is pending. *See* 10 CFR 205.9(d); and

(4) the name and telephone number of a person who may be contacted by this Office for additional information.

Finally, each application must include the following statement: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001.

All applications must be filed in duplicate and must be received within 90 days from the date of publication of this Decision and Order in the **Federal Register**. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals. Any applicant which believes that its application contains confidential information must indicate this and submit two additional copies of its application from which the information has been deleted. All applications should refer to Case No. HEF–0116 and should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585.

It Is Therefore Ordered That:

(1) Applications for refunds from the funds remitted to the Department of Energy by Lincoln Land Oil Company pursuant to the consent order executed on August 31, 1981, may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register.**

George B. Breznay,

Director, Office of Hearings and Appeals.

Dated: December 2, 1985.

[FR Doc. 85–29132 Filed 12–6–85; 8:45 am]

BILLING CODE 6450–01–M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $5,148.32 (plus accrued interest) obtained as a result of a consent order which the DOE entered into with City Service, Inc. of Kalispell, Montana (Case No. HEF–0050). The fund will be available to wholesale customers who purchased motor gasoline from City Service during the Consent Order period.

DATE AND ADDRESS: Applications for refund of a portion of the Consent Order fund must be filed within 90 days of publication of this notice in the **Federal Register** and should be addressed to the City Service, Inc. Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All applications should conspicuously display a reference to Case No. HEF–0050.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order relates to a consent order entered into by City Service, Inc. of Kalispell, Montana. The Consent Order settled possible pricing violations with respect to the firm's sales of motor gasoline to wholesale customers (resellers and retailers) during the October 1, 1979 through December 31, 1979 Consent Order period.

The Office of hearings and Appeals previously issued a Proposed Decision and Order which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper disposition of the Consent Order fund. The Proposed Decision and Order discussing the distribution of the Consent Order fund was issued on June 25, 1985. 50 FR 27666 (July 5, 1985).

As the Decision and Order indicates, applications for refunds from the Consent Order fund may now be filed. Applications will be accepted provided they are filed no later than 90 days after publication of this Decision and Order in the **Federal Register**. Applications will be accepted from wholesale customers who purchased motor gasoline from City Service, Inc. during the relevant Consent Order period. The specified information required in an application for refund is set forth in the Decision and Order. The Decision and Order reserves the question of the proper distribution of any remaining

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of motor gasoline sold by Lincoln Land during the consent order period.

Consent Order funds until the first-stage claims procedure is completed.

Dated: December 2, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Special Refund Procedures

Name of Firm: City Service, Inc.
Date of Filing: October 13, 1983.
Case Numbers: HEF-0050.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to make refunds in order to remedy the effects of actual or alleged violations of DOE regulations. *See* 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable readily to ascertain the persons who were injured or the amounts that such persons may be eligible to receive as a result of enforcement proceedings. *See Office of Enforcement*, 9 DOE ¶ 82,553 at 85,284 (1982).

I. Background

Pursuant to the provisions of Subpart V, on October 13, 1983, the ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with City Service, Inc. (City Service) of Kalispell, Montana. City Service is a reseller-retailer who sells motor gasoline in the state of Montana. Therefore, the firm was subject to the Mandatory Petroleum Price Regulations set forth at 10 CFR Part 212.

An ERA audit of City Service's operations during the period October 1, 1979 through December 31, 1979 revealed possible regulatory violations of the Mandatory Petroleum Price Regulations. In order to settle all claims and disputes between City Service and the DOE regarding the firm's compliance with the DOE price regulations in sales of motor gasoline during the audit period, the firm entered into a consent order with the DOE on July 9, 1980. The Consent Order covers City Service's sales of motor gasoline during the three-month audit period (hereinafter the Consent Order period). In executing the Consent Order, City Service agreed to refund $1,892.17 directly to its retail end-user customers and to remit $5,148.32 to the DOE in settlement of its potential liability for alleged pricing violations in sales to its wholesale customers (resellers and retailers). *See* Consent Order ¶¶ 5 and 6. The Consent Order refers to the DOE's allegations of regulatory violations, but notes that no findings of violation were made. Additionally, the Consent Order states that City Service does not admit that it committed any such violations.

On June 25, 1985, the OHA issued a Proposed Decision and Order tentatively setting forth procedures to distribute the funds received pursuant to the Consent Order to resellers (including retailers) who were injured by City Service's alleged regulatory violations. *See City Service Inc.*, Case No. HEF-0050 (June 25, 1985) (Proposed Decision), 50 FR 27666 (July 5, 1985). In the Proposed Decision, we described a two-stage process for distribution of the Consent Order funds. Specifically, we proposed to disburse funds in the first stage to the claimants who could demonstrate that they were injured by City Service's alleged overcharges during the Consent Order period. We stated that money available after payment of refunds to eligible claimants in the first stage would be distributed through a second-stage process, but that the ultimate disposition of those second-stage funds would not be determined until after the completion of the first stage.

We have received no comments regarding the first stage procedures tentatively established in the Proposed Decision. However, we have received comments from the state of Indiana concerning the disposition of funds in the second stage of the proceeding. This Decision and Order establishes the procedures to be used for filing and processing claims in the first stage of the City Service refund process. Therefore, we will not determine second stage procedures in this Decision.[1] Our determination concerning the final disposition of any remaining funds necessarily will depend on the size of the funds. *See Marion Corp.*, 12 DOE ¶ 85,014 (1984) (*Marion*).

II. Jurisdiction

The Subpart V procedural regulations of the DOE set forth general guidelines by which the OHA may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. It is DOE policy to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds obtained as a part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*). As we stated in the Proposed Decision, we have determined that a Subpart V proceeding is an appropriate mechanism for distributing the City Service Consent Order funds. Therefore, the OHA will grant the ERA's petition and assume jurisdiction over the funds received pursuant to the City Service Consent Order.

III. Refund Procedures

Since we did not receive any comments objecting to the first stage procedures tentatively established in the Proposed Decision, we have concluded that those procedures should be adopted. The City Service Consent Order funds will be distributed to its wholesale customers who satisfactorily demonstrate that they were injured by City Service's alleged overcharges.

A. Eligibility for Refunds

City Service has provided the OHA with the names and addresses of its wholesale customers during the Consent Order period as well as the approximate gallons of City Service motor gasoline purchased by each of those customers. Since this information appears accurate and the ERA audit files do not identify any other wholesale customers of City Service, we believe it is appropriate to use this information to determine eligibility for refunds in this proceeding. Accordingly, we proposed to limit eligibility for refunds in this proceeding to those firms identified by City Service and listed in the Appendix to this Decision. *Cf. Marion* (refunds to customers identified in NOPV). We received no objections to this proposal, and therefore will adopt it.

B. Small Claims Presumption

In Subpart V proceedings, resellers are generally required to make a detailed demonstration of injury in order to receive a refund. As we proposed, however, we will adopt a presumption of injury with respect to small claims. Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. *See* 10 CFR 205.282(e). The small claims presumption we will adopt in this case is used to permit claimants to participate in the refund process without incurring disproportionate expenses, and to enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

We recognize that making a detailed showing of injury may be too complicated and burdensome for resellers who purchased relatively small

[1] It is not clear, however, that Indiana and its citizens have a legitimate interest in this proceeding, since none of the sales involved were made in the state of Indiana.

amounts of City Service motor gasoline. For example, such firms may have limited accounting and data-retrieval capabilities. Therefore, these firms may be unable to produce the records necessary to prove that they did not pass on the alleged overcharges to their own customers, or that banks of unrecovered costs exist. We are also concerned that the cost to the applicant and to the government of compiling and analyzing information sufficient to make a detailed showing of injury not exceed the amount of the refund to be gained. In the past we have adopted a small claims procedure to assure that the costs of filing and processing a refund application do not exceed the benefits. *See, e.g., Aztec Energy Co.*, 12 DOE ¶85,116 (1984); *Marion*. We propose to adopt such a procedure in this case. Therefore, any applicant claiming a refund of $5,000 or less need not make a detailed showing of injury in order to be eligible to receive a refund. The wholesale customer purchase volumes supplied by City Service indicate that the small claims procedure will apply to all applicants in the City Service special refund proceeding.

C. Volumetric Presumption

We also will adopt a presumption that the effects of the alleged price violations were dispersed equally over all gallons of motor gasoline sold by City Service during the Consent Order period. In the absence of better information, this presumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. A volumetric refund amount is calculated by dividing the settlement amount by the total gallonage of motor gasoline sold by the consent order firm during the consent order period. In the City Service proceeding, we have established a volumetric refund amount of $0.011727 per gallon, exclusive of interest ($5,148.32 Consent Order fund divided by 439,000 gallons of motor gasoline sold at wholesale during the Consent Order period). Since consent orders are necessarily the result of compromise, the volumetric refund amounts derived from those consent order settlements are also a compromise. The volumetric refund amount does not purport to calculate the exact amount that a customer may have been overcharged. Rather, it is a method by which we can estimate the portion of the consent order funds that should be allocated to a given purchaser. However, we recognize that the impact on an individual purchaser could have been greater than this volumetric refund amount, and any purchaser may file a refund application based on a claim that it bore a disproportionate share of the alleged overcharges. *See, e.g., Amtel, Inc.*, 12 DOE ¶85,073 at 88,233–34 (1984); *Sid Richardson Carbon & Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶85,054 at 88,164 (1984), and cases cited therein.

IV. Refund Application Procedures

We have determined that the procedures described in the Proposed Decision are the most equitable and efficacious means of distributing the City Service Consent Order funds. Accordingly, Applications for Refunds will now be accepted from wholesale customers who purchased City Service motor gasoline during the Consent Order period. The following information should be included in all Applications for Refund:

1. At the top of the first page, the applicant's name and case no. HEF–0050.

2. The name, position title, and telephone number of a person who may be contacted by us for additional information concerning the Application.

3. How the claimant used the City Service motor gasoline, i.e., whether it was a retailer, reseller, or reseller-retailer.

4. A statement certifying that the Appendix to this Decision accurately lists the volume of City Service motor gasoline purchased by the claimant during the Consent Order period.

5. Whether the claimant or any person acting on its instruction has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in the underlying City Service enforcement proceeding.

6. Whether the claimant was in any way affiliated with City Service. If so, it should state the nature of the affiliation.

7. Whether there has been any change in ownership of the entity that purchased City Service motor gasoline since the end of the Consent Order period. If so, the name and address of the current (or former) owner should be provided, as well as either the reasons why the refund should be paid to the applicant rather than the other owners or a signed statement from the other owners indicating they do not claim a refund.

8. Whether the applicant is or has been involved as a party in any DOE or private Section 210 enforcement actions. If these actions have been terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should describe the action and its current status. The applicant is under a continuing obligation to keep the OHA informed of any change in status during the pendency of its Application for Refund. *See* 10 CFR 205.9(d).

9. The following signed statement:

I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief.

All Applications for Refund must be filed in duplicate. A copy of each Application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Forrestal Building, Room 1E–234, 1000 Independence Avenue, S.W., Washington, D.C. Any applicant that believes that its Application contains confidential information must so indicate on the first page of its Application and submit two additional copies of its Application from which the alleged confidential material has been deleted, together with a statement specifying why the information is believed to be privileged or confidential.

All Applications should be sent to the City Service Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Applications must be postmarked within 90 days after the publication of this Decision and Order in the **Federal Register**. *See* 10 CFR 205.286. All Applications for Refund received within the time limit specified will be processed pursuant to 10 CFR 205.284.

It Is Therefore Ordered That:

(1) Applications for Refunds from the funds remitted to the Department of Energy by City Service pursuant to the consent order executed on July 9, 1980, may now be filed.

(2) All Applications must be filed within 90 days after publication of this Decision and Order in the **Federal Register**.

Dated: December 2, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appendix

WHOLESALE CUSTOMERS OF CITY SERVICE, INC., CASE NO. HEF-0050

Customer	Approximate volumes
Robert Berry, Main and 4th Street, Kalispell, MT 59901	50,000
Lloyd Mangnall, 437 Electric Avenue, Bigfork, MT 59911	50,000
Myrtle Smith, Neighborhood Store, Creston, MT 59902	12,000
Ron Millard, P.O. Box 436, Whitefish, MT 59937	80,000
Orval Clarke, 169 Brook Drive, Kalispell, MT 59901	96,000
Slim Hoylman, 425 W. Utah, Kalispell, MT 59901	75,000

WHOLESALE CUSTOMERS OF CITY SERVICE, INC., CASE NO. HEF-0050—Continued

Customer	Approximate volumes
Richard Lawrence, Somers, MT 59932	15,000
Lakeside Mercantile, Lakeside, MT 59922	15,000
Lynn Hadley, Marion, MT 59925	6,000
Jim Brown, Plains, MT 59859	40,000

[FR Doc. 85-29133 Filed 12-6-85; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59743; FRL-2935-5]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of three such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 86-41—December 16, 1985.
Y 86-42—December 26, 1985.
Y 86-43—November 24, 1985.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 410 M St., SW., Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemptions received by EPA. The complete non-confidential document is available in the public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86-41

Manufacturer. NL Chemicals/NL Industries, Inc.
Chemical. (G) Polyester resin.
Use/Production. (G) An alkyd resin to be used in an open, non-dispersive manner. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-42

Importer. Confidential.
Chemical. (G) Hydroxy functional acrylic copolymer.
Use/Production. (S) Commercial air-drying-decorative and protective coatings. Import range. 100,000-275,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Limited exposure.
Environmental Release/Disposal. No release.

Y 86-43

Manufacturer. Confidential.
Chemical. (G) Polymer of alkanedioic acid/alkanepolyol/benzene polycarboxylic acid.
Use/Production. (G) Precursor in the manufacture of polyurethanes. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 12 workers, up to 8 hrs/da, up to 10 da/yr.
Environmental Release/Disposal. No release. Disposal by POTW.

Dated: December 2, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85-29121 Filed 12-6-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51600; FRL-2935-6]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty-two PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86-202, 86-203, 86-204, 86-205, 86-206, 86-207 and 86-208—February 19, 1986.
P 86-209, 86-210, 86-211, 86-212, 86-213, 86-214 and 86-215—February 22, 1986.
P 86-216, 86-217, 86-218, 86-219, 86-220, 86-221 and 86-222—February 23, 1986.
P 86-223—February 24, 1986.

Written comments by:

P 86-202, 86-203, 86-204, 86-205, 86-206, 86-207 and 86-208—January 20, 1986.
P 86-209, 86-210, 86-211, 86-212, 86-213, 86-214 and 86-215—January 23, 1986.
P 86-216, 86-217, 86-218, 86-219, 86-220, 86-221 and 86-222—January 24, 1986.
P 86-223—January 25, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-51600]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St., SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW, Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

P 86-202

Manufacturer. Confidential.
Chemical. (G) Inorganic vanadium compound.
Use/Production. (G) Destructive use. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-203

Manufacturer. Confidential.
Chemical. (G) Inorganic vanadium compound.
Use/Production. (G) Contained use. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-204

Manufacturer. Confidential.
Chemical. (G) Polyurethane polymer.
Use/Production. (G) Non-dispersive formulation adhesive. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential
Environmental Release/Disposal. Confidential.

P 86-205

Manufacturer. Confidential.
Chemical. (G) Polyalkylene silane copolymer.
Use/Production. (G) Industrial resin. Prod. range. Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-206

Manufacturer. Confidential.
Chemical. (G) Unsaturated isophthalic polyester-acrylate copolymer.
Use/Production. (S) Fast curing air-dry finishes. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 5 workers.
Environmental Release/Disposal. Confidential.

P 86-207

Manufacturer. Confidential.
Chemical. (S) Copolymer of unsaturated fatty acids and mixed acrylic monomers.
Use/Production. (G) Site-limited intermediate for high solids acrylic-modified coating resin. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 2 workers.
Environmental Release/Disposal. Confidential.

P 86-208

Manufacturer. Confidential.
Chemical. (G) Aromatic MDI polyether polyurethane.
Use/Production. (S) General purpose coating and modifer for coatings and inks for industrial, commercial and consumer use. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 4 workers, up to 4 hrs/da, up to 6 da/yr.
Environmental Release/Disposal. Confidential.

P 86-209

Manufacturer. Pennwalt Corporation.
Chemical. (G) Brominated phthalate plasticizer.
Use/Production. (S) Flame retardant for engineering thermoplastics. Prod. range. Confidential.
Toxicity Data. Acute oral: Male—8.94 g/kg, Female—3.77 g/kg, Combined—5.55 g/kg; Acute dermal: 2.0 g/kg; Irritation: Skin—Non-irritant; Eye—Inconsequential; Aqueous extraction test: < 0.1 parts per million (ppm); Ames test: Non-mutagenic.
Exposure. Manufacture: dermal, a total of 4 workers, up to 1 hr/wk, up to 50 wk/yr.
Environmental Release/Disposal. .5 to 1 kg/batch released to land. Disposal by incineration and landfill.

P 86-210

Manufacturer. Confidential.
Chemical. (G) Polyurethane.
Use/Production. (G) Oligomer. Prod. range. 1,000—3,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 1 worker, up to 8 hrs/da, up to 4 da/yr the first year.
Environmental Release/Disposal. Minor waste draining product released to land.

P 86-211

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Aryl cycloalkyl polyamide.
Use/Production. (G) Membrane. Prod. range. Confidential.
Toxicity Data. Irritation: Skin—Non-irritant.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86-212

Manufacturer. E. I. du Pont de Nomours & Company, Inc.
Chemical. (G) Cycloaliphatic carbonyl chloride.
Use/Production. (G) Monomer. Prod. range. Confidential.
Toxicity Data. Acute oral: 3,400 mg/kg; Irritation: Skin—Severe; Eye—Moderate.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-213

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Cycloaliphatic carboxylic acid.
Use/Production. (G) Intermediate. Prod. range. Confidential.
Toxicity Data. Acute oral: 7,600 mg/kg; Irritation: Skin—Slight; Eye—Moderate.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-214

Importer. Rohm & Haas Company.
Chemical. (G) Functionalized styrene DVB polymer.
Use/Import. (G) For use with aqueous solutions in a contained use. Import range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-215

Manufacturer. Rexnord.
Chemical. (G) Acrylic oligomeric copolymer.
Use/Production. (S) Industrial, commercial and consumer plasticizers for sealants. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal.
Environmental Release/Disposal. .5 to 10 kg/batch released to land. Disposal by licensed burial.

P 86-216

Manufacturer. NL Chemicals/NL Industries, Inc.
Chemical. (G) Polyurethane prepolymer.
Use/Production. (G) Reactive intermediate. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86-217

Manufacturer. NL Chemicals/NL Industries, Inc.
Chemical. (G) Water-based polyurethane elastomer.
Use/Production. (G) A polyurethane elastomer to be used in an open, non-dispersive manner. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86-218

Manufacturer. Confidential.
Chemical. (G) Polymer of 1,4-Butanediol, adipic acid, 1,15-dodecanedioic acid and dicyclohexylmethyl-4,4'-diisocyanate.
Use/Production. (G) Open-use. Prod. range. 1,000—1,500 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of workers, up to 2 hrs/da, up to 12 da/yr.

Environmental Release/Disposal. Minimal release to air. Disposal by biological treatment lagoons and landfill.

P 86-219

Manufacturer. Emery Chemicals.
Chemical. (S) Adipic acid, azelaic acid, phthalic anhydride, polymers with ethylene glycol, neopentyl glycol and isooctanol.
Use/Production. (G) Industrial plasticizer for polyvinyl chloride resin. Prod. range. 450,000—640,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 3–5 workers, up to 4 hrs/da, up to 25 da/yr.
Environmental Release/Disposal. No release. Disposal by publicly owned treatment works (POTW).

P 86-220

Manufacturer. Emery Chemicals.
Chemical. (S) Adipic acid, azelaic acid, and phthalic anhydride with ethylene glycol, terminated with isooctanol.
Use/Production. (S) Industrial plasticizer for polyvinyl chloride. Prod. range. 205,000—410,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 3–5 workers, up to 4 hrs/da, up to 44 da/yr.
Environmental Release/Disposal. 75 per 10,000 charged released to water with 185 per 10,000 charged to land. Disposal by POTW and landfill.

P 86-221

Manufacturer. Confidential.
Chemical. (G) Crotonate functional styrenated acrylic polymer.
Use/Production. (S) Commercial and industrial coatings for plastic and metal substrates. Prod. range. 9,080—27,240 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: a total or 4 workers, up to hrs/da, up to 15 da/yr.
Environmental Release/Disposal. Less than 3 kg/batch released to land. Disposal by landfill.

P 86-222

Importer. CIBA-GIEGY Corporation.
Chemical. (G) Substituted anthraquinone.
Use/Import. (G) Textile dye. Import range. 1,000—4,840 kg/yr.
Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Non-irritant; Eye—Non-irritant; Bacteria sludge test: >300 mg/L; Ready biodegradability: Not readily biodegradable; IC_{50} (3 hrs.): >100 mg/L; COD: 1469 & 1230.4 mg/g°2; BOD: 0 & 23 mg/g°2' Ames test: Negative without activation.
Exposure. Processing: dermal, a total of 2 workers, up to .5 hr/da, up to 5 da/yr.
Environmental Release/Disposal. 0.5 kg/batch released to water. Disposal by navigable waterway.

P 86-223

Manufacturer. Confidential.
Chemical. (G) Thioether.
Use/Production. (G) Mining chemical. Prod. range. Confidential.
Toxicity Data. Acute oral: 2,000 mg/kg; Irritation: Skin—Slight Irritant, Eye—Slight Irritant; Ames test: Non-mutagenic.
Exposure. Manufacture: dermal.
Environmental Release/Disposal. No release.

Dated: December 2, 1985.

Linda A. Travers,
Acting Director, Information Management Division.

[FR Doc. 85-29123 Filed 12-6-85; 8:45 am]
BILLING CODE 6560-50-M

Privacy Act of 1974; Proposed New System of Records

[OGC-FRL-2933-9]

AGENCY: Environmental Protection Agency.

ACTION: Privacy Act of 1974, proposed new system of records.

SUMMARY: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the U.S. Environmental Protection Agency is proposing to formally establish and maintain a system of records. The system is "Invention Reports Submitted to the Environmental Protection Agency." The Environmental Protection Agency will use the information in this system to document inventions made under Agency sponsorship, including such activities as filling patent applications, determining rights to inventions, licensing inventions, and ascertaining inventorship and priority of invention.

EFFECTIVE DATE: This system shall become effective as proposed without further notice sixty (60) days after publication unless comments are received which would result in a contrary determination.

FOR FURTHER INFORMATION CONTACT: Benjamin Bochenek, Patent Counsel, Office of General Counsel, Grants, Contracts and General Law Division (LE-132G), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, Telephone (202) 382-5460.

Howard M. Messner,
Assistant Administrator for Administration and Resources Management.

Dated: November 26, 1985.

EPA-16

SYSTEM NAME:

Invention Reports Submitted to the Environmental Protection Agency—EPA/OGC/Grants-16.

SYSTEM LOCATION:

U.S. Environmental Protection Agency, Office of General Counsel (LE 132G), Contracts and Information Law Branch, 401 M Street, SW., Washington, DC 20460.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

EPA employees and employees of contractors, subcontractors, grantees, and cooperative agreement recipients who have submitted invention reports to EPA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invention reports, filed patent applications assignments, licenses, procurement requests, Government purchase orders, and other documents relevant to inventions made under EPA sponsorship.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 9865, E.O. 10096, 35 U.S.C. Ch. 18, as amended (Patent Rights in Inventions Made with Federal Assistance), 37 CFR Part 100, 40 CFR Part 30, 48 CFR Parts 27 and 52.

PURPOSES:

Records are maintained for the purpose of documenting inventions made under EPA sponsorship, including filing patent applications, determining rights to inventions, licensing inventions, and ascertaining inventorship and priority of invention.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. To the U.S. Department of Justice when related to litigation or anticipated litigation involving the records or the subject matter of the records, provided such disclosure is compatible with the purpose for which the records were collected.

2. To scientific personnel who possess the expertise to understand the invention and evaluate its importance to the Government and/or the public.

3. To contract patent counsel and their employees retained by the Agency for

patent searching and preparation of United States and foreign patent applications, and preparation of amendments of other documents related to patent applications.

4. To Government agencies whom we contact regarding possible use, interest in or ownership rights in our inventions.

5. To the National Technical Information Service of the Department of Commerce for inclusion in their invention licensing program.

6. To prospective licensees or technology finders who may further make the invention available to the public through sale, use or publication.

7. To parties, such as supervisors of inventors, whom we contact to determine ownership rights, and to those parties contacting us to determine the Government's ownership.

8. To the United States and foreign Patent and Trademark Offices when we file U.S. and foreign patent applications.

9. Also see Prefatory Statement of General Routine Uses applicable to all EPA Systems of Records, 41 FR 39689 (September 15, 1976).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual file folders in file cabinets.

RETRIEVABILITY:

Indexed and retrieved by inventor's name and by case identification number.

SAFEGUARDS:

Access is limited to EPA personnel with an official need to know. During non-business hours, the files are kept in a locked room in a building with controlled access.

RETENTION AND DISPOSAL:

The records are maintained for seventeen years after completion or terminaion of action on the disclosed invention, such as issuance of a patent. The records are maintained at EPA for approximately three to eight years and are then sent to a Federal Records Center for the remainder of the applicable retention period.

SYSTEM MANAGER(S) AND ADURESSES:

Associate General Counsel, Grants, Contracts and General Law Division (LE–132G), Office of General Counsel, U.S Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

NOTIFICATION PROCEDURE:

Written inquiries should be directed to the System Manager. The System Manager will provide additional information or requirements if necessary.

RECORDS ACCESS PROCEDURES:

Same as Notification Procedure. In addition, individuals seeking access should reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedure. In addition, individuals contesting records should reasonable identify the record and specify the information being contested. The corrective action being sought and supporting justification for that action should be provided.

RECORDS SOURCE CATEGORIES:

Records in the system are obtained from invention report submitters covered by this system, their supervisors, other persons with knowledge of the invention or expertise in the particular area of the invention, EPA Patent Counsel and EPA contractors who have searched the invention, prepared a patent application on the invention and/or otherwise performed work on patent application.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 85–29114 Filed 12–6–85; 8:45 am]

BILLING CODE 6560–5–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511.

Copies of the submission are available from Jerry Cowden, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on this information collection should contact David Reed, Office of management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395–7231.

OMB Number: 3060–0169.

Title: Sections 43.51, 43.52, 43.53, 43.54, and 43.74, Reports of Communication Common Carriers and Certain Affiliates.

Action: Extension.

Respondents: Communication common carriers.

Estimated Annual Burden: 3,293 Responses; 6,586 Hours.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85–29079 Filed 12–6–85; 8:45 am]

BILLING CODE 67120–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested parties should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–010642–002.

Title: Oakland Terminal Agreement.

Parties: Port of Oakland (Port), Stevedoring Services of America (SSA).

Synopsis: This agreement modifies the basic agreement whereby the Port assigned the management of certain marine terminal facilities in the Port's Charles P. Howard Terminal Area to SSA. The amendment reduces for a six month extendable period the crane rental rates applicable to SSA to 65% of tariff rates in certain instances in which the container cranes on the premises are used for the loading and discharging of noncontainerized cargo. It is the parties' intention with respect to the payment and receipt of crane rental compensation that the compensation provisions of the agreement shall replace any in effect on or after November 26, 1985 and accordingly provisions is made for the Port to credit SSA with any difference following the effective date of the agreement.

Agreement No.: 203–010856.

Title: Cooperative Working Agreement between A. Bottocchi S.A. De Navegacion C.F.I.I. and Sea-Land Agencies International, Inc.

Parties: A. Bottacchi S.A. De Navegacion C.F.I.I. (Bottacchi), Sea-Land Agencies International, Inc. (Sea-Land).

Synopsis: The proposed agreement would establish a cooperative working arrangement between the parties and permit Sea-Land Agencies International, Inc. to provide general agency and intermodal coordinating services to Bottacchi for its transportation service between ports and points in the United States and Canada excluding Puerto Rico, and ports and points in South America, Central America, the Caribbean, and intermediate ports within this range. The parties have requested a shortened review period.

Agreement No.: 217-010857.

Title: Sea-Land Service, Inc./Hanjin Container Lines, Ltd. Reciprocal Space Charter Agreement.

Parties: Sea-Land Service, Inc., Hanjin Container Lines, Ltd.

Synopsis: The proposed agreement would replace expiring Agreement No. 10364 between the parties in the trade between ports in Asia and ports in North America including movements between Asian ports.

By Order of the Federal Maritime Commission.

Dated: December 4, 1985.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-29113 Filed 12-6-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Baybanks, Inc., 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 255.23(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 § 255.21(a) of Regulation Y (12 CFR 225.21(a)) to commence of the 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 effeciency, that outweigh possible adverse effects, such as undue concentration of resource, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by the 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 24, 1985.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 021106:

1. *BayBanks, Inc.*, Boston, Massachusetts; to engage *de novo* through its subsidiary, BayBanks Investment Management, Inc., Boston, Massachusetts, in the investment advisory business, including providing investment advisory services to individuals, estates, trusts, pension and profit sharing plans, endowments, charitable institutions, banks, thrift institutions, governmental bodies and other legal entities, pursuant to § 225.25(b)(4) of Regulation Y. Comments on this application must be received not later than December 20, 1985.

B. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *J.P. Morgan & Co., Inc.*, New York New York; to engage through its subsidiary Morgan Shareholders Service Trust Company, New York, New York, in acting as a transfer agent, registrar, dividend disbursing agent and providing related functions, pursuant to § 225.25(b)(3) of Regulation Y. Comments on this application must be received not later than December 23, 1985.

(c) **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas American Bancshares, Inc.*, Fort Worth, Texas; to engage *de novo* directly in performing permissible date processing activities for others, pursuant to § 225.25(b)(7) of Regulation Y. These activities would be conducted in the State of Texas.

D. **Federal Reserve Bank and San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Independent Investment Group, Inc.*, Vancouver, Washington; to engage *de novo* directly in the activities of commercial real estate lending and commercial lending, including revolving line of credit lending, pursuant to § 225.25(b)(1) of Regulation Y.

Boad of Governors of the Federal Reserve System December 3, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-29053 Filed 12-6-85; 8:45 am]

BILLING CODE 6210-01-M

Commerce Exchange Corp. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in the 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 27, 1985.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Commerce Exchange Corporation*, Beachwood, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of Commerce Exchange Bank, Beachwood, Ohio, a *de novo* bank.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First American Corporation*, Nashville, Tennessee, through *First*

American Kentucky Bancorp, Inc., Ashland, Kentucky; to acquire indirectly 100 percent of the voting shares of First Ashland Corporation, Ashland, Kentucky, thereby indirectly acquiring First Bank and Trust Company of Ashland, Ashland, Kentucky.

2. *First American Kentucky Bancorp, Inc.*, Ashland, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of First Ashland Corporation, Ashland, Kentucky, thereby indirectly acquiring First Bank and Trust Company of Ashland, Ashland, Kentucky.

3. *Granvalor Holdings S.A.*, Panama City, Panama; to become a bank holding company by acquiring 64.8 percent of the voting shares of International Bancorp of Miami N.V., Curacao, Netherlands Antilles.

4. *International Bancorp of Miami, Inc.*, Miami, Florida; to become a bank holding company by acquiring 99.8 percent of the voting shares of The International Bank of Miami, N.A., Miami, Florida.

5. *International Bancorp of Miami N.V.*, Curacao, Netherlands Antilles; to become a bank holding company by acquiring 100 percent of the voting shares of International Bancorp of Miami, Inc., Miami, Florida.

C. **Federal Reserve Bank of Chicago** (Frankin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Valley Bancorporation*, Appleton, Wisconsin; to acquire 10 percent of the voting shares of Spring Green Bankshares, Inc., Spring Green, Wisconsin, thereby indirectly acquiring Bank of Spring Green, Spring Green, Wisconsin.

Board of Governors of the Federal Reserve System, December 3, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-29050 Filed 12-6-85; 8:45 am]

BILLING CODE 6210-01-M

Franklin First National Corp., 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 20, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Franklin First National Corporation*, Decherd, Tennessee; to engage *de novo* through its subsidiary, Franklin First National Mortgage Company, Decherd, Tennessee, in the origination, sale, and servicing of mortgage loans, pursuant to § 225.25(b)(1) of Regulation Y; and to engage as agent for the sale of life, accident, and health insurance directly related to its extensions of credit, pursuant to § 225.25(b)(8) of Regulation Y. These activities would be conducted in southern middle Tennessee and northern Alabama. Comments on this application must be received not later than December 23, 1985.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Siloam Springs Bancshares, Inc.*, Bentonville, Arkansas; to engage *de novo* directly in equipment leasing for its own account, pursuant to § 225.25(b)(5) of Regulation Y. These activities would be conducted in the states of Arkansas, Missouri and Oklahoma.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Utica Agency, Inc.*, Hill City, Kansas; to engage *de novo* directly in acting as agent with respect to insurance limited to assuring repayment of the outstanding balance due on a specific extension of credit by a bank holding company or its subsidiary in the event of the death or disability of the debtor, pursuant to section 4(c)(8)(A) of the Act; acting as agent in the sale of insurance limited to assuring repayment of the outstanding balance on an extension of credit by a finance company in the event of loss or damage to any property used as collateral for such extension of credit, and provided such extension of credit does not exceed the limits set forth in section 4(c)(8)(B) of the Act; and in general insurance agency activities in a place with a population not exceeding 5,000, pursuant to section 4(C)(8)(C)(i) of the Act. These activities would be conducted in a circular area centered on Utica, Kansas, with a radius of approximately 15 miles. This area also includes the northwest corner of Ness County, the northeast corner of Lane County, the southeast corner of Gove County, and the southwest corner of Trego County, all located in Kansas. Comments on this application must be received not later than December 24, 1985.

Board of Governors of the Federal Reserve System, December 3, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-29054 Filed 12-6-85; 8:45 am]

BILLING CODE 6210-01-M

Guaranty Bancshares Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the

Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 26, 1985.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Guaranty Bancshares Corporation,* Shamokin, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Community National Bank, Shamokin, Pennsylvania.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *National Bancshares Corporation,* Orrville, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank, Orrville, Ohio. Comments on this application must be received not later than December 27, 1985.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198.

1. *United Banks of Colorado, Inc.,* Denver Colorado; to acquire 100 percent of the voting shares of United Bank of Aurora-City Center, Aurora, Colorado, a proposed *de novo* bank.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Lamar Bancorporation, Inc.,* Paris, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Lamar National Bank, Paris, Texas.

Board of Governors of the Federal Reserve System, December 3, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-29051 Filed 12-6-85; 8:45 am]

BILLING CODE 6210-01-M

Society Corp., 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 premissible 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 24, 1985.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Society Corporation,* Cleveland, Ohio; to engage *de novo* through its subsidiary, Society Investor Services Corporation, Cleveland, Ohio, in providing securities brokerage services, which will be restricted to buying and selling securities solely as agent for the account of customers and will not include securities underwriting or dealing, investment advice, or research services; providing related securities credit activities, pursuant to the Board's Regulation T (12 CFR Part 220); and providing incidental activities such as offering custodial services, individual retirement accounts, Keogh accounts, and cash managemnt services, pursuant to § 225.25(b)(15) of Regulation Y. Comments on this application must be received not later than December 27, 1985.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First State Bancshares, Inc.,* Pensacola, Florida; to engage *de novo* through its subsidiary, First State Service Corporation, Pensacola, Florida, in data processing activities, pursuant to § 225.25(b)(7) of Regulation Y. These activities would be conducted in Escambia County, Florida, and its contiguous counties.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First United Financial Services,* Arlington Heights, Illinois; to engage through its subsidiary, First United Trust Company, Oak Park, Illinois, in accepting and executing trusts and carrying on a general trust business, as permitted by laws of the State of Illinois, pursuant to § 225.25(b)(3) of Regulation Y.

2. *The Marine Corporation,* Milwaukee, Wisconsin and its wholly owned subsidiary, Marisub, Inc., Milwaukee, Wisconsin to engage *de novo* through its subsidiary, Marine vestment Services Corporation, Milwaukee, Wisconsin, in providing securities brokerage services to its customers and such services will be restricted to buying and selling securities solely as agent for the accounts of customers, pursuant to § 225.25(b)(15) of Regulation Y. The activities of company will not include securities underwriting, dealing, investment advice, or research services. These activities would be conducted in the States of Wisconsin, Minnesota, Illinois, Iowa, Indiana and Michigan. Comments on this application must be received not later than December 23, 1985.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *McKenzie Holding Company,* McKenzie, Tennessee; to engage *de novo* through its subsidiary, McKenzie Banking Company, McKenzie, Tennessee, in originating and servicing loans for financial institutions, pursuant to § 225.25(b)(1) of Regulation Y. These activities would be conducted in the State of Tennessee.

Board of Governors of the Federal Reserve System, December 3, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-29055 Filed 12-6-85; 8:45 am]

BILLING CODE 6210-01-M

Walker Ban 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) of (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The Application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 24, 1985.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Walker Ban Co.*, Walker, Minnesota; to engage *de novo* through its subsidiary, C. J. Elsenpeter Agency, Inc., Walker, Minnesota, in general insurance agency activities in a place with a population not exceeding 5,000, pursuant to section 4(c)(8)(C)(I) of the Act. These activities would be conducted in Cass County and the eastern one-third of Hubbard County in Minnesota.

Board of Governors of the Federal Reserve System, December 3, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-29052 Filed 12-6-85; 8:45 am]

BILLING CODE 6810-01-M

FEDERAL TRADE COMMISSION

Care Labeling Rule; Information Collection Requirement

AGENCY: Federal Trade Commission.

ACTION: Notice of application to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) for clearance of information collection requirements contained in the Care Labeling Rule.

SUMMARY: The Commission is seeking OMB clearance for information collection requirements contained in the Trade Regulation Rule Concerning Care Labeling of Textile Wearing Apparel and Certain Piece Goods, as amended. A 3-year extension of the existing clearance, OMB Control No. 3084-0046, has been requested.

The Care Labeling Rule, which became effective July 3, 1972, requires manufacturers and importers of textile wearing apparel to attach a permanent label bearing care instructions that fully inform the consumer how to effect regular care maintenance. Manufacturers and importers of piece goods that are used to make wearing apparel must also supply care instructions.

DATES: Comments on this application must be submitted on or before January 8, 1986.

ADDRESS: Send comments to Mr. Don Arbuckle, FTC Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503. Copies of the application may be obtained from Public Reference Branch, Room 130, Federal Trade Commission, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Christian S. White, Assistant General Counsel, Federal Trade Commission, Washington, DC 20580 (202) 523-3776.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 85-29043 Filed 12-6-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Additions to Senior Executive Service; Performance Review Board Membership

Title 5, U.S.C. 4314(c)(4), of the Civil Service Reform Act of 1978, Pub. L. 95-484, requires that the appointment of Performance Review Board members be published in the **Federal Register.**

On November 7, 1985, the Department of Health and Human Services PRB membership was published in the **Federal Register.** The following members are hereby added to that membership:

John C. Berry
Ruth L. Kirschstein

For further information contact: Nancy W. Dalton (202) 426-2753.

Dated: Effective December 2, 1985.

Thomas S. McFee,

Assistant Secretary for Personnel Administration.

[FR Doc. 85-29089 Filed 12-6-85; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 85M-0504]

Cardiac Pacemakers, Inc.; Premarket Approval of the Automatic Implantable Cardioverter Defibrillator (AICD) System

Correction

In FR Doc. 85-27127, beginning on page 47276 in the issue of Friday, November 15, 1985, make the following correction:

On page 47277, in the first column, the fourth line of the last paragraph should read "U.S.C. 360e(d), 360j(h))) and under".

BILLING CODE 1505-01-M

[Docket No. 85F-0519]

BASF Aktiengesellschaft; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is anouncing that BASF Aktiengesellschaft has filed a petition proposing that the food additive regulations be amended to provide for the safe use of butanediol formal as a reactant to form polyoxymethylene copolymer, and by adding melamine-

formaldehyde resin and nylon 66/6 to the list of stabilizers for use in polyoxymethylene copolymer intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5B3883) has been filed by BASF Aktiengesellschaft, c/o Badische Corp., P.O. Box 405, Bridgeport, NJ 08014, proposing that § 177.2470 *Polyoxymethylene copolymer* (21 CFR 177.2470) be amended to provide for the safe use of butanediol formal monomer as a reactant to form polyoxymethylene copolymer, and to add melamine-formaldehyde resin and nylon 66/6 to the list of permitted stabilizers for polyoxymethylene copolymer intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c), as published in the **Federal Register** of April 26, 1985 (50 FR 16636).

Dated: November 29, 1985

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-29049 Filed 12-6-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85F-0518]

The Dow Chemical Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that The Dow Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of ethylene-acrylic acid copolymers, containing up to 25 weight percent of acrylic acid, in contact with food.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5B3877) has been filed by The Dow Chemical Co., Midland, MI 48674, proposing that § 177.1310 *Ethylene-acrylic acid copolymers* (21 CFR 177.1310) be amended to provide for the safe use of ethylene-acrylic copolymers, containing up to 25 weight percent of acrylic acid, in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c), as published in the **Federal Register** of April 26, 1985 (50 FR 16636).

Dated: November 26, 1985

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-29057 Filed 12-6-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85F-0517]

Minnesota Mining and Manufacturing Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Minnesota Mining and Manufacturing Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of the polymer reaction product of: ethanaminium, *N,N,N* trimethyl 2-[(2-methyl-1-oxo-2-propenyl)-oxy]-, chloride; 2-propenoic acid, 2-methyl-, oxiranylmethyl ester; 2-propenoic acid, 2-ethoxyethyl ester; and 2-propenoic acid, 2[[(heptadecafluoroctyl)sulfonyl]methyl-amino] ethyl ester, as a water and oil repellent for paper and paperboard.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5B3870) has been filed by Minnesota Mining and Manufacturing Co., 3M Center, St. Paul, MN 55144, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of the polymer reaction product of: ethanaminium, *N,N,N* trimethyl 2-[(2-methyl-1-oxo-2-propenyl)-oxy]-, chloride; 2-propenoic acid, 2-methyl-, oxiranylmethyl ester; 2-propenoic acid, 2-ethoxyethyl ester; and 2-propenoic acid, 2[[(heptadecafluoroctyl)sulfonyl]methyl-amino] ethyl ester, as a water and oil repellent for paper and paperboard.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c), as published in the **Federal Register** of April 26, 1985 (50 FR 16636).

Dated: November 26, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-29058 Filed 12-6-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85M-0524]

Nucleus Limited; Premarket Approval of Nucleus 22 Channel Cochlear Implant

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Nucleus Limited, New South Wales, Australia 2066, for premarket approval under the Medical Device Amendments of 1976, of the Nucleus 22 Channel Cochlear Implant. The cochlear implant will be distributed by Cochlear Corp., Englewood, CO 80112. After reviewing the recommendation of the Ear, Nose, and Throat 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 January 8, 1986.

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: Man M. Kochhar, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

SUPPLEMENTARY INFORMATION: On January 29, 1985, Nucleus Limited, New South Wales, Australia 2066, submitted to CDRH an application for premarket approval of the Nucleus 22 Channel Cochlear Implant. The Nucleus 22 Channel Cochlear Implant is intended to restore a level of auditory sensation via the electrical stimulation of the auditory nerve in adults (age 18 years and older) who have postlingual, profound sensorineural deafness, and who cannot significantly benefit from appropriate amplification by a hearing aid. Implant patients are able to detect medium to loud environmental sounds and conversational speech at comfortable listening levels. The device provides improvement in speech recognition with lip reading (aids in the acquisition and improvement of speech reading skills). For a few patients, the device provides limited improvement in speech recognition without lip reading and limited improvement in the recognition of environmental sounds. On October 10, 1985, the Ear, Nose, and Throat Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On October 31, 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 Man M. Kochhar (HFZ-470), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (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 January 8, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name and 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: December 2, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85-29046 Filed 12-6-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85F-0534]

Ore and Chemical Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Springborn Laboratories, Inc., has filed a petition on behalf of Ore and Chemical Corp. proposing that the food additive regulations be amended to provide for the safe use of zinc sulfide as a colorant for polymers and as a component of a lubricant with incidental food contact for food-processing machinery.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4B3811) has been filed by Ore and Chemical Corp., 520 Madison Ave., New York, NY 10022, proposing that § 178.3297 *Colorants for polymers* (21 CFR 178.3297) and § 178.3570 *Lubricants with incidental food contact* (21 CFR 178.3570) be amended to provide for the safe use of zinc sulfide as a colorant for polymers and as a component of a lubricant with incidental food contact for food-processing machinery.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c), as published in the **Federal Register** of April 26, 1985 (50 FR 16636).

Dated: November 29, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-29047 Filed 12-6-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85C-0532]

Wesley-Jessen; Filing of Color Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Wesley-Jessen has filed a petition proposing that the color additive regulations be amended to provide for the safe use of iron oxide, chromium oxide green, and titanium dioxide to color contact lenses.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(d)(1), 74 Stat. 402-403 (21 U.S.C. 376(d)(1))), notice is given that a petition (CAP 5C0193) has been filed by Wesley-Jessen, 37 South Wabash Ave.,

Chicago, Il 60603, proposing that 21 CFR Part 73 be amended to provide for the safe use of iron oxide, chromium oxide green, and titanium dioxide to color contact lenses.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c), as published in the **Federal Register** of April 26, 1985 (50 FR 16636).

Dated: November 29, 1985.

Sanford A. Miller,

Director, Center for Food Sofety and Applied Nutrition.

[FR Doc. 85-29048 Filed 12-6-85; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Delegation of Authority; Health Resources and Services Administration

Notice is hereby given in furtherance of the authority which was delegated by the Assistant Secretary for Health to the Acting Administrator, Health Resources Administration, on January 19, 1982, and vested in the Administrator, Health Resources and Services Administration (HRSA), by the Reorganization Order of September 1, 1982, the Acting Administrator, HRSA, has delegated the following authorities under Title XVI of the Public Health Service (PHS) Act, as amended.

I. To the Regional Health Administrators (RHAs)

A. The authority under section 1626 to provide technical assistance to entities developing applications under section 1621 and section 1642.

B. The authority under section 1627 pertaining to the enforcement of assurances. Decisions made by the RHAs, other than dismissals of complaints without findings or closures of complaints based on resolution or withdrawals, may be appealed to the Director, Bureau of Health Maintenance Organizations and Resources Development (BHMORD).

C. The authority under section 1640(a) to make developmental grants under the Area Health Services Development Fund Program.

These authorities may be redelegated to officials within the PHS Regional Offices, without authority for further redelegation.

II. To the Director, BHMORD

All authorities under Title XVI of the PHS Act, as amended, and issuance of decisions resulting from appeals brought about by regional or State agency assessment and complaint decisions, except for (1) those authorities delegated to the RHSs and (2) the authority under section 1602(f) [concerning loan default prevention and protection of the interest of the United States in the event of default with respect to loans made or guaranteed under Titles VI and XVI], which are retained by the Administrator, HRSA.

These authorities may be redelegated, without authority for further redelegation.

III. The Authority To Provide Technical Assistance, Technical Materials and the Methodologies, Policies and Standards Necessary To Carry Out Section 1627 Is To Be Coordinated Between the RHAs and the Director, BHMORD

This delegation supersedes the January 19, 1984 delegation made by the Administrator, HRSA, to the RHAs and the Director, BHMORD.

Previous redelegations of Title XVI authorities made by the RHAs and the Director, BHMORD, may continue in effect for no more than 60 days from the effective date of this delegation, provided they are consistent with this delegation.

This delegation becomes effective upon signature.

Dated: November 18, 1985.

John H. Kelso,

Acting Administrator.

[FR Doc. 85-29059 Filed 12-6-85; 8:45 am]

BILLING CODE 4160-15-M

Health Education Assistance Loan Program; "Maximum Interest Rates for Quarter Ending December 31, 1985 and Rate of Insurance Premium"

Section 727 of the Public Health Service Act (42 U.S.C. 294) authorizes the Secretary of Health and Human Services to establish a Federal program of student loan insurance for graduate students in health professions schools.

A. Section 60.13(a)(4) of the program's implementing regulations (42 CFR Part 60, previously 45 CFR Part 126) provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending December 31, 1985, three interest rates are in effect for loans executed through the Health Education Assistance Loan (HEAL) program.

1. For loans made before January 27, 1981, the varible interest rate is 10⅞ percent. Using the regulatory formula (45 CFR 126.13(a)(2) and (3)), in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a varible component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury bills for the preceding calendar quarter (7.34 percent), and rounding the result (10.84 percent) upward to the nearest ⅛ percent (10⅞ percent). However, the regulatory formula also provides that the annual rate of the varible interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. Because the average rate of the 4 quarters ending December 31, 1985 is not in excess of 12 percent, there is no necessity for reducing the interest rate. For the previous 3 quarters the varible interest at the annual rate was as follows: 11¾ percent for the quarter ending March 31, 1984; 12 percent for the quarter ending June 30, 1985; and 11⅜ percent for the quarter ending September 30, 1985.

2. For fixed rate loans executed during the period of October 1, 1985 through October 21, 1985, and for variable rate loans executed after January 27, 1981 through October 21, 1985, the interest rate is 10⅞ percent. Using the regulatory formula (42 CFR 60.13(a)(3)) in effect since January 27, 1981, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (7.34 percent); adding 3.50 percent (10.84 percent); and rounding that figure to the next higher one-eighth of 1 percent (10⅞ percent).

3. For fixed rate loans executed during the period of October 22, 1985 through December 31, 1985, and for varible rate loans executed on or after October 22, 1985, the interest rate is 10⅜ percent. The Health Professions Educational Assistance Amendments of 1985 (Pub. L. 99-129), signed October 22, 1985, amended the formula for calculating the varible interest rate by changing 3.5 percent to 3 percent. Using the regulatory formula (45 CFR 126.13(a)(2) and (3)), in effect prior to January 27, 1981 (substituting the new statutory change of 3 percent), the Secretary computes the maximum interest rate at the beginning of each calendar quarter

by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (7.34 percent): adding 3.0 percent (10.34 percent) and rounding that figure to the next higher one-eighth of 1 percent (10⅜ percent).

B. Section 60.14(b) of the regulations provides that the rate of the insurance premium shall not exceed 2 percent per year of the loan principal and that the Secretary will announce the rate of the insurance premium on a quarterly basis through a notice published in the **Federal Register.**

The Secretary announces that for the period ending December 31, 1985, the rate of the insurance premium continues to be 2 percent per year of the loan principal for loans executed through the HEAL program.

(Catalog of Federal Domestic Assistance No. 13.108, Health Education Assistance Loans)

Dated: December 2, 1985.

John H. Kelso,

Acting Administrator.

[FR Doc. 85-29045 Filed 12-6-85; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974—Establishment of New System of Records Notice

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to establish a new notice describing a system of records maintained by the Minerals Management Service (MMS). A notice titled "Procurement Management Information System (PMIS)—Interior, MMS–10" is published to describe records on individuals who have contracts with MMS.

The records described by the notice do not represent the creation of new records on such individuals, but pertain to existing contract records that were formerly maintained by the U.S. Geological Survey for MMS. The new notice is published in its entirety below.

As required by Section 3 of the Privacy Act of 1974, as amended (5 U.S.C. 552a(o)), the Director, Office of Management and Budget, the President of the Senate, and the Speaker of the House of Representatives have been notified of this action. 5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. The Office of Management and Budget requires a 60-day period to review such proposals pursuant to its Circular No. A–108. Therefore, written comments on this proposal can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), Room 7357, Main Interior Building, U.S. Department of the Interior, Washington, D.C. 20240. Comments received on or before February 7, 1986, will be considered. The notice shall be effective as proposed without further notice at the end of the comment period, unless comments are received which would require a contrary determination.

Dated: November 27, 1985.

Oscar W. Mueller, Jr.,

Director, Office of Information Resources Management.

Interior/MMS–10

SYSTEM NAME:

Procurement Management Information System (PMIS)–Interior, MMS–10.

SYSTEM LOCATION:

Department of the Interior, Minerals Management Service, Office of Administration, Procurement and General Services Division, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contracts with the Minerals Management Service. The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorship. The system also contains records concerning corporations and other business entities that are not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of contract information, from inception of requirement, through contract award, contract administration, and completion of the contract. Also included are copies of contractor and technical and cost proposals, documentation pertaining to the award, contract, miscellaneous correspondence, and information on debts owed by a contractor as a result of overpayment, default, disallowed costs, or other contractual obligation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 481.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is in awarding and administering contracts through their completion. Disclosures outside the Department of the Interior may be made: (1) To the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were complied; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, or license; (3) to a congressional office from the record of an individual in response to an inquiry the individual has made to the congressional office; (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee or issuance of a security clearance, license, contract, grant, or other benefits; (5) to Federal, State, or local Agencies where necessary to obtain information relevant or necessary to the hiring or retention of an employee or issuance of a security clearance, license, contract, grant, or other benefit; (6) to the Department of Commerce for publication in the Commerce Business Daily; (7) to the General Services Administration for entry into the Federal Procurement Data System.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual and computerized form.

RETRIEVABILITY:

By name of individual contractor and by contract number.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for computer and manual records.

RETENTION AND DISPOSAL:

Retained and disposed of according to General Records Schedule No. 3, Item No. 4.

SYSTEM MANAGER AND ADDRESS:

Chief, Procurement and General Services Division, Mail Stop 635, Minerals Management Service, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of a record should be addressed to the System Manager. A written signed request stating that the individual seeks information concerning his/her records is required. (43 CFR 2.60)

RECORD ACCESS PROCEDURES:

Requests for access shall be addressed to the System Manager, signed by the requester and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information comes from the individual contractors.

[FR Doc. 85-29060 Filed 12-6-85; 8:45 am]
BILLING CODE 4310-MR-M

Bureau of Land Management

Availability of the Record of Decision/ Rangeland Program Summary for the Coast/Valley Resource Management Plan, Bakersfield District, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given of the availability of the Record of Decision/ Rangeland Program Summary for 517,000 acres of BLM-administered public land within the Coast/Valley Planning Area, encompassing western Kern, Kings, San Luis Obispo, Santa Barbara, western Tulare, and Ventura counties in California.

SUPPLEMENTARY INFORMATION: The Record of Decision includes the Resource Management Plan (RMP) land use decisions which will guide future management actions for public land in the Coast/Valley Planning Area of the Caliente Resource Area. Decisions presented in the document are the culmination of several years of intensive resource inventory, evaluation, public involvement, planning and environmental impact statement efforts.

Area of Critical Environmental Concern: Included in these decisions is the designation of four Areas of Critical Environmental Concern (ACEC): (A) Elkhorn Plain; (B) Goose Lake; (C) Point Sal; and (D) Soda Lake.

(A) Elkhorn Plain ACEC (approximately 9,190 acres of public land)

Mt. Diablo Meridian

T. 31S., R. 21E.,
Sec. 7, NE¼;
Sec. 8, All;
Sec. 17, N½, SW¼;
Sec. 18, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 21, E½;
Sec. 22, SW¼;
Sec. 27, E½;
Sec. 35, N½;
T. 32S., R. 22E., Sec. 7, W½NE¼, SE¼NE¼, Lot 1, S½ Lot 2, Lots 6, 7, 8, 9, SE¼;
Sec. 17, All;
Sec. 18, All;
Sec. 19, NE¼NE¼, Lots 1, 2, 3, 4;
Sec. 20, E½NE¼, W½;
Sec. 26, All;
Sec. 27, S½NE¼, S½;
Sec. 28, W½NE¼, SE¼NE¼, S½NW¼, SW¼, SE¼;
Sec. 29, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 33, N½, N½SE¼;
Sec. 34, All;
Sec. 35, W½.

Management of this ACEC will be directed toward enhancement of rare, threatened, and endangered species (e.g., San Joaquin kit fox, blunt-nosed leopard lizard, California condor, and giant kangaroo rat).

Management as an ACEC will include the following:

1. Limit off-road vehicle (ORV) use to existing roads, ways, and trails;
2. Modified fire suppression plan for the public land;
3. Reestablishment of the native vegetation;
4. Study of impacts to habitat as a result of livestock grazing;
5. Establishment of intensive vegetation transects;
6. Continue managing as open to scientific study.

(B) Goose Lake ACEC

T. 27S., R. 22E., Sec. 14, NE¼NE¼ Mt. Diablo Meridian (40 acres of public land).

Management of the ACEC will be directed towards protecting the existing resource values at current levels. Management as an ACEC will include the following:

1. Maintenance of an existing fence around entire area;
2. Interpretive signing for public information purposes;
3. Approval of any surface disturbing activity within the ACEC will be at the discretion of the authorized officer;
4. Limit ORV use to existing roads, ways, and trails only.

(C) Point Sal ACEC

T. 10N., R. 36W., Sec. 34 (all public land within) San Bernardino Meridian (approximately 50 acres of public land).

Management of the ACEC will be directed at maintaining the existing resource values at current levels. Management as an ACEC will include the following:

1. Allow mineral leasing and mineral material exploration permits with no surface occupancy;
2. Segregate area from the operation of the mining laws;
3. Close area to ORV use;
4. Close area from entry/ appropriation and leasing for realty actions only;
5. Continue managing as open to scientific study.

(D) Soda Lake ACEC (approximately 2,970 acres of public land)

Mt. Diablo Meridian

T. 31S., R. 19E.,
Sec. 1, W½SW¼, SE¼SW¼;
Sec. 2, W½ Lot 2 of NE¼, Lot 1 of NE¼, Lot 1 and 2 of NW¼, NE¼SW¼, SE¼;
Sec. 11, N½NE¼, SE¼NE¼, E½SE¼;
Sec. 12, W½, SE¼;
Sec. 13, All;
Sec. 14, NE¼NE¼.
T. 31S., R. 20E.,
Sec. 17, W½SW¼;
Sec. 18, All;
Sec. 19, N½NE¼, SE¼NE¼, N½ Lot 1 of NW¼, N½ Lot 2 of NW¼;
Sec. 20, W½NW¼.

Management of the ACEC will be directed at maintaining the existing resource values at current levels. Management as an ACEC will include the following:

1. Allow mineral leasing and mineral material exploration permits with no surface occupancy;
2. Segregate area from the operation of the mining laws;
3. Limit ORV use to existing roads, ways, and trails only;
4. Withdraw area from entry/ appropriation and leasing for realty actions only;
5. No authorization of livestock grazing.

Rangeland Program Summary: The rangeland management decisions covered in the land use plan include forage allocation and season of use by allotment for livestock. These decisions, including forage utilization standards and proposed grazing systems, are described in the Rangeland Program Summary attached as an appendix to the document.

Record of Decision: The management decisions in the Coast/Valley Resource Management Plan are now in effect. The plan will be monitored on a regular basis to assess its effectiveness and continued applicability. Any amendment to the plan that may occur will be based on the information obtained from monitoring the plan. The public will be given many opportunities for participation in any significant amendment.

Copies of the Record of Decision/Rangeland Program Summary are available for review at the following BLM offices and libraries:

U.S. Bureau of Land Management, Caliente Resource Area, 520 Butte Street, Bakersfield, CA, 93305, (805) 861–4236.

U.S. Bureau of Land Management, Bakersfield District Office, 800 Truxtun Avenue, Room 311, Bakersfield, CA, 93301, (805) 861–4191.

Avenal Branch Library, 501 E. Kings, Avenal, CA, 93204, (209) 386–5741.

Foster E. P. Library, 651 E. Main, Ventura, CA, 93001, (805) 648–2715.

San Luis Obispo County Library, 888 Morro, San Luis Obispo, CA, 93401, (805) 549–5991.

Santa Barbara Central Branch Library, 1021 E. Anacapa, Santa Barbara, CA, 93101, (805) 962–7653.

Visalia County Library, 200 W. Oak Street, Visalia, CA, 93291, (209) 733–8440.

DATES: Individuals or other interested groups not scheduled to receive allotment specific grazing decisions may protest specific portions of the Rangeland Program Summary to the Caliente Resource Area Manager within 15 days of publication of this notice (December 9, 1985). If no protest is received within this time frame, the proposed decision will become final without further notice. If a protest is received, the points of the protest will be considered by the Area Manager and a final decision issued.

A period of 30 days after receipt of the final decision is provided for filing an appeal with the Area Manager for the purpose of a hearing before an administrative law judge.

FOR FURTHER INFORMATION CONTACT: Glenn Carperter, Area Manager, Bureau of Land Management, Caliente Resource Area, 520 Butte Street, Bakersfield, California, 93305, (805) 861–4236.

Dated: November 26, 1985.

Robert D. Rheiner, Jr.,

District Manager.

[FR Doc. 85–28789 Filed 12–6–85; 8:45 am]

BILLING CODE 4310–40–M

[AA–8096–1, AA–8096–3]

Alaska Native Claims Selection; Chugach Natives, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that the decision to issue conveyance (DIC) to Chugach Natives, Inc. (now known as Chugach Alaska Corporation), notice of which was published in the **Federal Register** August 10, 1981, on pages 40586 and 40587, is modified by amending an easement.

A notice of the modified DIC will be published once a week, for four (4) consecutive weeks, in the CORDOVA TIMES. Copies of the modified DIC may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until January 8, 1986 to file an appeal on the issue in the modified DIC. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Except as modified, the decision, notice of which was given August 10, 1981, is final.

Joe J. Labay,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 85–29140 Filed 12–6–85; 8:45 am]

BILLING CODE 4310–JA–M

Bureau of Reclamation

Intent to Contract for Hydropower Development on the Uncompahgre Valley Reclamation Project, CO

SUMMARY: 1. The existing Uncompahgre Valley Project (originally called Gunnison Project) was authorized by the Secretary of the Interior on March 14, 1903, under the provisions of the 1902 Reclamation Act. Rehabilitation and construction work including Taylor Park Dam was later approved by the President. Repayment, operation and maintenance of the project is the responsibility of the Uncompahgre Valley Water Users' Association (Association).

2. Hydropower development was authorized by the Act of June 22, 1938, 52 Stat. 941, which states:

"Whenever a development of power is necessary for the irrigation of lands under the Uncompahgre Valley Reclamation Project, Colorado, or an opportunity is afforded for the development of power under said project, the Secretary of the Interior is authorized to enter into a contract for a period not exceeding forty years for the sale or development of any surplus power. The provisions of such contract shall be such as the said Secretary may deem to be equitable: Provided, That no such contract shall be made without the approval of the Uncompahgre Valley Water Users' Association, which, prior to any development of power on said project, shall be required to contract with the United States to repay the cost thereof, on such terms and conditions and with such provisions for the disposal of the annual net power profits as the said Secretary may deem to be equitable, and with or without interest on the construction cost as the said Secretary may determine: And provided further, That if the said association is not required to pay interest on the construction cost of the powerplant and power system, the net earnings of the powerplant and system, after the association shall have paid the full cost thereof, and its project construction charge indebtedness to the United States shall be payable into the Reclamation fund, unless Congress shall hereafter otherwise direct."

3. Pursuant to the provisions of the above-mentioned Act of June 22, 1938, no contract shall be executed by the Secretary of the Interior without the approval of the Association. By letter dated June 24, 1965, the Association submitted a proposal to Reclamation wherein the Association and Montrose Partners (a limited partnership) have proposed to finance and develop hydropower on the Uncompahgre Valley Project pursuant to the provisions of the Act of June 22, 1938. Reclamation is considering the proposal offered by the Association and is willing to consider other proposals for the development of hydropower on the project prior to entering into any contract for such development.

4. Any party interested in submitting a proposal should submit it to: Mr. Clifford I. Barrett, Regional Director, Upper Colorado Region, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, Utah 84147. All proposals must be received within 30 days from the date of this notice. Seven copies of the proposal should be included with the submittal.

All proposals should explain in as precise detail as is practicable how the hydropower resource would be developed on the Uncompahgre Project. Factors which the proposal should consider and address include but are not limited to the following:

a. Title to the rights of way and to the facilities must be vested in the United States.

b. Qualifications of the party, subcontractors, and key personnel. Include any significant experience in similar development activities.

c. A management plan of such activities as planning, National Environmental Policy Act (NEPA) compliance, design, construction, operation, and maintenance. Prepare schedules of these activities as is applicable. Describe what studies are necessary to accomplish the hydropower development and how the studies would be implemented.

d. Provide locations and describe principal structures and other important features of the project including roads and transmission lines. Estimate capacity of the power facilities and average annual energy output to be generated by the project.

e. Concepts for power sales and contractual arrangements, utilization of the power, involved parties, the proposed approach to wheeling if required, and any cost associated therewith.

f. Acquiring title to or the right to occupy and use lands necessary for project development.

g. Water rights applicable to the proper operation of the proposed project and how these rights will be acquired or perfected.

h. Proposed operation of the project during times of low, normal, and flood flows, and any anticipated impacts on the Reclamation project and the Gunnison and Uncompahgre River systems. Explain studies necessary to adequately define the impacts and the approach for determining corrective measures. Explain to the extent possible any proposed use of the project for conservation and utilization in the public interest of the available water resources.

i. To the extent practicable, describe any significant environmental issues and the approach for gathering data and handling the environmental issues. The Bureau of Reclamation would be the lead Federal agency for NEPA compliance.

j. Financial ability to fund all studies necessary for compliance of NEPA and to fully develop the project together with a statement of explanation of the proposed method of financing the project. Include cost estimates for all aspects of the project. Describe and illustrate project financing and repayment. Provide an economic analysis that includes all development costs; annual expenses for power production, including a share of the Association's annual expenses for rehabilitation, betterment, operation, maintenance, and replacement of water delivery facilities; return on the investment to the party; and monies available to the United States.

k. Monies received by the United States will be used for such purposes as directed by Federal Reclamation law.

5. All proposals will be reviewed and evaluated on the basis of the following criteria:

a. Extent to which the above factors have been addressed.

b. Optimization of the hydropower resource.

c. Reasonableness of return on investment to the party, and monies available to the United States.

d. Integration of hydroelectric development with existing irrigation project facilities and operation; i.e., anticipated impacts on the Reclamation project and the Gunnison and Uncompahgre River systems.

6. All project study and development costs, including advance of monies to Reclamation for funding of activities associated with environmental compliance, will be at the expense of the party selected to finance the studies and to develop the project. Project development will proceed only if the results of the studies are favorable.

FOR FURTHER INFORMATION CONTACT: Mr. Arlo H. Allen, Regional Supervisor of Power, Upper Colorado Region, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, Utah 84147, (801) 524-5299.

Dated: December 4, 1985.

Richard Atwater,

Acting Commissioner.

[FR Doc. 85-29143 Filed 12-6-85; 8:45 am]

BILLING CODE 4310-09-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Direct Mail of Applications and Petitions to the Regional Adjudication Center in St. Albans, VT

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of Direct Mail Initiative.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta Shogren, Director, Policy Directives and Instructions, 425 I Street, NW., Washington, DC 20536, Telephone: 202-633-3048.

For Specific Information: Lloyd Sutherland, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: The Immigration and Naturalization Service has four regional adjudication centers (RACs). These centers have been adjudicating various petitions and applications in the name of district directors. However, on October 15, 1985, Title 8 of the Code of Federal Regulations was amended to give signature authority to the directors of the four RACs (8 CFR 103.1). Consequently, it now appears to be more efficient to file petitions and applications directly with the RACs rather than file at the districts and send (remote) these cases to the RACs. It generally takes ten (10) days for districts to receipt the applications or petitions and forward them on to the RACs. Direct mail will eliminate this ten day wait and provide faster service for all petitioner's. Direct mail of petitions to RACs will also allow districts to devote more resources to adjustment of status cases, and applications for asylum or naturalization.

In order to gather data on the feasibility of direct mail to RACs, a test program has been devised involving the districts of New York, Washington, D.C. and the Regional Adjudication Center in St. Albans, Vt.

The following three petitions or applications will be filed by mail at the St. Albans Regional Adjudication Center beginning January 6, 1986. These cases would ordinarily be filed either at the New York or Washington, DC district.

I-129B—Temporary Worker Petition

I-506—Application to Change Nonimmigrants Status (When changing to H or L)

I-539—Application for Extension of Stay (When filed with an I-129B petition)

This direct mail test will continue until June 30, 1986. The correct mailing address of the RAC is:

Eastern Adjudication Center, P.O. Box 1270, St. Albans, Vt. 05478

This notice constitutes authority for regional adjudication center directors to accept fees and to process these cases. Petitioners will be notified of the results of this test and any adjustments in filing procedures. All available experience indicates this direct mail initiative will

benefit petitioners by giving faster service and allowing them to file initially with the adjudicating office rather than having their cases remote to a second location.

Dated: December 4, 1985.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 85-29095 Filed 12-6-85; 8:45 am]

BILLING CODE 4410-10-M

NATIONAL TRANSPORTATION SAFETY BOARD

Availability of Reports

Reports Issued

Railroad Accident Report—Vinyl Chloride Monomer Release from a Railroad Tank Car and Fire, Formosa Plastics Corporation Plant, Baton Rouge, Louisiana, July 30, 1983 (NTSB/RAR-85/08) (NTIS Order No. PB85-916308).

Railroad Accident Report—Rear End Collision of Two Chicago Transit Authority Trains Near The Montrose Avenue Station, Chicago, Illinois, August 17, 1984 (NTSB/RAR-85/11) (NTIS Order No. PB85-916311).

Railroad/Highway Accident Report—Grade Crossing Collision of a Florida East Coast Railway Company Freight Train and an Indian River Academy Schoolbus, Port St. Lucie, Florida, September 27, 1984 (NTSB/RHR-85/01) (NTIS Order No. PB85-917007).

Highway Accident Report—Fatigue-Related Commercial Vehicle Accidents: Cheyenne, Wyoming, July 18, 1984, and Junction City, Arkansas, October 19, 1984 (NTSB/HAR-85/04) (NTIS Order No. PB85-916205).

Pipeline Accident Report—Arizona Public Service Company Natural Gas Explosion and Fire, Phoenix, Arizona, September 25, 1984 (NTSB/PAR-85/01) NTIS Order No. PB85-916501).

Hazardous Materials Special Investigation Report—Release of Oleum During Wreckage-Clearing Following Derailment of Seaboard Railroad Train Extra 8294 North, Clay, Kentucky, February 5, 1984 (NTSB/SIR-85/01) (NTIS Order No. PB85-917004).

Marine Accident Report—Loss of the U.S. Fishing Vessel AMAZING GRACE about 80 Nautical Miles East of Cape Henlopen, Delaware, about November 14, 1984 (NTSB/MAR-85/07) (NTIS Order No. PB85-916407).

Marine Accident Report—Loss by Fire of the U.S. Passenger Vessel M/V FANTASY ISLANDER in Charlotte Harbor, Florida, September 8, 1984 (NTSB/MAR-85/09) (NTIS Order No. PB85-916409).

Marine Accident/Incident Summary Report—Anaheim Bay, California, October 28, 1984 (NTSB/MAR-85/01/SUM) (NTIS Order No. PB85-916410).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 6 of 1983 Accidents (NTSB/AAB-85/07) (NTIS Order No. PB85-916907).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 7 of 1983 Accidents (NTSB/AAB-85/08) (NTIS Order No. PB85-916908).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 8 of 1983 Accidents (NTSB/AAB-85/09) (NTIS Order No. PB85-916909).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 9 of 1983 Accidents (NTSB/AAB-85/10) (NTIS Order No. PB85-916910).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 10 of 1983 Accidents (NTSB/AAB-85/11) (NTIS Order No. PB85-916911).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 11 of 1983 Accidents (NTSB/AAB-85/12) (NTIS Order No. PB85-916912).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 12 of 1983 Accidents (NTSB/AAB-85/13) (NTIS Order No. PB85-916913).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 13 of 1983 Accidents (NTSB/AAB-85/14) (NTIS Order No. PB85-916914).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 14 of 1983 Accidents (NTSB/AAB-85/15) (NTIS Order No. PB85-916915).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 15 of 1983 Accidents (NTSB/AAB-85/16) (NTIS Order No. PB85-916916).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 16 of 1983 Accidents (NTSB/AAB-85/17) (NTIS Order No. PB85-916917).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 18 of 1983 Accidents (NTSB/AAB-85/19) (NTIS Order No. PB85-916919).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 1 of 1984 Accidents (NTSB/AAB-85/20) (NTIS Order No.PB85-916920).

Aircraft Accident Reports—Brief Format, U.S. Civil and Foreign Aviation, Issue Number 1 of 1984 Accidents (NTSB/AAB-85/21) (NTIS Order No. PB85-916921).

Briefs of U.S. Air Carrier Accidents—Calendar Year 1980 (NTSB/ARC-85/02) (NTIS Order No. PB85-224855).

Briefs of U.S. Air Carrier Accidents—Calendar Year 1981 (NTSB/ARC-85/03) (NTIS Order No. PB85-224863).

Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703-487-4650 and to order subscriptions to report call 703-487-4630.

Ray Smith,

Federal Register Liaison Officer.

December 2, 1985.

[FR Doc. 85-29085 Filed 12-6-85; 8:45 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

Regulatory Guides; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Revision 1 of Regulatory Guide Guide 1.82, "Water Sources for Long-Term Recirculation Cooling Following Loss-of-Coolant Accident," is a part of the NRC staff's resolution of Unresolved Safety Issue (USI) A-43, "Containment Emergency Sump Performance." This guide provides a method acceptable to the staff for implementing the Commission's requirements with respect to the sumps and pools that serve as emergency water sources during a loss-of-coolant accident. The resolution of USI A-43 was noticed in the Federal Register on November 6, 1985 (50 FR 46228).

Comments and suggestions in connection with: (1) Items for inclusion in guide currently being developed or (2) improvements in all published guides

are encouraged at any time. Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 2nd day of December 1985.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 85–29141 Filed 12–6–85; 8:45 am]

BILLING CODE 7590–01–M

Adoption of Size Standards

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of adoption of size standards.

SUMMARY: The Nuclear Regulatory Commission (NRC) is adopting size standards that will be appropriate to use in determining which of the NRC's licensees are small entities. Current NRC practice is to review regulations in accordance with the procedures set out in the Regulatory Flexibility Act of 1980, which requires all Federal agencies to consider the impact of their regulations on small entities. This proposal sets forth the size determination standards that NRC intends to use to identify more accurately the regulations subject to the regulatory flexibility analysis required by the Act.

EFFECTIVE DATE: December 9, 1985.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301–492–7086 or Toll Free 800–368–5642.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1985, the NRC published a notice inviting public comment on its proposed definition of small entities (50 FR 20913). At that time, the NRC proposed a single size standard of $1 million which was to be applied to all of the NRC's approximately 7,000 licensees who hold over 9,000 licenses. These licenses permit the holders to perform numerous activities involving the use of nuclear material.

Several letters of comment were received. The following is a discussion of the comments and the NRC responses to them.

One commenter recommended that the NRC survey its licensees to determine the quantities of nuclear materials they have in their possession and suggested that the NRC tailor its size standard according to the specific amounts which might be possessed by each licensee.

For most materials licensees, no specific amounts of material are indicated in the license. The NRC has adopted a more flexibile approach which allows the licensees to possess certain ranges of specified material. In instances where the licensee uses devices containing various types of radio-nuclides, the NRC does not specify a single device the licensee must use, but indicates a number of devices (manufactured by various companies) from which the licensee may choose. Any deviation from these choices must be cleared with the NRC in the form of a license amendment. Because of the flexibility of the NRC approach to licensing, it is not possible to evaluate the licensee or to design a size standard based on specific amounts of source, special nuclear, or byproduct material in the licensee's possession.

An educator at a midwestern college suggested that all undergraduate institutions should be considered small entities because their primary usage of nuclear material is for teaching purposes.

As a routine practice, the NRC does not charge fees to certain licensees, chief among whom are educational institutions engaged in teaching, training, or medical activities, and ranging in size from small school districts to large universities. This exemption from fees was extended to educational institutions because it is in the public interest to promote the educational process. The exemption from fees, however, does not relieve each licensee from observing the rules and regulations of the agency, which are designed to protect the public health and safety from any types of hazards that would be associated with the use of nuclear materials. The NRC has distinguished educational institutions from the other materials licensees by providing them with a size standard based upon number of employees rather than annual receipts.

Several commenters recommended that the NRC create a size standard that is based solely on receipts resulting from licensed activity.

The NRC is not able to consider this alternative as a size standard. Section 3 of the Small Business Act (15 U.S.C. 632) defines a small business as any concern "which is independently owned and operated and which is not dominant in its field of operation." While this definition does not define "annual receipts," the Small Business Administration Size Standards do. In 13 CFR 121.2(c)(1), "annual receipts" are defined as those which include "revenues from sales of products and services, interest, rent, fees, commissions and/or whatever sources derived." Thus, it is not possible for the NRC to base a size standard on only one component of a licensee's activities or in the case of educational institutions, based on the use of source, special nuclear, or byproduct material by a single department with an institution.

Several commenters expressed the opinion that the NRC's size standard of $1 million is too restrictive.

After a careful analysis of the comment letters and the recognition that the purpose of the Regulatory Flexibility Act is to have Federal agencies placing greater emphasis on a broad and liberal construction of the term "small business," the NRC has revised its size standard to include a broader spectrum of NRC licensees within the classification of a small entity.

Changes in NRC Standard Definitions

When the NRC designed the questionnaire in 1983, there were 12 categories of annual receipts from which the licensees could choose the one which most closely approximated their organization's receipts. These categories were: (a) Less than $250,000, (b) $250,000–$500,000, (c) $500,000–$750,000, (d) $750,000–$1,000,000, (e) $1,000,000–$7,000,000, (f) $7,000,000–$13,000,000 (g) $13,000,000–$19,000,000, (h) $19,000,000–$25,000,000, (i) $25,000,000–$50,000,000 (j) $50,000,000–$75,000,000, (k) $75,000,000—$100,000,000 and (l) More than $100,000,000. During the analysis of the data the NRC received in response to the questionnaire, the SBA published its final size standards in which the two most frequently used size standards are 500 employees or $3.5 million in annual receipts. If the 500-employee standard were applied to all NRC licensees, over 64 percent of the licensees would fall below the standard. The NRC decided

not to use the 500-employee standard, except for educational institutions, because it correlated roughly to the NRC annual receipts category (i) of between $25 million and $50 million, far above the SBA's most frequently used dollar figure of $3.5 million. At that time, and because of the annual receipts categories, the NRC was not able to apply the $3.5 million standard to its licensees. Therefore, the NRC concluded that a $1 million size standard would be its most appropriate choice.

During the interim, the NRC has adopted a new form for applicants for materials licenses to use. This form, NRC–313, requests, on a voluntary basis, four pieces of economic information. The ranges of annual receipts requested on the new form have been prepared to include a category which corresponds to the SBA's $3.5 million size standard.

Therefore, the NRC is revising its size standard for all groups of licensees, except for private practice physicians and educational institutions, to $3.5 million. The NRC believes that this revision reflects a more liberal figure, and the percentage of licensees who will be considered small entities under the Regulatory Flexibility Act has grown from 25 percent to nearly 35 percent.

The reason for leaving the size standard at $1 million for private practice physicians is based on analysis of the data received from the licensees who responded to the questionnaire. Almost 90 percent of the responding licensees reported annual receipts of $1 million or less. Thus, the $1 million figure is considered to be a liberal size standard to apply to private practice physicians.

The NRC has divided educational institutions into two categories: State/publicly supported (by jurisdictions of over 50,000 population) institutions and the remainder of the educational institution licensees. By virtue of their State or public support by jurisdictions of over 50,000 population, those institutions are defined by the Regulatory Flexibility Act of 1980 (5 U.S.C. 601(4)), as large entities. For the remainder of educational institutions who are not State or publicly supported, the NRC has decided to use a size standard of 500 employees. The employee figure is believed to be less subject to change than the tution costs and student admissions. By applying these standards, approximately one-third of the education institution licensees will be considered small entities.

The NRC will use the figures stated in this notice beginning immediately in conjunction with its rulemaking reviews. If, at some future date, it appears that the figures adopted by the NRC should be revised, the NRC will reassess its size standards. The NRC would welcome any comments affected licensees might have regarding these size standard figures. Comments may be submitted to the address found in the FOR FURTHER INFORMATION CONTACT section of this notice.

Dated at Bethesda, Maryland, this 4th day of December 1985.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 85–29142 Filed 12–6–85; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Office: Kenneth A. Fogash, (202) 272–2142.

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, DC 20549.

Revision

Rule 17f–1(b), File No. 270–28.

Rule 17f–1(c), File No. 270–29.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for OMB approval proposed amendments to Rules 17f–1(b) (17 CFR 240.17f–1(b)) and 17f–1(c) (17 CFR 240.17f–1(c)) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*), which require reporting institutions to register with the Commission or its designee to participate in the Lost and Stolen Securities Program (Rule 17f–1(b)) and to report lost, stolen, missing and counterfeit securities to a centralized data base and to inquire of that data base about securities that come into their possession (Rule 17f–1(c)).

Submit comments to OMB Desk Officer: Ms. Sheri Fox, (202) 395–3785, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, DC 20508.

Dated: November 29, 1985.

John Wheeler,

Secretary.

[FR Doc. 85–29092 Filed 12–6–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–14823 (File No. 812–6125)]

Application and Opportunity for Hearing; Kleinwort, Benson Ltd.

December 3, 1985.

Notice is hereby given that Kleinwort, Benson Limited ("KB Ltd.") and Kleinwort Benson U.S. Finance Incorporated ("KB Finance") (collectively, "Applicants"), c/o Allen I. Isaacson, P.C., Fried, Frank, Harris, Shriver & Jacobson, One New York Plaza, New York, New York 10004, filed an application on May 29, 1985, and an amendment on October 31, 1985, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") exempting Applicants from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and to the Act for the text of the relevant provisions thereof.

Applicants state that KB Ltd. is an English merchant bank, registered as a company limited by shares under the United Kingdom Companies Act of 1948 (the "Companies Act"). KB Ltd. is wholly-owned directly by, and the principal operating subsidiary of, Kleinwort, Benson, Lonsdale, plc ("KB Lonsdale"), a publicly quoted English holding company. KB Lonsdale was registered in 1961 as a public company under the Companies Act and then acquired the whole of the issued share capital of the holding companies of Kleinwort, Sons & Co. Limited and Robert Benson, Lonsdale & Co. Limited ("RBL"). These two banking institutions merged in 1961 to establish KB Ltd. The application states that all of the outstanding capital stock of KB Finance, a Delaware corporation, is owned directly by KB Ltd. The Kleinwort Benson Group of companies is represented to be engaged in a full range of commercial banking, investment, capital market and treasury activities.

The application states that as of December 31, 1984, KB Ltd., which is the largest English merchant bank, had total consolidated assets of approximately U.S. $5.398 billion, of which no less than 85 percent was related to loans to customers, certificates of deposit held and similar assets, and income attributable to interest on such assets accounted for no less than 85 percent of total income. On that date, total consolidated liabilities equalled approximately U.S. $5.398 billion, of which no less than 80 percent was represented by deposits and

acceptances. Quoted securities and non-United States government securities held by the KB Ltd. Group constituted no more than 10 percent of total assets; and income attributable to such assets accounted for no more than 10 percent of total income.

Applicant represents that KB Ltd. is subject to extensive regulatory supervision by the Bank of England, the government-owned central bank of the United Kingdom. The application indicates that such regulation is comprised principally of general statutory criteria for maintaining recognition as a bank; the filing of regular, detailed reports and periodic statistical returns with respect to liquidity, exposure to risks and related matters; and periodic meetings with the Bank of England for review of the capital and liquidity position of, and other matters relating to, the bank and its major operating units. KB Ltd. and its subsidiaries account for more than 95 percent of KB Lonsdale's assets, liabilities and income, and both KB Lonsdale and KB Ltd. are audited by independent accountants on behalf of their stockholders.

Applicants state that KB Finance proposes to issue and sell in the United States its unsecured short-term promissory notes unconditionally guaranteed by KB Ltd. (the "KB Finance Notes"). The guarantee by KB Ltd. will provide that in the event of a default by KB Finance in payment of the KB Finance Notes, the holders of the KB Finance Notes may institute legal proceedings directly against KB Ltd. to enforce the guarantee without first proceeding against KB Finance. In addition, or alternatively, KB Ltd. proposes to sell in the United States its own secured short-term promissory notes (the "KB Notes") (collectively, "Notes"). Virtually all of the proceeds from the sale of the KB Finance Notes will be lent to KB Ltd.

Applicants represent that neither of them will offer, issue or sell the Notes until they have received an opinion of their United States legal counsel to the effect that, under the circumstances of the proposed offering, the Notes will be entitled to exemption under section 3(a)(3) of the Securities Act of 1933. Applicants do not request review or approval by the Commission of such counsel's opinion and the Commission expresses no opinion as to the availability of any such exemption.

Applicants indicate that the Notes will be sold by KB Finance of KB Ltd., as the case may be, to a United States commercial paper dealer which will reoffer the Notes as principal to institutional investors and sophisticated individuals who ordinarily participate in the commercial paper market. While an announcement of the establishment of the commercial paper facility may be made as a matter of record, the offering will not be advertised or otherwise offered for sale to the general public.

The application states that KB Finance and KB Ltd. undertake to ensure prior to or simultaneously with the sale of any Notes, investors will be provided with a memorandum that (i) describes the business of KB Ltd. and (ii) contains KB Lonsdale's most recent publicly available annual financial statements which will be audited in the customary manner by KB Lonsdale's independent auditors.[1] The memorandum will describe the material differences, if any, between the accounting principles applied in the preparation of such financial statements and generally accepted accounting principles applicable to United States banks. The aforementioned memorandum will be at least as comprehensive as those customarily used in commercial paper offerings in the United States, and such memorandum will be updated periodically to reflect material changes in KB Ltd.'s business and financial condition. KB Finance and KB Ltd. will obtain from the commercial paper dealer, on a quarterly basis, a written statement certifying that the dealer has provided such memorandum to investors. Applicants represent that the Notes shall have received, prior to issuance, one of the three highest investment grade ratings from at least two nationally recognized statistical rating organizations, and that KB Ltd.'s legal counsel in the United States will certify that such ratings have been received. The application states that the Notes will rank *pari passu* among themselves prior to equity securities of KB Ltd. or KB Finance, as the case may be, and equally with all other unsecured, unsubordinated indebtedness, including deposit liabilities, of KB Ltd. or KB Finance, as the case may be. KB Ltd.'s guarantees of the KB Financial Notes will rank *pari passu* among themselves prior to equity securities of KB Ltd. and equally with all other unsecured, unsubordinated indebtedness, including deposit liabilities, of KB Ltd.

Applicants will appoint their United States legal counsel as their agent to accept any process to be served upon them in any action based on the Notes and instituted by a holder thereof in any State or Federal court. Applicants will expressly accept the jurisdiction of any State or Federal court in the City and State of New York in respect of any such action. Their appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Notes have been paid. Applicants state that they will also be subject to suit in any other court in the United States which has jurisdiction.

It is anticipated that KB Ltd. may offer other debt securities (either directly or through subsidiaries—in the latter case, such securities being unconditionally guaranteed by KB Ltd.) for sale in the United States, from time to time on future occasions. KB Ltd. represents that any future offering of debt securities will be accompanied by disclosure documents at least as comprehensive in their description of KB Ltd., its business and its financial condition as those disclosure documents which customarily accompany offerings of similar securities in the United States. In no event shall the disclosure documents utilized by KB Ltd. be less comprehensive than is customary for United States offerings of similar debt securities. KB Ltd. undertakes to ensure that such disclosure documents will be provided to each offeree who has indicated an interest in the securities then being offered prior to any sale of such securities to such offeree.

In connection with any future offering in the United States of such debt securities, KB Ltd. undertakes to appoint an authorized agent to accept any process which may be served upon KB Ltd. in any action based on such securities and instituted in any State or Federal court in the City and State of New York in respect of any such action. Such appointment of an agent to accept service of process and such consent to jurisdiction will be irrevocable so long as such securities remain outstanding and until all amounts due and to become due in respect of such securities have been paid. KB Ltd. will also be subject to suit in any other court in the United States which would have jurisdiction.

Applicants state that the purpose in making the proposed offering of the Notes is to provide to KB Ltd. an additional source of supply of United States dollars to supplement dollars currently obtained in the Eurodollar market and elsewhere. Applicants further state that KB Ltd., as a closely regulated banking entity, is different from the type of institution that

[1] It is asserted that the only income statement which KB Ltd. makes public is the unconsolidated income statement required to be filed at Companies House pursuant to the Companies Act. That income statement discloses only unconsolidated profits after tax and after the receipt of dividends from its subsidiaries, and KB Ltd. does not believe that it accurately reflects KB Ltd.'s performance.

Congress intended the Act to regulate. Applicants asset that the particular abuses against which the Act is directed are not present in KB Ltd.'s case. Further, Applicants state that, assuming exemption of KB Ltd. from all provisions of the Act, KB Finance is a finance subsidiary which meets the requirements of Rule 3a-5 under the Act. Applicants conclude that the granting of an exemptive order pursuant to section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than December 24, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-29090 Filed 12-6-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14825; File No. 812-6239]

Application and Opportunity for Hearing; Northwestern National Life Insurance Co., et al.

December 3, 1985.

Notice is hereby given that Northwestern National Life Insurance Company (the "Company"), Select*Life Variable Account (the "Variable Account"), and NWNL Management Corporation (hereinafter collectively referred to as "Applicants"), at 20 Washington Avenue South, Minneapolis, Minnesota 55440, filed an application on October 29, 1985, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting the Applicants from the provisions of sections 2(a)(32), 22(c), 26(a)(2), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rules 6e-3(T)(b)(12), 6e-3(T)(b)(13), and 22c-1 promulgated thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for a statement of the relevant provisions.

Applicants propose to offer certain flexible premium variable life insurance policies ("Policies") funded by the Variable Account, the Company's General Account, or both, at the policyowner's election. Applicants state that the Policies allow the policyowner, subject to certain limitations, to vary the frequency and amount of premium payments. Applicants state that the death benefit under each Policy will be either (i) the greater of the face amount or a specified percentage of the total amount available at any time for investment under the Policy (the "accumulation value"), or (ii) the greater of the face amount plus accumulation value or a specified percentage of accumulation value, as the policyowner elects. Applicants not that the policyowner will have various rights under the Policy, including rights to a Policy loan, to a partial withdrawal of the Policy's accumulation value, to a total surrender of the Policy, and to cancel the Policy on a requested increase in face amount.

Applicants state that the Variable Account, to be registered as a unit investment trust under the Act, will invest in shares of Select Cash Management Fund, Inc., Select Capital Growth Fund, Inc., and Select High Yield Fund, Inc. (collectively, the "Funds"), each of which is registered as a management investment company under the Act. Washington Square Capital, Inc., which is an indirect, wholly-owned subsidiary of the Company, is the investment adviser of each of the Funds. Applicants state that the Funds also sell shares to two other separate accounts maintained by the Company to fund variable annuity contracts. The Funds may also in the future sell shares to other separate accounts supporting variable annuity or insurance products issued by the Company or an affiliated company.

Applicants note that the Policies provide for various sales, risk and administrative charges that are deducted from premium payments or from accumulation value. Applicants state that included among these charges is a contingent deferred administrative charge (the "Charge") to reimburse the Company for expenses incurred in issuing the Policy, such as processing the Policy application (primarily underwriting) and setting up computer records. The Charge will be imposed upon lapse or total surrender of the Policy during the first fifteen years following the issuance of the Policy or following a requested increase in face amount. The application states that the Charge will be calculated as an amount per $1,000 of face amount, with the charge per $1,000 of face amount varying depending upon the insured's age (ranging from $2 per $1,000 for ages up until age 20 to $7 per $1,000 for ages 60-75). The application states that in general, the Charge remains level for the first five years in the relevant fifteen-year period, and then reduces in equal monthly increments until it becomes zero at the end of fifteen years. Applicants state that the Company does not anticipate making a profit on this charge. Applicants represent that the Charge is the same amount that would have been imposed under the Policy if the expenses of issuing the Policy had been recovered through a front-end or periodic charge. In particular, Applicants represent that the Charge does not take into account the time-value of money (which would increase the charge to factor in the investment cost to the Company of deferring the charge) or the likelihood that not all policyowners will lapse or surrender their Policies (which would increase the charge for those surrendering or lapsing over what they would have paid had all policyowners been required to pay this administrative charge).

Applicants request exemption from sections 2(a)(32), 22(c), 26(a)(2), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rules 6e-3(T)(b)(12), 6e-3(T)(b)(13), and 22c-1 thereunder to the extent necessary to permit the deduction of the Charge.

Applicants state that permitting the Charge upon lapse or total surrender of the Policy has several advantages for policyowners over an administrative charge deducted from premium payments or accumulation value. First, the accumulation value is not reduced, as it would be if administrative charges were deducted from premiums or accumulation value, and policyowners can realize an advantage of increased earnings because they have more to invest under their Policies. Second, deductions for the cost of insurance may be lower because the net amount at risk may be less when administrative charges are deferred rather than deducted up front. Third, deferring administrative charges until lapse or surrender means that such charges are not deducted from the death benefit, and as a result policyowners receive the primary benefit of the Policies

(insurance protection) without incurring such deferred administrative charges. Finally, deducting this charge only upon lapse or surrender also means that in many cases such charges will be contingent and not incurred at all; moreover, because the Charge begins decreasing after five years, policyowners who persist for as few as five years will pay less than they otherwise would have paid.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than Decemer 27, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-29091 Filed 12-6-85; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

December 2, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Baxter Travenol Laboratories, Inc.
Cumulative Convertible Exchangeable Preferred Stock (File No. 7-8697)
Baxter Travenol Laboratories, Inc.
Adjustable Rate Preferred Stock (File No. 7-8698)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 23, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-29093 Filed 12-6-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22683; File No. SR-NYSE-85-43]

Self-Regulatory Organizations; Proposed Rules Changes by New York Stock Exchange, Inc., Relating to Amendments to Supplementary Material to Rules 451 and 465 Concerning Fair and Reasonable Rates of Reimbursement of Member Organizations in Connection With Rules 17a-3(a)(9)(ii) and 14b-1(c) Under the Securities Exchange Act of 1934

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C 78s(b)(1), notice is hereby given that on November 27, 1985, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rules changes as described in Items, I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rules changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rules Changes

The proposed rules changes amend Supplementary Material to Rules 451 and 465. The changes concern: a second, and final, surcharge in connection with Rules 14b-1(c) and 17a-3(a)(9)(ii); and a fair and reasonable rate of reimbursement of member organizations for providing beneficial ownership information to requesting issuers in connection with Rule 14b-1(c) under the Securities Exchange Act of 1934.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rules Changes

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rules changes and discussed any comments it received on the proposed rules changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rules Changes*

(1) Purpose

The purpose of this rules filing is to amend the Supplementary Material to Rule 451 and the Supplementary Material to Rule 465 of the Exchange Rules concerning approved charges by member organizations to issuers in connection with Rules 14b-1(c) and 17a-3(a)(9)(ii) under the Securities Exchange Act of 1934. More specifically, the charges relate to: (A) the second, and final, surcharge for proxy mailings by member organizations, which surcharge is intended to complete the fair and reasonable reimbursement of member organizations for direct and indirect expenses associated with start-up costs incurred to comply with Rule 17a-3(a)(9)(ii); and (B) the fair and reasonable rate of reimbursement of member reimbursement of member organizations for providing beneficial ownership information to requesting issuers for costs incurred to comply with Rule 14b-1(c).

On July 28, 1983, the Securities and Exchange Commission adopted rule amendments designed to implement a new system to improve the process by which issuers may identify and communicate with their security holders whose securities are held in nominee name through broker-dealers. Rule 17a-3(a)(9)(ii) requires that brokers determine and maintain a record as to whether or not a customer objects to disclosure of his name, address and securities positions to issuers. Rule 14b-1(c) requires brokers to provide issuers, upon request and assurance of reimbursement of reasonable expenses, with names, addresses and security positions of non-objecting beneficial shareholders of the issuer's securities.

SEC Release No. 34–20021 covering adoption of the rules noted concerns expressed by commentators as to the costs attendant to the new system. However, the relese specified: "The Commission continues to believe that, because the self-regulatory organizations represent the interests of both issuers and brokers, they are in the best position to make a fair allocation of all the costs associated with the amendments, including start-up and overhead costs".

In this regard, the New York Stock Exchange formed an Ad Hoc Committee comprised of issuers, member organizations, transfer agents and proxy solicitors to consider the reimbursement question and other implementation factors. Many of the Committee members previously served as members of the SEC's Advisory Committee on Shareholder Communications.

A. *Surcharge for Proxy Mailings for Annual Meetings.* On March 28, 1985, the SEC approved Amendments to Supplementary Material to Exchange Rules 451 and 465 providing for a surcharge of $.20 per proxy for each proxy mailed by member organizations in connection with the issuers' next annual meeting held after that date. The SEC's approval was announced in Release No. 34–21900.

That release indicated that the Ad Hoc Committee on Identification of Beneficial Owners, formed by the NYSE, has recommended that brokers be reimbursed for the start-up costs associated with implementation of Rules 14b–1(c) and 17a–3(a)(9)(ii) by means of a surcharge of $.20 per proxy for each of an issuer's two annual meeting proxy solicitations subsequent to SEC approval of the surcharge. At the request of the SEC staff, the NYSE modified its original rules filing to apply the surcharge only for an issuer's first annual meeting held after March 28, 1985 and agreed to base the second, and final, surcharge on actual cost data based upon member organizations' experience in 1985.

To fulfill this agreement, the NYSE conducted a survey of a cross-section of member organizations to obtain the latest available data as to actual start-up costs incurred or expected as well as the approximate number of proxies mailed or to be mailed to recoup brokers' start-up costs under the initial proxy surcharge. Staff of the NYSE obtained data from the SEC as to the number of carrying accounts reported to the SEC on the consolidated FOCUS Report as of December 31, 1984. At that date, subject brokers reported an aggregate of 22.5 million carrying accounts. The NYSE survey covered member organization reporting 9.9 million carrying accounts (44% of the consolidated FOCUS total reported at December 31, 1984).

While final data is not available as to either actual start-up costs incurred by member organizations or the amount of start-up costs recouped by member organizations through the initial proxy surcharge, survey data indicate that:

- Start-up costs averaged approximately $.609 per carrying account reported at December 31, 1984.
- An average of approximately 1.6 sets of proxy material was provided per carrying account reported at December 31, 1984.
- The aggregate amount of the surcharge, necessary to reimburse the indicated start-up costs incurred by the brokerage industry ($.609 per account), would be $.385 per set of proxy material mailed in connection with the issuer's proxy solicitations for the two annual meetings held after March 28, 1985.
- The indicated second, and final surcharge would approximate $.185 given the existing initial proxy surcharge of $.20 per proxy for the first such annual meeting.

The results of the aforementioned study were presented to the Ad Hoc Committee at its November 21, 1985, meeting. Following its review of the study, the Ad Hoc Committee approved, and urged the self-regulatory organizations to provide for, a second, and final, surcharge of the rate of $.185 per proxy. It is believed that the aggregate $.385 per proxy surcharge, if collected by all brokers, will reimburse the brokerage industry as a whole although no assurance can be given that each individuals brokerage firm will necessarily recover all of its start-up costs.

The recommended surcharge was proposed to the Exchange by the Ad Hoc Committee with the support of the Operations Committee of the Securities Industry Association. Representatives of the American Society of Corporate Secretaries serving on the Ad Hoc Committed did not object to the recommended surcharge.

It is the New York Stock Exchange's understanding that other self-regulatory organizations will also adopt the second $.185 surcharge as part of their proxy rules, where applicable.

B. *Charge for Providing Beneficial Ownership Information to Requesting Issuers.* Rule 14b–1(c) under the Securities Exchange Act of 1934 requires that a broker directly, or through its agent, shall provide the issuer, upon its request and assurance that it will reimburse the broker's reasonable expenses (direct and indirect), with the names, addressed ans securities positions of thue broker's customers who are beneficial owners of the issuer's securities and who have not objected to disclosure of such information.

The Ad Hoc Committee considered the reimbursement of brokers' reasonable costs for maintaining and providing beneficial ownership data. Securities Industry Association representatives estimated such costs to be approximately $.065 per name. It is believed that that amount will provide a fair and reasonable rate of reimbursement of the brokerage industry as a whole although no assurance can be given that each individual brokerage firm will necessarily be reimbursed for all of its costs incurred in providing beneficial ownership information. The Ad Hoc Committee therefore recommended that the charge for providing beneficial ownership information to requesting issuers be established at $.065 per name.

The recommended charge was proposed to the Exchange by the Ad Hoc Committee with the support of the Operations Committee of the Securities Industry Association. Representatives of the American Society of Corporate Secretaries serving on the Ad Hoc Committee did not object to the recommended surcharge.

It is the New York Stock Exchange's understanding that other self-regulatory organizations are planning to or will be urged by the Ad Hoc Committee to adopt the charge as part of their proxy rules, where applicable.

SEC Release No. 34–22533 (October 15, 1985) announced amend to the SEC's shareholder communications rules ("the rules"). The release explained that both the Commission and the Ad Hoc Committee believe that an intermediary, acting as the designated agent of responding broker-dealers, is necessary to the effective implementation of the shareholder communication system and to ensure that issuers find the beneficial ownership lists useful and meaningful. The intermediary would serve as a central processing agent between brokers and issuers in the transmission of beneficial ownership data and would perform related brokers' administrative functions. The use of an intermediary would assure both client confidentiality and standardized delivery format.

As amended, the rules allow a broker to employ an intermediary to act as its designated agent in performing the obligations under the rules. While the

Commission envisions that brokers generally will choose to employ an agent under the rules, and that the agent employed generally will be the intermediary selected by the Ad Hoc Committee—IECA Intermediary Services, a wholly-owned subsidiary of Independent Election Corporation of America—employing an intermediary is not a condition to complying with the rules.

The Ad Hoc Committee also considered the fees IECA Intermediary Services proposes to charge issuers for its services and determined the charges to be reasonable. (The fees of an intermediary are not the subject of the proposed rules changes included in this filing. Such fees would be in addition to the fees that are the subject of this filing and would also be paid by the issuer.)

(2) Basis

The statutory basis for the proposed rules changes is section 5(b)(5) of the Securities Exchange Act of 1934 as amended ("the Act") which, among other things, requires Exchange rules to be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the Exchange.

In addition, the rules changes are intended to enhance the requirements of Rules 17a–3(a)(9)(ii) and 14b–1(c) under the Securities Exchange Act of 1934 concerning the reimbursement to brokers of costs associated with those rules, including start-up and overhead costs and the costs of providing beneficial ownership information to requesting issuers.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

The proposed rules changes will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Any burden on competition is offset by the benefits of making available information as to non-objecting beneficial owners in compliance with SEC Rules.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rules Changes Received From Members, Participants, or Others*

The Exchange has neither solicited nor received written comments concerning these proposed rules changes.

III. Date of Effectiveness of the Proposed Rules Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes it reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rules changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rules changes that are filed with the Commission, and all written communication relating to the proposed rules changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by December 30, 1985.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 2, 1985.

John Wheeler,

Secretary.

[FR Doc. 85–29094 Filed 12–6–85; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 85–093]

Rules of the Road Advisory Council; Membership Applications

AGENCY: Coast Guard, DOT.

ACTION: Request for Applications.

SUMMARY: The U.S. Coast Guard is seeking applications for appointment to membership on the Rules of the Road Advisory Council. This Council was established under the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) to advise, consult with, and make recommendations to the Secretary of Transportation on matters relating to the Inland Navigation Rules and the International Regulations for Preventing Collisions at Sea (72 COLREGS).

DATES: Requests for applications should be received no later than January 15, 1986, and must be completed and returned to the Coast Guard no later than February 15, 1986.

ADDRESS: Persons interested in applying should write to Commandant (G–NSR–3), U.S. Coast Guard Headquarters, Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Charles K. Bell, Executive Director, Rules of the Road Advisory Council (G–NSR–3), Room 1416E, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593; (202) 426–1950.

SUPPLEMENTARY INFORMATION: In June 1986, there will be seven vacancies on the 21-member Council. The seven new appointments will be made by the Secretary of Transportation. The Coast Guard will make recommendations to the Secretary based on the applications received, after the publication of this notice and before February 15, 1986. Under the Inland Navigational Rules Act, the Council members to be chosen are to include a "balanced representation insofar as practical, from the following groups: (1) Recognized experts and leaders in organizations having an active interest in the Rules of the Road and vessel and port safety, (2) representatives of owners and operators of vessels, professional mariners, recreational boaters, and the recreational boating industry, (3) individuals with an interest in maritime law, and (4) Federal and State officials with responsibility for vessel and port safety."

Since its establishment, the Council has met at least yearly at various sites in the continental United States.

Members are entitled to receive per diem in lieu of subsistence, as well as to be reimbursed for travel expenses, in accordance with current regulations.

The Authorization for the Council was extended to September 30, 1990. The seven new appointments will expire three years from June 1986.

Dated: December 2, 1985.

T. J. Wojnar,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation.

[FR Doc. 85-29147 Filed 12-6-85; 8:45 am]

BILLING CODE 4910-14-M

National Highway Traffic Safety Administration

[Docket No. IP85-19; Notice 1]

Volkswagen of America, Inc., Receipt of Petition for Determination of Inconsequential Noncompliance

Volkswagen of America, of Troy, Michigan, has petitioned 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 an apparent noncompliance with 49 CFR 571.105, Motor Vehicle Safety Standard No. 105, *Hydrulic Brake Systems*, on the basis that it is inconsequential as it reates to motor vehicle safety.

This Notice of Receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition

Paragraphs S5.3.2 of Federal Motor Vehicle Safety Standard No. 105 requires that:

> All indicator lamps shall be activated as a check of lamp function either when the ignition (start) switch is turned to the "on" (run) position when the engine is not running, or when the ignition (start) switch is in a position between "on" (run) and "start" that is designated by the manufacturer as a check position.

During a compliance check of the Audi 5000S, a contractor for the National Highway Traffic Safety Administration discovered that the parking brake of the Audi 5000S must be engaged or "on" before the vehicles will meet the requirement of paragraph S5.3.2.

Volkswagen indicated that the noncompliance involved the Audi 5000S and Audi 5000 Turbo and amounted to 112,862 vehicles manufactured between January 1983 to May 1985. VW stated that the situation in no way affects the parking brake system function, and that the only effect is that the parking brake must be actually engaged to activate the indicator lamp.

Volkswagen states that:

> Under most circumstances, the operator is fully aware of parking brake engagement because in addition to the indicator lamp being illuminated, the car will either not move or move with great difficulty. Volkswagen believes that these facts preclude any unsafe condition even in the event that the bulb does not function, such as excess rear brake wear or rear brake fade.
>
> Only under unusual circumstances would the parking brake application be unnoticed. These circumstances would require that the parking brake warning bulb not function (a rare event documented in other petitions) and the parking brake be partially engaged so that lack of vehicle engine performance would be unnoticed.

Interested persons are invited to submit written data, views and arguments on the petition of Volkswagen of America, Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: January 8, 1986.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1415); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued: on December 4, 1985.

Barry Felrice,

Associate Administrator for Rulemaking

[FR Doc. 85-29112 Filed 12-6-85; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Technical Pipeline Safety Standards Committee; Advisory Committee Charter

This notice announces the renewal of the Technical Pipeline Safety Standards Committee under section 14 of the Federal Advisory Committee Act (5 U.S.C. App. 1; Pub. L. 92-463) and sets forth the new charter of the Committee prepared in accordance with section 9 of that Act.

The purpose of the Technical Pipeline Safety Standards Committee is to review proposed gas pipeline safety standards and report to the Executive Director on the technical feasibility, reasonableness, and practicability of each such proposal. The Committee may propose safety standards related to gas pipeline facilities to the Executive Director for consideration.

It has been determined that renewal of the Technical Pipeline Safety Standards Committee is in the public interest in connection with the performance of duties imposed by law on the Department under section 4 of the Natural Gas Pipeline Safety Act of 1968, as amended by section 102 of the Pipeline Safety Act of 1979 (49 U.S.C. 1673).

The charter of the Committee is set forth below:

Charter—Technical Pipeline Safety Standards Committee

1. *Purpose.* This charter of the Technical Pipeline Safety Standards Committee is prepared and renewed in accordance with the Federal Advisory Committee Act (FACA) enacted October 6, 1972.

2. *Background.* Section 4 of the Natural Gas Pipeline Safety Act of 1968 (NGPSA) authorizes the establishment and prescribes the duties of the Technical Pipeline Safety Standards Committee. The Committee was established on January 2, 1969, by the appointment of 15 members. Since its establishment, the Committee has met from time to time to review and report on proposed Federal gas pipeline safety standards submitted to it by the Department.

3. *Sponsor.* The Office of Pipeline Safety is the Committee sponsor. The Director, Pipeline Safety Regulation, Office of Pipeline Safety, is designated the Executive Director of the Committee and shall be the Department of Transportation (DOT) official authorized to call or adjourn meetings, approve the agenda, and otherwise monitor the Committee's meetings and progress.

4. *Committee Objectives and Duties.* The Executive Director shall submit to the Committee for its consideration each notice of proposed gas pipeline safety standards (including both new standards and amendments to existing standards). Within 90 days after receipt by the Committee of any such proposal, the Committee shall prepare a report on the technical feasibility, reasonableness,

and practicability of the proposal. Each report by the Committee, including any minority views, shall, if timely made, be published and form a part of the proceedings for the promulgation of standards. The Administrator, Research and Special Programs Administration, may establish a final standard at any time after the 90th day following a proposal's submission to the Committee, whether or not the Committee has reported on such proposal. The Administrator shall not be bound by conclusions of the Committee, but in the event that the conclusions of the majority of the current members of the Committee are rejected, the reasons for rejection shall be incorporated in the preamble published with the final rule (NGPSA, section 4, and 49 CFR 1.53). The Committee may propose safety standards related to gas pipeline facilities to the Executive Director for consideration. The Committee may also review and report on other matters related to the Department's gas pipeline safety rulemaking function as are presented by the Executive Director.

5. *Membership.* a. The Committee shall be composed of 15 members, each of whom shall be appointed by the Secretary, after consultation with public and private agencies concerned with the technical aspect of the transportation of gas or the operation of pipeline facilities. Members shall be appointed on the basis of their experience in the safety regulation of the transportation of gas and of pipeline facilties, or their training, experience, or knowledge in one or more fields of engineering applied in the transportation of gas or the operation of pipeline facilities to evaluate gas pipeline safety standards, as follows:

(1) Five members shall be selected from Federal, State, or local governmental agencies, and two of the five shall be State commissioners selected after consultation with representatives of the national organization of State commissions;

(2) Four members shall be selected from the natural gas industry, after consultation with industry representatives, and not less than three of the four shall be currently engaged in the active operation of natural gas pipelines; and

(3) Six members shall be selected from the general public.

b. The membership shall be fairly balanced in terms of the points of view represented, and the advice and recommendations of the Committee shall be the result of its independent judgment (FACA, section 5(b)(2) and (3)).

c. Members are appointed for a term of 3 years except that a member may serve until his successor is appointed, but for not more than a total of 6 years.

6. *Appointment of Officers.* At the first meeting of each calendar year, the Executive Director shall appoint a Chairman and Vice-Chairman, and the Committee shall, by majority vote of the members present, elect a Secretary. These three officers, who will serve until their successors are appointed, shall constitute an executive committee.

7. *Meetings and Procedures*—a. *Calling meetings.* The Executive Director shall approve in advance the scheduling and agenda of each Committee meeting (FACA, section 10(f)). The Committee may recommend agenda items to the Executive Director. A designated officer or employee of the Federal government shall attend each Committee meeting, and is authorized to adjourn the meeting whenever he determines it to be in the public interest (FACA, section 10(e)).

b. *Presiding at meetings.* The Chairman shall preside at all meetings of the Committee and of the Executive Committee, except that the Executive Director or his delegate may preside whenever the Committee is, at the request of an official of the Department of Transportation, advising the Department on matters other than notices of proposed rulemaking. The Vice-Chairman shall assume and perform the duties of the Chairman in the event of his absence. A majority of the current members of the Committee must be present at a meeting to perform the Committee's statutory duties.

c. *Duties of Secretary.* The Committee Secretary shall, as directed by the Chairman, monitor records, summarize activities, prepare and process letter ballots, and prepare reports for submission to the Executive Director. In the absence of the Secretary, the Chairman appoints a member of the Committee to perform the duties of the Secretary.

d. *Notices of meetings.* Notice of each Committee meeting shall be published in the **Federal Register** at least 15 days in advance of the meeting, except in emergency situations. Other forms of notice are to be used to the extent practicable (FACA, section 10(a)(2)).

e. *Frequency of Committee meetings.* The Committee meets at least twice each calendar year. In addition, Committee members may be polled or asked for comments on notices of proposed rulemaking or other matters at any time without formally assembling at one place.

f. *Public participation.* Each Committee meeting shall be open to the public except where the Executive Director of the Committee determines in writing that the meeting, or a portion thereof, shall be closed for one of the reasons specified in 5 U.S.C. 552b(c) (FACA, section 10(a)(1) and (d)). Public participation in the meeting may be limited by reasonable rules (FACA, section 10(a)(3)).

g. *Minutes.* Detailed minutes of each Committee meeting shall be kept and certified to by the Committee Chairman. The minutes shall contain a record of the persons participating, a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Committee (FACA, section 10(c)).

h. *Availability of records.* The records, reports, transcripts, minutes, and other documents of the Committee shall be available for public inspection and copying at the Office of Pipeline Safety, 400 Seventh Street, SW., Washington, DC, 20590, subject to the Freedom of Information Act, 5 U.S.C. 552 (FACA, section 10(b)).

8. *Compensation.* Members of the Committee shall not be compensated. However, all members, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence.

9. *Duration of the Committee.* Under the provisions of the NGPSA, the Committee's purposes are continuing in nature; therefore, the Committee has an indefinite duration. The Committee itself must be renewed at successive 2-year intervals by the appropriate action of the Secretary (FACA, section 14(c)).

10. *Administrative Support.* The Executive Director is responsible for providing office space, equipment, supplies, clerical help, and other administrative and financial support for the Committee.

11. *Annual Operating Cost.* Estimated annual operating cost is approximately $20,000 for travel and recording the proceedings, plus about one-eighth person-year of staff support.

12. *Public Interest.* The formation and use of the Technical Pipeline Safety Standards Committee is determined to be in the public interest in connection with the performance of duties imposed on the Department by law. In fact, the NGPSA specifically requires the Department to submit all proposed gas pipeline safety standards to the Committee as part of the proceedings for the promulgation of such standards.

13. *Filing Date.* December 4, 1985. This is the effective date of the charter which

will expire 2 years from that date unless sooner terminated.

Robert L. Paullin,

Director, Office of Pipeline Safety.

[FR Doc. 85-29159 Filed 12-6-85; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirement Submitted to OMB for Review

Dated: November 29, 1985.

The Department of Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, P.L. 96-511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

Comptroller of the Currency

OMB Number: New

Form Number: FFIEC 016 and FFIEC 017

Type of Review: New

Title: Report of U.S. Government Securities (FFIEC 016); and Report of the U.S. Government Sponsored Agency and Corporation Obligations (FFIEC 017)

Clearance Officer: Eric Thompson, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219

OMB Reviewer: Robert Neal (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Irving W. Wilson, Jr.,

Departmental Reports, Management Office.

[FR Doc. 85-29062 Filed 12-6-85; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 236
Monday, December 9, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COUNCIL ON ENVIRONMENTAL QUALITY

December 5, 1985.

TIME AND DATE: 10:00 a.m., December 17, 1985.

PLACE: Conference Room, First Floor, 722 Jackson Place, NW., Washington, DC.

MATTERS TO BE CONSIDERED:

1. The Council on Environmental Quality is preparing a second report on Environmental Trends in the United States. This is a multi-agency effort under the guidance of a working group composed of representatives of several Federal agencies. In addition, the Council on Environmental Quality has contracted with the NUS Corporation for technical support to the working group. The contractor has recently completed phase I of the project. The contractor's report outlines the proposed organization of the Environmental Trends report. The purpose of this meeting is for the Project Director to brief the Council members on the current status and future directions of the study.

2. Other business.

CONTACT PERSON: Harvey Doerksen, Project Director, Environmental Monitoring and Data, Council on Environmental Quality, 722 Jackson Place, NW., Washington, DC 20006.

A. Alan Hill,

Chairman.

[FR Doc. 85-29248 Filed 12-5-85; 3:51 pm]

BILLING CODE 3125-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

December 3, 1985.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, December 10, 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

Hearing—1—Title: Remand from the Court of Appeals in the Gloucester, Massachusetts FM radio comparative renewal proceeding (Docket Nos. 21104-05). Summary: The Commission will consider what further action is appropriate in light of the remand of this comparative renewal proceeding by the United States Court of Appeals for the District of Columbia circuit. In the Commission's previous Decision, which was remanded, the Commission denied Simon Geller's renewal application of Station WVCA-FM, Gloucester, Massachusetts and granted Grandbanke Corporation's mutually exclusive application for a construction permit.

General—1—Title: *Report and Order*—Amendment of Parts 2, 73, and 90 of the Commission's Rules and Regulations to Allocate Additional Channels in the Band 470-512 MHz for Public Safety use in Los Angeles. Summary: The FCC will consider adoption of a *Report and Order* which will allow the Los Angeles County Sheriff's Department to construct a communications system using a portion of the band 470-512 MHz.

Common Carrier—1—Title: *Decision and Order* in *MTS and WATS Market Structure* and *Amendment of Part 67 of the Commission's Rules*, CC Docket Nos. 78-72 and 80-286. Summary: The FCC will consider whether to adopt the recommendation of the Federal-State Joint Board concerning broader lifeline assistance measures to aid low income households in affording telephone service.

Common Carrier—2—Title: Amendment of Part 69 of the Commission's Rules to Ensure Application of Access Charges of All Interstate Toll Traffic (RM 5056). Summary: The Commission will consider access compensation issues for nonpremium access in multicarrier extended area networks and other access compensation issues raised in two separate petitions. The first of these is the May 9, 1985, petition for declaratory filing filed by the Organization for the Protection and Advancement of Small Telephone Companies. The second is the June 7, 1985, petition for rulemaking filed by the Exchange Carrier Industry Group.

Common Carrier—3—Title: Authorized Rates of Return for the Interstate Services of AT&T Communications and Exchange Telephone Carriers, CC Docket No. 84-800, Phase II. Summary: The Commission will consider adoption of rules regarding the procedures and methodologies for represcribing interest rates of return.

Common Carrier—4—Title: Amendment of the Commission's Rules for Rural Cellular Service. Summary: The Commission will consider whether to adopt rules to establish fixed boundaries for cellular markets not categorized according to Metropolitan Statistical Areas for New England County Metropolitan Areas.

Mass Media—1—Title: Revision of Rule 73.3598 which provides the period of time for construction of various broadcast, auxiliary and Instructional TV fixed stations. Summary: The Commission will consider revising the period within which broadcast stations must be constructed and the criteria for granting applications for extensions for time to construct.

Mass Media—2—Title: Policy regarding Character Qualifications in Broadcast Licensing (Gen. Docket 81-500); Amendment of Rules of Broadcast Practice and Procedure relating to written responses to Commission inquiries and the making of misrepresentations to the Commission by Permittees and Licensees. B.C. Docket No. 78-108. Summary: The Commission will consider whether a revision of its current character evaluation of broadcast applicants is appropriate. 46 CFR 73.4280. Also considered will be whether the Commission should adopt rules requiring prompt and truthful responses to Commission inquiries. 47 CFR 73.3513.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Issued: December 3, 1985.

[FR Doc. 85-29175 Filed 12-5-85; 9:40 am]

BILLING CODE 6712-01-M

3

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Thursday, December 12, 1985.

PLACE: 1776 G Street, NW., Washington, DC, Filene Board Room, 7th Floor.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.

2. Review of Central Liquidity Facility Lending Rate.

3. Insurance Fund Report.

4. Final Rule: Report of Crimes or Catastrophic Acts, § 748.1(b), NCUA Rules and Regulations.

5. Final Interpretive Ruling: Section 701.21, NCUA Rules and Regulations, Nonmember Assumptions of Real Estate Loans.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Thursday, December 12, 1985.

PLACE: 1776 G Street, NW., Washington, DC, Filene Board Room, 7th Floor.

STATUS: Closed.

1. Approval of Minutes of Previous Closed Meeting.

2. Appeals of Regional Director's Denial of Federal Share Insurance Coverage. Closed pursuant to exemption (8).

3. Application for CLF Agent Membership. Closed pursuant to exemption (8).

4. Briefing on NCUSIF Investment Strategy. Closed pursuant to exemption (9)(B).

5. NCUSIF Investment Policies. Closed pursuant to exemption (9)(B).

6. Merger. Closed pursuant to exemption (8).

7. Purchase of Agency Capital Equipment. Closed pursuant to exemption (2).

8. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT:
Rosemary Brady, Secretary of the Board, Telephone (202) 357–1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 85–29242 Filed 12–5–85; 2:34 pm]

BILLING CODE 7535-01-M

4

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 December 9, 1985.

Open meetings will be held on Tuesday, December 10, 1985, at 10:00 a.m., and on Thursday, December 12, 1985, at 11:00 a.m. and at 3:00 p.m., in Room 1C30. Closed meetings will be held on Tuesday, December 10, 1985, at 2:30 p.m., and on Thursday, December 12, 1985, following the 3:00 p.m. open meeting.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may alse be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, 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), permit consideration of the scheduled matters at a closed meeting.

Commissioner Grundfest, as duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject matter of the open meeting scheduled for Tuesday, December 10, 1985, at 10:00 a.m., will be:

The Commission will meet with the Co-Chairmen of the Council of Institutional Investors to discuss issues of mutual interest and concern, including, but not limited to, tender offer regulation, internationalization of the securities markets, immobilization of securities certificates, and corporate governnance. For further information, please contact Alan L. Dye at (202) 272–2014.

The subject matter of the closed meeting scheduled for Tuesday, December 10, 1985, at 2:30 p.m., will be:

Institution of injunctive actions.
Formal orders of investigation.
Settlement of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Litigation matters.
Settlement of administrative proceedings of an enforcement nature.
Rescission of administrative proceeding of an enforcement nature.
Order.

The subject matter of the open meeting scheduled for Thursday, December 12, 1985, at 10:00 a.m., will be:

1. Consideration of whether to issue an order granting the applications of Maui/Waikiki Hotel Associates, LaSalle/Market Streets Associates, and VMS National Properties for exemption from Sections 12(g), 13(a) and 14 of the Securities Exchange Act of 1934, as amended. For further information, please contact William E. Toomey at (202) 272–2573.

2. Consideration of a proposal by the Philadelphia Stock Exchange, Inc. (File No. SR–Phlx–85–10) to trade options on European Currency Units. For further information, please contact Alden Adkins at (202) 272–2843.

3. Consideration of whether to grant the application filed by Lazard Freres & Co. for an order exempting it from the provisions of section 9(a) of the Investment Company Act of 1940. The Commission issued an order of temporary exemption pending a final determination by the Commission on the application. For further information, please contact Gary Sundick at (202) 272–2344.

4. Consideration of whether to issue a proposed Accounting and Auditing Enforcement Release and Financial Reporting Release concerning disclosure of oral guarantees in response to audit confirmation requests. For further information, please contact Laurie Romanowich at (202) 272–2349.

The subject matter of the open meeting scheduled for Thursday, December 12, 1985, at 3:00 p.m., will be:

The Commission will hear oral argument on an appeal by Owen V. Kane, the vice president of a registered broker-dealer, from an administrative law judge's initial decision. For further information, please contact R. Moshe Simon at (202) 272–7400.

The subject matter of the closed meeting scheduled for Thursday, December 12, 1985, following the 3:00 p.m. open meeting, will be:

Post oral argument discussion.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David Powers at (202) 272–2091.

John Wheeler,

Secretary.

Dated: December 4, 1985.

[FR Doc. 85–29167 Filed 12–4–85; 4:39 pm]

BILLING CODE 8010-01-M

Federal Register

Monday
December 9, 1985

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Establishment of Airport Service Areas; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85-AWA-2]

Establishment of Airport Radar Service Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action designates Airport Radar Service Areas (ARSA) at the 11 airports listed below. Each location designated is a public or military airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of each ARSA will require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at each of the affected locations will reduce the risk of midair collision in terminal areas and promote the efficient control of air traffic.

EFFECTIVE DATE: 0901 GMT, January 16, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Smith, 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, DC 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On April 22, 1982, the National Airspace Review (NAR) plan was published in the **Federal Register** (47 FR 17448). The plan encompassed a review of airspace use and the procedural aspects of the air Traffic control (ATC) system. The FAA published NAR Recommendation 1-2.2.1, "Replace Terminal Radar Service Areas (TRSA) with Model B Airspace and Service (Airport Radar Service Areas)," in Notice 83-9 (48 FR 34286, July 28, 1983) proposing the establishment of ARSA's at Columbus, OH, and Austin, TX. Those locations were designated ARSA's by SFAR No. 45 (48 FR 50038, October 28, 1983) in order to provide an operational confirmation of the ARSA concept for potential application on a national basis. The original expiration dates for SFAR 45, December 22, 1984, for Columbus and January 19, 1985, for Austin were extended to June 20, 1985 (49 FR 47176, November 30, 1984).

On March 6, 1985, the FAA adopted the NAR recommendation and amended Parts 71, 91, 103 and 105 of the Federal Aviation Regulations (14 CFR Parts 71, 91, 103 and 105) to establish the general definition and operating rules for an ARSA (50 FR 9252), and designated Austin and Columbus airports as ARSA's as well as the Baltimore/Washington International Airport, Baltimore, MD (50 FR 9250). On November 1, 1985, the FAA designated 11 ARSA's as the initial phase of implementation of the NAR recommendation (50 FR 45718).

On August 2, 1985, the FAA proposed to designate ARSA's at 11 airports under Docket No. 85-AWA-2 and 11 airports under Docket No. 85-AWA-3. This rule designates ARSA's at those airports proposed under Docket No. 85-AWA-2. Interested parties were invited to participate in this rulemaking proceeding by submitting comments on the proposals to the FAA. Additionally, the FAA has held informal airspace meetings for each of the proposed airports. In response to public comments received the FAA has modified several of the proposals.

Related Rulemaking

In addition to the airports addressed here, the FAA published a proposed ARSA designations for 11 additional airports on August 2, 1985 (50 FR 31472) and 30 airports on September 30, 1985 (50 FR 39822). Also, special air traffic procedures have been adopted in the vicinity of Marine Corps Air Station, El Toro, CA, in this issue.

Discussion of Comments

The FAA has received comments on the basic ARSA program as well as comments directed toward the proposed individual designations. Additionally, several of the comments on individual designations are common or speak to the basic program itself. Discussion of the comments is divided into two sections. The first addresses common and ARSA program comments, the second addresses comments on the proposals at particular locations.

ARSA Program Comments

Comments received from the Aircraft Owners and Pilots Association (AOPA) and several others requested individual notification of the informal airspace meetings held for some of the candidate airports, and the following that notice a second meeting be held. The schedule of the meetings was published in the Notice of Proposed Rulemaking (August 2, 1985, 50 FR 31472). Additionally, the FAA sent announcements to individuals, fixed-base operators, aviation user organizations, and to the news media organizations in the airport's area. The ARSA program has received considerable coverage in newsletters and official publications of aviation organizations and the schedule of the meetings mailed to members. Furthermore, a 90-day comment period was provided in which the public could make comment to the public docket on the proposals. For the above reasons the FAA believes the opportunity was sufficient to permit full public comment on the proposals.

AOPA and other commenters faulted the scheduling of informal airspace meetings on a Jewish holiday and requested additional notification be sent and a second meeting scheduled. The FAA regrets this inadvertent scheduling conflict. However, many other individuals were no doubt precluded from attending the informal airspace meeting of their primary interest due to personal schedule conflicts. The FAA believes that the extra time provided for the comment period and the provision of making written comments to the public docket alleviates much of the impact of the conflict and, therefore, additional meetings are not warranted.

Several commenters faulted the manner in which comments were summarized in the informal airspace meetings, and requested that additional meetings be held and a court reporter employed to make a verbatim transcript. The FAA does not agree with this recommendation. These proposals fall under informal rulemaking and, therefore, neither the Administrative Procedures Act nor agency regulations require formal hearings. The agency exceeded basic requirements in holding informal meetings, and the summarization of comments made at those meetings and placing them in the public docket is in full compliance with procedural requirements. The docket is open to the public, and anyone may review that summary to determine if their position has been adequately summarized. Provision is also made for written comments to the docket, and thus, parties may reiterate their comments in writing, correct any error they perceive in the agency's summary, or expand upon the summarization. Additionally, the FAA believes the informal nature of these meetings proved to be most beneficial to the agency in reaching its decisions.

AOPA and others commented that, notwithstanding the statement by the FAA in the Regulatory Evaluation contained in the notice, increased air traffic controller personnel and equipment would be needed to handle

the increased traffic expected due to the mandatory provisions of the ARSA. FAA's experience with the current ARSA's has been that while there is an increase in the amount of traffic being handled by controllers, this increase is significantly offset by the reduction in the amount of control instructions that must be issued under ARSA procedures as compared to TRSA procedures. However, the FAA recognizes that the potential exists for a need to establish additional controller positions at some facilities due to increased workload should the expected efficiency improvements in handling traffic not fully offset the increased number of aircraft handled. Further, FAA does not expect to incur additional equipment costs in implementing the ARSA program. In some instances, previously adopted plans to replace or modify older existing equipment may be rescheduled to accommodate the ARSA program. However, no new equipment is expected to be required as a result of the ARSA program.

AOPA also commented that additional costs will be incurred for controller training. Although the ARSA program utilizes a new combination of ATC procedures, none of the procedures are new to air traffic controllers. Thus, the training of air traffic controllers will be accomplished during regularly scheduled briefing sessions and at no additional cost.

Several commenters, including AOPA and the Experimental Aircraft Association (EAA), disagreed with the FAA's conclusion that the additional air traffic could be accommodated with existing manpower at locations where TRSA participation was low. The FAA's conclusion for the total program was in part based upon the fact that participation in the existing TRSA's was quite high and, therefore, an increase from the present levels to 100% would not be a significant change. The commenters, while not agreeing with this conclusion, claimed that the FAA's rationale did not apply where participation was low and thus additional manpower would be needed at these locations if ARSA was designated. The FAA recognizes that participation in the TRSA program is relatively low at some of the candidate locations. However, this is in large part due to the controllers' walkout of 1981 and the subsequent reduction in fully qualified controllers which led to the discontinuance of TRSA services. A sufficient number of controllers is assigned at the facilities to which the commenters refer and those facilities are ready to provide the service to the increased number of pilots. This factor was considered by the FAA in its initial evaluation of the ARSA program.

Numerous commenters also objected to the proposals based upon their belief that air traffic in several of the proposed locations was too great for the ARSA program. The FAA believes that such a point argues strongly for the establishment of an ARSA rather than the converse.

Some commenters, including AOPA, predicted that user costs incurred due to delays, as a result of pilots circumnavigating or overflying the ARSA, will be greater than was estimated by the FAA, and that these costs will be experienced more at some sites than at others. In the NPRM, FAA acknowledged that initial delay problems would vary from site to site, that at some facilities the transition process was expected to go very smoothly, and that at other sites delay problems would dominate the initial adjustment period. These cost estimates are expected to be transitory in nature in that actual delays will be reduced as pilots and controllers become experienced with ARSA procedures. This has been the case in the three locations where ARSA is in effect.

Several commenters questioned the validity of FAA's estimates of the time savings expected to be realized as a result of the greater flexibility allowed air traffic controllers in handling traffic within an ARSA. FAA wants to reemphasize that its estimates of expected savings in time and money which will result from the greater flexibility allowed air traffic controllers in handling traffic within an ARSA are quite preliminary. These estimated savings may or may not offset the delay anticipated at some sites after initial establishment of an ARSA, but are expected to provide overall time savings to all traffic, IFR as well as VFR, which will exceed delay as controllers gain experience with ARSA operating procedures.

Other commenters questioned the operating cost and passenger time values used to calculate delay costs and time savings. The values used are weighted averages of overall activity within an aircraft category for various aircraft types, and represent a typical mix of air passengers. FAA recognizes that for some specific operations actual operating cost and passenger time values will exceed the average values used, while in other cases, the actual values will be less. However, weighted averages represent the most appropriate and equitable measure to use when assessing *overall* impacts. Further, because the delay resulting from implementing ARSA procedures is expected to be transitory and efficiency improvements in the movement of traffic are ultimately expected to result, those operators whose variable cost and passenger time values exceed the averages used in the regulatory evaluation may in fact realize above average benefits.

AOPA and others commented that the costs which would be incurred by users to procure additional aircraft equipment in order to operate within an ARSA have been underestimated by the FAA. Some commenters claimed that transponders would be required but were not included in the evaluation. Additionally, AOPA commented that the FAA estimate did not include the actual cost of the transceivers that the FAA estimated would be needed. Only an operable transceiver is required to operate within an ARSA, and there is no requirement that the transceiver be of any given type. The estimate provided by the FAA is based on the removal of virtually all affected secondary airports from the surface areas of ARSA's by liberal use of cutouts. Thus, in most cases, ingress and egress to these airports is possible without the need to procure a two-way radio. AOPA also commented that the FAA underestimated the radio installation costs by over 400 percent. However, the Regulatory Evaluation discussed radio costs in terms of both total cost per no radio (NORDO) aircraft ($2,300), and annual cost ($751) when financed over a four-year period at 15 percent. The Regulatory Evaluation clearly indicated when annual figures were being used. Total *annual* radio installation costs were estimated to facilitate comparison with other cost and savings estimates which were expressed in annual terms.

AOPA, EAA, and other commenters claimed the FAA had failed to properly account for the number of pilots that would need to purchase two-way radios. These comments referred to the number of NORDO aircraft that were located at airports in proximity to ARSA candidates and noted the discrepancy between the number of such aircraft and the number reflected in the Regulatory Evaluation. Because of the liberal use of cutouts and local agreements, FAA does not expect that any NORDO aircraft will be required to install radio transceivers as a result of establishing ARSA's at the sites included in this final rule.

Further, some commenters expressed concern that older 360 channel transceivers would not be adequate to operate within an ARSA. Frequencies compatible with 360 channel

transceivers are available at all ARSA locations. Therefore, operators of 360 channel equipment will not need to install new radios to operate within an ARSA.

AOPA and other commenters stated that the proposed ARSA's would derogate rather than improve safety, as a result of increased frequency congestion, pilots concentrating on their instruments and placing too much reliance upon ATC rather than "see and avoid," and the compression of air traffic into narrow corridors as pilots elect to circumnavigate an ARSA rather than receive ARSA services. In addition to increasing the risk of aircraft collision, the commenters claimed that compression would increase the impact of aircraft noise on underlying communities and cause aircraft to be flown closer to obstructions.

As indicated above, while an increased number of aircraft will be using radio frequencies, the amount of "frequency time" needed for each aircraft is significantly reduced in an ARSA compared to the current Terminal Radar Service Area (TRSA). This has been the experience of the FAA at the three current ARSA facilities.

The FAA evaluated the flow of air traffic around the Austin, TX, and Columbus, OH, ARSA's during the confirmation period to determine if compression was occurring. This evaluation was performed by observing the radar at Austin, TX, and by both radar observations and the use of extracted computer data at Columbus, OH. Following the designation of an ARSA at Baltimore/Washington International Airport (BWI), the FAA evaluated the flow of air traffic there for a period of 90 days by observing the radar and extracting computer data to determine if compression was occurring. Compression was not detected at any of these locations. However, compression of air traffic is a site-specific effect that could occur at a particular location regardless of its absence elsewhere. Thus, although the FAA does not believe compression of traffic will occur at any of the proposed airports, the agency will continue to monitor each designated ARSA and make adjustments if necessary.

The FAA continues to believe the implementation of the ARSA program will enhance aviation safety. The program requires two-way radio communication between ATC and all pilots within the designated areas. Air traffic controllers will thus be in a much improved position to issue complete traffic information to the pilots involved.

AOPA and others commented that several of the proposals will require pilots to violate Federal Aviation Regulations (FAR) § 91.79 (14 CFR 91.79) regarding minimum safe altitudes. The section states in part, "Except when necessary for takeoff or landing, no person may operate an aircraft below . . . an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft [when over any congested area of a city, town, or settlement, or over any open air assembly of persons]." The commenters claim that the 1,200-foot base altitude of the 5- to 10-mile portion of the ARSA will force pilots to violate FAR 91.79 where obstacles extend more than 200 feet above the ground. There are two alternatives available to pilots in such a situation which permit compliance with the regulation. Namely, pilots may participate in ARSA services and thus not be limited to the 1,200-foot base, and secondly, a pilot may deviate 2,000 feet horizontally from the obstacle.

AOPA and others commented that at those locations where more than one ARSA is proposed, and the 5- to 10-mile circles of two ARSA's join but the 5-mile circles do not, a flight corridor beneath the adjoining 5- to 10-mile circles is created, inviting compression. AOPA suggests that in cases in which surface areas of adjoining ARSA's would be separated by 5 nautical miles or more, a corridor of 5 nautical miles be established to the upper limit of the ARSA. This could be accomplished by delimiting the 5- to 10-mile circles of the adjoining ARSA's with parallel lines that were 5 nautical miles apart. While the FAA has not had actual experience with ARSA's in such proximity, the 5- to 10-mile segment of the BWI ARSA abuts the Washington National Terminal Control Area and thus creates the type of corridor that will exist at the locations to which AOPA refers. As indicated above, compression has not been observed in the BWI area and the FAA has no reason to believe that it will occur in other location.

Several commenters noted that the proposal did not contain an environmental assessment. Under existing environmental regulations the proposed establishment of a Terminal Control Area (TCA) or a TRSA does not require an environmental assessment. The agency environmental regulations have not yet been amended to reflect ARSA procedures. However, because the potential environmental impact and regulatory effects of ARSA designation fall between those of the TCA and TRSA designation, the FCC finds that no environmental assessment is required for an ARSA designation.

AOPA, EAA, and other commenters indicated that the FAA had failed to demonstrate a need for the ARSA program itself, as well as a need for serveral of the individual proposed locations. Additionally, comments were received that faulted some of the features of the ARSA. Most of these comments went beyond the scope of the subject proposal and were addressed when the FAA adopted the recommendation of National Airspace Review (NAR) Task Group 1-2.2 (50 FR 9252, March 6, 1985). However, the FAA believes the need for the ARSA program was adequately demonstrated by the task group that reviewed the TRSA program and recommended the ARSA as the former's replacement. The task group faulted the TRSA program in several of its aspects and through consensus agreement determined the preferred features of the ARSA prior to making a recommendation to the FAA to adopt the ARSA concept. Justification for the ARSA program has been the subject of previous FAA rulemaking, and the program was adopted after consideration of public comment. Response to comments on ARSA's at particular locations is made below.

AOPA, EAA, and others commented that several of the proposed ARSA's failed to meet the criteria for designation. The criteria for this group of candidates was recommended by the NAR Task Group and adopted by the FAA. Namely, ". . . excluding TCA locations, all airports with an operational airport traffic control tower and currently contained within a TRSA serviced by a Level III, IV, or V radar approach control facility shall have [an ARSA] designate; unless a study indicates that such designation is inappropriate for a particular location." (49 FR 47184, November 30, 1984).

AOPA, EAA, and others commented that the existence of a TRSA in the above mentioned category should not be considered as justification for an ARSA. After a review of all comments received to the above referenced proposal, the FAA adopted that NAR recommendation (50 FR 9252, March 6, 1985). Therefore, absent a finding that designation would be inappropriate, the existence of a TRSA within that criteria is deemed sufficient for designation.

AOPA, EAA, and others indicated that several of the proposed locations do not meet the criteria that the FAA is considering for future ARSA candidates. The FAA has circulated proposed criteria for future application. However, whatever the nature of any criteria eventually adopted, this group of locations which qualify as ARSA

candidates under the adopted NAR criteria would not be affected.

Several commenters, including AOPA and EAA, indicated that the top of an ARSA should be limited to the height of the airport traffic area, which is generally up to but not including 3,000 feet above ground level. That limit was specifically considered by the NAR Task Group but rejected in favor of the current top of 4,000 feet above field elevation. The rationale of the task group was that the 4,000-foot cap would afford the protection to aircraft executing an instrument approach during a critical phase of flight when pilots must devote considerable attention to their instruments prior to executing an approach. The FAA concurs in that rationale and has adopted the 4,000-foot recommendation.

Several commenters suggested the top of the ARSA be lowered from 4,000 feet above field elevation. Absent strong justification for lowering this altitude, the FAA has not adopted these recommendations. The agency's rationale for nonadoption is set forth immediately above.

Several commenters indicated that pilots of aircraft equipped with altitude encoding Mode C transponders should not be required to participate in the ARSA. Procedures require that before an air traffic controller may use the altitude information from a Mode C transponder the information must be verified. Thus, the requirement to establish two-way radio communication would remain. If pilots of Mode C equipped aircraft were not subject to the remaining provisions of ARSA, there could be inequitable handling of users, one of the major points of criticism the NAR Task Groups leveled at the TRSA program. Therefore, the FAA does not agree with this recommendation.

Several commenters, including AOPA and EAA, indicated that at several of the proposed ARSA's the TRSA was working quite well and that there was no need to change something that was working. The FAA acknowledges that TRSA's are functional and beneficial, to a point. However, the NAR Task Group did not fault individual TRSA locations but the TRSA program itself and recommended its replacement. The FAA concurred with that assessment and has determined that the ARSA program is an improvement over the TRSA program from the standpoints of both safety and service. Thus, the quality of service being provided at TRSA locations should not constitute a roadblock to improvement.

AOPA, EAA, and other commenters requested that no 5- to 10-mile circles be segmented and that a single altitude be established at the highest level of any segment proposed. The FAA has established several ARSA's that have varying base altitudes. The FAA acknowledged that segmentation was a deviation from the NAR recommendation when the ARSA final rule was adopted (50 FR 9252, March 6, 1985). The recommendation was for the base altitude in the subject area to be 1,200 feet above ground level (AGL) and would have resulted in base altitudes rising and falling in concert with the underlying terrain. The FAA believes that segmentation simplifies ARSA's for the several locations where it is employed, yet establishes regulatory airspace where needed.

Several comments claimed that reduced separation standards of the ARSA program would derogate rather than enhance safety. The elimination of the Stage III separation requirements was recommended by users, all of whom are virtually interested in aviation safety, and adopted by the FAA. This aspect of the ARSA program received considerable FAA attention during the confirmation period at Austin, TX, and Columbus, OH. The FAA agrees with the task group that the Stage III separation standards are not needed for safety in a mandatory participation area.

Several commenters requested that the ARSA be described in statute rather than nautical miles. Numerous user organizations and the NAR itself have recommended that the FAA adopt nautical-mile descriptions rather than statute. It is the intention of the FAA to establish all new descriptions according to that recommendation.

Several commenters objected to proposals where the ARSA was in proximity to other airports. According to these commenters pilots would not know whether they should be in contact with the ARSA approach control facility or in contact with the control tower at the secondary airport, or on unicom. The FAA does not view this situation as different from that existing at many of these locations today. Through pilot education programs and experience with ARSA procedures this situation will improve. Also, as at present, when a pilot contacts the wrong FAA facility the controllers will give appropriate instructions.

A closely associated comment received from several parties was that mandatory two-way communications with the ARSA approach control facility would preclude a pilot from being on a proper unicom frequency in a timely manner. As was indicated in the ARSA rule (50 FR 9252, March 6, 1985), pilots can expect communications transfer in sufficient time to obtain information at secondary airports.

AOPA and other commenters objected to several of the proposed ARSA's based upon the claim that the FAA had failed to evaluate the cumulative effect of the proposed ARSA's and other regulatory airspace. The evaluation for each ARSA included all factors known to the FAA, including the proximity of other regulatory airspace.

Underlying a great many of the comments received was the idea that some provision should be made so that pilots could continue their current practices without contacting the responsible ATC facility. While the FAA has made significant modifications from the standard ARSA in cases where circumstances warrant, the basic thrust of the ARSA program is to require two-way communication with the responsible approach control facility, and not to make modifications in the program to provide for nonparticipation.

AOPA and others commented that FAA underestimated the one-time cost of distributing Letters to Airmen and the Advisory Circular, and neglected costs related to the informal public meetings. Both of these issues were discussed in the detailed regulatory evaluation of the NPRM, which has been available in the regulatory docket since publication of the NPRM. The availability of this detailed evaluation was indicated in the introductory paragraph of the regulatory evaluation summary included in the Federal Register Notice of proposed rulemaking (50 FR 31472, 31474, August 2, 1985). AOPA's comments assumed that every active pilot would be notified at least once. However, FAA intends to mail individual Letters to Airmen only to those pilots living in the vicinity of ARSA sites, and consequently its cost estimate is less than that of AOPA. The total one-time cost of distributing Letters to Airmen and the Advisory Circular was also prorated to reflect only those sites included in the notice, and both total and prorated cost estimates were provided in the notice. Further, as FAA indicated in the detailed regulatory evaluation, the expenses associated with public meetings will be incurred regardless of whether or not an ARSA is ultimately established at a proposed site, and consequently these expenses are more appropriately considered sunken costs attributable to the rulemaking process rather than implementation costs of the ARSA program. Similarly, information on ARSA's following the establishment of a new site will also be disseminated at aviation safety seminars conducted

throughout the country by various district offices. These seminars are regularly provided by the FAA to discuss a variety of aviation safety issues, and, therefore, will not involve any additional costs strictly as a result of the ARSA program.

Some commenters questioned whether the FAA considered the impact of the proposed ARSA's on individuals in making its Regulatory Flexibility Determination, and whether the threshold for determining if a significant economic impact on a substantial number of small entities had been exceeded because some small entities might be impacted. The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. Individual citizens, as such, are not considered small entities under the terms of the RFA; however, an individual whose business is a sole proprietorship would be considered a small entity under the RFA. Some of the small entities which could be potentially affected by implementation of the ARSA program include the fixed-base operators, flight schools, agriculatural operations and other small aviation businesses located at satellite airports located within 5 nautical miles of the ARSA center. If the mandatory participation requirement were to extend down to the surface at these airports, where under current regulations participation in the TRSA and radio communication with ATC is voluntary, operations at these airports might be altered, and some business could be lost to airports outside of the ARSA core. Because FAA is excluding almost every satellite airport located within the 5-nautical-mile ring to avoid adversely impacting their operations, and in some cases will achieve the same purposes through Letters of Agreement between ATC and the affected airports establishing special procedures for operating to and from these airports, FAA expects to virtually eliminate any adverse impact on the operations of small satellite airports which potentially could result from the ARSA program. Similarly, FAA expects to eliminate potential adverse impacts on existing flight training practice areas, as well as, soaring, ballooning, parachuting, and ultralight activities, by developing special procedures which will accommodate these activities through local agreements between ATC facilities and the affected organizations. For these reasons, a substantial number of small entities, defined in FAA Order 2100.14, "Regulatory Flexibility Criteria and Guidance," as more than one-third (but not less than eleven) of the small entities subject to a proposed rule, clearly will not be impacted by this rulemaking. Therefore, adoption of this final rule will not result in a significant economic impact on a substantial number of small entities.

The Air Line Pilots Association concurred with the proposal as an improvement in operational efficiency and a significant contribution to a reduction of midair collision potential.

The Air Transport Association endorsed the proposed designations as an improvement in safety with specific comments indicated below.

The General Aviation Manufacturers Association endorsed the ARSA's as an improvement in safety and concurred with the FAA's philosophy regarding some deviation from the standard model.

Comments on Particular Locations

Burbank-Glendale-Pasadena Airport, CA

The Professional Helicopter Pilot's Association opposed the ARSA, claiming that it would result in delays to their members departing Van Nuys Airport and proceeding east due to the requirement to communicate with Burbank Approach Control. Other commenters requested a cutout for the Van Nuys Airport. The airport traffic areas (ATA) of Burbank and Van Nuys abut. If the route to be flown requires entry into the Burbank ATA, communications with Burbank Tower is required today. The FAA does not believe the requirement to contact approach control rather than the tower is a significant change in procedures. The ARSA requires no modification in the present agreement that exists between the two control facilities regarding their ATA's. Thus, if the route remains within the Van Nuys ATA, a clearance from Van Nuys Tower, based upon the interfacility agreement, constitutes the ATC authorization required to operate within that portion of the ARSA within the Van Nuys ATA.

Several commenters requested a nonregulatory east to west corridor be established to the north. Other commenters requested terminating the ARSA north of Interstate 210. The FAA has modified the ARSA northwest of Burbank by termination of the ARSA beyond 8 miles. This will provide some of the relief requested. However, to use Interstate 210 as the ARSA boundary would impact upon traffic inbound to Runway 15. Toward the northeast, the boundary would be inside the Burbank ATA.

Some commenters requested a reduction in the 5- to 10-mile circle to the northwest due to terrain. The FAA has adopted this suggestion.

Commenters also requested a larger cutout for Whiteman Airport. The north boundary of the Whiteman Airport is located almost exactly on the 5-mile radius of the ARSA. The cutout of 1½ miles is larger than the cutout from the current TRSA and the altitude of 3,000 feet MSL for the 5- to 10-mile circle provides an additional 800 feet as compared to the standard. For these reasons the FAA does not believe that increasing the horizontal limits of the cutout is warranted.

Several commenters objected to the ARSA on the basis that it would negatively impact flight training, hang gliding, soaring, and balloon activities. Some of these activities are conducted beyond the boundaries of the ARSA. In other situations, the activities are conducted away from normal flight paths. In the latter cases, local agreements will be established between the local FAA facility and these users. The FAA indicated in the proposal and adoption of the ARSA rule (50 FR 9252, March 6, 1985) that local agreements could be established to accommodate these needs.

The Home Owners Association of Encino requested the establishment of a TCA for the Burbank area, and alternatively supported the ASA designation. Establishment of a TCA for Burbank is beyond the scope of the proposal.

Other commenters supported the ARSA proposal as an improvement in aviation. One commenter suggested that the 5- to 10-mile circle be deleted from approximately the 315° bearing clockwise to the 004° bearing. The commenter's rationale was that access to Whiteman Airport was needed from the north and east. The FAA has reduced the dimensions of the ARSA in this area but total elimination is not warranted. Access to the Whiteman Airport through Newhall Pass is provided with this reduction as well as increased access from the east.

The above commenter also requested that the cutout for Whiteman Airport be enlarged in the vicinity of Hansen Dam to provide for departures from Whiteman. The FAA does not concur with this recommendation. The cutout as configured provides for Whiteman traffic, and if enlarged it would further impact the arriving traffic to Runway 15 at Burbank.

Several commenters requested that the 5- to 10-mile circle to the east be deleted from the ARSA. The rationale for this request was that the area was not needed for IFR traffic. The ARSA program is for both IFR and VFR traffic and the FAA does not believe the suggested modification is warranted.

Several commenters requested that a portion of the 5- to 10-mile circle to the west and southwest be deleted. The rationale for this request was to increase the access to and from a VFR corridor and Sepulveda Pass. The FAA does not concur with this suggestion. As indicated above, the base altitude of 3,000 feet MSL in this area is 800 feet higher than the standard and this provides additional access to both of the requested areas.

El Toro MCAS, Santa Ana, CA

The United States Marine Corps and other commenters requested that the altitude of the 5- to 10-mile segment should go to the surface in the area of the final approach course for Runway 34. The rationale for this request is that this area has been identified as one where the potential for midair collisions is significant. This suggestion is beyond the scope of the ARSA proposal. However, these comments have been considered by the FAA and a rule under Part 93 is being promulgated to address this problem. Amendment 93–48 is published in this issue of the **Federal Register.**

Several commenters indicated that implementation of the ARSA would negatively impact flight training areas. This comment will be resolved by a local agreement.

Several commenters believed that due to the amount of traffic using John Wayne Airport, ARSA designation would result in delays. The FAA believes that any delays incurred as a result of the ARSA will be transitory in nature and eliminated as experience is gained by both pilots and controllers.

Comments were received requesting that the ARSA be limited to a radius of 5 miles from the airport with the exception of the final approach course for Runway 34. The FAA does not believe that such a departure from the national standard is warranted absent overriding considerations such as the terrain north and east of El Toro.

Greensboro–High Point–Winston-Salem Regional Airport, NC

The Soaring Society of America commented that the ARSA would negatively impact soaring activity at Whitsett Airport which is located approximately 20 miles east of the Greensboro Airport. The FAA believes that due to the location of this activity the ARSA will impose little if any restriction on the soaring activity. If a conflict arises between soaring activities it can be handled by a local agreement.

James M. Cox Dayton International Airport, OH

The United States Air Force was generally supportive of the ARSA but requested a local agreement to accommodate the airport traffic area at Wright-Patterson Air Force Base. This is within the scope of the rule and will be handled locally.

The Soaring Society of America stated that glider operations at airports located beyond ARSA boundaries would be negatively impacted due to increased traffic density. Also, cross-country soaring routes penetrate ARSA airspace. The designation of the Dayton ARSA will not itself increase the density of air traffic, and the FAA does not anticipate VFR traffic compression in the Dayton area as a result of the ARSA. Additionally, local agreements can be established to accommodate soaring activities in line with the need to provide ARSA services to other users.

One commenter requested that the Dayton ARSA be expanded to include Wright-Patterson Air Force Base. That request is beyond the scope of the proposal and could not be implemented without additional rulemaking.

Commenters requested a cutout be provided for Barnhart Memorial Airport. Other commenters requested that if a cutout was not provided that the floor of the 5- to 10-mile circle be raised to 3,000 feet MSL in that area. A representative of the Flying Association at Barnhart Airport stated that raising the floor to 2,400 feet MSL would accommodate their needs. The FAA has modified the Dayton proposal and established the floor of the 5- to 10-mile circle at 2,400 feet MSL. The FAA believes that a cutout for Barnhart is not warranted and that the increase in the altitude will provide for Barnhart operations.

Commenters requested that the altitude of the 5- to 10-mile circle not be segmented. The FAA agrees that the single altitude of 2,400 feet MSL will simplify the Dayton ARSA and provide the degree of service envisioned in the proposal.

Commenters requested the establishment of a nonregulatory corridor between the 5-mile ARSA radius and the airport traffic area (ATA) at Wright-Patterson Air Force Base. These comments indicated that users of Barnhart Airport currently pass between the Dayton and Wright-Patterson ATA's and thus do not have a communications requirement. Barnhart Airport is a private use airport and a local agreement can be established to provide for transiting the subject area that will provide for the level of safety and service envisioned by the proposal.

Lubbock International Airport, TX

The Soaring Society of America commented that establishment of the ARSA would negatively impact soaring operations at two airports. These concerns will be resolved with a local agreement.

The Southwest Regional Office of the Air Transport Association fully concurred with the Lubbock ARSA as proposed.

March and Norton Air Force Bases and Ontario International Airport

AOPA and other commenters indicated that March and Norton AFB's do not meet the criteria and therefore should not be designated as ARSA's. These two locations meet the recommended and adopted criteria.

AOPA, the County Board of Supervisors for San Bernardino County, Task 5A, a local aviation committee, and numerous other commenters objected to the ARSA designation based upon their belief that such would have a negative impact on training areas. The seeming conflict between the designated ARSA's and flight training area will be handled with a local agreement.

The Mayor's Office, Redlands, California, commented that the ARSA's should be modified to resolve any infringements on the traffic patterns at the smaller general aviation airports within the area. Cutouts have been provided to resolve this problem at those airports that otherwise would have been on an ARSA floor. The base of the 5- to 10-mile circles provides sufficient altitudes to allow access to these airports.

The Redlands' Mayor Office also requested that the ARSA's for March and Norton be established on a trial basis only. The FAA does not concur with this suggestion. The ARSA program has been evaluated and the purpose of this action is to establish the program. If modification becomes necessary, it can be accomplished with additional rulemaking action.

AOPA, EAA, the Soaring Society of America, and other commenters objected to the ARSA's upon their belief that designation would negatively impact soaring, hand gliding, and balloon activities. These activities will be handled through a local agreement as provided in the ARSA rule (50 FR 9252, March 6, 1985).

Task 5A commented that the resources of professional aviation groups be utilized prior to implementation to determine the feasibility of an ARSA and provide solutions to problems common to the Ontario area. The FAA does not concur with the delay further study and evaluation would entail. The ARSA program was recommended by professional aviation groups and has been evaluated at two operating facilities. This comment period has been provided for local interests to provide additional information and the FAA has adopted some of the suggestions received.

AOPA, EAA, Task 5A, and numerous commenters objected to ARSA designation based upon their belief that the VFR routes to the passes would need to be altered or that extensive delays would occur. The FAA has limited all three of the proposed ARSA's to provide for the access to the passes. Norton and Ontario are limited to the north and a corridor has been provided between these two ARSA's and March.

Several commenters indicated that increased access should be provided to the Riverside and Fla-Bob airports. The access to these airports has been increased due to the provision for the corridor between March and the other two ARSA's.

The United States Air Force fully concurred with the designations as proposed as a definite safety improvement in an area having a most serious midair collision potential.

Portland International Airport, OR

The City of Vancouver and several other commenters requested that the cutouts for Evergreen and Pearson Airports be enlarged. The FAA agrees with these comments regarding Pearson and that cutout has been enlarged. Local traffic patterns are in agreement with the Evergreen cutout and the FAA does not believe enlargement for Evergreen is warranted.

Commenters indicated that a single altitude for the 5- to 10-mile circle should be established. The segmentation of the 5- to 10-mile circle is necessary to provide the level of safety and service envisioned by the rule and is dictated due to terrain in the Portland area.

Tinker AFB, OK, and Will Rogers World Airport, Oklahoma City, OK

The United States Air Force concurred with the ARSA for Tinker AFB and Will Rogers if a local agreement can be established with the Tinker and Will Rogers. A local agreement will be established between the two facilities.

AOPA and other commenters claimed that Tinker AFB does not qualify as an ARSA candidate. Tinker AFB qualifies under the NAR criteria that were adopted.

The Air Transport Association (ATA), the University of Oklahoma, and other commenters concur with the proposed ARSA provided that a cutout for Westheimer Airport was provided below 3,000 feet MSL. The FAA concurs and a cutout of 3 miles has been provided.

The University of Oklahoma and other commenters requested that ARSA airspace be extended to the surface between the two 5-mile radii, or alternatively, that the Tinker ARSA not be designated. This suggestion was based upon their belief that compression would occur absent such a provision. The suggestion is beyond the scope of the proposal and cannot be adopted. The subject of compression has been addressed generally earlier in this document.

AOPA and other commenters indicated that ARSA designation would negatively impact training areas. Provision for training area will be made by local agreement.

Several commenters indicated that Interstate 35 was a VFR flyway for aircraft transiting the area and requested a corridor be established. The FAA agrees and has established a corridor for this area.

Other Comments

A number of other comments were received addressing matters beyond the scope of these proposals such as charting, the number of frequencies depicted on a chart, the general design features of an ARSA, etc. The FAA will give consideration to all of the points raised in these comments but will not address them as a part of this rulemaking.

Regulatory Evaluation

Those comments which addressed information presented in the Regulatory Evaluation of the NPRM, which included both dockets 85-AWA-2 and 85-AWA-3, have been discussed above. A detailed Regulatory Evaluation of the final rule in this docket, 85-AWA-2, has been placed in the regulatory docket.

Briefly, the FAA finds that a direct comparison of the costs and benefits of this rule is difficult for a number of reasons. Many of the benefits of the rule are nonquantifiable, especially those associated with simplification and standardization of terminal airspace procedures. Further, it is difficult to specifically attribute the standardization benefits, as well as the safety benefits, to individual ARSA sites. Finally, until more experience has been gained with ARSA operations, estimates of both the efficiency improvements resulting in time savings to aircraft operators, and the potential delays resulting from mandatory participation, will be quite preliminary.

ATC personnel at some facilities anticipate that the process will go very smoothly, that delays will be minimal, and that efficiency gains will be realized from the start. Other sites anticipate that delay problems will dominate the initial adjustment period.

FAA believes these adjustment problems will only be temporary, and that once established, the ARSA program will result in an overall improvement in efficiency in terminal area operations at those airports where ARSA's are established. These overall gains which FAA expects for the group of ARSA sites established by this rule typify the benefits which FAA expects to achieve nationally from the ARSA program. These Benefits are expected to be achieved without any additional controller staffing or radar equipment costs to FAA.

In addition to these operational efficiency improvements, establishment of these ARSA sites will contribute to a reduction in midair collisions. The quantifiable benefits of this safety improvement could range from less than $100 thousand, to as much as $300 million, for each accident prevented.

For the reasons, FAA expects that the ARSA sites established in this rule will produce long term, ongoing benefits which will exceed their costs, which are essentially transitional in nature.

Regulatory Flexibility Determination

Under the terms of the Regulatory Flexibility Act, the FAA has reviewed this rulemaking action to determine what impact it may have on small entities. FAA's Regulatory Flexibility Determination was published in the NPRM, and those comments which addressed it have been discussed above. For the reasons presented in the NPRM and clarified in the Discussion of Comments, FAA has determined that this rulemaking action is not expected to affect a substantial number of small entities. Therefore, the FAA certifies that this regulatory action will not result in a significant economic impact on a substantial number of small entities.

The Rule

This action designates Airport Radar Service Areas (ARSA) at the 11 airports listed below. Each location designated is a public or military airport at which a

nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of each ARSA will require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at each of the effected locations will reduce the risk or midair collision in terminal areas and promote the efficient control of air traffic.

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; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service area.

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 17—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues 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.

§ 71.501 [Amended]

2. Section 71.501 is amended as follows:

Burbank-Glendale-Pasadena Airport, CA [New]

The airspace extending upward from the surface to and including 4,800 feet MSL within a 5-mile radius of the Burbank-Glendale-Pasadena Airport (lat. 34°12'02" N., long. 118°21'27" W.) excluding that airspace within a 1.5-mile radius of the Whiteman Airport (lat. 34°15'35" N., long. 118°25'45" W.); and that airspace extending upward from 3,000 feet MSL to and including 4,800 feet MSL within a 10-mile radius of the Burbank-Glendale-Pasadena Airport, excluding that airspace from the 004° bearing from the airport clockwise to the 090° bearing from the airport and that airspace south of the north boundary of the Los Angeles, CA, Terminal Control Area and that airspace beyond 8 miles from the airport from the 315° bearing from the airport clockwise to the 343° bearing from the airport and that airspace east of a line beginning at a point on the 343° bearing from the airport on the 8-mile arc extending southeast to a point on the 004° bearing from the airport on the 5-mile arc.

El Toro MCAS, Santa Ana, CA [New]

That airspace extending upward from the surface to and including 4,400 feet MSL within a 5-mile radius of the El Toro Marine Corps Airport (lat. 33°40'18" N., long. 117°43'30" W.), excluding that airspace west of a line beginning at the point where the 255° bearing from the airport intersects the 5-mile arc and extending to the point where the 335° bearing intersects the 5-mile arc from the airport; and that airspace extending upward from 2,500 feet MSL to and including 4,400 feet MSL within a 10-mile radius of the airport from the 104° bearing from the airport clockwise to the 004° bearing from the airport.

Greensboro-High Point-Winston-Salem Regional Airport, NC [New]

That airspace extending upward from the surface to and including 5,000 feet MSL within a 5-mile radius of the Greensboro-High Point-Winston-Salem Regional Airport (lat. 36°05'47" N., long. 79°56'21" W.), and that airspace extending upward from 2,100 feet MSL to 5,000 feet MSL within a 10-mile radius of the Greensboro-High Point-Winston-Salem Regional Airport.

James M. Cox Dayton International Airport, OH [New]

That airspace extending upward from the surface to and including 5,000 feet MSL within a 5-mile radius of the James M. Cox Dayton International Airport (lat. 39°54'04" N., long. 84°13'12" W.), and that airspace extending upward from 2,400 feet MSL to and including 5,000 feet MSL within a 10-mile radius of the airport.

Lubbock International Airport, TX [New]

That airspace extending upward from the surface to and including 7,300 feet MSL within a 5-mile radius of Lubbock International Airport (lat. 33°39'49" N., long. 101°49'20" W.), and that airspace extending upward from 2,400 feet MSL to and including 5,000 feet MSL within a 10-mile radius of the airport.

March AFB, CA [New]

That airspace extending upward from the surface to and including 5,500 feet MSL within a 5-mile radius of the March AFB (lat. 33°53'01" N., long. 117°15'38" W.), and that airspace extending upward from 3,900 feet MSL to and including 5,500 feet MSL within a 10-mile radius of the airport south of the centerline of V–16/370 east of the airport clockwise to the 260° bearing.

Norton AFB, CA [New]

That airspace extending upward from the surface to and including 5,000 feet MSL within a 5-mile radius of the Norton AFB (lat. 34°05'43" W., long 117°14'03" W.), excluding that airspace within a 1.5-mile radius of Redlands Airport (lat. 34°05'07" N., long. 117°08'44" W.); and that airspace extending upward from 2,700 feet MSL to and including 5,000 feet MSL within a 10-mile radius of the airport and north of a line extending from the point where the 180° bearing from the airport intersects the 5-mile arc to the point where the 239° bearing from the airport intersects the 10-mile arc, and south of Foothills Boulevard to the west of Norton AFB.

Ontario International Airport, CA [New]

The airspace extending upward from the surface to and including 5,000 feet MSL within a 5-mile radius of the Ontario International Airport (lat. 34°03'26" N., long. 117°36'29" W.), excluding that airspace within a 1.5-mile radius of the Cable Airport (lat. 34°06'50" N., long. 117°41'20" W.) and that airspace within a 2-mile radius of the Chino Airport (lat. 33°58'30" N., long. 117°38'00" W.); and that airspace extending upward from 2,700 feet MSL to and including 5,000 feet MSL within a 10-mile radius of the airport and south of Foothills Boulevard on the east clockwise to the 314° bearing from the airport.

Portland International Airport, OR [New]

That airspace extending upward from the surface to and including 4,000 feet MSL within a 5-mile radius of Portland International Airport (lat. 45°35'20" N., long. 122°35'47" W.), excluding that airspace within a 1-mile radius of Evergreen Airport (lat. 45°37'20" N., long. 122°31'15" W.) and that airspace from the 003° bearing from Evergreen Airport clockwise to the 105° bearing from Evergreen Airport, and excluding that airspace up to but not including 1,100 feet MSL in an area bounded by a line beginning at the point where the 019° bearing from Pearson Airpark (lat. 45°37'17" N., long. 122°39'22" W.) intersects the 5-mile arc from Portland International Airport extending southeast to a point 1½ miles east of Pearson Airpark on the extended centerline of Runway 8/26 and thence south to the north shore of the Columbia River and thence west via the north shore of the Columbia River to the 5-mile arc from Portland International; and that airspace extending upward from 2,000 feet MSL to and including 4,000 feet MSL within a 10-mile radius of Portland International Airport from the 004° bearing from the airport clockwise to the 093° bearing from the airport, and that airspace extending upward from 1,700 feet MSL to and including 4,000 feet MSL within a 10-mile radius of the airport from the 093° bearing from the airport clockwise to the 196° bearing from the airport, and that airspace extending upward from 2,300 feet MSL to and including 4,000 feet MSL from the 196° bearing from the airport clockwise to the 268° bearing from the airport, and that airspace extending upward from 1,800 feet MSL to and including 4,000 feet MSL within a 10-mile radius of the airport from the 268° bearing from the airport clockwise to the 004° bearing from the airport.

Tinker AFB, OK [New]

That airspace extending upward from the surface to and including 5,300 feet MSL within a 5-mile radius of the Tinker AFB (lat. 35°25'06" N., long. 97°23'18" W.), excluding that airspace extending upward from the surface to but not including 3,000 feet MSL within 1½ miles either side of Interstate 35; and that airspace extending upward from 2,500 feet MSL within a 10-mile radius of Tinker AFB, excluding that airspace extending upward from 2,500 feet MSL to but not including 3,000 feet MSL within 1½ miles of Interstate 35, and excluding that airspace

extending upward from 2,500 feet MSL to but not including 3,000 feet MSL within a 3-mile radius of the University of Oklahoma Westheimer Airpark (lat. 35°15'00" N., long. 97°28'00" W.) and excluding that airspace designated as the Will Rogers World Airport, OK, Airport Radar Service Area.

Will Rogers World Airport, Oklahoma City, OK [New]

That airspace extending upward from the surface to and including 5,300 feet MSL within a 5-mile radius of the Will Rogers World Airport (lat. 35°23'35" N., long. 97°36'02" W., excluding that airspace within a 1-mile radius of Downtown Airpark (lat. 36°25'57" N., long. 97°31'58" W.) and that airspace extending upward from the surface to but not including 3,000 feet MSL within 1½ miles either side of Interstate 35; and that airspace extending upward from 2,500 feet MSL to and including 5,300 feet MSL within a 10-mile radius of Will Rogers World Airport, excluding that airspace east of a line beginning at a point on the 023° bearing from the airport at 5 miles and extending to the 10-mile arc parallel to Runway 17/35, and excluding that airspace extending upward from 2,500 feet MSL to but not including 3,000 feet MSL within 1½ miles either side of Interstate 35, and excluding that airspace extending upward from 2,500 feet MSL to but not including 3,000 feet MSL within a 3-mile radius of the University of Oklahoma Westheimer Airpark (Olat. 35°15'00" N., long. 97°28'00" W.), and excluding that airspace designated as the Tinker AFB, OK, Airport Radar Service Area.

Issued in Washington, DC, on December 4, 1985.

Daniel J. Peterson,

Manager, Airspace—Rules and Aeronautical Information Division.

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federal register

Monday
December 9, 1985

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 93

Marine Corps Air Station (MCAS) El Toro CA; Special Air Traffic Rules

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 24117; Amdt. No. 93-48]

Marine Corps Air Station (MCAS) El Toro, CA, Special Air Traffic Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes special air traffic rules for aircraft operations in the vicinity of MCAS El Toro, CA. This action being promulgated simultaneously with a final rule establishing an Airport Radar Service Area (ARSA) at MCAS El Toro, CA. The special air traffic rules will require pilots to establish and maintain two-way radio communication, in the affected airspace adjacent to the ARSA, with the FAA Coast Terminal Radar Approach Control Facility. Aircraft operations affected by this rule will be provided the same ATC services received by aircraft operating in the ARSA. Ultralight vehicle and parachute jump activity will be required to be conducted under an ATC authorization. The procedures adopted are expected to reduce the midair collision risk and promote the efficient control of air traffic.

EFFECTIVE DATE: 0901 G.m.t., January 16, 1986.

FOR FURTHER INFORMATION CONTACT: William C. Davis, 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, DC 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Background

A Terminal Radar Service Area (TRSA) is currently in effect at MCAS El Toro. A TRSA identifies an area surrounding a specified airport where ATC provides radar sequencing and separation not only to aircraft operating under instrument flight rules (IFR) but also to participating aircraft operating under visual flight rules (VFR). TRSA's are not established by regulation, and participation by pilots operating under VFR is voluntary, although pilots are urged to participate.

In 1978, the Commander of MCAS El Toro requested the FAA to replace the terminal radar service area (TRSA) in use at MCAS El Toro with a terminal control area (TCA) to exercise greater control of air traffic in the area around MCAS El Toro. This request was repeated in 1979 and 1981. Each request sought to improve the operating environment for military aircraft operating to and from MCAS El Toro and MCAS Tustin and for civil aircraft operating to and from John Wayne-Orange County Airport. The latter airports are located within 6 nautical miles of MCAS El Toro. Particular concern was expressed over the mix of dissimilar types of military and civil aircraft in the vicinity of Dana Point, California, with respect to the final approach course to Runway 34 at MCAS El Toro.

In each instance the FAA reviewed the information supplied by the United States Marine Corps (USMC) and concluded that establishment of a TCA was not warranted, although less restrictive measures were not ruled out.

The FAA recognizes and shares the USMC concern for the mix of aircraft operating in proximity to MCAS El Toro and has either taken or recommended to the USMC a number of actions to enhance the safety of the various flight operations. The FAA, with the cooperation of the USMC, published a Letter to Airmen focusing on the operations in the El Toro area, made revisions to Terminal Area and VFR Sectional Charts, published the Los Angeles/San Diego VFR Terminal Area Chart as two separate charts, initiated a thorough review of the instrument arrival procedures in use at MCAS El Toro, revised the southern California VFR Flight Reference Guide, and developed an aggressive Accident Prevention Program. In spite of these efforts, 26 near midair collisions were reported in the MCAS El Toro area in 1982.

In a meeting conducted between the FAA and the USMC to determine the effectiveness of these efforts, it was concluded that while some progress had been made, the need to enhance safety in the area remained; e.g., in 1983, 13 more near midair collisions were reported. Toward that end, the FAA published Notice No. 84-9, an advance notice of proposed rulemaking (ANPRM) (49 FR 24982; June 18, 1984), which sought comments on the establishment of a special airport traffic area at MCAS El Toro.

Concurrent with much of the foregoing the National Airspace Review (NAR), an advisory group specifically formed to review and make recommendations to the FAA on all airspace matters, was reviewing the national TRSA program. The NAR recommended that most TRSA's, including the one at MCAS El Toro, be replaced with an airport radar service area (ARSA). The FAA adopted this recommendation (50 FR 9252; March 6, 1985) and is establishing an ARSA at MCAS El Toro under separate action in this issue. However, the El Toro ARSA does not include all of the airspace originally proposed for inclusion in the special air traffic rules area in Notice No. 84-9. It is the FAA policy to limit the dimensions of an ARSA to the airspace within 10 nautical miles of the primary ARSA airport. Beyond the 10-mile edge of the ARSA, FAA procedures require that controllers provide participating pilots the same aircraft separation and traffic advisory procedures that are provided within the ARSA; however, pilot participation in this additional service is voluntary. VFR aircraft may traverse the area without contracting the air traffic control facility.

Due to several factors unique to the MCAS El Toro situation, it is important to protect traffic in a small area outside of the standard ARSA boundary to the same extent as within the ARSA. These factors are: (1) The natural VFR route along the southern California coast crosses the MCAS El Toro Runway 34 approach course just outside of the ARSA 10-mile outer boundary; and (2) there is a high level of general aviation activity in the southern California area, and traffic along the coastline route near MCAS El Toro is very heavy. Adoption of the standard ARSA at MCAS El Toro, without similar action for airspace to the south of that ARSA, would continue to permit an undesirable mix of controlled military turbojet aircraft on approach to MCAS El Toro with uncontrolled general aviation aircraft operating under VFR along the coastline.

Analysis of Comments

The Southern California Association of Governments commented that the proposed rules represent a reasonable action to promote aviation safety. The Experimental Aircraft Association and John Wayne Airport Chief of Airport Operations and Facilities also expressed support for the proposal. One commentor suggested that the effect of the proposed special rules would be to force general aviation traffic into denser traffic areas as pilots attempt to avoid the proposed airspace with its associated proposed rules. In the interest of streamlining the flow of general aviation traffic in the vicinity of Dana Point, CA, this commentor offered an alternative to the proposed special rule which would mandate specific VFR routes and altitudes along the coastline between Abalone Point, CA, and San Clemente, CA. The commentor's alternative would have northbound traffic routed along the coastline, but over the land, at 1,800 feet MSL, 4,500

feet MSL, 6,500 feet MSL, etc., and the southbound traffic would also be routed along the coastline, but over water, at 2,300 feet MSL, 5,500 feet MSL, 7,500 feet MSL, etc. The FAA has adopted final rules which, when viewed in conjunction with the direction of flight requirements of § 91.109, effectively accomplish the commentor's recommendation.

The National Business Aircraft Association (NBAA) commented that the proposed rules represent rules that are more restrictive to en route aircraft than all but the very busiest civilian terminal areas and suggested that the proposal be revised to propose ARSA-like rules for the subject airspace. The FAA agrees with the NBAA and is establishing the special rules in conjunction with the MCAS El Toro ARSA. Additionally, since the affected areas are in the airspace referred to as the ARSA "outer area," the ATC services that are provided on a mandatory basis is an ARSA outer area will be provided in the airspace included within the special air traffic rules area.

Another individual commentor suggested that nonparticipating traffic avoiding the airspace by flying above it at altitudes above 4,000 feet MSL is currently subjected to the potential for a midair collision with military turbojet aircraft also operating above 4,000 feet MSL in the VFR "overhead" traffic pattern at MCAS El Toro. This commentor, in expressing support for the proposal, suggested that the ceiling of the special airspace be raised to 4,400 feet MSL to include the VFR military traffic. The ARSA being implemented simultaneously with these special air traffic rules has been raised to 4,400 as this altitude represents the standardized ARSA ceiling policy of 4,000 feet above the airport elevation. The ceiling of the special air traffic rules area abutting the ARSA at the 10-nautical-mile limit is also being established at 4,400 feet MSL to maintain consistency between the two areas.

The Airline Pilots Association (ALPA) opposed the proposed rules on the grounds that it would duplicate, to a large extent, the existing requirements of §§ 91.85 and 91.87. ALPA also expressed concerns that any implementation of such a proposal, especially at a military airfield, would set a precedent for the establishment of similar rules at other military airfields. ALPA also commented that the proposal failed to address the issue of ATC services provided in the airspace of the proposed rules. ALPA also suggested that the proposed rules be set aside in favor of a proposed ARSA for MCAS El Toro, CA. The Aircraft Owners and Pilots Association (AOPA) shared ALPA's concerns that a precedent would be set if special rules were to be adopted for MCAS El Toro, especially in view of the efforts of the National Airspace Review to standardize and simplify the various types of airspace. AOPA stated that it would be unacceptable for the FAA to utilize special airport traffic areas at other locations with similar traffic levels and mixes. The FAA partially agrees with these comments and has implemented an ARSA that encompasses the bulk of the proposed area that would have been covered by the special air traffic rules. However, the ARSA as it is being established does not fully provide the protection in the areas identified in the proposal that are outside the ARSA. As a result of the unique geographic and traffic conditions near MCAS El Toro, the FAA is adopting the proposed rules to the extent necessary to reduce the midair collision risk in the affected areas.

AOPA further objects to the proposal on the basis that extensive delays would result because of the high density traffic flows along the California southern coastline and the perceived inability of Coast TRACON to handle current traffic. AOPA bases this objection on numerous reports they have received of VFR pilots being unable to avail themselves of radar advisories through the current TRSA during moderately busy periods. AOPA also believes that the subject airspace is already complex and the installation of more special air traffic rules would reduce the efficiency of ATC service for John Wayne-Orange County Airport. The FAA reviewed the traffic flows in the John Wayne-MCAS El Toro area in conjunction with the ARSA and rules being adopted under this action. The review did not indicate any resulting increase in delays that would be caused by the adoption of these special air traffic rules.

AOPA suggested that traffic would be compressed at altitudes above and below, as well as into routings south and west, of the proposed airspace. AOPA believes this effect will increase the midair potential because the compression would tend to result in a mixture of opposing flows of traffic. Concerned with the survival aspects of ditching a single-engine aircraft, AOPA suggested that most general aviation type aircraft circumnavigating the proposed airspace via an over water route would be beyond the gliding distance to land. The FAA expects that the limitation of the special air traffic rules to a relatively small area encompassing the final approach course to Runway 34 at MCAS El Toro, and the implementation of the procedures in conjunction with the ARSA, will encourage participation rather than avoidance. This is because the ATC services to VFR aircraft in the affected areas are primarily advisory and actual separation is only applied when an IFR aircraft is involved. Prior to the adoption of these rules, ATC was required to apply separation in all cases.

Another individual commentor suggested that the FAA adopt the proposed rules and if any additional controllers are required to provide ATC service in the affected area, then the USMC should pay for those additional controllers. The commentor also suggested that the adopted rules should require aircraft to be equipped with altitude encoding transponders when conducting operations in the affected airspace. The FAA does not foresee any need to increase controller staffing as a result of implementing special air traffic rules in the affected airspace. Further, the FAA did not propose to require the use of transponders with altitude encoding equipment in the proposed special airport traffic area and has not identified any compelling safety reason to require such equipment in this final rule.

Adoption of Proposal

The FAA has considered the comments received in response to the ANPRM and in response to Airspace Docket No. 85–AWA–2 proposing implementation of the ARSA at MCAS El Toro, CA. The ARSA at MCAS El Toro has been adopted. However, since the lateral limits of the ARSA are consistent with the FAA policy concerning the size of ARSA's, aircraft operating in a portion of the airspace originally proposed in the ANPRM would not be included in the adopted ARSA. Specifically, military turbojet aircraft between 5 and 10 miles south of MCAS El Toro, below 2,500 feet MSL, and between 10 and 15 miles south on final approach to Runway 34 and MCAS El Toro, would not be afforded the protection of the two-way radio communications rules associated with the ARSA. Accordingly, the FAA is adopting the proposed special air traffic rules only to the extent necessary to incorporate the airspace associated with the final approach course to MCAS El Toro not included in the ARSA.

The special air traffic rules proposed in the ANPRM have been adopted without issuance of a further notice of proposed rulemaking (NPRM) in

consideration of the benefits of simultaneous implementation of the rules and the MCAS El Toro ARSA. Because the special air traffic rules area adopted was specifically proposed in the ANPRM, and because all issues relevant to this action have been considered in this docket and in the ARSA rulemaking, the FAA believes that sufficient notice and opportunity for comment have been provided and that issuance of a final rule is appropriate.

The area within which the adopted special air traffic rules apply is between the MCAS El Toro Airport 164° and 189° true bearings, beginning at the 5-nautical-mile arc of the airport and extending southward to the 15-nautical-mile arc of the airport, from the surface to 2,500 feet MSL between the 5-nautical-mile and 10-nautical-mile arcs, and from 2,500 feet MSL up to and including 4,400 feet MSL between the 10-nautical-mile and the 15-nautical-mile arcs. The adopted air traffic rules require all aircraft operating within the proposed airspace to establish and maintain two-way radio communications with Coast Approach Control and all aircraft operations to be conducted in accordance with air traffic control instructions. The special air traffic rules and special airspace area are effective daily from 0600 to 2400 local time. Additionally, ultralight and parachute jumping operations are required to obtain an ATC authorization to conduct operations within the proposed special airspace area.

The FAA is implementing air traffic control procedures coincidentally with the implementation of the ARSA. These procedures will apply to aircraft operations within the special air traffic rules area and are identical to those mandatory procedures applied to aircraft operations within the MCAS El Toro ARSA and to participating aircraft within the Coast TRACON approach control delegated airspace within radar and two-way radio communications coverage of that facility. Specifically, ATC will provide safety advisories to all aircraft, separation between all aircraft operating uder IFR, conflict resolution between an aircraft operating under VFR and any aircraft operating under IFR, and traffic advisories to all aircraft operating under VFR.

Regulatory Evaluation

The FAA expects that implementation of the Part 93 special air traffic rules for MCAS El Toro, CA, can be accomplished with little adverse impact on general aviation activity in that area. These special air traffic rules will supplement the MCAS El ARSA that is simultaneously being established and will affect a relatively small amount of additional airspace. Potential impacts which may result from this special air traffic rules action are similar to those discussed in the regulatory evaluation of the proposed MCAS El Toro ARSA (50 FR 31472, August 2, 1985).

The FAA does not expect any appreciable delay, circumnavigation, or overflight costs to result from establishments of the special air traffic rules. As previously stated in the "Analysis of Comments," the FAA review of traffic flows in the MCAS El Toro area indicated that the delay problems anticipated by a commentor would not result from the adoption of these special air traffic rules. Local ATC personnel have estimated that only about 5 single-engine piston aircraft daily might elect to overfly or deviate approximately 4 nautical miles to avoid the special air traffic rules airspace. Applying the same variable operating cost and value of passenger time figure used to estimate delay costs in the MCAS El Toro ARSA NPRM ($83.64 per hour for single-engine piston aircraft), the FAA estimates that the total annual circumnavigation or overflight costs that might be incurred by general aviation operators would not exceed $5,000 per year. Further, local ATC personnel do not expect that additional controller staffing or equipment will be required to implement the special air traffic rules, and that aircraft owners will not need to install any additional equipment as a result of these new rules.

The FAA does not expect to incur any additional charting costs because the minor revisions reflecting this rule change will be made during regularly scheduled charting cycles. Further, because pilots are required to use current charts, they also will not incur any additional costs. Information on the special air traffic rules will be disseminated in the same letter to airmen that disseminates information concerning the new MCAS El Toro ARSA. This information will be sent to all pilots living in the vicinity of MCAS El Toro, CA. This is a relatively minor one-time administrative expense, and should not exceed $1,000. Information will also be disseminated during the regularly scheduled safety seminars conducted by the FAA, and will, therefore, not result in any additional expense attributable to the special air traffic rules implementation.

The FAA expects that the primary benefit of the special air traffic rules will be a reduction in the midair collision risk which now exists in the Dana Point, CA, area because of the mix of controlled military turbojet aircraft approaching MCAS El Toro with uncontrolled general aviation aircraft operating along the natural VFR route created by the southern California coastline. The operating characteristics of many of these military aircraft require that they operate at relatively high airspeeds in the terminal environment, increasing the midair collision risk. The FAA estimates that the quantifiable benefits which will be achieved by the prevention of a fatal midair collision involving a light general aviation aircraft and a state-of-the-art tactical aircraft will be approximately $25 to $30 million per accident prevented. Clearly, the potential benefits of this action far outweigh its relatively minor implementation costs.

For the reasons stated above, the FAA has determined that this document involves regulations which are not considered to be major under the procedures and criteria prescribed by Executive Order 12291. Neither is this document considered to be significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained from the person identified as the contact for further information.

International Trade Impact Analysis

This proposed regulation will only affect airspace operating procedures at one location within the U.S. As such, it will have no affect on the sale of foreign aviation products or services in the U.S., nor will it affect the sale of U.S. aviation products or services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules which may have "a significant economic impact on a substantial number of small entities."

The small entities which potentially could be affected by the adoption of these special air traffic rules are any small entities which use aircraft in the course of their business (whether or not that business is aviation related). However, because only an extremely small portion of the total national airspace is affected by these special air traffic rules, and because the FAA does not expect any appreciable delay

problems to result from them, such small entities are expected to be only minimally impacted.

For these reasons, the FAA certifies that this amendment will not result in a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required under the terms of the RFA.

List of Subjects in 14 CFR Part 93

Aviation safety, Airspace, Air traffic control.

The Amendment

For the reasons set out in the preamble, Part 93 of the Federal Aviation Regulations (14 CFR Part 93) is amended as follows:

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

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

2. A new Subpart R is added to read as follows:

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

* * * * *

Subpart R—MCAS El Toro, CA, Special Air Traffic Rules

Sec.

Subpart R—MCAS El Toro, CA, Special Air Traffic Rules

§ 93.200 Applicability.

This subpart prescribes special air traffic rules for persons conducting aircraft operations in the area designated in this subpart.

§ 93.202 MCAS El Toro, CA, special air traffic rules area.

(a) The MCAS El Toro, CA, special air traffic rules area is designated as that airspace between the 164° and the 189° true bearings of the MCAS El Toro, CA, Airport (lat. 33°40'18" N., long. 117°43'30" W.), beginning at the 5-nautical-mile arc of the airport and extending southward to the 15-nautical-mile arc, from the surface to 2,500 feet MSL between the 5-and-10-nautical-mile arcs, and from 2,500 feet MSL to and including 4,400 feet MSL between the 10-and-15-nautical-mile arcs.

(b) The effective period of the MCAS El Toro, CA, special air traffic rules area of from 0600 to 2400 local time.

§ 93.204 Communications.

Unless otherwise authorized or required by ATC, no person may operate an aircraft in the MCAS El Toro, CA, special air traffic rules area unless two-way radio communication is established with the FAA Coast Terminal Radar Approach Control Facility prior to entering that area and is thereafter maintained with the facility while within that area.

§ 93.206 Ultralight operations.

No person may operate an ultralight vehicle within the MCAS El Toro, CA, special air traffic rules area unless that person has prior authorization from the FAA Coast Terminal Radar Approach Control Facility.

§ 93.208 Parachute jumping.

No person may make a parachute jump and no pilot in command may allow a parachute jump to be made from the aircraft in or into the MCAS El Toro, CA, special air traffic rules area unless that person has prior authorization from the FAA Coast Terminal Radar Approach Control Facility.

Issued in Washington, DC, on November 26, 1985.

Donald D. Engen,

Administrator.

[FR Doc. 85-29126 Filed 12-6-85; 8:45 am]

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H.R. 2419 / Pub. L. 99-169

Intelligence Authorization Act for Fiscal Year 1986. (December 4, 1985; 99 Stat. 1002; 10 pages) Price: $1.00

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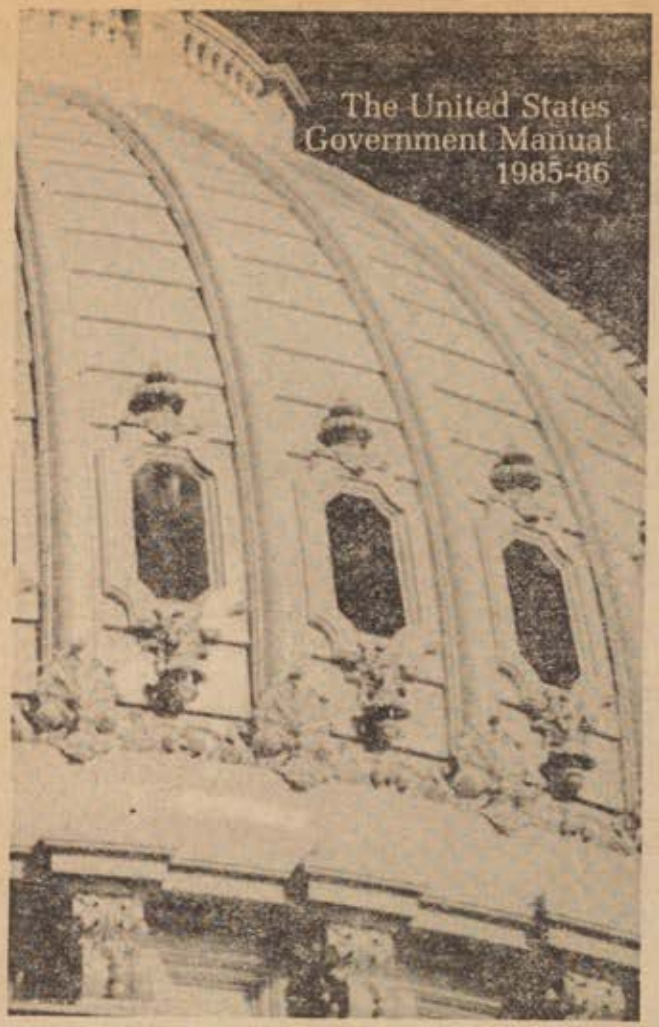

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