12-16-85
Vol. 50 No. 241
Pages 51235-51382

Federal Register

Monday
December 16, 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

CONTINUED INSIDE

Selected Subjects

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

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

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

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

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

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

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

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

WHO: The Office of the Federal Register.

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

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

PHILADELPHIA, PA

WHEN: Dec. 17; at 1 pm.
Dec. 18; at 9 am. (identical session)

WHERE: Room 3306/10,
William J. Green, Jr., Federal Building,
600 Arch Street, Philadelphia, PA.

RESERVATIONS: Laura Lewis,
Philadelphia Federal Information Center,
215-597-1709

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.

Contents

Federal Register
Vol. 50, No. 241
Monday, December 16, 1985

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.

7 CFR
Proposed Rules:
994 51344

8 CFR
103 51235

14 CFR
11 51332
39 (3 documents) 51235–51237
71 (3 documents) 51238–51240
198 51332
Proposed Rules:
39 51259
71 (2 documents) 51259, 51260
73 51260

18 CFR
2 51240
152 51240
154 51240
157 51240
284 51240
375 51240
381 51240

20 CFR
601 51241

23 CFR
230 51242

25 CFR
23 51244

28 CFR
65 51340

29 CFR
Proposed Rules:
20 51354

33 CFR
117 51246

40 CFR
52 51250
81 51251
Proposed Rules:
52 51262
261 51264
264 51264
265 51264

47 CFR
Proposed Rules:
73 (4 documents) 51265–51269

50 CFR
17 51251
227 51252

Rules and Regulations

Federal Register
Vol. 50, No. 241
Monday, December 16, 1985

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends 8 CFR 103.1(o)(4) to delegate to the Officer in Charge of the INS office in Montreal, Canada the authority to deny waivers of grounds of excludability. This delegation provides more efficient management and expedites responses to applicants.

EFFECTIVE DATE: December 16, 1985.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-3048

For Specific Information: Margaret M. Smitherman, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-3320

SUPPLEMENTARY INFORMATION: The Officer in Charge of the Service office in Montreal, Canada had been authorized to approve but not deny all applications for waivers of excludability filed by aliens at American consulates in Canada. Procedures required that an order by the Officer in Charge recommending denial be certified to the District Director in Buffalo, New York. With a view toward more efficient management, the delegation of signatory authority by the District Director in Buffalo to the Officer in Charge in Montreal to deny applications for waiver of excludability will provide for an expeditious response to those affected by this rule.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this rule relates to agency management.

In accordance with 5 U.S.C. 605(b) the Commissioner of Immigration and Naturalization certifies that this rule does not have a significant economic impact on a substantial number of small entities. This order is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Delegation of authority, District directors, Immigration, Powers and duties of Service officers.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

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

Authority: Sec. 103 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103).

2. In § 103.1, paragraph (o)(4) is revised to read as follows:

§ 103.1 Delegations of authority.

(o) * * *

(4) The Officer in Charge of the office in Montreal, Canada is authorized to perform preinspection of passengers and crew of aircraft departing directly to the United States mainland and to authorize or deny waivers of grounds of excludability under section 212 (h) and (i); also, to approve or deny applications for permission to reapply for admission to the United States after deportation or removal, when filed in conjunction with an application for waiver of grounds of excludability under sections 212 (h) or (i) of the Act.

* * * * *

Dated: December 9, 1985.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 85-29641 Filed 12-13-85; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-65-AD; Amdt. 39-5183]

Airworthiness Directives: Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires inspection and repair, as necessary, of the Body Station (BS) 1016 pressure bulkhead on certain Boeing Model 737 airplanes. The existing AD applies to all models; however, the FAA has determined that the applicability is unnecessarily broad and should be limited to those airplanes specified in the manufacturer's service bulletin. This amendment provides such a limitation.

DATES: Effective January 20, 1986.

ADDRESSES: The applicable service documents may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Holmes, Airframe Branch, ANM-120S; telephone (206) 431-2926. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to amend AD 84-20-03 (49 FR 38534; October 1, 1984), which requires inspection and repair, as necessary, of the BS 1016 aft pressure bulkhead on all Boeing Model 737 series airplanes, was published in the **Federal Register** on August 12, 1985 (50 FR 32440).

This amendment was prompted by several requests from both operators and the manufacturer to exclude the new Boeing Model 737-300 from the requirements of the existing AD, since there has been no related history to

justify the prescribed inspections for that model.

Initial reports of corrosion and cracking in the lower lobe of the BS 1016 aft pressure bulkhead on earlier Boeing Model 737–100 and 737–200 airplanes have been attributed to a deteriorated leveling compound and plugged drain hole which allows fluids from the aft toilet to accumulate in the lower lobe of the BS 1016 aft pressure bulkhead. Later models of these airplanes incorporated an improved leveling compound and an enlarged drain hole. There have been no reports on these later models to justify their inclusion in the AD.

The comment period for the proposed amendment closed October 4, 1985. Interested persons have been afforded an opportunity to participate in the making of this AD and due consideration has been given to all comments received.

Two comments were received in response to the NPRM. One commenter, a foreign operator, stated that his company is currently complying with AD 84–20–03. The other comment was received from the Air Transport Association of America (ATA), on behalf of its member operators, which supported the proposed amendment.

After consideration of all available data and the comments received, the FAA has determined that air safety and the public interest require the adoption of the amendment as proposed.

This amendment will reduce the applicability of AD 84–20–03 to those airplanes specified by Boeing Service Bulletin 737–53–1075, Revision 1, dated September 2, 1983. Since the amendment limits the applicability of an existing AD, there is no significant economic or regulatory impact on affected operators.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 737 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

§ 39.13 [Amended]

2. By amending Airworthiness Directive 84–20–03, Amendment 39–4923 (49 FR 38534; October 1, 1984), by revising the effectivity statement preceding paragraph A. to read as follows:

"Boeing: Applies to Model 737 series airplanes, certificated in any category, as listed in Boeing Service Bulletin 737–53–1075, Revision 1, dated September 2, 1983, with more than 20,000 flight hours time in service or 7 years since manufacture, whichever occurs first. Compliance is required as indicated. To ensure the continuing structural integrity of the aft pressure bulkhead, accomplish the following:"

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective January 20, 1986.

Issued in Seattle, Washington, on December 6, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85–29615 Filed 12–13–85; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 85–NM–80–AD; Amdt. 39–5185]

Airworthiness Directives: DeHavilland Aircraft of Canada, Ltd., Model DHC–8 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all known persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain DeHavilland Model DHC–8 series airplanes by individual telegrams. The AD requires flight manual limitations to prohibit takeoff, landing, and climb in the vicinity of lightning and continuous ignition. This action was prompted by reports of lightning strike incidents on Model DHC–8 airplanes, which damaged the electronic control units.

DATES: Effective December 26, 1985.

This AD was effective earlier to all recipients of telegraphic AD T85–14–51 dated July 12, 1985. Compliance required before further flight after the effective date of this AD, if not already accomplished.

ADDRESSES: The applicable service information specified in this AD may be obtained upon request to DeHavilland Aircraft of Canada, Ltd, Garrat Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington, or the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Perrotta, Propulsion Branch, ANE–174; telephone (516) 791–7421. Mailing address: FAA, New England Region, New York Aircraft Certification Office, 181 S. Franklin Avenue, Room 202, Valley Stream, New York 11581.

SUPPLEMENTARY INFORMATION: Transport Canada, which is the airworthiness authority for Canada has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition that may exist on DeHavilland Model DHC–8 airplanes.

Two lightning strike incidents have been reported on DHC–8 airplanes in which the engine electronic control units and associated wiring were found vulnerable to induced transients. This could cause engine flame out or power loss and adversely affect the electronic control units and the propeller auto-feathering function.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, telegraphic AD T85–14–51 was issued July 12, 1985, which requires flight manual limitations to prohibit takeoff, landing and climb in the vicinity of lightning. Continuous ignition is also

required below 1500 feet above ground level during takeoff and landing.

Since a situation existed, and still exists, that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to public interest, and good cause exists to make the amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

DeHavilland Aircraft of Canada, LTD.: Applies to all Model DHC-8-101 airplanes, certificated in any category. Compliance is required prior to further flight after the effective date of this airworthiness directive (AD). To minimize the danger of lightning transient-induced damage to the electronic engine control units, accomplish the following, unless previously accomplished:

A. Prior to further flight, incorporate the following limitations into the limitations section of the airplane flight manual. This may be accomplished by including a copy of this AD in the flight manual.

1. To preclude lightning-induced damage to the electronic engine control units, takeoff is prohibited when lightning or thunderstorms have been observed or reported in the immediate vicinity of the airport.

2. Operation with engine ignition selected to manual is required during every takeoff, takeoff climb to 1500 feet AGL, final approach, and landing.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, New York Aircraft Certification Office, FAA, New England Region.

All person affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to DeHavilland Aircraft of Canada, Ltd., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. These documents may be examined at the FAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington, or the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York.

This amendment becomes effective December 26, 1985, as to all persons, except those persons to whom it was made immediately effective by telegraphic AD 85-14-51 issued July 12, 1985.

Issued in Seattle, Washington, on December 6, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-29616 Filed 12-13-85; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 85-NM-81-AD; Amdt. 39-5184]

Airworthiness Directives; DeHavilland Aircraft of Canada, Ltd., Model DHC-8 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all known persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain DeHavilland Model DHC-8 airplanes by individual telegrams. The AD requires incorporation of certain flight manual limitations and special procedures to be followed until the flap drive units are modified. This action was prompted by reports of flap positioning malfunction which, if not corrected, could result in a hazardous situation during takeoff and landing.

DATES: Effective December 31, 1985.

This AD was effective earlier to all recipients of telegraphic AD T85-14-52, dated July 18, 1985. Compliance required before further flight after the effective date of this AD, if not already accomplished.

ADDRESSES: The applicable service information specified in this AD may be obtained upon request to DeHavilland Aircraft of Canada, Ltd., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington, or at the FAA, New England Region, New York Aircraft Certification Office, 1815 South Franklin Avenue, Room 202, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Mr. William White, Systems and Equipment Branch, ANE-173; telephone (516) 791-6427. Mailing address: FAA, New York Aircraft Certification Office, 1815 Franklin Avenue, Room 202, Valley Stream, New York 11581.

SUPPLEMENTARY INFORMATION: Transport Canada, the airworthiness authority for Canada, has, in accordance with existing provisions of a bilateral agreement, notified the FAA of an unsafe condition that may exist on certain DeHavilland Model DHC-8 airplanes. Certain flap drive power units may incorporate spur gears manufactured from an incorrect material which is subject to premature deterioration. This creates a potential for flap position malfunctions during takeoff and landing, which could lead to a hazardous situation:

1. When flaps are selected down to intermediate flap angles, the flaps could travel to the full down (35 degree) position; or similarly

2. When the intermediate flap angles are selected from the full down position, full retraction (0 degrees) could result.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, telegraphic AD T85-14-52 was issued July 18, 1985, which requires incorporation of certain flight manual limitations and special procedures to be followed until the suspect flap drive units are replaced with modified units.

Since a situation existed, and still exists, that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to public interest, and good cause exists to make the amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required).

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

2. By adding the following new airworthiness directive:

DeHavilland Aircraft of Canada, Ltd.: Applies to all Model DHC-8-101 airplanes, certificated in any category, equipped with flap drive power units, Sunstrand Part Number 734177A or 734177B, Serial Numbers 101, 103-105 inclusive, and 107-110 inclusive. Compliance is required as indicated, unless previously accomplished.

To reduce the hazards associated with flap drive power unit malfunctions, prior to further flight, accomplish the following:

A. Incorporate the following into the limitations section of the airplane flight manual. This may be accomplished by including a copy of this AD in the airplane flight manual.

1. Flaps extended speed (VFE) is limited to 130 KIAS for all flap angles;

2. Single engine approach training is prohibited;

3. The flap indicator must be monitored to confirm that the selected angle is achieved; and

4. In the event of an engine inoperative approach, flap should be selected as early as possible and landing flap should not be selected until the landing is assured. If the selected flap angle is exceeded, flap must be reselected to 0 degrees and the approach and landing continued at not less than the 0 flap 1.3 V_s in figure 5/5A-4-2.

B. Within two weeks after the effective date of this amendment, replace the flap drive power units listed above with 27-2 units modified in accordance with DHC Service Bulletin 8-27-6 dated July 10, 1985, and remove the AFM limitations required by paragraph A., above.

C. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, New York Aircraft Certification Office, FAA, New England Region.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to DeHavilland Aircraft of Canada, Ltd., Garrett Boulevard, Downsview, Ontario M3K 1Y5, Canada. These documents may be examined at the FAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington, or the FAA, New England Region, New York Aircraft Certification Office, 1815 South Franklin Avenue, Room 202, Valley Stream, New York.

This amendment becomes effective December 31, 1985, as to all persons, except those persons to whom it was made immediately effective by telegraphic AD 85-14-52, issued July 18, 1985.

Issued in Seattle, Washington, on December 6, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-29617 Filed 12-13-85; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 85-AWP-19]

Alteration and Redefinition of the Fresno, California, Transition Area and Fresno Air Terminal Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter and redefine the transition area at Fresno, California, and Fresno Air Terminal, Fresno, California, Control Zone. This action is necessary to accommodate the name and identification change of the Fresno Very High Frequency Omni-directional Radio Range and Tactical Air Navigation Aid (VORTAC). This action also provides a small alteration to the existing transition area for clarity. The new description refers to geographical coordinates which are permanent in nature and deletes reference to the Fresno VORTAC.

EFFECTIVE DATE: 0901 G.m.t. March 13, 1986.

FOR FURTHER INFORMATION CONTACT: Joe Fowler, Airspace Branch, Air Traffic Division, Federal Aviation Administration (FAA), 15000 Aviation Boulevard, Lawndale, California 90261; telephone (213) 297-1655.

SUPPLEMENTARY INFORMATION:

History

On July 15, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by altering and redefining the Fresno, California, Transition Area and Fresno Air Terminal Control Zone (50 FR 28589). These alterations are the result of the pending name change of the Fresno VORTAC. To preclude numerous editorial changes to the transition area and control zone descriptions, this amendment uses geographical coordinates as reference points which are permanent in nature and not subject to change. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will alter and redefine the description of the Fresno, California, Transition Area and the Fresno Air Terminal, Fresno, California Control Zone using geographical coordinates and deletes reference to the Fresno VORTAC used in the existing description. This action only changes the existing airspace slightly to provide a clear definition.

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

List of Subjects in 14 CFR Part 71

Control zones, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration, Part 71 of the FAR is revised as follows:

PART 71—[AMENDED]

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

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

2. Section 71.171 is revised as follows:

Fresno, CA—[Revised]

Beginning at lat. 36°45'30" N., long. 119°37'30" W.; to lat. 36°44'00" N., long. 119°36'30" W.; to lat. 36°42'10 N., long. 119°39'20" W.; to lat. 36°43'20" N., long. 119°40'30" W.; thence clockwise via the 5-mile radius circle of the Fresno Air Terminal (lat. 36°46'36" N., long. 119°43'03" W.); to lat. 36°49'40" N., long. 119°47'30" W.; to lat. 36°52'20" N., long. 119°49'30" W.; to lat. 36°54'00" N., long. 119°46'20" W.; to lat. 36°51'30" N., long. 119°44'30" W.; thence clockwise via the 5-mile radius circle to the point of beginning.

3. Section 71.181 is revised as follows:

Fresno, CA—[Revised]

That airspace extending upward from 700 feet above the surface beginning at lat. 36°39'00" N., long. 119°25'00" W.; direct to lat. 36°36'00" N., long. 119°27'40" W.; direct to lat. 36°41'30" N., long. 119°38'00" W.; direct to lat. 36°40'00" N., long. 119°43'40" W.; direct to lat. 36°39'30" N., long. 119°52'30" W.; direct to lat. 36°37'50" N., long. 119°55'25" W.; direct to lat. 36°40'45" N., long. 119°58'00" W.; direct to lat. 36°50'30" N., long. 119°50'55" W.; direct to lat. 36°54'00" N., long. 119°50'25" W.; direct to lat. 36°54'45" N., long. 119°46'30" W.; direct to lat. 36°51'30" N., long. 119°44'30" W.; thence clockwise via the 5-mile radius circle centered on the Fresno Air Terminal (lat. 36°46'36" N., long. 119°43'03" W.); to lat. 36°45'30" N., long. 119°37'30" W.; to the point of beginning. That airspace extending upward from 1200 feet above the surface beginning at lat. 37°29'00" N., long. 119°15'00" W.; to lat. 36°49'00" N., long. 118°46'00" W.; to lat. 36°39'00" N., long. 118°46'00" W.; to lat. 36°39'00" N., long. 119°09'00" W.; to lat. 36°00'00" N., long. 118°45'00" W.; to lat. 36°00'00" N., long. 119°30'00" W.; to lat. 37°02'00" N., long. 120°18'00" W.; to the point of beginning.

Issued in Los Angeles, California, on December 5, 1985.

H.C. McClure,

Director, Western-Pacific Region.

[FR Doc. 85-29621 Filed 12-13-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 85-ACE-11]

Designation of Transition Area—Centerville, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Centerville, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Centerville, Iowa, Municipal Airport, utilizing the Centerville Non-Directional Radio Beacon (NDB) as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

EFFECTIVE DATE: May 8, 1986.

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

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure is being developed for the Centerville, Iowa, Municipal Airport, utilizing the Centerville NDB as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Centerville, Iowa, at or above 700 feet above the ground within aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operations and while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Handbook 7400.6A, dated January 2, 1985.

Discussion of Comments

On page 40566 of the **Federal Register** dated October 4, 1985, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Centerville, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

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

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Centerville, Iowa

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Centerville Municipal Airport (latitude 40°41'02"N., longitude 92°54'00"W.); within 3 miles each side of the Centerville NDB (latitude 40°41'14"N., 92°54'00"W.) 319 degree bearing extending from the 5 mile radius area, to 8.5 miles northwest of the airport; and within 3 miles each side of the Centerville NDB 164 degree bearing extending from the 5 mile radius area, to 8.5 miles southeast of the airport.

This amendment becomes effective at 0901 GMT May 8, 1986.

Issued in Kansas City, Missouri, on December 5, 1985.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 85-29620 Filed 12-13-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 85-ACE-09]

Alteration of Control Zone; Grandview, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to amend the Richards-Gebaur Airport, Grandview, Missouri, Control Zone description to incorporate controlled airspace within the Control Zone that previously surrounded the abandoned State Line Airport, Kansas City, Missouri. This action will make the Grandview Control Zone a generally circular area of controlled airspace surrounding the airport compatible with the normal legal description for control zones.

EFFECTIVE DATE: May 8, 1986.

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

SUPPLEMENTARY INFORMATION: This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Control Zone description of the Richards-Gebaur Airport, Grandview, Missouri. The purpose of this amendment is to incorporate a portion of airspace within the Control Zone that previously surrounded the abandoned State Line Airport, Kansas City, Missouri. This action results in the Grandview, Missouri, Control Zone becoming generally circular as contemplated by Subpart F of Part 71 of the Federal Aviation Regulations. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A, dated January 2, 1985.

Discussion of Comments

On pages 40203, 40204 of the **Federal Register**, dated October 2, 1985, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Control Zone of Grandview, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

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

§ 71.171 [Amended]

2. By amending § 71.171 as follows:

Grandview, Missouri

Within a 5-mile radius of Richards-Gebaur Airport (latitude 38°50'37" N., longitude 94°33'37" W.); within 2½ miles each side of the Richards-Gebaur ILS localizer south course, extending from the 5-mile radius zone to 1 mile south of the OM; and within 2½ miles each side of the Richards-Gebaur TACAN 195° radial, extending from the 5-mile radius zone to 5½ miles south of the TACAN. This control zone shall be effective during the specific dates and time established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

This amendment becomes effective 0901 G.m.t. May 8, 1986.

Issued in Kansas City, Missouri, on December 5, 1985.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 85-29619 Filed 12-13-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 152, 154, 157, 284, 375, and 381

[Docket Nos. RM79-63-001 through RM79-63-005, and RM82-31-001 through RM82-31-005]

Fees Applicable to Natural Gas Pipelines

Issued November 29, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting rehearing for further consideration.

SUMMARY: On September 30, 1985, the Federal Energy Regulatory Commission (Commission) issued a final rule 50 FR 40332 (October 3, 1985), establishing fees for the services and benefits it provides to natural gas pipelines under the Natural Gas Act and the Natural Gas Policy Act of 1978.

In this order, the Commission grants rehearing of its decision solely for the purpose of further consideration.

EFFECTIVE DATE: November 29, 1985.

FOR FURTHER INFORMATION CONTACT: William H. Sipe, III, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-9088.

SUPPLEMENTARY INFORMATION:

Order Granting Rehearing for Further Consideration

Before Commissioners: Raymond J. O'Connor, Chairman; A. G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

Columbia Gas Transmission Corporation, *et al.*, the Process Gas Consumers Group, *et al.*, United Gas Pipe Line Company, the Interstate Natural Gas Association of America, and Transcontinental Gas Pipe Line Corporation filed timely requests for rehearing in the above-captioned dockets. Rehearing of the order issued on September 30, 1985, in Docket Nos. RM79-63-000 and RM82-31-000 is granted solely for the purpose of affording the Commission additional

time to consider the requests for rehearing. Pursuant to Rule 713(d) of the Commission's Procedural Rules, no answer to this order, or to the requests for rehearing, will be entertained.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-29673 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 601

Federal-State Employment Security Programs; Administrative Procedure

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor is revising the regulations for administrative procedures for the approval, certification and findings with respect to State laws and plans of operation for standard and additional tax credit and grant purposes. The change will require two rather than four copies of documents submitted to reduce paperwork burden. This will conform with the guideline requirement of 5 CFR 1320.6(c).

This regulation change is submitted without notice and without comment because it is a nonsubstantive change.

EFFECTIVE DATE: December 16, 1985.

FOR FURTHER INFORMATION CONTACT: Carolyn Golding, Director, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213; telephone: (202) 376-6636 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: 5 CFR 1320.6(c) provides that no more than three copies may be required of a collection burden unless otherwise justified.

The changes made in this document are:

1. Section 601.2(a) will now require the States to submit two copies of their unemployment compensation law to the Regional Administrator, Employment and Training Administration (RAETA), instead of four.

2. Section 601.2(b) will require the RAETA to send one copy of the State unemployment compensation law submitted according to § 601.2(a) to the central office of the Employment and Training Administration instead of three.

3. Section 601.3(a) will require the States to submit two copies of relevant State materials as discussed in that section to the RAETA instead of four.

4. Section 601.3(b) will require the RAETA to send one copy of the relevant State materials to the central office instead of three.

Drafting Information

This document was prepared under the direction and control of the Director of the Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213; telephone: (202) 376-6636 (this is not a toll-free number).

Classification—Executive Order 12291

The rule in this document is not classified as a "major rule" under Executive Order 12291 of Federal Regulations, because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Department believes that this rule will have no "significant economic impact on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b). This rule merely reduces the number of copies of State laws and other relevant materials required to be submitted by the States to the RAETA, and by the RAETA to the ETA central office, and has no economic impact on any small entities. The Secretary has certified to this effect to the Chief Counsel for Advocacy of the Small Business Administration. Accordingly, no regulatory flexibility analysis is required.

List of Subjects in 20 CFR Part 601

Administrative procedures, Reporting requirements, State employment security agencies, Unemployment compensation.

Words of Issuance

For reasons set out in the preamble, Part 601 of Chapter V of Title 20 of the Code of Federal Regulations is amended as set forth below.

Signed at Washington, D.C., on November 19, 1985.

Roger D. Semerad,

Assistant Secretary of Labor.

20 CFR Part 601 is amended as follows:

PART 601—[AMENDED]

1. The authority citation for Part 601 is revised to read as follows, and the authority citations following all the sections in Part 601 are removed:

Authority: 5 U.S.C. 301; 26 U.S.C. Chapter 23; 29 U.S.C. 49k; 38 U.S.C. Chapters 41 and 42; 39 U.S.C. 3202(a)(1)(E) and 3202 note; 42 U.S.C. 1302; and Secretary of Labor's Order No. 4-75, 40 FR 18515.

2. Section 601.2 is amended by revising the introductory paragraph and paragraphs (a) and (b) to read as follows:

§ 601.2 Approval of State unemployment compensation laws.

States may at their option submit their unemployment compensation laws for approval (section 3304(a) of the Internal Revenue Code of 1954).

(a) *Submission.* The States submit to the Regional Administrator, Employment and Training Administration (RAETA) two copies of the State unemployment compensation law properly certified by an authorized State official to be true and complete, together with a written request for approval.

(b) *Review of State law.* The RAETA reviews the State law and forwards one copy to the central office of the Employment and Training Administration with his comments. The central office reviews the RAETA's comments and analyzes the State law from the standpoint of the requirements of section 3304(a) of the Internal Revenue Code of 1954.

* * * * *

3. Section 601.3 is amended by revising paragraphs (a) and (b) to read as follows:

§ 601.3 Findings with respect to State laws and plans of operation.

* * * * *

(a) *Submission.* The States submit currently to the RAETA two copies of relevant State material, properly certified by an authorized State official to be true and complete.

(b) *Review.* The RAETA reviews the State material and forwards one copy to the central office with his comments. The central office reviews the material from the standpoint of its conformity with section 303(a) of the Social Security Act, section 3303(a) of the Internal

Revenue Code of 1954, or the Wagner-Peyser Act, as the case may be.

* * * * *

[FR Doc. 85-29590 Filed 12-13-85; 8:45 am]
BILLING CODE 4510-30-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 230

[FHWA Docket No. 85-32]

Supportive Services for Minority, Disadvantaged, and Women Business Enterprises

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: By this final rule, the FHWA is establishing a supportive service program to provide training and assistance to minority business enterprises (MBEs) in Federal-aid highway contracting activities pursuant to section 119(b) of the Surface Transportation Assistance Act of 1982 (STAA of 1982) (Pub. L. 97-424) and as authorized by the Secretary of Transportation. This document provides guidance to implement supportive services activities that will increase the proficiency of minority business enterprises, disadvantaged business enterprises, and women business enterprises to compete on an equal basis with other companies for contracts and subcontracts. The FHWA comments on the procedures adopted in this document for program implementation.

DATES: This rule is effective December 16, 1985.

Comments must be received on or before March 17, 1986.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 85-32, Federal Highway Administration, Room 4205, HHC-10, 400 Seventh Street SW., Washington DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. B.B. Myers, Chief, Construction and Maintenance Division, (202) 426-0392, or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 426-0762, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office Hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: Until 1980, the Federal Highway Administration (FHWA) promoted MBE participation in Federal-aid highway programs under provisions of 23 CFR Part 230, Subpart B. That regulation required the States to take certain affirmative actions to increase participation of MBE firms in highway construction programs. On March 31, 1980, the Department of Transportation (DOT) published a comprehensive set of regulations (45 FR 21172) designed to promote MBE participation in all financial assistance programs of the Department. These regulations were codified in 49 CFR Part 23, which superseded MBE regulations previously issued by DOT agencies, and contained administrative requirements for implementing DOT's policy of supporting the fullest possible participation in DOT programs of firms owned and controlled by minorities and women. Under 49 CFR Part 23, each recipient of Federal transportation assistance funds is required to adopt an MBE participation program which shall include, among other things, procedures for setting goals for MBE participation in Federal-aid contracts and provisions for assisting MBEs throughout the life of contracts in which they participate.

On January 6, 1983, in section 105(f) of the Surface Transportation Assistance Act of 1982 (STAA of 1982), Congress issued a new mandate for minority participation in DOT programs by requiring that "not less than 10 percentum of the funds to be appropriated under this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals." To implement this provision, DOT issued a revision to 49 CFR Part 23 which continues the existing MBE program but adds a new Subpart D containing additional requirements relating to the attainment of 10 percent participation by disadvantaged business enterprises (DBE) (July 21, 1983, 48 FR 33442). The implementation of section 105(f) in effect replaced the term "MBE" with the term "DBE" for FHWA purposes.

Section 119(b) of the STAA of 1982 amended section 140 of Title 23, U.S.C., to provide that up to $10,000,000 per year may be deducted from funds apportioned under 23 U.S.C. 104(a) to conduct and finance training and assistance programs in connection with any program under Title 23 "in order that minority business may achieve proficiency to compete, on an equal basis, for contracts and subcontracts." This final rule implements section 119(b). The FHWA has determined that the supportive services programs should benefit MBEs, women business enterprises (WBEs), and DBEs, all as defined in 49 CFR Part 23. The term "MBE supportive services" will be used throughout this regulation to inlcude coverage of all these groups. It is the policy of FHWA to promote the MBE program goals of increased levels of participation of MBEs in Federal-aid highway contracts. These goals are achieved by (1) increasing the total number of minority firms active in the highway program, and (2) supporting the growth and eventual self-sufficiency of individual firms.

The MBE supportive services regulation (23 CFR Part 230, Subpart B) is being issued to prescribe policies and procedures to be followed in developing, conducting, and administering minority business enterprise supportive services programs. To ensure that the congressional intent expressed in 23 U.S.C. 140(c) is carried out, the new regulation includes provisions which: (1) Define explicit program objectives to increase the participation of minority business in Federal-aid highway program contract work, with an emphasis on assistance that will enable firms to become self-sufficient; (2) provide guidance regarding the types of services allowable to assist the State Highway Agencies (SHAs) in determining the types of Supportive services to develop, conduct, and administer; (3) establish procedures for obligating funds allocated under the authority of 23 U.S.C. 140(C) for MBE supportive services programs; and (4) prescribe the role of the SHAs in monitoring, administering, and evaluating the MBE supportive services program.

In § 230.204(b)(5) of this regulation, the services relating to verification procedures should be undertaken to ensure that only eligible MBEs, meeting the criteria established in 49 CFR Part 23, participate in Federal-aid highway programs and receive the benefits of supportive services. Effective verification procedures contribute to the elimination of "frauds" and "fronts" from participation in the MBE program and enhance opportunities for legitimate MBEs to compete for contracts and subcontracts. The FHWA has determined that services relating to verification procedures are clearly within the intent of section 140 of Title 23, U.S.C.

The Form FHWA–1273 referenced in § 230.204(g)(4) of this regulation is the new designation for Form PR–1273, Required Contract Provisions, Federal-Aid Construction Contracts, which is undergoing revisions and pending publication.

The FHWA has determined that this action does not contain a major rule under the Executive Order 12291 or a significant regulation under the regulatory policies of the Department of Transportation. The compliance costs associated with the regulation are not expected to be significant while the supportive services program will provide important benefits to minority and women-owned businesses and to others. This regulation attempts to provide a reasonable administrative framework for supportive services programs and is not expected to have a major economic impact nor have a significant economic impact on a substantial number of small entities. A regulatory evaluation and regulatory flexibility analysis, prepared pursuant to the Regulatory Flexibility Act, have been prepared and are available for inspection in the public docket.

The FHWA recognizes that this program when implemented will serve an important role in developing a larger more diversified and self-sufficient minority business enterprise community. Since this rulemaking action is primarily concerned with implementing a congressional mandate and since it is important for the program to be initiated, the FHWA finds good cause to make this regulation effective without prior notice and without a 30-day delay in effective date. Neither a general notice of proposed rulemaking nor a 30-day delay in effective date is required under the Administrative Procedure Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2). Accordingly, the regulation is effective upon publication. However, the FHWA gives notice that comments on the procedures promulgated to administer the program will be accepted and evaluated in determining the need for future procedural revisions to the final rule.

While the FHWA does not anticipate that there will be any useful public comment on the general issue of the grant program itself, there may be procedural comments on some provisions of the final rule. For this reason, publication of this final rule without an opportunity for prior comment, but with a request for comments following publication, is consistent with the Department of Transportation's regulatory policies.

In consideration of the foregoing and under the authority of 23 U.S.C. 101, 140, 304, and 315 and 49 CFR 1.48(b), FHWA is amending Chapter 1, Part 230, Subpart B of Title 23, Code of Federal Regulations, as set forth below.

(Catalog of Federal Domestic Assistance Programs Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

List of Subjects in 23 CFR Part 230

Grant programs—Transportation, Highways and roads, Minority business.

Issued on: December 9, 1985.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

PART 230—[AMENDED]

Subpart B is revised to read as set forth below:

Subpart B—Supportive Services for Minority, Disadvantaged, and Women Business Enterprises

Sec.

Authority: 23 U.S.C. 101, 140(c), 304, 315; 49 CFR 1.48(b).

Subpart B—Supportive Services for Minority, Disadvantaged, and Women Business Enterprises

§ 230.201 Purpose.

To prescribe the policies, procedures, and guidance to develop, conduct, and administer supportive services assistance programs for minority, disadvantaged, and women business enterprises.

§ 230.202 Definitions.

(a) "Minority Business Enterprise," as used in this subpart, refers to all small businesses which participate in the Federal-aid highway program as a minority business enterprise (MBE), women business enterprise (WBE), or disadvantaged business enterprise (DBE), all defined under 49 CFR Part 23. This expanded definition is used only in this subpart as a simplified way of defining the firms eligible to benefit from this supportive services program.

(b) "Supportive Services" means those services and activities provided in connection with minority business enterprise programs which are designed to increase the total number of minority businesses active in the highway program and contribute to the growth and eventual self-sufficiency of individual minority businesses so that such businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts.

(c) "State highway agency" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" is considered equivalent to "State highway agency" if the context so implies.

§ 230.203 Policy.

Based on the provisions of Pub. L. 97–424, dated January 6, 1983, it is the policy of the Federal Highway Administration (FHWA) to promote increased participation of minority business enterprises in Federal-aid highway contracts in part through the development and implementation of cost effective supportive services programs through the State highway agencies.

§ 230.204 Implementation of supportive services.

(a) Subject to the availability of funds under 23 U.S.C. 140(c), the State highway agency shall establish procedures to develop, conduct, and administer minority business enterprise training and assistance programs specifically for the benefit of women and minority businesses. Supportive services funds allocated to the States shall not be used to finance the training of State highway agency employees or to provide services in support of such training. State highway agencies are not required to match funds allocated to them under this section. Individual States are encouraged to be actively involved in the provision of supportive services. Such involvement can take the form of staff, funding, and/or direct assistance to augment the supportive services efforts financed by Federal-aid funds.

(b) State highway agencies shall give preference to the following types of services:

(1) Services relating to identification, prequalification, and certification assistance, with emphasis on increasing the total number of legitimate minority business enterprises participating in the Federal-aid highway program;

(2) Services in connection with estimating, bidding, and technical assistance designed to develop and improve the capabilities of minority businesses and assist them in achieving

proficiency in the technical skills involved in highway construction;

(3) Services designed to develop and improve the immediate and long-term business management, recordkeeping, and financial accounting capabilities;

(4) Services to assist minority business enterprises to become eligible for and to obtain bonding and financial assistance;

(5) Services relating to verification procedures to ensure that only *bona fide* minority business enterprises are certified as eligible for participation in the Federal-aid highway program;

(6) Follow-up services to ascertain the outcome of training and assistance being provided; and

(7) Other services which contribute to long-term development, increased opportunities, and eventual self-sufficiency of minority business enterprises.

(c) A detailed work statement of the supportive services which the State highway agency considers to meet the guidance under this regulation and a program plan for meeting the requirements of paragraph (b) of this section and accomplishing other objectives shall be submitted to the FHWA for approval.

(d) State highway agencies which desire to provide or obtain services other than those listed in paragraph (b) of this section shall submit their proposals to the FHWA for approval.

(e) When the State highway agency provides supportive services by contract, formal advertising is not required by FHWA; however, the State highway agency shall solicit proposals from such qualified sources as will assure the competitive nature of the procurement. The evaluation of proposals by the State highway agency must include consideration of the proposer's ability to effect a productive relationship with majority and minority contractors, contractors' associations, minority groups, and other persons or organizations whose cooperation and assistance will increase the opportunities for minority business enterprises to compete for and perform contracts and subcontracts.

(f) In the selection of contractors to perform supportive services, State highway agencies shall make conscientious efforts to search out, and utilize the services of qualified minority or women organizations, or minority or women enterprises.

(g) As a minimum, State highway agency contracts to obtain supportive services shall include the following provisions:

(1) A statement that a primary purpose of the supportive services is to increase the total number of minority firms participating in the Federal-aid highway program and to contribute to the growth and eventual self-sufficiency of minority firms;

(2) A statement that supportive services shall be provided only to those minority business enterprises determined to be eligible for participation in the Federal-aid highway program in accordance with 49 CFR Part 23 and have a work specialty related to the highway construction industry;

(3) A clear and complete statement of the services to be provided under the contract, such as technical assistance, managerial assistance, counseling, certification assistance, and follow-up procedures as set forth in §230.204(b) of this part;

(4) The nondiscrimination provisions required by Title VI of the Civil Rights Act of 1964 as set forth in Form FHWA–1273, Required Contract Provisions, Federal-Aid Construction Contracts,[1] and a statement of nondiscrimination in employment because of race, color, religion, sex, or national origin;

(5) The establishment of a definite period of contract performance together with, if appropriate, a schedule stating when specific supportive services are to be provided;

(6) Monthly or quarterly reports to the State highway agency containing sufficient data and narrative content to enable evaluation of both progress and problems;

(7) The basis of payment;

(8) An estimated schedule for expenditures;

(9) The right of access to records and the right to audit shall be granted to authorize State highway agency and FHWA officials;

(10) Noncollusion certification;

(11) A requirement that the contractor provide all information necessary to support progress payments if such are provided for in the contract; and

(12) A termination clause.

(h) The State highway agency is to furnish copies of the reports received under paragraph(g)(6) of this section to the FHWA division office.

§ 230.205 Supportive services funds obligation.

Supportive services funds shall be obligated in accordance with the procedures set forth in § 230.117(b) of this part. The point of obligation is defined as that time when the FHWA has approved a detailed work statement for the supportive services.

[1] Form FHWA–1273 is set forth at 23 CFR Part 633, Subpart A, Appendix A.

§ 230.206 Monitoring supportive services.

Supportive services programs shall be continually monitored and evaluated by the State highway agency so that needed improvements can be identified and instituted. This requires the documentation of valid effectiveness measures by which the results of program efforts may be accurately assessed.

§ 230.207 Sources of assistance.

It is the policy of the FHWA that all potential sources of assistance to minority business enterprises be utilized. The State highway agency shall take actions to ensure that supportive services contracts reflect the availability of all sources of assistance in order to maximize resource utilization and avoid unnecessary duplication.

[FR Doc. 85–29731 Filed 12–13–85; 8:45 am]
BILLING CODE 4910–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 23

Indian Child Welfare Act; Revision of Grant Application Procedures

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is publishing a final rule that amends the regulations necessary to implement the Indian Child Welfare Act of 1978. The amended regulations change the procedures for grant application under Title II of Pub. L. 95–608, and enable the Assistant Secretary of Indian Affairs to award multi-year developmental projects to Indian tribes or organizations for three years.

The Bureau published these amendments as a proposed rule on January 11, 1984, and intends to implement them immediately in order to authorize multi-year development grants prior to publication of the announcement for the FY 86 grant application period. Therefore, for administrative purposes, good cause is found under 5 U.S.C. (d) (2) and (3) for these regulations to become effective upon publication in the Federal Register.

EFFECTIVE DATE: December 16, 1985.

FOR FURTHER INFORMATION CONTACT: Eddie F. Brown, Division of Social Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, telephone number (202) 343–6434.

SUPPLEMENTARY INFORMATION: The authority to issue rules and regulations is vested in the Secretary of the Interior by 25 U.S.C. 1952, 5 U.S.C. 301 and sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9). This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

These regulations have developed to enable grant applicants to address their social service needs on a multi-year basis, to assist in the administration of individual grant programs and to facilitate the administration of the total grant program. These regulations should not be construed to guarantee the appropriation of funds for the Indian Child Welfare Act grant program. Grant awards are subject to the availability of funds, and are dependent on the annual appropriation by Congress of funds for these specific purposes. Due to this fact, grant applicants are encouraged to set goals for each year of a multi-year project.

These amended regulations were published as proposed regulations on January 11, 1984, (49 FR 1381). The public comment period on the proposed rule closed on February 21, 1984. All comments were judged to be of merit and were incorporated into the final rule. Changes were adopted as indicated below.

A. Changes Made Due to Comments Received

Comment. Multi-Year Developmental Projects § 23.37. One commenter suggested that clarification is necessary to distinguish the actual grant or budget period from the project period.

Response. The Bureau agreed that clarification was necessary. The term "grant" throughout this section was either removed or changed to "project", whichever was more appropriate, when referring to the multi-year concept. Selective use of the words "grants" and "project" more clearly stipulates that *projects* may be approved on a multi-year basis, but that the actual *grant* or budget is to be approved on an annual basis.

Comment. Multi-Year Developmental Projects § 23.37. One commenter suggested that all factors to be considered by BIA in awarding multi-year projects should be clearly stated at the beginning of this regulation.

Response. The Bureau agreed with this suggestion and added additional language to emphasize the Bureau's discretion in determining if continued funding of individual projects constitutes the best use of available funds. This section has been redesignated 23.37(a).

Comment. Multi-Year Developmental Projects § 23.37(a). A single commenter requested that a detailed explanation be given on application requirements for the initial proposal of a multi-year developmental project.

Response. The Bureau agreed with this recommendation. Section (a) has been redesignated as section (d) with four subparts. It explains the information required in a multi-year project application. The new language specifies that at the time of original submission of the application, the applicant must provide relevant information on proposed activities for the duration of the requested project period. This information must demonstrate a developmental approach to the delivery of social services. In addition, an applicant must, at a minimum, address all requirements previously specified in regulations, including § 23.27(c)(3) which requires a satisfactory evaluation of the program from the appropriate Area Office if the applicant has been a grantee during the preceding year and is submitting an application to continue essentially the same service program.

Comment. Project Renewal Application, § 23.37)(c). One commenter asked that further explanation be provided on the required content of a project renewal application.

Response. The Bureau agreed that further explanation was necessary. At § 23.37, subsections (c) and (d) were reversed for clarification, § 23.37(c) was redesignated as § 23.37(g), and the existing § 23.37(d) was redesignated as § 23.37 (e) and (h). The revised § 23.37(e) has been expanded to specify the information required in a project renewal application. Section 23.37(c) now explains that requests from tribal governing bodies or Indian organizations which cover the duration of the project will fulfill the requirements specified in § 23.26 and need not be resubmitted for either the second or third year. Section 23.37(f) is also added to emphasize that funding in the second and/or third year of a project is dependent on the grantee's progress in accomplishing the goals and objectives specified in the approved work plan submitted in the first year's application.

Comment. Technical Assistance § 23.37(e). One commenter asked that the Bureau's technical assistance role be re-emphasized.

Response. This section has been redesignated as § 23.37(g). The Bureau agreed that clarification concerning technical assistance was necessary. A portion of § 23.37(d) was transferred to § 23.37(g). The information previously contained in § 23.37(e) was incorporated into a new § 23.37(h). The revised § 23.37(g) reiterates the fact that an applicant may request technical assistance on the application and renewal processes in compliance with § 23.29.

Comment. Use of Available Funds § 23.37(f). One commenter asked that information be provided to explain what will happen to existing multiyear grantees if they are not renewed.

Response. The Bureau agreed that this information was necessary. Section 23.37(f) has been redesignated as § 23.37(h) to provide elaboration on the information previously contained in § 23.37(e), and to more specifically relate to grantees who are not renewed. If a multi-year project is not renewed, the grantee will not be eligible to reapply for a multi-year project until the next multi-year grant announcement. Such grantees may, however, submit an application in response to the annual announcement for one-year grants for projects other than those in the original developmental grant.

B. Other Changes Made

Upon review of the proposed rule, the Bureau has made the following structural changes in the final for the purpose of clarity.

- —The information presented in § 23.37 has been redesignated section (a) and the material in that section divided into subsections (1), (2), and (3).
- —Section 23.37(a) has been redesignated § 23.37(b).
- —Section 23.37(b) has been redesignated § 23.37(c).
- —Section 23.37(c) has been redesignated § 23.37(g).
- —Section 23.37(d) has been subdivided and redesignated as § 23.37 (e) and (h).
- —Section 23.37(e) has been redesignated as § 23.37(i).
- —Section 23.37(a) has been changed from projects "up to a maximum of three years" to "for project periods of three years." This change was made for administrative purposes.
- —Section 23.37(d), previously § 23.37(a), now specifies minimum application requirements.
- —Section 23.37(j) is added to clarify that existing grant administrative provisions in §§ 23.21–23.71 also apply to multi-year projects.

The primary author of this document is Louise M. Zokan-Delos Reyes, Bureau of Indian Affairs, Division of Social

Services, telephone number (202) 343–6435.

It has been determined that this document is not a major rule as defined in Executive Order 12991 because it will have no economic impact on the public and it will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. (5 U.S.C. 601 *et seq.*)

The information collection requirements contained in Part 23 are those necessary to comply with the application requirements of the Office of Management and Budget (OMB) Circular No. A–102. The Standard Form 424 and attachments prescribed by that circular are approved by OMB under 44 U.S.C. 3501 *et seq.* This section describes the types of information that would satisfy the application requirements of Circular No. A–102 for this grant program.

List of Subjects in 25 CFR Part 23

Administrative practice and procedure, Child welfare, Grant programs/Indians, Grant programs/Social programs, Indians/Social welfare.

For the reasons set forth in the preamble, Part 23 of Title 25 of the Code of Federal Regulations be amended as follows:

PART 23—INDIAN CHILD WELFARE ACT

Subpart C—Grants to Indian Tribes and Indian Organizations for Indian Child and Family Programs

1. The authority citation for Subpart C continues to read:

Authority: 5 U.S.C. 301; secs. 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

2. Section 23.37 Multi-Year Development Projects is added to read as follows:

§ 23.37 Multi-Year Developmental Projects.

(a) The Assistant Secretary—Indian Affairs may approve multi-year developmental projects for project periods of three years, subject to:

(1) The availability of funds in accordance with § 23.27(e);

(2) Grantee compliance with the past performance requirements of § 23.27(c)(3); and

(3) The determination by the Bureau that continued funding constitutes the best use of available funds.

(b) Prior to the beginning of the program year in which grants for multi-year projects will be awarded, the Bureau will publish in the **Federal Register**, an announcement of the grant application process for the year, including priorities, applicant eligibility criteria, the schedule for and required contents of applications, the funding formula and evaluation criteria for multi-year projects.

(c) The formula published in the **Federal Register** in accordance with § 23.27(e)(1) of this Part shall indicate the manner in which the funding shall be established for each year of a multi-year project.

(d) Based on the announcement described in subsection (b) of this Section, the applicant shall prepare an application in accordance with §§ 23.24, 23.25 and 23.26 of this Part in order to enable the Bureau to make a judgment of the relevance and potential effectiveness of the proposed activities for the duration of the project. The application at a minimum shall:

(1) Specify the proposed length of the project period;

(2) Demonstrate a developmental approach in the delivery of social services;

(3) Provide information on activities for each year of the proposed project;

(4) Comply with § 23.27(c) if the applicant has been a grantee during the preceding year and has made an application to continue essentially the same service program.

(e) The renewal application for the second and third years of a multi-year project shall update the information required in §§ 23.24, 23.25, 23.26 and 23.27(c)(3) of this Part. Requests from tribal governing bodies or Indian organizations as required under § 23.26 need not be resubmitted on a yearly basis if such requests were initially written to cover the duration of the multi-year project.

(f) Funding after the first year of a multi-year project will be dependent upon the grantee's progress in achieving project objectives according to the approved work plan submitted in the first year of application.

(g) If, in the judgment of the Assistant Secretary, the grantee's proposed program activity for each year of the multi-year project is acceptable, funding shall be approved in accordance with § 23.27(e)(1) of this Part, depending on the appropriation for that grant program year, the grantee's approved funding request, and the grantee's progress in achieving the objectives of the project according to the work plan submitted in the initial year of multi-year project.

(h) In accordance with § 23.29, an applicant may request technical assistance on the application and renewal process from Bureau Area and/or Agency offices.

(i) If multi-year projects are not renewed for a second or third year of funding, the grantee will not be eligible to apply for a multi-year project until the next multi-year project announcement, but may apply in any subsequent annual grant cycle for projects other than those proposed in the original developmental grant.

(j) The grant administration provisions of §§ 23.21 through 21.71 shall apply to grants for multi-year projects.

Hazel E. Elbert,

Acting Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 85–29613 Filed 12–13–85; 8:45 am]

BILLING CODE 4310–02–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7 84–29]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL, GA, SC

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule.

SUMMARY: The Coast Guard is changing the regulations governing the drawbridges across the Atlantic Intracoastal Waterway (AICW) from Little River, South Carolina to Miami, Florida to redescribe those vessels entitled to "on demand" openings during authorized closed periods, to delete weather related exemptions at certain bridges, and to identify holidays as federal holidays. This change is being made because of concern for the safety of vessels and bridges and to provide for consistency in the operation of drawbridges across the AICW within the Seventh Coast Guard District.

EFFECTIVE DATE: These interim regulations become effective on January 15, 1986.

ADDRESSES: Comments should be mailed to Commander (oan), Seventh Coast Guard District, 51 S.W. 1st Avenue, Miami, Florida 33130. The comments and other materials referenced in this notice will be available for inspection and copying at 51 S.W. 1st Avenue, Room 816, Miami, Florida. Normal office hours are from 7:30 a.m. to 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, (305) 536–4103.

SUPPLEMENTARY INFORMATION: On July 1, 1985 the Coast Guard published (50 FR 27026) a proposal to revise these regulations. The proposed regulations

were also published in a public notice issued by Commander, Seventh Coast Guard District on July 12, 1985. In each notice interested persons were given until August 15, 1985 to submit comments.

This rule does not change closure periods previously established for bridges across the AICW. However, an error in the regulations for the SR 518 bridge at Eau Gallie, FL which existed since the regulations were recodified in the 1984 (49 FR 17463) has been corrected. In addition, the special regulations for the bridge across the Frederica River at St. Simons Island, GA have been deleted because the bridge has been replaced by a fixed bridge.

Drafting Information

The drafters of these regulations are Mr. Walt Paskowsky, Bridge Administration Specialist, project officer, and Lieutenant Commander Ken Gray, project attorney.

Discussion of Comments

Nine of the 40 comments received supported the proposed rule. Another six commenters took no stand on the proposal; some of them addressed issues not relevant to this rulemaking. There were no objections to the proposals to delete weather related exemptions at certain bridges and to identify holidays as federal holidays.

There were 25 objections received to the proposal to allow large vessels "on demand" draw openings. Many of these objections appear to be in response to incomplete press reports about the proposed rule. Seven commenters who opposed the proposal either gave no reason for their objection or gave a reason that indicated they did not understand the proposal. Ten commenters opposed the regulation on principle, saying that the changes were not necessary or not justified. These comments generally opposed what was considered a change that would increase the number of drawbridge openings.

Eight comments objecting to the proposal included substantive reasons for opposition. One comment claimed the regulation was too broad; the other seven claimed it was not broad enough.

The comment claiming the regulation was too broad suggested the 90 gross ton exemption should not be applied uniformly to all bridges across the AICW since conditions varied from bridge to bridge. This commenter identified a specific bridge where ample sea room for large vessels allegedly made the regulation unnecessary but noted that the regulation was appropriate at many of the affected bridges.

The seven comments claiming the regulation was not broad enough were submitted by passenger vessel operators or their industry associations. Their position may be summed up as supporting the proposed exempt vessel treatment at all drawbridges but insisting that it be applied to passenger vessels regardless of gross tonnage. Their specific arguments are addressed in the following paragraphs.

Many of the arguments presented were economic: Vessel schedules adjusted to match bridge schedules might not be attractive to the public. Passengers don't like their cruises delayed while waiting for bridges. Passengers are on tight schedules and must transfer to tour busses or meet airline schedules. The passenger business is the last healthy sector of the maritime industry and should not be unduly hampered in its effort to survive.

While the Coast Guard understands and sympathizes with these arguments, it cannot change drawbridge regulations in order to promote a particular type of business endeavor. Although drawbridge regulations may affect commerce by benefiting one transportation mode at the expense of another, they are intended to meet the reasonable needs of navigation and to serve the broad public interest.

Scheduled closure periods are intended to meet these navigation needs yet facilitate the flow of land transportation across bridges. Permitting additional unscheduled draw openings would further impede land traffic and could delay the very passengers that vessel operators wish to please.

The historical precedent of passenger vessels having "head of the line" privileges at locks was cited as supporting preferred treatment for these vessels at drawbridges. This is not an apt analogy. When a drawbridge opens, all accumulated vessels may pass through the draw. Lockage, on the other hand, is a time consuming procedure with limited vessel capacity per cycle.

A related argument claimed that the proposed rule treated smaller passenger vessels as noncommercial vessels because tugs with tows were considered exempt vessels but smaller passenger vessels were not. The proposed rule made not distinction between commercial and non-commercial vessels. Tugs with tows are treated as exempt vessels not because they are usually in commercial service but because their size and maneuvering characteristics warrant special treatment in the interest of safety. Tugs without tows are accorded no special treatment.

The most convincing arguments presented were concerned with safety. It was stated that gross tonnage has little to do with vessel size or maneuverability and that vessels of 90 or less gross tons may carry hundreds of people. While there is a correlation between gross tonnage and vessel size, we acknowledge that gross tonnage is not a valid predictor of maneuverability or passenger capacity. The 90 gross ton figure was selected because it included the very large passenger vessels which inspired the original proposal yet excluded the vast majority of passenger vessels which were successfully operating without special regulations.

The Coast Guard shares the concerns of passenger vessel operators for the safety of passengers, vessels, and bridges. It certificates these vessels for the routes on which it has determined they can safely operate. It licenses the personnel who operate these vessels. And it recognizes that these operators would not knowingly hazard their passengers or vessels. The Coast Guard also acknowledges that there are unique circumstances where immediate draw opening may be necessary for safety.

The existing drawbridge regulations recognize these circumstances by requiring "on demand" openings for "vessels in distress." We have interpreted this term broadly, construing it to include legitimate safety reasons and not just vessels sinking, disabled, afire, etc. While our interpretation encompasses passenger vessels that required immediate draw opening for safety's sake, we believe that a more descriptive term would eliminate possible misunderstanding. Therefore in this interim final rule we have replaced "vessels in distress" with "vessels in a situation where a delay would endanger life or property". Since this provision would apply to vessels regardless of gross tonnage, the provision for vessels over 90 gross tons has been deleted.

We plan to replace "vessels in distress" with this new, expanded term in other drawbridge regulations in the course of normal revisions.

Under the new regulation a passenger vessel, or any other vessel, requiring an immediate draw opening to avoid endangering life or property may demand such opening by sounding the five short blasts prescribed by 33 CFR 117.15(b)(3) or by radiotelephone communication. Vessels demanding such opening without valid reason and bridges failing to open when properly requested will be subject to the penalties provided by law.

The use of radiotelephones can eliminate much of the uncertainty and risks of transits through drawbridges. The Coast Guard encourages, and sometimes requires, radiotelephones at drawbridges. Anyone believing that installation and operation of a radiotelephone at a specific drawbridge is necessary for navigation safety may request the Coast Guard to require such installation and operation under the provisions of 33 CFR 117.23. Requests should describe the circumstances that require a radiotelephone at the bridge.

After-the Fact Comment Period

Although this regulation was preceded by two notices of proposed rulemaking which generated significant public comment, the Coast Guard recognizes that actual experience with this new regulation and additional public comment could identify possible improvements to the regulation. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "ADDRESSES" in this preamble. Commenters should include their names and addresses, identify the docket number for the regulations, and give reasons for their comments. Based upon comments received, the interim regulation may be changed.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of these regulations is expected to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because regularly scheduled cruise vessels previously offered "on demand" openings at certain bridges can adjust their schedules to transit these draws at scheduled opening times. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

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 for Part 117 continues to read as follows:

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

2. In Part 117, §§ 117.261, 117.353, and 117.911 are revised to read as follows:

Florida

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Miami.

(a) *General.* Public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property shall, upon proper signal, be passed through the draw of each bridge listed in this section at any time.

(b) *McCormick Bridge, mile 747.5 at Jacksonville Beach.* The draw shall open on signal; except that, during April, May, October, and November, from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m. Monday through Friday except federal holidays, the draw need open only on the hour and half-hour. During April, May, October, and November, from 12 noon to 6 p.m. Saturdays, Sundays, and federal holidays, the draw need open only on the hour and half-hour.

(c) [Reserved]

(d) *Bridge of Lions (SR A1A) bridge, mile 777.9 at St. Augustine.* The draw shall open on signal; except that, from 7 a.m. to 6 p.m. the draw need open only on the hour and half-hour; however, the draw need not open at 8 a.m., 12 noon, and 5 p.m. Monday through Friday except federal holidays. From 7 a.m. to 6 p.m. on Saturdays, Sundays and federal holidays the draw need only open on the hour and half-hour.

(e) *Seabreeze Boulevard bridge, mile 829.1 at Daytona Beach.* The draw shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except federal holidays, the draw need open only at 8 a.m. and 5 p.m.

(f) *Memorial bridge, mile 830.6 at Daytona Beach.* The draw shall open on signal; except that, from 7:45 a.m. to 8:45 a.m. and 4:45 p.m. to 5:45 p.m. Monday through Saturday except federal holidays, the draw need open only at 8:15 a.m. and 5:15 p.m.

(g) *SR A1A bridge, mile 835.5 at Port Orange.* The draw shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except federal holidays, the draw need open only at 8 a.m. and 5 p.m.

(h) [Reserved]

(i) *Harris Saxon bridge, mile 846.5 at New Smyrna Beach.* The draw shall open on signal; except that, from March 15 through October 15 on Saturdays, Sundays, and federal holidays from 3 p.m. to 6 p.m., the draw need open only on the hour and half-hour.

(j) *NASA railroad bridge, mile 876.6 near Jay Jay.* The draw shall be operated as follows:

(1) The bridge is not constantly tended.

(2) The draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass.

(3) When a train approaches the bridge, the lights go to flashing red and a horn sounds four blasts, pauses, and then repeats four blasts. After an eight minute delay, the draw lowers and locks, providing the scanning equipment reveals nothing under the draw. The draw remains down for a period of eight minutes or while the approach track circuit is occupied.

(4) After the train has cleared, the draw opens and the lights return to flashing green.

(k) *SR402 bridge, mile 878.9 at Titusville.* The draw shall open on signal; except that, from 6:45 a.m. to 7:45 a.m. and 4:15 p.m. to 5:45 p.m. Monday through Friday, the draw need not open.

(l) *John F. Kennedy Space Center (SR405) bridge, mile 885.0 at Addison Point.* The draw shall open on signal; except that, from 6:45 a.m. to 8 a.m. and 4:15 p.m. to 5:45 p.m. Monday through Friday, the draw need not open.

(m) *SR518 bridge, mile 914.4 at Eau Gallie.* The draw shall open on signal; except that, from 8:15 a.m. to 4:15 p.m. the draw need open only on the quarter-hour and three-quarter hour. From 6:45 a.m. to 8:15 a.m. and 4:15 p.m. to 5:45 p.m. Monday through Friday except federal holidays, the draw need not open.

(n) *Merrill Barber (SR60) bridge, mile 951.9 at Vero Beach.* The draw shall open on sigal; except that, from 7:45 a.m. to 9 a.m., 12 noon to 1:15 p.m., and 4 p.m. to 5:15 p.m., Monday through Friday, except federal holidays, the draw need open only at 8:30 a.m., 12:30 p.m. and 4:30 p.m. From December 1 through April 30, from 7 a.m. to 6 p.m., Monday through Friday except federal holidays and as provided above, the draw need only open on the hour, quarter-hour, half-hour, and three-quarter hour.

(o) [Reserved]

(p) [Reserved]

(q) *Indiantown Road (SR706) bridge, mile 1006.2 at Jupiter.* The draw shall open on signal, except that, from November 1, through April 30, from 7 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(r) [Reserved]

(s) *PGA Boulevard bridge, mile 1012.6* The draw shall open on signal; except that from, 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m., Monday through Friday except federal holidays, the draw need open only on the quarter-hour and three-quarter hour. On Saturdays, Sundays, and federal holidays from 8 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(t) *Parker (US1) bridge, mile 101.3.7.* The draw shall open on signal; except that, from 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m. Monday through Friday except federal holidays, the draw need open only on the hour and half-hour. On Staurdays, Sundays, and federal holidays form 8 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(u) *Flagler Memorial (SR A1A) bridge, mile 1021.9 at Palm Beach.* The draw shall open on signal; except that, from November 1 to May 31, Monday through Friday except federal holidays, from 8 a.m. to 9:30 a.m. and from 4 p.m. to 5:45 p.m., the draw need open only at 8:30 a.m. and 4:45 p.m. From 9:30 a.m. to 4 p.m., the draw need open only on the hour and half-hour.

(v) *Royal Park (SR704) bridge, mile 1022.6 at Palm Beach.* The draw shall open on signal; except that, from November 1 through May 31, Monday through Friday except federal holidays, from 8 a.m. to 9:30 a.m. and from 3:30 p.m. to 5:45 p.m., the draw need open only at 8:45 a.m., 4:15 p.m., and 5 p.m. From 9:30 a.m. to 3:30 p.m., the draw need open only on the quarter-hour and three-quarter hour.

(w) *Southern Boulevard (SR700/80) bridge, mile 1024.7 at Palm Beach.* The draw shall open on signal; except that, from November 1 through May 31, Monday through Friday except federal holidays, from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m., the draw need open only at 8:15 a.m. and 5:30 p.m.

(x) *Lantana Avenue bridge, mile 1031.0 at Lantana.* The draw shall open on signal; except that, from December 1, to April 30, on Saturdays, Sundays, and federal holidays, from 10 a.m. to 6 p.m., the bridge need open only on the hour, quarter-hour, half-hour, and three-quarter hour.

(y) [Reserved]

(z) [Reserved]

(aa) *Atlantic Avenue (SR806) bridge, mile 1039.6 at Delray Beach.* The draw shall open on signal; except that, from November 1 to May 31 from 10 a.m. to 6 p.m. Monday through Friday, the draw need open only on the hour and half-hour.

(bb) *SR810 bridge, mile 1050.0 at Deerfield Beach.* The draw shall open on signal; except that, from November 1 through May 31 from 11 a.m. to 5 p.m. on Saturdays, Sundays and federal holidays, the draw need not open only on the hour, quarter-hour, half-hour, and three-quarter hour.

(cc) *N.E. 14th Street bridge, mile 1055.0 at Pompano.* The draw shall open on signal; except that, from 7 a.m. to 6 p.m., the draw need open only on the quarter-hour and three-quarter hour.

(dd) *Atlantic Boulevard (SR814) bridge, mile 1056.0 at Pompano.* The draw shall open on signal; except that, from 7 a.m. to 6 p.m., the draw need open only on the hour and half-hour.

(ee) *Commercial Boulevard bridge, mile 1059.0 at Lauderdale-by-the-Sea.* The draw shall open on signal, except that, from November 1 through May 15 from 12 noon to 6 p.m., Monday through Saturday, and from 9 a.m. to 6 p.m. on Sundays, the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour.

(ff) *Oakland Park Boulevard Bridge, mile 1060.5 at Fort Lauderdale.* The draw shall open on signal; except that, from November 15 through May 15, from 7 a.m. to 6 p.m., Monday through Friday except federal holidays, the draw need open only on the hour, 20 minutes past the hour, and 40 minutes past the hour, and from 10 a.m. to 6 p.m. on Saturdays, Sundays and federal holidays, the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour.

(gg) *Sunrise Boulevard (SR838) bridge, mile 1062.6 at Fort Lauderdale.* The draw shall open on signal; except that, from November 15 through May 15 and year-round through November 14, 1986 from 7:15 a.m. to 6:15 p.m., the draw need open only on the quarter-hour and three quarter hour.

(hh) *Brooks Memorial (S.E. 17th Street) bridge, mile 1065.9 at Fort Lauderdale.* The draw shall open on signal; except that, from 7 a.m. to 7 p.m., the draw need not be reopened for a period of 15 minutes after each closure. The owner of or agency controlling the bridge shall display on both sides of the bridge a time clock which is acceptable to the District Commander and which indicates to approaching vessels the number of minutes remaining before the draw is available for opening.

(ii) [Reserved]

(jj) *Hollywood Beach Boulevard (SR820) bridge, mile 1072.2 at Hollywood.* The draw shall open on signal; except that from November 15 through May 15 from 10 a.m. to 6 p.m., the draw need open only on the hour and half-hour. From May 16 through November 14 on Saturdays, Sundays, and federal holidays, from 9 a.m. to 7 p.m., the draw need open only on the hour and half-hour.

(kk) *Hallandale Beach Boulevard (SR824) bridge, mile 1074.0 at Hallandale.* The draw shall open on signal; except that, from 7:15 a.m. to 6:15 p.m., the draw need open only on the quarter-hour and three-quarter hour.

(ll) *N.E. 163rd Street (SR826) bridge, mile 1078.0 at Sunny Isles.* The draw shall open on signal; except that, from 7 a.m. to 6 p.m. on Monday through Friday except federal holidays, and from 10 a.m. to 6 p.m. on Satrudays, Sundays, and federal holidays, the draw need open only on the quarter-hour and three-quarter hour.

(mm) *Broad Causeway bridge, mile 1081.4 at Bay Harbor Islands.* The draw shall open on signal; except that, from 8 a.m. to 6 p.m., the draw need open only on the quarter-hour and three-quarter hour.

(nn) *West Span of the Venetian Causeway, mile 1088.6 at Miami.* The draw shall open on signal; except that, from November 1 through April 30, Monay through Friday except federal holidays, from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., the draw need be opened only on the hour and half-hour.

(oo) *MacArthur Causeway bridge, mile 1088.8 at Miami.* The draw shall open on signal; except that, from November 1 through April 30 from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., the draw need open only on the hour and half-hour.

(pp) *Dodge Island bridges, mile 1089.4 at Miami.* The draws shall open on signal; except that, from 7:15 a.m. to 5:45 p.m. Monday through Saturday except federal holidays, the draws need open only on the quarter-hour and three quarter hour.

(qq) *Rickenbacker Causeway bridge, mile 1091.6 at Miami.* The draw shall open on signal; except that, from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m. Monday through Friday except federal holidays, and 11 a.m. to 6 p.m. Saturdays, Sundays, and federal holidays, the draw need open only on the hour and half-hour.

§ 117.353 Atlantic Intracoastal Waterway, Savannah River to St. Marys River.

(a) *General.* Public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property shall, upon proper signal, be passed through the draw of each bridge in this section at any time.

(b) *Causton Bluff (SR26) bridge across the Wilmington River, mile 579.9 near Causton Bluff.* The draw shall open on

signal except that, from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m. Monday through Friday except federal holidays, the draw need open only at 8:10 a.m. and 5:20 p.m.

(c) *Memorial (US80) bridge across the Wilmington River, mile 582.8 at Thunderbolt.* The draw shall open on signal; except that, from 7:45 a.m. to 9:15 a.m. and 5 p.m. to 6:30 p.m. Monday through Friday except federal holidays, the draw need open only at 8:30 a.m. and 5:45 p.m. From May 15 to September 15 from 12 noon to 1:30 p.m. and 4 p.m. to 6 p.m. on Sundays, and federal holidays the draw need open only on the hour and half-hour.

South Carolina

§ 117.911 Atlantic Intracoastal Waterway, Little River to Savannah River.

(a) *General.* Public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property shall, upon proper signal, be passed through the draw of each bridge listed in this section at anytime.

(b) *Socastee (SR544) bridge, mile 371 at Socastee.* The draw shall open on signal except that from April 1 through June 30 and October 1 through November 30 from 7 a.m. to 10 a.m. and 2 p.m. to 6 p.m., Monday through Friday, except federal holidays, the draw need open only on the hour and half-hour. From May 1 through June 30 and October 1 through October 31 from 10 a.m. to 2 p.m., Saturdays, Sundays and federal holidays, the draw need open only on the hour and half-hour.

(c) *Ben Sawyer (SR703) bridge across Sullivan's Island Narrows, mile 462. 2 between Sullivan's Island and Mount Pleasant.* The draw shall open on signal, except that the draw need not open from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday except federal holidays. On Saturdays, Sundays, and federal holidays, from 2 p.m. to 6 p.m., the draw need open only on the hour and half-hour.

(d) *SR171/700 bridge across Wappoo Creek, mile 470.8 at Charleston.* The draw shall open on signal; except that the draw need not open from 6:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday except federal holidays. On Saturdays, Sundays, and federal holidays, from 2 p.m. to 6 p.m. the draw need open only on the hour and half-hour.

(e) [Reserved]

(f) *Lady's Island bridge across the Beaufort River, mile 536.0 at Beaufort.* The draw shall open on signal; except that, from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Monday through Saturday except federal holidays, the draw need open only on the hour.

Dated: December 6, 1985.

G.S. Duca,

Captain, U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.

[FR Doc. 85-29706 Filed 12-13-85; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-2933-1]

Approval and Promulgation of Implementation Plans; New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document corrects (1) the chart which summarizes dates for attainment of the National Ambient Air Quality Standards (NAAQS) for the State of New Hampshire and (2) an omission in the list of non-SIP regulations.

The dates by which the State of New Hampshire must attain the National Ambient Air Quality Standards are codified at 40 CFR 52.1523 (45 FR 24876, April 11, 1980, as amended at 45 FR 41943, June 23, 1980.) EPA approved a revision of the Berlin Primary TSP attainment date to August 31, 1985, on September 27, 1984 (49 FR 38140). EPA approved a revision of the CO attainment date in Manchester to December 31, 1987 on June 27, 1983 (48 FR 29479). The chart was not revised on those approval dates; therefore, this notice corrects the chart and prints it in its entirety. No changes are being made to the attainment status designations at this time.

On March 15, 1983, (48 10833) EPA published a list of New Hampshire Regulations which are not part of the federally approved SIP. The following line was excluded when the list was published in the **Federal Register**, and when it was codified at 40 CFR 52.1527 and should be added to the list:

- CHAPTER AIR 1000, Part Air 1002.

This action corrects this error and prints the list in its entirety.

FOR FURTHER INFORMATION CONTACT: Lynne A. Naroian, (617) 223-4873; FTS 223-4873.

Dated: November 18, 1985.

Michael R. Deland,

Regional Administrator, Region I.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart EE—New Hampshire

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

§ 52.1523 [Amended]

2. The chart in § 52.1523, "Attainment Dates for National Standards", is revised and appears in its entirety below:

* * * * *

Nonattainment areas [1]	TSP		SO_2		NO_2	CO	SO_4
	Primary	Secondary	Primary	Secondary			
Androscoggin Valley Interstate AQCR 107:							
Berlin	g	f	f	f	a	a	a
Remainder of AQCR	a	b	a	b	a	a	a
Merrimack Valley-SO NH Interstate 121:							
Keene	a	b	a	b	a	a	d
Manchester	a	c	a	b	a	h	d
Nashua	a	b	a	b	a	e	d
Remainder of AQCR	a	b	a	b	a	a	d
AQCR 149	a	b	a	b	a	a	a

a. Air quality level presently below primary standards or area is unclassifiable.
b. Air quality level presently below secondary standards or area is unclassifiable.
c. Eighteen month extension for plan submittal granted; attainment date not yet proposed.
d. December 31, 1982.
e. Redesignation to non-attainment. Nine months granted for submission of an attainment plan; attainment date not yet proposed.
f. December 31, 1981.
g. August 31, 1985.
h. December 31, 1987.
[1] Sources subject to plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1523 (1978).

3. Section 52.1527, paragraph (b)(5), is revised as follows:

§ 52.1527 Rules and regulations.

* * * * *

(b) * * *

(5)Non-SIP regulations' numbers listed below:

- CHAPTER Air 100, PART Air 101, sections 101.01-101.03, 101.27, 101.31, 101.50, 101.52, 101.57, 101.63, 101.70-101-

73, 101.76, 101.78, 101.90, 101.97; PARTs Air 102–103.

- CHAPTER Air 200, PARTs Air 201–204; PARTs Air 206–210.
- CHAPTER Air 300, PART Air 304.
- CHAPTER Air 500.
- CHAPTER Air 800, PART Air 803.
- CHAPTER Air 1000, PART Air 1002.
- CHAPTER Air 1100.
- CHAPTER Air 1200, PART Air 1201, section 1201.07; PART Air 1206.

* * * * *

[FR Doc. 85–29659 Filed 12–13–85; 8:45 am]
BILLING CODE 6560–50–M

40 CFR Part 81

[A–10–FRL 2937–8]

Designation of Areas for Air Quality Planning Purposes; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this notice, EPA is approving the redesignation of the Grants Pass, Oregon, from "attainment" to "nonattainment" for carbon monoxide. This action was requested by the State of Oregon Department of Environmental Quality based on carbon monoxide violations recorded during the period of 1981 through 1984.

EFFECTIVE DATE: December 16, 1985.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Air Programs Branch (10A–85–7), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97204

FOR FURTHER INFORMATION CONTACT: Loren C. McPhillips, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: 206/442–4233, FTS: 399–4233.

SUPPLEMENTARY INFORMATION:

I. Introduction

On December 10, 1984, the State of Oregon Department of Environmental Quality (ODEQ) submitted a request to redesignate the Grants Pass area to nonattainment for carbon monoxide (CO). Specific boundaries were identified in the submittal. Based on this request, ODEQ has devised a State Implementation Plan schedule for development of the CO control strategy. The schedule currently calls for the SIP to be submitted to EPA by May 1986, consistent with the EPA's policy for newly designated nonattainment areas contained in the Guidance Document for Correction of Part D SIPs for Nonattainment Areas, January 27, 1984 and EPA's regulations, 40 CFR 52.24(k) (1984).

II. Response to Comments

On April 18, 1985 (50 FR 15463), EPA solicited public comment on the proposed approval of this redesignation. One comment was received concerning the actual boundaries of the proposed nonattainment area for Grants Pass. A minor correction was published on June 13, 1985 (50 FR 24784).

III. Summary of Rulemaking Action

Today's notice approves the redesignation of the Grants Pass central business district to nonattainment for carbon monoxide. the boundaries for the nonattainment area are as follows:

Beginning at the intersection of B Street and Fifth Street; extending easterly along B Street to Eighth Street; thence southerly along Eighth Street to M Street; thence westerly along M Street to Fifth Street; thence northerly along Fifth Street to the starting point.

IV. Administrative Review

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 14, 1986. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

List of Subjects 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: December 9, 1985.

Lee M. Thomas,

Administrator.

PART 81—[AMENDED]

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 81 is as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 81.338 the attainment status designation table for carbon monoxide is revised to read as follows:

§ 81.338 Oregon.

* * * * *

OREGON—CO

Designated Area	Does not meet primary standards	Cannot be classified or better than national standards
Portland-Vancouver AQMA (portion of the Oregon portion).	X	
Eugene-Springfield AQMA	X	
Grants Pass	X	
Medford—an area contained within the central commercial area of the city.	X	
City of Salem	X	
Remainder of State		X

* * * * *

[FR Doc. 85–29557 Filed 12–13–85; 8:45 am]
BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Addition of the Guadalupe Fur Seal to the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service adds the Guadalupe fur seal to the List of Endangered and Threatened Wildlife. This measure, required by section 4(a)(2)(A) of the Endangered Species Act, corresponds with a determination of threatened status by the National Marine Fisheries Service, which has jurisdiction of the Guadalupe fur seal pursuant to the Act.

DATES: The effective date of this rule is January 15, 1986.

ADDRESSES: Questions regarding the Service's role in this matter may be addessed to the Office of Endangered Species, U.S. Fish and Wildlife Service, 500 Broyhill Building, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, at the above address (703/235–2771 or FTS 235–2771).

SUPPLEMENTARY INFORMATION: Pursuant to the Endangered Species Act of 1973, as amended, and in accordance with Reorganization Plan Number Four of 1970, responsibility for the Guadalupe fur seal (*Arctocephalus townsendi*), as well as most other marine mammals, lies with the National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration, Department of Commerce. Section 4(a)(2)(A) of the Act provides that the NMFS must decide whether a species under its jurisdiction should be classified as endangered or threatened. The Fish and Wildlife (FWS), however, is responsible for the actual addition of such species to the List of Endangered and Threatened Wildlife in 50 CFR 17.11(h). In the **Federal Register** of January 3, 1985 (50 FR 294), the NMFS proposed a determination of threatened status for the Guadalupe fur seal and requested comments from the public by March 4, 1985.

In this issue of the **Federal Register**, the NMFS is publishing its final determination of threatened status for the Guadalupe fur seal (see document in Final Rules section under the Department of Commerce, National Oceanic and Atmospheric Administration). Accordingly, the FWS hereby concurrently adds the Guadalupe fur seal, as a threatened species, to the List of Endangered and Threatened Wildlife. Because this FWS action is nondiscretionary, and in view of the public comment period provided by the NMFS on its proposed determination, the FWS finds that good cause exists to omit the notice and public comment procedures of 5 U.S.C. 553(b) as unnecessary and impractical with respect to this ministerial rule. The FWS also has determined that an Environmental Assessment, as defined under authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Act. A notice outlining the reasons for this determination was published in the **Federal Register** of October 25, 1983 (48 FR 49244).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Section 17.11(h) is amended by adding the following, in alphabetical order under "MAMMALS," to the List of Endangered and Threatened Wildlife.

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
Guadalupe fur seal	*Arctocephalus townsendi*	U.S.A. (Farallon Islands of CA) south to Mexico (Islas Revillagigedo)	Entire	T	212	NA	227.11

Dated: December 5, 1985.

P. Daniel Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85–29677 Filed 12–13–85; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 41264–5160]

Threatened Fish and Wildlife; Guadalupe Fur Seal

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

ACTION: Final rule.

SUMMARY: The NMFS has determined that the Guadalupe fur seal (*Arctocephalus townsendi*) should be listed as a threatened species according to the Endangered Species Act of 1973 (ESA). This determination is based on information contained in a petition to list the species submitted by the Center for Environmental Education/Seal Rescue Fund, in a Status Review conducted by the NMFS, and in comments received in response to publication of the proposed rule to list the species. The NMFS has determined that such listing is warranted because: (1) The population was reduced to very low numbers by 19th century commercial exploitation; (2) the current population remains small (about 1,600) relative to the presumed minimum pre-exploitation population size (30,000); and (3) the population has been increasing slowly but persistently since its rediscovery in 1954. Critical habitat is not being established at this time because the only areas that are essential to the conservation of the species and may require special management considerations or protection are outside of the jurisdiction of the United States. Concurrent with this rule, the Fish and Wildlife Service, Department of the Interior, is amending the U.S. List of Endangered and Threatened Wildlife by adding the Guadalupe fur seal as a threatened species. The intended effect of listing the Guadalupe fur seal is to provide it with the protection afforded threatened species under the ESA.

EFFECTIVE DATE: The effective date of this rule is January 15, 1986.

ADDRESSES: The complete file for this rule is available for review in the Office of Protected Species and Habitat Conservation, NMFS, 3300 Whitehaven Street, NW., Washington, DC 20235, or the Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, California 90731.

FOR FURTHER INFORMATION CONTACT: Patricia Montanio (Office of Protected Species and Habitat Conservation), 202–634–7529, or Dana J. Seagars (Southwest Region), 213–548—2518.

SUPPLEMENTARY INFORMATION:

Background

On November 21, 1983, the NMFS received a petition from the Center for Environmental Education, Seal Rescue Fund to list the Guadalupe fur seal (*Arctocephalus townsendi*) as an endangered species under the ESA (16 U.S.C. 1531) for the following reasons:

1. Overutilization of the species by 19th century commercial sealing operations reduced the population to extremely low numbers.

2. Population growth has been slow since a breeding colony was discovered at Guadalupe Island, Mexico in 1954.

3. The restricted breeding area and overall distribution increases the vulnerability of Guadalupe fur seals to human disturbance through direct or indirect intrusion into these areas. Disruption of normal activities at both breeding and hauling out areas could adversely affect population growth.

4. *A. townsendi* is listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Such listed species are considered by CITES to be threatened with extinction; trade in the species or its products for commercial purposes is banned by Convention members.

5. The International Union for Conservation of Nature and Natural Resources (IUCN) Red Data Book lists *A. townsendi* as vulnerable.

6. *A. townsendi* was listed according to the Endangered Species Protection Act of 1966 as threatened with extinction. The omission of this species from a revised list published in 1970 (and subsequent lists) was without explanation.

The Assistant Administrator for Fisheries, NOAA, determined that the petition presented substantial information indicating that the petitioned action may be warranted and commenced a review of the status of this species to determine whether or not it should be listed under the ESA (February 8, 1984, 49 FR 4804). On January 3, 1985, the NMFS published its proposed determination that the Guadalupe fur seal should be listed as threatened (50 FR 294–298) and requested comments and information by March 4, 1985. After a thorough review of all information available, the NMFS has determined that the Guadalupe fur seal should be classified as threatened under the terms of the ESA. The list of threatened species under the jurisdiction of the NMFS is contained in 50 CFR 227.4, and is amended to reflect this final determination. The Fish and Wildlife Service (FWS), Department of the Interior, maintains the U.S. List of Endangered and Threatened Wildlife (50 CFR Part 17) of all species determined by the NMFS or the FWS to be endangered or threatened. Concurrent with this rule, the FWS is amending the List by adding the Guadalupe fur seal as a threatened species (see document in the Final Rules section of this issue under Department of the Interior, Fish and Wildlife Service).

Summary of Comments and Recommendations

The NMFS solicited comments and information concerning the Guadalupe fur seal in the **Federal Register** documents noted above. The following individuals and organizations provided information and/or comments: The Conservation Monitoring Center, IUCN; Center for Environmental Education; Department of the Air Force; Department of the Navy; Marine Mammal Commission; Minerals Management Service; Channel Islands National Park, National Park Service; Fish and Game Commission, County of Santa Barbara; Smithsonian Institution; American Society of Mammalogists; Chevron U.S.A., Inc.; Exxon Company, U.S.A.; Union Oil Company of California; Western Oil and Gas Association; Mr. Brent Stewart, Hubbs-Sea World Research Institute; and Dr. Bruce Mate, Oregon State University. Comments from the Wild Flora and Fauna Directorate, Urban Development and Ecology Secretariat (SEDUE), Government of Mexico were received by the U.S. Embassy, Mexico City and transmitted to the NMFS.

Reviewers' comments focused primarily on two issues of the proposed rule: the listing classification to be assigned and the establishment of critical habitat.

Eight commenters supported or had no objection to the proposed listing of *A. townsendi* as "threatened." Three commenters recommended listing the species as "endangered" rather than "threatened." Five commenters felt the species should not be listed or questioned the basis for making a listing determination. Of these five, two believed the economic cost of listing would outweigh any potential benefits to the species or the ensuing restrictions would be onerous and excessive to industry. In accordance with the Conference report on the 1982 amendments to the ESA, § 424.11(b) of 50 CFR requires that the NMFS make a listing determination "*solely* on the basis of the best available scientific and commercial information . . . without reference to possible economic or other impacts of such determination." Therefore, this determination does not consider any economic factors.

Exxon Company, U.S.A. stated that a listing determination is premature due to the lack of detailed information concerning the species' life history and ecology. While the NMFS believes that delaying a final decision to list might provide additional information concerning population parameters (see *Research*, below), the regulations require the NMFS to make a listing determination using the best available information within one year of the publication of the proposed rule, unless there is substantial disagreement among knowledgeable scientists concerning the sufficiency or accuracy of the available information. The NMFS believes sufficient information is available to support listing the species as threatened (see *Listing Procedures*, below) and is not aware of any disagreement in the scientific community regarding the sufficiency or accuracy of the information used in making this determination. Therefore, the NMFS thinks that issuing the final rule at this time is appropriate.

The Minerals Management Service believes the evidence presented in the proposed rule did not satisfy any of the listing criteria. It is the judgment of the NMFS that criterion (2)—"overutilization for commercial . . . purposes" is supported by the current scientific estimates of population size and the written history of the decimation of the population by commercial sealing. Additional details are discussed in the *Listing Procedures* section, below.

The Union Oil Company of California stated that evaluation of the species status should be restricted to the portion of the population in Mexican waters as those individuals in U.S. waters are not intrinsic to survival of the population. The definitions provided in the ESA and the listing regulations of "endangered" and "threatened" status require evaluation of a species' status throughout its range. The current distribution of the Guadalupe fur seal is largely restricted to a remnant of its historic range. Only few individuals are found within the historic range in U.S. waters; these individuals may be recolonizing a portion of their historic range. Reoccupation of historic rookery sites is one indication that the population is recovering. Since the purpose of the ESA is to provide for the recovery of listed species, the NMFS believes that consideration of the individuals occurring in U.S. waters is appropriate.

The United States Air Force requested that the potential impact to *A. townsendi* on the Channel Islands from Space Shuttle sonic booms not be used as justification for listing. The NMFS believes it appropriate to present an analysis respective to the factors outlined by the regulations for listing. While the analysis under factor 1 (present or threatened destruction, modification, or curtailment of . . . habitat or range) noted that

these proposed activities may alter the acoustic environment of the Channel Islands and have the potential to cause short-term disturbance to individuals, the NMFS concluded these activities were not likely to result in significant adverse impacts to the species, and therefore would not, taken alone, support a listing determination.

Based on information from the Red Data Book, the IUCN recommended an endangered status. The NMFS believes the available information supporting listing most closely corresponds with the definition of a "threatened" species provided by the ESA. The Guadalupe fur seal is listed by IUCN as "vulnerable." Included in this category are species "believed likely to move into the 'Endangered' category in the near future . . ." and species whose populations "have been seriously depleted and whose ultimate security has not yet been assured." This classification corresponds more closely with the ESA definition of "threatened" than "endangered" and therefore, it appears that the "threatened" status is consistent with the IUCN category of vulnerable.

The American Society of Mammalogists recommended listing the species as "endangered" based on prior drastic depletion, current low numbers and restricted range, and a potential threat to the species in southern Californian waters due to gillnet fishing operations. The NMFS agrees that there is a potential for *A. townsendi* to be taken in gillnets. However, this potential is low because the number of Guadalupe fur seals in U.S. waters is small. Studies of marine mammal mortality in gillnets conducted by the NMFS and the California Department of Fish and Game since 1978 (Miller *et al.*, 1983; Hanan, 1985) have not reported any incidental taking of *A. townsendi*. If the numbers of *A. townsendi* in the Southern California Bight increase, the potential for incidental taking could increase. The level of take that might occur is difficult to predict because feeding areas of the species have not been identified, routes to these areas are unknown, and the distribution of fishing effort is variable. The NMFS believes that listing the species as "threatened" is justified because currently the potential for incidental taking is low and because the level of incidental take that might occur in California in the future is not expected to have a significant effect on the population. Should incidental taking become a problem as the number of *A. townsendi* increases in U.S. waters, the Service will initiate appropriate action to ensure the recovery of the species.

The Center for Environmental Education, Seal Rescue Fund (CEE/SRF) recommended listing the species as endangered because (1) the recovery of the population has been slow in comparison with the recovery of another pinniped, the northern elephant seal (*Mirounga angustirostris*), and (2) the only breeding site currently use by the species is being used for commercial and recreational purposes. CEE/SRF concluded that the population's slow growth is likely to be jeopardized by potential increases in human activities at this breeding area. The NMFS believes it is inappropriate to evaluate the population growth of *A. townsendi* based entirely on a comparison with *M. angustirostris* because of the differences in size, social structure, and reproductive behavior between otariid and phocid pinnipeds. Because surveys of *A. townsendi* have been conducted at different times of the year, the estimation of the population growth rate of *A. townsendi* is difficult and the factors which may have influenced this rate remain uncertain. However, the NMFS has not been provided with any information to date indicating that recreational or commercial activities at Guadalupe Island have influenced this growth rate. The Government of Mexico and NMFS biologists have provided information indicating that current commercial and recreational use of Guadalupe Island is restricted to areas away from the rookery. Access to rookery beaches is prohibited except for authorized scientific investigations. Additional military personnel have been stationed on the Island in recent years to provide for enforcement of all regulations. Because of this protection, the NMFS finds that recovery is not likely to be jeopardized by these activities and that listing the species as "threatened" is justified.

Five commenters supported the proposed determination not to establish critical habitat. Only the CEE/SRF recommended establishment of critical habitat in a portion of the U.S. Channel Islands off southern California. The specific areas mentioned included San Miguel Island and available ocean waters within U.S. jurisdiction. CEE/SRF noted that one of the criteria proposed for evaluating the recovery of *A. townsendi* was establishment of one or more additional rookeries within the historic range, concluding that if the Channel Islands are the only area where recolonization appears to be taking place, then "this area is essential for the conservation of the species." CEE/SRF further asserted that the NMFS declined to designate critical habitat in the proposed rule "due to a lack of information on the seals' foraging habits."

While recolonization may occur in the Channel Islands, the NMFS does not agree that rookery sites on the Channel Islands or feeding areas in U.S. waters are essential to the conservation of the species and in need of special management measures. Activities considered as essential for recovery include breeding and feeding. The NMFS has identified recolonization of one or more historic breeding sites as one indication of a recovering population. The Channel Islands are only one of several island groups where recolonization may eventually occur. While space for population expansion is certainly essential to the conservation of the species, this space also is available on several islands in Mexico; additional space also is available at Guadalupe Island. Therefore, the NMFS does not find that reoccupation of the Channel Islands in particular is essential to the conservation of the species.

Even if the areas in the Channel Islands were essential to the conservation of the species, the Service does not believe that those areas in the Channel Islands require special management consideration or protection that would be afforded by a critical habitat designation. San Miguel Island is managed by the National Park Service and San Nicolas Island by the U.S. Navy. Both agencies restrict entry to pinniped haul-out areas to all but those persons conducting authorized research or for activities essential to the agency's mission. There is no indication that these activities are, or have the potential for, impeding the recovery of the species.

While the pelagic distribution of feeding Guadalupe fur seals is unknown, it is unlikely that the existing population is dependent on forage in U.S. waters for its continued existence. The decision not to designate U.S. waters as critical habitat was based on the fact that most seals are likely to forage in Mexican waters and not because there was insufficient information to determine the extent of critical habitat. Mexican waters are exempt from consideration as critical habitat; therefore, no foraging habitat has been designated as critical. Two sections (*Listing Decision* and *Criteria for Initiating a Status Review*) have been revised in order to clarify the NMFS' position on the issue of critical habitat.

Comments received concerning "Delisting Criteria" indicated some confusion regarding the NMFS' intent and the procedures proposed to be

followed after listing of the species. It is the NMFS' intent to identify several specific criteria to be used to identify potential recovery of the population. The NMFS recognizes that these criteria are not absolute or all inclusive, and could be independent of each other. Other specific criteria could be used to identify recovery. The achievement of any one or a combination of these or any other criteria would not make delisting automatic, but would serve to initiate a Status Review. Analyses within the Status Review would culminate with the NMFS proposing a course of action which could include delisting, reclassification, or maintenance of listing status. The section has been retitled and revised slightly to clarify our position on this topic.

Several commenters provided information clarifying the legal status of the nature reserve at Guadalupe Island, calling attention to sightings not noted in the petition or proposed rule, and on additional details of the species biology. While the comments provided additional information about the species, they did not include substantive data which would alter the listing decision. This information has been incorporated into the following sections where appropriate.

Status Review

Detailed information concerning the biology and the status of the species is contained in the petition submitted by CEE/SRF (1983), the NMFS Status Review (Seagars, 1984), and other references cited at the end of this document. This information was summarized in the proposed rule (50 FR 294–298; January 3, 1985).

Listing Procedures

Section 4(a) of the ESA provides that the Secretary of the Interior or Commerce, depending upon the species involved, shall, by regulation, determine if any species is endangered or threatened based upon any one or a combination of the following factors: (1) Present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Section 4(b) of the ESA requires that such determinations are to be made "solely on the basis of the best scientific and commercial data available" and must take into account any efforts being made to protect the species under consideration. The following discussion considers the history, status and biology of *A. townsendi* and current conditions in relation to the listing factors.

(1) *The present or threatened destruction, modification or curtailment of the species' habitat or range.* Habitat loss has not been the primary factor causing the reduced abundance of this species. Several actions that have been proposed within the species' range have the potential to modify or curtail portions of the habitat or range. Offshore oil and gas development activities are intensifying in central and southern California waters. The habitat in the Channel Islands area has a history of low level, chronic occurrence of oil from natural seeps; however, larger scale, catastrophic oil spill events are not a typical component of the habitat. While the occurrence of such events is considered to be unlikely, large amounts of spilled oil could affect individual fur seals in their pelagic habitat or on haulout areas at San Miguel and San Nicolas Islands. There are no data available to evaluate if *A. townsendi* can detect or would avoid oil encounterd at sea. As fur seals rely on their thick pelage for insulation from the cold marine environment, contact with oil either at sea or on a haulout could adversely affect individual fur seals.

The U.S. Air Force's Space Shuttle Program proposes to launch and return vehicles over the northern Channel Islands during the 1980's and 1990's. Over the ten year life of the program, a maximum of 7 launches are predicted to cause high intensity sonic booms over the northern Channel Islands, San Miguel Island in particular. The effects of these sonic booms on pinnipeds are unknown at the present time. High intensity sonic booms are not a normal component of the habitat. Sonic booms of a lesser intensity may impact the islands from approximately 73 other launches and all returns. Any of these sonic booms could cause short-term disturbance to any individuals present. The Air Force has indicated that they will monitor the initial Shuttle launches from Vandenberg A.F.B. to determine the degree, if any, of impact to marine mammal species.

There is potential for disturbance to breeding and resting *A. townsendi* on Guadalupe Island or San Miguel Island by tourists and fishing vessels. However, there are no data that indicate this is a problem now or is likely to become a problem in the future.

There are a number of protective measures in place which either directly or indirectly provide protection to the species and its habitat. These are discussed in detail in listing factor (4) and in the NMFS Status Review (Seagars, 1984).

The NMFS concludes that activities discussed above, particularly those with a potential for oil spills or high-intensity sonic booms, may adversely affect individual Guadalupe fur seals. However, they are not likely to pose a threat to the continued existence of the population breeding on Guadalupe Island or those individuals which haul out on the California Channel Islands.

(2) *Overutilization for commercial, scientific, and educational purposes.* The original population size probably included at least 30,000 individuals. Commercial hunting for the fur of this species resulted in overutilization and its nearly complete eradication in the mid to late 19th century. Archeologic and historic evidence indicates that the species' former breeding range probably was from San Miguel Island, California, to Socorro Island, Baja California. Two specimens were collected for scientific and educational purposes in 1928 when it was unlikely that the population exceeded 60 individuals. Shortly after this time, all known remaining animals were harvested, reportedly for furs sold in Panama. The current breeding distribution is likely restricted to the eastern shore of Guadalupe Island; this area is used by at least 1,600 animals. Although the factors involved are complex and uncertain, the population growth rate may have been influenced by repeated reductions in numbers, reduced genetic variability, or other unknown factors.

(3) *Disease or predation.* There is no information concerning disease or predation for this species.

(4) *Inadequacy of existing regulatory mechanisms.* Current regulatory mechanisms appear to be providing adequate protection of the species within areas subject to Mexican and U.S. jurisdication. Guadalupe Island was designated as a wildlife refuge and sanctuary by the Government of Mexico in 1928, specifically to protect the northern elephant seal and the Guadalupe fur seal. A prohibition on the hunting of these two species was made permanent by Mexico in 1967. A fine of 1.5 million pesos was set in 1983 for any illegal taking; at the same time, provisions for taking for scientific research were established. The Guadalupe fur seal has been protected in the United States under the provisions of the Marine Mammal Protection Act (MMPA, 16 U.S.C. 1361) since December 21, 1972. It is also listed on Appendix I to CITES which prohibits trade for commercial purposes between signatory parties to the Convention.

Although Mexico is not a party to CITES, these prohibitions apply to trade with signatory nations. Listing of the Guadalupe fur seal according to the ESA would provide it with additional protection through the Section 7 consultation process, the prohibitions of this rule, and the potential to designate critical habitat in the future should it become warranted.

(5) *Other natural or manmade factors affecting its continued existence.* The recent levels of human activities around Guadalupe Island have not prevented the continued increase in the population, and there is no evidence that human activities are increasing to levels that will halt the population's growth or threaten its continued existence. However, a potential exists for the expansion of several fisheries into waters adjacent to Guadalupe Island or the (as yet unknown) feeding grounds of *A. townsendi.* In the event that pelagic gillnet fisheries develop offshore Baja California, Guadalupe fur seals would likely be susceptible to entanglement. However, the potential impact from such a fishery is impossible to predict because it is unknown where feeding areas are located, what routes are taken to these areas, and where fishing effort would be located. If these areas coincided, competition for food resources or the incidental taking of seals could occur.

Discussion

Listing Decision

An endangered species is any species that is in danger of extinction throughout all or a significant portion of its range; a threatened species is any species that is likely to become an endangered species within the foreseeable future. The ESA requires that a determination to list a species as endangered or threatened be made solely on the basis of the best available scientific and commercial information concerning that species relative to the criteria reviewed above. Of these, a decision to list *A. townsendi* is best supported by evidence presented according to criterion (2)—"overutilization for commercial . . . purposes." The species is not currently being taken for commercial purposes and is protected from such taking by both Mexican and U.S. legislation. Given the apparent persistence of the species over the past 40 years and continued growth of the population, the NMFS does not find that the species is in danger of extinction throughout all or a significant portion of its range. However, despite the shortcomings of the available scientific information, it is apparent that the population was reduced to, and remains at, a level where the species is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Thus the NMFS determines that listing this species as "threatened" under the provisions of the ESA is appropriate and issues these protective regulations.

Criteria for Initiating a Status Review

The goal of the ESA is to provide for the recovery of listed populations to a point at which the protective measures of the ESA are no longer necessary. Recovery of a listed population is judged relative to the general listing criteria (50 CFR 424.11(c)).

After a review of the species' status, a species may be delisted on the basis of recovery if it is determined that the species is neither endangered nor threatened (50 CFR 424.11(d)). The general criteria for determining recovery (50 CFR 424.11(c)) are not species-specific, as they are designed to apply to a broad range of species and situations. For example, a population that was listed because of habitat degradation could be delisted when the habitat is restored and the population stabilized, or a population that was listed because of overutilization could be delisted when the use is curtailed and the population returns to a safe level.

Because the general criteria are not species-specific, evaluation of the recovery of a species using the general criteria alone may be difficult and may make the delisting process cumbersome. Therefore, the NMFS is proposing specific criteria to identify recovery of the Guadalupe fur seal population to supplement the general criteria of 50 CFR 424.11(c). These criteria can be evaluated with data from a long-term monitoring program and can be evaluated independently. When one or more of the criteria are attained, the NMFS will initiate a Status Review to determine if the listed status of the Guadalupe fur seal should be changed. In addition, other specific criteria not identified here could be used to initiate a Status Review.

The specific criteria are (1) growth to a population size of 30,000 animals, (2) establishment of one or more additional rookeries within the historical range, and (3) growth to the level at which maximum net productivity of the population occurs.

The estimated minimum size of the pre-exploitation population is 30,000 animals (Seagars, 1984). The NMFS believes this level to be a reasonable indication of recovery of the species sufficient to warrant reassessment of its status.

The establishment of additional breeding colonies within the historic range provides an indication of recovery, because it implies population growth. Establishment of a geographically isolated breeding site reduces the potential for adverse effects on a population due to a localized catastrophic event or human interactions, thereby diminishing the need for the protective measures of the ESA. Therefore, if one or more additional rookeries within the historical breeding range are established, the NMFS will initiate a status review.

The maximum net productivity level (MNPL) is a definitive point in the dynamics of a recovering population. The growth rate of the population begins to decrease at the MNPL as density dependent factors begin to operate. A qualitative determination that a population has passed the point at which the MNPL occurs can be made by monitoring the rate of population growth over time. A population above its MNPL is resilient and can respond to reductions (e.g. from an incidental take) by increasing productivity (DeMaster *et al.*, 1982; Goodman, 1980 and 1982). This resiliency provides some protection to the population, and may indicate that the protective measures of the ESA are not necessary. Therefore, the NMFS will use the MNPL of the Guadalupe fur seal population as a criterion for assessing recovery. If the population monitoring program indicates that the population is above its MNPL, the NMFS will initiate a status review.

Meeting one or all of the delisting criteria does not mean that the NMFS will propose delisting the species, but rather that the NMFS will conduct a status review. If, based on the status review, the NMFS determines that the species is neither threatened nor endangered, then it will propose to delist the species. The MNFS thinks that establishing specific criteria for assessing the recovery of a population at the time it is listed will facilitate monitoring the recovery of the population and facilitate the process of initiating a Status Review and the delisting process, if warranted.

Critical Habitat

Critical habitat is defined as "(1) the specific areas within the geographical area currently occupied by a species . . . on which are found those physical or biological features (i) essential to the conservation of the species and (ii) which may require special management

considerations or protection and (2) specific areas outside the geographical area occupied by the species . . . upon a determination . . . that such areas are essential for the conservation of the species" (16 U.S.C. 1532(5)(A)). The 1982 amendments to the ESA provide, in Section 4(a)(3), that the Secretary shall designate critical habitat, to the maximum extent prudent and determinable, concurrent with listing a species as endangered or threatened. The criteria for designating critical habitat are set forth in § 424.12 of the regulations which implement Section 4 of the ESA (50 CFR Part 424). Those regulations state that "[c]ritical habitat shall not be designated within foreign countries or in other areas outside of U.S. jurisdiction" (50 CFR 424.12(h)).

Guadalupe fur seals are known currently to breed only on Guadalupe Island in Mexico. Food habits have not been studied and foraging habitat has not been defined. A few non-breeding individuals have been observed on San Miguel Island each year since 1969 during the breeding season; solitary individuals have been sighted sporadically at San Nicolas, Santa Barbara, and San Clemente Islands and a few widely scattered pelagic locations. However, the areas in southern California waters are not known to be essential to the conservation of the species and are occupied only by a very small number of non-breeding individuals.

The NMFS finds that currently the only areas that meet the definition for critical habitat are outside of U.S. jurisdiction. Therefore, no critical habitat is being designated. If information indicates that any area within the U.S. is essential to the conservation of the species and may require special management considerations or protection, the NMFS will then reconsider designating critical habitat.

Research

Under the authority of Section 108 of the NMPA, the NMFS has informally cooperated with the Government of Mexico in marine mammal scientific research programs that can be continued or expanded. A cooperative research program with the Government of Mexico would facilitate research into various aspects of population dynamics and life history of the Guadalupe fur seal through cooperation in funding, personnel, and shared expertise. This information would provide a sound basis for management throughout the species range. These projects may include a review of historical sealing records (logbooks); periodic surveys designed to assess the population status throughout the range of the species on a consistently repeatable basis; description of natality and mortality rates; identification of food habits and distribution of feeding grounds; development of models used to assess population trends and status; and the monitoring or potential actions which could adversely affect the population—such as anthropogenic disturbance or fishery interactions.

Classification

The NOAA Directives Manual 02-10 (49 FR 29644-29657; July 23, 1984) implementing the National Environmental Policy Act (NEPA), categorically excludes ESA listing actions from the environmental assessment and environmental impact statement requirements of NEPA.

As noted in the Conference report on the 1982 amendments to the ESA, economic considerations have no relevance to determinations regarding the status of species. Therefore, the economic anslysis requirements of Executive Order 12291 and the Regulatory Flexibility Act are not applicable to the listing process.

This rule does not result in an increase in public information collection burden as defined by the Paperwork Reduction Act. The permitting and reporting requirements for the Guadalupe fur seal under the Marine Mammal Protection Act of 1972 include the requirements set forth in these regulations under the Endangered Species Act of 1973. Since the Marine Mammal Protection Act requirements satisfy the current rule, no additional burden results. The Marine Mammal Protection Act requirements for the Guadalupe fur seal are approved under OMB control numbers 0648-0084 and 0648-0099.

References

Bartholomew, G.A. 1950. A male Guadalupe fur seal on San Nicolas Island, California. J. Mammal. 31(2):175-180.

Center for Environmental Education, Seal Rescue Fund. 1983. Petition to List the Guadalupe fur seal, *Arctocephalus townsendi*, as an Endangered species. 26p.

DeMaster, D.P., D.J. Miller, D. Goodman, R.L. DeLong, and B.S. Stewart,. 1982. Assessment of California sea lion fishery interactions. Trans 47th N. Amer. Wildl. Nat. Res. Conf. Washington, D.C. pp. 253-264.

Fleischer, L.A. 1978. The distribution, abundance, and population characteristics of the Guadalupe fur seal, *Arctocephalus townsendi* (Merriam, 1897). Seattle, WA: Univ. Washington. Thesis. 93p.

Goodman, D.L. 1980. The minimum yield problem: distortion in the yield curve due to age structure. Theo. Pop. Biol. 18(2):160-174.

Goodman, D.L. 1982. Dynamic response estimation of population status relative to maximum net productivity level. Calif. Coastal Comm. Ocean Studies Symp., Asilomar, CA. 9 p.

Hanan, D.A. 1985. California Department of Fish and Game, Coastal Marine Mammal Study, Annual report for the period July 1, 1982—June 30, 1983. NMFS, SWFC Admin. Rept. LJ-85-10c; 76p.

Hubbs, C.L. 1956a. Back from oblivion. Guadalupe fur seal: still a living species. Pacific Disc. 9:14-21.

Hubbs, C.L. 1956b. The Guadalupe fur seal still lives! Zoonooz, S.D. Zool. Soc. 29(12):6-9.

Hubbs, C.L. 1979. Guadalupe fur seal. FAO. Advisory Committee on Mar. Res. Research. Working Party on Marine Mammals. FAO Fish. Ser. 5(2):24-27.

Kenyon, K.W. 1973. Guadalupe fur seal (*Arctocephalus townsendi*). Proc. Working Meeting Seal Spec. Threatened and Depleted Seals of the World Held Under Auspices Survival Serv. Comm. IUCN., 18-19 Aug. 1972. Univ. Guelph, Ont., Canada. IUCN, Morges, Switzerland.

King, J.E. 1983. Guadalupe fur seal. Seals of the World. Ithaca, New York: Cornell Univ. Press. pp. 37-39.

Lyon, G.M. 1937. Pinnipeds and a sea otter from the Point Mugu shell mound of California. Univ. Calif. Pubs. Biol. Sci. 1(8):133-168.

Merriam, C.H. 1897. A new fur seal or sea bear (*Arctocephalus townsendi*) from Guadalupe Island, off lower California. Proc. Biol. Soc., Washington 11:175-178.

Miller, D.J., M.J. Herder, and J.P. Scholl. 1983. California marine mammal-fishery interaction study, 1979-1981. NMFS SWFC Admin. Rept. LJ-83-13C; 233p.

Peterson, R.S., C.L. Hubbs, R.L. Gentry, and R.L. DeLong. 1968. The Guadalupe fur seal: habitat, behavior, population size, and field identification. J. Mammal. 49(4):665-675.

Pierson, M.O. 1978. A study of the population dynamics and breeding behavior of the Guadalupe fur seal, *Arctocephalus townsendi*. Santa Cruz, CA: Univ. Calif. Santa Cruz. Dissertation 110p.

Repenning, C.A., R.S. Peterson, and C.L. Hubbs. 1971. Contributions to the systematics of the southern fur seals, with particular reference to the Juan Fernandez and Guadalupe species. In: Burt, W.H. (ed) Antarctic Pinnipeds, Antarctic Res. Ser. 18:1-34. Baltimore, MD: Horn Shafer Co.

Seagars, D.J. 1984. The Guadalupe fur seal: a status review. NMFS, Southwest Region Administrative Rept. No. 84-6. 25p.

Thornback, J. (compiler). 1982. Guadalupe fur seal. IUCN Mammal Red Data Book. Part I. pp 407-409.

Townsend, C.H. 1928. Reappearance of the Lower California fur seal. Bull. N.Y. Zool. Soc. 31:173-174.

Walker, P.L. and S. Craig. 1979. Archeological evidence concerning the prehistoric occurrence of sea mammals at Point Bennett, San Miguel Island. Calif. Fish and Game 65(1):50-54.

List of Subjects in 50 CFR Part 227

Endangered and threatened wildlife, Exports, Fish, Import, Marine mammals, Transportation.

Dated: September 23, 1985.

Carmen J. Blondin

Deputy Assistant Administrator for Fisheries Resource Management National Marine Fisheries Service.

For the reasons set out in the preamble, Part 227 of Title 50 of the Code of Federal Regulations is amended as follows:

PART 227—THREATENED FISH AND WILDLIFE

1. The authority citation for Part 227 is revised to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

2. Section 227.4 of Subpart A is amended by adding a new paragraph (d) below the flush paragraph which now follows paragraph (c), to read as follows:

§ 227.4 Enumeration of threatened species.

* * * * *

(d) Guadalupe fur seal (*Arctocephalus townsendi*).

3. A new Subpart B, consisting of § 227.11 is added to read as follows:

Subpart B—Threatened Marine Mammals

§ 227.11 Guadalupe fur seal.

(a) *Prohibitions.* The prohibitions of Section 9 of the Act (16 U.S.C. 1538) relating to endangered species apply to the Guadalupe fur seal except as provided in paragraph (b) of this section.

(b) *Exceptions.* (1) The Assistant Administrator may issue permits authorizing activities which would otherwise be prohibited under paragraph (a) of this section in accordance with the subject to the provisions of Part 222 Subpart C—Endangered Fish or Wildlife Permits.

(2) Any Federal, State or local government official, employee, or designated agent may, in the course of official duties, take a stranded Guadalupe fur seal without a permit if such taking:

(i) Is accomplished in a humane manner;

(ii) Is for the protection or welfare of the animal, is for the protection of the public health or welfare, or is for the salvage or disposal of a dead specimen;

(iii) Includes steps designed to ensure the return of the animal to its natural habitat, if feasible; and

(iv) Is reported within 30 days to the Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731.

(3) Any animal or specimen taken under paragraph (b)(2) of this section may only be retained, disposed of, or salvaged in accordance with directions from the Director, Southwest Region.

4. Section 227.71 of Subpart D is amended by revising the introductory text to read as follows:

§ 227.71 Prohibitions.

Except as provided in § 227.72, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or to cause to be committed in any of the following acts with respect to any species of threatened marine reptile enumerated in § 227.4(a), (b) and (c):

* * * * *

[FR Doc. 85-29676 Filed 12-13-85; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 241
Monday, December 16, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-14-AD]

Airworthiness Directive; British Aerospace Model BAe-146 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of proposed rulemaking.

SUMMARY: This document withdraws a Notice of Proposed Rulemaking (NPRM) which proposed an airworthiness directive (AD) that would have required inspection amd modification, as necessary, of the lift spoiler arming microswitches on certain Model BAe-146 airplanes. Incorrect operation of the microswitches could cause unwanted retraction of the lift spoilers. The FAA has since determined that all affected airplanes have been inspected and modified, as necessary, and therefore, the proposed AD is not necessary. Accordingly, the NPRM is withdrawn.

EFFECTIVE DATE: December 26, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Standardization Branch, ANM-113; telephone (206) 431-2977. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which would have required inspection and modification, as necessary, of the lift spoiler arming microswitches to ensure correct overtravel setting was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on March 19, 1985 (50 FR 10974). Insufficient overtravel could cause unwanted retraction of the lift spoilers which would result in an unexpected increase in the stopping distance during a rejected takeoff or landing. Comments were requested from the public.

Since issuing the NPRM, the manufacturer has informed FAA that production of the Model 146 has been changed so that the unsafe condition has been corrected. The manufacturer has assured FAA that all affected airplanes of foreign registry have been inspected and modified. The FAA has contacted the Principal Maintenance Inspectors for each U.S. air carrier affected by the proposed AD and has verified, through a review of records, that all eight affected airplanes have been inspected and modified. Therefore, the potential unsafe condition that instigated the NPRM no longer exists and the proposed AD is not necessary. Accordingly, the NPRM is withdrawn.

Withdrawal of this Notice of Proposed Rulemaking constitutes only such action, and does not preclude the agency from issuing another Notice in the future, or commit the agency to any course of action in the future.

Since this action only withdraws a Notice of Proposed Rulemaking (NPRM), it may be made effective in less than 30 days. It is neither a proposed nor final rule, and therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Withdrawal

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

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

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

2. By withdrawing the proposed airworthiness directive published in the **Federal Register** on March 19, 1985 (50 FR 10974), FR Doc. 85-6455.

Issued in Seattle, Washington, on December 6, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-29618 Filed 12-13-85; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-AWP-39]

Proposed Alteration of Ukiah, CA, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter and redefine the transition area at Ukiah, California. The realignment of the controlled airspace is required to contain all Instrument Flight Rule (IFR) operations at Ukiah, California. This action is necessary to ensure separation of aircraft using approach procedures in instrument weather conditions and other aircraft operating in visual weather conditions.

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

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Manager, Airspace Branch, AWP-520, Docket No. 85-AWP-39, P.O. Box 92007 Worldway Postal Center, Los Angeles, California 90009-2007.

The official docket may be examined in the Office of the Western-Pacific Regional Counsel, Room 6W14, at 15000 Aviation Boulevard, Lawndale, California.

An informal docket may also be examined during normal business hours at the Airspace Branch, Room 6E4, at the above address.

FOR FURTHER INFORMATION CONTACT: Joe Fowler, Airspace Branch, Air Traffic Division, Federal Aviation Administration (FAA), 15000 Aviation Boulevard, Lawndale, California 90261; telephone (213) 297-1655.

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 to 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-39." 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 at the address listed above, 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, Airspace Branch, AWP-520, 15000 Aviation Boulevard, Lawndale, California 90261, or by calling (213) 297-1655.

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) to provide realignment of Ukiah, California, Transition Area. This action is necessary to provide sufficient airspace to ensure aircraft operating under Instrument Flight Rules (IFR) are contained within controlled airspace. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

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

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes 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 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Ukiah, CA—[Revised]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ukiah Municipal Airport (lat. 39°07'36" N., long. 123°12'00" W.); and within 2.5 miles each side of the Ukiah localizer course extending from the 5-mile radius area to 18 miles north of Runway 15 threshold; that airspace extending upward from 1200 feet above the surface beginning at lat. 39°24'30" N., long. 123°52'40" W.; to lat. 39°15'30" N., long. 123°32'30" W., to lat. 39°35'00" N., long. 123°29'00" W.; to lat. 39°35'00" N., long. 123°07'00" W.; to lat. 39°22'00" N., long. 123°07'00" W.; to 39°22'00" N., long. 122°56'30" W.; to lat. 39°11'20" N., long. 122°56'50" W.; to 39°11'20" N., long. 122°47'30" W.; to lat. 38°42'30" N., long. 123°02'40" W.; to 38°42'30" N., long. 123°23'00" W.; to lat. 38°54'30" N., long. 123°35'30" W.; lat. 39°13'30" N., long. 123°50'30" W.; thence three miles off the coast to a point of beginning.

That airspace extending upward from 5300 feet above mean sea level beginning at lat. 39°15'30" N., long. 123°32'30" W.; to lat. 39°20'50" N., long. 123°31'30" W.; to lat. 40°23'00" N., long. 124°09'30" W.; to lat. 40°22'00" N., long. 124°15'00" W.; to lat. 39°44'00" N., long. 124°06'50" W.; to lat. 39°19'00" N., long. 123°39'20" W.; thence to a point of beginning.

That airspace extending upward from 7500 feet above mean sea level beginning at lat. 39°51'20" N., long. 122°34'20" W.; to lat. 39°45'30" N., long. 122°20'00" W.; to lat. 39°28'30" N., long. 122°28'30" W.; to lat. 39°37'30" N., long. 122°49'30" W.; thence to a point of beginning.

That airspace extending upward from 8500 feet above mean sea level beginning at lat. 39°28'30" N., long. 122°28'30" W.; to lat. 39°37'30" N., long. 122°49'30" W.; to lat. 39°22'00" N., long. 122°04'00" W.; to lat. 39°22'00" N., long. 122°56'30" W.; to lat. 39°11'20" N., long. 122°56'30" W.; to lat. 39°11'20" N., long. 122°47'30" W.; to lat. 39°08'00" N., long. 122°49'00" W.; to lat. 39°08'00" N., long. 122°38'20" W.; thence to a point of beginning.

That airspace extending upward from 9500 feet above mean sea level beginning at lat. 39°35'00" N., long. 123°29'00" W.; to lat. 40°20'10" N., long. 123°56'00" W.; to lat. 40°25'00" N., long. 123°48'50" W.; to lat. 40°04'20" N., long. 122°36'30" W.; to lat. 39°54'40" N., long. 122°32'00" W.; to lat. 39°22'00" N., long. 123°04'00" W.; to lat. 39°22'00" N. long. 123°07'00" W.; to lat. 39°35'00" N., long. 123°07'00" W., thence to a point of beginning.

Issued in Los Angeles, California, on December 5, 1985.

H.C. McClure,

Director, Western-Pacific Region.

[FR Doc. 85-29622 Filed 12-13-85; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Parts 71 and 73

[Airspace Docket No. 85-ASO-16]

Proposed Revocation, Realignment and Establishment of Restricted Areas; North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke, realign, establish and increase the size of three restricted areas in eastern North Carolina at the request of the United States Navy. These actions are necessary to accommodate changing operational requirements, utilize current systems, and provide for more efficient use of restricted airspace.

DATES: Comments must be received on or before January 30, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic Division, Docket No. 85-ASO-16, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

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: Ronald C. Montague, Airspace and

Aeronautical Information Requirements Branch (ATO–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–3128.

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 proposals. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the proposals. This proposal is being circulated by the FAA at the request of the U.S. Navy in an effort to fully inform the public. Send comments on environmental and land use aspects to either CDR Larry Cleghorn, Commander Tactical Wings or CDR Al Hewitt, COMMATWING ONE, NAS Oceana, Virginia Beach, VA 23460. 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–ASO–16." 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 proposals 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.

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, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426–8058. 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 Proposals

The FAA is considering amendments to § 71.151 and § 73.53 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to redesignate and realign R–5301, Albemarle Sound, NC, and R–5302 Harvey Point, NC. The U.S. Navy states that these actions are necessary to accommodate changing operational requirements, utilize current systems, and provide for more efficient use of restricted airspace. Additionally, an increase in the size of R–5313 is proposed in order to contain hazardous activities within restricted airspace. This area, R–5113, will normally be used only when R–5314 Dare County Range is not available. The Continental Control Area will be adjusted according to these actions. Also, the Stumpy Point Military Operations Area will no longer be required and it will be cancelled. Sections 71.151 and 73.53 of Parts 71 and 73 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

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

List of Subjects in 14 CFR Parts 71 and 73

Aviation safety, Continental control area, Restricted areas.

PARTS 71 AND 73—[AMENDED]

The Proposed Amendments

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as follows:

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

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

§ 71.151 [Amended]

2. Section 71.151 is amended as follows:

R–5313 Long Shoal Point, NC [Revoked].
R–5313A Long Shoal Point, NC [New].
R–5313B Long Shoal Point, NC [New].

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

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 73.53 [Amended]

4. Section 73.53 is amended as follows:

R–5301A Albemarle Sound, NC [Revoked].
R–5301B Albemarle Sound, NC [Revoked].
R–5301C Albemarle Sound, NC [Revoked].
R–5301 Albemarle Sound, NC [New].

Boundaries. Beginning at lat. 36°04'58" N., long. 76°16'30" W.; to lat. 36°04'00" N., long. 76°23'40" W.; thence via a 3-nautical-mile clockwise arc centered at lat. 36°04'00" N., long. 76°20'20" W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility (FACSFAC VACAPES), NAS Oceana, Virginia Beach, VA.

R–5302 Harvey Point, NC [Revoked]
R–5302A Harvey Point, NC [New]

Boundaries. Beginning at lat 36°04'58" N., long. 76°16'30" W.; to lat. 36°04'00" N., long. 76°06'00" W.; to lat 36°00'00" N., long. 76°06'00" W.; to lat. 36°00'00" N., long. 76°13'00" W.; to lat. 36°00'00" N., long. 76°22'45" W.; thence via a 4-nautical-mile clockwise arc centered at lat. 36°02'00" N., long. 76°20'00" W.; to lat. 36°03'55" N., long. 76°24'18" W.; thence to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. 0800–2330 local time Monday–Thursday; 0800–1600

Friday; other times by NOTAM at least 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility (FACSFAC), NAS Oceana, VA.

R–5302B Harvey Point, NC [New]

Boundaries. Beginning at lat. 36°00'00" N., long. 76°13'00" W.; to lat. 36°58'50" N., long. 76°17'00" W.; thence via a 4-nautical-mile clockwise arc centered at lat. 36°02'00" N.,

long. 76°20'00" W.; to lat. 36°00'00" N., long. 76°22'45" W.; thence to the point of beginning.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. 0800–2300 local time Monday–Thursday; 0800–1600

Friday; other times by NOTAM at least 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility (FACSFAC), NAS Oceana, VA.

R–5313 Long Shoal Point, NC [Revoked]

R–5313A Long Shoal Point, NC [New]

Boundaries. A circular area within a 3-mile radius centered at lat. 35°32'48" N., long. 75°41'26" W.

Designated altitudes. Surface to 18,000 feet MSL.

Time of designation. 0800–2300 local time Monday–Friday; other times by NOTAM at least 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility (FACSFAC VACAPES), NAS Oceana, Virginia Beach, VA.

R–5313B Long shoal Point, NC [New]

Boundaries. Beginning at lat. 35°34'55" N., long. 75°47'15" W.; to lat. 35°48'30" N., long. 75°44'00" W.; to lat. 35°39'00" N., long. 75°34'30" W.; to lat. 35°32'00" N., long. 75°34'30" W.; to lat. 35°20'20" N., long. 75°42'45" W.; thence on a 12-nautical-mile clockwise arc centered at lat 35°33'00" N., long. 75°41'00" W.; to lat. 35°35'40" N., long. 75°54'40" W.; thence to the point of beginning, excluding R–5313A.

Designated altitudes. Surface to but not including FL 180.

Time of designation. 0800–2330 local time Monday–Friday; other times by NOTAM at least 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility (FACSFAC), NAS Oceana, Virginia Beach, VA.

Issued in Washington, DC, on December 6, 1985.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 85–29623 Filed 12–13–85; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Action NE 1805]

[A–7–FRL–2933–2]

Revision to State Implementation Plans; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: On April 12, 1985, EPA received a State Implementation Plan (SIP) revision from the Governor of Nebraska for the Lincoln carbon monoxide (CO) nonattainment area. Supplementary information was submitted on May 6 and August 9, and a transcript of the public hearing was submitted on May 16.

The purpose of today's notice is to propose action on the Lincoln CO SIP. The public is invited to submit comments regarding EPA's preliminary findings and today's proposed rulemaking.

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

ADDRESSES: Comments should be addressed to Mary C. Carter, Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101. The State submission is also available for inspection during normal business hours at the above address and at the following locations: Nebraska Department of Environmental Control, Air Quality Division, Box 94877 Statehouse Station, 301 Centennial Mall South, Lincoln, Nebraska 68509; and Lincoln-Lancaster County Health Department, Division of Environmental Health, 2200 St. Mary's Avenue, Lincoln, Nebraska 68502–3785.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (913) 236–2893, FTS 757–2893.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA designated over 400 areas as nonattainment for one or more primary or secondary National Ambient Air Quality Standards. Lincoln, Nebraska, was designated as nonattainment of the CO standard at that time. A revision to the State Implementation Plan (SIP) to meet the rquirements of Part D and Section 10 of the Clean Air Act was required for all nonattainment areas by January 1979. On May 14, 1979, the Lincoln CO SIP was submitted, but due to several deficiencies, including a lack of approvable new source review rules, EPA could not approve the State's submission. In July 1979, EPA imposed a construction ban pursuant to section 110(a)(2)(I) of the Clean Air Act, on all nonattainment areas whose plans were required to contain such a ban but did not, including the Lincoln CO nonattainment area.

The deficiency relating to new source review rules was subsequently corrected, but the plan was still inadequate because the plan had not provided for attainment of the standards by the end of 1982.

In February 1984, acting under section 110(a)(2)(H) of the Act, EPA asked the Governor of Nebraska to withdraw the inadequate CO plan and to develop and submit a new plan to attain the CO standard as expeditiously as practicable but not later than December 31, 1987. On April 27, 1984, Governor Kerrey officially withdrew the CO SIP for Lincoln. On April 12, 1985, EPA received a new SIP revision from Governor Kerrey for Lincoln. Supplementary information was received from the State on May 6 and August 9, 1985. This notice will review and propose action on the Lincoln CO plan revision and supplementary submissions.

Review of State Submissions

The nonattainment area comprises a relatively small portion of the City of Lincoln and is located in a shallow basin (Antelope Creek Basin). A major roadway, Capitol Parkway/Normal Boulevard, is located in the nonattainment area and runs parallel to the bed of the basin. The land use in this basin is characterized primarily by residential development and park land with some areas of commercial development.

There are no major stationary sources of CO in the City of Lincoln and no controllable minor stationary sources in the CO attainment area. The 1982 emission inventory indicates that 97 percent of the total CO emissions in the nonattainment area are generated by mobile sources. The State and City agencies believe that there is an accumulation of basin traffic-generated CO which builds up during peak traffic hours and under very stable meteorological conditions becomes trapped in the basin area, crusing high CO levels and occasional violations of the CO standards.

The City of Lincoln embarked on a program of transportation improvements around 1978 designed to improve traffic flow and thus decrease CO emissions from prolonged idling, traffic congestion, and delays. A program of computer-controlled synchronization of traffic signals in the Antelope Creek Basin was completed during 1982.

The Lincoln Transportation System provides for basic transportation needs through regularly-scheduled public transit services covering 419.8 route miles and approximately 1,500,000 vehicle miles of bus service each year. Approximately 97 percent of the total population live, and 98 percent of those employed persons in Lincoln work, within one-quarter mile of a bus route.

The 2005 Lincoln-Lancaster County Comprehensive Plan addresses long-range transit-related improvements including route expansion and bus replacement.

The City has operated a citywide Carpool/Vanpool program since 1976 to achieve a reduction in vehicle usage within the City. The City Planning Department estimates that ridesharing activities during 1984 resulted in a reduction of 1.2 million vehicle miles traveled (vmt) per month, or about two percent of total vmt, removing approximately 5,000 car trips from the streets each business day. Park and Ride lots have been designated throughout the periphery of the City to promote carpooling and bus ridership. Bicycle storage facilities, maintained by the City and private interests, are located at the business center and activity centers throughout Lincoln. The City has promoted flexible working hours through technical assistance and consultation to individual employers. The current SIP commits to an additional transportation control measure, the widening of Normal Boulevard by December 1, 1985, to further improve traffic flow and reduce CO levels.

These improvements, combined with the effects of the Federal Motor Vehicle Control Program, have reduced emissions of CO in the basin and have reduced the number of violations of the CO standard in recent years. The single monitor located in the nonattainment area at 22nd and "O" Streets recorded one, three, and zero violations during 1982, 1983, and 1984, respectively. The City believes that space heaters and a forge, which in 1983 were vented to the roof of the facility in which the CO monitor was located, coupled with a substantial increase in the number of auto repair facilities in the immediate vicinity of the site, could have been responsible for the violations of the standard that were recorded in 1983. Consequently, the monitor was relocated in 1984 to a site approximately two blocks west and one block north of the discontinued site. The new site, located at 20th and "P" Streets, recorded no violations during the last quarter of 1984 and the first two quarters of 1985.

A modeling analysis was performed using 1982 monitoring data. The CALINE 3 line source dispersion model and the MOBILE 3 emission factor model were used to recreate the conditions and pollution levels observed during 1982. Using the 1982 second highest eight-hour average of 10.8 ppm as the design value, the model predicted attainment by 1987. An additional analysis indicated continued improvement in CO levels and compliance with the standards through 1991.

Plan Evaluation

EPA has evaluated the plan to determine compliance with the requirements of Part D and section 110 of the Clean Air Act.

1. *Expeditious Attainment*—The plan adequately demonstrates attainment of the standard in the nonattainment area by 1987. However, a hotspot modeling analysis by EPA indicates that an area outside the designated nonattainment area may exceed the standard. Consequently, the State and local agencies have committed to locate a special purpose monitor at the modeled hotspot as soon as a suitable site can be found. This monitor will be operated for at least two years and if violations of the standard are recorded during this time, the State has committed to: (1) Redefine the boundaries of the nonattainment area to include the modeled hotspot, and (2) submit a new SIP revision to address the nonattainment problem.

2. *Public notice*—A public hearing was announced and the plan was made available to the public on January 30, 1985. The plan was adopted by the Nebraska Environmental Control Council on March 1, 1985, after a public hearing.

3. *All Reasonably Available Control Measures*—EPA has interpreted this as requiring all reasonably available control measures which are necessary to attain the standards as expeditiously as practicable. The plan includes a transportation control measure and relies on the Federal Motor Vehicle Control Program. The plan demonstrates attainment of the CO standard in the nonattainment area by the end of 1987.

The State evaluated several types of anti-tampering programs, including a change of ownership and a random roadside pullover program involving a four-parameter inspection (catalytic converter, fuel inlet fill pipe, air pump, and plumbtesmo). These programs were found to provide only a minimal improvement in air quality and did not provide for attainment of the standard prior to 1987. The State did not include a detailed evaluation of biennial and annual anti-tampering programs. The State indicated that it would take at least a year to implement such programs. Since the plan demonstrates attainment of the standard by the end of 1987, EPA does not believe that further evaluation of these programs should be required.

4. *Emission Inventory*—The plan contains a current inventory of stationary and mobile sources of CO emissions. The plan indicates that mobile sources account for approximately 97 percent of total CO emissions for the year 1982 and approximately 95 percent for the year 1991 in Lincoln. There are no major stationary sources of CO in Lincoln.

5. *Reasonable Further Progress*—The SIP provides evidence of annual incremental reductions in CO emissions in Lincoln and a net reduction of 29 percent in CO emissions between the years 1982 and 1987 based on MOBILE 3 emission factors and projected traffic volume. In addition, the State projected a further reduction of 6 percent in CO emissions between 1987 and 1991.

6. *Identify Emissions Growth*—The SIP predicts a 15 percent increase in traffic over the period from 1982 to 1991.

7. *Permit Program for New Stationary Sources*—On July 23, 1984 (49 FR 29597), EPA approved the Nebraska regulations for the new source review as meeting all the requirements of Section 172(b)(6) and Section 173 of the Clean Air Act, and the requirements for new sources in nonattainment areas published on August 7, 1980.

8. *Identify and Commit Resources*—The SIP includes a transportation control measure, the widening of Normal Boulevard to improve traffic flow, which will be completed by the Lincoln Public Work Department during 1985. The remainder of the improvement in CO emissions comes from the Federal Motor Vehicle Control Program. Consequently, no future resources are needed to implement the provisions for attainment of the standard.

9. *Emission Limitations and Compliance Schedules*—There are no major stationary sources of CO in the City of Lincoln. The only controllable minor source of CO in Lincoln is located approximately five miles northeast of the nonattainment area. Because of the distance and location of this source, relative to the nonattainment area, it is the City's belief that this source has no impact on the nonattainment area. Consequently, the SIP includes no limits or schedules for stationary sources of CO.

10. *Public, Local Government, and State Involvement in Accordance with section 172(b)(9)*—The SIP contains evidence of public, local government, and State involvement in SIP planning, development, and implementation. The plan contains an analysis of the economic, health, air quality, welfare, energy, and social effects of the plan provisions. No verbal or written public comments on the analysis were received.

11. *Evidence of Adoption of the Necessary Requirements, Schedules and Timetables for Compliance, and Commitments to Implement and Enforce These Plan Elements*—The control measure in the plan is currently being implemented by the responsible agency. Consequently, further commitments to implement the plan elements are unnecessary.

Indirect Source Review

On May 30, 1985 (50 FR 23031), EPA proposed to approve the State's deletion of indirect source review requirements for the State of Nebraska except as they pertain to the Lincoln and Omaha CO nonattainment areas. EPA stated that the indirect source review program would be retained in these areas until the State could adequately demonstrate whether this program should be part of the control strategy for attaining and maintaining the CO standards in these CO nonattainment areas. The reader is referred to the May 30 proposal for further information.

The Nebraska SIP for Lincoln adequately demonstrates attainment of the CO standard in the Lincoln nonattainment area without the use of the indirect source review program in the control strategy. Consequently, EPA believes the deletion of the indirect source review program would be appropriate for the Lincoln nonattainment area.

Proposed Action

EPA proposes to approve the Lincoln CO revision to the Nebraska SIP and to approve the revocation and deletion from the Nebraska SIP of indirect source review rules as they pertain to Lincoln.

EPA is soliciting comments on the State's submissions for Lincoln and on the actions proposed in this document. The Administrator will consider comments received from the public in deciding to approve or disapprove this submission.

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

The Office of Management and Budget (OMB) has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide.

Authority. 42 U.S.C. 7401–7642.

Dated: September 27, 1985.

Morris Kay,

Regional Administrator.

[FR Doc. 85–29868 Filed 12–13–85; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Parts 261, 264 and 265

[SWH–2932–6]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste, and Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Notice of data availability and request for comment.

SUMMARY: On June 26, 1985, EPA proposed to amend its hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) for tank systems storing or treating hazardous waste. 50 FR 26444. Several commenters indicated that the Agency underestimated substantially the number of tank systems potentially affected by the proposed rule by not considering tanks that are integrally tied to reclamation operations that are part of the production process. These comments raised the further question as to whether such tank systems should be considered to be involved in hazardous waste management. EPA is seeking public comment on these questions, and also is seeking comment on relevant information about the numbers and types of such tank systems submitted by the Chemical Manufacturers Association.

DATES: EPA will accept comments from the public until January 30, 1986.

ADDRESSES: Send comments to Docket Clerk, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Communications should identify the regulatory docket number "Closed-Loop Tank Systems."

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll-free at 800–424–9346 or (202) 382–3000. For technical information contact: Mr. Matthew A Straus, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 475–8551.

SUPPLEMENTARY INFORMATION: On June 26, 1985, EPA proposed to amend its regulations under RCRA that apply to tank systems storing or treating hazardous waste. 50 FR 26444. As part of the rulemaking, the Agency presented estimates on the potential costs and economic impacts of the proposed rule.

The Synthetic Organic Chemical Manufacturers Association (SOCMA) submitted comments stating that EPA had seriously underestimated the potential impact of the rule on tanks involved in on-site recycling operations. As a result of the Agency's amended definition of solid waste (50 FR 614, Jan. 4, 1985), many such tanks would be deemed to be engaged in hazardous waste management even though they may be part of an essentially closed system. See 50 FR at 639. Similar comments were raised at the Washington, DC public hearing on the proposed tank standards and in the comments on Eli Lilly and Co., the National Paint and Coatings Association, and a number of other companies.

The Chemical Manufacturers Association (CMA) has voiced similar concerns to the Agency. They indicate (CMA letter to EPA of Nov. 13, 1985) that hazardous spent materials (frequently spent solvents) are often reclaimed in on-site, closed-loop types of systems where the spent materials are piped from the process to surge or equalization tanks, piped from the tank to the distillation unit (or similar recovery devices), and then (after being reclaimed) returned by pipe to the original unit process for reuse in the manufacturing process. These reclamation operations are generally considered to be part of the manufacturing process, and are often noted as such in standard technical literature on chemical manufacturing processes. CMA estimates that there may be between 3000–5000 such tanks in the organic chemical industry alone (which have not yet been included in the Agency's cost estimates in this rulemaking). CMA also notes that these tanks are not 90-day accumulation tanks because (for the most part) they cannot practically be emptied every 90 days due to the continuous nature of the manufacturing process.

The operations described by SOCMA and CMA appear to be within the language or policy of the closed-loop variance provision contained in 40 CFR 260.30(b) and 260.31(b) (January 4, 1985). This variance provision indicates that reclamation can be viewed as being so integrally tied to production, when followed by return of reclaimed materials to the original process, that the secondary materials being reclaimed are not solid wastes. See 40 CFR 260.31(b)(1)–(8). (The concept of "return to the original process" is explained at 50 FR 640 (Jan. 4, 1985), and involves

return of reclaimed mateiral to the same part of the process from which it was generated (although not necessarily the same unit operation.)) CMA in fact indicates that its member companies have begun to file variance applications, and at least one already has been granted.

Consequently, EPA is considering amending its rules to indicate that hazardous secondary materials are not solid wastes when all of the following conditions are present:

- *They are returned, after being reclaimed, to the original process in which they were generated where they are reused in the manufacturing process (e.g.* as purifying agents to remove contaminants from feedstocks, as reaction media to dissolve or suspend chemicals, as raw material feedstock, or as reactants to facilitate chemical reactions); [1]
- *Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;*
- *The hazardous secondary materials are never accumulated in such tanks for over twelve months without being reclaimed;*
- *Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators).*

With respect to the third criterion, EPA's information is that the normal accumulation period before reclamation where continuous manufacturing processes are involved is very short (ranging from constant flow through (*i.e.*, no accumulation) to a maximum accumulation time before reclamation of several weeks). Accumulation time when hazardous secondary materials from a series of batch processes are reclaimed likewise is of very limited duration, since distillation normally operates continuously in such circumstances. However, certain manufacturing processes are operated in a batch mode, sometimes on a relatively infrequent basis (semi-annually, for example), with residual materials being sent to a dedicated distillation unit. Materials not reclaimed when the batch process ceases operation are accumulated until the batch process resumes. Our tentative opinion is that this last situation is a close question because of the longer accumulation time, but that reclaimation is still linked to the manufacturing process. We would specify, however, that the accumulation period could not exceed one year. This period would be drawn from the speculative accumulation provision contained in 40 CFR 261.1(b)(8).

EPA is noticing the following information, which bears on all of these issues, for public comment:

(1) Comment of SOCMA, dated August 30, 1985;

(2) Comment of Eli Lilly and Co., dated August 26, 1985;

(3) Comment of National Paint and Coating Ass'n, dated September 5, 1985;

(4) Comment of Chemical Manufacturers Ass'n, dated August 26, 1985;

(5) Letter of CMA, dated November 13, 1985;

(6) Memorandum of November 13 Meeting Between Officials of EPA and Representatives of CMA;

(7) Illustrative Applications for Closed-Loop Variance filed by Eastman Kodak Co.;

(8) Portions of Brief of CMA in *AMC v. EPA*, (No. 85–1206 D.C. Cir. 1985);

(9) Portions of comments of Environmental Defense Fund to Definition of Solid Waste Rulemaking (which voiced some support for considering tanks to be eligible for a closed-loop exclusion).

EPA solicits comment on this new information, and on the issues addressed in this notice. These comments must be received before January 30, 1986.

Dated: December 9, 1985.

J. W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 85–29663 Filed 12–13–85; 8:45 am]

BILLING CODE 6560–50–M

[1] EPA realizes that his contemplated provision is somewhat broader than the language of the closed-loop variance contained in 40 CFR 260.31(b), which requires that reclaimed materials be returned as a feedstock to the orignal process. EPA is considering whether to modify the closed-loop variance to extend to all situations where reclaimed materials are reused in the original manufacturing process.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85–372; RM–5172]

FM Broadcast Station in Rock Harbor, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Channel 271C2 for Channel 272A at Rock Harbor, Florida, and to modify the Class A license for Station WKLG–FM accordingly in response to a petition filed by David W. Freeman, Sr., David W. Freeman, Jr., Elizabeth M. Freeman, and Elizabeth C. Freeman.

DATES: Comments must be filed on or before January 31, 1986, and reply comments on or before February 18, 1986.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

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

Notice of Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Rock Harbor, Florida); MM Docket No. 85–372, RM–5172.

Adopted: November 25, 1985. Released: December 10, 1985.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed by David W. Freeman, Sr., Elizabeth M. Freeman, Elizabeth C. Freeman, and David W. Freeman, Jr.,[1] which seeks to substitute Channel 271C2 for Channel 272A at Rock Harbor, Florida, and to modify the license for Station WKLG(FM) to specify operation on Channel 271C2.

2. We believe that the petitioners proposal warrants consideration. The transmitter site must be restricted 22.4 kilometers (13.9 miles) southwest of the city to meet the spacing requirements to Station WYLF(FM), Channel 268, Miami, Florida. In accordance with our established policy, we shall propose to modify the license for Station WKLG(FM), Channel 272A, to to specify operation on Channel 271C2. Currently, pursuant to § 1.420(g), the modification may not be implemented should another party express an interest in the proposed allotment unless an additional equivalent channel is made available for allotment to Rock Harbor.[2]

[1] The petitioners are the licensees of Station WKLG-FM (Channel 272A), Rock Harbor, Florida.

[2] Interested parties should consider the pendency of a rule making proceeding (MM Dkt. 85–313), 50 FR 45439, published October 31, 1985, to amend

Continued

3. Comments are invited on the proposal to amend the FM Table of Allotments, § 73.202(b) of the Rules with regard to the following community:

City	Channel	
	Present	Proposed
Rock Harbor, Fl	272A	271C2

4. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before January 31, 1986, and reply comments on or before February 18, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: John M. Spencer, Leibowitz, Spencer and Freedman, 3050 Biscayne Boulevard, Suite 501, Miami, Florida 33137 (Counsel for petitioners).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments should be served on the petitioner by the person filing the comments. Reply comments should be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 85–29630 Filed 12–13–85; 8:45 am]

BILLING CODE 6712-01-M

§ 1.420(g) of the Rules with regard to adjacent channels. The rule making as proposed, would make it unnecessary to demonstrate the availability of another equivalent channel.

---

47 CFR Part 73

[MM Docket No. 85-373; RM-5042]

FM Broadcast Station in Harbor Beach, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C2 Channel 289 for Channel 288A at Harbor Beach, Michigan, and modification of the Class A permit, in response to a petition filed by DCS Radio Associates. The allotment could provide Harbor Beach with a first Class C2 channel.

DATES: Comments must be filed on or before January 31, 1986, and reply comments on or before February 28, 1986.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

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

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Harbor Beach, Michigan) MM Docket No. 85-373, RM-5042.

Adopted: November 25, 1985.
Released: December 10, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making filed by DCS Radio Associates [1] ("petitioner"), requesting the substitution of FM Channel 289C2 for 288A at Harbor Beach, Michigan, and modification of its permit to specify operation on Channel 289C2.

2. We believe the petitioner's proposal warrants consideration. The channel can be allocated in compliance with the minimum distance separation requirements provided there is a site restriction 15.8 kilometers (9.8 miles) northwest of Harbor Beach. The site restriction will prevent a short spacing to FM Channel 290B, Station WJZZ, Detroit, Michigan. In addition, we shall propose to modify petitioner's permit for Channel 288A to specify 289C2. However, in conformity with Commission precedent, should another party indicate an interest in the Class C2 allotment, the modification could not be implemented unless an additional equivalent channel is also allotted. See, *Modification of FM and TV Stations Licenses*, 98 F.C.C. 2d 916 (1984).[2]

3. Concurrence of the Canadian government is required since Harbor Beach, Michigan, is located within 320 kilometers (200 miles) of the common U.S.-Canadian Border.

4. In order to provide a wide coverage area station for the Harbor Beach area, the Commission PROPOSES TO AMEND the FM Table of Allotments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Harbor Beach, MI	288A	289C2

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

6. Interested parties may file comments on or before January 31, 1986, and reply comments on or before February 18, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: David C. Schaberg, on behalf of DCS Radio Associates, Box 11101, Lansing, Michigan 48901-1101.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is alloted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons

[1] Petitioner is the permittee for a new FM station at Harbor Beach, Michigan (BPH 840829IH).

[2] Interested parties should consider the pendency of the *Notice of Proposed Rule Making* (MM Docket 85-313), 50 FR 45439, published October 31, 1985, when filing comments in this proceeding. This proposal would permit FM stations to upgrade on adjacent channels without demonstrating the availability of an additional equivalent class of channel.

acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 85-29631 Filed 12-13-85; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-370; RM-4954; RM-5046]

FR Broadcast Station in Thief River Falls and Warroad, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C1 Channel 262 for Channel 257A at Thief River Falls, Minnesota, and modification of the Class A license for Station KSNR in response to a petition filed by Theodore S. Storck, or in the alternative, the allotment of Channel 262 to Warroad, Minnesota, in response to a petition filed by Daniel DeMolee. The allotment could provide a wide area coverage channel to Thief River Falls or a first local service to Warroad.

DATES: Comments must be filed on or before January 31, 1986, and reply comments on or before February 18, 1986.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

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

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Allotments, FR Broadcast Stations (Thief River Falls and Warroad, Minnesota) MM Docket No. 85-370, RM-4954, RM-5046.

Adopted: November 25, 1985.
Released: December 10, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration two separate petitions for rule making. The first petition was filed by Theodore S. Storck [1] ("Storck"), requesting the substitution of FM Channel 262C1 for Channel 257A at Thief River Falls, Minnesota, and modification of its license for Station KSNR to specify operation on the new channel. The second petition was filed by Daniel DeMolee ("DeMolee"), requesting the allotment of FM Channel 262 as a Class C channel to Warroad, Minnesota. The allotment could provide Thief River Falls with its first wide area coverage channel or a first service to Warroad, Minnesota. Storck and DeMolee both expressed their intention to apply for the channel, if allocated to their requested community.

2. We shall offer both proposals for comment and request interested parties to provide a comparative analysis as to which community should be preferred. Parties may suggest alternative channels or lower classes of channels in order to provide both communities with expanded service. Channel 262 can be assigned as a Class C1 channel to Thief River Falls or as a Class C Channel to Warroad in Compliance with the Commission's minimum distance separation requirements We shall also propose to modify the license of Station KSNR, Channel 257A, as requested by Storck to specify operation on Channel 262C1, should the channel ultimately be allocated to Thief River Falls. However, in conformity with Commission precedent, should another party indicate an interest in the Class C1 allotment at Thief River Falls, the modification could not be implemented unless and additional equivalent channel is also allotted. See, *Modification of FM and TV Stations Licenses*, 98 F.C.C. 2d 916 (1984).

[1] Petitioner is the licensee of Station KSNR, Thief River Falls, Minnesota.

3. Concurrence of the Canadian government is required since Thief River Falls and Warroad, Minnesota, are both located within 320 kilometers (199 miles) of the common U.S.-Canadian border.

4. In order to provide a wide coverage area station for Thief River Falls of a first local service to Warroad, Minnesota, the Commission PROPOSES TO AMEND the FM Table of Allotments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Alternative I		
Thief River Falls, MI	257A	262C
Alternative II		
Warroad, MI		262

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

6. Interested parties may file comments on or before January 31, 1986, and reply comments on or before February 18, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows:

John Wells King, Haley, Bader & Potts, 2000 M Street NW., Suit 600, Washington, DC 20036 (Counsel for Theodore S. Storck)

John H. Midlen, Jr., 1050 Wisconsin Avenue, NW., Washington, DC 20007 (Counsel for Daniel DeMolee)

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or

court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been serve on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceedings.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice of this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an orginal and four copies of all comments, reply comments, pleadings, brief, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 85-29632 Filed 12-13-85; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-371; RM-5095]

FM Broadcast Station in Aurora, NE

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the substitution of Channel 247C2 for Channel 276A at Aurora, Nebraska, and the modification of the license of Station KKBB(FM) to specify operation on the higher powered channel, at the request of Mile Hi Broadcasting. The higher powered channel could provide increased service to Aurora and its outlying areas.

DATES: Comments must be filed on or before January 31, 1986, and reply comments on or before February 18, 1986.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

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

Notice of Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Aurora, Nebraska); MM Docket No. 85-371, RM-5095.

Adopted: November 25, 1985.
Released: December 10, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the petition for rule making filed by Mile Hi Broadcasting ("petitioner"), licensee of Station KKBB(FM), Aurora, Nebraska, requesting the substitution of Channel 247C2 for Channel 276A at Aurora. Petitioner also requests that its license be modified to specify operation on the higher powered channel. Channel 247C2 can be allocated to Aurora in compliance with the Commission's minimum distance separation requirements if the transmitter is sited at least 18.3 kilometers (11.4 miles) west to avoid a short-spacing to Station KZKX, Channel 245, Seward, Nebraska.

2. In accordance with our established policy, we shall propose to modify the license of Station KKBB(FM) to specify operation on Channel 247C2. However, if another party should indicate an interest in the Class C2 allotment, the modification could not be implemented unless an additional equivalent channel is allocated. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976) and *Modification of FM and TV Station Licenses*, 98 F.C.C. 2d 916 (1984). In this regard, petitioner has suggested that Channel 278C2 could be allocated to Aurora for use by any other interested party. This channel can be allocated in compliance with the Commission's minimum distance separation requirements if the transmitter site is restricted to an area

at least 32.7 kilometers (20.3 miles) east to avoid a short-spacing to Station KXNP(FM), Channel 278, North Platte, Nebraska. However, this site restriction requires that the transmitter be located beyond the distance for which we could assume that a city grade signal could be provided. Therefore, we request that should another party express an interest in the allocation, the petitioner or the interested party furnish us with a signal coverage study showing that a site is available from which a Channel 278C2 operation could provide the required 70 dBu signal over the entire community of Aurora.

3. We believe the public interest would be served by proposing the allocation as it could provide Aurora with its first wide coverage FM service. Accordingly, we propose to amend the FM Table of Allotments, § 73.202(b) of the Rules, for the community listed below to read as follows:

City	Channel No.	
	Present	Proposed
Aurora, NE	276A	247C2

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before January 31, 1986, and reply comments on or before February 18, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Eric L Bernthal, Esq., Daniel F. Van Horn, Esq., Arent, Fox, Kintner, Plotkin & Kahn, 1050 Connecticut Avenue, NW., Washington, DC 20036 (Counsel to petitioner).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in secitons 4(i), 5 (c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will to be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, rely comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 85-29633 Filed 12-13-85; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 50, No. 241
Monday, December 16, 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, Intent To Award a Cooperative Agreement

AGENCY: Office of International Cooperation and Development, U.S.D.A.

ACTION: Notice of Intent to Award a Cooperative Agreement.

ACTIVITY: The Office of International Cooperation and Development intends to amend an existing cooperative agreement with the Foundation of California State University, Sacramento, for further development and implementation of solar box cookers (SBC) technology in developing countries.

Authority: Section 1458 of The National Agricultural Research Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291).

The Office of International Cooperation and Development announces the availability of funds for fiscal year 1986 to amend a cooperative agreement with the Foundation of California State University, Sacramento in the amount of $11,000. The extension is for further development and implementation of solar box cookers (SBC) technology in developing countries, as initiated in the original cooperative agreement. Specific objectives of the agreement are as follows: (1) Evaluate the ability of the SBC to produce microbiologically safe water from water contaminated with micro-organisms representative of those found in developing countries; (2) establish operating conditions for the use of the SBC to cook various foods typically found in developing countries; and (3) develop guidelines for the use of a SBC for cooking and for water treatment., The Foundation is uniquely qualified to cooperate in this activity as it has extensive skill and experience in the use of SBCs to cook foods commonly used in Third World countries as well as in the techniques for treating water to make it free of micro-organisms of public health significance, and it is the only known source with sufficient expertise to accomplish the stated objectives.

In addition, the Foundation has previously cooperated in the development of (1) guidelines and audio visual material on the construction, use, and application of SBCs, and (2) an evaluation system to determine the solar potential for each day any place on earth. These accomplishments provide the groundwork for the proposed amendment to the cooperative agreement. Assistance will provide only to the Foundation which has been collaborating with the Technical Assistance Division, Food Technology Branch, since 1984. Based on the above, this is not a formal request for applications. It is estimated that approximately $11,000 will be available in Fiscal Year 1986 to support this work. Yearly amounts will vary and are subject to change. It is anticipated that the cooperative agreement will be funded over a budget period of 12 months.

Information may be obtained from: Dr. Fred Barrett, Food Technology Branch, Technical Assistance Division, Office of International Cooperation and Development, U.S. Department of Agriculture.

Charle A. Rooney,
Acting Chief, Management Services.
December 11, 1985
[FR Doc. 85-29712 Filed 12-13-85; 8:45 am]
BILLING CODE 3410-OP-M

Food Safety and Inspection Service

[Docket No. 85-008N]

Transportation Accidents

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the availability of a directive setting forth the policy of the Food Safety and Inspection Service (FSIS) regarding possible adulteration of federally inspected and passed meat and poultry products caused by accidents during transportation outside official establishments. FSIS issued the directive to advise its inspection and compliance officials of procedures to be taken upon notification of a transportation accident. The procedures are designed to limit the government's liability for meat and poultry product that may become adulterated during transportation outside official establishments. This notice advises the public of the issuance and availability of the directive.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Gonter, Assistant Deputy Administrator, Compliance Program, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-7745.

SUPPLEMENTARY INFORMATION: On February 26, 1985, the United States Court of Appeals for the Eighth Circuit issued a decision in favor of the plaintiff in the case of *National Carriers, Inc.*, v. *United States*, No. 84-1617. The decision reversed a judgement rendered earlier by the United States District Court for the Southern District of Iowa. The case involved a claim by National Carriers, Inc., that a departmental inspector at an accident site failed in his duty to direct the proper handling of beef quarters and failed to properly identify that portion which had becomes contaminated, resulting in the condemnation of all the beef quarters by another departmental inspector at destination. As a result of this court acton, FSIS learned that, because of the lack of Agency guidelines, inconsistent procedures were being followed by its field offices regarding inspector activities at accident sites outside official establishments. Under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (451 *et seq.*) and the regulations promulgated thereunder, inspectors have authority to inspect and pass or condemn meat and poultry products only at establishments operating under Federal inspection. Meat and poultry products at locations other than federally inspected establishments may be officially detained under certain circumstances by departmental compliance officers and, when necessary, seized by court order due to violations of the FMIA or PPIA. In keeping with the Agency's statutory authority, FSIS Directive 8420.1 prescribes procedures to be taken by

inspectors and compliance officers upon notification of an accident outside of any official establishment that involves inspected product. Copies of this directive are available without charge from the Policy Office, Room 3803, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, on: December 11, 1985.

Donald L. Houston,

Administrator, Food Safety and Inspector Service.

[FR Doc. 85-29710 Filed 12-13-85; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. A-533-502]

Postponement of Final Antidumping Duty Determination; Certain Iron Construction Castings From India

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On November 25, 1985, we received a request from respondents in the antidumping duty investigation that the final determination be postponed as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)(2)(A)) (the Act). Pursuant to this request, we are postponing our final antidumping duty determination as to whether sales of certain iron construction castings from India have been made at less than fair value until not later than March 12, 1986.

SUPPLEMENTARY INFORMATION: On June 7, 1985, we published a notice in the **Federal Register** that we were initiating, under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping duty investigation to determine whether imports of certain iron construction castings from India were being, or were likely to be, sold at less than fair value (50 FR 24008). We issued our preliminary affirmative determination on October 28, 1985 (50 FR 43595). That notice stated we would issue a final determination by January 6, 1986. On November 25, 1985, counsel for the respondents requested that we extend the period for the final determination until not later than the 135th day after the date of publication of our preliminary determination in accordance with section 735(a)(2)(A) of the Act. The respondents account for a significant proportion of exports of the subject merchandise to the United States, and thus are qualified to make this request. If a qualified exporter properly requests an extension after an affirmative preliminary determination, the Department is required, absent compelling reasons to the contrary, to grant the request. Accordingly we grant the request and postpone our final determination until not later than March 12, 1986. The date of the public hearing will also be changed. Interested parties and parties to the proceeding will be subsequently notified as to the new public hearing date.

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

December 9, 1985.

Gilbert B. Kaplan,

Deputy Assistant Secretary For Import Administration.

[FR Doc. 85-29532 Filed 12-13-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-582-501]

Antidumping Duty Order; Photo Albums and Photo Album Filler Pages From Hong Kong

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: In separate investigations concerning photo albums and photo album filler pages from Hong Kong, the United States Department of Commerce (the Department) and the United States Internatjional Trade Commission (the ITC) have determined that this product is being sold at less than fair value and that sales of this product from Hong Kong are materially injuring a United States industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of photo albums and photo album filler pages from Hong Kong made on or after July 16, 1985, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: December 16, 1986.

FOR FURTHER INFORMATION CONTACT: Steven Lim or Ken Stanhagen Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-1776 or 377-1777.

SUPPLEMENTARY INFORMATION: The merchandise covered by this order consists of photo albums and photo album filler pages from Hong Kong. Photo albums are currently classifiable under item number 256.60 of the *Tariff Schedules of the United States, Anotated* (TSUSA) Photo album filler pages are currently provided for in item numbers 256.87, 256.90, and 774.55 of the TSUSA.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on July 16, 1985, the Department published its preliminary determination that there was reason to believe or suspect that photo albums and photo album filler pages from Hong Kong were being sold at less than fair value. We preliminarily determined that "critical circumstances" did not exist within the meaning of section 733(e) of the Act (19 U.S.C. 1673b(e) (50 FR 28829). On October 29, 1985, the Department published its final determination that these imports were being sold at less than fair value and that "critical circumstances" did not exist with respect to photo albums and filler pages from Hong Kong (50 FR 43754).

On December 6, 1985, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that such importations materially injure a United States industry.

Therefore, in accordance with sections 376 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of photo albums and photo album filler pages from Hong Kong. These antidumping duties will be assessed on all unliquidated entries of photo albums and photo album filler pages entered, or withdrawn from warehouse, for consumption on or after July 16, 1985, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register** (50 FR 28828).

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-averaged antidumping duty margin as noted below.

Manufacturers/producers/exporters	Weighted/average (percent)
Climax paper converters Ltd	3.69
All Manufacturers/Producers Exporters	3.69

This determination constitutes an antidumping duty order with respect to photo albums and photo album filler pages from Hong Kong, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations, Annex I of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

December 10, 1985.

[FR Doc. 85-29717 Filed 12-13-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-501]

Antidumping Duty Order; Photo Albums and Photo Filler Pages From Korea

AGENCY: International Trade Adminstration, Import Administration, Commence.

ACTION: Notice.

SUMMARY: In separate investigations concerning photo albums and photo album filler pages from Korea, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that this product is being sold at less than fair value and that sales of this product from Korea are materially injuring a United States industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of photo albums and photo album filler pages from Korea made on or after July 16, 1985, the date on which the Department published its "Preliminary Determination" notice in the Federal Register, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the Federal Register.

EFFECTIVE DATE: December 13, 1985.

FOR FURTHER INFORMATION CONTACT: Steven Lim or Ken Stanhagen, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-1776 or 377-1777.

SUPPLEMENTARY INFORMATION: The merchandise coverd by this order consist of photo albums and photo album filler pages from Korea. Photo albums are curently classifiable under item number 256.60 of the *Tariff Schedules of the United States, Annotated* (TSUSA). Photo album filler pages are currently provided for in item numbers 256.87, 256.90, and 774.55 of the TSUSA.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on July 16, 1985, the Department published its preliminary determination that there was reason to believe or suspect that photo albums and photo album filler pages from Korea were being sold at less than fair value. We preliminarily determined that "critical circumstancs" did exist within the meaning of section 733(e) of the Act (19 U.S.C. 1673b(e) (50) FR 28829). On October 29, 1985, the Department published its final determination that these imports were being sold at less than fair value and that "critical circumstances" did exist with respect to photo albums and filler pages from Korea (50 FR 43754).

On December 6, 1985, in accordance with section 735(d) of the Act (19 U.S.C. 1673(d)), the ITC notified the Department that such importations materially injure a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of photo albums and photo album filler pages from Korea. These antidumping duties will be assessed on all unliquidate entries of photo albums and photo album filler pages entered, or withdrawn from warehouse, for consumption on or after July 16, 1985, the date on which the Department published it "Preliminary Determination" notice in the Federal Register (50 FR 28829).

The ITC determined that "critical circumstances" do not exist. Therefore, the suspension of liquidation will be discontinued for entries on photo albums and photo albums filler pages filed before July 16, 1985. All estimated antidumping duties deposited on such entries before July 16, 1985 shall be refunded and the appropriate bonds or other security be released at the time of liquidation.

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the 64.81 percent *ad valorem* antidumping duty margin as noted below.

Manufacturers/producers/exporters	Average (percent)
All Manufacturers/Producers Exporters	64.81

This determination constitutes an antidumping duty order with respect to photo albums and photo album filler pages from Korea, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations, Annex I of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48)

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

December 10, 1985.

[FR Doc. 85-29716 Filed 12-13-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-505]

Initiation of an Antidumping Duty Investigation; Small Diameter Welded Carbon Steel Standard Pipe and Tube From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S.

Department of Commerce, we are initiating an antidumping duty investigation to determine whether imports of small diameter welded carbon steel standard pipe and tube (standard pipe and tube) from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of these products materially injure, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before December 30, 1985, and we will make ours on or before April 22, 1986.

EFFECTIVE DATE: December 16, 1985.

FOR FURTHER INFORMATION CONTACT: Raymond Busen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-3464.

SUPPLEMENTARY INFORMATION:

The Petition

On November 13, 1985, we received a petition filed in proper form by the Standard Pipe Subcommittee of the Committee on Pipe and Tube Imports (CPTI), and by each of the member companies who produce standard pipe and tube. The members of the Subcommittee represent approximately 70 percent of the domestic production of standard pipe and tube. In compliance with the filing requirements of 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of standard pipe and tube from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether it contains information reasonably available to the petitioners supporting the allegations.

We examined the petition on standard pipe and tube and found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether standard pipe and tube from the PRC are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally we will make our preliminary determination on or before April 22, 1986.

Scope of Investigation

The products covered by this investigation are small diameter welded carbon steel pipe and tube of circular cross-section, 0.375 inch or more but not over 16 inches in outside diameter, currently classifiable in the *Tariff Schedules of the United States, Annotated* (TSUSA), under items 610.3231 and 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258 and 610.4925. These products are commonly referred to in the industry as standard pipe or tube produced to various ASTM specifications, most notably A-120, A-53 or A-135.

United States Price and Foreign Market Value

Petitioners based United States price on the average free along side (FAS) value of black and galvanized pipe exported to the United States as reported by the Bureau of Census, U.S. Department of Commerce (1M145X) for September, 1985.

The petitioners alleged that the PRC is a non-market economy and chose India as the appropriate surrogate country of the purpose of determining foreign market value. Foreign market value, thus, was based on home market price quotes for June, 1985 from Zenith Pipe, India for black and galvanized standard pipe.

Based on a comparison of United States prices and foreign market value, petitioners allege dumping margins of 214% for black standard pipe and 236% for galvanized standard pipe.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of these actions and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by December 30, 1985, whether there is a reasonable indication that imports of small diameter welded carbon steel standard pipe and tube from the PRC materially injure, or threaten material injury to, a U.S. industry. If its determination is negative the investigation will terminate; otherwise, it will proceed according to the statutory and regulatory procedures.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

December 3, 1985.

[FR Doc. 85-29719 Filed 12-13-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-565-501]

Initiation of an Antidumping Duty Investigation; Small Diameter Welded Carbon Steel Standard Pipe and Tube From the Philippines

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping duty investigation to determine whether imports of small diameter welded carbon steel pipe and tube (standard pipe and tube) from the Philippines are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of these products materially injure, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before December 30, 1985, and we will make ours on or before April 22, 1986.

EFFECTIVE DATE: December 16, 1985.

FOR FURTHER INFORMATION CONTACT: Raymond Busen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-3464.

SUPPLEMENTARY INFORMATION:

The Petition

On November 13, 1985, we received a petition filed in proper form by the Standard Pipe Subcommittee of the Committee on Pipe and Tube Imports (CPTI), and by each of the member companies who produce standard pipe and tube. The members of the

Subcommittee represent approximately 70 percent of the domestic production of standard pipe and tube. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of standard pipe and tube from the Philippines are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether it contains information reasonably available to the petitioners supporting the allegations.

We examined the petition on standard pipe and tube from the Philippines and found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether standard pipe and tube from the Philippines are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by April 22, 1986.

Scope of Investigation

The products covered by this investigation are small diameter welded carbon steel pipe and tube of circular cross-section, 0.375 inch or more but not over 16 inches in outside diameter, currently classifiable in the *Tariff Schedules of the United States, Annotated* (TSUSA), under items 610.3231 and 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258 and 610.4925. These products are commonly referred to in the industry as standard pipe or tube produced to various ASTM specifications, most notably A–120, A–53 or A–135.

United States Price and Foreign Market Value

Petitioners based United States price on the average free along side (FAS) value of black and galvanized pipe exported to the United States as reported by the Bureau of Census, Department of Commerce (1M145X) for September, 1985.

Petitioners based foreign market value on October 1985 home market price quotes for black and galvanized standard pipe. Based on a comparison of United States prices and foreign market value, petitioners alleged dumping margins of 36.0% and 51.5% for black standard pipe and galvanized standard pipe, respectively.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by December 30, 1985, whether there is a reasonable indication that imports of small diameter welded carbon steel standard pipe and tube from the Philippines materially injure, or threaten material injury to, a U.S. industry. If its determination is negative the investigation will terminate; otherwise, it will proceed according to the statutory and regulatory procedures.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

December 3, 1985.

[FR Doc. 85–29720 Filed 12–13–85; 8:45 am]

BILLING CODE 3510–DS–M

[A–357–501]

Oil Country Tubular Goods From Argentina; Postponement of Preliminary Antidumping Duty Determination

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: The preliminary antidumping duty determination involving oil country tubular goods from Argentina is being postponed until not later than January 20, 1986.

EFFECTIVE DATE: December 16, 1985.

FOR FURTHER INFORMATION CONTACT: Raymond Busen or Mary Clapp Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377–3464 or (202) 377–1769.

SUPPLEMENTARY INFORMATION: On August 12, 1985, we announced the initiation of an antidumping duty investigation to determine whether oil country tubular goods from Argentina are being, or are likely to be, sold in the United States at less than fair value (50 FR 33386). The notice stated that we would issue a preliminary determination by December 30, 1985.

On December 5, 1985, counsel for petitioners, Lone Star Steel Company and CF&I Steel Corporation, requested that the Department extend the period for the preliminary determination until not later than January 20, 1986. Accordingly, the preliminary determination in this investigation is hereby extended until not later than January 20, 1986.

This notice is published pursuant to section 733(c)(2) of the Act.

Dated: December 10, 1985.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85–29721 Filed 12–13–85; 8:45 am]

BILLING CODE 3510–DS–M

[D–475–504]

Initiation of Countervailing Duty Investigation; Welded Steel Wire Fabric for Concrete Reinforcement From Italy

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Italy of welded steel wire fabric for concrete reinforcement, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action, so that is may determine whether imports of the subject merchandise from Italy materially injure, or threaten material injury to, a U.S. industry. The ITC will make its preliminary determination on or before January 6, 1986. If our investigation proceeds normally, we will make our preliminary determination on or before February 13, 1986.

EFFECTIVE DATE: December 16, 1985.

FOR FURTHER INFORMATION CONTACT: Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department

of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377–2830.

SUPPLEMENTARY INFORMATION:

The Petition

On November 20, 1985, we received a petition in proper form filed by the Wire Reinforcement Institute, Inc., on behalf of the U.S. industry producing welded steel wire fabric for concrete reinforcement (wire fabric). In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Italy of wire fabric receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), and that an industry in the United States is threatened with material injury by reason of imports of this merchandise.

Since Italy is a "country under the Agreement" within the meaning of section 701(b) of the Act, Title VII of the Act applies to this investigation and the ITC is required to determine whether imports of the subject merchandise from Italy materially injure, or threaten material injury to, a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on wire fabric from Italy and have found that it meets the requirements of section 702(b) of the Act. Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Italy of wire fabric receive benefits which constitute subsidies. If our investigation proceeds normally, we will make our preliminary determination on or before February 13, 1986.

Scope of Investigation

For purposes of this investigation, the term "Welded Steel Wire Fabric for Concrete Reinforcement" is defined as material composed of cold-drawn steel wires, whether or not deformed, fabricated into sheets (or so-called mesh) by the process of electric welding. The finished product consists essentially of a series of longitudinal and transverse wires arranged at substantially right angles to each other and welded together at all points of intersection, as described in ASTM Specifications A–185 and A–497. Wire fabric is currently classifiable under item 642.8010 of the *Tariff Schedules of the United States* Annotated (TSUSA).

Allegations of Subsidies

The petition lists a number of practices by the government of Italy which allegedly confer subsidies on manufacturers, producers, or exporters in Italy of wire fabric. We are initiating an investigation on the following programs:

- Scrap Subsidy (Government Payments on Imports of Scrap)
- Rebate of Customs Duties and Certain Indirect Taxes Under Law 639
- Preferential Financing Under Laws 902 and 908
- Financial Aid Provided to Distressed Industrial Sectors Under Law 675
- Regional Tax Incentives to Certain Enterprises in Northern and Central Italy

We are not initiating an investigation on the following program: *Preferential Export Insurance Provided Under Law 227.* Petitioner alleges that producers and exporters of wire fabric in Italy may benefit from a preferential government insurance scheme and a government export insurance program whereby coverage on loans for export is obtained at a reduced rate. We requested further information from petitioner as to whether the rates paid were adequate to cover the long-term operating costs and losses of the program, as required by section J of the Illustrative List of Export Subsidies. Petitioner was unable to provide this information. Therefore, we are not including this program in our initiation.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-confidential information. We also will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by January 6, 1986, whether there is a reasonable indication that imports of wire fabric from Italy materially injure, or threaten material injury to, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to statutory procedures.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

December 10, 1985.

[FR Doc. 85–29713 Filed 12–13–85; 8:45 am]

BILLING CODE 3510–DS–M

[C–201–502]

Initiation of Countervailing Duty Investigation; Welded Steel Wire Fabric for Concrete Reinforcement From Mexico

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Mexico of welded steel wire fabric for concrete reinforcement, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action, so that it may determine whether imports of the subject merchandise from Mexico materially injure, or threaten material injury to, a U.S. industry. The ITC will make its preliminary determination on or before January 6, 1986. If our investigation proceeds normally, we will make our preliminary determination on or before February 13, 1986.

EFFECTIVE DATE: December 16, 1985.

FOR FURTHER INFORMATION CONTACT: Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377–2830.

SUPPLEMENTARY INFORMATION:

The Petition

On November 20, 1985, we received a petition in proper form filed by the Wire Reinforcement Institute, Inc., on behalf of the U.S. industry producing welded steel wire fabric for concrete reinforcement (wire fabric). In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Mexico of wire fabric receive subsidies within the meaning of section

701 of the Tariff Act of 1930, as amended (the Act), and that an industry in the United States is threatened with material injury by reason of imports of this merchandise.

On April 23, 1985, the Office of the United States Trade Representative announced that Mexico is a "country under the Agreement", within the meaning of section 701(b)(2) of the Act. Consequently, Title VII of the Act applies to this investigation and an injury determination is required.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the pitition sets forth the allegations necessary for initiation of a countervailing duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on wire fabric from Mexico and have found that it meets the requirements of section 702(b) of the Act. Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Mexico of wire fabric receive benefits which constitute subsidies. If our investigation proceeds normally, we will make our preliminary determination on or before February 13, 1986.

Scope of Investigation

For purposes of this investigation, the term "Welded Steel Wire Fabric for Concrete Reinforcement" is defined as material composed of cold-drawn steel wires, whether or not deformed, fabricated into sheets (or so-called mesh) by the process of electric welding. The finished product consists essentially of a series of longitudinal and transverse wires arranged at substantially right angles to each other and welded together at all points of intersection, as described in ASTM Specifications A–185 and A–497. Wire fabric is currently classifiable under item 642.8010 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Allegations of Subsidies

The petition lists a number of practices by the government of Mexico which allegedly confer subsidies on manufacturers, producers, or exporters, in Mexico of wire fabric. We are initiating an investigation on the following programs:

- Fund for the Promotion of Exportation of Mexican Manufactured Products (FOMEX).
- Preferential Federal Tax Credits (CEPROFI).
- Energy Discounts.
- Import Duty Reductions and Exemptions.
- Accelerated Depreciation Allowances.
- New Exchange Risks Trust Fund Program (FICORCA).
- Article 94 Loans.

Although not specifically alleged by petitioner, we are initiating an investigation to find out if the Mexican wire fabric industry receives any benefits under the following program:

- Nacional Financiera, S.A., Loans (NAFINSA).
- Trust for Industrial Parks, Cities, and Commercial Centers (FIDEIN).
- Foreign Currency Financing of Imports (PROFIDE).
- Loans from the Mexican National Bank for Foreign Trade (BANCOMEXT).
- Government Financed Technology Development.
- The Mexican Institute of Foreign Trade (IMCE).
- Preferential Vessel, Freight, Terminal and Insurance Benefits.
- Fund for Industrial Development (FONEI).
- Guarantee and Development Fund for Medium and Small Industries (FOGAIN).
- National Fund for Industrial Development (FOMIN).
- Port Facilities.
- Preferential State Investment Incentives.
- Export Credit Insurance.
- Drawback Adjusted for Changes in Exchange Rates.
- Temporary Importation Scheme.

We are not initiating an investigation on the following program: *Preferential Pricing of Wire Rod Inputs Used for Export* Petitioner alleges that manufacturers of wire fabric receive preferential pricing of wire rod inputs, citing *Welded Carbon Steel Pipe and Tube from Mexico* as documentation for this program. In the *Preliminary Affirmative Countervailing Duty Determination: Welded Carbon Steel Pipe and Tube Products from Mexico* (50 F.R. 4555) (January 31, 1985), the program which was found countervailable was "Preferential Pricing of Sheet Inputs Used for Export". This finding does not lend itself to parallel comparison with the present case because the input under consideration in that case (sheet) is not the same input as that for wire fabric. We requested clarification of the above allegation, but petitioner has presented no further information. Therefore, we are not including this program in our initiation.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-confidential information. We also will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by January 6, 1986, whether there is a reasonable indication that imports of wire fabric from Mexico materially injure, or threaten material injury to, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to statutory procedures.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

December 4, 1985.

[FR Doc. 85–29714 Filed 12–13–85; 8:45 am]

BILING CODE 3510–DS–N

[C–307–508]

Initiation of Countervailing Duty Investigation; Welded Steel Wire Fabric for Concrete Reinforcement From Venezuela

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Venezuela of welded steel wire fabric for concrete reinforcement, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action, so that it may determine whether imports of the subject merchandise from Venezuela materially injure, or threaten material injury to, a U.S. industry. The ITC will make its preliminary determination on or before January 6, 1986. If our investigation proceeds normally, we will

make our preliminary determination on or before February 13, 1986.

EFFECTIVE DATE: December 16, 1985.

FOR FURTHER INFORMATION CONTACT: Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 377-2830.

SUPPLEMENTARY INFORMATION:

The Petition

On November 20, 1985, we received a petition in proper form filed by the Wire Reinforcement Institue, Inc., on behalf of the U.S. industry producing welded steel wire fabric for concrete reinforcement (wire fabric). In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Venezuela of wire fabric receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), and that an industry in the United States is threatened with material injury by reason of imports of this merchandise.

Since Venezuela is a "country under the Agreement" within the meaning of section 701(b)(3) of the Act, Title VII of the Act applies to this investigation and the ITC is required to determine whether imports of the subject merchandise from Venezuela materially injure, or threaten material injury to, a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for initiation of a countervailing duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on wire fabric from Venezuela and have found that it meets the requirements of section 702(b) of the Act. Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Venezuela of wire fabric receive benefits which constitute subsidies. If our investigation proceeds normally, we will make our preliminary determination on or before February 13, 1986.

Scope of Investigation

For purposes of this investigation, the term "Welded Steel Wire Fabric for Concrete Reinforcement" is defined as material composed of cold-drawn steel wires, whether or not deformed, fabricated into sheets (or so-called mesh) by the process of electric welding. The finished product consists essentially of a series of longitudinal and transverse wires arranged at substantially right angles to each other and welded together at all points of intersection, as described in ASTM Specifications A-185 and A-497. Wire fabric is currently classifiable under item 642.8010 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Allegations of Subsidies

The petition lists a number of practices by the government of Venezuela which allegedly confer subsidies on manufacturers, producers, or exporters in Venezuela of wire fabric. We are initiating an investigation on the following programs:

- Loans from the Venezuela Investment Fund (FIV).
- Export Certificates for Credit Against Income Taxes.
- Multiple Exchange Rates.
- Tax Contributions to Cover Debt Service Costs.

Although not specifically alleged by petitioner, we are initiating an investigation to find out if the Venezuelan wire fabric industry receives any benefits under the following programs:

- Prefential Export Financing.
- Ministry of Finance Loans.
- Loans from the Industrial Credit Fund (FONCREI).
- Preferential Tax Incentives.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-confidential information. We also will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by January 6, 1986, whether there is a reasonable indication that imports of wire fabric from Venezuela materially injure, or threaten material injury to, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to statutory procedures.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

December 9, 1985.

[FR Doc. 85-29715 Filed 12-13-85; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; North Carolina State University

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 879; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No. 85-262. Applicant: North Carolina State University, Raleigh, NC 27695-7619. Instrument: Root Length Scanner. Manufacturer: Commonwealth Aircraft Corporation Limited, Australia. Intended Use: See notice at 50 FR 34538.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument optically scans and provides a digital readout measurement of sample root length for diameters of 0.1 to 2.0 millimeters with typical accuracy values of ±5.0 percent for a 15 to 60 meter sample range. The capability of the foreign instrument described above is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11-105, Importation of Duty-Free Educational and Scientific Materials).

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 85-29718 Filed 12-13-85; 8:45 am]

BILLING CODE 3510-DS-N

National Oceanic and Atmospheric Administration

Permits; Pacific Coast Groundfish Fishery

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

ACTION: Notice of request for experimental fishing permit applications and request for comments.

SUMMARY: This notice announces that NMFS will receive applications for experimental fishing permits to harvest groundfish using set nets (anchored gillnets) targeting on sablefish in the fishery conservation zone off the coasts of Washington, Oregon, and California in 1986. This notice provides instructions on applying for this experimental fishing which otherwise would be prohibited by Federal regulations.

DATE: Applications for 1986 must be received not later than January 30, 1986. Comments on the experimental fishing permit applications will be solicited by notice in the **Federal Register** after applications are received.

ADDRESS: Send applications and comments to Rolland A. Schmitten, Director, Northwest Region, NMFS, BIN C15700, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten, 206–526–6150.

SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan (FMP) and implementing regulations (50 CFR Part 663) specify that experimental fishing permits (EFPs) may be issued to authorize fishing that would otherwise be prohibited by the FMP and regulations. The procedures for issuing EFPs are contained in the regulations at § 663.10.

Regulations at § 663.26(c) prohibit fishing for groundfish using set nets (anchored gill nets) north of 38° N. latitude. The Pacific Fishery Management Council (Council), when developing the FMP, was concerned about the potential for an unacceptably high incidental catch of salmon and halibut, the potential for set nets to continue fishing indefinitely if lost or unattended, and the potential for conflict between fixed and mobile gear if used in the same area. In addition, the major target species of set net fisheries, sablefish, are currently fully utilized by other gear types. In order to obtain information on set nets and their use in harvesting groundfish, NMFS has issued EFPs for the use of set nets to harvest sablefish with incidental takes of lingcod and rockfish primarily off northern Washington each year since 1982.

NMFS is considering issuing similar EFPs again in 1986 in the event that further information is needed on the use of this kind of gear. Data collected from the twelve vessels involved in the experimental sablefish set net fishery in 1985 are currently being analyzed and the final report will be presented at the March 11–13, 1986, meeting of the Pacific Fishery Management Council in Portland, Oregon. The decision on whether to consider all, some, or none of the EFP applications will be based on a number of factors including the results of past studies on this experimental fishery, what additional information is needed, recommendations made by the Council at the March meeting, and comments received from the public. It is possible that the information collected to date may be adequate for evaluating this fishery and no further EFPs will be issued for this purpose. The purpose of issuing EFPs is to obtain information about the use of this gear through experimental fishing procedures, and to determine whether such fishing methods and gear can be incorporated into the groundfish management plan without undue negative impact on the resource or on other fishermen.

In order to obtain a broad base of information, the EFPs, if issued in 1986, may restrict fishing to specific areas other than off northern Washington where past experimental effort has been concentrated. The number of EFPs issued in 1986, if any, may be limited by the funds available to pay for observers to collect experimental data and to monitor permit compliance. Only three permits were issued in 1984 because of limited funds. Potential applicants should understand that it is quite possible that the sablefish experimental set net fishery may not be continued in 1986 and that no EFPs may be issued. If the program is continued, it is possible that only a small number of permits may be issued.

Application Procedures

Fishermen interested in obtaining an EFP to use set nets to harvest sablefish must submit a written application to the NMFS Northwest Regional Office that includes all of the information specified in § 663.10(b) EFP Application Procedures and additional information as requested herein. The following list includes all the required information. Applications which are deficient in providing any of the required information will be returned to the applicant and not considered unless the required information is resubmitted in writing within 10 days of receipt of notice from NMFS of the deficiencies. The following information must be included in the application, which should be entitled "Sablefish Set Net EFP Application".

1. *The date of the application.*

2. *Applicant Information.* Applicant must provide the following:

a. Applicant's name.

b. Mailing address.

c. Telephone number.

d. Operator—names and addresses of individuals who are expected to be operating the vessel under the EFP.

Note.—The EFP, if issued, will designate the applicant as the permittee and any operators, other than the applicant, must be listed on the EFP. EFPs will be valid only for the vessel for which they are issued and only when such vessel is operated by one of the individuals listed on the EFP.

3. *Vessel Information.* Applicants must provide the following information on each vessel they intend to use.

a. Vessel's name.

b. Vessel's identification number:

i. U.S. Coast Guard documentation number, or

ii. State license or registration number.

c. Length of vessel.

d. Net and gross tonnage of vessel.

e. Home port.

f. Vessel's owner and master—name, address, telephone number.

g. Describe the current fisheries that the vessel is operating in.

Note.—EFPs are not transferable. Alternate vessels will not be authorized unless the permittee adequately demonstrates that the permitted vessel is incapacitated or otherwise unsuitable for the purposes of the EFP.

4. *Statement of Purposes, Goals and Significance* of the experiment for which the EFP is needed. Applicants should describe the purposes and goals of the experiment for which an EFP is needed, including a general description of the arrangements for disposition of all species harvested under the EFP and a statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals.

The application should describe the experience of the applicant and each operator with respect to harvesting sablefish, lingcod, and rockfish, and their experience and knowledge in constructing and utilizing gill nets, especially those designed to be anchored on the bottom (set nets) at depths of 100 fathoms or more. This information is required to enable NMFS to determine whether further experimentation with set net fishing is warranted and to select among applicants if a limited number of EFPs is issued. This information must include:

a. A description of the current fisheries in which the applicant/operator is operating;

b. A description of the applicant/operator's knowledge and experience

with groundfish fisheries and the use of set nets;

c. A description of any experimentation the applicant/operator is willing to undertake that is above and beyond the experimental program to date.

5. *Dates.* The application must include the approximate dates the applicant expects to fish under the EFP.

Note.—Set net EFPs, if issued, will probably be effective only for the period of May 1 to December 31, 1986.

The EFPs may require a minimum amount of fishing effort every month such as a minimum of six sets of one or more nets (each with a total length of at least 600 feet) and a total landing of at least 500 pounds of sablefish each month that the permit is valid. Applicants should indicate only those dates that they can fish under the EFP and can meet these sample minimum effort requirements.

6. *Area.* Applicants should describe where they propose to fish.

Applicants must select two of the following areas for their EFPs and indicate which area is their first choice and which area they would prefer as an alternate. Only a limited number of EFPs may be issued in each area, so applicants should carefully consider their selections. Applicants should consult the "Permittee Selection Criteria" section of this notice as it relates to the selection of areas.

a. Vancouver Area—north of 47°30′ N. latitude.

b. Northern Columbia Area—From 47°30′ N. latitude south to 45°30′ N. latitude.

c. Southern Columbia Area—from 46°30′ N. latitude south to 43°00′ N. latitude (overlaps Northern Columbia Area from 45°30′ to 46°30′ N. latitude).

d. Eureka Area—from 43°00′ N. latitude south to 40°30′ N. latitude.

7. *Water Depth.* Applicants should indicate the depth ranges at which they propose to use their gear. The EFPs, if issued, may restrict or require the use of the nets in some of the depth ranges in some areas.

8. *Gear.* Applicants should describe the type, size and amount of gear they propose to use under this EFP.

Applicants should be aware that the EFPs may include further gear specifications and restrictions that may not be specified in these application procedures, such as mandatory use of biodegradable cotton twine to connect the webbing to the corkline. The application must include the following information:

a. *Mesh size.* The permits may require two mesh sizes in each net. All shackles/nets may be required to have varying or equal amounts of a larger and smaller mesh webbing as defined below.

Applicants should indicate the specific size of large and small mesh they propose to use.

i. Large—select one mesh size from 5⅞" to 7".

ii. Small—select one mesh size from 4¾" to 5½".

b. *Type and size of twine.*

c. *Height of net.* Indicate the depth (number of meshes) of the net you propose to use. The EFPs may require that all nets be the same height.

d. *Length of net.* Indicate the maximum amount of net that you propose to use. Each net/shackle may be required to be the same length and constructed the same. The EFPs may also restrict the total amount of net that a vessel can fish simultaneously.

9. *Fish species.* Applicants should describe the species (directed and incidental) expected to be harvested under the EFP and the amounts of such harvest necessary to conduct the experiment. Applicants should include the estimated amount of each fish species they propose to harvest each month that they propose to fish. Such estimates should be based on a reasonable quantity that can actually be harvested and the minimum which is needed by the applicant to participate in the experimental fishery.

Note.—The target species for this experimental fishery is sablefish with incidental catches of lingcod and rockfish. The EFPs may restrict the total amount of each species that can be harvested.

10. *Other Conditions.* As this is an experimental fishery, the EFPs may include other requirements that applicants must comply with, such as carrying an observer.

Note.—EFPs will not be issued to applicants who may be unable or unwilling to cooperate with NMFS on these conditions. The applicants' past performance under EFPs and their past relationships with Federal and State enforcement officers and management personnel may be included in the criteria for selecting permittees.

a. *Observers.*

i. Applicants must indicate whether they will be able to provide board, living accommodations, and safe working conditions for an observer who may accompany the vessel on each trip under the EFP.

ii. Applicants must indicate whether they will be able to provide at least 48 hours' notice prior to departure on each trip.

b. *Logs and Reporting Requirements.*

i. Applicants must indicate whether they will be able to maintain detailed logs on the fishing operation including descriptions of gear conflicts and numbers and estimated weights of fish species retained and those discarded on each set.

ii. Applicants must indicate whether they will be able to submit the detailed logs to NMFS within 5 days of the end of each trip.

iii. Applicants must indicate whether they will be able to submit copies of their delivery receipt (fish ticket) for each trip under the EFP within 5 days of the end of each trip.

iv. Applicants must indicate whether they will agree to the public release of any and all information collected by observers or the permittee relative to the experimental fishery.

c. *Experimental Stipulations*—Applicants should indicate whether they will be able occasionally to test depths, areas, times, or gear different from those requested in the application. The applicant should describe any limitations that may affect his ability to perform such experiments.

Note.—An applicant should be aware that an EFP, if issued, will restrict his proposed fishing operations and may require experimental fishing that was not proposed by the applicant.

11. *Signature.* Applicant must sign the application.

Permittee Selection Criteria

If a decision is made to issue EFPs in 1986, then a number of factors will be taken into consideration in the process of selecting permittees from the applications received. The purpose for issuing the EFPs is to gather further information on this experimental fishery, therefore only a limited number of permits may be issued in each area. The number issued will be based on information needs for each area and the logistical and financial constraints of maintaining adequate observer coverage on each of the experimental vessels. In this regard, it should be noted that considerable data on this experimental fishery have been collected from the areas north of 47°30′ N. latitude and therefore few, if any, permits may be issued for that area. On the other hand, information needs in other areas, if any, may be given a higher priority. Therefore, applicants choosing the Vancouver area (north of 47°30′ N. latitude) as their first choice should be aware that their chances of obtaining a permit may be small compared with other areas.

Applicants willing to make minimal fishing effort during the entire period from May 1 to December 31, 1986, may be more likely to be selected than those who propose to fish only during a

limited period. However, applicants preferring to obtain permits for only a shorter period may be considered for their limited time period if there is a shortage of applicants. They may also be considered as alternates should one of the longer-term permittees cease fishing.

If, after taking the area and time selection factors into account, the number of applicants still exceeds the number of permits to be issued, then NMFS may develop a prioritized list of successful applicants based on an evaluation of each application or a random drawing, or a combination of both. Any evaluation would be based on a determination of which proposals are best suited to achieve the purpose of the EFP provisions with regard to obtaining needed information on the use of set net gear. The evaluation would consider the applicants' experience and ability to comply with the conditions of the experiment that will be specified in the permits. If objective evaluation does not sufficiently limit the number to be considered in each area, a random drawing may be used to select successful applicants. The resulting list will rank applicants in each area. Those ranked at the top of the list, within the number of permits to be issued for that area, will be selected. The remaining applicants would be retained in the listed order as alternates should the successful applicant decline or discontinue fishing for any reason other than having achieved an established quota.

After the closing date for receipt of applications, NMFS will publish a notice in the **Federal Register** acknowledging the completed applications received and will give interested persons an opportunity to comment. Copies or a summary of all applications received will be forwarded to the Pacfic Fishery Management Council and other entities as prescribed in § 663.10(c) prior to the March 11–13, 1986, Council meeting in Portland. NMFS will announce its decision on how many, if any, EFPs will be issued shortly after the Council meeting. If it is decided that information on this experimental fishery is needed in 1986 and a decision is made to issue EFPs, then the selection among applicants will commence. It is anticipated that the selection of permittees, if permits are to be issued, will be announced during the first week of April. All applicants will be notified in writing of their selection or their ranking as alternates by mid-April.

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

Dated: December 11, 1985.

Richard B. Roe,

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

[FR Doc. 85–29742 Filed 12–13–85; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit; James T. Harvey

On October 11, 1985, notice was published in the **Federal Register** (50 FR 41549) that an application had been filed by James T. Harvey (P368), College of Oceanography, Oregon State University, Marine Science Center, Newport, Oregon 97635 to take harbor seals (*Phoca vitulina*) for captive research and subsequent tag and release.

Notice is hereby given that on December 9, 1985 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, DC; Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, N.E., BIN C15700, Seattle, Washington 98115.

Dated: December 9, 1985.

Richard B. Roe,

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

[FR Doc. 85–29675 Filed 12–13–85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Limit for Certain Cotton, Textile Products Produced or Manufactured in the People's Republic of China

December 10, 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 17, 1985. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

On Decembr 28, 1984 a notice was published in the **Federal Register** (49 FR 50432) which announced import restraint limits for certain specified categories of cotton, wool and man-made fiber textile products, including Category 320pt. (only T.S.U.S. items 320.—, 321.—, 322.—, 326.—, 327.—, and 328.—with statistical suffixes 21, 22, 24, 31, 38, 49, 57, 74, 80 and 98), produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985. The limit established for Category 320pt. has been filled, in part, because of improper import charges which have been revealed in a recent investigation. Accordingly, the Chairman of the Committee for the Implementation of Textile Agreements, in the letter which follows this notice, is directing the Commissioner of Customs to deduct 2,975,398 square yards from the import charges made to the limit established for Category 320pt. which were found to be improperly charged.

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.

December 10, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, between the Governments of the United States and the People's Repubic of China, I request that, effective on December 17, 1985, you deduct 2,975,398 square yards from the import charges made to the restraint limit established in the directive of December 24, 1984 for Category 320pt.[1], produced or manufactured in China and exported during the twelve-month period which began on January 1985.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs

exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[1] In Category 320 only T.S.U.S. items 320.—, 321.—, 322.—, 326.—, 327.—, and 328.—, with statistical suffixes 21, 22, 24, 31, 38, 49, 57, 74, 80 and 98

[FR Doc. 85-29723 Filed 12-13-85; 8:45 am]

BILLING CODE 3510-DR-M

Amending the Bilateral Agreement Concerning Cotton, Wool and Man-Made Fiber Textile Products, Produced or Manufactured in Thailand; Correction

December 11, 1985.

On December 2, 1985 a notice was published in the **Federal Register** (50 FR 49438) which announced an amendment to the bilateral agreement with Thailand concerning certain specified categories of cotton, wool and man-made fiber textile products.

Line ten of paragraph two of the letter to the Commissioner of Customs which followed that notice should be corrected to read as follows: Extended on November 25 and 27, 1985.

Line 26 of paragraph two should be amended to include reference to footnote two, as follows: 330–359, 431–459 and 630–659, as a group.[2]

Footnote two should read as follows, and all succeeding footnotes in the letter to the Commissioner of Customs should be renumbered:

In paragraph four of the letter to the Commissioner of Customs, the following phrase should be deleted: Which were in excess of the limit established for that period:

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-29722 Filed 12-13-85 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF EDUCATION

Fund for the Improvement of Postsecondary Education

AGENCY: Department of Education.

ACTION: Application Notice for Noncompeting Continuation Awards under the Comprehensive Program for Fiscal Year 1986.

Applications are invited for noncompeting continuation awards under the Comprehensive Program of the Fund for the Improvement of Postsecondary Education.

The Secretary issues awards to institutions of postsecondary education and other public and private educational institutions and agencies for the purpose of improving postsecondary education.

Authority for this program is contained in Title X of the Higher Education Act, as amended.

Closing Date for Transmittal of Applications

To be assured of consideration for funding, an application for a non-competing continuation award for a grant originally funded in 1984 should be mailed or hand-delivered by January 21, 1986. Non-competing continuation awards for grants originally funded in 1985 should be mailed by March 5, 1986.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail

An application delivered by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.116C, Washington, DC 20202.

To establish proof of mailing, an applicant must show one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a conmercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a mail receipt that is not dated by the U.S. Postal Service as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

Applicants are encouraged to use registered or at least first class mail.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the Department of Education, Application Control Center, Attention: 84.116C, 7th and D Streets SW., Regional Office Building 3, Room 3633 Washington, DC 20202.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sunday, and Federal holidays.

Program Information

Program information will be mailed to eligible applicants. Institutions currently receiving funds and who satisfy the requirements of 34 CFR 75.118 and 34 CFR 75.253 concerning the continuation of multi-year projects are eligible for continuation awards.

Available Funds

Fiscal Year 1986 funds have not been appropriated for the Fund for the Improvement of Postsecondary Education. However, applications are invited to allow sufficient time for their evaluation and completion of the grants process prior to the end of the fiscal year should the Congress appropriate funds for this program.

It is estimated that approximately 100 continuation awards, at an average of $70,000, could be made if funds are available. These estimates do not bind the Department to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulation.

Application Forms

Application forms included in program information packages will be sent directly to all potential applicants that are eligible for a continuation award.

The program information package is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competition. (Approval by the Office of Management and Budget under control number 1840–0514).

Applicable Regulations

The regulations governing awards made by the Fund for the Improvement of Postsecondary Education are contained in:

(1) The Education Department General Administration Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 79.

(2) The regulations in 34 CFR Part 630.

Further Information

For information contact the Fund for the Improvement of Postsecndary Education, regarding the Comprehensive Program Continuation Grants (84.116C); Telephone: (202) 245–8091.

(20.U.S.C. 1135)

[2] Not including Categories 355, 356, 455, 655 and 656.

(Catalog of Federal Domestic Assistance No. 84.116C. Fund for the Improvement of Postsecondary Education)

Dated: December 11, 1985.

C. Ronald Kimberling,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 85-29704 Filed 12-13-85; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Indian Education; Closed Meeting

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Notice of closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES: January 7–10, 1986, 9:00 A.M. until conclusion of business each day.

ADDRESS: U.S. Department of Education, 400 Maryland Avenue, SW., Room 2177, Washington, DC 20202, (202) 732–1887.

FOR FURTHER INFORMATION CONTACT: Lincoln C. White, Executive Director, National Advisory Council on Indian Education, 2000 L Street NW., Suite 574, Washington, DC 20036, (202) 634–6160.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act (20 U.S.C. 1221g). The Council is established to assist the Secretary in carrying out responsibilities under section 441(a) of the Indian Education Act (Title IV of Pub. L. 92–318), through advising Congress, the Secretary of Education, the Under Secretary of Education and the Assistant Secretary of Elementary and Secondary Education with regard to education programs benefiting Indian children and adults.

The closed meeting will start at approximately 9:00 a.m. and will end at the conclusion of business each day, approximately 5:00 p.m. The Council will be reviewing applications submitted under the (1) Indian Controlled Schools authorized by Part A of the Indian Education Act; (2) Planning, Pilot and Demonstration Projects and Educational Personnel Development (Sections 1005 and 422) authorized by Part B of the Indian Education Act; and, (3) Planning, Pilot and Demonstration Projects for Indian Adults Program and Educational Services for Indian Adults Program authorized by Part C of the Indian Education Act.

The reviewing of applications must be held in the highest confidence until the announcement is released by proper authorities as to which projects will be funded. The premature disclosure of information discussed during the review process is likely to significantly frustrate implementation of agency action. Financial information which is privileged or confidential contained in and related to these proposals will be discussed at the review session. In addition, discussions will touch upon matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (9), (4) and (6) of section 552b(c) of Title 5 U.S.C.

The agenda includes the review of applications submitted under the (1) Indian Controlled Schools authorized by Part A of the Indian Education Act; (2) Planning, Pilot and Demonstration Projects and Educational Personnel Development (Sections 1005 and 422) authorized by Part B of the Indian Education Act; and, (3) Planning, Pilot and Demonstration Projects for Indian Adults Program and Educational Services for Indian Adults Program authorized by Part C of the Indian Education Act. Under section 442(b)(2) of Part D of the Indian Education Act, the Council is authorized to review applications for assistance submitted under these programs and to make recommendations to the Secretary of Education with respect to their approval.

A summary of the activities of the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

Dated: December 4, 1985. Signed at Washington, D.C.

Lincoln C. White,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 85-29743 Filed 12-13-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Oak Ridge Operating Sites, TN; Trespassing on Department of Energy Property; Correction

This document corrects a Notice concerning unauthorized entry into and upon the Y-12 Plant Site that appeared at pages 27843–27844 of the **Federal Register** of July 8, 1985 (50 FR 27843–27844). This action is necessary to correct the inadvertent omission of two explanatory sentences from the Notice.

The following correction is made to the **Federal Register** Notice of July 8, 1985, appearing at 50 FR 27843:

On page 27844, column two, the following two sentences are inserted as a separate paragraph between the last line of the Y-12 Plant Site description and the date the Notice was signed: "Bearings shown refer to the Y-12 Plant Grid System and do not refer to either true or magnetic North. The Y-12 Plant Grid North is 33°58'32" West of True North."

Dated at Washington, DC, this 27th day of November 1985.

John L. Gilbert,

Exective Assistant, Office of the Assistant Secretary for Defense Programs.

[FR Doc. 85-29726 Filed 12-13-85; 8:45 am]

BILLING CODE 6450-01-M

Pantex Plant, TX; Trespassing on Department of Energy Property; Correction

This document corrects a Notice concerning unauthorized entry into and upon certain portions of the Pantex Plant Site that appeared at pages 31004–31005 of the **Federal Register** of July 31, 1985 (50 FR 31004–31005). This action is necessary to correct typographical errors in the site description.

The following corrections are made in the **Federal Register** Notice of July 31, 1985, appearing at 50 FR 31004:

1. On page 31004, column three, the fourth full paragraph, the first sentence, second line, the number "59" is changed to read to "to".

2. On page 31004, column three, the sixth full paragraph, the first sentence, first line, the word "the" is changed to read to "said".

3. On page 31004, column three, the seventh full paragraph, first sentence, first line, the number "60" is changed to read to "69".

Dated at Washington, DC, this 27th day of November 1985.

John L. Gilbert,

Executive Assistant, Office of the Assistant Secretary for Defense Programs.

[FR Doc. 85-29725 Filed 12-13-85; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Renewable Energy

[Case No. RF-002]

Energy Conservation Program for Consumer Products; Petition for Waiver of Refrigerator and Refrigerator-Freezer Test Procedure From White Consolidated Industries, Inc.

AGENCY: Conservation and Renewable Energy Office, DOE.

ACTION: Notice.

SUMMARY: Today's notice publishes a "Petition for Waiver" from White Consolidated Industries, Inc. (WCI) of Cleveland, Ohio, requesting a waiver from the U.S. Department of Energy (DOE) test procedure for refrigerators and refrigerator-freezers. WCI is a manufacturer of home appliances, including refrigerator-freezers. WCI has developoed an electronic deforst control for refrigerator-freezers that initiates defrost cycles in response to operating conditions and usage patterns. The petition requests DOE to grant WCI relief from the DOE test procedure for refrigerators and refrigerator-freezers for its refrigerator-freezer model equipped with the electronic defrost control system on the basis that the existing test procedure yields materially inaccurate estimates of the energy consumption of such units. DOE is soliciting comments, data, and information regarding the petition.

DATE: DOE will accept comments, data and information not later than January 15, 1986.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Test Procedures for Consumer Products, Case No. RF-002, Mail Stop CE-132, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-132, Forrestal Building, 1000 Independenece Avenue, SW., Washington, DC 20585, (202) 252-9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-12, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-9513

Background

The Energy Conservation Program for Consumer Products was established pursuant to the Energy Policy and Conservation Act (EPCA) (Pub. L. 94-163, 89 Stat. 917), as amended by the National Energy Conservation Policy Act (NECPA) (Pub. L. 95-619, 92 Stat. 3266), which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including refrigerators and refrigerator-freezers. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

DOE has also prescribed procedures by which manufacturers may petition for waiver of test procedure requirements for a particular basic model of a product covered by a test procedure and the Department may temporarily waive such test procedure requirements for such basic model. Waivers may be granted when one or more design characteristics of a basic model either prevent testing of the basic model according to the prescribed test procedure or lead to results so unrepresentative of the model's true energy consumption as to provide materially inaccurate comparative data. These waiver procedures appear at 10 CFR 430.27. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

Refrigerator-freezers are one of the products covered by the Federal Trade Commission's (FTC) Appliance Labeling Program. The energy consumption of refrigerator-freezers, as determined using DOE's test procedure, forms the basis of the estimated annual operating cost figures which FTC requires manufacturers of refrigerator-freezers to disclose on an EnergyGuide label on each unit to assist consumers in making a purchasing decision.

WCI filed a petition for waiver from the DOE test procedure for refrigerators and refrigerator-freezers on the grounds that the procedure yields materially inaccurate estimates of the energy consumed by its refrigerator-freezer model equipped with what WCI describes as an electronic defrost control system. WCI states that its electronic defrost control system initiates defrost cycles on the basis of compressor run time and the length of the preceding defrost period.

The petition states that under the conditions and procedures of the current DOE test procedure for refrigerator-freezers, the energy consumption of a refrigerator equipped with an electronic defrost control system will appear to be lower than a comparable timed-defrost unit. The petition explains that because the unit will defrost less frequently, less energy will be consumed during the test period, leading to test procedure results that do not represent accurately the unit's peformance on a comparable basis with timed-defrost units.

Further, the petition states that WCI seeks to use the alternate test procedure prescribed in DOE's Decision and Order, published in the **Federal Register** on August 23, 1985, granting the Whirlpool Corporation waiver from the DOE refrigerator-freezer test procedure for Whirlpool's refrigerator-freezer models equipped with electronic adaptive defrost controls. 50 FR 34189.

Pursuant to paragraph (b) of 10 CFR 430.27, DOE is hereby publishing the "Petition for Waiver" in its entirety. The petition contains no confidential information. DOE solicits comments, data, and information respecting the petition.

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

Donna R. Fitzpatrick,

Acting Assistant Secretary, Conservation and Renewable Energy.

October 23, 1985.

Michael J. McCabe, Branch Chief, Testing and Evaluation, Conservation and Renewable Energy, U.S. Department of Energy (Room GF-217), 1000 Independence Ave., N.W., Washington, DC 20585.

Dear Mr. McCabe:

1. *Petition for Waiver*—In accordance with 10 C.F.R. Part 430.27, White Consoldiated Industries, Inc. (WCI) petitions for waiver of the test procedure set forth in 10 CFR Part 430, Subpart B, Appendix A1, adopted 10 August 1982, and for use of an alternate test procedure described in Paragraph 4 below. [WCI is simultaneously filing an Application for Temporary Exception with the DOE Office of Hearings and Appeals.) WCI will be producing for sale to the general public a new type of refrigerator beginning in December, 1985. Designated Frigidaire Model FPCI18TDWO, this refrigerator will have an electronic defrost control system, and use of the required Appendix A1 test procedure referenced above will not produce results which correctly represent the performance of this refrigerator.

2. *Background Information*—WCI manufactures a full line of products for the home including refrigerators, freezers, ranges, ovens, clothes washers, clothes dryers, dishwashers, room air conditioners, humidifers and dehumidifiers. The company is familiar with DOE test procedures and the FTC Energyguide labeling requirements. In our opinion, the applicable DOE test procedure for refrigerators, which was designed for units with timed defrost cycles, will produce erroneous results when used for testing a unit with an electronic defrost control system which does not operate on a timed cycle. The Frigidaire FPCI18TDWO will defrost based on two parameters—compressor running time and the length of the

"heater-on" time in the previous defrost period. The control could initiate a defrost cycle after as little as eight hours or as long as forty-eight hours of compressor running time

3. *Specific Test Procedure Problems*—With the test conditions and procedures currently prescribed by DOE, energy consumption of a refrigerator equipped with an electronic defrost control system will appear to be lower than a comparable timed-defrost unit. Because the unit will defrost less frequently, less energy will be consumed during the test period, leading to a value on the FTC Energyguide label which does not represent the performance of the unit on a comparable basis with timed-defrost units. Buyers could be misled as to the annual operating cost to be expected in normal service.

4. *Alternate Test Procedures*—The alternate test procedure prescribed in the Whirlpool case (Case No. RF-001) at 50 FR 34189 (August 23, 1985), paragraph (2), could be used to test the Frigidaire Model FPCI18TDWO. This alternate procedure would produce energy consumption measurements similar to those which might be encountered in actual use under some conditions, and would allow customers to compare directly this refrigerator with others equipped with electronic defrost controls.

5. *Public Policy Considerations*—Since innovation is an essential part of the Congressionally-mandated energy conservation programs, it is in the public interest for DOE to facilitate introduction of new products like electronic refrigerator defrost controls which have the potential for saving energy by initiating defrosting only when it is needed.

6. *Other Manufacturers*—Whirlpool Corporation has been granted permission to use this alternate test procedure for testing its Whirlpool ED26SSXM and Sears 106.85569 models.

If there are any questions regarding this matter, please refer them either to Frederick Hallett (202-638-7878) or Ralph Harrington (616-754-7131).

Signed for Petitioner.

White Consolidated Industries, Inc., by Frederick H. Hallett,

Vice President.

[FR Doc. 85-29727 Filed 12-13-85; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 85-33-NG]

Poco Petroleum, Inc.; 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 December 2, 1985, of an application filed by Poco Petroleum, Inc. (Poco) a wholly-owned subsidiary of Poco Petroleum Ltd. (Poco Ltd.) for blanket authorization to import from Canada up to 150 Bcf of natural gas over a two-year period beginning on the date of first delivery. The applicant will acquire gas from its parent, Poco Ltd., individual producers, producer groups and associations for spot and short-term sales to purchasers in the northwest and midwestern United States. Poco proposes to file quarterly reports with ERA giving the specific terms of each import and sale, including price and volumes.

The application is filed with EPA pursuant to section 3 of the Natural Gas Act and 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 15, 1986.

FOR FURTHER INFORMATION CONTACT:

Robert M. Stronach, Natural Gas Division, Economic Regulatory Administration, Forrestal Building, Room GA-098, 1000 Independence Ave., SW., Washington, DC. 20585, (202) 252-9622

Diane J. Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Ave., SW., Washington, DC 20585, (202) 252-6667

SUPPLEMENTARY INFORMATION: Poco Petroleum, Inc. (Poco), a Delaware corporation whose principal place of busines is in Calgary, Alberta, Canada, is a wholly-owned subsidiary of Poco Petroleum, Ltd. (Poco Ltd.) which produces gas in the provinces of Alberta and British Columbia, Canada.

On December 2, 1982, Poco filed an application for blanket authorization to import up to 150 Bcf of Canadian natural gas over a two-year period beginning on the date of first delivery. The gas which Poco proposes to import would be sold on a short-term and spot basis to various industrial commercial end-users, electric utilities, agricultural users, pipelines, distribution companies and other end-users in the northwest and midwestern United States. Poco states that the specific terms for each short term or spot sale will be the product of negotiations between the applicant, its Canadian suppliers, and the domestic purchasers. The applicant will act either as an agent for Poco Ltd. or will itself resell gas it has purchased.

Poco states it will acquire gas not only from its parent, but also from individual producers, producer groups and associations. According to the applicant, Poco Ltd. currently operates approximately 200 wells in the Provinces of British Columbia and Alberta, Canada, which have reserves of approximately 400 BcF of gas and deliverability of approximately 36.5 Bcf per year. Poco assert that approximately 29 Bcf of this gas is excess and not required for delivery under existing contractual arrangements.

Poco states that the terms and conditions of each short-term or spot sale will be responsive to current market conditions. Thus, if Poco cannot obtain competitively priced Canadian gas or adjust the sales price to meet the market price, no sales will be made and no gas will be imported under the requested authorization.

In support of its application, Poco believes that approval and implementation of its blanket authorization request will have a positive impact on the environment in instances were the imported gas displaces high sulphur fuel oil and coal. Poco contends that only existing transmission systems will be used to import the gas and no new construction or separate facilities will be required. In addition, Poco states that approval of its arrangements would be consistent with the public interest because of the beneficial competitive consequences inherent in freely negotiated spot and short-term sales.

Poco proposes to file with the ERA quarterly reports that will include the import and sale price, the quantity of gas imported, the points of entry, transporters, the duration of the agreement, contract adjustment and take provisions, if any, the Canadian suppliers, the U.S. purchasers, as well as a description of the markets served.

This application is one of a number received by the ERA concerning the purchase 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 arrangements 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 DOE'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 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 responses 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 protest, motion to intervene, or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have 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 15, 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 proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

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

A copy of Poco'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, DC, on December 10, 1985.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Adminsitration.

[FR Doc. 29639 Filed 12-13-85; am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA86-3-20-000 & 001]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

December 9, 1985.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on November 29, 1985, tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

Tenth Revised Sheet No. 201
Tenth Revised Sheet No. 202
Eighth Revised Sheet No. 203
Fourth Revised Sheet No. 204
Alternate Fourth Revised Sheet No. 204
Third Revised Sheet No. 324
First Revised Sheet No. 388

Algonquin Gas states that the purpose of this filing is to include in its rates the Gas Research Institute ("GRI") surcharge as authorized by Opinion No. 243 for GRI funding of $0.0135 per Mcf, adjusted to $0.0131 per MMBtu, to reflect Algonquin Gas' Btu billing basis.

Algonquin Gas proposes that the effective date of the above-mentioned tariff sheets be January 1, 1986, as authorized by Opinion No. 243.

Algonquin Gas requests that the Commission accept the above-mentioned tariff sheets to become effective as proposed and, in the case of Sheets No. 204, Algonquin Gas requests that the Commission accept that sheet which synchronizes its rates with the underlying rates of National Fuel Gas Supply Corporation.

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 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 16, 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. 85-29683 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-44-008]

Algonquin Gas Transmission Co.; Tariff Filing Under Rate Schedule SNG-1

December 9, 1985.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on November 29, 1985, submitted a Cost of Service Report related to service under its Rate Schedule SNG-1 for the 1984-85 Winter Delivery Season, as required by the provisions of its FERC Gas Tariff, Second Revised Volume No. 1. Together with such report, and reflecting the results of the report, Algonquin Gas has filed Ninth Revised Sheet No. 202 to reflect a positive current adjustment of $0.0371 to the base tariff SNG-1 Demand Charge approved in Docket No. RP83-44. Such tariff sheet is proposed to be effective November 1, 1985.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commissions.

Any person desiring to be hard 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 16, 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. 85-29692 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP86-10-000]

ANR Pipeline Co.; Application

December 10, 1985.

Take notice that on October 3, 1985, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP86-10-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing ANR to continue to provide transportation services on behalf of certain shippers and to operate certain facilities incident to the transportation services, all as more fully set forth in the appendix hereto and in the application which is on file with the Commission and open to public inspection.

ANR currently provides transportation services for the identified shippers pursuant to authority as set forth in section 311 of the Natural Gas Policy Act and Part 284 of the Commission's Regulations. ANR proposes to continue the subject services beyond October 31, 1985, and specifically requests such authority through December 31, 1986. It is explained that the continuation of the services would be pursuant to the terms and conditions of the existing transportation agreements between ANR and the respective shippers, currently on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 31, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for ANR to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Shipper, contract date, current Docket No., maximum daily volume dth/d	Receipt point(s)	Delivery point(s)	Rate per 1,000 ft³ (cents)	Fuel charge, percent of fuel transported
Acadian Gas Pipeline System, 02/26/84, ST84-740, 75,000	From NGPL at Lake Arthur, LA	Acadian at Franklin, LA or Trunkline at Superior Oil Company's Lowry Plant.	3.6	0.3
Baltimore Gas & Electric Company, 03/12/85, ST85-833, 60,000	From Tennessee in HI 270 or HI 526, Offshore TX	To Tennessee at Superior's Lowry Plant or Columbia Gulf in Patterson, LA.	5.1	2.2
Baltimore Gas & Electric Company, 06/12/85, ST85-1244, 20,000	From Caliche at various points in Oklahoma	To Columbia Gas in Paulding, Ohio	28.0	3.0
Boston Gas Company, 08/25/85, ST85-, 20,000	From Northern at Janesville, WI, Greensburg, KS	To TETCO in French Lick, IN	6.0	1.0
Bridgeline Gas Distribution Company, 01/09/84, ST84-576, 75,000.	From CIG in Beaver Cty, OK, Funk in Texas Cty, OK	To Columbia Gulf, Riverway, and/or Texas Gas in St. Mary Parish, LA.	24.2	1.5
	From Riverside in Cameron Parish, LA		2.8	0.5
	From Trunkline at Superior's Lowry Plant and/or		2.8	1.0
	From ONG in Custer Cty, OK		26.0	3.0
Bridgeline Gas Distribution Company, 05/07/84, ST84-845, (Northern Natural Gas Company, Agent), 100,000.	From United at Centerville, LA	To Columbia Gulf at St. Mary Parish, LA, Riverway at Patterson, LA.	2.0	
Bridgeline Gas Distribution Company, 07/12/84, ST85-275, 200,000.	From Riverway in St. Mary Parish, LA	To Riverway and/or Texas Gas in St. Mary Parish, LA.	1.7	0.5
Bridgeline Gas Distribution Company, 03/11/85, ST85-831, 15,000.	From Hulf Co. in SMI 260	To Columbia Gulf in Pecan Island, LA	23.2	
Bridgeline Gas Distribution Company, 05/21/85, ST85-, 10,000	From Bridgelina in St. Landry Parish, LA	To Riverway at Patterson, LA	2.0	
The Cincinnati Gas & Electric Company, 09/11/84, ST85-004, 150,000.	From Yankee Resources, ANR Gathering Co. and N.W. Central at various points in OK, TX, KS and LA.	To Texas Gas in Slaughters, KY	26.0 18.9	3.0 3.0
Citizens Gas & Coke Utility Company, 11/21/83, ST84-1155, 500	From MLV in DuBois Cty, IN	To Panhandle in Definance, Ohio	7.2	1.0
Citizens Gas & Coke Utility Company, 09/01/83, ST84-583, 500	From Earlsboro in Washita Cty, OK	To Panhandle in Definance, Ohio	26.8	3.0
Columbia Gas of Ohio, 03/27/85, ST85-899, (Northern Gas Marketing, Agent) 10,000.	From Northern Natural in Greensburg, KS or Janesville, WI	To Panhandle in Definance, Ohio	27.9	3.0
Columbia Gas of Pennsylvania, 03/27/85, ST85-977 (Northern Gas Marketing, Agent) 1,000.	From Northern Natural in Greensburg, KS or Janesville, WI	Columbia Gs in Paulding, Ohio To Panhandle in Definance, Ohio Columbia Gas in Paulding, Ohio	7.8 27.9 7.8	1.0 3.0 1.0
Commonwealth Gas Pipeline, 05/02/85, ST85-0976, 15,000	From Promark in SMI 261	To Colimbia Gulf in Pecan Island, LA	23.2	
Consolidated Edison Company of New York, Inc., 01/21/85, ST85-989, 50,000.	From ANR Gathering at various points in OK, TX and KS.	To Texas Eastern in French Lick, IN	26.0	3.0
Consolidated Edison Company of New York, Inc., 01/25/85, ST85-637, 25,000.	From Producer's in Caddo and Washita Counties, OK.	To Texas Eastern in French Lick, IN	26.0	3.0
Consolidated Edison Company of New York, Inc., 04/15/85, ST85-1004, 60,000.	From Tennessee in HI 270, 526	To Tennessee at the Superior Plant in Lowry, Columbia Gulf at Patterson, LA.	5.1	2.2
Creole Gas Pipeline Corporation, 12/07/84, ST85-412, 15,000	From Tennessee in SMI 108	To Tennessee at the Superior Plant at Lowry.	14.3	1.2
Creole Gas Pipeline Corporation, 03/12/85, ST85-841, 60,000	From Tennessee in HI 270 & HI 526	To Tennessee at the Superior Plant in Lowry, Columbia Gulf at Patterson, LA.	5.1	2.2
Delhi Gas Pipeline Corporation, 08/15/84, ST84-1255, 75,000	From Northern at Centerville	To Columbia Gulf at St. Mary Parish, LA Transco at Eunice, LA	2.0 3.6	 0.5

Shipper, contract date, current Docket No., maximum daily volume dth/d	Receipt point(s)	Delivery point(s)	Rate per 1,000 ft³ (cents)	Fuel charge, percent of fuel transported
Delhi Gas Pipeline Corporation, 02/04/81, ST81-176 (Exchange)	From Delhi at various points in OK	At various points in OK	0	
Delhi Gas Pipeline Corporation, 01/17/85, ST85-765, 10,000	From Delhi in Beaver County, OK	To Delhi in Harper and Roger Mills Cty, OK	3.6	1.5
			3.6	1.5
East Tennessee Natural Gas, 04/15/85, ST85-983, 60,000	From Tennessee in HI 270,526	To Tennessee at Superior's Plant in Lowry, Columbia Gulf at Patterson, LA.	5.1	2.2
Eastern Shore Natural Gas Company, 06/17/85, ST85-1384, 10,000.	From Caliche Plant various points in Oklahoma	To Columbia Gas in Paulding, Ohio	28.0	3.0
Eastex Gas Transmission, 04/24/85, ST85-1385, 12,000	From Plumb Oil in St. Mary Parish, LA	To Riverway in St. Mary Parish, LA	2.0	
El Paso Natural Gas Company, 07/31/85, ST85-1686, 25,000	From Leede, Roger Mills County, OK	To El Paso in Roger Mills County, OK	2.8	0.5
Faustina Pipeline, 03/06/84, ST84-1032, 50,000	From Northern at Centerville	To LRC at Grand Chenier, LA	3.6	0.5
		Columbia Gulf at St. Mary Parish, LA	2.0	
Faustina Pipeline, 06/01/84, ST84-1039, 20,000	From Superior Oil at Lowry	To LRC at Grand Chenier	2.0	
Faustina Pipeline, 04/16/84, ST84-1168, 50,000	NW Central in Rice Cty, KS	LRC at Grand Chenier	19.5	0.5
	CIG in Beaver Cty, OK	Patterson, LA	24.2	1.5
	Northern at Greensburg, KS		21.6	1.5
	Northwest or ANR Gathering at various points in OK, TX and KS.		26.0	3.0
	Damson Oil at various points in LA		2.0	
Florida Gas Transmission Company, 09/28/84, ST85-639, 4000	From Florida Gas in El 191	To Florida Gas in Krotz, Springs, LA	14.3	1.0
Illinois Power Company, 06/25/84, ST84-1156, 12,000	From NGPL in Will and McHenry Counties, IL	To IPC in Henry Cty, IL	2.0	
	From ANR Gathering at various points in OK, TX and KS.		19.9	3.0
The Kansas Power & Light Company, 03/01/84, ST84-838, 2,000	From KP&L in Canadian Cty, OK	To Northern at Greensburg, KS	6.3	3.0
LGS Intrastate, Inc. 01/03/85, ST85-680, 2,000	From Superior Oil at the Lowry Plant	To LRC at Grand Chenier	2.0	
Louisiana Gas System, Inc., 12/26/84, ST85-1088, 13,300	From Superior Oil at its Lowry Plant	To Riverway at Patterson, La, Texas Gas at Eunice, LA.	3.6	1.0
Louisiana Industrial Gas Supply System, 05/05/83, ST83-518, 7,000	From TIPCO in Dewy Cty, OK	To Northern at Greensburg, KS	3.6	3.0
		Acadian PL at Franklin, LA	25.2	3.0
		Southern at Shadyside, LA	25.2	3.0
Louisiana Industial Gas Supply System, 01/06/84, ST84-503, 15,000.	From Tennessee in SMI 108	To Louisiana IGS at Franklin, LA, Trunkline at Superior's Lowry Plant.	12.5	1.25
Louisiana Industrial Gas Supply System, 01/13/84, ST84-501, 75,000.	From NGPL at Lake Arthur, LA	To Louisiana IGS at Franklin, LA, Trunkline at Superior's Lowry Plant.	3.5	0.3
Louisiana Industrial Gas Supply System, 03/26/85, ST85-871, 100,000.	From Northern diverting volumes from United at Centerville, LA.	To Acadian at Franklin, LA	2.8	0.5
		To Trunkline at Superior's Lowry Plant or Patterson, LA.	2.0	
Louisiana Intrastate Gas Corporation, 01/11/83, ST83-656, 6,000	From LIG at Bayou Hebert, LA	To LIG at Patterson, LA, Shepherd at Jennings or Garden City, LA.	5.4	1.5
Lynchburg Gas Company, 11/30/84, ST85-413, 2,500	From Live Oak at Vermilion Parish, LA	To Transco at Eunice, LA	3.6	0.5
Michigan Consolidated Gas Company, 02/18/83, ST83-313, 20,000.	From MichCon at Willow Run, MI	To Panhandle at Defiance, Ohio	2.0	
Monterey Pipeline Company, 08/17/81, ST82-028, 3,500	From Monterey at W. Gueydan, LA	To Monterey in St. Landry Parish, LA or Krotz Springs, LA.	3.5	1.0
Monterey Pipeline Company, 01/26/84, ST84-846, 10,000	From ARCO in Cameron Parish, LA	To Monterey in St. Landry Parish, LA	3.6	1.0
Mountaineer Gas Company, 03/12/85, ST85-865, 60,000	From Tennessee in HI 270 and 526	To Tennessee at Superior's Lowry Plant, Columbia Gulf in Patterson, LA.	5.1	2.2
National Fuel Gas Supply Corporation, 04/15/85, ST85-962, 60,000.	From Tennessee in HI 270, 526	To Tennessee at Superior's Lowry Plant, Columbia, Gulf in Patterson, LA.	5.1	2.2
Natural Gas Pipeline Company of America, 03/26/84, ST84-873, 75,000.	From Acadian in Franklin, LA	To NGPL at Lake Arthur, LA	3.6	0.5
Natural Gas Pipeline Company of America, 07/06/84, ST85-001, 80,000.	From Superior Oil at Lowry, LA	To NGPL at Lake Arthur, LA	2.0	
Natural Gas Pipeline Company of America, 09/12/84, ST85-037 (TXO as Agent), 15,000.	From Delhi Gas in Kiowa County, KS	To NGPL in Beaver City, OK	3.6	0.5
New Jersey Natural Gas Company, 08/15/85, ST85- (Northern Gas Marketing, Agent), 25,000.	From Northern in Greensburg, KS	To Texas Eastern in at French Lick, IN or St. Landry Parish, LA.	21.6	3.0
Northern Intrastate Pipeline Company, 10/26/84, ST85-1458, 50,000.	From United at Centerville	To LRC at Grand Chenier, LA or Columbia Gulf at Garden City, LA.	3.6	0.5
Northern Illinois Gas Company, 06/14/85, ST85-1156, 30,000	From Midwestern at Marshfield, WI or Northern at Janesville, WI.	To Midwestern at Joliet, IL	8.7	1.0
Northern Illinois Gas Company (Hadson, Agent), 08/09/85, ST85-	Various points in OK and LA	To Midwestern at Joliet, IL	23.4	3.0
			29.9	3.0
Northern Indiana Public Service Company, 08/17/83, ST84-291, 3,500.	From Panhandle at Defiance, OH	To NIPSCO in Monroe City, IN	2.0	
Northern Indiana Public Service Company, 04/23/84, ST85-596, 70,000.	From NGPL in W. Joliet, IL	To NIPSCO in Michigan City, IN	2.0	
North Central Public Service Company, 06/10/84, ST84-1256, 12,000.	From North Central in FL Madison, IA	MichCon at Willow Run, MI	13.6	2.0
	MichCon at Willow Run, MI	North Central at Fort Madison, IA	8.7	1.0
Northern Natural Gas Company, 02/21/85, ST85-752, 30,000	From United at Centerville, LA	To Texas Eastern at St. Landry, LA	3.6	0.5
Northwest Pipeline, 02/14/84, ST84-688, 25,000	From Northwest in Custer and Washita Counties, OK	To CIG in Beaver City, OK	8.72	3.0
	Producer's in Caddo City, OK	Northern in Greensburg, KS	8.72	3.0
Ohio Gas Company, 04/04/85, ST85-978, 10,000	From ANR Gathering at various points in OK, TX and KS.	To Ohio Gas in Fulton City, OK	26.0	3.0
Orange & Rockland Utilities, Inc., 05/02/85, ST85-979 (Citizens Energy Corp., Agent), 15,000.	From Promark in SMI 261	To Columbia Gulf in Pecan Island, LA	23.2	
Orbit Gas Company, 03/12/84, ST85-690, 2,000	From ANR Gathering various points in TX, OK, and KS.	To Orbit Gas in Webster County, KY	33.7	3.0
Pacific Lighting Gas Supply Company, 07/12/85, ST85-100,000	From Phillips at its Sherman, TX Plant	To NGPL at Hansford, TX	2.0	
Pacific Lighting Gas Supply Company, 07/29/85, ST85-(ELCON, Agent), 40,000.	From Phillips at its Sherman, TX Plant	To NGPL at Hansford, TX	2.0	
Pacific Lighting Gas Supply Company, 08/01/85, ST85-1573, 90,000.	Various points in OK	To NGPL in Beaver City, OK	4.5	2.0
Pacific Lighting Gas Supply Company, 08/15/85, ST85-, 50,000	Various points in OK	To Northern at Greensburg	4.5	1.0
Pacific Lighting Gas Supply Company, 08/15/85, ST85-, 25,000	Various points in OK	CIG divert to Northern	4.5	1.0
Pacific Lighting Gas Supply Company, 07/29/85, ST85-, 40,000	Sherman Plant	To NGPL in Beaver City, OK	2.8	1.0
Pacific Lighting Gas Supply Company, 08/07/85, ST85-1687	Kerr-McGee Hemphill TX	TO NGPL in Beaver City, OK	3.6	1.0
The Peoples Gas Light & Coke Company, 11/30/84, ST85-679, 70,000.	From ANR Gathering and Other Sellers	To Peoples Gas in Will County, IL	23.6	3.0

Shipper, contract date, current Docket No., maximum daily volume dth/d	Receipt point(s)	Delivery point(s)	Rate per 1,000 ft³ (cents)	Fuel charge, percent of fuel transported
	NW Central in Rice City, KS		17.1	3.0
Pioneer Transmission Corporation 01/05/84, ST84-1071, 50,000	From Cimmaron PL in Woodward Cty, OK	To NGPL in Hansford Cty, TX	3.6	0.5
	ONG-Phillips in Custer Cy, OK and	Westar in Hemphill, TX	5.8	0.5
	Panhandle in Beaver Cty, OK			
Ponchartrain Natural Gas System, 02/28/84, ST84-839, 30,000	From Northern at Centerville, LA	To Ponchartrain in Ascension and St. Charles Parishes, LA.	3.6	
Ponchartrain Natural Gas System, 07/10/84, ST84-1157, 5,000	From Davis Oil in Cameron Parish, LA	Ponchartrain in Ascension and St. Charles Parishes, LA.	3.6	0.5
Producer's Gas Company 04/15/83, ST83-389, 100,000	From Producer's in Caddo, County, OK	To Northern at Greensburg	5.4	3.0
	Dewey County, OK		3.5	3.0
	Washita County, OK		5.4	3.0
	Woodward County, OK		2.8	0.6
	ONG in Custer Cty, OK		4.4	3.0
Producer's Gas Company, 06/24/83, ST83-658, 50,000	From United at Centerville, LA	To Transco Eunice, LA, Florida Gas at Krotz Springs	3.6	0.5
Producer's Gas Company, 11/14/83, ST84-525, 7,000	From Transok in McIntosh Cty, OK	To Producer's in Caddo Cty, OK	2.0	
Producer's Gas Company, 12/09/83, ST84-685, 10,000	From ONG in Carter and Grady Counties, OK	To Producer's in Caddo County, OK	2.0	
Producer's Gas Company, 01/13/84, ST84-505, 25,000	From Producer's in Harper and Woodward Counties, OK.	To Producer's in Caddo and Woodward Counties, OK.	2.0	
Producer's Gas Company, 09/14/84, ST84-1281, 50,000	From Producer's in Washita Cty, OK	To Transco in Eunice, LA	35.1	3.0
Producer's Gas Company, 10/01/82, ST83-154, 6,000	From Producer's in Caddo County, OK	To Producer's in Custer and Caddo Counties, OK.	0	
Richie Gas System, 02/15/82, ST82-290, 2,000	From Borden at the Lawson lateral in LA	To LIG at Patterson, LA	3.5	0.5
Richie Gas System, 6/21/83, ST84-022, 20,000	From United at Centerville, LA	To Acadian PL at Franklin, LA	1.7	
Southeastern Michigan Gas Company, 11/16/84, ST85-524, 10,000.	From ANR Gathering at various points in TX, OK and KS.	To SEMGCO at St. Clair, MI	30.8	3.0
Southeastern Michigan Gas Company, 2/16/85, ST85-1095, 30,000.	From Great Lakes at St. Clair, MI	To SEMGCO at St. Clair, MI	2.8	
Southern California Gas Company, 8/1/85, ST85-, 25,000	Various points in OK, TX and KS	CIG divert to Northern in Dumas, TX	4.5	2.0
Southern Natural, 7/23/82, ST82-435 (Incident to Storage), 125,000.	From Midwestern at Shadyside, LA	To NGPL at West Joliet, IL	31.2	3.0
	Joliet, IL	Shadyside, LA	2.0	
Spindletop Gas Distribution System, 6/1/83, ST83-519, 15,000	From United at Centerville, LA	To Acadian PL at Franklin, LA	1.7	
Spindletop Gas Distribution System, 6/26/84, ST84-1037, 25,000	From NGPL at Lake Arthur, LA	To Acadian PL at Franklin, LA	3.5	
Tennessee Gas Pipeline Company, 11/5/82, ST83-183, 60,000	From Midwestern at Marshfield, WI, Northern at Jamesville, WI.	To Superior at Lowry, Midwestern at Joliet, IL and Chrisney, IN.	4.8	1.5
Tennessee Gas Pipeline Company, 12/17/84, ST85-600, 50,000	From CIG in Beaver County, OK	To Midwestern in Joliet, IL	21.5	3.0
		Tennessee at Superior's Plant in Lowry, LA	24.2	2.5
Texas Eastern Transmission Company, 1/15/85, ST85-766 (Exchange), 30,000.	From Texas Eastern in SS 135	To Tennessee at Sea Robin in SS 120	0	
Texas Eastern Transmission Company, 02/24/84, ST85-1403, 4,000.	From TETCO in HI 539	To TETCO in St. Landry, LA	5.1	2.2
Texas Gas Transmission Corporation, 02/07/85, ST85-762, 75,000.	From Texas Gas in W.C. 167	To Texas Gas at Eunice, LA	8.8	2.2
Texas Gas Transmission Corporation, 12/15/84, ST85-356, 45,000.	From Texas Gas SMI 146	To Texas Gas in SMI 108	7.43	1.0
Transcontinental Gas Pipe Line Corporation, 10/26/82, ST83-312, 60,000.	From ARCO/Quivira at Bayou Sale, LA	To Transco at Eunice, LA	3.5	0.5
Transcontinental Gas Pipe Line Corporation, 06/26/84, ST84-1154, 34,400.	From Northern at Janesville, WI Midwestern at Marshfield, WI.	To Transco at Eunice, LA	7.8	
Transcontinental Gas Pipe Line Corporation, 08/20/84, ST85-249, (Exchange).	From Transco in Beckham Cty, OK	To Transco at Eunice, LA	0	
UGI Corporation, 03/12/85, ST85-864, 60,000	From Tennessee at HI 270 & HI 526	To Tennessee at Superior's Plant at Lowry Columbia Gulf at Patterson, LA.	5.1	2.2
UGI Corporation, 03/27/85, ST85-897, 40,000	From Northern at Greensburg, KA	To Panhandle at Defiance, Ohio	27.9	3.0
	Janesville, WI	Columbia Gas at Paulding, Ohio	7.8	1.0
United Gas Pipe Line Company, 10/26/83, ST84-376, 10,000	From United HI 351/368	To HIOS HI 330	10.4	
United Gas Pipe Line Company, 12/17/84, ST85-432, 250,000	From United at Centerville, LA	To Northern at Greensburg, KS	3.6	0.5
	Rapides Parish, LA		2.0	

[FR Doc. 85-29861 Filed 12-13-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. GP86-6-000]

Discorbis Oil Company v. Valley Gas Transmission, Inc.; Complaint

December 6, 1985.

On October 25, 1985, Discorbis Oil Company (Discorbis) filed a complaint pursuant to 18 CFR 271.1105(d)(3) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206. Discorbis alleges that Valley Gas Transmission, Inc. (Valley) violated 18 CFR 271.1104 of the Commission's Regulations by refusing to reimburse Discorbis for current and retroactive production-related costs. Discorbis requests the Production-Related Costs Board (Board) to issue an order directing Valley to pay the amounts specified in its notice of complaint.

Discorbis states that: (1) It has sold and is now selling natural gas from section 102 wells to Valley from Duval County, Texas, under two contracts dated March 20, 1981, and January 24, 1983; (2) it had to construct and maintain at its own expense both transportation and compression facilities to deliver the gas to Valley; (3) both contracts expressly authorize reimbursement for production-related costs, and (4) it previously submitted to Valley complete and accurate descriptions of the charges and the basis thereof for such charges.

Discorbis also notes that it originally filed an application on July 20, 1979, in Docket No. GP79-119-000, at the request of Valley to collect production-related costs. The application was dismissed as unnecessary by Commission order of December 27, 1983 (25 FERC ¶ 61,424), which cited new regulations permitting the collection of such costs on a self-implementing basis. That order stated that the original application date could be used in determining the date to be used in the collection of any appropriate retroactive amounts.

Discorbis claims that Valley has refused to pay and continues to refuse to

pay production-related costs. It requests the Commission to (1) determine that Valley is in violation of the Commission's rules, and (2) issue an order compelling payment by Valley of the production-related costs.

Under the Rules 206(b) and 213(a), 18 CFR 385.206(b) and 385.213(a), Valley must file an answer to Dicorbis' complaint with the Commission unless otherwise ordered by the Commission. Under Rule 213(e), 18 CFR 385.213(e), any person failing to answer a complaint may be considered in default, and all relevant facts stated in such complaint may be deemed admitted. Valley shall file its answer with the Commission on or before January 6, 1986.

And person desiring to be heard or to protest said filing should file a protest or a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214, 18 CFR 385.211 and 385.214. All such protests or motions should be filed on or before January 6, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-29678 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

Distrigas Corp. and Distrigas of Massachusetts Corp.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

[Docket No. TA86-1-12-0000, 001]

December 9, 1985.

Take notice that Distrigas Corporation (Distrigas) on November 29, 1985 tendered for filing Eighteenth Revised Sheet No. 1 to its FERC Gas Tariff and Distrigas of Massachusetts Corporation (DOMAC) on the above date tendered for filing Eighteenth Revised Sheet No. 3A.

Eighteenth Revised Sheet No. 1 and Eighteenth Revised Sheet No. 3A are being filed pursuant to Distrigas' and DOMAC's purchased LNG cost adjustment provision set forth in their respective tariffs. The Distrigas rate change is being filed to reflect in its sales rate to DOMAC a redetermination (decrease) of the price paid for the purchase of LNG together with an amortization over the six-month period, January 1, 1986 through June 30, 1986, of the balance of the unrecovered purchased LNG cost account.

The DOMAC rate change is being filed to reflect the Distrigas rate change in DOMAC's rates for resale to its distribution customer companies and the amortization over the six-month period, January 1, 1986 through June 30, 1986, of the balance in DOMAC's unrecovered purchased LNG cost account and the GRI Surcharge.

Distrigas and DOMAC request that the proposed tariff sheets become effective January 1, 1986.

A copy of this filing is being served on all affected parties 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 16, 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. 85-29693 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-58-008]

El Paso Natural Gas Co.; Tariff Filing

December 10, 1985.

Take notice that on December 3, 1985, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1-A:

Original Sheet Nos. 12 through 18
Original Sheet No. 19
First Revised Sheet No. 100
Third Revised Sheet No. 101
Third Revised Sheet No. 102
Second Revised Sheet No. 103

El Paso states that it was the intent of the parties to the Stipulation and Agreement in Settlement of Rate Proceedings filed June 25, 1985 at Docket No. RP85-58-000, *et al.*, and approved by Commission letter order dated August 14, 1985, that transportation agreements entered into by El Paso on and after July 1, 1985, including arrangements entered into pursuant to § 157.209 of the Commission's Regulations, be subject to the terms and conditions of its new Rate Schedules T-1 or T-2. El Paso has since been advised by the Commission Staff that service to end-users performed on a self/implementing basis under § 157.209 of the Commission's Regulations should continue to be rendered under Rate Schedule TEU-1 which Staff states is the only El Paso rate schedule that, by its terms, is generally applicable to service under § 157.209. Since El Paso had intended to cancel Rate Schedule TEU-1 as soon as all arrangements thereunder had terminated, it did not, in the tariff filing implementing the settlement at Docket No. RP85-000, *et al.*, revise Rate Schedule TEU-1 to include the new rates established as part of the settlement for transportation by El Paso on behalf of others of natural gas which displaces quantities of gas that would otherwise be purchased from El Paso. Therefore, in order to comply with the Staff's direction it is necessary to revise Rate Schedule TEU-1 to reflect the approved rates for displacement service. El Paso states that the above designated tariff sheets serve to

implement such revision and requests that the Commission grant such waiver of its rules and regulations as may be necessary to permit the tariff sheets to become effective July 1, 1985, the effective date of the Stipulation and Agreement at Docket No. RP85–58–000, *et al.*

In addition to the tariff sheets identified above, El Paso also tendered First Revised Sheet No. 19 to its Volume No. 1–A Tariff. El Paso states that the tariff sheet serves to increase the Gas Research Institute funding unit adjustment component of the rates under Rate Scheudle TEU–1, as authorized by Commission Opinion No. 243 issued September 26, 1985 at Docket No. RP85–154–000, and requests that the Commission grant such waiver of its rules and regulations as may be necessary to permit tendered First Revised Sheet No. 19 to become effective January 1, 1986 as provided for in Opinion No. 243.

El Paso states that copies of the filing have been served upon all parties of record in Docket No. RP85–58–000, *et al.*, and, otherwise, upon all interstate pipeline system customers of El Paso and all interested state regulatory 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 Sections 385.214 and 385.211 of this Chapter. All such motions or protests should be filed on or before December 17, 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. 85–29682 Filed 12–13–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA86–2–33–000, 001]

El Paso Natural Gas Co.;

December 9, 1985.

Take notice that on Decembr 2, 1985, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act and in accordance with ordering paragraphs (B) and (C) of the Commission's Opinion No. 243 issued September 26, 1985 at *Gas Research Institute*, Docket No. RP85–154–000, the following tariff sheets to its FERC Gas Tariff:

Tariff volume	Tariff sheet
First Revised Volume No. 1	Seventh Revised Sheet No. 100
Original Volume No. 1–A	Second Revised Sheet No. 20
Third Revised Volume No. 02	Third Revised Sheet No. 102
	Thirty-second Revised Sheet No. 1–D
	Seventeenth Revised Sheet No. 1–D.2
Original Volume No. 2A	Thirty-fourth Revised Sheet No. 1–C

El Paso states that the tendered tariff sheets, when accepted and permitted to become effective, will increase the Gas Research Institute funding unit adjustment component of its rates for certain sales and transportation services from the currently effective 1.18c per dth (1.25¢ per Mcf) to the 1.28¢ per dth (1.35¢ per Mcf) authorized to be collected by jurisdictional members of the Gas Research Institute commencing January 1, 1986 by said Commission Opinion No. 243.

El Paso requests that the tendered tariff sheets be permitted to become effective January 1, 1986 as provided for in Opinion No. 243.

El Paso states that copies of the filing have been served upon all of its interstate pipeline system customers and all interested state regulatory 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 § 385.214 and 385.211 of this Chapter. All such motions or protests should be filed on or before *December 16*, 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 moton to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–29694 Filed 12–13–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA86–1–4–000 and 001]

Granite State Gas Transmission, Inc.; Proposed Change in Rates

December 9, 1985.

Take notice that on December 2, 1985, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 tendered for filing with the Commission the following revised tariff sheets in its FERC Gas Tariff, First Revised Volume No. 1, containing changes in rates for effectiveness on January 1, 1986:

Fourteenth Revised Sheet No. 7
Eighth Revised Sheet No. 9

According to Granite State, the filing is made pursuant to the purchased gas cost adjustment provision in Section XIX of the General Terms and Conditions of its tariff. Granite State further states that the instant rate adjustments reflect changes in the cost of purchased gas at suppliers' rates that will be effective January 1, 1986 and the amortization of Unrecovered Purchased Gas Costs. It is stated that the change in rates reflects principally the increase in cost of gas purchased from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) which Tennessee proposes to make effective January 1, 1986 in a contemporaneous filing with the Commission.

Granit State also states that the filing reflects elimination of a special surcharge applicable to its sales to Bay State, in effect since November 1, 1984, which was designed to amortize certain costs incurred in connection with the certification of Phase 1 of the Boundary Gas project.

Granite State further states that its proposed rates are applicable to wholesale sales to its two affiliated distribution company customers: Bay State Gas Company and Northern Utilities, Inc. and to a storage service rendered for Bay State. According to Granite State, the effect of the proposed rates in its filing is an increase of approximately $1,095,000 annually in its rates for sales to Bay State and $50,600 annually for sales to Northern Utilities.

According to Granite State, copies of the filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

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 sections 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 16, 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. 85-29695 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP86-7-000]

K N Energy, Inc. vs. H. G. Westerman and Others; Complaint

Issued: December 10, 1985.

Take notice that on November 1, 1985, K N Energy, Inc. (KN), filed a complaint against nine respondents,[1] alleging that they failed to give KN a bona fide offer and right of first refusal, as required by NGPA section 315(b), before selling certain gas to a third party.

KN states that in early 1977, four of the respondents agreed to sell KN all of the gas produced from their interests in certain leases in Yuma County, Colorado. The respondents had obtained their interests in some of those leases as part of a farmout agreement with KN under which the respondents agreed to drill for gas on certain of KN's leases in return for a one-half interest in the leases. The remaining five respondents subsequently acquired a part of the first four respondents' interests in the leases.

KN further states that in 1983 it exercised its right to terminate the contract with respect to the NGPA section 107 wells on the leases but offered to continue purchasing the gas from those wells at the lower section 108 ceiling price. KN did continue purchasing the gas at lower than section 107 prices pursuant to various short term and informal arrangements between the parties until May 1, 1985. On that date, according to KN, the respondents notified it that they intended to sell the section 107 gas to another purchaser. The respondents have commenced sales of gas produced from at least nine of their section 107 wells to a third party. KN claims, but the respondents deny, that they have also commenced sales of gas from another section 107 well to the third party. KN states that the respondents did not make a bona fide offer or give KN any right of first refusal with respect to any of the ten wells. According to KN, the respondents claimed that the gas sold to the third party was not dedicated to interstate commerce on November 8, 1978, the date of enactment of the NGPA, and that section 315(b) is therefore inapplicable. KN argues that the gas was so dedicated and has filed this complaint requesting the Commission to order the respondents to comply with the requirements of section 315(b).

Any person who desires to be heard or to protest the complaint should file, within 30 days after this notice is issued in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC., 20426, a motion to intervene or a protest in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests will be considered but will not make the protestants parties to the proceeding. Answers to the complaint shall also be due within 30 days after publication of this notice in the **Federal Register** in accordance with Rules 206 and 213 (18 CFR 385.206 and 385.213)

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-29679 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

[1] H. G. Westerman, Thomas J. Jeffrey, Joe Gray, Meredith Mallory, Jr., Althea B. Travis, Ralph M. Connell, Thomas E. Jeffrey, Carl A. Westerman and Loyle P. Miller.

[Docket No. TA86-2-46-000, 001]

Kentucky West Virginia Gas Co.; Proposed Change in Tariff Sheets

December 9, 1985.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on November 29, 1985, tendered for filing with the Commission the following revised tariff sheets to Kentucky West's FERC Gas Tariff, First Revised Volume No. 1, to become effective January 1, 1986.

Eighth Revised Sheet No. 8
Eighth Revised Sheet No. 10

The revised tariff sheets amend Kentucky West's Gas Research Institute (GRI) Funding charge to place in effect the new GRI funding unit of 13.5 mills per dth as approved by FERC in Opinion No. 243, issued September 28, 1985, under Docket No. RP85-154-000.

Kentucky West states that copy of its filing has been served upon Kentucky West's jurisdictional customers and the Kentucky Energy Regulatory 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, NW., 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 16, 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. 85-29698 Filed 12-13-85 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-5-000, 001]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

December 10, 1985.

Take notice that on November 29, 1985, Midwestern Gas Transmission Company (Midwestern) filed Sixteenth Revised Sheet No. 5, Seventeenth Revised Sheet No. 6 and Tenth Revised Sheet No. 7 to Original Volume No. 1 of its FERC Gas Tariff, to be effective January 1, 1986.

Midwestern states that the purpose of the filing is to reflect for its Southern System, PGA rate adjustments based on (1) rate changes filed by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and (2) purchases directly from Tenngasco. The filing also reflects for Midwestern's Northern and Southern Systems an adjustment to the charge for the Gas Research Institute.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional 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, NW., 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 17, 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. 85-29685 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-16-000, 001]

National Fuel Gas Supply Corp.; Proposed Tariff Change

December 10, 1985.

Take notice that on November 29, 1985, National Fuel Gas Supply Corporation ("National") tendered for filing Fifth Revised Sheet No. 4 as part of its FERC Gas Tariff, Frist Revised Volume No. 1, to be effective on January 1, 1986.

National states that the only purpose of this revised tariff sheet is to reflect an adjustment in National's rates for recovery of the costs associated with the Gas Research Institute as authorized by the Commission.

It is stated that copies of the filing have been mailed to all of its jurisdictional 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 17, 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. 85-29686 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-26-000]

Natural Gas Pipeline Co. of America; Changes in FERC Gas Tariff

December 9, 1985.

Take notice that on december 2, 1985, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets to be effective December 1, 1985:

Fifth Revised Sheet No. 48
Fifth Revised Sheet No. 51
Substitute Twenty-first Revised Sheet No. 301
Substitute Twentieth Revised Sheet No. 302
Substitute Twentieth Revised Sheet No. 304
Substitute Eighth Revised Sheet No. 308

Natural states that the purpose of Fifth Revised Sheet Nos. 48 and 51 is to revise Natural's Rate Schedules WS-1 and WS-2 so as to reflect the tariff provisions applicable to the winter service year 1985-86. Natural also states that Sheet Nos. 301, 302, 304 and 308 have been revised to set out in Natural's Index of Buyers and Quantity Entitlement section of its tariff the volumes Natural's customers have requested under Rate Schedules WS-1 and WS-2 during the 1985-86 winter season.

A copy of the filing was mailed to Natural's jurisdictional customers and interested state regulatory agencies.

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 §§ 385.214 and 385.211. All such motions or protests must be filed on or before December 16, 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. 85-29699 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-206-000]

Northern Natural Gas Co.; Informal Settlement Conference

December 10, 1985.

On January 16 and 17, 1986, at 10:00 a.m., an informal settlement conference will be convened in the offices of the Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, DC 20426. The conference will be convened to consider technical issues and pursue settlement discussions.

All interested parties and the Staff are invited to attend; however, attendance will not confer party status. Any person wishing to become a party must file a Motion to Intervene in accordance with 18 CFR 385.214 (1985). For further information, contact Daniel Watkiss at (202) 357-8549.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-29687 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP86-5-000]

Northern Natural Gas Co., a Division of InterNorth, Inc.; Petition for Declaratory Order

December 6, 1985.

On October 22, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), pursuant to Rule 207 of the Commission's Rules of Practice and Procedure [1], filed a petition for a declaratory order, asserting that certain actions by Diamond Shamrock Corporation (Diamond Shamrock) relating to gas dedicated and flowing in interstate commerce may have resulted in violations of pertinent provisions of the Natural Gas Act (NGA) and the Natural Gas Policy Act of 1978 (NGPA).

Northern states that it purchases residue gas from Diamond Shamrock under five gas purchase contracts pursuant to certificates issued by the Commission. Northern alleges that all the contracts contain plant use reservation clauses and that Diamond Shamrock has increased the amount of gas it consumes under its plant use reservation from areas dedicated to Northern. Northern alleges that the gas previously used by Diamond Shamrock for that purpose, that had been obtained from sources other than acreage committed to Northern, is now being sold by Diamond Shamrock to others. Northern asserts that this resulted in a reduction of nine Bcf in the amount of gas available for sale to Northern by Diamond Shamrock during the period from March 1983 through May 1984. Northern also alleges that two of the contracts provide that if Northern does not purchase gas in excess of the minimum contract amount set forth, Diamond Shamrock may sell such excess gas to others, or otherwise dispose of it.

Northern contends that Diamond Shamrock's increased plant use of gas from areas dedicated to Northern, and the minimum contract volume provisions, which permit Diamond Shamrock to sell to others gas committed to but not purchased by Northern, may constitute illegal diversion of dedicated gas in violation of section 7(b) of the NGA [2] since

[1] 18 CFR 385.207 (1985).

[2] 15 U.S.C. 717(f)(b) (1982).

Diamond Shamrock has not obtained abandonment authorization for such acts. Northern also notes that there is a question on whether Diamond Shamrock has sold the gas in question at prices which exceeded the appropriate maximum lawful price under the NGPA.

Northern requests that the Commission take jurisdiction of this matter, and issue an order declaring the rights of the parties, and determine whether gas is being diverted unlawfully from interstate commerce.

Any person desiring to intervene in this proceeding or to protest this petition should file a motion to intervene or protest in accordance with Rules 214 and 211 respectively.[3] All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, not later than 30 days following publication of this notice in the **Federal Register**. All protests will be considered by the Commission but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-29696 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-205-001]

Northwest Pipeline Corp.; Change in FERC Gas Tariff

December 9, 1985.

Take notice that on December 2, 1985, Northwest Pipeline Corporation ("Northwest") submitted for filing, to be a part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets:

Second Revised Sheet No. 101
First Revised Sheet No. 104
Second Revised Sheet No. 105
Third Revised Sheet No. 129
Third Revised Sheet No. 130
Third Revised Sheet No. 131
Second Revised Sheet No. 132

On September 23, 1985, Northwest filed, at the above referenced docket, a general tariff filing to, among other things, make modifications to the measuring equipment provisions of Northwest's General Terms and Conditions and to modify the GRI language to more clearly establish to whom the GRI charges were to apply. In its Motion to Intervene, dated October 4, 1985, Southwest Gas Corporation ("Southwest") sought clarification of Northwest's changes.

The tendered tariff sheets provide for miscellaneous changes in the measurement provisions and GRI language contained in Northwest's General Terms and Conditions. Such tariff sheets represent the resolution of all issues raised by Southwest in its Motion to Intervene in the above referenced docket.

Northwest has requested an effective date of October 23, 1985 for all tendered tariff sheets. A copy of this filing has been mailed to all jurisdictional customers and interested state commissions.

Any persons desiring to be heard or 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 or 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 16, 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. 85-29700 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. FR86-184-000]

Public Service Co. of New Mexico; Filing

December 2, 1985.

Take notice that Public Service Company of New Mexico (PNM) on November 25, 1985, tendered for filing as an initial rate schedule a Precommercial Energy Sale and Purchase Letter Agreement (Letter Agreement) between PNM and Southern California Edison Company (Edison).

The service to be provided under the Letter Agreement is varying amounts of on-peak precommercial energy generated by Palo Verde Nuclear Generating Station Unit 1 (PVNGS Unit 1). The price for the precommercial energy is $28/MWh on-peak and $17/MWh off-peak.

PNM requests an effective date of October 11, 1985, and, therefore, requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Edison and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filings 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 12, 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 proceedings. 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. 85-29690 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA80-1-17-000,001]

Texas Eastern Transmission Corp; Proposed Changes in FERC Gas Tariff

December 9, 1985

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on December 2, 1985 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheet:

Revised Seventy-sixth Revised Sheet No. 14 (4 pages)

This tariff sheet is being filed pursuant to (1) Section 4.F of Texas Eastern's Rate Schedule SS-II and Section 4.E of Texas Eastern's Rate Schedule ISS-III which provide for an automatic rate adjustment to flow through any changes in Consolidated Natural Gas Transmission Corporation's (Consolidated) GSS rates which underlie Texas Eastern's Rate Schedules SS-II and ISS-III and (2) Section 25 of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff, Fourth Revised Volume No. 1, to include in Texas Eastern's rates the GRI Funding Unit of 1.35 cents per Mcf approved by the Commission in Opinion No. 243 issued on September 26, 1985 in Docket No. RP85-154-000.

The proposed effective date of the above tariff sheet is January 1, 1986.

Consolidated filed on July 1, 1985 to increase the Rate Schedule GSS rates as a part of their general rate increase filing in Docket NO. RP85-169-000. The proposed rate increase was suspended

[3] 18 CFR 385.214 and 385.211 (1985).

until January 1, 1986. Pursuant to rate Schedule SS–II and ISS–III of Texas Eastern's FERC gas Tariff, Fourth Revised Volume No. 1, any change in Consolidated's GSS rates are flowed through to Texas Eastern's SS–II and ISS–III rates. Schedule A herein reflects the calculations involved in tracking the GSS rate change through SS–II and ISS–III.

Schedule B herein shows the conversion of the GRI Funding Unit of 1.35 cents per Mcf to 1.31 cents per dry dekatherm (Texas Eastern's billing basis).

Copies of the filing were served on Texas Eastern'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. All such motions or protests should be filed on or before December 16, 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. 85–29684 Filed 12–13–85; 8:45 am]

BILLING CODE 6717–01–M

Williams Pipe Line Co.; Application for Waiver of Uniform System of Accounts

December 6, 1985.

Take notice that Williams Pipe Line Company, by letter dated August 14, 1984, requested it be granted waiver of the provisions of Instruction 3–14, Accounting Units of Property in the Uniform System of Accounts (18 CFR Part 352) which designates units of property for oil pipeline companies. Waiver is requested for certain line pipe work included in the company's ten year modernization program which may not come within the definition of line pipe because it may not involve replacement of 1500 foot pipe segments.

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 1985. Protests will be considered by the Commission 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 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. 85–29691 Filed 12–13–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP86–172–000, et al.]

Western Gas Interstate Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Western Gas Interstate Company

[Docket No. CP86–172–000]

December 2, 1985

Take notice that on November 1, 1985, Western Gas Interstate Company (Western), 900 United Bank Tower, 400 W. 15th Street, Austin, Texas 78701, filed in Docket No. CP86–172–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to install and operate a sales tap in order to permit the delivery of natural gas to Southern Union Gas Company (Southern Union) for resale in Moore County, Texas, under the certificate issued in Docket No. CP82–441–000 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.

It is stated that in accordance with the certificate authorization granted by order issued December 11, 1967, in Docket No. CP68–43, Western is operating facilities and delivering and selling natural gas to Southern Union for resale to customers and the Panhandle regions of Texas and Oklahoma. It is further stated that Western is presently providing natural gas service to Southern Union in accordance with the terms and conditions of the currently effective service agreement between Western and Southern Union dated May 17, 1984. The service agreement also provides for the sale and delivery by Western and the purchase and receipt by Southern Union of natural gas for distribution and resale to consumers located in the Panhandle regions of Texas and Oklahoma.

It is asserted that Western has received a request from Southern Union for the installation of a new sales tap at a point on Western's existing West Line in Moore County, Texas. The purpose of the tap is to make deliveries of gas to Southern Union for resale. It is explained that the first such resale would be to Extraction Systems of America, Inc. (Extraction Systems), which would use the gas for plant space heating and water tank and acid bath heating and that the heated acid and water would be used in the extraction of silver and gold from ore available in industrial scrap materials. Extraction Systems has projected that its gas requirements would range from 60 to 100 Mcf per day, and Southern Union projects that deliveries through the tap to Extraction Systems and others may reach 125 Mcf per day.

To provide service for Southern Union, Western proposes to install a sales tap and appurtenant facilities. Western states that the request for natural gas service at the proposed sales tap would not alter Southern Union's entitlements under the service agreement.

Comment date: January 16, 1986, in accordance with Standard Paragraph G at the end of this notice.

2. United Gas Pipe Line Company

[Docket No. CP86–103–00]

December 10, 1985.

Take notice that on November 26, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP86–103–001 an amendment to the pending prior notice request filed on October 31, 1985, in Docket No. CP86–103–000 pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) requesting that the Commission treat such filing as an application for a certificate of public convenience and necessity filed pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In Docket No. CP86–103–001, United seeks authorization to construct and operate a 1-inch sales tap on United's 8-inch Jackson lateral in Rankin County, Mississippi. United states that the sales tap would be used by United to sell and deliver up to 2,920 Mcf of natural gas annually to Mississippi Valley Gas Company for resale for use in the heating and cooling systems at the Super Saver Store in Bolton, Mississippi.

Comment date: December 31, 1985, in accordance with the first subparagraph

of Standard Paragraph F at the end of this notice.

3. Colorado Interstate Gas Company

[Docket No. CP86-161-000]

December 11, 1985.

Take notice that November 1, 1985, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80844, filed in Docket No. CP86-161-000 an application pursuant to section 7(c) of the Natural Gas Act for a certification of public convenience and necessity authorizing the transportation of natural gas for Industrial Gas Associates (IGA), all as more fully set forth in the application which is on file with the Commisison and open to public inspection.

CIG proposes to transport up to 500 million Btu equivalent of gas per day for IGA on behalf of Longmont Turkey Processors and Morning Fresh Farms on an interruptible basis for a term of one year and month-to-month thereafter. It is stated that CIG would receive the gas at a proposed point of interconnection between IGA's and CIG's facilities in Morgan County, Colorado. It is explained that facilities at the proposed point of interconnection would be installed pursuant to CIG's blanket authorization in Docket No. CP83-21-000. It is further stated that IGA would redeliver equivalent volumes of gas for IGA's account to Western Gas Supply Company (Western) at an existing point of interconnection between Western's and CIG's facilities in Adams County, Colorado.

It is asserted that CIG would charge a transportation fee of 63.95 cents per Mcf of gas transported.

CIG also requests authorization to add and delete supply delivery points.

Comment date: December 31, 1986, in accordance with Standard Paragraph F at the end of this notice.

4. Natural Gas Pipeline Company of America

[Docket No. CP86-187-000]

December 11, 1985.

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. CP86-187-000 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Mississippi River Transmission Corporation (MRT) 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 to public inspection.

Applicant proposes to transport, on an interruptible basis, up to 200 billion Btu of natural gas per day on behalf of MRT for a term to expire on October 27, 1987. It is explained that Applicant would receive the gas at the following points: (1) The existing point of interconnection between the facilities of Applicant and Producers Gas Company (Producers) in Custer County, Oklahoma; (2) the existing point of interconnection between the facilities of Applicant and Producers in Dewey County, Oklahoma; (3) the existing point of interconnection between the facilities of Applicant and Producers in Grady County, Oklahoma; (4) the existing point of interconnection between the facilities of Applicant and Oklahoma Natural Gas Company (ONG) in Custer County, Oklahoma; (5) the existing point of interconnection between the facilities of Applicant and ONG in Woodward County, Oklahoma; (6) the existing point of interconnection between the facilities of Applicant and Delhi Gas Pipeline Corporation in Custer County, Oklahoma; and (7) the existing point of interconnection between the facilities of Applicant and Mustang Fuel Corporation in Washita County, Oklahoma.

Applicant proposes to transport and redeliver thermally equivalent volumes to the following points of delivery: (1) The existing point of interconnection between the facilities of Applicant and MRT in Randolph County, Arkansas; (2) the existing point of interconnection between the facilities of Applicant and MRT in Harrison County, Texas; (3) the existing point of interconnection between the facilities of Applicant and MRT in Clinton County, Illinois; (4) The existing point of interconnection between the facilities of Applicant and ANR Pipeline Company in Cameron Parish, Louisiana; (5) and the existing point of interconnection between the facilities of Applicant and Dow Interstate Gas Company in Vermilion Parish, Louisiana.

Applicant states that it would redeliver equivalent volumes to its delivery points less certain percentage reductions for gas lost and unaccounted for, gas used as fuel and gas used in day to day pipeline operations. These reductions are as follows:

Delivery point	Reduction
Clinton County, Illinois	7.0 percent.
Harrison County, Texas	7.0 percent.
Randolph County, Arkansas	7.0 percent.
Cameron Parish Louisiana	5.5 percent.
Vermilion Parish, Louisiana	5.5 percent.

Applicant proposes to charge MRT a transportation rate of 22.51 cents per million Btu for volumes received at the afore-mentioned receipt points for transportation and delivery to Applicants' afore-mentioned delivery points.

No new facilities are proposed for this service. Applicant also requests authorization to add additional receipt points in the future necessary to support this service.

Comment date: December 31, 1985, in accordance with Standard Paragraph F at the end of this notice.

5. Natural Gas Pipeline Company of America

[Docket No. CP86-130-000]

December 11, 1985.

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. CP86-130-000 an application, as amended on November 20, 1985, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Faustina Pipeline Company (Faustina) and for permission and approval to abandon the transportation service, 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 up to 8 billion Btu of natural gas per day for Faustina, on an interruptible basis, through October 22, 1987. Applicant states that it would receive the gas for the account of Faustina at an existing interconnection between its facilities and those of the gathring facilties of Intercon, Inc. (Intercon), in Beckham County, Oklahoma. Applicant proposes to redelivery equivalent volumes of gas, less 6.7 percent for fuel and unaccounted for gas at an existing interconnection between the facilities of Applicant and Faustina in Vermilion Parish, Louisiana.

Applicant proposes to charge Faustina 19.8 cents per million Btu for volumes of gas received in Beckham County, Oklahoma. In addition, Applicant states it would charge Faustina the currently effective GRI surcharge.

Applicant also proposes to add receipt points to the transportation service. Applicant states that by March 31 of each year it would tender tariff revisions reflecting the addition of receipt points made during the previous calendar year.

Comment date: December 31, 1985, in accordance with Standard Paragraph F at the end of this notice.

6. Northwest Pipeline Corporation

[Docket No. CP75-232-001]

December 11, 1985.

Take notice that on November 1, 1985, Northwest Pipeline Corporation (Northwest), P.O. Box 8900, Salt Lake City, Utah 84108, filed in Docket No. CP75-232-001 a petition to amend the order issued on July 30, 1975, in Docket No. CP75-232, as amended, pursuant to section 7(c) of the Natural Gas Act, so as to authorize the transportation of natural gas for RMNG Gathering Co. (RMNG) from additional wells and to a new redelivery point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Northwest states that by orders issued July 30, 1975, and April 26, 1977, in Docket No. CP75-232, it was authorized to transport natural gas for RMNG pursuant to a gas transportation agreement (agreement) dated November 26, 1974, as amended. Northwest further states that the agreement provided that RMNG would tender to Northwest for transportation, at the Bar-X delivery points in Mesa County, Colorado, volumes of natural gas produced or purchased by RMNG from the Bar-X and South Canyon fields located in Mesa and Garfield Counties, Colorado. It is indicated that Northwest would purchase either 25 percent or 33⅓ percent of RMNG's natural gas, depending on whether it was produced from acreage shown on Exhibit A or Exhibit D to the agreement, and then would transport and redeliver the remaining volumes, for RMNG's account, at an existing interconnection between the transmission systems of Mountain Fuel Resources, Inc. (Mountain Fuel), and Northwest in Rio Blanco, Colorado. It is further indicated that Northwest was authorized to retain 2 percent of the volumes as reimbursement for fuel and losses and to charge a transportation rate of 5.0 cents per Mcf.

Northwest proposes that the order issued July 30, 1975, as amended April 26, 1977, in Docket No. CP75-232 be further amended to authorize the transportation of natural gas for RMNG from additional wells and to a new redelivery point as provided for by the June 9, 1981, April 10, 1985, and August 6, 1985, amendments to the agreement.

It is stated that on June 9, 1981, RMNG and Northwest entered into an amendment to the agreement to provide for redeliveries of the natural gas through an existing point of interconnection between Northwest and Rocky Mountain Natural Gas Company (Rocky Mountain), RMNG's parent company. It is further stated that this redelivery point (Piceance Creek delivery point) is located in Rio Blanco County, Colorado, and replaced the original redelivery point which no longer is available for use under the agreement. Northwest indicates that the original redelivery point was used for delivery of RMNG's natural gas to Mountain Fuel for subsequent transportation by Mountain Fuel to Rocky Mountain. Northwest further indicates that RMNG has informed it that the agreement between Mountain Fuel and RMNG has expired and the RMNG now needs to utilize the existing Piceance Creek delivery point in order to receive the natural gas volumes from Northwest.

It is stated that on April 10, 1985, and August 6, 1985, Northwest and RMNG further amended the agreement to provide for the transportation of additional natural gas supplies which RMNG has available in the Bar-X and South Canyon fields. The amendment provides, it is further stated, that Northwest would transport the volumes of natural gas tendered by RMNG for transportation at the Bar-X delivery points from additional acreage, as set forth in a new Exhibit E to the agreement. Northwest indicates that it does not have an option to purchase any of the natural gas tendered for transportation from the sources listed on the Exhibit E.

Comment date: December 31, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

7. Trailblazer Pipeline Company

[Docket No. CP79-80-035]

December 11, 1985.

Take notice that on December 2, 1985, Trailblazer Pipeline Company (Petitioner), 701 East Twenty Second Street, Lombard, Illinois 60148, filed in Docket No. CP79-80-035 a petition to amend the order issued March 12, 1982, in Docket No. CP79-80 pursuant to section 7(c) of the Natural Gas Act seeking authorization for an additional point of receipt of natural gas in Weld County, Colorado, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner submits that Natural Gas Pipeline Company of America (Natural) and the Petitioner have amended their service agreement dated October 8, 1982, to permit an additional point of receipt on Petitioner's system in Weld County, Colorado, for volumes of natural gas to be purchased by Natural from MFG Oil Corporation (MFG) under a gas purchase contract dated May 16, 1984, between Natural and MFG Petrocarbon Energy Corporation (Petrocarbon) and under a gas purchase contract dated July 16, 1984, between Natural and Petrocarbon from the Jupiter Field, Weld County, Colorado.

It is further stated that Petitioner and Natural have constructed tap and measurement facilities pursuant to blanket certificates issued in Docket Nos. CP82-497-000 and CP82-402-000, respectively. It is alleged that the proposed additional receipt point and resulting transportation was planned to be commenced pursuant to Petitioner's Order 60 certificate in Docket No. CP82-498-000. It is explained that Reliance Pipeline Company (Reliance) agreed in December of 1984 to construct the necessary gathering facilities to connect the producers' reserves with Petitioner's system. It is stated, however, that MGF filed in December 1984, a Petition under chapter XI of the U.S. Bankruptcy Code and it became necessary for the Bankruptcy Court to approve the agreements with Reliance and to authorize the expenditure of funds by MGF.

Petitioner further states that the Court approval was not obtained until September 1985, thus delaying the construction of the gathering facilities and the completion of the nine wells drilled in the Jupiter field.

Petitioner alleges that Reliance and Petrocarbon would suffer extreme hardship and may even be forced to file for relief under Chapter XI of the bankruptcy laws unless this gas can begin flowing shortly. It is stated that MGF's ability to remove itself from bankruptcy proceedings is dependent upon the instant authorization.

Comment date: December 31, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Transcontinental Gas Pipe Line Corporation

[Docket No. CP81-83-004]

December 11, 1985.

Take notice that on October 2, 1985, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP81-83-004 a petition to amend the order issued February 8, 1982, in Docket No. CP81-83-000, as amended, pursuant to section 7(c) of the Natural Gas Act so as to authorize two additional points of delivery, all as more fully set forth in the petition to amend which is on file with

the Commission and open to public inspection. The original notice of petition to amend in Docket No. CP81–83–004 was issued on October 23, 1985, with a corresponding intervention due date of November 13, 1985.

In Docket No. CP81–83–004 Transco states that by order issued February 8, 1982, as amended on October 25, 1982, Transco was authorized to transport on a firm basis up to the thermal equivalent of 9,000 Mcf of natural gas per day to Florida Gas Transmission Company (FGT) for the account of Southern Natural Gas Company (Southern). It is also stated that such transportation is for Southern individually and as agent for Amoco Production Company.

Transco requests authorization to add two additional points of delivery for the gas which Transco transports for Southern individually at the existing interconnection between Transco and Southern in Livingston Parish, Louisiana, and at the existing interconnection between Transco and Trunkline at Katy, Wharton County, Texas.

In Docket No. CP81–83–004 Transco originally stated that for such transportation service, Transco would continue to charge Southern an initial monthly demand charge of $28,080 based upon a contract demand quantity of 9,000 Mcf of gas per day. By supplement dated November 14, 1985, Transco now submits that the rate and contract demand quantity were inadvertently misstated in Docket No. CP81–83–004. Transco now asserts that the monthly demand charge would be $33,360 based upon a monthly demand rate of $4.17 per Mcf and a contract demand quantity of 8,000 Mcf per day. Transco states that these figures reflect the revised tariff filed with the Commission on April 10, 1984, in Docket No. RP83–30–016, as approved by order issued May 4, 1984 (27 FERC ¶ 61,213).

Comment date: December 31, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

9. Transcontinental Gas Pipe Line Corporation

[Docket No. CP86–202–000]

December 11, 1985.

Take notice that on November 12, 1985, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP86–202–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 10,000 dt equivalent of natural gas per day for United Cities Gas Company, Georgia Division (United Cities), an existing Transco sales customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is explained that United Cities would purchase such gas from Southern Natural Gas Company (Southern) which would make such sales pursuant to the Commission's emergency regulations, § 157.45, *et seq.* (18 CFR 157.45, *et seq.*). Pursuant to the October 16, 1985, transportation agreement between Transco and United Cities, Transco would receive the gas at an existing interconnection with Southern at Jonesboro, Clanton County, Georgia, and would transport and redeliver the gas, on a best efforts basis, to United Cities at an existing delivery point at Gainesville, Oconee County, Georgia, it is stated.

Transco states that for this transportation service, it would retain a percentage of the gas received for compressor fuel and line loss make-up and would charge United Cities a transportation rate based on Transco's currently applicable Rate Schedule T–1. The transportation agreement provides a term of five years from the date of initial deliveries, it is stated.

Transco states that by filing the subject application, it is not electing "non-discriminatory access" as such term is described and defined in §§ 284.8(b) and 284.9(b) of the Commission's Regulations (promulgated in Order No. 436).

Comment date: December 31, 1985, in accordance with Standard Paragraph F at the end of this notice.

10. Transwestern Pipeline Company

[Docket No. CP86–211–000]

December 11, 1985.

Take notice that on November 21, 1985, Transwestern Pipeline Company (Transwestern), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. CP86–211–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Transwestern (1) to construct and operate a metering facility and tap, (2) to sell for resale up to 3 billion Btu of natural gas per day to Southwest Gas Corporation (Southwest), and (3) to commence such service pursuant to proposed Rate Schedule SG–2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transwestern states that Southwest has contracted to purchase up to 3 billion Btu of gas per day from Transwestern on a firm basis for resale to residential customers residing in Willow Valley, Arizona. Transwestern proposes to make the sale at a new tap and metering facility contemplated to be installed initially as a nonjurisdictional facility pursuant to section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Commission's Regulations. Transwestern states that the proposed facilities would be located immediately upstream of and within the surface site of Transwestern's existing Needles measuring station in Mohave County, Arizona. It is stated that the tap and meter would be the measuring point both for section 311 transportation and for the proposed sale of natural gas to Southwest. Transwestern estimates that the cost of construction of the tap and meter would be $56,500 to be paid by Southwest.

Transwestern proposes to commence deliveries as soon as possible upon receipt of all necessary approvals from the Commission. It is stated that the term would be for ten years and from year to year thereafter unless cancelled by either party on at least twelve months written notice.

Transwestern states that it makes sales for resale under Rate Schedule SG–1 to natural gas distributing systems served by Transwestern's pipeline system east of its Roswell, New Mexico compressor station. Transwestern proposes herein to provide sevice to small, general customers in the area west of Roswell, New Mexico under new Rate Schedule SG–2. Transwestern proposes to design the initial rate to be charged for service under Rate Schedule SG–2 based upon the method historically used by Transwestern to design the SG–1 rate. Transwestern state that the Commission issued an order in Docket No. RP85–175, on August 29, 1985, suspending the filed rates until February 1, 1986, and requiring Transwestern to refile such rates consistent with the order. Transwestern thus requests that the initial rate be made effective as proposed and that any issues regarding long-term rate design be determined in the proceedings in Docket No. RP85–175.

Comment date: December 31, 1985, in accordance with Standard Paragraph F 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 persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-29697 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF86-129-000, et al.]

International House of Philadelphia et al; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

Comment date: Thirty days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. International House of Philadelphia

[Docket No. QF86-129-000]

December 5, 1985.

On November 21, 1985, International House of Philadelphia (Applicant), of 3701 Chestnut Street, Philadelphia, Pennsylvania 19104, sumitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Philadelphia, Pennsylvania. It will consist of two Cogenic Energy modules. Heat will be recovered from both jacket water and exhaust gas for space heating, chilling and domestic hot water. The electrical power production capacity of the facility will be 242 kW. The primary energy source will be natural gas.

2. Gull, Inc.

[Docket No. QF86-315-000]

December 9, 1985.

On November 25, 1985, Gull, Inc. (Applicant), of 25 South 300 East, Salt Lake City, Utah 84111 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the same address as the Applicant. The facility will consist of a natural gas fired combustion turbine generator, a heat recovery steam boiler, and a steam driven turbine-generator. The power production capacity will be 5,600 kilowatts. The extracted heat from the steam turbine will flow into mechanical systems for the existing building. Installation is expected to begin in December 1985.

3. Foster Wheeling Power Systems, Inc. Ransom Cogeneration Facility

December 10, 1985

[Docket No. QF86-333-000]

December 10, 1985

On November 27, 1985, Foster Wheeler Power Systems, Inc. (Applicant), of 110 South Orange Avenue, Livingston, New Jersey 07039 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Ransom, Pennsylvania. The facility will incorporate two (2) circulating fluidized bed boilers and a turbine generator. The primary energy source will be anthracite culm. The net electric power production capacity will be 37 megawatts. The steam sales will be made to Potlatch Corporation for its industrial uses. Installation of the facility is expected to begin in September 1986.

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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-29680 Filed 12-13-85; 8:45 am]

BILLING CODE 6717-01-M

Oil Pipeline Tentative Valuation

December 13, 1985.

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative basic valuation is under consideration for the common carrier by pipeline listed below:

1983 Basic Report

Valuation Docket No. PV–1488–000; Seminole Pipeline Company, P.O. Box 645, Tulsa, Oklahoma 74101–0645.

On or before January 16, 1986, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 214 of the Federal Energy Regulatory Commission's "Rules of Practice and Procedure" (18 CFR 385.214), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the individual company at its address shown above and appropriate certificate of service must be attached to the petition. Persons specifically designated in section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 85–29689 Filed 12–13–85; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[A–9–FRL–2932–9]

Approval of Prevention of Significant Air Quality Deterioration (PSD) Permit to Procter & Gamble Company (EPA Project Number SAC 83–01)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that on June 7, 1985 the Environmental Protection Agency issued a modified PSD permit (which was originally issued on May 10, 1983 under EPA's Federal regulations 40 CFR 52.21) to the applicant named above. The PSD permit grants approval to a modification of the gas turbine cogeneration system at their facility in Sacramento, California. The modification involves an increase in the allowable fuel consumption for the duct burner with a corresponding decrease in the emission rate on a heat input basis such that no increase in the mass emissions of NO_x occurs. Also, continuous monitoring requirements for CO and flue gas flow rate have been deleted. The permit is subject to certain conditions, including an allowable emission rate as follows: SO_2 at 0.3% sulfur fuel oil or natural gas; NO_x at 0.30 lb/MM BTU oil fired and 0.26 lb/MM BTU gas fired; CO at 33 lb/hr gas fired and 22 lb/hr oil fired.

FOR FURTHER INFORMATION: Copies of the permit are available for public inspection upon request; address request to: Anita Tenley (A–3–1), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974–8240, FTS 454–8240.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include: SO_2—0.3% sulfur fuel oil; NO_x—water injection; CO—combustion control.

DATE: The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 14, 1986.

Dated: December 4, 1985.

Carl C. Kohnert,

Acting Director, Air Management Division, Region 9.

[FR Doc. 85–29660 Filed 12–13–85; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–140072; FRL–2933–3]

Access to Confidential Business Information by Various Marketing Resources, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA has authorized Various Marketing, Inc. (VMR) for access to information which has been submitted to EPA under sections 5 and 8 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–543, 401 M St., SW., Washington, DC 20460, Toll-Free: (800–424–9065), In Washington, DC: (554–1404), Outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION: Under section 8 of TSCA, EPA is required to compile a list of chemical substances which are manufactured in or imported to the United States. Section 8 requires that the Inventory be kept current so that manufacturers and importers of chemical substances may determine whether the substances they intend to manufacture or import are subject to the new chemical reporting requirements of section 5 of TSCA.

Under Contract No. 68–01–6814, previously announced in the **Federal Register** on February 15, 1984 (49 FR 5830), Chemical Asbtracts Service (CAS) assists the Agency in administering sections 5 and 8 by maintaining and updating the TSCA Inventory and by searching the Inventory for chemical substances proposed for manufacture or import. In a subcontract to that contract, VMR will microfilm documents submitted to the Agency under sections 5 and 8 of TSCA. The documents VMR will microfilm include Inventory reporting forms, document destruction logs, Premanufacture Notification forms, *bona fide* requests for searches of the Inventory, Low-Volume Exemption notices, and Test-Market Exemption applications. All microfilming will be performed on CAS premise in Columbus, Ohio.

VMR personnel will not conduct substantive review of any TSCA CBI under this subcontract; however, execution of its provisions will require that these personnel be given access to TSCA CBI in order to preform the above-noted microfilming. Therefore, in accordance with 40 CFR 2.306(j), EPA has determined that access to CBI submitted to the Agency under TSCA is necessary for the satisfactory performance by the subcontractor of the subcontract described above. EPA is issuing this notice to inform submitters of information under TSCA that VMR has been authorized for access to CBI submitted under sections 5 and 8 of TSCA pursuant to the "EPA Contractor Requirements for the Control and Security of TSCA Confidential Business Information" manual. All VMR personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before being permitted access to TSCA CBI. CBI access is authorized only on CAS premise and will expire on September 30, 1986.

Dated: December 6, 1985.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 85–29667 Filed 12–13–85; 8:45 am]

BILLING CODE 6560–50–M

[A-9-FRL-2932-8]

Approval of Prevention of Significant Air Quality Deterioration (PSD) Permit to Gilroy Energy Company (EPA Project Number SFB 84-04)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that on August 1, 1985 the Environmental Protection Agency issued a PSD permit under EPA's federal regulations 40 CFR 52.21 to the applicant named above. The PSD permit grants approval to construct a 119 megawatt (gross) cogeneration facility to be located in Gilroy, Santa Clara, California. The permit is subject to certain conditions, including an allowable emission rate as follows: NO_x—25 ppmv at 15% O_2 with the gas turbine, and 40 ppmv at 3% O_2 with the auxiliary boilers; SO_2–189 tons per year.

FOR FURTHER INFORMATION: Copies of the permit are available for public inspection upon request; address request to: Anita Tenley (A-3-1), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street; San Francisco, CA 94105, (415) 974-8240, FTS 454-8240.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include the use of steam injection and low sulfur oil (0.12% by weight normally and 0.25% during natural gas curtailment).

DATE: The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 14, 1985.

Dated: December 5, 1985.

Carl C. Kohnert,

Acting Director, Air Management Division, Region 9.

[FR Doc. 85-29661 Filed 12-13-85; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2932-7]

Approval of Prevention of Significant Air Quality Deterioration (PSD) Permit to the Western Power Group, Inc. (EPA Project Number SE 85-05)

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that on November 21, 1985 the Environmental Protection Agency issued a PSD permit under EPA's federal regulations 40 CFR 52.21 to the applicant named above. The PSD permit grants approval to construct the Mesquite Lake Resource Recovery Facility near Brawley, Imperial County, California. The facility is a 15 megawatt multiple hearth and fluidized bed cogeneration system burning cattle manure. The permit is subject to certain conditions, including an allowable emission rate as follows: NO_x at 135 lbs/hr, SO_2 at 195 lbs/hr, CO at 122 lbs/hr and particulate matter at 122 lbs/hr.

FOR FURTHER INFORMATION: Copies of the permit are available for public inspection upon request; address request to: Anita Tenley (A-3-1), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-8240, FTS 454-8240.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include the use of limestone injection, combustion control systems, a baghouse, and low multiple hearth furnance temperatures combined with low furnace oxygen concentrations and multiple hearth pyrolysis gas recirculation to the fluidized bed.

DATE: The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 14, 1986.

Dated: December 5, 1985.

Carl C. Kohnert,

Acting Director, Air Management Division, Region 9.

[FR Doc. 85-29662 Filed 12-13-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59209; FRL-2933-5]

Certain Chemicals Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TMS) Applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for an exemption, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by : December 31, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS-59207[" and the specific TME number should be sent to: Document Control Officer (TS-793), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW, Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

T 86-8

Close of Review Period: January 15, 1986.

Manufacturer. Confidential.

Chemical. (G) Substituted polyethylene oxide diol end-capped with isocyanate.

Use/Production. (G) Chemical intermediate. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal and inhalation, a total of 4 workers.

Environmental Release/Disposal. Disposal by incineration.

T 86-9

Close of Review Period: January 15, 1986.

Manufacturer. Confidential.

Chemical. (G) Substituted polyethylene oxide diol.

Use/Production. (G) Chemical intermediate. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal and inhalation, a total of 6 workers.

Environmental Release/Disposal. Disposal by incineration and biological waste treatment facility.

Dated: December 9, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85-29665 Filed 12-13-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51601; FRL-29-2933-4]

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 statement of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty-five PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86-248—Feburary 5, 1985.

P 86-224, 86-225, 86-226, 86-227, 86-228, and 86-229—February 26, 1986.

P 86-230, 86-231, and 86-232—March 1, 1986.

P 86-233, 86-234, 86-235, 86-236, 86-237, 86-238, 86-239, 86-240, 86-241, 86-242, 86-243, 86-244, 86-245, 86-246 and 86-247—March 2, 1986.

Written comments by:

P 86-248—January 6, 1986.

P 86-224, 86-225, 86-226, 86-227, 86-228, and 86-229—January 27, 1986.

P 86-230, 86-231, and 86-232—January 39, 1986.

P 86-233, 86-234, 86-235, 86-236, 86-237, 86-238, 86-239, 86-240, 86-241, 86-242, 86-243, 86-244, 86-245, 86-246 and 86-247—January 31, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-51601]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Confidentail 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 86-224

T3Manufacturer. E. I. du Pont de Nemours & Compnay, Inc.

Chemical. (G) monosubstituted alkylbenzenesulfonyl chloride.

Use/Production. (S) Site/limited intermediate. Prod. range. Confidential.

Toxicity Data. Acute oral: 7,500 mg/kg; Irritiation: Eye—Severe; Ames test: Equivocal.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by navigable waterway.

P 86-225

Manufacturer. E. I. du Pont de Nemours & Compnay, Inc.

Chemical. (G) Monosubstituted saccharin.

Use/Production. (S) Site/limited intermediate. Prod. range. Confidential.

Toxicity Data. Acute oral: 7,500 mg/kg; Irritation: Eye—Moderate; Ames test: Negative.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by navigable waterway.

P 86-226

Manufacturer. E. I. du Pont de Nemours & Company, Inc.

Chemical. (G) Monosubstituted carboxybenzenesulfonamide.

Use/Production. (S) Site-limited intermediate. Prod. range. Confidential.

Toxicity Data. Acute oral: 11,000 mg/kg Irritation: Eye—Mild; Ames test: Negative.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by navigable waterway.

P 86-227

Manufacturer. E. I. du Pont de Nemours & Company, Inc.

Chemical. (G) Monosubstituted carboalkoxybenzenesulfonamide.

Use/Production. (S) Industrial intermediate. Prod. range. Confidential

Toxicity Data. Acute oral: 11,000 mg/kg; Irritation: Eye—Mild; Ames test: Positive.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by navigable waterway.

P 86-228

Manufacturer. E. I. du Pont de Nemours & Company, Inc.

Chemical. (G) Monosubstituted carboalkoxybenzenesulfonylisocyanate.

Use/Production. (S) Industrial intermediate. Prod./Import range. Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. None expected.

P 86-229

Manufacturer. American Hoechst Corporation.

Chemical. (S) 2-amino-5-[2-(sulfooxyethyl)sulfonyl]phenol.

Use/Production. (S) Site-limited captive intermediate for fiber reactive azo dyes. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 6 hrs/da, up to 26 da/yr.

Environmental Release/Disposal. 270 kg/batch released to water. Disposal by biological waste treatment.

P 86-230

Manufacturer. Hach Company.

Chemical. (S) 2,2'-dihydroxy-1,1'-azonaphthalene-6,6'-disulfonic acid.

Use/Production. (S) Industrial reagent for hardness analysis in water of brine. Prod. range. 100-300 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 7 workers, up to 8 hrs/da, up to 60 da/yr.

Environmental Release/Disposal. No release. Disposal by publicly owned treatment works (POTW).

P-86-231

Manufacturer. Hach Company.

Chemical. (S) 2,2'-dihydroxy-1,1'-azonaphthalene-4,6'-disulfonic acid.

Use/Production. (S) Industrial reagent for hardness analysis in water of brine. Prod. range. 100-300 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 7 workers, up to 8 hrs/da, up to 60 da/yr.

Environmental Release/Disposal. No release. Disposal by POTW.

P 86-232

Manufacturer. Hach Company.

Chemical. (S) 2,2'-dihydroxy-1,1'-azonaphthalene-3,3', 6,6'-tetrasulfonic acid.

Use/Production. (S) Industrial reagent for hardness analysis in water of brine. Prod. range. 100-300 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 7 workers, up to 8 hrs/da, up to 60 da/yr.

Environmental Release/Disposal. No release. Disposal by POTW.

P 86-233

Importer. Confidential.
Chemical. (G) Hydroxy functional acrylic copolymer.
Use/Import. (S) Industrial thermosetting decorative and protective coatings. Import range. 75,000–225,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: a total of 30 workers.
Environmental Release/Disposal. No release.

P 86-234

Manufacturer. Confidential.
Chemical. (G) Alkyd.
Use/Production. (S) Insulating varnish. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

P 86-235

Manufacturer. Confidential.
Chemical. (G) Aromatic isocyanate-terminated polyether polymer.
Use/Production. (G) Adhesive for industrial laminations. Prod. range. 15,000–30,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 4 workers, up to 1.0 hrs/da, up to 23 da/yr.
Environmental Release/Disposal. 80 kg/batch released as cleaning solution.

P 86-236

Manufacturer. Confidential.
Chemical. (G) Organosilicon chemical.
Use/Production. (S) Industrial dispersant for magnetic particles. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-237

Importer. Confidential.
Chemical. (G) Amine oxide.
Use/Import. (S) Foaming agent for the foam finishing of fabrics and carpets. Import range. Confidential.
Toxicity Data. Acute oral: Male—<5,000 mg/kg^{-1}, Female—<5,000 mg/kg^{-1} but <2,000–$^{-1}$ mg/kg; Ames test: Non-mutagenic.
Exposure. Confidential.
Environmental Release-Disposal. Confidential.

P 86-238

Manufacturer. Confidential.
Chemical. (G) Functional aliphatic ester.
Use/Production. (G) Industrial paint component. Prod. Range. 10,000–100,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 46 workers, up to 8 hrs/da, up to 250 da/yr.
Environmental Release-Disposal. 1 to 132 kg/batch released to land. Disposal by incineration and landfill.

P 86-239

Manufactuer. Confidential.
Chemical. (G) Unsaturated epoxy ester.
Use-Production. (S) Commercial gel coat vehicle. Prod. range. 30,000–500,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 5 workers, up to 4 hrs/da.
Environmental Release/Disposal. Less than 5 kg/batch released to land. Disposal by landfill.

P 86-240

Manufacturer. Confidential.
Chemical. (G) Dioxime-triisocyanate polymer.
Use/Production. (G) Adhesive for open, non-dispersive use. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-241

Manufacturer. Confidential.
Chemical. (G) Dioxime-diisocyanate polymer.
Use/Production. (G) Adhesive for open, non-dispersive use. Prod. range. Confidential. kg/lbs/yr.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-242

Manufacturer. Confidential.
Chemical. (G) Dioxime-triisocyanate polymer.
Use/Production. (G) Adhesive for open, non-dispersive use. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-243

Manufacturer. Confidential.
Chemical. (G) Cyano modified dimethyl-methylhydrogen siloxane.
Use/Production. (S) Intermediate for production of silicone polymers. Prod. range. Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-244

Manufacturer. Confidential.
Chemical. (G) Siloxane polyether copolymer.
Use/Production. (S) Surface active agent for use in polyurethane foam. Prod. range. Confidential.
Toxicity Data. No data on PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-245

Importer. Confidential.
Chemical. (G) Azo condensation pigment.
Use/Import. (G) Open, non-dispersive use. Import range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-246

Importer. Confidential.
Chemical. (G) Tetrasubstituted monoazo pigment.
Use/Import. (G) Open, non-dispersive use. Import range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-247

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstituted alkylbenzenesulfonamide.
Use/Production. (S) Site-limited intermediate. Prod. range. Confidential.
Toxicity Data. Acute oral: 7,500 mg/kg; Irritation: Eye-Mild; Ames test: Negative.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by navigable waterway.

P 86-248

Manufacturer. Confidential.
Chemical. (G) Mixed polyol ester of normal and branched chain mocarboxylic acids.
Use/Production. (G) Dispersive use. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

Dated: December 9, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85-29666 Filed 12-13-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

December 9, 1985.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of these submissions are available from the Commission by calling Doris R. Benz, (202) 632-7513. Persons wishing to comment on any information collection should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-7231.

OMB No.: 3060-0113
Title: Equal Employment Opportunity Program—10 Point Model Program and Guidelines
Form No.: FCC 396
Action: Extension
Estimated Annual Burden: 351 Responses; 1,229 Hours.

OMB No.: 3060-0120
Title: Equal Employment Opportunity Program—5 Point Model Program and Guidelines
Form No.: FCC 396-A
Action: Extension
Estimated Annual Burden: 2,622 Responses; 2,622 Hours.

OMB No.: 3060-0132
Title: Supplemental Information—72-76 MHz Operational Fixed Stations
Form No.: FCC 1068-A
Action: Extension
Estimated Annual Burden: 300 Responses; 150 Hours.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-29629 Filed 12-13-85; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Individual and Family Programs

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice advises States and the general public of new procedures to be adopted in the administration of the Individual and Family Grant (IFG) program, operated by States under Federal regulations at 44 CFR 205.54. The notice relates to the verification procedures.

DATES: These procedures are effective on December 16, 1985.

FOR FURTHER INFORMATION CONTACT: Agnes C. Mravcak, Emergency Management Specialist, Federal Emergency Management Agency, Office of Disaster Assistance Programs, 500 C Street SW., Washington, DC 20472, (202-646-3660).

In order to expedite the award of grants under the FG program, and to remove from the States the costly burden of verifying each and every application, FEMA has determined that a revised verification procedure is appropriate. Therefore, the Associate Director, State and Local Programs and Support, has made the following determination:

"FEMA is relaxing the requirement on States to perform on-site verifications on FG applications when all the following conditions are met:

1. The IFG applicant is owner-occupant of the primary residence; and

2. The applicant has a decline letter from the Small Business Administration; and

3. The applicant is uninsured for housing and personal property, as determined by the States; and

4. The temporary housing habitability inspection report (FEMA Form 90-56) indicates total destruction, or the report is annotated or supplemented with a cost estimate that exceeds the minimal repair (MR) scope of work, up to the $5,000 grant limit.

FEMA will contract for performance of verification services to determine owner-occupancy and whether the home is totally destroyed, and will provide the State with a price out listing of damages. With this documentation, the eligibility of the applicant can be immediately determined by the State. Implicit in the inspection report on totally destroyed homes and homes with damages beyond the MR scope of work is the idea that personal property and real estate needs beyond the ability of the MR program or the applicant exist. The State shall be held harmless from liability for recovering any funds from recipients of a grant which was based on erroneous information provided by FEMA to the State.

A grantee's award letter under these procedures shall state that he/she may use the award for repair, replacement, or rebuilding of the primary residence and other disaster-related needs or expenses which are eligible under the IFG program (see 44 CFR 205.54 (d)(2)). The recipient shall be notified of these eligible categories, and the ineligible categories as well, to enable him/her to appropriately spend the award. Dollar values shall not be assigned to any category. The grant award letter shall also state that, if flood insurance is required, he/she must purchase it, and that the applicant will be required, for a three year period, to produce receipts for items or services purchased with grant funds in order for the required quality control samples, audits, or other program functions to occur."

This procedure is an interim measure. FEMA anticipates publishing a proposed rule in the **Federal Register** in the near future, which will propose a new verification method. Until that publication occurs, this process may be used. FEMA Regional Director shall make the appropriate changes in the State administrative plans.

FEMA is publishing this notice to take effect upon publication. This procedure enhances the governments' ability to provide quick disaster assistance, and will be available nationwide for all disaster victims until the regulations identified above are ready for final implementation. FEMA has determined that the changes identified in this notice are good public policy, responsive to the changing emergency nature of disaster assistance programs.

Dated: December 10, 1985.

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 85-29642 Filed 12-13-85; 8:45 am]

BILLING CODE 6718-01-M

[Federal Emergency Management Agency Docket: FEMA-REP-9CA-1, FEMA-REP-9CA-2, FEMA-REP-9CA-3, FEMA-REP-9CA-4]

State of California Nuclear Power Plant Emergency Plan

December 5, 1985.

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For Continued operation of nuclear power plants, the U.S. Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing State and local government plans, the State of

California has submitted its radiological emergency response plan to the FEMA Regional Office. These plans address nuclear power plants which may impact the population of California and include the plans of governments near the Pacific Gas and Electric Company's Diablo Canyon Power Plant located in San Luis Obispo County, California; the Sacramento Municipal Utility District's Rancho Seco Nuclear Power Plant located in Sacramento County, California; and Southern California Edison Company's San Onofre Nuclear Power Plant located in San Diego County, California.

DATE PLANS RECEIVED: November 26, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Vickers, Regional Director, FEMA Region IX, Building 105, Presidio of San Francisco, California 94129, (415) 556-9881.

Notice: The Federal requirement for emergency response plans, FEMA has established a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this FEMA Rule (44 CFR Part 350) "Review and Approval of State and local Radiological Emergency Plans and Preparedness, Final Rule," 48 FR 44332, the Plan for the State of California was received by the Federal Emergency Management Agency, Region IX Office.

Included are plans for local governments which are wholly or partically within the plume exposure pathway emergency planning zones of the 4 nuclear power plants. For the Diablo Canyon Nuclear Power Plant, plans are included for San Luis Obispo County, Santa Barbara County and certain cities therein. For the San Onofre Nuclear Power Plant, plans are included for San Diego and Orange Counties as well as certain cities therein. The Rancho Seco Nuclear Power Plant local plans will be submitted at a later date. Local response plans are not included for Humboldt Bay Nuclear Power Plant as it has been closed since 1976 due to seismic safety conditions.

Copies of these plans are available for review at the FEMA Region IX Office, or will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart of 44 CFR Part 5. There are approximately 19 volumes (20,000+—pages) in these documents; reproduction fees are $.15 a page payable with a request for copy.

Comments on the Plan may be submitted in writing to Mr. Robert L. Vickers, Regional Director, at the above address within thirty days of this Federal Register notice.

FEMA Rule 44 CFR 350.10 calls for a public meeting prior to approval of the plans. Details of each meeting were announced at least two weeks prior to the scheduled meeting and local radio and television stations were requested to announce each meeting. These required public meetings were held as follows: the Diablo Canyon Nuclear Power Plant Public Meeting was announced in the San Luis Obispo Telegram-Tribune, San Luis Obispo, California. The public meeting was held on December 17, 1981 at the Cuesta College Auditorium, San Luis Obispo, California. The San Onofre Nuclear Power Plant Public Meeting was announced in the Daily Sun Post, San Clemente, California. The public meeting was held on May 18, 1981 at the San Clemente City Hall, San Clemente, California.

Robert L. Vickers,

Regional Director.

[FR Doc. 85-29643 Filed 12-13-85; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Petition of Rainbow Navigation, Inc. for Investigation of Conditions Unfavorable to Shipping in the United States/Iceland Trade

Rainbow Navigation, Inc. has filed a Petition pursuant to section 19(1)(b) of the Merchant Marine Act of 1920 requesting that the Commission issue a rule to remedy conditions allegedly unfavorable to shipping in the United States/Iceland Trade arising from actions of the Icelandic carriers involving the carriage of commercial cargo in that Trade. Rainbow alleges that it has been harmed by actions of the Icelandic Government which, through contracts with the U.S. Secretary of State, has persuaded the U.S. Navy to set aside Rainbow's rights as a U.S.-flag carrier to preference on military cargo moving from Norfolk to the U.S. base at Keflavik by declaring Rainbow's rates "excessive or otherwise unreasonable," thus invoking the statutory exception to the Cargo Preference Act of 1904.[1]

Rainbow's Petition to the Commission is based on its expectation of retaliatory legislative action by the Icelandic Government which would deny it access to military cargo. It is alleged that such legislative action by the Icelandic Parliament has been proposed before and could, apparently, be reintroduced and passed within a matter of weeks. Rainbow therefore asks the Commission to make findings of unfavorable conditions in the Trade and to issue a rule suspending the tariffs of the three Icelandic carriers, but further requests that effectiveness of the rule be suspended pending further action by the Icelandic Government.

Rainbow also alleges that it is unable to obtain any commercial cargo in the Trade despite competitive rates because all such cargo is controlled by Icelandic Government-sponsored monopolies and cooperatives who ship exclusively on Icelandic carriers. Rainbow asks the Commission to initate an inquiry into possible illegal rebating, unlawful ratesetting or other malpractices by the Icelandic carriers in the Trade.

Rainbow has obtained an Order from the U.S. District Court of the District of Columbia setting aside the Navy's determination of excessive rates and restoring its right to preference. The District Court's Order has been appealed by the Department of Justice on behalf of the Navy to the U.S. Court of Appeals for the District of Columbia Circuit which has denied a request for stay of that Order but has expedited its proceeding.

Rainbow's Petition raises issues which, at this time, appear to be beyond the purview of section 19(1)(b) and the Commission's subject matter jurisdiction thereunder insofar as actions by the Icelandic Government are concerned.[2] The Commission is for the view that no basis presently appears for action pursuant to section 19(1)(b) because the Icelandic Government has not instituted any laws, rules or regulations discriminatorily affecting Rainbow's right to carry military cargo. Rainbow does not allege, and the Commission is not aware of, any specific Icelandic enactment presently in place or any

[1] The Cargo Preference Act of 1904 provides, in relevant part, that:

Only vessels of the United States or belonging to the United Stats may be used in the transportation by sea of supplies bought for the Army, Navy, Air Force or Marine Corps. However, if the President finds that the freight charged by those vessels is excessive or otherwise unreasonable, contracts for transportation may be made as otherwise provided by law.

[2] Section 19(1)(b) of the Merchant Marine Act of 1920 authorizes the Commission:

To make rules and regulations affecting shipping in the foreign trade not in conflict with law in order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade, whether in any particular trade or upon any particular route or in commerce generally, which arise out of or result from *foreign laws, rules* or *regulatiosn* or from competitive methods or practices imployed by owners, operators, agents, or masters of vessels of a foreign country, . . . (emphasis added)

legislative proposal actively being considered by the Icelandic Parliament which would restrict U.S.-flag carrier access to military cargo in the U.S.-Iceland Trade. However, based upon the prospect that these circumstances could change quickly in a manner dramatically affecting Rainbow in a relatively short period of time, the Commission will hold Rainbow's Petition in abeyance pending possible future action by the Icelandic Government or the U.S. Court of Appeals or both.

By the Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-29702 Filed 12-13-85; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-007690-018.

Title: The India, Pakistan, Bangladesh, Ceylon and Burma Outward Freight Conference Agreement.

Parties: The Scindia Steam Navigation Co., Ltd., The Shipping Corporation of India Limited, Waterman Isthmian Line.

Synopsis: The proposed amendment would restate the agreement to conform to the Commission's regulations concerning form and format.

Agreement No.: 202-008650-012.

Title: Calcutta, East Coast of India and Bangladesh/U.S.A. Conference Agreement.

Parties: The Bangladesh Shipping Corporation, The Scindia Steam Navigation Co., Ltd., The Shipping Corporation of India Limited, Waterman Isthmian Line.

Synopsis: The proposed amendment would restate the agreement to conform to the Commission's regulations concerning form and format.

Agreement No.: 224-010859.

Title: Anchorage Terminal Agreement.

Parties: Municipality of Anchorage (Anchorage), Sea-Land Service, Inc. (Sea-Land).

Synopsis: This agreement provides for the granting of preferential usage from Anchorage to Sea-Land of 920 feet on Terminal No. 2 in the Port of Anchorage. The premises shall be used by Sea-Land in the furtherance of its business which shall include, but not be confined, to the receiving, delivering, handling and storage of cargo, the docking of vessels, loading and discharging of cargo for such vessels, including, but not limited to, cargo in containers. The term of the agreement is for five years and Sea-Land has the option to extend the term for five successive periods of five years each. Cargo minimums are provided in the agreement and handling charges are assessed accordingly.

Agreement No.: 224-010860.

Title: Portsmouth Marine Terminal Agreement.

Parties: Virginia International Terminals, Inc. (VIT), Atlantic Container Line (ACL).

Synopsis: This agreement provides for the non-exclusive use of marine terminal facilities at Portsmouth Marine Terminal, Portsmouth, Virginia by VIT to ACL. VIT shall furnish to ACL terminal services connected with the operation of the facility. The term of the agreement shall be for three years and ACL may at its option elect to renew or extend the agreement for two additional terms of one year each. ACL guarantees movement of 100,000 tons through the terminal the 1st year of the agreement, 150,000 tons in the 2nd year and 200,000 tons in the 3rd year. VIT grants to ACL wharfage and crane rental charges different from those contained in Terminal Operators Conference of Hampton Roads Terminal Tariff No. 1, (Agreement No. 8435). The parties have requested a shortened review period for the agreement.

By Order of the Federal Maritime Commission.

Dated: December 11, 1985.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-29640 Filed 12-13-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

December 10, 1985

Background

Notice is hereby given of the submission of proposed information collection(s) to the Office of Management and Budget (OMB) for its review and approval under the Paperwork Reduction Act (Title 44 U.S.C. Chapter 35) and under OMB regulations on Controlling Paperwork Burdens on the Public (5 CFR Part 1320). A copy of the proposed information collection(s) and supporting documents is available from the agency clearance officer listed in the notice. Any comments on the proposal should be sent to the OMB desk officer listed in the notice. OMB's usual practice is not to take any action on a proposed information collection until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3822)

OMB Officer—Robert Neal—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880)

Request for OMB Approval To Implement

1. Report title:
   Report of U.S. Government Securities
   Report of U.S. Government Sponsored Agency and Corporation Obligations

Agency form number: FFIEC 016, FFIEC 017

OMB Docket number: N/A

Frequency: One-time

Reporters: State Member Commercial Banks

Small businesses are affected.

General description of report: This information collection is mandatory [12 U.S.C. 324] and is given confidential treatment [5 U.S.C. 552b (4) and b(8)].

These reports will provide information on holdings of U.S. Government agencies and corporations securities, that would aid in the monitoring of the banks' portfolio. Information will be collected from all state member banks.

Board of Governors of the Federal Reserve System, December 10, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-29634 Filed 12-13-85; 8:45 am]

BILLING CODE 6210-01-M

Agency Forms Under Review

December 10, 1985.

Background

Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Resesarch and Statistics, Board of Governors of the Federal Reserve System, Washington, D C. 20551 (202–452–3822)

OMB Desk Officer—Robert Neal—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202–395–6880)

Proposal To Approve Under OMB Delegated Authority the Extension Without Revision of the Following Report

1. Report title: Monthly Survey of Industrial Electricity Use
Agency form number: FR 2009 A, B
OMB Docket number: 7100–0057
Frequency: Monthly
Reporters: Public and privately-owned electric utilities and self-generators
Small businesses are not affected.

General description of report: This information collection is voluntary and is given confidential treatment [5 U.S.C. 552(b)(4)].

The report collects information on the volume of electric power sold to mining or manufacturing establishments or generated by such establishments for their own use. Survey results are used as a proxy for physical production measures in certain categories of the Industrial Production Index.

Proposal To Approve Under OMB Delegated Authority the Implementation of the Following Report

1. Report title: Report on Total Foreign Exchange Turnover
Agency form number: FR 3036 A, B, & C
OMB Docket number: 7100–0215
Frequency: One-time survey for month of March 1986
Reporters: 135 banks, 10 brokers, and 19 nonbank financial institutions
Small businesses are not affected.

General description of report: This information collection is voluntary and is given confidential treatment [5 U.S.C. 525 (b)(4) & (b)(8)].

This survey will gather information for March 1986 on turnover volume in the U.S. foreign exchange market from 135 banking institutions, 10 brokers, and 19 nonbank financial institutions. The information will materially assist in the evaluation of market conditions and in the implementation of monetary policy.

Board of Governors of the Federal Reserve System, December 10, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85–29636 Filed 12–13–85; 8:45 am]

BILLING CODE 6210–01–M

The Marine Corp.; Formation of; Acquisitions by; or Merger of Bank Holding Companies

The company listed in this notice has 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 225.24 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)).

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 to the Reserve Bank indicated for that application or to the offices of the Boards 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.

Comments regarding this application must be received not later than January 3, 1985.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *The Marine Corporation,* Milwaukee, Wisconsin, and its wholly-owned subsidiary, *Marisub, Inc.,* Milwaukee, Wisconsin; to acquire 100 percent of the voting shares of Commercial Banc-Corp., Monroe, Wisconsin, thereby indirectly acquire The Commercial and Savings Bank, Monroe, Wisconsin.

Board of Governors of the Federal Reserve System, December 10, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–29635 Filed 12–13–85; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that pursuant to section 13 of Pub. L. 92–463, the Annual Report for the following Health Resources and Services Administration Federal Advisory Committees have been filed with the Library of Congress:

National Advisory Council on Nurse Training

National Advisory Council on the National Health Service Corps

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, D.C., or weeksdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1435, 330 Independence Avenue, SW., Washington, DC 20201, Telephone (202) 245–6791.

Copies may be obtained from the following committee contacts:

National Advisory Council on Nurse Training—Dr. Mary S. Hill, Executive Secretary, National Advisory Council on Nurse Training, Bureau of Health Professions, Health Resources and Services Administration, Room 5C–04, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 10857, Telephone (301) 442–6193.

National Advisory Council on the Natonal Health Service Corps—Mr. Jeffrey Human, Executive Secretary, National Advisory Council on National Health Service Corps, Room 6–40, Parklawn Building, 5700 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2900.

Dated: December 10, 1985.

Jackie E. Baum,

Advisory Committee Mangement Officer, HRSA.

[FR Doc. 85–29628 Filed 12–13–85; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Administration

[Docket No. N-85-1570]

Proposed Field Office Closings

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Proposed Field Office closings.

SUMMARY: The Department is reducing the number of its small Field Offices to use its resources more efficiently. This Notice includes the cost-benefit analysis required to be published in the **Federal Register** under section 7(p) of the Department of Housing and Urban Development Act.

FOR FURTHER INFORMATION CONTACT: Judith L. Tardy, Assistant Secretary for Administration, Department of Housing and Urban Development, Washington, DC 20410, (202) 755-6940 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: In accordance with section 7(p) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(p), the Department of Housing and Urban Development is hereby publishing a cost-benefit analysis concerning a proposed plan to close certain Field Offices.

A. Description of Proposed Changes

1. Five very small Field Offices will be closed. These offices have been responsible for limited program activities in the area of single-family mortgage insurance and have had consistently small workloads. The workload will be transferred to larger, nearby offices in the same Regions. The Field Offices to be closed are:

(a) Bangor Office, Maine; workload transferred to the Manchester Offices, New Hampshire

(b) Burlington Office, Vermont; workload transferred to the Manchester Offices, New Hampshire

(c) Wilmington Office, Delaware; workload transferred to the Philadelphia Regional Office

(d) Springfield Office, Illinois; workload transferred to the Chicago Regional Office

(e) Topeka Office, Kansas; workload transferred to the Kansas City Regional Office

Toll-free access telephone lines will be provided for clients in these service areas for direct contact with the new office. All other Field Offices will remain in the same localities.

2. Consolidation of the workload of the five offices to be closed with that of larger, nearby offices is expected to result in productivity savings of approximately 10 positions. This estimate is based on the following analysis:

- Estimation of the staffing required to perform the combined workload of the consolidated offices, based on application of the current staffing ratio (staff-hours per application processed) to the projected FY 1985 total workload (applications processed).
- Comparison of the estimated staffing requirement above to the current staffing level for single-family application processing in both the gaining office and the office to be closed. In each case, the combined current staffing exceeds the estimated staffing requirement in the gaining office. The difference between current staffing and estimated staffing requirements totals 10 positions which can be saved as a result of the closing of these offices.

3. Reduction-in-force (RIF) procedures will not be used to implement these office closures. All staff in the five Field Offices will be offered new or vacant positions in the gaining offices and/or other offices in the Region. However, past experience shows that not all employees will accept these offers, since some will prefer to leave the Department rather than move to another geographic area.

4. Headquarters organization is not affected by this Field reorganization.

B. Cost-Benefit Analysis

The cost-benefit analysis is presented in Figure 1, Costs and Savings of Reorganization. The costs and savings contained in the analysis are estimates based upon the assumptions described below.

For purposes of computing the cost-benefit analysis, an implementation date of March 31, 1986, is assumed. No changes will be implemented prior to the end of the 90-day notice period. Actual costs and savings will be affected by the current rate of attrition in Field Office positions and the number of employees remaining on board when the actual closings take place.

It is estimated that it will take less than one-half year until the savings resulting from this reorganization will offset the costs of its implementation. After that, savings to the Department are estimated at almost $480,000 annually. The principal costs of reorganization are due to personnel relocation and entitlements like severance pay and unemployment compensation. The principal annual savings are due to reduced salaries and benefits for 10 positions, and reduced administrative costs associated with maintaining these offices, i.e., rent, equipment, etc.

Explanatory Notes—Costs and Savings of Reorganization

Figure 1 summarizes the basic staffing estimates discussed above and uses these staffing figures and other information to estimate:

- The costs of conducting this reorganization.
- The annual savings which would result from this reorganization.
- The length of time it would take for the annual savings to offset the implementation costs.

The following is an explanation of the estimates presented in Figure 1. The paragraph number refers to the respective column in Figure 1.

Positions

1. *Encumbered Positions*—This is the current staffing in the five offices to be closed. The total includes two temporary positions (one each in Bangor and Wilmington) and one part-time permanent position (in Springfield). The remainder are full-time permanent positions.

2. *Revised Staffing Requiring*—This is the estimated increase warranted in the gaining offices to process the workload from the offices to be closed, based on the methodology described in "Description of Proposed Changes" above.

3. *Positions Abolished*—This is the number of positions which can be eliminated as a result of the workload transfer and the revised staff requirements in the gaining offices.

Personnel

4. *Personnel Relocated*—Even though all employees will be offered positions, it is estimated that only five employees will elect to move to the gaining offices and/or another office in the Region. These five are neither eligible for optional retirement nor likely to refuse relocation (see note 5 below).

5. *Personnel Retired or Separated*—For purposes of this analysis, it is assumed that all six employees eligible for optional retirement will elect to retire rather than transfer. Two temporary employees (one each in Bangor and Wilmington) will be separated. They will not be entitled to severance pay as a result of this action due to their temporary status. Based on past experience, it is further assumed that six employees below GS-7 will prefer to leave the Department rather than move to another geographic area.

Costs of Reorganization

6. *Personnel Relocation Costs*—Based upon recent actual relocations, HUD relocations costs average $25,000 per employee, including the "tax grossup." The tax grossup refers to the payment made to relocated employees to compensate them for the higher income taxes which they must pay because of the extra income they receive for temporary quarters, house-hunting trip, real estate sale and purchase, and miscellaneous expenses. The estimate is based on five employees transferring to another office.

7. *Severance Costs*—Severance pay is provided to employees who prefer to leave the Department rather than transfer to another geographic area. The amount of the pay is based upon their salary at time of separation and years of service. Based upon recent experience, it is estimated that severance pay received by employees at GS–7 and below will be approximately $1,300 per employee. It is also estimated that only six employees will be entitled to severance pay (the others are eligible for retirement or, as temporary appointees, are not eligible for severance pay). The estimate is based on six positions at $1,300 each.

8. *Unemployment Compensation*—Unemployment compensation payments by states must be reimbursed by HUD. These payments are estimated at $1,600 per employee. The estimate is based on eight positons at $1,600 each.

9. *Terminal Annual Leave*—Based on current experience, lump sum annual leave payments are expected to average $550 per employee who retires or is separated from Federal service. The estimate is based on 14 positions at $550 each.

10. *Movement of Furniture and Equipment*—Based on recent expeirence where moves are between cities, movement of furniture and equipment for positions transferred is expected to cost $675 per position. The estimate is based on five positions at $675 each.

11. *Space Rental*—All new servicing offices have sufficient space to accommodate the few additional personnel needed to accomplish the transferred workload.

12. *Phone Service*—This is an estimated cost of providing a toll-free number for 1 year for clientss to use for each office closed.

13. *Total Costs*—The Total Costs are estimated to be $222,675.

Savings From Reorganization

14. *Salary and Benefits Savings*—The estimated savings in salary and benefits are due to the 10 positions to be abolished due to productivity savings. The estimate includes a cost per staff-year of $32,100 which covers salary and benefits. The estimate is based on 10 positions at $32,100 each. Although more than 10 people may choose to leave the Department rather than relocate, the savings estimate is based only on the 10 positions since in some cases the new servicing offices will need to hire to fill these vacancies to handle the added workload.

15. Space Rental—Based on the actual rental cost of the offices being closed.

16. Communications and ADP Services—Based on the actual costs for the offices being closed.

17. Equipment Rental—Based on the actual costs for the offices being closed.

18. Miscellaneous Other—Based on the actual costs for the offices being closed.

19. Total Savings—The Total Savings are estimated to be $483,564.

20. Annual Increase in Operating Costs—This annual increase is for additional travel costs based on the increase in mileage between Field Offices being closed and the gaining offices.

21. Net Annual Savings—This is the Total Savings less the Annual Increase in Operating Costs, and is estimated to be $479,314.

Recovery Period

22. Recovery Period—The Recovery Period is an estimate of the time needed to recover the costs of the reorganization. It is calculated by dividing the Total Costs by the Net Annual Savings. The Recovery Period is estimated to be less than 6 months.

C. Impact on Local Economies

The proposed reorganization will have no measurable impact on any single locality. As a result of the reorganization, Burlington will lose two Federal jobs; Bangor, Wilmington, and Topeka will each lose three Federal jobs; and Springfield will lose eight. These reductions will have an insignificant impact on housing markets schools, public services, tax bases, employment, and traffic congestion.

D. Impact on the Quality of Services

The impact of closing these five small offices on the quality and level of service provided to the Department's clients will be minimal. There are three basic reasons for this:

1. Clients in the affected areas will make greater use of the Direct Endorsement Program. Under this procedure, single-family applications require substantially less contact between the Department and the mortgagee, thus enabling the work to be performed as quickly despite the office closures. In the case of the Wilmington Office, the Direct Endorsement Program already accounts for almost 75 percent of the applications received.

2. The physical distance to the new servicing office is relatively small for most clients. In Maine, 70 percent of the wbrkload is located in the middle to southern portion of the State. This area can be serviced as effectively from the Manchester Office. The workload in other areas can also be serviced effectively by telephone and by travel to the areas based on the requirements of the limited workload in the areas.

3. The new servicing offices have all the skills and experience needed to provide fast and efficient single-family development service, and already provide all other HUD Field services in these areas. The functions currently being performed by the five offices are also being performed by experienced and knowledgeable staff in the new servicing offices. The quality of FHA processing will be unchanged.

Authority: (Section 7(p) of the Department of Housing and Urban Development Act. 42 U.S.C. 3535(p)).

Dated: November 7, 1985.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

BILLING CODE 4210-01-M

COSTS AND SAVINGS OF REORGANIZATION

Figure 1

I. STAFFING IMPACT

	Positions			Personnel	
OFFICE	ENCUMBERED	REV. STAFF REQUIREMENT	ABOLISHED	RELOCATED	RETIRED OR SEPARATED
	1	2	3	4	5
Bangor	3	3	0	0	3
Burlington	2	1	1	1	1
Wilmington	3	0	3	1	2
Springfield	8	3	5	3	5
Topeka	3	2	1	0	3
TOTALS	19	9	10	5	14

** NOTE: The estimated savings are based on the 10 positions abolished (Column 3 above), not on the 14 individuals expected to retire or choose separation rather than relocation (column 5 above), because in some cases there will be a workload-related need to hire behind these vacancies in the new servicing offices.

II. DOLLAR COST OF REORGANIZATION

	Personnel				Services			
OFFICE	RELOCATION	SEVERANCE	UNEMPLOY. COMPEN.	TERMINAL LEAVE	FURN/EQUIP MOVEMENT	SPACE RENTAL	PHONE SERVICE	TOTAL COSTS
	6	7	8	9	10	11	12	13
Bangor	$0	$1,300	$3,200	$1,850	$0	$0	$13,200	$19,350
Burlington	$25,000	$1,300	$1,600	$550	$675	$0	$13,200	$42,325
Wilmington	$25,000	$1,300	$3,200	$1,100	$675	$0	$13,200	$44,475
Springfield	$75,000	$2,600	$3,200	$2,750	$2,025	$0	$13,200	$98,775
Topeka	$0	$1,300	$1,600	$1,650	$0	$0	$13,200	$17,750
TOTALS	$125,000	$7,800	$12,800	$7,700	$3,375	$0	$66,000	$222,675

III. DOLLAR SAVINGS FROM REORGANIZATION

IV. SUMMARY

OFFICE	SALARY/ BENEFITS **	SPACE RENTAL	COMMUN. and ADP SERVICES	EQUIPMENT RENTAL	MISC. OTHER	TOTAL SAVINGS	ANNUAL INCREASE OPERATING COSTS DUE TO TRAVEL	NET ANNUAL SAVINGS	RECOVERY PERIOD (months)
	14	15	16	17	18	19	20	21	22
Bangor	$0	$8,885	$21,604	$2,700	$3,500	$36,689	$1,000	$35,689	6.51
Burlington	$32,100	$4,932	$19,927	$2,681	$2,820	$62,460	$750	$61,710	8.23
Wilmington	$96,300	$9,120	$9,738	$0	$750	$115,908	$500	$115,408	4.62
Springfield	$160,500	$20,470	$13,516	$4,800	$5,000	$204,286	$1,500	$202,786	5.85
Topeka	$32,100	$14,485	$15,636	$0	$2,000	$64,221	$500	$63,721	3.34
TOTALS	$321,000	$57,892	$80,421	$10,181	$14,070	$483,564	$4,250	$479,314	5.57

[FR Doc. 85-29647 Filed 12-13-85; 8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

President's Commission on Americans Outdoors; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the President's Commission on Americans Outdoors (Commission) will be held Monday, January 6, 1986, starting at 9:00 am, in the Conference room in Building 201—first floor, of the Golden Gate National Recreation Area, Fort Mason Park Headquarters, San Francisco, CA 94123.

This will be a hearing to obtain information on the kinds of programs that are provided and opportunities afforded in recreation program in this country. Attendees have been invited by the Commission for this public hearing; however interested parties may request time to testify by contacting the Commission.

This meeting is opened to the public, interested persons may attend. The Commission contact is Mr. James Gasser, and may be contacted at the President's Commission on Americans Outdoors, P.O. Box 18547, 1111-20th Street, NW, Washington, DC 20036-8547, (202) 634-7310.

Dated: December 10, 1985.

Victor H. Ashe,

Executive Director, President's Commission on Americans Outdoors.

[FR Doc. 85-29672 Filed 12-13-85; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Rail Carriers; Release of Waybill Data for Academic Use

The Commission has received a request from a student at the University of Chicago's Graduate School of Business for permission to use the Commission's Waybill Sample for the period of December 1982 to December 1983 for research on the ocean liner conference system.

In conducting this research, which involves the study of competition for intermodal cargoes, the student needs to ascertain what fraction of the rates on intermodal cargoes shipping firms paid out in incremental costs. Since land transportation is one of the primary components of intermodel incremental cost, waybill data on the costs of rail shipments for containerized cargoes are requested.

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Certain requirements designed to protect the data's confidentiality are agreed to by the requesting party and (2) public notice is provided so affected parties have an opportunity to object. (49 FR 40328, September 6, 1983.)

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) with the Office of Transportation Analysis (OTA) within 14 calendar days of the date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Commission's Director of OTA will consider these objections in determining whether to release the requested waybill data. Any parties who filed objections will be timely notified of the Director's decision.

Contact: Elaine K. Kaiser, (202) 275-0907.

James H. Bayne,

Secretary.

[FR Doc. 85-29645 Filed 12-13-85; 8:45 am]

BILLING CODE 7035-01-M

Rail Carriers; Release of Waybill Data for Use by UCLA Graduate Students

The Commission has received a request from four students in the Graduate School of Management at UCLA for permission to use certain data from the Commission's 1981 - 1984 Carload Waybill Sample for a study of the north-south transportation of cargo shipped along the West Coast. The Port of Long Beach will be involved in this study which is essentially a master's thesis in the form of a consultant's report. Specifically, they need the waybill data pertaining to the volume of TOFC/COFC traffic moving north and south that originates or terminates in the following areas: (1) Long Beach/Los Angeles, (2) San Francisco/Oakland, (3) Portland, Oregon, and (4) Seattle/Takoma, Washington. No other confidential waybill data are required.

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of pro prietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Public notice is provided so affected parties have an opportunity to object and (2) certain requirements designed to protect the data's confidentiality are agreed to by the requesting party (48 FR 40238, September 6, 1983).

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) with the Commission's Office of Transportation Analysis (OTA) within 14 calendar days of the date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Commission's Director of OTA will consider these objections in determining whether to release the requested waybill data. Any parties who objected will be timely notified of the Director's decision.

Contact: Elaine Kaiser, (202) 275-0907.

James H. Bayne,

Secretary.

[FR Doc. 85-29644 Filed 12-13-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-168X)]

Seaboard System Railroad, Inc.; Abandonment Exemption in Seminole County, FL; Exemption

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—Exempt Abandonments to abandon its 0.34-mile line of railroad between milepost ATA-796.96, Valuation Station 50+00 and milepost ATA-770.30, Valuation Station 68+04 in Sanford, FL.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overheard traffic is not moved over the line or may be rerouted, and (2) that no formal complaint file by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective January 15, 1986 (unless stayed pending reconsideration). Petitions to stay must be filed by December 26, 1985, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by January 6, 1986 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission must be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use condition.

Decided: December 6, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-29646 Filed 12-13-85; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATE: Comments on this information collection must be submitted on or before January 15, 1986.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202-786-0233) or Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503 (202-395-7316).

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202-786-0233) from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Extension.

Title I: NEH Challenge Grant Guidelines and Application Instruction.

Form Numbers: Not Applicable.

Frequency of Collection: Annually.

Respondents: Applicants for Challenge Grants.

Estimated Number of Respondents: 270 annually.

Estimated Hours for Respondents to Provide Information: 50 hours per respondent annually.

Susan Metts,

Acting Director of Administration.

[FR Doc. 85-29649 Filed 12-13-85; 8:45 am]

BILLING CODE 7536-01-M

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted on or before January 15, 1986.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202-786-0233) or Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503 (202-395-7316).

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 10506 (202-786-0233) from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Revisions.

Title: Applications and Instruction Forms for the Editions Category.

Form Number: Not applicable.

Frequency of Collection: Annual.

Respondents: Humanities researchers and institutions.

Use: Application for funding.

Estimated Number of Respondents: 113

Estimated Hours for Respondents to Provide Information: 523 per respondent.

Susan Metts,

Acting Director of Administration.

[FR Doc. 85-29650 Filed 12-13-85; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued the periodic report to Congress

on abnormal occurrences (NUREG–0090, Vol. 8, No. 2).

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

This report to Congress is for the second calendar quarter or 1985. The report identifies the occurences or events that the Commission determined to be significant and reportable; the remedial actions that were undertaken are also described. During the report period, there were three abnormal occurrences at the nuclear power plants licensed to operate. These events involved, respectively, (1) inoperable safety injection pumps, (2) significant deficiencies in reactor operator training and material false statements, and (3) loss of main and auxiliary feedwater systems. There were four abnormal occurrences at the other NRC licensees. Three events involved disgnostic or therapeutic medical misadministrations; the other involved a breakdown in management controls. There was one abnormal occurrence reported by an Agreement State; the event involved overexposures of a radiographer and an assistant radiographer.

The report also contains information updating some previously reported abnormal occurrences.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, NW, Washington, DC or at any of the nuclear power plant Local Public Document Rooms throughout the country.

Copies or microfiche of NUREG–0090, Vol. 8, No. 2 (or any of the previous reports in this series), may be purchased by calling (202) 275–2060 or (202) 275–2171, or by writing to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7982. A year's subscription to the NUREG–0090 series publication, which consists of four issues, is also available. Documents may be purchased by check, money order, Visa, MasterCard, or charged to a GPO Deposit Account.

Copies of the report may also be purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

Dated at Washington, DC, this 9th day of December 1985.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 85–29739 Filed 12–13–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published November 19, 1985 (50 FR 47648). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the January 1986 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3265, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

Standard Plant Design, January 6, 1986, Washington, DC. The Subcommittee will review the NRC Staff paper on standard plants and discuss the status of standard plants.

Reactor Operations, January 7, 1986, Washington, DC. The Subcommittee will hear an update on the new LER system and will review recent operating experience.

Qualification Program for Safety-Related Equipment, January 15, 1986, Washington, DC. The Subcommittee will discuss resolution and implementation of USI A–46. The SQUG/EQE evaluation of the March 1985 Chilean earthquake will also be discussed.

Joint Waste Management and Reactor Radiological Effects, January 15, 16 and 17, 1986, Washington, DC. The Subcommittees will review: (1) EPA's Low-Level Waste Standards (currently being developed), (2) Proposed Revision of 10 CFR Part 20, Standards for Protection Against Radiation, including the supporting AIF/NESP effort and SECY–85–147A, Regulatory Exempt Radiation Levels (*de minimis* levels), (3) other topics in support of NMSS/WM High-Level Waste Management Program, (4) the organization, role, and activities of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC), and (5) waste management and radiation protection research.

Emergency Core Cooling Systems, January 23 and 24, 1985, Palo Alto, CA. The Subcommittee will continue the review of the joint NRC/B&WOG/EPRI/B&W joint IST Program. A visit is planned to the EPRI-sponsored facilities supporting this Program at the Stanford Research Institute and Science Applications, Inc.

Core Performance, January 29, 1986, Washington, DC. The Subcommittee will review the potential for recriticality of TMI–2 during defueling operations.

Safety Research Program, February 12, 1986 (tentative), Washington, DC. The Subcommittee will continue its discussion on the NRC Safety Research Program and Budget for FY 1987. Also, it will discuss a final draft of the ACRS report to the Congress.

Class 9 (Severe) Accidents, February 25, 1986, Washington, DC. The Subcommittee will review the Staff's methodology and preliminary risk assessments for four reference plants to be reported in NUREG–1150.

Decay Heat Removal Systems, March 18, 1986, Washington, DC. The Subcommittee will continue its review of NRR resolution position for USI A–45, "Shutdown Decay Heat Removal Requirements."

Human Factors, Date to be determined (January/February), Washington, DC. The Subcommittee will explore methods for deciding what actions should be automated in nuclear power plant operation.

Metal Components, Date to be determined (January/February), Washington, DC. The Subcommittee will review: (1) The proposed broad scope rule change to GDC–4 (General Design Criteria) concerning the leak-before-break criteria applied to high-energy lines in light-water reactors; (2)

NUREG–0313, Revision 2; and (3) other related matters.

South Texas Units 1 and 2. Date to be determined (February/March), Bay City, TX. The Subcommittee will review Houston Lighting and Power Company's application for an operating license.

Fort St. Vrain. Date to be determined (February/March), near Longmont, CO. The Subcommittee will tour the facility, explore technical problems addressed during the recent extended outage, and discuss management changes made as a result of the licensee's independent assessment of management controls.

Scram Systems Reliability. Date to be determined, Washington, DC. The Subcommittee will discuss scram breaker reliability for B&W and CE plants and continue its review of the ATWS Rule implementation effort.

Reliability and Probabilistic Assessment. Date and location to be determined. The Subcommittee will review the probabilistic risk assessment for Millstone 3.

Emergency Core Cooling Systems. Date to be determined, Washington, DC. The Subcommittee will continue its review of resolution of the hydrodynamic loads issue for BWR containments.

ACRS Full Committee Meeting

January 9–11, 1986: Items are *tentatively* scheduled.

*A. *Davis-Besse Nuclear Generating Station*—Briefing regarding plant restart following a lost of feedwater incident.

*B. *Recent Operating Events*—Report of ACRS subcommittee and representative of the NRC Staff regarding recent operating events and occurrences at nuclear power plant stations.

*C. *Meeting with Director, NRR*—Briefing regarding activities of the Office of Nuclear Reactor Regulation.

*D. *NRC Outage Inspection Program*—Briefing by representatives of the NRC Staff regarding the implementation of an NRC outage inspection program for nuclear facilities.

*E. *Nuclear Reactor Pressure Vessel Integrity*—The members will hear and discuss reports from its consultants and staff regarding transients and sampling techniques related to the potential for reactor pressure vessel thermal shock.

F. *Regulatory Safety Research Program*—The members will discuss proposed ACRS comments regarding the proposed NRC Safety Research Program and Budget for FY 1987.

*G. *Quantitative Safety Goals (tentative)*—The members will hear and discuss the report of its subcommittee regarding the evaluation of proposed NRC safety goals.

*H. *Activities of ACRS Subcommittees*—The members will hear reports of recent activities and discuss anticipated subcommittee activity in designated areas related to nuclear reactor regulation and safety, including matters regarding quality control and quality assurance in the design and construction of nuclear power plants, radioactive waste management and disposal, ACRS procedures and practices, and definition of a standard plant.

*I. *TVA Organization and Management of Nuclear Power Activities*—The members will hear and discuss a briefing by representative of the NRC Staff regarding changes in structure and personnel proposed to strengthen TVA nuclear activities.

*J. *Security of Nuclear Facilities*—The members will hear and discuss reports by its subcommittee and by representatives of the NRC Staff regarding proposed changes in the arrangements for plant security at nuclear power stations.

*K. *Nuclear Reactor Pressure Vessel Thermal Shock*—The members will hear and discuss reports by an ACRS consultant and an ACRS Fellow regarding actions taken/being taken to preclude pressurized thermal shock in reactor pressure vessels. Representatives of the regulatory staff will participate as appropriate.

*L. *Use of the Check-Operator Concept in Requalification of Nuclear Power Plant Operators*—The members will hear a report and discuss the comments of an invited expert regarding application of the check-operator concept in requalification of nuclear power plant operators.

*M. *Anticipated Committee Activities*—The members will discuss anticipated ACRS subcommittee activities.

*N. *Preparation of ACRS Reports to the NRC*—The Committee will discuss proposed reports to the NRC regarding matters considered during this meeting. In addition, proposed ACRS committees on additional topics considered at previous meetings including topics such as the state of nuclear power plant safety, operation of the Palo Verde Nuclear Power Station, and the Indian Point Nuclear Station probability of core melt will be discussed.

February 13–15, 1986—Agenda to be announced.

March 13–15, 1986—Agenda to be announced.

Dated: December 11, 1985.

John C. Hoyle,

Advisory Committee Management Officer

[FR Doc. 29740 Filed 12–13–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Reactor Operations; Meeting

The ACRS Subcommittee on Reactor Operations will hold a meeting on January 7, 1986, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, January 7, 1986—9:00 a.m. Until the Conclusion of Business

The Subcommittee will hear an update on the new LER system and will review recent operating experience.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee may exchange preliminary veiws regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Herman Alderman (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: December 10, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-29741 Filed 12-13-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-454, License No. NPF-37, EA 85-52]

Commonwealth Edison Co.: (Byron Plant, Unit 1); Order Imposing Civil Monetary Penalty

I

Commonwealth Edison Company (the "licensee") is the holder of Operating License No. NPF-37 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes the licensee to operate the Byron Plant, Unit 1, in accordance with the conditions specified therein. The license was issued on October 31, 1984.

II

A special inspection of the licensee's activities was conducted on March 11, 1985. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with Commission requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated June 6, 1985. The Notice states the nature of the violation, the applicable provisions of the licensee's security plan that were violated, and the amount of civil penalty proposed for the violations. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty with a letter dated July 18, 1985.

III

Upon consideration of the licensee's response and the statements of fact, explanation, and arguments for mitigation contained therein, the Director, Office of Inspection and Enforcement, has determined as set forth in the Appendix to this Order that the violation occurred as stated and that the penalty proposed for the violation designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing, and pursuant to section 234 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2282, Pub. L. 96-295, and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the amount of Twenty-Five Thousand Dollars ($25,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Inspection and Enforcement, USNRC, Washington, DC 20555.

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, USNRC, Washington, DC 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, DC 20555 and to the Regional Administrator, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above, and

(b) Whether, on the basis of such violation, this Order should be sustained.

Dated at Bethesda, Maryland, this 9th day of December 1985.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement.

[FR Doc. 85-29736 Filed 12-13-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369 and 50-370]

Duke Power Co.; McGuire Nuclear Station, Units 1 and 2; Withdrawal of Application for Amendments to Facility Operating Licenses

The United states Nuclear Regulatory Commission (the Commission) has granted the request of Duke Power Company (the licensee) to withdraw its April 5, 1985, application of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina. The proposed amendments would have changed Technical Specification 3.6.5.1 to allow operation with a reduced minimum weight of ice in the containment ice condenser system. The Commission issued a Notice of Consideration of Issuance of the Amendments in the **Federal Register** on August 5, 1985 (50 FR 31661). By letter dated October 31, 1985, the licensee requested, pursuant to 10 CFR 2.107, permission to withdraw its application for the proposed amendments. The basis for withdrawal of the amendment request was that the licensee determined that an error existed in the input assumptions to the computer code used to provide the technical justification for the proposed amendments. The Commission has considered the licensee's October 31, 1985, request and has determined that permission to withdraw the April 5, 1985, application for amendments should be granted.

For further details with respect to this action, see (1) the application for amendments dated April 5, 1985, (2) the licensee's letter dated October 31, 1985, withdrawing the application for amendments, (3) McGuire Licensee Event Report (LER) 85-29, dated October 31, 1985, and (4) our letter dated December 10, 1985. All of the above documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Atkins Library, University of North Carolina, Charlottee (UNCC Station), North Carolina 28223.

Dated at Bethesda, Maryland, this 10th day of December 1985.

For the Nuclear Regulatory Commission.

B.J. Youngblood,

Director, PWR Project Directorate No. 4, Division of PWR Licensing-A.

[FR Doc. 85-29738 Filed 12-13-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-321]

Environmental Assessment and Final Finding of No Significant Impact Regarding Proposed Amendment to Facility Operating License; Georgia Power Co. et al.

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-57 issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and the City of Dalton, Georgia, (the licensees) for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1 (the facility) located in Appling County, Georgia.

Environmental Assessement

Identification of Proposed Action

The proposed action would permit the licensees to implement some of the changes to Hatch Plant, Unit 1 Technical Specifications as described in their letter of August 1, 1985. It would permit those changes related to updating the Technical Specification inservice inspection and test requirements related to assuring structural integrity of ASME Code Class 1, 2 and 3 components and piping to make them consistent with the requirements of 10 CFR 50.55a[g][4][ii]. Other changes requested in the August 1, 1985, letter will be addressed separately.

The Need for the Proposed Action

The need for the proposed action is to:

(i) Update the Technical Specification inservice inspection requirements to make them consistent with 10 CFR 50.55a[g][4][ii]; and

(ii) Help support completion of the first ten-year inspection interval during the Hatch Unit 1 maintenance refueling outage scheduled to begin November 30, 1985.

Environmental Impacts of the Proposed Action

The proposed action will ensure that inservice inspection of components and piping will be performed in accordance with periodically updated editions and addenda of Section XI of the ASME Boiler and Pressure Vessel Code as required by 10 CFR 50.55a[g][4][ii]. the inspection and testing program include ASME Code Class 1, 2 and 3 components and piping and will provide assurance that the structural intergrity of these components and piping will be maintained at an acceptable level throughout the life of the plant. Thus, post-accident radiological releases will not be greater than previously determined, nor does the proposed change otherwise affect radiological plant effluents. Occupational exposure to radiation would also be unaffected. Therefore, the Commission conludes that there are no significant radiological environmental impacts associated with this proposed amendment.

With regard to potential nonradiological impacts, the proposed change involves systems located within the restricted area as defined in 10 CFR Part 20. No nonradiological effluents are affected, and no other environmental impact would occur. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed change.

Since we have concluded that there is no measurable environmental impact associated with the proposed changes to the Technical Specifications, any alternatives to these changes will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the Final Environmental Statement related to Hatch Unit 1 operation (Final Environmental Statement dated October 25, 1972).

Agencies and persons Consulted

The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environmental.

For further details with respect to this action, see the application for amendment dated August 1, 1985, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Dated at Bethesda, Maryland, this 9th day of December 1985.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, BWR Project Directorate No. 2, Division of BWR Licensing.

[FR Doc. 85-29737 Filed 12-13-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-529]

Palo Verde Nuclear Generating Station, Unit 2, Arizona Public Service Co., et al; Issuance of Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission), has issued Facility Operating License No. NPF-46, (License) to Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Southern California Edison Company, Public Service Company of New Mexico, Los Angeles Department of Water and Power, and Southern California Public Power Power Authority. This License authorizes operation of the Palo Verde Nuclear Generating Station, Unit 2 (facility) at reactor core power levels not in excess of 3800 megawatts thermal in accordance with the provisions of the License, the Technical Specifications and the Environmental Protection Plan. However, the License contains a condition currently limiting operation to five percent of full power (190 megawatts thermal). Authorities to operate at greater than five percent power will require specific Commission approval.

Palo Verde Nuclear Generating Station, Unit 2 is a pressurized water reactor which utilizes a CESSAR standard plant design and is located at the licensees' site in Maricopa County, Arizona approximately 36 miles west of the city of Phoenix.

The application for the license, as amended, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the License. Prior public notice of the overall action involving the proposed issuance of a operating license was published in the **Federal Register** on July 11, 1980 (45 FR 46941) as clarified in a notice published July 25, 1980 (45 FR 49732).

The Commission has determined that the issuance of this License will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the License is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. NPF-46, with Technical Specifications (NUREG-1173) and Environmental Protection Plan; (2) the report of the Advisory Committee on Reactor Safeguards date December 15, 191; (3) the Commission's Safety Evaluation Report on Palo Verde dated November 1981; Supplemental Nos. 1 through 9, dated February 1982, May 1982, September 1982, March 1983, November 1983, October 1984, December 1984, May 1985 and December 1985, respectively; (4) the Commission's related Safety Evaluation Report on

CESSAR dated November 1981; Supplement No. 1 dated March 1983; Supplement No. 2 dated September 1983; (5) the Final Safety Analysis Reports and Amendments thereto; (6) the Environmental Report and supplements thereto; (7) the Draft Environmental Statement dated October 1981, and (8) the Final Environmental Statement dated March 1982.

These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and the Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004. A copy of Facility Operating License No. NPF-46 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of PWR Licensing-B. Copies of the Safety Evaluation Report and its Supplements 1 through 9 (NUREG-0857), the Final Environmental Statement (NUREG-0841) and the Technical Specifications (NUREG-1173) may be purchsed by calling (202) 275-2060 or (202) 275-2171 or by writing to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082. All orders should clearly identify the NRC publication number and the requestor's GPO deposit account, or VISA or Mastercard number and expiration date. NUREG-0857 may also be purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, the 9th day of December, 1985.

For the Nuclear Regulatory Commission,

George W. Knighton,

Director, PWR Project Directorate No. 7, Division of PWR Licensing-B.

[FR Doc. 85-29735 Filed 12-13-85; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new revision or extension: Extension.

2. The title of the information collection: 10 CFR Part 19, "Notices, Instructions, and Reports to Workers; Inspections."

3. The form number if applicable: Not applicable.

4. How often the collection is required: Annually and on occasion.

5. Who will be required or asked to report: NRC licensees.

6. An estimate of the number of responses: 548,036.

7. An estimate of the total number of hours needed to complete the requirement or requests: 91,339.

8. An indication of whether section 350(h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: 10 CFR Part 19, § 19.13, "Notifications and Reports to Individuals," requires NRC licensees to provide radiation workers with reports of their exposure to radiation. The information in such reports is used by both individual workers and NRC licensees to assure that radiation doses to individuals are maintained within established limits.

Copies of the submittal may be inspected or obtained for a fee from NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott (301) 492-8585.

Dated at Bethesda, Maryland, this 10th day of December 1985.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 85-29734 Filed 12-13-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a license amendment to allow storage of consolidated spent fuel to Rochester Gas and Electric Corporation (the licensee), for the R. E. Ginna Nuclear Power Plant located in Wayne County, New York.

Environmental Assessment

Background

The spent fuel storage capacity of the R. E. Ginna Nuclear Power Plant (Ginna) was 210 fuel assemblies when the plant was licensed in 1969. This licensed capacity was increased in 1976 to 595 fuel assemblies by reracking the spent fuel pool (SFP). This limited increase in storage capacity was in keeping with the expectation generally held in the industry that the federal government would begin accepting spent fuel for interim storage in the 1981-1982 time frame.

Commercial reprocessing of spent fuel has not developed as had been originally anticipated. In 1975 the Nuclear Regulatory Commission (NRC) directed the staff to prepare a Generic Environmental Impact Statement (GEIS, the Statement) on spent fuel storage. The Commission directed the staff to analyze alternatives for the handling and storage of spent light water power reactor fuel with particular emphasis on developing long range policy. The Statement was to consider alternative methods of spent fuel storage as well as the possible restriction or termination of the generation of spent fuel through nuclear power plant shutdown. These alternatives were addressed for the Ginna Nuclear Power Plant in the "Environmental Assessment by the Office of Nuclear Reactor Regulation Relating to the Second Modification of the Spent Fuel Storage Pool" dated November 8, 1984. The referenced Environmental Assessment was issued in conjunction with a license amendment that granted an increase in storage capacity of the Ginna spent fuel pool to 1016 fuel assemblies.

Description and Need of Proposed Action

As discussed in the aforementioned November 8, 1984 Environmental Assessment, 81 spent fuel assemblies belonging to Rochester Gas and Electric Corporation (RG&E) were located at what was formerly the NFS Facility, West Valley, New York. The current licensee of the West Valley Facility, New York State Energy Research and Development Authority (NYSERDA), has placed a requirement on RG&E to remove all 81 spent fuel assemblies by early January 1986.

In conjunction with this, the Office of Civilian Radioactive Waste Management of the Department of Energy (DOE) has requested that a "rod consolidation demonstration" at the West Valley Facility take place. Approximately 25 assemblies of RG&E spent nuclear fuel from the Ginna reactor would would be used for this program. Upon completion of the demonstration project the fuel would be shipped to Ginna and placed in the

spent fuel pool. To accommodate the receipt and storage of the consolidated fuel, a Technical Specification License Amendment must be granted by NRC.

Radiological Environmental Impact of Proposed Action

The potential radiological environmental impact associated with the storage of spent nuclear fuel from the Ginna reactor in the spent fuel pool at Ginna in its current configuration was discussed and evaluated in the above-mentioned Environmental Assessment dated November 8, 1984. The findings detailed in that Environmental Assessment with regard to types and amounts of radioactivity released in the current pool configuration, the radioactivity released to the atmosphere, the types and volumes of liquid and solid radioactive wastes, the occupational radiation exposure and the radiological impact to the public from normal operations and accidents, still provide a bounding scenario with the proposed action included. With respect to normal operations the November 8, 1984 Environmental Assessment provides a bounding scenario because it is based on radioactive releases from a quantity of spent fuel which is equal to the authorized capacity of the current spent fuel pool, which capacity is not being increased by the proposed amendment. With respect to accidents, the November 8, 1984 Environmental Assessment provides a bounding scenario because the accidents analyzed in it would result in greater potential offsite doses than those which would result from similar accidents involving canisters containing consolidated fuel rods which have decayed for 5 years or longer.

Non-Radiological Environmental Impacts of the Proposed Action

The findings in the above-mentioned Environmental Assessment with regard to non-radiological environmental impacts remain valid and still are bounding with regard to the effects of the proposed action because it is based on environmental impacts resulting from a quantity of spent fuel which is equal to the authorized capacity of the current spent fuel pool, which capacity is not being increased by the proposed amendment, and no new or additional non-radiological environmental impacts would result from storing canisters containing consolidated fuel rods.

Alternatives to the Proposed Action

The only alternative to the proposed action would be to deny the license amendment, in which case the spent fuel would be shipped back to Ginna in an unconsolidated form in the same manner as the assemblies that are not scheduled for the consolidation demonstration program. This alternative would not lead to a reduced environmental impact over the proposed action.

Alternative Use of Resources

This action does not involve use of resources not previously considered in the Final Environmental Statement dated December 1973 or the Environmental Evaluation of June 17, 1983 for the R. E. Ginna Nuclear Power Plant, nor does it involve conflicting use of limited available resources requiring consideration of other alternatives.

Agencies and Persons Consulted

The NRC has consulted with DOE and NYSERDA with regard to this action.

Finding of No Significant Impact

The staff has reviewed this proposed facility modification relative to the requirements set forth in 10 CFR Part 51. Based on this assessment, the staff concludes that there are no significant radiological or non-radiological impacts associated with the proposed action and that the issuance of the proposed license amendment will have no significant impact on the quality of the human environment. Therefore, pursuant to 10 CFR 51.31, an environmental impact statement need not be prepared for this action.

For further details with respect of this action, see the application for amendment dated February 27, 1985 as supplemented June 10, June 25 and July 11, 1985 and the staff Environmental Assessment dated November 8, 1984 which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Local Public Document Room at the Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Dated at Bethesda, Maryland, this 12th day of December, 1985.

For the Nuclear Regulatory Commission

George B. Lear,

Director, Project Directorate #1, Division of PWR Licensing–A.

[FR Doc. 85–29839 Filed 12–13–85; 8:45 am]

BILLING CODE 7590–01–M

SELECTIVE SERVICE SYSTEM

Privacy Act of 1974; Annual Publication of Notice of Systems of Records

AGENCY: Selective Service System.

ACTION: Notice; annual publication of systems of records with minor administrative changes.

SUMMARY: The purpose of this notice is to meet the requirement of the Privacy Act of 1974 regarding the annual publication of the agency's notice of systems of records. The complete text of all Selective Service System notices appears below, with administrative changes necessary to reflect changes in position titles or other identification of systems managers as well as modifications of systems of records as applicable.

COMMENT DATE: Comments on these systems of records should be submitted in writing or before January 15, 1986, to the Acting Associate Director for Management Services, Selective Service System, Washington, DC, 20435. Phone 202–724–0872.

EFFECTIVE DATE: The system of records will become effective on January 15, 1986, unless the Selective Service System publishes notice to the contrary.

Congressional Notice

Notice of these systems of records has been filed with the Speaker of the House, the President of the Senate and the Office of Management and Budget, as required by 5 U.S.C. 552a(o).

Dated: December 11, 1985.

Thomas K. Turnage,

Director of Selective Service.

System of Records

SSS–2 General Files (Registrant Processing).
SSS–3 Reconciliation Service Records.
SSS–4 Registrant Information Bank.
SSS–5 Registrant Processing Records.
SSS–6 Reserve and National Guard Personnel Records.
SSS–7 Uncompensated Personnel Records.
SSS–8 Suspected Violator Inventory System.
SSS–9 Master Pay Record.
SSS–10 Registrant Registration Records.

SSS–2

SYSTEM NAME:

General Files—SSS.

SYSTEM LOCATION:

National Headquarters, Selective Service System, 1023-31st Street, NW., Washington, DC 20435.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registrants of the Selective Service System and other individuals and organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains current and previous correspondence with individual registrants, private individuals and Government agencies, requesting information or resolution of specific problems related to registrant processing or agency operations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(3), Military Selective Service Act (50 U.S.C. App. 460(b)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH CASES:

Department of Justice—Refer reports received as to possible violations of the Military Selective Service Act.

Federal Bureau of Investigation—Refer reports received as to possible violations of the Military Selective Service Act.

Department of Defense—Exchange of information respecting status of individuals subject to the provisions of the Military Selective Service Act.

Immigration and Naturalization Service—Response to inquiries concerning aliens.

Department of Health and Human Services—for locations of parents pursuant to the Child Support Enforcement Act (42 U.S.C. 651 et seq.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDS, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copies maintained in routine filing equipment.

RETRIEVABILITY:

Records are indexed alphabetically by last name.

SAFEGUARDS:

Measures that have been taken to prevent unauthorized disclosure of records are:

a. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel are not on duty.

b. Periodic security checks and other emergency planning.

c. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed.

Records eligible for destruction are destroyed by maceration, shredding or burning.

ACCESS:

An individual desiring to obtain information on the procedures for gaining access to and contesting records may write to: Director of Selective Service, Selective Service System, 1023 31st Street, NW., Washington, DC 20435, Attn: Records Manager.

It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name of the individual.

b. Date of birth.

c. Selective Service Number.

d. Mailing address to which the reply should be mailed.

RETENTION AND DISPOSAL:

Hold file intact for five years from date of latest correspondence; select 1 percent sample for National Archives and destroy balance. If 1 percent sample is not accepted by Archives, the 1 percent sample is also destroyed.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, 1023 31st Street, NW., Washington, DC 20435, Attn: Records Manager.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Individual registrants and private individuals and organizations, Members of the Congress acting on behalf of constituents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS-3

SYSTEM NAME:

Reconciliation Service Records—SSS.

SYSTEM LOCATION:

National Headquarters, Selective Service System, 1023–31st Street, NW, Washington, DC 20435.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vietnam era draft evaders and military deserters (whose surnames begin with A through R) who have qualified for a period of alternate service as a condition for reconciliation under Presidential Proclamation 4313, signed September 16, 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Registration Card: Individual's name, address, telephone number, personal description, date of birth, Social Security Account Number, former military service, date of registration, reconciliation service required, date reconciliation service started and terminated, total reconciliation service, individual's signature.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Presidential Proclamation 4313; E.O. 11804; 5 U.S.C. 553; 50 U.S.C. App. 460(b)(3).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to the Department of Justice for appropriate action in cases involving unsatisfactory participation.

Referral to the appropriate military referring authority, upon request, in cases involving the updating of military discharges.

Referral to the Presidential Clemency Board, upon request, in cases necessitating additional review.

Referral to Office of Management and Budget, upon request, in cases undergoing investigative review in conjunction with the specific functions of these agencies.

Exchange of information with Reconciliation Service employers regarding the placement, supervision of and performance of Reconciliation Service by returnees who have agreed to perform such service.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDS, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All registration cards and microfiche of registration cards are stored in either metal or wood filing cabinets.

RETRIEVABILITY:

The system is alphabetically indexed by last name.

SAFEGUARDS:

Measures that have been taken to prevent unauthorized disclosure of records are:

a. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel are not on duty.

b. Periodic security checks and other emergency planning.

c. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed.

Records eligible for destruction are destroyed by maceration, shredding or burning.

ACCESS:

An individual desiring to obtain information on the procedures for gaining access to and contesting records may write to: Director of Selective Service, Selective Service System, 1023 31st Street, NW, Washington, DC 20435, Attn: Records Manager.

RETENTION AND DISPOSAL:

Registration Cards or microfiche thereof will be retained until the enrollee reaches 85 years of age.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023–31st Street, NW, Washington, DC 20435, Attn: Records Manager.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Sources of records in the system are primarily established by the individual at the time and place of enrollment, based on oral and written information given by the enrollee. Other sources of information include the Report of Separation From Active Duty (DD Form 214), referral documents from the referring authority and information provided by an enrollee's employer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS4

SYSTEM NAME:

Registrant Information Bank (RIB) Records—SSS.

SYSTEM LOCATION:

Data Management Center/Joint Computer Center, Great Lakes, Illinois 60088.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registrants of the Selective Service System after 1979.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Registrant Information Bank (RIB) is an automated data processing system which stores information concerning registration, classification, examination, assignment and induction of Selective Service registrants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(3) of the Military Selective Service Act (50 U.S.C. App. 460(b)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THIS PURPOSES OF SUCH USES:

Department of Defense—exchange of information concerning registration classification, enlistment, examination and induction of individuals, and for recruiting (prior to April 1, 1982 only on request of the registrant).

Alternative service employers—for exchange of information with employers regarding a registrant who is a conscientious objector for the purpose of placement in and supervision of performance of alternative service in lieu of induction into military service.

Department of Justice—for review and processing of suspected violations of the Military Selective Service Act, or for perjury, and for defense of a civil action arising from administrative processing under such Act.

Federal Bureau of Invetigation—for location of an individual when suspected of violation of the Military Selective Service Act.

Immigration and Naturalization Service—to provide information for use in determining an individual's eligibility for re-entry into the United States and United States citizenship.

Department of State—for determination of an alien's eligibility for possible entry into the United States and United States citizenship.

Office of Veteran's Reemployment Rights, United States Department of Labor—to assist veterans in need of information concerning reemployment rights.

Department of Health and Human Services—for locations of parents pursuant to the Child Support Enforcement Act (42 U.S.C. 651 et seq.).

General Public—Registrant's Name, Selective Service Number, Date of Birth and Classification.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDS, ASSESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained on tape, disc and computer printouts.

RETRIEVABILITY:

The system is indexed by Selective Service Number.

SAFEGUARDS:

a. On-line access to RIB from terminals is available to authorized personnel, and is controlled by User Identification and password. Batch access controlled via standard data processing software and hardware techniques.

b. Records are handled by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel are not on duty and protected by an eletronic security access system at all times.

c. Premises are locked and patrolled when authorized personnel not on duty.

d. Periodic security checks and emergency planning.

ACCESS:

An individual desiring to obtain information on the procedures for gaining access to and contesting records may write to: Director of Selective Service, Selective Service System, 1023—31st Street, NW, Washington, DC 20435, Attn: Records Manager.

It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name of the individual.

b. Date of birth.

c. Selective Service Number.

d. Mailing address to which the reply should be mailed.

RETENTION AND DISPOSAL:

When eligible for disposal, the computer tapes are erased. The records stored in the Registrant Information Bank (RIB) are retained until registrant reaches age 85.

The computer printouts are distributed to the National Headquarters and destroyed when they have served their purpose by maceration, shredding or burning. Computer printouts used at the Data Management Center are destroyed by maceration after they have served their purpose or upon records appraisal action.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023—31st Street, NW., Washington, DC 20435.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Forms prepared by the field elements are the input documents for all information recorded in the SSS—Registrant Information Bank (RIB) Records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS-5

SYSTEM NAME:

Registrant Processing Records—SSS.

SYSTEM LOCATION:

Records are stored in the Federal Records Center serving the State in which the registrant resided.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registrants of the Selective Service System before 1976.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Processing Records:

a. Registration Card—a locator card identifying the registrant.

b. Classification Record—a listing of the classes in which the registrant was placed and the dates of the classifications.

c. Registrant File Folder and Contents for certain aliens and expatriated U.S. citizens—contains all information necessary for registrant's processing, including forms, statements, correspondence, and copies of documents relevant to inclusion for, or exemption or deferment from training and service under the Military Selective Service Act and Regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 3 10(b)(3) and 15(b) of the Military Selective Service Act (50 U.S.C. App. 453, 460(b)(3), 465(b)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Depatment of Defense—for exchange of information concerning registration, classification, enlistment, examination and induction of individuals.

Alternative service employers—for exchange of information with employers regarding a registrant who is a conscientious objector for the purpose of placement in and supervision of performance of alternate service in lieu of induction into military service.

Department of Justice—for review and processing of suspected violation of the Military Selective Service Act or for perjury and for defense of a civil action arising from administrative processing under such Act.

Federal Bureau of Investigation—for location of an individual when suspected of violation of the Military Selective Service Act.

Immigration and Naturalization Service—to provide information for use in determining an individual's eligibility for re-entry into the United States.

Department of State—for determination of an alien's eligibilty for possible entry into the United States and United States citizenship.

Office of Veterans' Reemployment Rights, United States Department of Labor—to assist veterans in need of information concerning reemployment rights.

Department of Health and Human Services—for locations of parents pursuant to the Child Support Enforcement Act (42 U.S.C. 651 et seq.)

General Public—Registrant's Name, Selective Service Number, Date of Birth and Classification.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDS, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on manually prepared forms, in file folders, and correspondence files.

RETRIEVABILITY:

Records are indexed by name (within local board) and Selective Service Number.

SAFEGUARDS:

Measures that have been taken to prevent unauthorized disclosure of records are:

a. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel not on duty.

b. Periodic security checks and other emergency planning.

c. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed. Records eligible for destruction are destroyed by maceration, shredding or burning.

d. Only photostatic copies of records are withdrawn from the Centers. Withdrawals are requested by authorized personnel only.

ACCESS:

An individual can obtain information on the procedures for gaining access to and contesting records through: Director of Selective Service, Selective Service System, 1023–31st Street, N.W. Washington, DC 20435 Attn: Records Manager.

It is necessary to furnish the following information in order to identify the individual whose records are requested:

1. Full name of the individual.

2. Selective Service Number, Order/Serial Number, or date of birth and address at time of registration if Selective Service Number or Order/Serial Number is not known.

3. Mailing address to which the reply should be mailed.

RETENTION AND DISPOSAL:

Individual Processing Records:

1. Registration Card—Retained until registrant reaches age 85, record; active to age 35.

2. Classification Record—Retained until registrant reaches age 85, record; active to age 35.

3. Registrant File Folder and Contents—All have been destoryed with the following exception: Files of registrants who are aliens (including former U.S. citizens who have expatriated themselves who were last classified in an available class, or 4–C or whose last classification was 5–A immediately proceded by Class 4–C, are retained as permanent records.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023–31st Street, NW., Washington, DC 20435.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Information contained in the Registrant Processing Records System is obtained from the individual and supporting documents from other persons, federal, state and local government agencies and institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS–6

SYSTEM NAME:

Reserve and National Guard Personnel Records—SSS.

SYSTEM LOCATION:

National Headquarters, Selective Service System, 1023 31st Street, N.W., Washington, DC 20435.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers and Warrant Officers of the Reserve and National Guard currently assigned to the Selective Service System, and Officers and Warrant Officers formerly so assigned.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain information relating to selection, placement and utilization of military personnel, such as name, rank, Social Security Account Number, date of birth, physical profile, residence and business, addresses, and telephone numbers. Information is also recorded on unit of assignment, occupational codes and data pertaining to training, cost factors, efficiency ratings and mobilization assignments and duties, and other information relating to the status of the member.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information to the individual member's branch of the Armed Forces as required in connection with his assignment to the Selective Service System.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDS, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on magnetic tape or disk.

RETRIEVABILITY:

Records are indexed by name and Service Number.

SAFEGUARDS:

The records are maintained in lockable file containers. Measures that have been taken to prevent unauthorized disclosure of records are:

a. Use of the records or any information contained therein is limited to Selective Service System employees or Reserve Forces Members whose official duties require access.

b. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel are not on duty.

c. Periodic security checks and other emergency planning.

d. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed.

Records eligible for destruction are destroyed by maceration, shredding or burning.

RETENTION AND DISPOSAL:

Personnel records for Selective Service Reserve Forces are retained for one (1) year after separation and then disposed of in accordance with procedures provided by each Branch of Service.

ACCESS:

SS Reserve Forces Members or former members who wish to gain access to their records should make their request in writing, including their full name, rank, branch of service, address, and Social Security Account Number. Director of Selective Service, Selective Service System, 1023–31st Street, N.W., Washington, D.C. 20435, Attn: MSP (Military).

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023–31st Street, N.W., Washington, DC 20435.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Information in this system is obtained directly from the individual to whom it applies or is derived from information supplied or is provided by the individual Branch of the Armed Forces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS–7

SYSTEM NAME:

Uncompensated Personnel Records—SSS.

SYSTEM LOCATION:

National Headquarters, Selective Service System, 1023 31st Street, NW, Washington, D.C. 20435.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Currently appointed uncompensated local board and appeal board members, other persons appointed in advisory or administrative capacity, and former appointees in an uncompensated capacity.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain information relating to the selection, appointment and separation of appointees, such as name, date of birth, mailing address, residence and organization location, position title, minority group code, sex, weight, etc. length of service and occupational title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(3) of the Military Selective Service Act (50 U.S.C. App. 460(b)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Justice—for exchange of information when required in connection with processing of alleged violations of the Military Selective Service Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDS, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on magnetic tape.

RETRIEVABILITY:

Records are indexed by name of individual record identification number and location.

SAFEGUARDS:

The records are maintained in lockable file containers. Measures that have been taken to prevent unauthorized disclosure of records are:

a. Use of the records for any information contained therein is limited to employees whose official duties require such access.

b. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel are not on duty.

c. Periodic security checks and other emergency planning.

d. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed.

Records eligible for distruction are destroyed by maceration, shredding or burning.

ACCESS:

Appointees who wish to gain access to their records should make requests in writing, including their full name, address (state in which appointed), date of birth and Social Security Account Number for former appointees, or record Identification Number for current appointees to: Director of Selective Service, Selective Service System, 1,023 31st Street, NW, Washigton, DC 20435, Attn: MSP (Uncompensated).

RETENTION AND DISPOSAL:

Personnel Records for uncompensated appointees are maintained for one (1) year after separating at the servicing personnel office.

SYSTEM MANAGER AND ADDRESS:

Directror of Selective Service, Selective Service System, 1023 31st Street, NW, Washington, DC 20435.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Information in this system is obtained directly from the individual or is derived from information he has supplied or is

provided by the agency official with authority to appoint the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS-8

SYSTEM NAME:

Suspected Violator Inventory Systems—SSS.

SYSTEM LOCATION:

Data Management Center/Joint Computer Center, Great Lakes, Illinois 60088.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Alleged violators of the Military Selective Service Act (50 U.S.C. App. 451 et seq).

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated records created by matches between records contained in SSS–10 and other computer files, and other records related to non-registrants. Each record may contain the name, address, Selective Service Number (if any), Social Security Account Number (if any), date of birth, status, and disposition data relating to possible violations of the Military Selective Service Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(3) of the Military Selective Service Act (50 U.S.C. App. 460(b)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The names of individuals identified as alleged violators of the Military Selective Service Act will be checked against the SSS–10 registrant file. If the individual has registered, the incoming communication will be destroyed and no further action will be taken. If the individual is not listed in the registrant file or cannot be identified therein where the incoming communication contains sufficient identifying information on the alleged violator to permit sending correspondence to him under the automated tracking system, the name and associated information will be added to that system and the incoming communication will be used to attempt to correspond with the alleged violator, giving him an opportunity to register. After a reasonable attempt is made to register the individual, and he neither registers nor provides documented evidence supporting exemption or where there is insufficient information to add the alleged violator to the automated tracking system, the incoming communication may be forwarded to the Department of Justice for investigation and, if applicable, return to Selective Service with sufficient information for adding to the automated tracking system or comparison with the registrant file. When computer matches of Selective Service files result in production of a list of possible non-registrants, that list may be provided to the Department of Defense and the Department of Transportation to eliminate from the list individuals not required to register. The names, date of birth, Social Security Account Numbers, and home addresses of possible non-registrants who also have been identified as members of the Reserve components of the U.S. military services, including the U.S. Coast Guard, may be provided to the Department of Defense, including the military services, and the U.S. Coast Guard, Department of Transportation, to obtain current address. The names, dates of birth, Social Security Account Numbers, home addresses, and disposition data on possible non-registrants who have been identified as Federal student aid recipients by the Department of Education may be provided to the Department of Education, after processing by Selective Service, for investigation and, if applicable, forwarding to the Department of Justice for prosecution. The list may also be provided to the Internal Revenue Service to obtain current addresses of suspected non-registrants. After processing the information pertaining to suspected non-registrants will be forwarded to the Department of Justice for investigation and, if applicable, prosecution.

Where Selective Service determines that information as originally submitted appears to have contained a discrepancy, the names, dates of birth, Social Security Account Numbers, and home addresses of individuals may be returned to the original sources together with information concerning the discrepancy. Information concerning the discrepancy may include correspondence from the individual concerned.

POLICIES AND PRACTICES FOR STORING RETRIEVING, SAFEGUARDS, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Upon receipt of unsolicited communications regarding alleged violators of the Military Selective Service Act who are not listed in the SSS registrant file, a computer record will be created. This is an automated tracking system which contains the nature of the alleged violator, his Social Security Account Number if available, the date sent to the Department of Justice, the final disposition when received, and the case control number. The document is microfilmed, and can be retrieved by a Document Locator Number recorded in the computer record. The original document is destroyed.

When computer matches between Selective Service and other files produce lists of possible non-registrants, the computer file will be produced and maintained. As the list is processed the paper file will be produced from the microfilm, records, containing correspondence between possible non-registrants and Selective Service. A computerized tracking file of cases referred will be maintained.

RETRIEVABILITY:

Indexed Selective Service Number, Social Security Account Number, name and case number (if any).

SAFEGUARDS:

(a) Records are available to authorized Selective Service personnel only.

(b) Paper records are converted to microfilm. A microfilm copy is kept in a locked file cabinet accessible only to authorized personnel. The microfilm original is transferred to a Federal Archieves and Records Center. The paper records are destroyed after microfilming.

(c) Building is secured and patrolled after normal business hours. Access is controlled by an electronic security access system.

(d) Computer files will be maintained at the Joint Computer Center at Great Lakes, Illinois.

(i) Security guards for the building will allow access to authorized personnel only.

(ii) Computer room will be secured with cypher locks.

(iii) Terminal access to the computer system will be restricted to those with valid user ID and password.

(iv) A Customer Information Control System will require additional password for interactive access to data base information.

(v) A software security package will protect access to data in the system.

(vi) Access to the violator section of the data base will not be possible without specific authorization by the Data Base Administrator.

ACCESS:

If information in the system is desired, write to Director of Selective Service, Selective Service System, Washington, D.C. 20435, Attn: Records Manager and furnish the following information in order to identify the individual whose records are requested:

a. Full name.

b. Date of birth.

c. Selective Service Number of Social Security Account Number.

d. Mailing address to which the reply should be called.

RETENTION AND DISPOSAL:

Upon receipt of unsolicited information regarding an alleged violation of the Military Selective Service Act, SSS will check the registrant file for the individual's name. If the individual has registered, the incoming correspondence will be destroyed and no record will be made or retained by SSS. If the individual is not listed in the registrant file, the individual will be entered into the automated tracking system, and the incoming correspondence will be used to attempt to correspond with the alleged violator, giving him an opportunity to register. After a reasonable attempt is made to register the individual, and he neither registers nor provides documented evidence supporting exemption, the communication may be sent to the Department of Justice. SSS will not retain copies of the incoming correspondence or any record identifying the source of the unsolicited information regarding an alleged violation. When computer matches identify persons as possible non-registrants, processing may result in the production of a paper file of correspondence and/or other information. SSS will not retain paper copies of this information when cases are referred to the Department of Justice, but will retain microfilm copies. Once the Department of Justice has disposed of the case, as it deems appropriate, the Department will notify SSS, and the individual's name and related data will be deleted form the tracking system list of possible non-registrants.

All paper forms and correspondence will be destroyed by maceration, shredding or burning after the appropriate information has been recorded. Computer printouts distributed to SSS National Headquarters are destroyed when they have served their temporary purpose by maceration, shredding or burning.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023 31st Street, NW., Washington, DC 20435.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

The information in the system of records regarding alleged violators of the Military Selective Service Act is received via correspondence, telephone calls and computer matches of list of potential registrants.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(2) and 32 CFR 1665.6, the Selective Service System will not reveal to the suspected violator the informant's name or other identifying information relating to the informant.

SYSTEM NAME:

Master Pay Record—SSS.

SYSTEM LOCATION:

Data Management Center/Joint Computer Center, Great Lakes, Illinois 60088.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Currently assigned civilian employees and former civilian employees who have separated during the current year and first prior calendar year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains payroll information such as name, grade, annual salary, hourly rate, address, Social Security Account Number, birth date, date of hire, service computation date, annual leave category, life insurance and health benefits deductions, savings bond data and other information relating to the status of the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) and Title 5, U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Selected information by name and Social Security Account Number is furnished the Internal Revenue Service and State and City taxing authorities.

Selected information by name, date of birth and Social Security Number is furnished the Office of Personnel Management for retirement, life insurance and health benefit accounts.

Department of Health and Human Services—for locations of parents pursuant to the Child Support Enforcement Act (42 U.S.C. 651 et seq.)

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, SAFEGUARDS, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in binders, on microfiche and magnetic tape.

RETRIEVABILITY:

Records are indexed by Social Security Account Number.

SAFEGUARDS:

The records are maintained in lockable file containers. Measures that have been taken to prevent unauthorized disclosure of records are:

a. Use of the records or any information contained therein is limited to employees whose official duties require such access.

b. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel are not on duty.

c. Periodic security checks and other emergency planning.

d. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed.

e. No on-line access to RIB from terminals. Batch access controlled via standard data processing software and hardware techniques.

Records eligible for destruction are destroyed by maceration, shredding or burning.

ACCESS:

Current employees or former employees who wish to gain access to their records should make request in writing, including their full name, address and Social Security Account Number and duty station. Former employees should indicate last duty station with this agency. Inquiries should be mailed to: Director of Selective Service, Selective Service System, 1023–31st Street, NW., Washington, DC 20435, Attention: MS.

RETENTION AND DISPOSAL:

The information on the magnetic tapes retained for two years, then erased. The

microfiche copies are retained for one year, then destroyed by burning. The computer printouts are retained until updated, then destroyed by shredding.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023–31st Street, NW., Washington, DC 20435.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the individual to whom it applies or is derived from information the individual supplied, or is provided by the agency official with authority to appoint the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS–10

SYSTEM NAME:

Registrant Registration Records—SSS.

SYSTEM LOCATION:

Data Management Center/Joint Computer Center, Great Lakes, Illinois 60088.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registrants of Selective Service System (after 1979).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Registration Records:

a. Registration Form.

b. Computer tape and microfilm copies containing information provided by registrants on Registration Form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 3, 10(b)(3) and 15(b) of the Military Selective Service Act (50 U.S.C. App. 453, 460(b)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Defense—for exchange of information concerning registration, classification, enlistment, examination and induction of individuals and identification of individuals, availability of Standby Reservists, and identification of prospects for recruiting.

Department of Justice—for review and processing of suspected violations of the Military Selective Service Act, or for perjury, and for defense of a civil action arising from administrative processing under such Act.

Federal Bureau of Investigation—for location of an individual when suspected of a violation of the Military Selective Service Act.

Immigration and Naturalization Service—to provide information for use in determining an individual's eligibility for re-entry into the United States.

Department of State—for determination of an alien's eligibility for possible entry into the United States and United States citizenship.

Office of Veteran's Reemployment Rights, United States Department of Labor—to assist veterans in need of information concerning reemployment rights.

Department of Health and Human Services—for locations of parents pursuant to the Child Support Enforcement Act (42 U.S.C. 651 et seq.)

Alternative service employers—for exchange of information with employers regarding a registrant who is a conscientious objector for the purpose of placement and supervision of alternative service in lieu of induction into military service.

General Public—Registrant's Name, Selective Service Number, and Date of Birth.

POLICIES AND PRACTICES FOR STORING RETRIEVING, SAFEGUARDS, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on microfilm and in the computer system. Microfilm records are indexed by Document Locator Number, which is stored in the computer record.

RETRIEVABILITY:

The system is indexed by Selective Service Number, but records can be located by searching for specific demographic data.

SAFEGUARDS:

Measures that have been taken to prevent unauthorized disclosure of records are:

a. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel are not on duty, and are protected by an electronic security access system at all times.

b. Periodic security checks and other emergency planning.

c. Microfilm records transferred to a Federal Archives and Records Center for storage are boxed and taped; records in transit for temporary custody of another office are sealed.

d. On-line access to RIB from terminals is controlled by User Identification and password. Batch access controlled via standard data processing software and hardware techniques.

Records eligible for destruction are destroyed by maceration, shredding or burning.

ACCESS:

The agency office address to which inquiries should be addressed and the location at which an individual may present a request as to whether the Registrant Registration Records System (after 1979) contains records pertaining to himself is: Director of Selective Service, Selective Service System, 1023–31st Street, NW., Washington, DC 20435, Attn: Records Manager.

It is necessary to furnish the following information in order to identify the individual whose records are requested:

1. Full name of the individual.

2. Selective Service Number of Social Security Number, date of birth and address at time of registration if Selective Service Number is not known.

3. Mailing address to which the reply should be mailed.

RETENTION AND DISPOSAL:

Individual Processing Records:

1. Registration Form—Destroyed by maceration when its information has been transferred onto microfilm and into the computer system. Original microfilm is stored at a Federal Archives and Records Center. A microfilm copy is retained at the Data Management Center, in locked steel cabinets. The copies are retained until no longer needed for reference purposes.

2. The record copy of microfilm and computer tape will be retained until registrant reaches 85 years of age.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023–31st Street, NW., Washington, DC 20435.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORDS SOURCE CATEGORIES:

Information contained in the Registrant Registration Records System is obtained from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 85–29709 Filed 12–13–85; 8:45 am]
BILLING CODE 8015–01–M

Matching Program To Identify Registration Violators

AGENCY: Selective Service System.

ACTION: Notice.

SUMMARY: Pursuant to OMB Memorandum dated May 11, 1982, "Revised Supplemental Guidance for Conducting Matching Programs," the Selective Service System publishes the following information concerning revision of the Selective Service System Registration Compliance Program for computerized matching of individual records maintained by the Selective Service System against records of other federal and non-federal sources. This revision of the report published in 49 FR 37886 (September 26, 1984) changes a source of records of registration age men.

FOR FURTHER INFORMATION CONTACT: James E. DeWire, Acting Associate Director for Management Services, Selective Service System, Washington, DC, 20435. Phone 202–724–0872.

Dated: December 11, 1985.

Thomas K. Turnage,

Director of Selective Service.

Paragraph (7) of the listing of record systems that are matched against SSS–6 is revised to read:

(7) Department of Education Record System No. 18–40–0014 "Pell Grant Application File" and No. 18–40–0015 "Pell Grant Student Eligibility Report Sub-system," published in 46 FR 29633 (June 21, 1981);

Congressional Notices

Copies of this report are sent concurrently with publication to the Congress, addressed to the President of the Senate and the Speaker of the House of Representatives.

[FR Doc. 85–29708 Filed 12–13–85; 8:45 am]

BILLING CODE 8015–01–M

DEPARTMENT OF TRANSPORTATION

Agreements Filed With the Department of Transportation Under Sections 408, 409, 412 and 414 During the Week Ending December 3, 1985

Answers May Be Filed Within 21 Days From the Date of Filing

Date filed	Docket No.	Parties	Subject	Proposed effective date
12/03/85	43631	Members of International Air Transport Association	First Class and Economy Class Fares Europe-Middle East	01-01-86
12/03/85	43632, R-1—R-11	....do	Composite Passenger Tariff Conf. Currency Adjustment	01-01-86
12/03/85	43633	....do	Mexico/USA-Western Africa Readoption	12-15-86
12/04/85	43635, R-1—R-100	....do	TC3 Fares	04-01-86
12/06/85	43641, R-1—R-19	....do	U.S.-Europe Fares and Excess Baggage Charges	01-01-86

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 85–29729 Filed 12–13–85; 8:45 am]

BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of Department of Transportation's Procedural Regulations; Week Ended December 6, 1985

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Dec. 2, 1985	43397	Southern International Airways, Inc., c/o Richard O. Wheeler, 1120 19th Street, NW., #700, Washington, DC 20036. Application of Southern International Airways, Inc. pursuant to Section 401(d)(1) of the Act and Subpart Q of the Regulations. (Additional information pursuant to Order Number 85–10–10) Answers may be filed by December 30, 1985.
Do	43627	Caicos International Airways, Ltd., c/o Virginia Deardorff, 16924 Flickerwood Road, Parkton, Maryland 21120. Application of Caicos International Airways, Ltd., pursuant to Section 402 of the Act and Subpart Q of the Regulations requests a foreign air carrier permit authorizing Non-Scheduled and Chartered Services between the United States and the Turks and Caicos Islands, British West Indies; and for authority to conduct charters under Part 212 of the Act and/or the charter regulations of the Department of Transportation. Answers may be filed by December 30, 1985.
Do	43629	Challenge Air Transport, Inc., c/o William H. Callaway, Jr., Zuckert, Scoutt, Rasenberger & Johnson, 888 Seventeenth Street, NW., Washington, DC 20006. Application of Challenge Air Transport, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations requests a disclaimer of jurisdiction or, in the alternative, for approval of a transfer of its certificates of public convenience and necessity and other operating (i.e., exemption) authority. Such a disclaimer or approval is required in order for Challenge to implement a reorganization of its corporate structure, a measure which will strengthen Challenge's operations and to enable it to continue to expand. Conforming Applications, Motions to Modify Scope and Answers may be filed by December 30, 1985.
Dec. 3, 1985	43630	Empresa Guatemalteca De Aviacion (Aviateca), c/o Philip Schleit, Suite 1000, 1660 L Street, NW., Washington, DC 20036. Application of Empresa Guatemalteca De Aviacion pursuant to Section 402 of the Act and Subpart Q of the Regulations requests renewal of its foreign air carrier permit authorizing it to engage in foreign air transportation with respect to persons, property and mail over a period until December 23, 1985 as follows: 1. Between a point or points in Guatemala and the terminal point Miami, Florida 2. Between a point or points in Guatemala; the intermediate points Cancun and Merida, Mexico; and the coterminal points New Orleans, Louisiana, Houston, Texas and Dallas/Ft. Worth, Texas. 3. Between a point or points in Guatemala; the intermediate point Santo Domingo, Dominican Republic; and the terminal point San Juan, Puerto Rico. The holder is authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations, prescribed by current regulations. Answers may be filed by December 31, 1985.
Dec. 5, 1985	43637	Airlift International, Inc., c/o Roy Nerenberg, Statland, Nerenberg, Nassau, Buckley & Squires, 1101 17th Street, NW., Washington, DC. Application of Airlift International, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations requests that Segment 1 of Route 180 be renewed, authorizing it to engage in foreign air transportation of property and mail as follows: 1. Between the co-terminal points Miami, Florida, Houston, Texas and Puerto Rico; and the co-terminal points Barbados, Colombia, Dominican Republic, Ecuador, Haiti, Jamaica, Netherlands West Indies, Nicaragua and Mexico.

Date filed	Docket No.	Description
		Conforming Applications, Motions to Modify Scope and Answers may be filed by January 2, 1986.
Do	43640	Air Tara Limited, c/o John T. Stewart, Jr., Zuckert, Scoutt, Rasenberger & Johnson, 888 Seventeenth Street, NW., Washington, DC 20006-3959. Application of Air Tara Limited pursuant to Section 402 of the Act and Subpart Q of the Regulations requests a foreign air carrier permit authorizing it to lease aircraft furnished with crew, subject to Parts 212.4 and 216 of the Department's Regulations to foreign air carriers otherwise authorized to engage in charter, and/or scheduled air transportation of persons, property and/or mail between a point or points outside the United States and any point or points in the United States. Answers may be filed by January 2, 1986.
Dec. 6, 1985	43642	Ryan Aviation Corporation (d/b/a Ryan International Airlines) c/o R. Bruce Keiser, Jr., Crowell & Moring, 1100 Connecticut Avenue, NW., Washington, DC 20036. Application of Ryan Aviation Corporation (d/b/a Ryan International Airlines) pursuant to Section 401(d)(3) of the Act and Subpart Q of the Regulations requests that its certificate for foreign charter air transportation be amended to authorize foreign charter air transportation of persons, property and mail between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and on the other hand: a. Any point in Central or South America; b. Any point in Australasia, Indonesia or Asia, as far west as longitude 70 degrees east, via a transpacific routing; and c. Any point in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as, and including, India. Conforming Applications, Motions to Modify Scope and Answers may be filed by January 3, 1986.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 85-29728 filed 12-13-85; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD 85-100]

Lower Mississippi River Waterway Safety Advisory Committee; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of the seventh meeting of the Lower Mississippi River Waterway Safety Advisory Committee. The meeting will be held Tuesday, January 14, 1986 in the 29th Floor Boardroom of the World Trade Center Building, formerly the International Trade Mart Building, 2 Canal Street, New Orleans, LA. The meeting is scheduled to begin at 9 a.m. and end at 4 p.m. The agenda for the meeting consists of the following items:

1. Call to Order
2. Minutes of the January 15, 1985 Meeting
3. Chairman's Message
4. Discussion of previous Committee recommendations
5. Presentation by the Commanding Officer of the Vessel Traffic Service, New Orleans
6. Presentation of any additonal new items for consideration of the Committee
7. Adjournment

The purpose of this committee is to provide a public forum which will furnish to the U.S. Coast Guard consultation, local expertise, and advice on a wide range of matters regarding all facets of navigation safety.

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Prior to presentation of their oral statements, but no later than the day before the meeting, members of the public shall submit, in writing, to the Executive Secretary of the Lower Mississippi River Waterway Safety Advisory Committee, the subject of their comments, a general outline signed by the presenter, and the estimated time required for presentation. The individual making the presentation shall also provide his/her name, address, and, if applicable, the organization he/she is representing. Any member of the public may present a written statement of the Advisory Committee at any time.

Additional information may be obtained from Commander D.F. Withee, Executive Secretary, Lower Mississippi River Waterway Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (mps), Room 1341, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130-3396, Telephone number (504) 589-6901.

Dated: December 11, 1986.

Clyde T. Lusk, Jr.,

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

[FR Doc. 85-29705 Filed 12-13-85; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Federal Aviation Administration (FAA) Air Traffic Procedures Advisory Committee (ATPAC) to be held from January 14, at 9 a.m., through January 17, 1986, at 4 p.m., at the San Antonio International Airport, 9434 Airport Boulevard, San Antonio, Texas.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of minutes.
2. Discussion of agenda items.
3. Discussion of urgent priority items.
4. Report from Executive Director.
5. Old Business.
6. New Business.
7. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public, but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify, not later than January 10, 1986, Mr. Walter H. Mitchell, Executive Director, ATPAC, Air Traffic, Acting ATO-300, 800 Independence Avenue, SW., Washington, DC, 20591, telephone (202) 426-3725. Information may be obtained from the same source.

The next quarterly meeting of the FAA ATPAC is planned to be held from April 7 through April 11, 1986, in Washington, DC.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on Dec. 5, 1985.

Walter H. Mitchell,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 85-29624 Filed 12-13-85; 8:45 am]

BILLING CODE 4912-13-M

Federal Highway Administration

National Motor Carrier Advisory Committee; Renewal

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA announces the renewal of the charter of the National

Motor Carrier Advisory Committee effective December 18, 1985. The Committee will consult with and make recommendations to the Federal Highway Administrator on matters relating to the activities and functions of the FHWA in areas affecting commercial motor vehicles. Meetings of the Committee will be open to the public and announced in the Federal Register. Copies of the Committee charter are available on request.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Stapleton, Executive Director, National Motor Carrier Advisory Committee, Federal Highway Administration, HCC–20, Room 4224, 400 Seventh Street, SW., Washington, DC 20590, (202) 426–0834. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

Issued on: December 9, 1985.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 85–29730 Filed 12–13–85; 8:45 am]

BILLING CODE 4910–22–M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 241
Monday, December 16, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 9:30 a.m., Friday, December 20, 1985.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, DC.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6679).

MATTERS TO BE CONSIDERED:

Accounting for Options
Securities Disclosures
Industry Conflicts of Interest
Interstate Activities Statement of Policy
No. 33, December 12, 1985.

Jeff Sconyers,

Secretary.

[FR Doc. 85-29804 Filed 12-12-85; 2:19 pm]

BILLING CODE 6720-01-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

December 11, 1985.

TIME AND DATE: 10:00 a.m., Wednesday, December 11, 1985.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED: In addition to the already published items heard, the Commission also discussed the following:

4. Youghiogheny & Ohio Coal Co., Docket No. LAKE 85-90.

5. Hobet Mining & Construction Co., Docket No. WEVA 84-113-R, etc., (Consideration of petition for discretionary review).

It was determined by a unanimous vote of Commissioners that these items be included in the meeting and that no earlier announcement of the additions was possible. 5 U.S.C. 552b(e)(1).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 85-29811 Filed 12-12-85; 3:00 pm]

BILLING CODE 6735-01-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

December 11, 1985.

TIME AND DATE: 10:00 a.m., Wednesday, December 11, 1985.

PLACE: 1730 K Street, NW., Room 600, Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Halfway, Inc., Docket No. WEVA 85-15. (Issues include whether the administrative law judge properly determined that a roof control violation was "significant & substantial").

Any person intending to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Thus, the Commission may, subject to the limitations of 29 CFR 2706.150(a)(3) and 2706.160(e), ensure access for any handicapped person who gives reasonable advance notice.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 85-29812 Filed 12-12-85; 3:00 pm]

BILLING CODE 6735-01-M

4

FEDERAL RESERVE SYSTEM

TIME AND DATE: 9:30 a.m., Thursday, December 19, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda:

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposal by the Federal Reserve Bank of New York to offer automated clearing house services to Chase ACH, Inc.

2. Cost of Federal Reserve notes in 1986.

Discussion Agenda

3. Federal Reserve Bank budgets for 1986.

4. Publication for comment of proposed amendments to Regulation Q (Interest on Deposits) regarding advertising and disclosure practices of member banks.

5. Proposed revisions to Quarterly Daylight Overdraft Capital Report for U.S. Branches and Agencies of Foreign Banks (FR 2225).

6. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: December 11, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-29774 Filed 12-12-85; 11:07 am]

BILLING CODE 6210-01-M

5

FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 11:30 a.m., Thursday, December 19, 1985, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments. (This item was originally announced for a closed meeting on December 9, 1985.)

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: December 11, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–29775 Filed 12–12–85; 11:07 am]

BILLING CODE 6210–01–M

6

FOREIGN CLAIMS SETTLEMENT COMMISSION

F.C.S.C. Meeting Notice No. 2–86

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

DATE AND TIME:

Tuesday, January 21, 1986 at 9:30 a.m.
Wednesday, January 22, 1986 at 9:30 a.m.

SUBJECT MATTER: Consideration of Final Decisions issued on objections under the Vietnam Claims Program (Pub. L. 96–209), and POW claims under the War Claims Act of 1948 as amended.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 - 20th Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111 - 20th Street, NW., Room 409, Washington, DC 20579. Telephone: (202) 653–6155.

Dated at Washington, DC on December 11, 1985.

Judith H. Lock,

Administrative Officer.

[FR Doc. 85–29767 Filed 12–12–85; 11:07 am]

BILLING CODE 4410–01–M

7

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published] 50FR50252.

STATUS: Open meetings.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Wednesday, December 4, 1985.

CHANGE IN THE MEETINGS: Deletions.

The following item will not be considered at an open meeting scheduled for Thursday, December 12, 1985, at 11:00 a.m.:

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.

The following item will not be condidered at an open meeting scheduled for Thursday, December 12, 1985, at 3:00 p.m.:

Oral argument on an appeal by Owen V. Kane, the vice president of a registered brokerdealer, from an administrative law judge's initial decision. For further information, please contact R. Moshe Simon at (202) 272–7400.

The following item will not be considered at a closed meeting scheduled for Thursday, December 12, 1985, following the 3:00 p.m. open meeting:

Post oral argument discussion.

Commissioner Cox, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

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.

Dated: December 11, 1985.

John Wheeler,

Secretary.

[FR Doc. 85–29780 Filed 12–12–85; 11:42 am]

BILLING CODE 8010–10–M

federal register

Monday
December 16, 1985

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 11 and 198

Aviation Insurance; Comprehensive Revision of Current War Risk Insurance Regulations; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 11 and 198

[Docket No. 24223; Amdt. Nos. 11-27; 198-2]

Aviation Insurance; Comprehensive Revision of Current War Risk Insurance Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document revises the provisions of the Federal Aviation Regulations dealing with the Federal aviation insurance program. These revisions are necessary to reflect certain amendments to the Federal Aviation Act which broadened the scope of risks which may be insured by the Administrator. This rule implements those legislative changes and, in addition, extensively revises the current aviation insurance regulations to better reflect current air carrier insurance needs and commercial insurance practice.

EFFECTIVE DATE: January 15, 1986.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Harris, Office of Aviation Policy and Plans (APO-230), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426-3711.

SUPPLEMENTARY INFORMATION:

Background

In 1951, the Congress amended the Civil Aeronautics Act of 1938 by adding a new Title XIII which authorized the Secretary of Commerce, with the approval of the President, to provide aviation war risk insurance adequate to meet the needs of U.S. air commerce and the Federal Government. This insurance could only be issued when the Secretary of Commerce found that war risk insurance was commercially unavailable on reasonable terms and conditions.

The war risk insurance program was established to provide the insurance necessary to enable air commerce to continue in the event of war. This was needed because of several factors: commercial war risk insurance policies contained automatic cancellation clauses in the event of major war; the geographical coverage of commercial war risk insurance could be restricted upon reasonable notice to air carriers; rates for commercial war risk insurance could be raised without limit upon reasonable notice to air carriers.

The aviation insurance program was incorporated in Title XIII of the Federal Aviation Act of 1958 (Act). Statutory responsibility for the program was transferred by the Department of Transportation Act to the Secretary of Transportation who delegated this authority to the Federal Aviation Administrator (49 CFR 1.47 (b)).

The definition of war risk in Title XIII was that traditionally employed by commercial underwriters, and, as a matter of policy, the FAA had always conservatively interpreted the definition.

In the early 1970's this definition led to uncertainty about the extent of the Administrator's statutory authority to provide insurance against loss or damage arising from, for example, undeclared wars, hijackings, and terrorist acts. Because of a combination of the progressive exclusion of these news risks from commercial all risk policies, and the failure of the traditional definition of war risk to cover these risks, a potential gap in insurance coverage occurred with the potential result of termination of important air services in emergency situations.

In recognition of the fact that the Administrator needed broad discretionary authority in extraordinary circumstances to insure air services determined to be in the national interest, Congress amended Title XIII on November 9, 1977. These amendments, included in Pub. L. 95-163, removed from Title XIII all references to risk categories. It authorized the Administrator to provide insurance against loss or damage due to any risk arising from operations of aircraft in foreign air commerce or between two points outside the United States deemed by the President to be in the foreign policy interests of the United States. Such insurance can only be issued if commercial insurance for those operations is not available on reasonable terms.

The Aviation Insurance Program

Title XIII authorizes the Administrator to issue two forms of insurance: insurance with premium and insurance without premium. The two forms of insurance do not differ in the scope of coverage, only in the charge for protection. In the case of premium insurance, the Administrator accepts financial liability for claims payable and charges applicants a premium commensurate with the risks covered. In the case of nonpremium insurance, coverage is provided to applicants performing contract services for other Federal departments and agencies which have entered into indemnity agreements with the FAA. Under the terms of these agreements, the FAA would be reimbursed for the costs of any payable insurance claims. Therefore, because the FAA does not assume any financial liability in the provision of this insurance, no premium fees are charged. Applicants are charged only a small aircraft registration fee to recover the administrative costs of providing the insurance. The fundamental policy underlying both programs is that the Government should not provide insurance on a regular or routine basis; rather, commercial problems should be resolved by commercial entities.

Currently, the Administrator may issue aviation insurance for aircraft registered either in the United States or in a foreign country against damage or loss resulting from any risk with regard to aircraft and persons and property on board provided the following conditions are met:

(1) The President has determined that the continuation of specified air services is in the foreign policy interests of the United States;

(2) The operation of the aircraft is either in foreign air commerce or between two points outside the United States; and

(3) The Administrator has found that insurance for the particular operation cannot be obtained on reasonable terms from the commercial insurance market.

In order for the first condition to be satisfied, the Administrator must consult with other interested Federal agencies as the President may require to establish a basis for determination by the President that foreign policy reasons mandate providing insurance so that air service can continue. This condition is a significant determinant of whether the issuance of Federal insurance is warranted. Before Title XIII was amended, the key question was whether the risk to be insured fell within the category of "war risks" as defined in the Act.

The foreign policy consideration is linked to the second qualification: the only risks insurable are those arising from the operation of an aircraft between two points outside the United States or in foreign air commerce. In light of the requirement that air service be in the foreign policy interest of the United States, in the case of aircraft engaged in foreign air commerce, only that portion of a flight commencing with the last stop in the United States and continuing to be destination abroad will be eligible for the Aviation Insurance Program. For the third condition to be

satisfied, the Administrator must determine that commercial insurance is unavailable on reasonable terms and conditions. Establishing the unavailability of coverage requires an investigation of several facets of commercial coverage. Specifically, the Administrator must determine whether certain risks are being excluded and for which operations. An investigation also must be made as to whether the applicant for insurance can obtain commercial coverage in amounts sufficient to cover the full reasonable value of aircraft and associated liability. Finally, if adequate commercial coverage is available, the Administrator must ascertain whether that insurance is available at reasonable premium rates.

Premium Program

In accordance with the provisions of Title XIII, premiums for premium insurance are based, insofar as is practicable, upon consideration of the risk involved. Rates charged for the premium program have been geared to the most recent charges for coverage purchased from the commercial insurers plus an increase judged necessary to reflect the additional hazard which caused the commercial insurers to terminate coverage or increase its cost to an unreasonable level. Recognizing the purpose of Tile XIII, an effort is made to arrive at a rate which is fair, reasonable, and nondiscriminatory. The amount of the premium ordinarily includes a deductible and a factor for claims adjustment expenses.

Furthermore, the rate is set at a level high enough to encourage commercial insurance companies to reenter the market after a crisis has passed.

Nonpremium Program

In addition to the premium program, the Administrator may, in accordance with Section 1304 of the Act, provide insurance for air carriers under contract to other Federal departments or agencies without premium, in consideration of an indeminity agreement between the Department of Transportation and the department or agency seeking insurance. At present, indemnity agreements exist between the Department of Transportation and the Department of Defense (DOD) and State (DOS) respectively. Under the terms of those agreements, if DOD or DOS requests insurance coverage for aircraft operations in support of its departmental activities, and commercial insurance is unavailable, the FAA will provide the necessary insurance. The insurance is provided without a premium cost to the air carriers concerned; however, a $200 per aircraft registration fee is required to recover the administrative costs of providing this insurance. In the event of loss or damage due to a risk covered by nonpremium insurance, DOD or DOS, under the terms of the agreements, will indemnify the FAA for payment of claims.

At the present time, Title XIII nonpremium insurance provides the insurance basis for contract operations which would be performed during periods of activation of the Civil Reserve Air Fleet (CRAF). DOD requires each air carrier participant in the CRAF program to apply to the FAA for nonpremium hull and liability war risk insurance. Commercial war risk aviation insurance is unavailable for aircraft operations performed pursuant ot CRAF activation.

Explanation of Changes

Part 198 is revised to reflect the statutory changes with regard to eligibility for Title XIII insurance and the scope of insurance risks and to reflect the current needs or air carriers and evolving commercial aviation insurance practice.

At the time Part 198 was originally promulgated, commercial war risk insurance policies contained a 24-hour automatic cancellation clause in the event of outbreak of war between any of the five post World War II "great powers." This clause created a special problem concerning the availability of commercial insurance coverage. Since notification 24 hours prior to cancellation may not have provided sufficient time for air carriers to remove their aircraft from high risk environments or for the FAA to process an application for Title XIII premium insurance, a potential gap in war risk insurance coverage existed.

In recognition that this potential gap in coverage could seriously constrain the growth of international civil aviation, Part 198 previously provided for the issuance of interim coverage to bridge this gap. This was accomplished by issuing to air carriers interim binder policies, of 3 years in duration, in consideration of a $200 per aircraft binding fee. Interim binders incorporated by reference all the terms of the standard premium war risk insurance policy. Coverage provided by the interim binders automatically came into force following activation of the 24-hour cancellation clause in commercial war risk insurance policies. The interim binders remained in force until the FAA either issued a premium war risk policy or notified the insured of its intent to cancel the interim binder policy and the notice period has passed. Because the FAA had to give 5 days advance notice of its intent to cancel an interim binder policy, ample time was provided for the insured to remove its aircraft from a high risk environment.

To an extent, technological innovations in aviation eliminated the need for the interim binder policies. The introduction of long-range jet aircraft and the establishment of instantaneous global communications systems currently enable air carriers to move aircraft to insurance "safe-havens" from any point on the globe on 24-hours notice.

The introduction of the CRAF program eliminated any residual need for the interim binders. By providing a mechanism whereby Title XIII nonpremium insurance automatically is substituted for commercial war risk insurance in the event of major war, the CRAF program bridged the potential gap which previously existed between commercial and Title XIII war risk insurance coverage. In the event of major war, commercial war risk insurance would be automatically terminated, CRAF would be activated and that portion of the United States civil aircraft fleet required to fulfill United States foreign policy needs thus would come under the control of DOD, and Title XIII nonpremium war risk insurance coverage would become effective, thereby precluding a need for interim binder coverage.

Accordingly, the interim binder policies have fallen into disuse. Because no air carrier continues to have active interim binder policies, the continued availability of these policies apparently serves no useful purpose. Therefore, this revision will delete all specific references to interim binder policies.

The principal statutory changes to Title XIII enacted by Pub. L. 95–163 were two-fold and complementary. On one hand, Congress greatly expanded the scope of insurable risks for which the Administrator may provide insurance coverage. On the other hand, Congress strengthened the requirement for Presidential review of the exercise of this expanded authority. The statutory changes are incorporated in §§ 198.1, 198.3, 198.5, and 198.7. These sections present a revised and consolidated statement of aircraft operations eligible for insurance and the scope of insurance coverage available. Section 198.1 contains a specific reference to the requirement for Presidential approval of the insurance. Similarly, §§ 198.3, 198.5, and 198.7 reflect the fact that the Administrator has broad discretionary authority in extraordinary circumstances to accept applications for

any aviation insurance customarily available for commercial sources. This is accomplished by the deletion from Part 198 of all references to categories of insurable risks or types of insurance. In addition, all references to nationality of aircraft are deleted. Even prior to the enactment of Pub. L. 95–163, the Administrator possessed authority to insure the operations of foreign-registered aircraft, and retention in Part 198 of a distinction between United States and foreign-registered aircraft served no purpose. The reporting requirements and responsibilities of applicants for insurance have been consolidated in §§ 198.9, 198.11, 198.13, and 198.15. Section 198.9 is a restatement of the documentation an applicant must provide to demonstrate that commercial insurance is not available on reasonable terms and conditions. Section 198.11 emphasizes the responsibility of air carriers to notify the Administrator promptly of any changes in the status of insured aircraft. Sections 198.13 and 198.15 restate the payment procedures for Title XIII insurance.

The Appendices to Part 198 are substantially revised and consolidated. Wheras the current Appendices to Part 198 contain a separate application form and standard policy format for nearly every type and form of insurance the Administrator was authorized to issue prior to 1977, the new Part 198, will contain a single Appendix which presents a standard application form for insurance. This form has been designed to enable an applicant to apply for any type, form, or amount of insurance coverage. All standard policies will be deleted from Part 198. The Administrator now possesses authority to provide insurance coverage against any risk or peril from specified aircraft operations, and it is, therefore, no longer possible to anticipate all the risk(s) or peril(s) for which insurance may be requested. Rather than attempt to prepare a separate standard policy for every conceivable risk or peril for which an application for insurance may be anticipated, preparation of policies will occur after an application has been accepted and the risks or perils for which coverage is requested can be precisely identified. Although all such policy provisions are, therefore, technically negotiable, the agency has attempted to describe the principal provisions which would be commonly included in premium policies issued by the agency. These principal provisions will include:

- An identification of the insurer and insured parties.
- A description of the amounts of insurance provided.

—Insurance will be provided in any amount requested, provided:

- The amounts do not exceed the corresponding amounts by which the insured is or was insuring or self-insuring applicable aircraft or itself against loss, damage, or liability from the risk covered.
- The amount of hull insurance may not exceed the fair and reasonable value of the aircraft covered.
- A description of any deductibles.
- A single catastrophe limit.
- A statement of the time effectiveness of the insurance.
- A description of the coverage, including:

—An enumeration of the risks or perils covered (coverage may be provided against any risk or peril customarily covered by commercial insurance companies authorized to conduct business in the United States).

—Any geographical or other operational limitations.

- An enumeration of exclusions.
- A statement of premium rates, including:

—Any requirement for deposit premiums.

—Payment schedules and related requirements.

—Any procedures for revision of premium rates.

- A description of termination, voidance, and cancellation procedures.

—Termination will occur:

- Upon expiration of the statutory authority to issue insurance.
- Upon expiration of a Presidential determination of foreign policy need for continuation of air services covered by the insurance.
- If there is a change in the status (ownership, registration, operational mission) of aircraft covered.
- After notice of termination or cancellation.
- Upon request of the insured.

—Voidance shall occur in the event of:

- Assignment or transfer of insurance without written consent.
- Concealment, misrepresentation of information, or fraud.

—Cancellation shall occur if:

- Comparable insurance becomes available on reasonable terms and conditions.
- Requested by the insured.
- A statement of general obligations of the insured to:

—Defend itself against loss claims.

—Promptly notify the agency of any event which may result in a claim for compensation.

—Assist the agency in securing all relevent information and evidence concerning loss claims.

—Subrogate to the agency all rights against any other person or entity regarding loss claims.

Discussion

Interested persons were afforded the opportunity to participate in the making of this amendment by Notice 84–15, published on page 35130–35135 of the **Federal Register** of September 6, 1984. Comments were invited for 125 days, ending January 9, 1985. Due consideration has been given to all comments presented in response to this notice.

The FAA received one response to this notice. The commentor had three comments to make.

1. The commentor did not believe that fair market value was an appropriate standard to apply when establishing the maximum limits of hull insurance coverage available under Title XIII. He noted both that the aircraft market is subject to erratic fluctuations and that financiers and lessors of aircraft generally require hull coverage equal to or greater than a stipulated loss value, which may exceed market value at a particular time. Therefore, the commentor suggests that the appropriate standard for the limitation in the amount of insurance coverage would be that it could not exceed that which is currently purchased in the commercial market, and required by lenders and lessors as the case may be. The FAA agrees with the commentor that fluctuation in the market value for aircraft negates its use to establish maximum limits of hull insurance coverage. Therefore, the proposed reference to market value in § 198.7(a) is deleted and the fair and reasonable value of the aircraft will be the maximum limit of hull insurance coverage. Fair and reasonable value is the standard specified in Title XIII and the existing Part 198.

2. The commentor is concerned that the proposed eligibility criteria in § 198.1(b) and the supplementary explanation of these criteria (i.e., domestic segments of operations to or from a foreign point with an intermediate stop in the United States are not eligible for Title XIII insurance coverage) may be a potentially serious deficiency in this program because situations may arise in which the nonavailability of commercial insurance coverage for domestic segments could preclude operations in foreign air commerce which are required to carry out the foreign policy of the United States. The exclusion of domestic

segments from Title XIII coverage furthers the congressional intent that, to the maximum extent possible, all entities should self-insure for domestic risks and is consistent with the legislative history of the 1977 amendments to Title XIII. Therefore, the FAA has not changed the eligibility criteria in § 198.1 from those in the NPRM.

3. The commentor is concerned that, in circumstances other than Stage III activation of the Civil Reserve Air Fleet (CRAF), Title XIII insurance may not be available on a timely enough basis to preclude gaps in insurance coverage. It is recommended that the problem of potential gaps in coverage possibly could be resolved by provision of immediate nonpremium Title XIII coverage for all CRAF stages in the event of cancellation of commercial insurance and the issuance of binder policies for non-CRAF operations.

The first suggestion raises several policy and practical problems. Title XIII nonpremium insurance coverage is provided at the request of Federal agencies which indemnify the Administrator against losses claimed under the coverage. The requesting agency both assumes the financial risk for loss claims and specifies which operations it desires to be covered by Title XIII insurance. Therefore, provision of Title XIII coverage CRAF Stages, I & II would have to be requested in initiated by the Department of Defense.

Furthermore, the FAA is required by statute to limit the provision of Title XIII insurance to situations in which commercial insurance cannot be obtained on reasonable terms and conditions. Because all commercial war risk insurance policies contain a specific CRAF Stage III Activation exclusion or automatic termination clause, the nonavailability of commercial coverage can be predetermined and administrative provision made for the automatic applicability of Title XIII coverages. The FAA knows of no circumstance involving CRAF Stages I & II operations in which the nonavailability of commercial insurance can be predetermined. Therefore, FAA determinations concerning the availability of commercial insurance for all situations other than those specified in exclusion or automatic termination clauses must be made on a case-by-case basis at the time of application. As a practical matter, the FAA does not believe that failure to provide for automatic extension of Title XIII to CRAF Stages I & II will impair a carrier's ability to respond to Federal Government airlift requirements in emergency situations. Because Title XIII policies already have been issued to carriers for CRAF Stages III operations, these coverages can be extended at the request of the Department of Defense to CRAF Stages I and II operations upon a determination by the FAA of the nonavailability of commercial insurance. The FAA believes that in all conceivable circumstances this process could be completed within 48 hours. In fact, on several occasions during the past 2 years, Title XIII coverage has been provided on this basis for Stage I operations within 48 hours of the FAA's receipt of notice of the need for Title XIII insurance.

Past historical experience does not support the commentor's second conclusion concerning the adequacy of advance notice from commercial insurers and a possible requirement for issuance of binder policies. Binder policies have been available to applicants prior to issuance of this rule. No carrier has applied for binder policies within the last 5 years, and all previously issued policies have expired; i.e., they have fallen into total disuse. The FAA believes this is ample evidence that the carriers perceive no need, at this time, for the FAA to issue binder policies.

Moreover, this rule in no way precludes the issuance of binder policies in the event need is demonstrated for such policies. It merely deletes standardized war risk binder policies together with all other standardized policies from Part 198.

Furthermore, following the 1977 amendment of Title XIII, issuance of binder policies would be contingent upon an initial or recurrent Presidential determination of foreign policy need. The FAA does not believe such need could currently be demonstrated on a continuing basis.

In the final analysis, the issue raised by the commenter is how much advance notice commerical insurers will provide and whether the FAA can provide Title XIII insurance within that time frame. When the potential need for Title XIII premium insurance has arisen during past emergency situations, the FAA has been able to secure all required determinations and complete all administrative measures necessary to issue Title XIII insurance within 48 hours. The FAA believes this response capability has proved fully adequate to meet the needs of air carriers and thereby precludes the need to issue binder policies.

Regulatory Evaluation

As stated in the preamble to this final rule, the FAA will: (1) Consolidate and simplify the regulatory procedures and requirements applicable to the provision of aviation insurance and (2) editorially align these procedures and requirements with changes in the FAA's statutory authority to issue aviation insurance. Because applicants for aviation insurance currently are complying with the statutory requirements for issuance of aviation insurance, the FAA does not contemplate applicants having to incur any additional costs in securing insurance. Rather, the proposed simplification of the regulations may enable applicants to realize a small administrative cost saving. Therefore, the proposed amendment will have no net adverse economic impact on the public and a full regulatory evaluation pursuant to the Department of Transportation Order 2100.5 is not required.

Regulatory Flexibility Determination

This rule will not impose any new requirements on small entities. Because it simplifies the regulatory procedures and requirements for applying for aviation insurance, any applicant, small or large, may realize a small administrative cost saving. Therefore, the FAA has determined that this amendment will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Analysis

This rule will not significantly influence international trade involving aviation products or services. This rule implements changes in statutory authority to provide Title XIII aviation insurance. The changes did not change the fundemental policy underlying the administration of Title XIII; i.e., commercal problems should be resolved to the maximum extent possible by commercial entities and the Government should provide aviation insurance only in extraordinary circumstances. Rather, these statutory changes sought only to bring administration of Title XIII into conformity with current insurance practices. FAA believes that the net impact on international trade in aviation services of the regulatory implementation of these changes through this will be insignificant. Therefore, the FAA believes that this amendment will not eliminate existing or create additional barriers to the sale of foreign aviation products or services in the United States and will not eliminate existing or create additional barriers to the sale of U.S. aviation

products and services in foreign countries.

Paperwork Reduction Act

Approval for the data collection requirements imposed by Part 198 has been obtained from the Office of Management and Budget. Part 11 is amended by this final rule to include the OMB approval number for those requirements.

Note.—For the reasons set forth previously, the FAA has determined that the revision: (1) Does not involve a major rule under Executive Order 12291, (2) is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11043; February 26, 1979); and (3) does not warrant preparing a full regulatory evaluation as the impact is minimal. For reasons set forth previously, I certify that under the criteria of the Regulatory Flexibility Act, this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects

14 CFR Part 11

Rulemaking, Exemptions, Agency information collection.

14 CFR Part 198

Transportation, Air transportation, War risk insurance, Aviation insurance.

Issued in Washington, DC, on December 6, 1985.

Donald D. Engen,

Administrator.

The Amendments

PART 11—[AMENDED]

In consideration of the foregoing, the Federal Aviation Administration amends Part 11 and Part 198 of the Federal Aviation Regulations (14 CFR Part 11 and Part 198) as follows:

1. The authority citation for Part 11 is revised to read as follows:

Authority: 49 U.S.C. 1341(a), 1343(d), 1348, 1354(a), 1401–1405, 1421–1431, 1481, 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983).

§ 11.101 [Amended]

2. In § 11.101 of Part 11, paragraph (b) is amended to add the following listing:

* * * * *

(b) * * *

Part 198	2120–0514

3. Part 198 is revised to read as follows:

PART 198—AVIATION INSURANCE

Sec.

Authority: 49 U.S.C. 1531 through 1542; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 49 CFR 1.47(b).

§ 198.1 Eligibility of aircraft for insurance.

An aircraft operation is eligible for insurance if:

(a) The President of the United States has determined that the continuation of that aircraft operation is necessary to carry out the foreign policy of the United States,

(b) The aircraft operation is in foreign air commerce or between two or more points all of which are outside the United States; and

(c) The Administrator finds that commercial insurance against loss or damage arising out of any risk from the aircraft operation cannot be obtained on reasonable terms and conditions from any company authorized to engage in an insurance business in a State of the United States.

§ 198.3 Basis of insurance.

(a) Application for insurance with premium may be made if the eligibility criteria in § 198.1 are met. Premiums charged for insurance shall be based, insofar as practicable, upon consideration of the risk involved.

(b) Applications for insurance without premium may be made if the eligibility criteria in § 198.1 are met and air services are to be performed under contract to a Federal agency which has agreed to indemnify the Administrator, acting for the Secretary of Transportation, against all losses covered by such insurance.

§ 198.5 Types of insurance coverage available.

Application may be made for insurance against loss or damage with respect to the following persons, property, or interests:

(a) Aircraft engaged in operations which are eligible for insurance, as defined in § 198.1;

(b) Any person employed or transported on the aircraft referred to in paragraph (a);

(c) The baggage of persons referred to in paragraph (b);

(d) Cargoes transported or to be transported on the aircraft referred to in paragraph (a);

(e) Any other liability of the aircraft referred to in paragraph (a) or of its owner or operator of the nature customarily covered by insurance.

§ 198.7 Amount of insurance coverage available.

(a) For each aircraft the amount insured may not exceed the amount by which the applicant has otherwise insured or self-insured the aircraft or itself against damage or liability arising from any risk. In the case of hull insurance, the amount insured shall not exceed the fair and reasonable value of the aircraft.

(b) Policies issued without premium may be revised from time to time, by agreement of the Federal Aviation Administrator and the insured and with the approval of the Federal agency on whose behalf contract air services are to be performed, to add aircraft or contracts or to amend amounts of coverage if the insured has changed the amount by which it has otherwise insured or self-insured the aircraft or itself.

§ 198.9 Application for insurance.

(a) Application for premium or nonpremium insurance shall be made in accordance with the applicable form set forth in Appendix A of this part. Application for hull and liability insurance shall be filed on the same form.

(b) Each applicant for insurance with premium under this part also shall submit to the FAA with its application a letter describing in detail the operations in which the aircraft is or will be engaged and stating the type of insurance coverage being sought and the reason it is being sought.

§ 198.11 Change in status of aircraft.

In the event of sale, lease, confiscation, requisition, total loss, or any other change in the status of an aircraft covered by insurance under this part, notice shall be given to the Administrator within 10 working days after the change in status.

§ 198.13 Premium insurance—payment of premiums.

The premium for insurance issued under this part shall be paid within 10 days after receipt, by the insured, of notice that premium payment is due. Premiums shall be sent to the Federal Aviation Administrator by check made payable to the Federal Aviation Administration.

§ 198.15 Nonpremium insurance—payment of registration fees.

(a) The registration fee for each aircraft to be covered by nonpremium insurance shall be $200. The fee shall cover the cost of hull and liability insurance.

(b) An application for nonpremium insurance shall be accomplished by the proper fee, payable by check to the order of the Federal Aviation Administration. Registration fees are not returnable unless applications are rejected.

(c) Requests made after issuance of a nonpremium policy for the addition of aircraft shall be accompanied by the registration fee for each aircraft.

Appendix A—Form of Application Named in § 198.9

UNITED STATES OF AMERICA

Department of Transportation

Federal Aviation Administration

Application for Aviation Insurance

Application is made for aviation insurance, pursuant to Title XIII of the Federal Aviation Act of 1958, as amended, and in accordance with all provisions of law and subject to all limitations thereof, on the aircraft described in the attached "Schedule of Aircraft," with the understanding that this application does not commit the Government to any liability or make the applicant liable for any premium or fees unless insurance is effected by the Federal Aviation Administrator.

Name of Applicant _____
Address _____

Basis of Insurance
( ) Insurance with premium
( ) Insurance without premium:
Contracting Federal Agency _____
Date and Number of Contract _____

Hull

Amounts set forth in the attached "Schedule of Aircraft" as representing the amount of hull insurance desired for each such aircraft shall not exceed the amount in effect on the date of this application, by which the applicant has insured or self-insured that aircraft.

Liability, Exclusive of Cargo

The type and amounts of coverage required for the aircraft described in the attached "Schedule of Aircraft" shall be indicated and the limits of liability for each such coverage shall be specified in the schedule, but such limits shall not exceed the corresponding amounts in effect on the date of this application by which the applicant has insured or self-insured against liability.

Liability of Cargo

Limits of liability desired for each of the aircraft described in the attached "Schedule of Aircraft" shall be specified.

General

Insurance shall attach no earlier than the commercial insurance terminates or at such time as may be specified in the policy.

If application is for insurance with premium, the rate of premium and the amount of any deductible shall be fixed by the Federal Aviation Administrator, acting for the Secretary of Transportation. The registration fee for insurance without premium is $200 per aircraft listed on the "Schedule of Aircraft" and is not returnable unless application is rejected. Registration fees are due upon application or revision of the "Schedule of Aircraft" adding aircraft and are payable by check to the Federal Aviation Administration.

The application shall be accompanied by copies of any commercial insurance policy and any company plan of self-insurance applicable to the aircraft listed in the "Schedule of Aircraft."

The "Schedule of Aircraft" attached to policies without premium may be revised from time to time by agreement of the Federal Aviation Administrator and the insured and with the approval of the Federal agency on whose behalf contract air services are to be performed, to add aircraft or to add contracts.

The application also shall be accompanied by a statement which shall be considered to be incorporated in the application and to form a part thereof, and which shall be signed by the same corporate official who signs the application on behalf of the applicant. The statement shall show that the applicant:

(a) Controls and operates the aircraft listed in the attached "Schedule of Aircraft," and if application is for insurance without premium, has committed such aircraft to the above indicated contract(s);

(b) Is maintaining and has maintained during the 6-month period preceding this application (or since the aircraft was acquired if acquired during the 6-month period) insurance, including demonstrable self-insurance, covering possible injury, loss or damage in amounts which equal or exceed the insurance coverages requested in the application; and

(c) Cannot obtain insurance of the type requested on reasonable terms and conditions from companies authorized to engage in an insurance business in a State of the United States or the District of Columbia, or has partial commercial insurance coverage, but is unable to obtain the additional needed insurance of the type requested on reasonable terms and conditions from such commercial sources;

Verification shall include evidence of premium rate history, the names of the commercial insurance carriers which have been contacted and the premium rates quoted by such carriers which applicant considers not reasonable, and any conditions or limitations which those carriers would impose or have imposed, such as evidence of cancellation or notice of cancellation, which would cause their insurance to be inapplicable to some or all of the operations by aircraft listed in the "Schedule of Aircraft."

If the application is for insurance with respect to a foreign-flag aircraft, it shall be accompanied by the statement setting forth the registration number(s) of the aircraft, the nationality of registration, and the name of the owner or lessee.

The insurance applied for hereunder shall not cover risks to persons or property engaged or transported exclusively in operations between two points in the United States as defined in Section 101(41) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 (41)).

Applicant warrants that the particulars herein are true and complete to the best of his or her knowledge and that no information has been withheld or suppressed.

Applicant agrees that this application, including all attachments hereto and all revisions of the "Schedule of Aircraft" hereinafter accepted by the Government and the terms and conditions of the form of policy prescribed by the Federal Aviation Administrator, acting for the Secretary of Transportation, will constitute the basis of any contract between him or her and the United States of America.

Applicant _____
By _____
(Name and Title)
Date _____

Schedule of Aircraft

HULL INSURANCE

Make, model, and configuration (passenger, cargo, or convertible)	FAA identification No. or equivalent	Amount of hull insurance desired for each aircraft	Amount for which each aircraft is currently insured (including self-insurance)	Loss payee

LIABILITY INSURANCE

(Exclusive of cargo)

Amount requested per occurrence	Amount of insurance (including self-insurance) in effect per occurrence

LIABILITY TO CARGO

Amount requested	Amount of insurance (including self-insurance) in effect per occurrence

[FR Doc. 85-29614 Filed 12-13-85; 8:45 am]
BILLING CODE 4910-13-M

federal register

Monday
December 16, 1985

Part III

Department of Justice

Office of Justice Programs; Bureau of Justice Assistance

28 CFR Part 65

Emergency Federal Law Enforcement Assistance; Final Rule

DEPARTMENT OF JUSTICE

Office of Justice Programs

Bureau of Justice Assistance

28 CFR Part 65

Emergency Federal Law Enforcement Assistance

AGENCY: Office of Justice Programs, Bureau of Justice Assistance, Justice.

ACTION: Final regulations.

SUMMARY: The Bureau of Justice Assistance of the Office of Justice Programs is hereby publishing the regulations to implement the Emergency Federal Law Enforcement Assistance functions vested in the Attorney General by the Justice Assistance Act of 1984 (Pub. L. 98–473). The regulations describe procedures for applying for and administering funds under this Section of the Act.

EFFECTIVE DATE: These regulations are effective on December 16, 1985.

ADDRESS: Mack M. Vines, Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, DC 20531 (202/724–5974). (This is not a toll free number.)

FOR FURTHER INFORMATION CONTACT: R. John Gregrich, Program Manager, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, DC 20531 (202/272–6838). (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Comprehensive Crime Control Act of 1984, Title II, Chapter VI, Pub. L. 98–473, 98 Stat. 1837, Oct. 12, 1984 (the Act), establishes Emergency Federal Law Enforcement Assistance functions, under the direction and authority of the Attorney General, to assist state and/or local units of government in responding to a law enforcement emergency. The Bureau of Justice Assistance of the Office of Justice Programs is publishing the regulations to implement this Section of the Act.

The Bureau published proposed regulations on August 7, 1985 (50 FR 31888) in the **Federal Register** to provide for public comment. A very limited number of comments were received. Respondents taking issue with or raising questions about the regulations, as they were proposed, have been responded to individually. Generally, the comments dealt with issues related to: (1) Coordination with other Federal agencies after natural disasters; (2) adherence to the states' legislative prerogatives; and, (3) ensuring against Federal intervention in matters relating to state or local criminal justice investigative authority. In regard to the latter issue, additional cites from the enabling legislation have been inserted in Subpart B, § 65.11. Other than the referenced additions, the regulations published herein are largely the same as those previously proposed.

This Section of the Act (section 609) is designed to assist jurisdictions experiencing a law enforcement emergency by providing Federal criminal justice assistance to those states and/or localities involved. The term "law enforcement emergency" is defined by the Act as an uncommon situation which requires law enforcement, which is or threatens to become of serious or epidemic proportions, and with respect to which state and local resources are inadequate to protect the lives and property of citizens, or to enforce the criminal law. Equally clear in the Act, and its legislative history, is the firm intention to avoid unnecessary Federal involvement or intervention in matters which are deemed to be primarily of state and local concern. To that end, the Act states that the term "law enforcement emergency" does *not* include needed planning or other activities related to crowd control for general public safety projects, or situations requiring the enforcement of laws associated with scheduled public events, including political conventions and sports events.

Often cited as examples of situations giving rise to law enforcement emergencies compatible with the Act are the Atlanta child murders and the Mount Saint Helens volcanic eruption. Emergencies like these, which are not of an ongoing or chronic nature, would be eligible for assistance.

State and local jurisdictions experiencing significant law enforcement problems should find it helpful to consult with the United States Attorney(s) in the affected District(s). The U.S. Attorney, as Chairman of the Law Enforcement Coordinating Committee (LECC), can bring the problem to the attention of the LECC members, who are representatives of Federal, state, and local criminal justice agencies. Such an approach will allow the LECC members to jointly assess the situation and, possibly, cause LECC member resources to be directed to the problem. Furthermore, should a state or local jurisdiction later decide to submit a request under the Emergency Federal Law Enforcement Assistance Program, the initial involvement with the U.S. Attorney and the LECC should provide focused information regarding the actual extent of the problem, and the resources needed to conduct an effective response.

The Act authorizes the Attorney General to receive written applications for assistance from state chief executives. The information submitted will be reviewed and evaluated by the Attorney General. After consultation with the Federal law enforcement community, including the appropriate U.S. Attorney(s), the Attorney General will approve or disapprove the application within 10 days of receipt.

If the Attorney General approves the application, appropriate Federal law enforcement assistance will be provided. The Act defines "Federal law enforcement assistance" as funds, equipment, training, intelligence information, and personnel.

These regulations do not constitute a "major" rule as defined by Executive Order 12291 because it does not result in: (a) An effect on the economy of $100 million or more; (b) a major increase in any costs or prices; or, (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

Finally, because these regulations will not have significant economic impact on a substantial number of small entities, no analysis of the impact of these regulations on such entities is required by the Regulatory Flexibility Act.

List of Subjects in 28 CFR Part 65

Grant Programs—Law, Law enforcement, Emergency assistance, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed to amend Title 28 Code of Federal Regulations by adding Part 65 to read as follows:

PART 65—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

Subpart A—Eligible Applicants

Sec.

Subpart B—Allocation of Funds and Other Assistance

Subpart C—Purpose of Emergency Federal Law Enforcement Assistance

Subpart D—Application for Assistance

Authority: The Comprehensive Crime Control Act of 1984, Title II, Chap. VI, Div. I, Subdiv. B, Emergency Federal Law Enforcement Assistance, Pub. L. 98-473, 98 Stat. 1837, Oct. 12, 1984 (42 U.S.C. 10501 et seq.).

Subpart A—Eligible Applicants

§ 65.1 General.

This subject describes who may apply for emergency Federal law enforcement assistance under the Justice Assistance Act of 1984.

§ 65.2 State Government.

In the event that a law enforcement emergency exists throughout a state or part of a state, a state (on behalf of itself or a local unit of government) may submit an application to the Attorney General, for emergency Federal law enforcement assistance. This aplication is to be submitted by the chief executive officer of the state, in writing, on Standard Form 424, and in accordance with these regulations.

Subpart B—Allocation of Funds and Other Assistance

§ 65.10 Fund availability.

For the previous fiscal year (FY '85), $800,000 was appropriated for emergency Federal law enforcement assistance for the entire country. In FY '86, $1.5 million has been requested. The FY '86 request has not yet been appropriated and is not currently available. The form and extent of assistance provided will be determined by the nature and scope of the emergency presented; but, in any event, no fund award may exceed the amount ultimately appropriated.

§ 65.11 Limitations on fund and other assistance use.

(a) *Land Acquisition—No funds* shall be used for the purpose of land acquisition.

(b) *Non-Supplantation—No funds* shall be used to supplant state or local funds that would otherwise be made available for such purposes.

(c) *Civil Justice—No funds or other assistance* shall be used with respect to civil justice matters except to the extent that such civil justice matters bear directly and substantially upon criminal justice matters or are inextricably intertwined with criminal justice matters.

(d) *Federal Law Enforcement Personnel—Nothing in the enabling legislation* authorizes the use of Federal law enforcement personnel to investigate violations of criminal law other than violations with respect to which investigation is authorized by other provisions of law. (Section 609O(a), of the Act).

(e) *Direction, Supervision, Control—Nothing in the enabling legislation* shall be construed to authorize the Attorney General or the Federal law enforcement community to exercise any direction, supervision, or control over any police force or other criminal justice agency of an applicant for Federal law enforcement assistance. (Section 609O(b), of the Act).

§ 65.12 Other assistance.

In accordance with the purposes and limitations of this subdivision, members of the Federal law enforcement community may provide needed assistance in the form of equipment, training, intelligence information, and personnel. The application may include requests for assistance of this nature.

Subpart C—Purpose of Emergency Federal Law Enforcement Assistance

§ 65.20 General.

The purpose of the Act is to assist state and/or local units of government which are experiencing law enforcement emergencies to respond to those emergencies through the provision of Federal law enforcement assistance. The authority and responsibility for implementation of this Section is vested in the Attorney General of the United States.

§ 65.21 Purpose of assistance.

The purpose of emergency Federal law enforcement assistance is to provide necessary assistance to (and through) a state government to provide an adequate response to an uncommon situation which requires law enforcement, which is or threatens to become of serious or epidemic proportions, and with respect to which state and local resources are inadequate to protect the lives and property of citizens, or to enforce the criminal law.

§ 65.22 Exclusions.

Excluded from the situations for which this assistance is intended are:

(a) The perceived need for planning or other activities related to crowd control for general public safety projects; and,

(b) A situation requiring the enforcement of laws associated with scheduled public events, including political conventions and sports events.

Subpart D—Application for Assistance

§ 65.30 General.

The Act requires that applications be submitted in writing, by the chief executive officer of a state, on Standard Form 424, in accordance with these regulations.

§ 65.31 Application content.

The Act identifies six factors which the Attorney General will consider in approving or disapproving an application, and includes administrative requirements to ensure appropriate use of Federal assistance. Therefore, each application must be in writing and must include the following:

(a) *Problem*—A description of the nature and extent of the law enforcement emergency, including the specific identification and description of the political and geographical subdivision(s) wherein the emergency exists;

(b) *Cause*—A description of the situation or extraordinary circumstances which produced such emergency;

(c) *Resources*—A description of the state and local criminal justice resources available to address the emergency, and a discussion of why and to what degree they are insufficient;

(d) *Assistance Requested*—A specific statement of the funds, equipment, training, intelligence information, or personnel requested, and a description of their intended use;

(e) *Other Assistance*—The identification of any other assistance the state or appropriate unit of government has received, or could receive, under any provision of the Act; and,

(f) *Other Requirements*—Assurance of compliance with other requirements of the Act, detailed in other parts of these regulations, including: Nonsupplantation; nondiscrimination; confidentiality of information; prohibition against land acquisition; recordkeeping and audit; limitation on civil justice matters.

Subpart E—Submission and Review of Applications

§ 65.40 General.

This subpart describes the process and criteria for the Attorney General's review and approval or disapproval of state applications. The original

application, on Standard Form 424, signed by the chief executive officer of the state should be submitted directly to the Attorney General, U.S. Department of Justice, Washington, DC 20530. One copy of the application should be sent to the Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, DC 20531.

§ 65.41 Review of State applications.

(a) *Review Criteria*—The Act provides the basis for review and approval or disapproval of state applications. Federal law enforcement assistance may be provided if such assistance is necessary to provide an adequate response to a law enforcement emergency. In determining whether to approve or disapprove an application for assistance under this section, the Attorney General shall consider:

(1) The nature and extent of such emergency throughout a state or in any part of a state;

(2) The situation or extraordinary circumstances which produced such emergency;

(3) The availability of state and local criminal justice resources to resolve the problem;

(4) The cost associated with the increased Federal presence;

(5) The need to avoid unnecessary Federal involvement and intervention in matters primarily of state and local concern; and,

(6) Any assistance which the state or other appropriate unit of government has received, or could receive, under any provision of Title I of the Omnibus Crime Control and Safe Streets Act of 1968.

(b) *Review Process*—(1) The Attorney General shall consult with the Assistant Attorney General, Office of Justice Programs, and the Director, Bureau of Justice Assistance, on requests for grant assistance. (2) All requests for assistance of the Federal law enforcement community (e.g., equipment, training, information, or personnel) shall be reviewed by the Attorney General in consultation with appropriate members of the Federal law enforcement community, including the United States Attorney(s) in the affected District(s). Such requests will be subject to statutory restrictions, including section 609O on Federal agency activities. (3) The Attorney General will approve or disapprove each application, submitted in accordance with these regulations, no later than ten (10) days after receipt.

Subpart F—Additional Requirements

§ 65.50 General.

This subpart sets forth additional requirements under the Justice Assistance Act. Applicants for assistance must assure compliance with each of these requirements.

§ 65.51 Recordkeeping.

(a) The state must assure that it adheres to the recordkeeping requirements enumerated in OMB Circulars, Number A–102 and Number A–128. This requirement extends to participating units of local government, in that they are viewed as the state's subgrantees.

(b) The Attorney General and the Comptroller of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of recipients of Federal law enforcement assistance provided under this subdivision which, in the opinion of the Attorney General or the Comptroller General, are related to the receipt or use of such assistance.

§ 65.52 Civil Rights.

The Act provides that "no person in any state shall on the grounds of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title." Recipients of funds under the Act are also subject to the provisions of Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the Department of Justice Non-Discrimination Regulations 28 CFR Part 42, Subparts C, D, E, and G.

§ 65.53 Confidentiality of information.

Section 812 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended and implemented by 28 CFR Part 20) shall apply with respect to information, including criminal history information and criminal intelligence systems operating with the support of Federal law enforcement assistance.

Subpart G—Repayment of Funds

§ 65.60 Repayment of funds.

(a) If Federal law enforcement assistance provided under this subdivision is used by the recipient of such assistance in violation of these regulations, or for any purpose other than the purpose for which it is provided, then such recipient shall promptly repay to the Attorney General an amount equal to the value of such assistance.

(b) The Attorney General may bring a civil action in an appropriate United States District Court to recover any amount authorized to be repaid under law.

Subpart H—Definitions

§ 65.70 Definitions.

(a) *Law Enforcement Emergency.* The term "law enforcement emergency" is defined by the Act as an uncommon situation which requires law enforcement, which is or threatens to become of serious or epidemic proportions, and with respect to which state and local resources are inadequate to protect the lives and property of citizens, or to enforce the criminal law. The Act specifically *excludes* the following situations when defining "law enforcement emergency":

(1) The perceived need for planning or other activities related to crowd control for general public safety projects; and,

(2) A situation requiring the enforcement of laws associated with scheduled public events, including political convention and sports events.

(b) *Federal Law Enforcement Assistance.* The term "Federal law enforcement assistance" is defined by the Act to mean funds, equipment, training, intelligence information, and personnel.

(c) *Federal Law Enforcement Community.* The term "Federal law enforcement community" is defined by the Act as the heads of the following departments or agencies:

(1) Federal Bureau of Investigation;

(2) Drug Enforcement Administration;

(3) Criminal Division of the Department of Justice;

(4) Internal Revenue Service;

(5) Customs Service;

(6) Immigration and Naturalization Service;

(7) United States Marshals Service;

(8) National Park Service;

(9) United States Postal Service;

(10) Secret Service;

(11) United States Coast Guard;

(12) Bureau of Alcohol, Tobacco, and Firearms; and,

(13) Other Federal agencies with specific statutory authority to investigate violations of Federal criminal law.

(d) *State.* The term "state" is defined by the Act as any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

Mack M. Vines,

Director, Bureau of Justice Assistance.

[FR Doc. 85–29724 Filed 12–13–85; 8:45 am]

BILLING CODE 4410–18–M

federal register

Monday
December 16, 1985

Part IV

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 994

Egg Marketing Order; Proposed Agreement and Order; Notice of Public Hearing

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 994

[Docket No. MMO-1]

Egg Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on a proposed egg marketing agreement and order.

SUMMARY: Notice is hereby given of a public hearing to be held to consider a proposed egg marketing agreement and order. Proposed provisions were submitted by an all-industry task force. The proposed order would: Authorize regulations to provide for a research and promotion program, including paid advertising; provide for the voluntary removal of laying hens during periods of extreme egg surpluses; and provide for a 21-member national board composed of producers and handlers to administer the order. Funds to administer the order would be obtained from assessments levied on egg handlers. The first-year assessment rate would be set at one-half cent each for the surplus removal program and research and promotion program, on each dozen eggs handled. Subsequent increases, up to a 1-cent maximum rate for each program, would not increase at a rate greater than one-fourth cent per year. The Agricultural Marketing Service, USDA, is proposing several modifications to the proponent's proposal.

DATES: The hearing is scheduled as follows:

1. January 8, 1986—Atlanta (College Park), Georgia
2. January 15, 1986—Little Rock, Arkansas
3. January 29, 1986—San Francisco, California
4. February 5, 1986—Philadelphia, Pennsylvania
5. February 27, 1986—Chicago (Rosemont), Illinois

Each session will begin at 9 a.m. local time. Any of the sessions may be continued beyond 1 day if necessary.

ADDRESSES: The hearing will be held at the following locations:

1. Century Airport Inn/Quality Inn, I-285 Riverdale Road, College Park, Georgia. (1 mile south of Atlanta Airport)
2. Camelot Hotel, Markham and Broadway (downtown), Little Rock, Arkansas
3. Veterans Administration Conference Room, 211 Main Street, San Francisco, California.
4. Customs House, Room 300, 2nd and Chestnut Streets, Philadelphia, Pennsylvania.
5. Holiday Inn O'Hare Kennedy, 5440 N. River Road, Rosemont, Illinois. (2 miles from O'Hare Airport and just south of Kennedy Expressway)

FOR FURTHER INFORMATION CONTACT: Janice L. Lockard, Poultry Division, AMS, USDA, Washington, D.C. 20250, Phone (202) 382-8132.

SUPPLEMENTARY INFORMATION: The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), hereinafter referred to as the "Act," and the applicable rules of practice and procedure governing formulation of marketing agreements and marketing orders (7 CFR 900.1-900.18).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and therefore is excluded from the requirements of Executive Order 12291.

The Regulatory Flexibility Act (Pub. L. 96-354), effective January 1, 1981, seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. Interested persons are invited to present evidence at the hearing on the probable regulatory and informational impact of the proposal on small businesses.

An all-industry task force, composed of producers, handlers, and processors, proposed an egg marketing agreement and order. The proposal has not received the approval of the Secretary of Agriculture. The proposed egg marketing agreement and order would provide for a research and promotion program for eggs and related products. Also, a surplus removal program is proposed when it is determined that there is a surplus of commercial eggs. The removal mechanism for this program provides for the removal of laying hens from production. There are no provisions for any inspection, grade, size, or container regulations. A 21-member Egg Marketing Board would be created to coordinate and handle administrative responsibilities. Program costs would be financed by assessments collected from handlers. The marketing agreement and order would be applicable in all 50 states and the District of Columbia.

The Agricultural Marketing Service is also proposing certain modifications of the proposed order provisions, including a provision for a public member and periodic producer referenda.

It is anticipated that the Egg Research and Promotion Order (7 CFR 1250.301-1250.363) authorized by the Egg Research and Consumer Information Act (7 U.S.C. 2701 *et seq.*) would be terminated if the research and promotion provisions of this proposed order are adopted.

The hearing is for the purpose of:

(a) Receiving evidence about the economic and marketing conditions which relate to the proposed marketing agreement and order and to any appropriate modifications thereof;

(b) Determining whether the handling of eggs produced in the 50 States of the United States, as defined in the order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce;

(c) Determining whether there is need for a marketing agreement and order; and

(d) Determining whether the proposed marketing agreement and order or any appropriate modifications of them will tend to effectuate the declared policy of the Act.

Copies of the transcript of testimony taken at the hearing will not be available for distribution through the Hearing Clerk's office. However, arrangements may be made with the reporter at the hearing to purchase copies.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any persons having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Poultry Division, Agricultural Marketing Service

Procedural matters are not subject to the above prohibition and may be discussed at any time.

The provisions of the proposed marketing order follow.

List of Subjects in 7 CFR Part 994

Marketing agreement and order, Eggs.

1. Proposal No. 1 of all-industry task force would add a Part 994 to read as follows:

PART 994—EGGS

Subpart—Egg Marketing Order

Definitions

Authority: Secs. 1–9, 48 Stat. 31, as amended (7 U.S.C. 601 *et seq.*).

Subpart—Egg Marketing Order

Definitions

§ 994.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the Department of Agriculture of whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in the Secretary's stead.

§ 994.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 11, 1933), as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–9, 48 Stat. 31, as amended, 7 U.S.C. 601 *et seq.*).

§ 994.3 Egg Marketing Board.

"Egg Marketing Board" or "Board" means the administrative body established pursuant to § 994.35.

§ 994.4 Fiscal period.

"Fiscal period" means the calendar year or such other 12-month period that may be recommended by the Board and approved by the Secretary.

§ 994.5 Marketing period.

"Marketing period" means the period designated by the Egg Marketing Board for which a market projection will be developed pursuant to § 994.60.

§ 994.6 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 994.7 Producer.

"Producer" means any person who is engaged in the production of commercial eggs and owns 10,000 or more laying hens.

§ 994.8 Handle.

"Handle" means to grade, carton, process, purchase or in any manner place eggs or cause eggs to be placed in the current of commerce (except as a common carrier of eggs owned by another). Such term shall not include the washing, packing of cases, or the delivery of a producer's own nest run eggs.

§ 994.9 Handler.

"Handler" means any person who handle eggs.

§ 994.10 Hatching eggs.

"Hatching eggs" means eggs intended for use by hatcheries for the production of baby chicks.

§ 994.11 Hen or laying hen.

"Hen or "laying hen" means a domesticated female chicken 18 weeks of age of older, raised primarily for the production of commercial eggs.

§ 994.12 Commercial eggs or eggs.

"Commercial egg" or "eggs" means eggs from domesticated hens, including egg type breeder hens, which are sold for human consumption either in shell egg form or for further processing into egg products. Eggs from Primary Broiler Breeder hens and/or Broiler Breeder hens shall not be considered "commercial eggs or eggs" pursuant to this section.

§ 994.13 Egg product.

"Egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry.

§ 994.14 Spent fowl.

"Spent fowl" means hens which have been in production of commercial eggs and have been removed from such production for slaughter.

§ 994.15 Products of spent fowl.

"Products of spent fowl" means commercial products produced from spent fowl.

§ 994.16 United States.

"United States" means the 50 States of the United States and the District of Columbia.

§ 994.17 Marketing.

"Marketing" means the sale or other disposition of commercial eggs, egg products, spent fowl, or products of spent fowl in any channel of commerce.

§ 994.18 Promotion.

"Promotion" means any action, including paid advertising, to increase consumption of eggs, egg products, spent fowl, or products of spent fowl.

§ 994.19 Research.

"Research" means any type of research, including nutrition, to advance the image, desirability, marketability, production, or quality of eggs, egg products, spent fowl, or products of spent fowl.

§ 994.20 Consumer education.

"Consumer education" means any action to advance the image or desirability of eggs, egg products, spent fowl, or products of spent fowl.

§ 994.21 Eligible organization.

"Eligible organization" means any organization, association, or cooperative which represents egg producers and/or handlers of any egg producing area of the United States certified by the Secretary pursuant to § 994.80.

Egg Marketing Board

§ 994.35 Establishment and membership.

There is hereby established an Egg Marketing Board, hereinafter called the "Board," composed of 21 producer and handler members, and 21 alternates who shall have the same qualifications as the member for whom they are the alternate. Such members and alternates shall be appointed by the Secretary from nominations submitted pursuant to § 994.37.

§ 994.36 Term of office.

The members of the Board, and their alternates, shall serve for terms of 3 years, except initial appointments shall be divided equally for terms of 1, 2, and 3 years. Each member and alternate member shall continue to serve until his/her successor has qualified and is appointed by the Secretary. No member or alternate shall serve for more than two consecutive 3-year terms.

§ 994.37 Nominations.

All nominations authorized under § 994.35 shall be made in the following manner.

(a) Within 30 days of the approval of this order by referendum, nominations shall be submitted to the Secretary for each geographic areas as specified in paragraph (d) of this section by eligible organizations, associations, or cooperatives certified pursuant to § 994.80, or, if the Secretary determines that a substantial number of producers or handlers are not members of, or their interests are not represented by, any such eligible organization, association, or cooperative, then from nominations made by such producers or handlers in the manner authorized by the Secretary;

(b) After the establishment of the initial Board, the nominations for subsequent Board members and alternates shall be submitted to the Secretary not less than 60 days prior to the expiration of the terms of the members and alternates previously appointed to the Board;

(c) Where there is more than one eligible organization, association, or cooperative within each geographic area, as defined by the Secretary, they may caucus for the purpose of jointly nominating two qualified persons for each member and for each alternate member to be appointed. If joint agreement is not reached with respect to any nominations, or if no caucus is held within a defined geographic area, each eligible organization, association, or cooperative may submit to the Secretary a nomination for each appointment to be made;

(d) For purpose of nominating members and their alternates to the Board, the 50 States of the United States shall be grouped into 6 geographic areas, as follows: Area 1 (North Atlantic States) consisting of Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia; Area 2 (South Atlantic States) consisting of Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida; Area 3 (East North Central States) Ohio, Indiana, Illinois, Michigan, and Wisconsin; Area 4 (West North Central States) Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas; Area 5 (South Central States) Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas; and Area 6 (Western States) Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Washington, Oregon, California, Hawaii, and Alaska. The number of members of the initial Board, and their alternates, who shall be appointed from each area are: Area 1–3; Area 2–3; Area 3–3; Area 4–2; Area 5–3; and Area 6–4;

(e) At least every 5 years, and not more often than every 3 years, the Board shall review the geographic distribution of egg production volume throughout the United States and, if warranted, shall recommend to the Secretary a reapportionment of regions and/or a modification of the numbers of members from regions in order to best reflect the geographic distribution of egg production volume in the United States. The number of members for each region which shall serve on the Board shall be determined by dividing the total volume of eggs produced in the United States for the calendar year previous to the date of review by 18 which provides a factor of volume of eggs per member, and then dividing the total volume of eggs for each region by such factor. In determining the volume of eggs produced in the United States, the Board and the Secretary shall utilize the information received by the Board pursuant to § 994.85 and data published by the Department;

(f) Upon appointment of the initial 18 Board members representing regions described in paragraph (d) above, such Board members shall nominate, and submit to the Secretary for appointment, 3 additional members of the Board representing At Large positions on the Board and 3 alternates for such positions. The terms of the At Large members, and their alternates, shall be consistent with § 994.36; and

(g) The terms of the members of the Board representing At Large positions and their alternates shall expire upon the date of expiration of terms of Board members representing regions described in paragraph (d) above. Following the appointment of the initial Board, nominations for At Large positions and alternates for such positions on the Board shall be submitted to the Secretary by the Board at least 60 days prior to the expiration of the term for the position for which it was submitted.

§ 994.38 Nominee's agreement to serve.

Any person nominated to serve on the Board shall file with the Secretary at the time of the nomination a written agreement to:

(a) Actively serve on the Board if appointed;

(b) Disclose any position held with or any ownership interest in any organization that has a contractual relationship with the Board; and

(c) Withdraw from voting on matters where a Board member, or an alternate acting on behalf of a Board member, is an officer or Board member of, or holds an ownership interest in, an organization proposing to contract with the Board. Membership in a nonprofit industry organization shall not require abstention from voting under this paragraph.

§ 994.39 Procedure.

(a) Eleven members of the Board shall be necessary to constitute a quorum and a majority of those present and voting will be required to pass any motion or approve any Board action.

(b) The Board may provide for meetings by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 994.40 Vacancies.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member, or an alternate member, of the Board, the Secretary shall appoint a successor from the most recent list of nominations for the position or from nominations made by the Board, except that replacement of a Board member, or alternate, with an unexpired term of less than 6 months is not necessary.

§ 994.41 Alternate members.

An alternate member of the Board, during the absence of the member for whom he is the alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his/her alternate shall act for him until a successor for such member is appointed and qualified.

§ 994.42 Personal liability.

No member of the Board, or any alternate, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member or alternate in performance of his/her duties, except for acts of willfull misconduct, gross negligence, or those which are criminal in nature.

§ 994.43 Expenses and compensation.

The members of the Board, and their respective alternates when acting as members, shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties under this subpart and shall receive compensation at a rate to be determined by the Board and approved by the Secretary. Whenever specifically authorized or approved by the Board, an alternate member shall be reimbursed for reasonable expenses necessarily incurred by him/her in attending Board meetings and shall receive compensation at the rate provided in this section, notwithstanding that the Board member for whom he serves as alternate also attends such meetings.

§ 994.44 Powers.

The Board shall have the following powers:

(a) To administer this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 994.45 Duties.

It shall be the duty of the Board:

(a) To meet and organize, to select a chairman and such other officers as may be necessary, to select committees and subcommittees of Board members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as may be requested;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the Board and such minutes, books, and records shall be subject to examination at any time by the Secretary or any authorized agent or representative;

(f) To develop a market projection for ensuing marketing periods for recommendation to the Secretary;

(g) To provide for the bonding of all persons handling Board funds in an amount and with surety thereon satisfactory to the Secretary;

(h) Prior to the beginning of each fiscal period, to submit to the Secretary a budget of projected income and expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the Board to be audited by a certified public accountant at least once each fiscal period, and at such other time as the Board may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart. A copy of each report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the Board for inspection by producers and/or handlers;

(j) With the approval of the Secretary, to enter into contracts or agreements with national, regional, or State egg organizations or other organizations or entities for the development and conduct of activities authorized pursuant to this subpart and for the payment of the cost thereof with funds collected through assessments pursuant to § 994.71. Any such contract or agreement shall provide that:

(1) The contractors shall develop and submit to the Board a plan or project together with a budget or budgets which shall show the estimated cost to be incurred for such plan or project;

(2) Any such plan or project shall become effective upon approval of the Secretary; and

(3) The contracting party shall keep accurate records of all its transactions and made periodic reports to the Board of activities conducted and an accounting for funds received and expended, and such other reports as the Secretary or the Board may require. The Secretary or employees of the Board may audit periodically the records of the contracting party.

(k) To disseminate information to producers and handlers or eligible organizations through programs or by direct contact utilizing the public postage system or other system(s);

(l) To develop a marketing policy and, if necessary, surplus removal program(s) pursuant to § 994.64;

(m) With the approval of the Secretary, to invest, pending disbursement pursuant to a plan or project, funds collected through assessment pursuant to § 994.71 in obligations of the United States Government or any agency thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States Government; and

(n) To receive and evaluate, or on its own initiative, develop and budget for plans or projects to promote the use and consumption of eggs, egg products, spent fowl, or products of spent fowl, as well as projects for egg research and nutrition education and to make recommendations to the Secretary regarding such proposals.

Research and Promotion

§ 994.50 Advertising, research, education, and promotion program.

The Board shall develop and submit to the Secretary for approval advertising, research, education, and promotion programs or projects undertaken under the authority of this subpart. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for advertising, sales promotion, and consumer education with respect to the use of eggs, egg products, spent fowl, and products of spent fowl: *Provided,*

That any such program or project shall be directed towards increasing the general demand for eggs, egg products, spent fowl, or products of spent fowl;

(b) The establishment and carrying on of research including nutrition, marketing, and development projects and studies with respect to the nutritional attributes, sales, distribution, marketing, utilization, or production of eggs, egg products, spent fowl, and porducts of spent fowl, and the creation of new products thereof, to the end that the marketing and utilization of eggs, egg products, spent fowl, and products of spent fowl may be encouraged, expanded, improved, or made more acceptable, and the data collected by such activities may be disseminated; and

(c) The development and expansion of markets outside the United States and additional uses for eggs, egg products, spent fowl, and products of spent fowl.

No advertising or promotion programs shall use false or unwarranted claims or make any reference to private brand names of eggs, egg products, spent fowl, and products of spent fowl or use unfair or deceptive acts or practices with respect to quality, value, or use of any competing product.

§ 994.51 Allocation of expenditures for research and promotion.

(a) At least 5 percent of the assessments collected pursuant to § 994.71(c)(2), less projected expenses of the Board allocated to funds collected pursuant to § 994.71(c)(2), shall be allocated for research projects involving diet and health issues and/or the dissemination of information relating to diet and health issues.

(b) At least 5 percent of the assessments collected pursuant to § 994.71 (c)(2), less projected expenses of the Board allocated to funds collected pursuant to § 994.71(c)(2), shall be allocated for projects involving new product and new uses research and development and/or marketing of new products.

(c) Fifteen (15) percent of the funds collected pursuant to § 994.71 (c)(2), less the projected expenses of the Board allocated to funds collected pursuant to §994.71(c)(2), shall be allocated to those State or regional egg promotion, research, or nutrition education programs which are qualified pursuant to § 994.52. Funding to qualified promotion, research, or nutrition education programs shall be made on a quarterly basis and shall be proportionate to the amount of assessments collected pursuant to § 994.71(c)(2) from the area in which the qualified promotion, research, and/or nutrition education program operates.

(d) The Board shall establish a procedure to ensure that brown eggs are included in programs for promotion, research, and consumer education at a level which is equal to the percentage for research and promotion funding which is attributable to brown egg handler assessments. The Board may contract with a brown egg producer and/or handler organization or a committee composed of brown egg producers and handlers for the administration of programs for brown eggs.

§ 994.52 Qualified State or regional egg promotion, research, or nutrition education programs.

(a) Any organization which conducts a State or regional egg promotion research or nutrition education program may apply to the Secretary for certification of qualification so that such program may be eligible to receive funding pursuant to § 994.51(c).

(b) In order to be certified by the Secretary as a qualified program, the program must:

(1) Provide for the conduct of activities as defined in § 994.50 that are intended to increase consumption of eggs, egg products, spent fowl, and products of spent fowl generally;

(2) Be financed primarily by producers and/or handlers, either individually or through cooperative associations; and

(3) Not use false or unwarranted claims or make references to private brand or trade names in its advertising and promotion of eggs, egg products, spent fowl, and products of spent fowl; and no funds provided by the Board pursuant to § 994.51(c) shall be utilized to promote eggs by using references to State or regional production.

§ 994.53 Cooperative advertising, promotion, and research.

Nothing in this subpart shall prohibit the Board or qualified State or regional egg promotion, research, or consumer information programs from engaging in cooperative advertising, promotion, or research activities, even though such advertising may utilize a brand or trade name of a product other than eggs, egg products, fowl, or products of spent fowl.

Surplus Removal

§ 994.60 Market projection.

(a) Except as otherwise provided by the Secretary, but no later than 90 days prior to the beginning of the ensuring marketing period, or such earlier date as the Board, with the approval of the Secretary, may establish, the Board shall develop a market projection for the ensuing marketing period. The Board shall consider information provided by industry organizations, the quantity of eggs that should be made available for marketing to meet market requirements and to establish orderly marketing conditions, the prospective imports, and other factors affecting marketing conditions. If these considerations indicate that a surplus condition may exist during the ensuing marketing period, the Board may recommend to the Secretary a marketing policy for such period.

(b) Within the marketing period, the Board shall review its market projection and, if conditions warrant, recommend to the Secretary any appropriate changes in the market projection for that marketing period as may be warranted.

(c) Notice of the market policy recommendations for a marketing period and any later changes shall be submitted promptly to the Secretary and shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media and copies thereof shall be available for examination at the Board office to all interested parties.

§ 994.61 Determining the existence of surplus.

By utilization of information received by the Board pursuant to § 994.60 and § 994.85, through response to invitations for bids or offers pursuant to § 994.62, or in any other manner approved by the Secretary, the Board may determine the existence or non-existence of a surplus of commercial eggs.

§ 994.62 Issuance of invitations.

(a) In order to determine the stability of marketing conditions for eggs and to determine if surplus of eggs exists, the Board shall be authorized to issue invitations to producers for such producers to submit bids or offers for an incentive payment to producers that market laying hens to fowl processing plants in a specified period of time.

(b) For the purposes of this subpart, the term "bid" shall mean written tenders from producers proposing the level of incentive payment necessary for them to remove all or part of their laying hens. The term "offers" shall mean an offer from a producer to remove all or part of the producer's laying hens for receipt of an incentive payment at a level established by the Board and approved by the Secretary.

§ 994.63 Notification of Secretary.

(a) Upon a determination of a surplus of eggs, the Board shall report to the

Secretary regarding the projected quantity of surplus and the supporting evidence for the Board's determination of an existence of a surplus. In addition, the Board shall prepare and recommend to the Secretary a marketing strategy for a surplus program if the Board recommends that such program is necessary to ensure orderly marketing conditions.

(b) If the Board recommends that removal of the surplus is necessary, the marketing strategy developed to remove such surplus shall include, but not be limited to, the following information:

(1) The projected number of laying hens which should be removed; and

(2) The projected total cost of the removal strategy recommended.

§ 994.64 Hen removal.

(a) *Payment.* The Board may accept bids or offers submitted for payment if:

(1) The Board determines that a surplus exists;

(2) The Board recommends that the surplus be removed;

(3) The Board recommends to the Secretary a removal strategy; and

(4) The Secretary approves the removal strategy recommended by the Board.

(b) *Notification.* The Board shall notify successful bidders or offerers of the acceptance of their bids or offers and shall pay such persons upon:

(1) Satifactory completion of all program requirements; and

(2) Submission of documents which the Board and the Secretary require to administer the program.

(c) *Agreement.* The Board, with the approval of the Secretary, and as a condition of participation in any program implemented pursuant to this section, may require producers to enter into agreements which may include among other terms:

(1) A detailed statement regarding the rights and responsibilities of the producer participating in the program; and

(2) A requirement that the producer make available records, and/or submit reports verifying that laying hens have been marketed.

(d) *Limitation of funds.* Payment to successful bidders or offerers shall be expended only from funds collected pursuant to § 994.71(c)(1).

Expenses and Assessments

§ 994.70 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Board for its establishment, maintenance, and functioning and to enable the Board to exercise its powers and perform its duties. The funds to cover such expenses shall be paid from assessments received pursuant to § 994.71. Following the initial year of operation, the Board is only authorized to incur expenses at a level of which it receives assessments to cover such expenses, with the exception of funds utilized from reserves pursuant to § 994.72.

§ 994.71 Assessments.

(a) Each handler first handling eggs pursuant to regulations issued by the Board and approved by the Secretary, shall pay an assessment to the Board on each dozen eggs handled which are produced by producers as defined in § 994.7 at such times and in such manner as prescribed by the Board.

(b) The first year assessment rate shall be at the rate of 1 cent per dozen of eggs marketed, of which ½ cent shall be allocated for surplus removal pursuant to (c)(1) below, and ½ cent shall be allocated for research, promotion, and consumer information programs pursuant to (c)(2) below. Following the initial year of operation of the Board, the Board, with the approval of the Secretary, may increase or decrease the level of assessments collected, or the percentage of assessments allocated to paragraphs (c)(1) or (c)(2) below; *Provided,* That the assessment rate for assessments allocated to (c)(1) and (c)(2), respectively, shall not increase at a rate greater than ¼ cent per year.

(c) Assessments for the following programs shall be limited to the following maximum rates:

(1) Surplus Removal—1 cent per dozen eggs marketed; and

(2) Research, promotion and consumer information—1 cent per dozen eggs marketed.

The percentage of assessements allocated to (2) above shall be differentiated from the amount of assessments paid pursuant to (1) above. Expenses for administration of this subpart shall be allocated by the Board to the funds allocated to paragraphs (c)(1) and (c)(2) above on a pro rata basis, depending upon the program expense involved.

(d) The Board funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to this subpart.

(e) The Board with the approval of the Secretary may authorize other organizations or agencies to act as the Board's agents to collect assessments in its behalf pursuant to regulations established by the Board and approved by the Secretary.

§ 994.72 Excess funds.

At the end of a marketing period, funds allocated to § 994.71(c) (1) and (2) in excess of the year's expenses for surplus removal and research, promotion, and consumer information, respectively, shall be placed in separate special reserves for those funds, not to exceed limits as the Board, with the approval of the Secretary shall establish. Funds in such separate special reserves shall be available for use by the Board for surplus removal or research, promotion, and consumer information activities, depending upon the funds available, during subsequent marketing periods. If the funds contained in a special reserve exceed the limit placed on the special reserve, the Board, with the approval of the Secretary, shall temporarily suspend collection or adjust the asssessment allocations in § 994.71(c) until funds in the special reserve are equal to or below the established limit.

§ 994.73 Accounting of funds upon termination of order.

Any money collected as assessments pursuant to this subpart and remaining unexpended after termination of this subpart shall be distributed in such manner as the Secretary may direct: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

§ 994.74 Late payment charges.

There shall be a late payment charge imposed on any handler who fails to pay his/her assessment within the prescribed time. In the event the handler thereafter fails to pay the amount outstanding, including the late payment charge, within the prescribed time, there shall be imposed an additional charge in the form of interest on the outstanding amount. The rate of such charges shall be prescribed by the Board with the approval of the Secretary.

Certification of Organizations

§ 994.80 Certification of organizations.

Any organization may request the Secretary for certification of eligiblity to participate in nominating members and alternate members to the Board to represent the geographic area in which the organization represents egg producers and/or handlers. Such eligibility shall be based, in addition to other available information, upon a certified report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the

making of such determination, including, but not limited to, the following:

(a) Geographic territory covered by the organization's active membership;

(b) Nature and size of the organization's active membership, proportion of total of such active membership accounted for by producers and/or handlers of commercial eggs, a chart showing the egg production by State in which the organization has members, and the volume of commercial eggs produced and/or handled by the organization's active membership in such State(s);

(c) The extent to which the commercial egg producer and/or handler membership of such organization is represented in setting the organization's policies;

(d) Evidence of stability and permanency of the organization;

(e) Sources from which the organization's operating funds are derived;

(f) Functions of the organization; and

(g) The organization's ability and willingness to further the aims and objectives of this subpart.

The primary consideration in determining the eligibility of an organization shall be whether its membership consists of a substantial number of egg producers and/or handlers who produce and handle a substantial volume of the applicable geographic area's commercial eggs to reasonably warrant its participation in the nomination of members for the Board. The Secretary shall certify any organization which the Secretary finds to be eligible under this section and such determination as to eligibility shall be final.

Miscellaneous Provisions

§ 994.85 Reports and records.

(a) Upon the request of the Board, with the approval of the Secretary, every handler, including handlers who are also egg-type hatchery operators and/or started pullet dealers, shall furnish to the Board in such manner and at such time as may be prescribed, such information as will enable the Board to exercise its responsibilities and duties under this subpart.

(b) Each handler shall establish and maintain for at least 2 succeeding years such records and documents with respect to eggs handled and eggs disposed of by such handler as will substantiate the reports required by this subpart.

(c) For the purpose of assuring compliance with the recordkeeping requirements and verifying reports filed by handlers, the Secretary and the Board through its duly authorized employees, shall have access to and the authority to examine such records.

(d) All information obtained from the reports, records, and documents required to be maintained under this part shall be kept confidential by all persons, including employees of the Secretary and the Board and all officers and employees of contracting parties, and shall not be available to Board members and alternates or any other handlers, producers, or other interested persons. Only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which any officer of the United States is a party, and involving this subpart: Except that nothing in the subpart shall be deemed to prohibit that such data and information may be combined, and made available in the form of general reports in which the identities of the individual handlers are not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

§ 994.86 Right of the Secretary.

The members of the Board (including successors and alternates), and any agent or employee appointed or employed by the Board, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval by the Secretary, the disapproved action of the said Board shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 994.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except, with respect to acts done under and during the existence of this subpart.

§ 994.88 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 994.89 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof, to any other person, circumstance, or thing, shall not be affected thereby.

§ 994.90 Amendments.

Amendments to this subpart may be proposed, from time to time, by the Board or by the Secretary.

§ 994.91 Termination or suspension.

(a) *Failure to effectuate policy of Act.* The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever the Secretary finds that such provisions do not tend to effectuate the declared policy of the Act.

(b) *Producer referendum.* The Secretary shall terminate in accordance with Section 8C(16)(B) of the Act, the provisions of the subpart at the end of any fiscal period whenever the Secretary finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of eggs: *Provided,* That such majority has during such period, produced for market more than 50 percent of the volume of such eggs produced for market.

(c) *Termination of Act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ 994.92 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the then functioning members of the Board shall continue as trustees for the purpose of liquidating the affairs of the Board, of all the funds and property then in the possession of or under control of the Board, including claims for any funds unpaid or property not delivered at the time of termination. Action by said trusteeship shall require the concurrence of a majority of said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full

title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the Board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the Board and upon the said trustees.

§ 994.93 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not: (a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 994.94 Patents, copyrights, trademarks, inventions, and publications.

(a) Any patents, copyrights, trademarks, inventions, or publications developed through the use of funds collected under the provisions of this subpart shall be the property of the U.S. Government as represented by the Board.

(b) Funds generated by such patents, copyrights, trademarks, inventions, or publications shall be considered income subject to the same fiscal, budget, and audit controls as other funds of the Board.

(c) Upon termination of this subpart the Board shall transfer custody of all patents, copyrights, trademarks, inventions, and publications to the Secretary pursuant to the procedure provided for in § 994.92 of this subpart.

§ 994.95 Counterparts.

This agreement may be excuted in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 994.96 Additional parties.

After the effective date thereof, any handler may become a party to this agreement if a counterpart is executed by him or her and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 994.97 Order with marketing agreement.

Each signatory hereby requests the Secretary to issue, pursuant to the Act, an order providing for regulating the handling of eggs in the same manner as is provided for in the agreement.

2. Proposal of the USDA, Agricultural Marketing Service.

A. Section 994.35 would read as set forth below:

B. Section 994.37(f) would read as set forth below:

C. A paragraph (e) would be added to 994.64 to read as set forth below; and

D. Paragraph (b) of 994.91 would read as set forth below.

§ 994.35 Establishment and membership.

There is hereby established an Egg Marketing Board, hereinafter called the "Board" composed of 21 members, including producers and handlers and one public member, and 21 alternates who shall have the same qualifications as the member for whom they are alternate. Such producer and handler members and alternates shall be appointed by the Secretary from nominations submitted pursuant to § 994.37 or in any other manner deemed appropriate by the Secretary. The public member and alternate shall be appointed in accordance with § 994.37(f).

§ 994.37 Nominations.

* * * * *

(f) Upon appointment of the initial 18 Board members representing regions described in paragraph (d) above, such Board members shall nominate, and submit to the Secretary for appointment, 2 additional members of the Board representing At Large positions on the Board and 2 alternates for such positions. An additional position shall be filled by a public member. The public member and alternate member shall be selected by the Secretary in his discretion.

§ 994.64 Hen removal.

* * * * *

(e) The Board shall establish, with the approval of the Secretary, such rules and regulations as may be necessary for the implementation and operation of a surplus removal program.

§ 994.91 Termination or suspension.

* * * * *

(b) *Producer referendum.* (1) The Secretary shall terminate in accordance with Section 8(c)(16)(B) of the Act, the provisions of this subpart at the end of any fiscal period whenever the Secretary finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of eggs: *Provided,* that such majority has during such period, produced more than 50 percent of the volume of such egg for market.

(2) The Board shall recommend to the Secretary within every 5-year period beginning on the effective date hereof that a referendum be conducted to ascertain whether continuance of this subpart is favored by the producers.

* * * * *

Copies of this notice of hearing may be obtained from: Janice L. Lockard, Poultry Division, AMS, USDA, Washington, DC 20250.

Signed in Washington, DC on December 10, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85-29547 Filed 12-11-85; 2:05 pm]

BILLING CODE 3410-02-M

Federal Register

Monday
December 16, 1985

Part V

Department of Labor

Office of the Secretary

29 CFR Part 20

Debt Collection Act of 1982; Salary Offset; Proposed Rule

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 20

Debt Collection Act of 1982; Salary Offset

AGENCY: Office of the Secretary, Labor.

ACTION: Proposed rule.

SUMMARY: The Debt Collection Act of 1982 (Pub. L. 97–365), and other applicable authority, authorizes the Federal government to deduct from the current pay account of an employee ("salary offset") when the employee owes money to the United States. This proposed rule establishes the procedures and policies the Department of Labor will follow in making a salary offset.

DATE: Comments, in duplicate, must be received on or before January 30, 1986.

ADDRESS: Send comments to Dennis McDaniel, Office of the Solicitor, Department of Labor, Room N2428, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Dennis McDaniel (202–523–7721).

SUPPLEMENTARY INFORMATION: The Debt Collection Act of 1982 (Pub. L. 97–365) amends the Federal Claims Collection Act of 1966 to authorize the Federal government to employ various debt collection techniques for the collection of debts owed to the United States. Among these techniques are those for deducting from the current pay account of an employee ("salary offset") when the employee owes money to the United States.

This proposed rule establishes the procedures the Department will employ in making a salary offset.

Executive Order 12291

The proposed rule is not a "major rule" under Executive Order 12291 because it is not likely to result in (1) an annual effect in the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign based enterprises in domestic or foreign markets. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

The Department believes that the proposed rule will have no "significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act. Pub. L. 96–354, 94 Stat. 1164 (5 U.S.C. 605(b)). The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because the proposed rule does not, in itself, impose any additional requirements upon small entities. Accordingly, no regulatory flexibility analysis is required.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the reporting or recordkeeping provisions that are included in this regulation have been or will be submitted for approval to the Office of Management and Budget (OMB).

List of Subjects in 29 CFR Part 20

Government employees, Loan programs, Claims, Credit, Administrative practice and procedure.

PART 20—[AMENDED]

Accordingly, Part 20 of Title 29 of the Code of Federal Regulations is proposed to be amended as set forth below.

1. The authority for Part 20 is revised to read as follows:

Authority: Pub. L. 97–365, Oct. 25, 1982, 96 Stat. 1749; 31 U.S.C. 3711 *et seq.*; Subpart D is also issued under 5 U.S.C. 5511 *et seq.*

2. Subpart D is added to read as follows:

PART 20—DEBT COLLECTION ACT OF 1982

* * * * *

Subpart D—Salary Offset

Sec.

Subpart D—Salary offset

§ 20.74 Purpose.

The regulations in this subpart establish procedures to implement Section 5 of the Debt Collection Act of 1982 (Pub. L. 97–365), 5 U.S.C. 5514. This statute authorizes the head of each agency to deduct from the current pay account of an employee ("salary offset") when the employee owes money to the United States. This subpart specifies the agency procedures that will be available in a "salary offset" by the Department of Labor of an employee's current pay account.

Administrative offset is defined in 31 U.S.C. 3701(a)(1) as "withholding money payable by the United States Government, to or held by the Government for a person to satisfy a debt the person owes the Government." A salary offset is a form of administrative offset and is separately authorized and governed by 5 U.S.C. 5514. This authority is consistent with and supplemented by administrative offset regulations of subpart B of 29 CFR Part 20.

§ 20.75 Scope.

(a) This subpart applies to debts owed to the United States (arising under Labor Department programs) by Labor Department employees, debts owed to the United States (arising under Labor Department programs) by employees of other federal agencies, and debts owed the United States (arising under programs of other federal agencies) by Labor Department employees. ("Other agency" means an executive agency as defined by section 105 of title 5 of the United States Code (but not including the Labor Department), the U.S. Postal Service, the U.S. Postal Rate Commission, and a military Department as defined by § 102 of title 5 of the United States Code.)

(b) The procedures contained in this subpart do not apply to debts or claims arising under the Internal Revenue Code of 1954 as amended (26 U.S.C. 1 et seq.), the Social Security Act (42 U.S.C. 301 et seq.), or the tariff laws of the United States; or to any case where collection of a debt by salary offset is explicitly provided for or prohibited by another statute (e.g. travel advances in 5 U.S.C. 5705 and employee training expenses in 5 U.S.C. 4108).

(c) This subpart does not preclude an employee from requesting waiver of a salary overpayment under 5 U.S.C. 5584.

10 U.S.C. 2774, or 32 U.S.C. 716, or in any way questioning the amount or validity of a debt by submitting a subsequent claim to the General Accounting Office in accordance with procedures prescribed by the General Accounting Office. Similarly, in the case of other types of debts, this subpart does not preclude an employee from requesting waiver, if waiver is available under any statutory provisions pertaining to the particular debt being collected.

§ 20.76 Definitions.

(a) "Disposable pay" means that part of current basic pay, special pay, incentive pay, retired pay, retainer pay, or in the case of an employee not entitled to basic pay, other authorized pay remaining after the deduction of any amount required by law to be withheld. Agencies must exclude deductions described in 5 CFR 581.105 (b) through (f) to determine disposable pay subject to salary offset.

(b) As used in these regulations, the terms "claim" and "debt" are deemed synonymous and interchangeable. A "debt" means an amount owed to the United States from sources which include loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayments, penalties, damages, interest, fines and forfeitures (except those arising under the Uniform Code of Military Justice), and all other similar sources.

(c) "Employee" means a current employee of an agency, including a current member of the Armed forces or a Reserve of the Armed Forces (Reserves).

(d) "Paying agency" means the agency employing the individual and authorizing the payment of his or her current pay account.

(e) "Creditor agency" means the agency to which the debt is owed.

(f) "Salary offset" means an administrative offset to collect a debt under 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of an employee without his or her consent.

(g) "FCCS" means the Federal Claims Collection Standards jointly published by the Justice Department and the General Accounting Office at 4 CFR 101.1 *et seq.*

(h) "Waiver" means the cancellation, remission, forgiveness, or non-recovery of a debt allegedly owed by an employee to an agency as permitted or required by 5 U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C. 716, 5 U.S.C. 8346(b), or any other law.

§ 20.77 Agency responsibilities.

(a) Each Department of Labor agency which has delinquent debts owed under its program and administrative activities is responsible for collecting its claims by means of salary offset, in accordance with guidelines established by the Assistant Secretary for Administration and Management.

(b) Before collecting a claim by means of salary offset, the responsible agency should be satisfied that salary offset is feasible, allowable and appropriate, and, as otherwise provided in these regulations, must notify the debtor of the Department's policies for collecting a claim by means of salary offset.

(c) Whether collection by salary offset is feasible is a determination to be made by the creditor agency on a case-by-case basis, in the exercise of sound discretion. Agencies shall consider not only whether salary offset can be accomplished, both practically and legally, but also whether offset is best suited to further and protect all of the Government's interests. In appropriate circumstances, agencies may give due consideration to the debtor's financial condition, and are not required to use offset of the full or partial amount of the claim in every instance in which there is an available source of funds.

(d) Before advising the debtor that the delinquent debt will be subject to salary offset, the agency head (or designee) responsible for administering the program under which the debt arose shall review the claim and determine that the debt is valid and overdue. In the case where a debt arises under the programs of two or more Department of Labor agencies, or in such other instances as the Assistant Secretary for Administration and Management, or his or her designee, may deem appropriate, the Assistant Secretary, or his or her designee, may determine which agency (or agencies), or official (or officials), shall have responsibility for carrying out the provisions of this subpart.

(e) Agencies may not initiate offset to collect a debt more than 10-years after the Government's right to collect the debt first accrued, unless facts material to the right to collect the debt were not known and could not reasonably have been known by the official of the Agency who was charged with the responsibility to discover and collect such debts. When the debt first accrued should be determined according to existing laws regarding the accrual of debts, such as under 28 U.S.C. 2415.

§ 20.78 Notifications.

(a) The agency head (or designee) of the creditor Labor Department agency shall send appropriate written demands to the debtor in terms which inform the debtor of the consequences of failure to repay claims. In accordance with guidelines as may be established by the Assistant Secretary for Administration and Management, a total of three progressively stronger written demands at not more than 30-day intervals will normally be made unless a response to the first or second demand indicates that a further demand would be futile and the debtor's response does not require rebuttal. In determining the timing of the demand letters, agencies should give due regard to the need to act promptly so that a debt to be collected by salary offset will be recovered during the employee's anticipated period of employment with the Government.

(b) In accordance with guidelines as may be established by the Assistant Secretary for Administration and Management, the creditor Labor Department agency shall send (at least 30 days prior to any deduction) written notice to the debtor, informing such debtor as appropriate:

(1) Of the origin, nature and amount of the indebtedness determined by the agency to be due;

(2) Of the intention of the agency to initiate proceedings to collect the debt by means of deduction from the employee's current disposable pay account;

(3) Of the amount, frequency, proposed beginning date, and duration of the intended deductions;

(4) Unless such payments are excused in accordance with the FCCS, of the creditor agency's policy concerning assessment of interest, penalties, and administrative costs;

(5) Of the employee's right to inspect and copy Government records relating to the debt or, if the employee or his or her representative cannot personally inspect the records, to request and receive a copy of such records;

(6) If not previously provided, of the opportunity (under terms agreeable to the creditor agency) to establish a schedule for the voluntary repayment of the debt or to enter into a written agreement to establish a schedule for repayment of the debt in lieu of offset. The agreement must be in writing, be signed by both the employee and the creditor agency, and be documented in the creditor agency's files (4 CFR 102.2(e));

(7) Of the employee's right to a hearing conducted by an administrative law judge of the Department of Labor, if a petition is filed as prescribed by the Department of Labor;

(8) Of the method and time period for petitioning for hearing;

(9) That the timely filing of a petition for hearing will stay the commencement of collection proceedings, unless the creditor agency determines that § 20.81(d) applies and further informs the debtor of the basis for its determination;

(10) That a final decision on the hearing (if one is requested) will be issued at the earliest practical date, but not later than 60 days after the filing of the petition requesting the hearing unless the employee requests and the administrative law judge grants a delay in the proceedings;

(11) That any knowingly false or frivolous statements, representations, or evidence may subject the employee to:

(i) Disciplinary procedures appropriate under chapter 75 of title 5, United States Code, Part 752 of title 5 Code of Federal Regulations, or any other applicable statutes or regulations;

(ii) Penalties under the False Claims Act sections 3729–3731 of title 31, United States Code, or any other applicable statutory authority; or

(iii) Criminal penalties under sections 286, 287, 1001 and 1002 of title 18, United States Code or any other applicable statutory authority.

(12) Of any other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made; and

(13) That unless there are applicable contractual or statutory provisions to the contrary, amounts paid on or deducted for the debt which are later waived or found not owed to the United States will be promptly refunded to the employee.

(c) Credit Labor Department agencies shall also include in their demand letters the notice provisions to debtors required by other regulations of the Labor Department, pertaining to disclosures to credit reporting agencies, administrative offset from other sources of funds, and the assessment of interest, penalties and administrative costs, to the extent inclusion of such is appropriate and practicable.

(d) The responsible agency head (or designee) shall exercise due care to ensure that demand letters are mailed or hand-delivered on the same day that they are actually dated. If evidence suggests that the debtor is no longer located at the address of record, reasonable action shall be taken to obtain a current address.

(e) The creditor Labor Department agency shall, in the initial demand letter to the debtor, provide the name of an agency employee who can provide a full explanation of the claim.

(f) In any internal Labor Department collection, the provisions of § 20.78(a)–(e) need not be applied to any adjustment to pay which is not considered to be the result of collection of a debt, such as excess pay or allowances caused by (1) an employee's election of coverage or a change of coverge under a Federal benefits program requiring periodic deductions from pay, if the amount to be recovered was accumulated in four pay periods or less; or (2) ministerial adjustments in pay rates or allowances which cannot be placed into effect immediately because of normal processing delays, if the amount to be recovered was accumulated in four pay periods or less.

§ 20.79 Examination of records relating to the claim; opportunity for full explanation of the claim.

Following receipt of the notice specified in 20.78(b), the debtor may request to examine and copy agency records pertaining to the debt.

§ 20.80 Opportunity for repayment.

(a) The creditor Labor Department agency shall afford the debtor the opportunity to (1) repay the debt or (2) enter into a repayment plan which is agreeable to the agency head (or designee) and is in a written form signed by such debtor and the creditor agency. The head of the agency (or designee) may deem a repayment plan to be abrogated if the debtor should, after the repayment plan is signed, fail to comply with the terms of the plan.

(b) Agencies have discretion and should exercise sound judgment in determining whether to accept a repayment agreement in lieu of offset. The determination should balance the Government's interest in collecting the debt against fairness to the debtor. If the debt is delinquent and the debtor has not disputed its existence or amount, an agency should effect an offset unless the debtor is able to establish that offset would result in undue financial hardship or would be against equity and good conscience, or the agency otherwise determines that offset would be contrary to sound judgment.

§ 20.81 Hearing on the obligation.

(a) The debtor shall have the opportunity to obtain a hearing by an administrative law judge of the agency's detemination concerning the existence or amount of the debt, or the repayment schedule proposed by the agency, and except as provided in § 20.75(c), review by an administrative law judge is to be the exclusive administrative review remedy on the agency's determination under these regulations.

(b) The debtor seeking a hearing shall make the request in writing to the Chief Administrative Law Judge, pursuant to 29 CFR Part 18, not more than 15 days from the date the notice of proposed salary offset was received by the debtor. The request for hearing shall be signed by the employee and state the basis for challenging the determination. If the debtor alleges that the agency's information relating to the debt is not accurate, timely, relevant or complete, such debtor shall fully identify and explain with reasonable specificity all the facts, evidence and witnesses, if any, which the employee believes supports his or her position.

(c) The hearing ordinarily shall be based on written submissions and documentation by the debtors. However, an opportunity for an oral hearing shall be provided an individual debtor when the administrative law judge determines that (1) an applicable statute authorizes or requires the agency to consider waiver of the indebtedness involved, the debtor requests waiver of the indebtedness, and the waiver determination turns on an issue of credibility or veracity; or (2) an individual debtor requests reconsideration of the debt and the administrative law judge determines that the question of the indebtedness cannot be resolved by review of the documentary evidence, for example, when the validity of the debt turns on an issue of credibility or veracity; or (3) in other situations in which the administrative law judge deems an oral hearing appropriate. Unless otherwise required by law or these regulations, any oral hearing under this section shall be conducted under the procedures in 29 CFR Part 18. Except as provided under § 20.79, the provisions for discovery shall not be applicable unless otherwise ordered by the administrative law judge. Procedural and evidentiary rules shall be relaxed by the administrative law judge to provide informality and to facilitate the hearing.

(d) Agencies may effect a salary offset against the current pay account of a debtor prior to the completion of the hearing procedures required by this subpart, if failure to initate the offset would substantially prejudice the agency's ability to collect the debt; for example, if the employee's anticipated period of employment with the Government would not reasonably permit the completion of the hearing and recovery of the debt prior to termination of employment. Offset prior to completion of the hearing must be promptly followed by the completion of that hearing.

(e) If the debtor seeking a hearing under this section makes the request for

review of the obligation after the expiration of the period for filing as described in paragraph (b) of this section, the administrative law judge may accept the request for hearing if the debtor can show that the delay was because of circumstances beyond his or her control or because of failure to receive notice of the time limit (unless otherwise aware of it).

(f) Upon completion of the hearing, the administrative law judge shall transmit to the debtor a written decision. This decision shall state, at a minimum: the facts purported to evidence the nature and origin of the alleged debt; the administrative law judge's findings and conclusions, as to the employee's and/or creditor agency's grounds; the amount and validity of the alleged debt; and, where applicable, the repayment schedule. If appropriate, the notification shall also indicate any changes in the information to the extent such information differs from that provided, in the notification under § 20.78(b).

§ 20.82 Cooperation with other DOL and Federal agencies.

(a) Appropriate use should be made of the cooperative efforts of other DOL and Federal agencies in effecting collection by salary offsest. Generally, paying agencies should comply with requests from other agencies to initiate salary offset to collect debts owed to theUnited States, unless the creditor agency has not complied with applicable regulations or the request would otherwise be contrary to law.

(b) Unless otherwise prohibited by law, a DOL agency may request that the current pay account of a debtor in another DOL or Federal agency be administratively offset in order to collect debts owed the creditor DOL agency by the debtor. In requesting a salary offset, the creditor DOL agency must provide the paying DOL agency or other paying Federal agency with written certification stating (1) that the debtor owes the creditor agency a debt (including the basis and amount of the debt); (2) the date on which payment was due; (3) the date on which the Government's right to collect the debt first accrued; and (4) where the paying agency is another federal agency, that the creditor agency's regulations under 5 U.S.C. 5514 have been approved by the Office of Personnel Management, and that the creditor agency has followed such regulations to the best of its information and belief.

§ 20.83 DOL agency as paying agency of the debtor.

Whenever a salary offset is sought by another DOL or Federal agency from a paying DOL agency, the paying DOL agency should not initiate the requested offset until it has been provided by the creditor organization with an appropriate written certification as described in §20.82(b). Where the creditor agency is not another DOL agency, the creditor agency must certify that its regulations under 5 U.S.C. 5514 have been approved by the Office of Personnel Management and that it, the creditor agency, has followed such regulations to the best of its information and belief. When the creditor agency is not also the paying DOL agency, the creditor agency should also be required to certify that if an administrative or judicial order is issued directing the paying DOL agency to pay a debtor an amount previously paid to the creditor agency, the creditor agency will reimburse the paying DOL agency or pay the debtor directly within 15 days of the date of the order.

§ 20.84 Collections.

(a) Whenever feasible, and except as otherwise provided by law, debts owed to the United States, together with interest, penalties, and administrative costs should be collected in full in one lump sum. This is true whether the debt is being collected by salary offset or by another method, including voluntary payment. However, if the debtor is financially unable to pay the indebtedness in one lump sum, or the amount of the debt exceeds 15 percent of disposable pay for an officially established pay interval, collection must be made in installments. Ordinarily, the size of installment deduction must bear a reasonable relationship to the size of the debt and the employee's ability to pay. However, the amount deducted for any period must not exceed 15 percent of the disposable pay from which the deduction is made, unless the employee has agreed in writing to the deduction of a greater amount. Installment deductions must be made over a period not greater than the anticipated period of active duty or employment, as the case may be except as provided in § 20.84 (c) and (d). Where a DOL agency is the paying agency, salary offset will ordinarily begin with the salary payment made to the employee for the first pay period following expiration of the 30 day notice period described in § 20.78(b), or if a hearing is pending under § 20.81, the first full pay period following the date of the administrative law judge's written decision.

(b) If the debtor owes more than one debt and designates how a voluntary installment payment is to be applied as among those debts, that designation must be followed. If the debtor does not designate the application of the payment, agencies should apply payments to the various debts in accordance with the best interests of the United States, as determined by the facts and circumstances of the particular case, paying special attention to applicable statutes of limitations.

(c) If the employee retires or resigns or if his or her employment or period of active duty ends before collection of the debt is completed, under 5 U.S.C. 5514, salary offset shall be from subsequent payments of any nature (e.g., final salary payment, lump-sum leave, etc.) due the employee from the paying agency as of the date of separation to the extent necessary to liquidate the debt.

(d) If the debt cannot be liquidated by salary offset from any final payment due the former employee as of the date of separation, under 5 U.S.C. 5514, administrative offset shall be from later payments of any kind due the former employee from the United States.

§ 20.85 Notice of offset.

Prior to effecting a salary offset, the paying DOL agency should advise the debtor of the impending offset. This notice should state that the debtor has been provided his/her rights under 5 U.S.C. 5514, that a determination has been made that collection by salary offset would be in the best interests of the United States, the amount of the offset, the date the salary offset will begin, and that the source of funds shall be from current disposable pay, except as provided by (c) and (d) of § 20.84. If evidence suggests that the debtor is no longer located at the address of record, reasonable action shall be taken to obtain a current address.

§ 20.86 Non-waiver of rights by payments.

An employee's involuntary payment, of all or any portion of a debt being collected under 5 U.S.C. 5514, shall not be construed as a waiver of any rights which the employee may have under 5 U.S.C. 5514 or any other provision of contract or law, unless there are statutory or contractual provisions to the contrary.

§ 20.87 Refunds.

(a) Agencies shall promptly refund to the appropriate party amounts paid or deducted under this subpart when—

(1) a debt is waived or is otherwise not owing to the United States (unless refund is expressly prohibited by statute or regulation); or

(2) the employee's paying agency is directed by an administrative or judicial order to refund amounts deducted from his or her current pay.

(b) Refunds do not bear interest unless required or permitted by law or contract.

§ 20.88 Additional administrative collection action.

Nothing contained in this subpart is intended to preclude the utilization of any other administrative remedy which may be available.

§ 20.89 Prior provision of rights with respect to debt.

To the extent that the rights of the debtor in relation to the same debt has been previously provided by the creditor agency under some other statutory or regulatory authority, the creditor agency is not required to duplicate those efforts before taking salary offset.

§ 20.90 Responsibilities of the Assistant Secretary for Administration and Management.

The Assistant Secretary for Administration and Management, or his or her designee, shall provide appropriate and binding written or other guidance to Department of Labor agencies and officials in carrying out this subpart, including the issuance of guidelines and instructions, which he or she may deem appropriate. The Assistant Secretary shall also take such administrative steps as may be appropriate to carry out the purposes and ensure the effective implementation of this regulation.

Signed at Washington, DC, this 5th day of December 1985.

William E. Brock,

Secretary of Labor.

[FR Doc. 85-29587 Filed 12-13-85; 8:45 am]

BILLING CODE 4510-23-M

Federal Register

Monday
December 16, 1985

Part VI

Environmental Protection Agency

Ocean Dumping Permit Program; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL-2934-4]

Ocean Dumping Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt of application and tentative determination to issue a research permit for the incineration of chemical wastes at sea, and announcement of public hearings to receive comments on this determination.

SUMMARY: The U.S. Environmental Protection Agency has made a tentative determination to issue a research permit to Chemical Waste Management, Inc. (CWM), Oak Brook, Illinois, for the *Vulcanus II* (the Applicant), to transport and incinerate materials as authorized by the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (MPRSA or the Act). Eligible materials for the proposed permit are fuel oils containing between 10 and 30 percent polychlorinated biphenyls (PCBs). Incineration activities would be conducted at the proposed North Atlantic Incineration Site.

The proposed research permit, HQ 85-001, would be effective for a six-month period and would authorize the Applicant to participate in research activities that have been designated by the Agency. The activities to be conducted are detailed in the "Working Document of the Proposed Incineration-At-Sea Research Burn Implementation Plan" and outlined later in this notice (see Support Document E). The maximum amount of material that would be incinerated under the proposed research permit is 708,958 U.S. gallons.

Solicitation of Public Comments: The purpose of this notice is to provide all interested parties an opportunity to comment on the Agency's tentative determination to issue this permit.

DATES: Written public comments on this notice should be submitted by January 31, 1986.

ADDRESSES: Comments should be sent to: David P. Redford, Permit Manager, Marine Permits and Monitoring Branch, Marine Operations Division, Office of Marine and Estuarine Protection (WH-556M), Environmental Protection Agency, Washington, DC 20460.

Support documents used in making the tentative determination to issue this permit are available for examination by the public. They include:

A. Proposed Ocean Incineration Regulation, 50 FR 8222 et seq., February 28, 1985.

B. Draft permit for Chemical Waste Management, Inc., for the disposal of wastes by incineration at sea, including Contingency Plan.

C. Draft Work/Quality Assurance Project Plan for Incineration-at-Sea Research Plan: Study Area 1, Level 2: Land-Based Testing, October 23, 1985.

D. Application for a research permit from Chemical Waste Management, Inc.

E. Working Document of the Proposed Incineration-at-Sea Research Burn Implementation Plan for the Office of Water Incineration-at-Sea Research Strategy dated September 1985.

F. Final Environmental Impact Statement for the North Atlantic Incineration Site Designation, EPA, 1981.

G. Incineration-At-Sea Research Strategy, February 19, 1985.

H. Report of the Incineration of Liquid Hazardous Wastes by the Environmental Effects, Transport, and Fate Committee, Science Advisory Board, April 1985.

I. Assessment of Incineration as a Treatment Method for Liquid Organic Hazardous Wastes: Summary and Conclusions, Office of Policy, Planning and Evaluation, March 1985.

J. Correspondence between EPA and National Oceanic and Atmospheric Administration regarding endangered species.

K. Memorandum from the Director of the Office of Toxic Substances concurring with the draft research permits.

L. Environmental Insurance Coverage for Ocean Incineration Vessels, August 15, 1985.

M. Draft Special Endorsement—Incineration Vessels; Evidence of Financial Responsibility for Incineration-at-Sea Research Permit.

They may be examined at the following locations during normal business hours:

Environmental Protection Agency Library, Room 2904 Mall, 401 M Street SW., Washington, DC 20460, Attention: Ms. Gloris Butler, Phone (202) 382-5926

EPA Region II Library, 26 Federal Plaza, New York, New York

EPA Region II Library, GSA Raritan Depot, Woodbridge Avenue, Edison, New Jersey

New Jersey State Library, West State Street, Trenton, New Jersey

Monmouth County Library, Eastern Branch, Highway 35, Shrewsbury, New Jersey

EPA Region III Library, 5th Floor, 841 Chestnut Street, Philadelphia, Pennsylvania

State Library of Pennsylvania, Government Publications Section, Room 219 Forum Building, Walnut Street and Commonwealth Avenue, Harrisburg, Pennsylvania

Delaware Department of Natural Resources and Environmental Control, Information and Education Center, 89 Kings Highway, Dover, Delaware

The Wilmington Institute Library, 10th and Market Streets, Wilimington, Delaware

EPA Central Regional Library, 839 Bestgate Road, Annapolis, Maryland

Maryland Department of Natural Resources, Public Affairs Information Library, Tawes State Office Building C-1, 580 Taylor Avenue, Annapolis, Maryland

Ocean City Branch, Worcester County Library, 200-14th Street, Ocean City, Maryland

Public hearings will be held on the dates and at the locations and times specified below.

1. January 13, 1986—Port of History Museum Theater, Penns Landing, Walnut Street and Delaware Avenue, Philadelphia, Pennsylvania.

2. January 16, 1986—Count Basie Theater, 99 Monmouth Street, Red Bank, Monmouth County, New Jersey.

3. January 21, 1986—Ballroom, Radisson Wilmington Hotel, 700 King Street, Wilmington, Delaware.

4. January 23, 1986—Compass Ballroom, Sheraton Hotel, 10100 Ocean Highway, Ocean City, Maryland.

For the Philadelphia and Wilmington hearings, registration will begin at 1:00 p.m. A 10-minute staff presentation will open the hearings at 2:00 p.m. EPA will accept public comments until 5:00 p.m. The evening session will begin at 7:00 p.m. and is scheduled to end at 10:00 p.m.

For the Maryland and New Jersey hearings, registration will begin at 8:00 a.m. A 10-minute staff presentation will open the day's hearings at 9:00 a.m. EPA will accept public comments until 5:00 p.m. with a break for lunch. The evening session will begin at 7:00 p.m. and is scheduled to end at 10:00 p.m.

For each of the hearings, anyone wishing to make a statement must register at the hearing. Speakers will be heard in the order in which they have registered. Remarks should be summarized in five minutes or less. Speakers are encouraged to submit written statements for the record.

FOR FURTHER INFORMATION CONTACT: David P. Redford, Permit Manager, (202) 755-9231.

SUPPLEMENTARY INFORMATION:

I. Introduction

On May 23, 1984, EPA decided to defer issuance of operational

incineration-at-sea permits pending further study of the issue and promulgation of regulations for incineration at sea.

In July 1984, an Agency scientific working group met to prepare a draft strategy for gathering information that would address the technical questions raised and to discuss the possible environmental effects of incineration at sea. This draft strategy was made available to the public and was the focus of a public meeting held in Washington, D.C., on November 13, 1984. Comments received on the draft strategy were the focus of another Agency work group meeting on December 19, 1984. A final Research Strategy was issued on February 19, 1985 (Support Document G). EPA also developed and proposed extensive regulations for ocean incineration on February 28, 1985 (50 FR 8222 et seq.) (Support Document A). EPA is currently evaluating comments on the proposal.

The Research Strategy addresses the technical and operational issues related to ocean incineration, as well as areas of uncertainty and research needs identified by EPA's Science Advisory Board, scientists, and members of the public. The activities proposed for inclusion in this research permit are based on the Research Strategy and have been discussed in detail within EPA and with members of the Science Advisory Board.

The Agency's Research Strategy is based upon a commonly used risk assessment procedure that compares the effects of an effluent (in this case, the incinerator's emissions) at various concentrations with the exposure concentration reasonably expected to actually occur in the environment. For incineration at sea, the biological responses to be investigated include reproduction, growth, and other health-related changes in aquatic species.

To determine the effect of various exposure concentrations of emissions on aquatic organisms, the Agency has designed and built a sampling system that draws emissions out of an incinerator and absorbs the emissions into seawater. This seawater, with different concentrations of emissions, will then be used in bioassays with aquatic organisms to determine if any effects can be noted at the different concentrations.

The bioassay tests that the Agency intends to use include juvenile fish survival, growth, and pathology; mysid (a shrimp-like organism) survival, growth, and reproduction; sea urchin fertilization; red algae growth and reproduction; and Dinophilus (a marine worm) survival and reproduction. These tests are standard bioassay procedures that are often used on land. Some of these short-term chronic tests require daily replacement of the bioassay water for a total of seven days.

Two tests have been conducted on the sampling and bioassay system to develop testing methods and standard operating procedures for use at sea. The first test was designed to determine the collection efficiency of the seawater in the sampler for trapping organic material. Several organic substances were spiked into the system with hydrochloric acid (which would be present in a real incinerator) and absorbed in the seawater. The sampling system effectively collected the substances and showed it could produce reliable results.

The second test was designed to test the combined sampling and bioassay system. The test was conducted using a fuel oil burner in Columbus, Ohio, as the source of emissions in June 1985 (no hazardous waste was burned). This burner supplied temperature conditions similar to those produced during the incineration of wastes at sea (1200 degrees C). Daily samples were collected from the burner for seven consecutive days for use in the bioassay tests. The results of this test indicated that the combined sampling and bioassay system could be operated effectively and that fuel oil emissions alone do not affect bioassay organisms.

The Agency plans to run a seven-day test in January 1986 at a land-based hazardous waste incinerator. This test is designed to refine the methods and standard operating procedures that were developed from the fuel oil burn and that will be used at sea. Draft standard operating procedures are described in Support Document C. The Agency has built a mobile toxicology laboratory for use during this land-based test and for at-sea tests.

The proposed research burn is scheduled to last 19 days, and only one of the vessel's incinerators will be turned on. This should allow enough time to conduct the various tests that are needed to determine the composition, transport and effects of emissions that are identified in the Agency's Research Strategy. The tests include velocity and combustion efficiency traverses; sampling for semi-volatile trace organics (including PCB destruction efficiency), volatile organics, particulates, total organic halogens, and to determine the toxicity of emissions. During this period, the Agency will also conduct two sets of seven-day aquatic bioassay tests in the mobile laboratory on the incineration vessel. The following table outlines the sampling schedule.

Sample purpose	Number of samples	Sampling days
Determine flow characteristics and combustion efficiency across stack.	3 T	1-2.
Determine trace organics	6 T 6 S	5-11.
Determine particulate loading	4 T 4 S	3-4 and, 12-13.
Determine volatile organics	3 S	14-16.
Determine total organic halogen content.	6 S	14-19.
Determine toxicity of emissions	14 S	3-19.

T = Traverse (40 sampling points).
S = Single point (point of lowest combustion efficiency).

In addition, the plume resulting from the incineration process will be sampled and modeled; and samples of air, water, and biota will be collected in the plume and control areas for determination of the levels of incineration-related substances. EPA has drafted a working document that describes these activities in detail (Support Document E).

Plume-related and control area sampling and analysis will provide information describing the possible levels of emissions in the environment. These levels will be compared to the results of the toxicology tests to determine how observed and modeled environmental levels of the emissions compare to the levels necessary to cause biological responses.

The waste materials proposed for the land-based test and the at-sea tests are polychlorinated biphenyls (PCBs). PCBs have been selected as the waste material due to the abundance of toxicology data available on these substances which can be compared to the results of the on-board toxicology tests. A PCB waste is also the most appropriate waste for these tests because it can be obtained with relatively low levels of other compounds which could complicate the interpretation of the toxicology results and the chemical analysis of the waste and emissions.

The application for a research permit was submitted to EPA by Chemical Waste Management, Inc., on May 24, 1985. The Agency has determined that the activities associated with this proposed permit have been found to satisfy the requirements of applicable statutes and regulations and the London Dumping Convention (LDC).

A separate application has been received from At-Sea Incineration, Inc., (ASI) for a research permit for the *Apollo I*. The application is being reviewed separately due to the uncertain status of the corporation. Until the Agency can verify that ASI is capable of meeting the conditions set forth in the permit and that ASI can certify they are able to achieve the goals

of the research program, EPA will hold the permit application in abeyance.

Section 2 of Pub. L. 96–572 [33 U.S.C. 1412a(b)] authorizes the issuance of research permits if the Administrator determines:

(1) [T]hat the proposed dumping [incineration] is necessary . . . to determine whether the dumping [incineration] of such substance will unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

The Agency has developed a sampling system and methodology for conducting toxicity tests on incinerator emissions. This procedure has been tested on land and will be ready to test on an incinerator at sea. Land-based testing will not provide the necessary information on potential endangerment or degradation needed to properly evaluate incineration at sea. This proposed research permit is necessary to conduct the tests at sea, thereby providing the essential information.

(2) [T]hat the scale of the proposed dumping is such that the dumping will have minimal adverse impact upon the human health, welfare, and amenities, and the marine environment, ecological systems, or economic potentialities.

A total of 708,958 gallons of PCB-containing waste is proposed for this permit. As explained herein, due to the extremely small amount of waste expected to actually enter the environment, the amount of waste to be incinerated will not produce emissions that adversely impact human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

(3) [A]fter consultation with the Secretary of Commerce, that the potential benefits of such research will outweigh any such adverse impact.

Since the proposed research is not expected to result in any adverse impact and the intended data and information cannot be obtained by other means, EPA believes the benefits outweigh any potential adverse impacts. EPA has consulted with the National Oceanic and Atmospheric Administration, Department of Commerce, on the selection of the proposed research site (Support Document J). This public notice has been sent to the Secretary of Commerce for consideration.

The Agency is making a tentative determination to issue the permit based on the finding that the proposed incineration activities will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems or economic potentialities; will provide needed scientific information; and meet the requirements of PL 96–572, the MPRSA, and the LDC. The proposed permit is consistent with applicable criteria in the Ocean Dumping Regulations (40 CFR Parts 220–228) and all applicable regulations and guidelines of the LDC. With respect to the incineration of PCBs, the proposed permit is consistent with the regulations in 40 CFR 761.70(a) and (b) implementing provisions of the Toxic Substances Control Act (TSCA) on incinerating liquid PCBs. In addition, as a matter of Agency policy, the proposed permit is consistent with the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), regulations on land-based incinerator facilities in 40 CFR Part 264, Subpart O.

II. Summary of Major Provisions of Proposed Permit and Rationale for the Provisions Selected

This section organizes the key permit conditions under major topic categories. Under each category the key conditions of the proposed permit are summarized, followed by a brief explanation of the rationale supporting the Agency's decision to select these conditions.

Authorized Vessel

HQ 85–001: *Vulcanus II.*

Duration of the Permit

The duration of the proposed permit is six months as required by 33 U.S.C. 1412a(b). However, the permit will authorize only one burn.

Eligible Wastes and Quantities To Be Incinerated

Eligible wastes for HQ 85–001 are liquid PCB wastes consisting of between 10 and 30 percent polychlorinated biphenyls and between 90 and 70 percent fuel oil. Ten percent is the lowest amount where an acceptable destruction efficiency can be calculated and 30 percent is the approximate upper limit of PCBs which yield a high BTU content in the waste. EPA is limiting the waste to PCBs to the extent possible.

The maximum quantity of PCB wastes to be incinerated is 708,958 U.S. gallons. The amount of wastes was determined by EPA using the approximate BTU content of PCB wastes, the incinerator capacity, and the duration of the proposed research.

The approximate rated capacity of each incinerator on the *Vulcanus II* is 177 million BTU per hour. Assuming the waste contains 13,900 BTU per pound as stated in the CWM permit application, an average weight of 8.6 pounds per gallon (density of 1.03 as stated in the CWM application) and a 19-day research burn duration using only one incinerator, the amount of waste needed for this research on the *Vulcanus II* is: 177 million BTU/hr divided by 13,900 BTU/lb = 12,734 lbs/hr. 12,734 lbs/hr × 19 days × 24 hours/day = 5,806,704 lbs. 5,806,704 lbs divided by 8.6 lbs/gallon = 675,198 gallons.

Thus, the approximate amount of waste needed for the *Vulcanus II* to burn in one incinerator for 19 days is 675,198 gallons. Because the actual density and heat content of the final waste load may vary by up to 5 percent, the *maximum* amount of waste proposed for the *Vulcanus II* is 5 percent greater than 675,198 gallons, or 708,958 U.S. gallons (85 percent of capacity). The actual volume to be incinerated will be specified in the final permit when the actual waste composition is known. The waste volumes above do not include any auxiliary fuel which may be used.

Prohibitions and Limitations on Contents/Materials To Be Incinerated

HQ 85–001 prohibits:

—PCBs in concentrations exceeding 30 percent or less than 10 percent.
—Concentrations of chlorobenzenes in excess of 10 percent of the waste by volume.
—Concentrations of any halogenated organic substances (besides PCBs and chlorobenzenes) in excess of three percent of the waste by weight.
—Quantifiable concentrations of PCTs (polychlorinated terphenyls).
—Over 2 parts per million (ppm) of DDT and its associated compounds (DDD and DDE) or BHC (lindane).
—Concentrations of 2,3,7,8-TCDD (dioxin) in excess of detectable levels.
—Over 500 ppm of arsenic, cadmium, chromium, lead, nickel, selenium, thallium, zinc.
—Over 9 ppm of mercury.
—Over 21.3 ppm silver.
—Over 350 ppm copper.
—Materials which are produced or used for radiological, chemical or biological warfare, radioactive wastes, or materials which cannot be identified or which are persistent and may float or remain in suspension.

Rationale

As explained previously, it is EPA's intent that PCB wastes with as little interference or contamination as possible from other substances be used for the proposed research. However, EPA recognizes that PCB wastes can contain chlorobenzenes in amounts up to one-third the amount of PCBs. Therefore, up to 10 percent

chlorobenzenes by volume are allowed in the waste. EPA also recognizes that the 70–90 percent of the non-PCB waste mixture will not be entirely pure. Therefore, the Agency is proposing specific limitations on certain additional substances to ensure that the amounts of these substances will be minimal. This will minimize interference and ensure that the presence of other substances will not create any potential for adverse impact to human health or the environment.

When issuing ocean incineration permits, the Agency must also abide by the regulations of the LDC. Regulation 4 of the LDC ocean incineration regulations requires pilot scale tests to be undertaken when doubt exists as to the thermal destructibility of a waste proposed for incineration. Technical guideline 5.1.2 lists five substances for which pilot scale tests are required: polychlorinated biphenyls (the substance with which this proposed research is to be conducted), polychlorinated terphenyls (PCTs), tetrachloro-dibenzo-p-dioxin (TCDD or dioxin), benzene hexachloride (BHC or lindane), and dichlorodiphenyl trichloroethane (DDT) and its derivatives. The Agency has data confirming the thermal destructibility of PCBs, TCDD, BHC and DDT but has no data confirming the thermal destructibility of PCTs; therefore, under the proposed research permit, PCTs are prohibited in the waste to be incinerated in a "quantifiable concentration." This will ensure that any PCT residues entering the marine environment after incineration are rapidly rendered harmless or present as trace contaminants as required by LDC technical guideline 5.2.2.

A quantifiable chemical concentration is defined as the minimum concentration of a discrete constituent in a chemical waste mixture that can be detected, identified and quantified without confirmatory analysis. The amount of this concentration will vary depending on the chemical constituent, possible interferences of other constituents in the chemical waste, and testing methods. Quantifiable concentrations for most organochlorine substances are most likely to be 1–2 ppm.

Because the Agency has data verifying the ability of incinerators to destroy DDT and its associated compounds (DDD and DDE), BHC, and TCDD, the proposed permit would restrict the concentration of DDT and its associated compounds (DDD and DDE) and BHC to the range of the most likely quantifiable concentrations (approximately 2 ppm). The proposed permit would restrict the concentration of 2,3,7,8-TCDD to a nondetectable level. As described in Support Document E, the analytical techniques for conducting the 2,3,7,8-TCDD analysis will be high resolution gas chromatography and either low or high resolution mass spectrometry. High resolution mass spectrometry will be used as a confirmatory analytical technique. By using these techniques, a detection limit in the range of one to ten parts per billion is expected. These levels are not expected to cause interference with the proposed research, and any emissions will be rapidly rendered harmless as required by the LDC due to the small quantities allowed in the waste and the required PCB destruction efficiency of 99.9999 percent.

Limits are placed on the above-listed metals to ensure that the surviving metallic particulates will not cause the applicable marine water quality criteria or the limiting permissible concentrations defined in 40 CFR 227.27 to be exceeded, and also to preclude interference from metals in the emissions toxicology tests.

A model was developed for EPA for use in prior proposed permits to determine the maximum concentration of metals which could be included in a waste mixture and still satisfy the environmental criteria of 40 CFR Part 227. The model used a combination of a mixing zone model and a plume dispersion model to calculate the maximum concentrations of metals in the stack gases and initial waste mixture so that the marine water quality criteria for the metals would not be exceeded. A summary of the model may be found in Appendix A of the February 28, 1985, Proposed Ocean Incineration Regulation, 50 FR 8222 et seq. (Support Document A).

Other than silver, which the model indicated should not exceed 21.3 ppm in the waste mixture, mercury, which should not exceed 9 ppm, and copper, which should not exceed 350 ppm, metals could be in higher concentrations than the 500 ppm requirement included in the proposed permit and still would not exceed the marine water quality criteria for each of the metals. In order to limit the amount of metals in the waste used for this research to the lowest levels, EPA has kept the limits of 21.3 ppm for silver, 9 ppm for mercury, and 350 ppm for copper. All of the other heavy metals listed cannot exceed 500 ppm individually. By limiting the amounts of heavy metals in the waste, EPA is confident that these amounts will not affect the research and that any toxicity observed in the concentrated emissions will be attributed to the organic content and not to trace metals.

High-level radioactive wastes; materials which are produced or used for radiological, chemical or biological warfare; materials which cannot be identified; or which are persistent, inert, synthetic, or which may float or remain in suspension are prohibited by the Act and Section 227.5 of the Ocean Dumping Regulations.

Before low-level radioactive wastes can be disposed in the ocean, the applicant and the administrator of EPA must comply with the requirements of 33 U.S.C. 1414(i)(1)–(i)(4)(A) and Congress must authorize by resolution a permit for the disposal of low-level radioactive wastes in accordance with 33 U.S.C. 1414(i)(4)(B). Because these requirements have not been met, low-level radioactive wastes are prohibited in this permit.

Auxiliary fuels must meet the specifications for used oil burned for energy recovery in 40 CFR Part 266 Subpart E (50 FR 49164, November 29, 1985). This requirement will ensure that everything burned in the incinerator besides the PCB waste material itself would satisfy land-based requirements for safety burning oil in a burner without an emission control device.

Analysis of Wastes Required Before Incineration Cruise

The Ocean Dumping Regulations at 40 CFR 227.5(c) prohibit the dumping of wastes which are insufficiently described to determine their impact on the environment. EPA is requiring the Applicant to supply information on the chemical constituents in the waste mixture (organics and metals) and a description of the waste's heat content, percent moisture, percent ash and solids, specific gravity, viscosity, radioactivity, percent halogen, percent nitrogen, and percent sulfur before loading the vessel. This level of detail is sufficient to determine if the wastes meet the permit conditions. The Applicant is to submit the analysis of the wastes to EPA before the wastes are loaded onto the vessel.

EPA will take duplicate samples and sample splits and submit them for analysis to verify the analytical results obtained by the Applicant on the original samples. Also, EPA may analyze the wastes from dockside storage or the vessel's storage tanks to ensure that new wastes have not been added or other wastes substituted from the time the wastes were transported to the vessel.

The Applicant is to report the name of the person(s) or firm(s) producing the

waste and whether any of the wastes to be incinerated are from hazardous waste sites which are subject to a court, state, or EPA cleanup order. This information will assist EPA and the states in verifying the location and final disposition of such wastes and may assist EPA's determination as to whether the wastes meet the permit conditions.

Permit Manager's Authorization for Loading/Incineration

The Permit Manager is the official who will make decisions on all aspects of the permit and who is ultimately responsible for ensuring that incineration operations are carried out safely and efficiently. The person designated as the Permit Manager is: David P. Redford, Marine Permits and Monitoring Branch, Marine Operations Division, Office of Marine and Estuarine Protection (WH-556M), Office of Water, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The Permit Manager will serve as the EPA Project Officer for all emissions sampling and chemical analysis contracts which the Applicant accepts as part of this research. All reports and data from these contractors shall be sent to the Permit Manager at the same time as they are sent to the Applicant.

The analytical results of waste and auxiliary fuel analyses will be submitted by the Applicant's contract laboratories to the Permit Manager to ensure that the wastes do not contain any prohibited materials. The Permit Manager will verify that the analytical results obtained from the duplicate samples are in agreement with the analytical results submitted by the Applicant for the original samples. If the Permit Manager is convinced that the wastes meet the specifications of the permit, he will authorize the loading of the vessel. Loading of the vessel may begin only with written authorization, and this written authorization must remain on board the vessel at all times.

The authorization for loading is, for all practical purposes, an authorization for incineration. However, should the analysis of any sample taken by EPA from the vessel's tanks, dockside storage tanks or from the blending/holding tanks demonstrate the presence of compounds that were not in, or were in concentrations greater than that indicated in, the original analysis of the Applicant's samples from the blending/holding tanks, the Permit Manager shall terminate the incinceration if the newly discovered compounds or the concentrations of these compounds are not eligible for incineration.

Port of Departure—Port of Philadelphia, Pennsylvania

Section 223.1(a)(3) states that the permit shall include a port through or from which the wastes will be transported. The proposed permit lists the Port of Philadelphia, Pennsylvania, as the loading port.

Transportation of Wastes Through Coastal Waters

The U.S. Coast Guard Captain of the Port monitors the loading of the vessel and sets requirements for the passage of the vessel to the incineration research site. Prior to loading the vessel, the results of the waste analyses will be provided to the Captain of the Port to assist him in fulfilling his responsibilities, and a test of the Contingency Plan will be conducted to determine if the Plan functions properly.

During transit from the point of loading toward the incineration site, restrictions will be placed upon the incineration vessel. These include daylight transit only above Ship John Shoal light, a tug escort above the Delaware Memorial Bridge, two-mile minimum visibility, and a U.S. Coast Guard escort enforcing a moving safety zone around the vessel above the Delaware Memorial Bridge. These restrictions are proposed to ensure safe transport of the vessel. A U.S. Coast Guard shiprider will be on board during all or part of the transit of the vessel to and from the incineration site.

Incineration Research Site

As provided in 40 CFR 228.4(d), sites used for research permits can be specified as a permit condition rather than designated through a prior rulemaking procedure. For the purpose of this proposed research permit, the incineration activities would be conducted at the proposed North Atlantic Incinceration Site, the center of which is located 140 nautical miles (nml) east of Delaware Bay.

Use of this site for a research permit does not constitute approval for any other incineration activities unless explicitly approved under separate regulatory or permit processes.

Section 228.4(d) of the Ocean Dumping Regulations states that sites designated for research as part of a permit will be determined by the nature of the proposed study. EPA has evaluated the site according to the criteria of the Ocean Dumping Regulations (Part 228) and the requirements of the LDC and has determined that it is suitable for the purpose of the proposed research.

The coordiantes of the proposed North Atlantic Incineration Site are:

Latitute	Longitude
38°00'N.	71°50'W.
38°00'N.	72°30'W.
38°40'N.	71°50'W.
38°40'N.	72°30'W.

As part of the rulemaking effort to designate the site (47 FR 51769) an Environmental Impact Statement (EIS) was prepared for the site (Support Document F). Based on public comments, an assessment of the impact of incineration on endangered species was also prepared (Support Document J). These documents describe the suitability of the site for incineration purposes.

Operating Parameters

In EPA's judgment, the operating conditions specified will ensure that the incinerator attains and maintains a combustion efficiency of at least 99.95 plus or minus 0.05 percent and a resultant destruction efficiency of at least 99.9999 percent.

Minimum and/or maximum, as appropriate, operating conditions are based on EPA's accumulated data and best engineering judgment that optimum combustion and destruction will occur if the established operating conditions exist. Minimum operating conditions are given for temperature and oxygen, and a maximum for carbon monoxide, because these are the three key parameters that assure complete combustion of the chemical wastes.

If the temperature or oxygen level falls below the specified minimums (1100 degrees C and 3 percent, respectively) or carbon monoxide rises above the specific maximum of 100 ppm, automatic devices shut off the flow of the waste to the incinerator within four seconds.

The Agency believes that by maintaining the required oxygen, carbon monoxide, carbon dioxide, temperature and dwell time, the incinerators on the vessel are capable of maintaining a destruction efficiency greater than 99.9999 percent for PCBs.

Under conditions similar to those required in the proposed research permit, the *Vulcanus II* has been tested for its combustion efficiency and destruction efficiency for five compounds. The resulting combustion efficiencies averaged 99.98 percent, which is above that required for this proposed permit, and its destruction efficiencies for the five substances tested indicated that compounds with heats of combustion similar to PCBs

should be destroyed at better than 99.9999 percent.

Based upon this data and the fact that the proposed research permit will require that adequate combustion efficiency be maintained as well as the oxygen, carbon monoxide, carbon dioxide, and temperature restrictions, the Agency believes that the vessel should attain PCB destruction efficiencies greater than 99.9999 percent.

Automatic Waste Feed Shut-off Devices

Automatic waste feed shut-off devices stop the flow of the wastes to the incinerator whenever the flame goes out or the minimum temperature, minimum level of oxygen in the combustion gases, maximum level of carbon monoxide, or maximum waste feed rate to the incinerator are reached. These parameters were selected because temperature, oxygen, and carbon monoxide are the key parameters in determining the operating efficiency of the incinerators. In addition, whenever the devices monitoring temperature, air flow, oxygen, carbon monoxide, carbon dioxide and waste feed flow and/or auxiliary fuel (if used) fail, the automatic waste feed shut-off devices are activated. Continuous monitoring and recording of these parameters are required in order to calculate combustion efficiency and dwell time and to assure overall incinerator performance and safety to shipboard personnel.

Monitoring and Recording Requirements

Automatic, tamper-proof devices are to continuously monitor and record once every three minutes temperature, air flow, oxygen, carbon monoxide, carbon dioxide, and waste feed and/or auxiliary fuel (if used).

At least hourly recordings of time, date, wind speed and direction, and vessel position, course, and speed are to be made.

All the above monitoring data are to be submitted to the Permit Manager for evaluation of compliance with the operating conditions and monitoring requirements of the permit.

All raw data resulting from the activities of this permit shall be available for public inspection at the office of the Permit Manager.

In EPA's judgment, the readings for temperature, air flow, oxygen, carbon dioxide and waste feed and/or auxiliary fuel (if used), together with other vessel operating information listed above, are needed to verify that the operating conditions have been met, that the incineration took place at the designated site, and that there were no direct discharges of wastes into the water.

Instrument Calibration

Instrument calibrations are necessary to assure that the measuring devices are giving true readings.

Calibration of the instruments measuring temperature, air flow, draft (relative pressure) in the combustion chambers, oxygen, carbon monoxide, carbon dioxide, waste feed flow and auxiliary fuel (if used) is to be performed before the vessel leaves port and in accordance with manufacturers' recommendations, or more frequently if conditions warrant. A permanent record is to be made of each calibration.

Other Requirements

- The air pressure in the incinerator room shall be greater than that inside the incinerator in order to protect shipboard personnel by preventing fugitive emissions from the incinerator.
- Every four hours, on appropriate radio frequencies, the vessel shall transmit its location, course, and speed, and warn other vessels not to pass closer than three nautical miles astern in order to keep other vessels aware of its movements and restrictive operations.
- No black smoke or extension of the flame is to be above the plane of the stack. These occurrences indicate incomplete combustion and are prohibited by the London Dumping Convention's Incineration Regulations.
- Ammonia and sulfurhexafluoride are to be added to the plume as necessary to make it visible and detectable for plume modeling.

This will also assure that other ships will be aware of and avoid the incineration research operations.

- Pump room bilge water shall be incinerated at sea or, on return to port, either incinerated in EPA-approved land-based facilities or treated in accordance with applicable EPA regulations. In no case are these waters to be discharged directly to the ocean or into the harbor.

This provision ensures that all possible measures will be taken to protect the environment.

- Vessel and incinerator certificates are required as a condition of the permit.

The permit specifies that a valid Letter of Certification for *Vulcanus II* under Pub. L. 97-389 and other permits as required be on board the vessel and prominently displayed on the bridge as required by the London Dumping Convention and U.S. laws and treaties. These certificates indicate that the vessel and the incinerators have met the international and U.S. requirements necessary for the safe operation of the vessel and that all reasonable safety precautions have been taken.

- The Applicant must comply with all applicable Federal or state requirements for hazardous waste generation, collection, storage, transportation, reporting, labeling and disposal, whether or not they are specifically mentioned in the permit. Particularly pertinent are the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and section 6(e) of the Toxic Substances Control Act. The Assistant Administrator for Pesticides and Toxic Substances or his designated representative must give written approval of the incinerator before any incineration of wastes containing PCBs may take place. Support Document K contains this written approval.
- As part of EPA's research program, the Applicant will conduct all waste and emission sampling and chemical analyses as described in Appendix A of the permit (which is also Support Document E). Aliquots of all samples analyzed will be archived for EPA. The Permit Manager may, however, based upon the results of early tests, choose to modify sampling activities to ensure that valid results are obtained.

Verification of Permit Conditions

EPA is requiring that a shiprider be on board the vessel during the incineration cruise to provide 24-hour-per-day coverage of all activities. The shiprider will be an EPA employee. A Principal Shiprider, an EPA employee appointed by the Permit Manager, has the authority to terminate a burn if, in the Shiprider's opinion, any term of the permit is not being met or harm to human health or welfare or the environment is occurring or is about to occur.

An EPA shiprider is included as a condition of the permit to provide full and continuous observation of incineration activities because the nature of incineration activities at sea precludes unannounced spot checks. Automatic tamperproof monitoring devices will also be operating.

Contingency Plan

The Contingency Plan describes the safety equipment and procedures of the vessel, and the notice, communication network and action that would be implemented by the Applicant should an accident or other emregency occur. The vessel is classified as a Type II chemical ship which means that, to be certified by the International Maritime Organization and the U.S. Coast Guard, there must be significant degree of cargo containment

capability. The vessel has double hulls and double bottoms, and the wastes are stored in several independent compartments in the interior of the vessel; thus, there is little likelihood that a collision would cause the loss of the entire cargo of stored wastes. In addition, the safety equipment and its placement on board the vessel is governed by the Safety of Life at Sea Convention (SOLAS). The Contingency Plan in the application also covers responses to potential incidents including spills, collisions, fires, explosions, groundings, etc. EPA believes a Contingency Plan is essential to respond rapidly to emergencies and to minimize environmental and human health consequences of any emergency.

In addition to reporting requirements specified under other statutes or regulations, the proposed permit requires a full written report of any incident and any activities carried out under the Contingency Plan within ten working days after the termination of the burn in which the incident occurs. However, if jettisoning the cargo due to life-threatening incidents is contemplated or is carried out, immediate verbal notification of the U.S. Coast Guard and the Permit Manager is required.

In addition to the safety precautions built into the vessel and the procedures included in their Contingency Plans the U.S. Coast Guard issues a Notice to Mariners warning other ships of the vessel's operations. A U.S. Coast Guard Shiprider will be present during all or part of the transit to and from the incineration site. Also, the Captain of the Port, Philadelphia, must be notified 24 hours before sailing; the vessel is precluded from sailing if there are any conditions, as identified by the Captain of the Port, which would interfere with the safe passage of the vessel to the incineration site or research activities. The Contingency Plan will be tested prior to loading the vessel to ensure that the plan works. This test will involve a hypothetical spill scenario where all the emergency notification and clean-up contracts will be called, and their ability to mobilize will be evaluated by the Permit Manager and the U.S. Coast Guard. Any changes to the Contingency Plan shall be completed to the satisfaction of the Captain of the Port, Philadelphia, prior to the first loading of the vessel.

Evidence of Financial Responsibility

The proposed permit includes the provision that the applicant must establish and maintain evidence of financial responsibility to cover the cost of cleanup and damage claims from unanticipated releases during the term of the permit (six months). The amount of financial responsibility must be at least $60 million and may be established through one or more of the following: insurance, qualification as a self-insurer, guarantee, surety bond or letter of credit.

Amount of Financial Responsibility

The Agency is proposing that the applicant demonstrate financial responsibility in the amount of $60 million based on a number of considerations, designed to ensure that adequate financial resources would be available from the applicant to cover cleanup and damage claims in the event of an unanticipated release of the hazardous wastes to be incinerated. The MPRSA does not include explicit provisions related to financial responsibility. However, the Agency believes that the broad purposes of the MPRSA and the rulemaking authority provided to the Administrator under the statute, as well as traditional acceptance of the imposition of appropriate financial responsibility requirements upon permittees for activities presenting potential risk to the public health and welfare, provide strong support for imposing a requirement that permittees maintain evidence of financial responsibility.

In developing these proposed requirements, EPA has looked to other statutes including the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., which establish liability and/or financial responsibility requirements. RCRA authorizes the Agency to require a demonstration of financial responsibility as may be necessary and desirable. Section 3004, 42 U.S.C. 6924. CERCLA provides that the operator of a facility (which would include a land-based incinerator) is liable for the total costs of cleanup in addition to $50 million for natural resources damages. Section 107(a), 42 U.S.C. 9607(a). While the potential liability for a vessel under CERCLA is limited to $300 per gross ton or $5 million, whichever is greater [section 107(c), 42 U.S.C. 9607(c)], the Agency believes that it may be appropriate to consider a vessel, when conducting incinerator operations, more analogous to a land-based incinerator than a transport vessel for purposes of determining potential financial responsibility. Therefore, the Agency is proposing to require a demonstration of financial responsibility of at least $60 million to cover $50 million for natural resource damage claims and a projected maximum cost of cleanup of $10 million. The $10 million cleanup cost is based on an estimate contained in a recent study prepared for the EPA Office of Policy, Planning and Evaluation. "Environmental Insurance Coverage for Ocean Incineration Vessels" (August 15, 1985). (Support Document L.) The study estimated the maximum total cost for cleanup of materials that float on the surface or wash up on beaches from a spill in Mobile Bay) and at an offshore burn site. The study estimated the cost of cleanup in the bay incident (which would be relevant to Delaware Bay to approach $10 million, while the burn site cleanup costs would be approximately $3 million. The Agency chose the larger estimate of $10 million.

It is also worth noting that pending legislative amendments to CERCLA would confirm that vessels when conducting incineration operations were subject to the same liability provisions as land-based facilities and may authorize the Agency to require demonstrations of financial responsibility in excess of $5 million. the Agency believes that these amendments will be enacted prior to the issuance of the research permit.

The Agency's proposal is consistent with its proposed ocean incineration regulations (50 FR 8222, February 28, 1985). In the proposed regulations, the Agency requested public comment on a requirement that any permittee have a level of liability insurance between $50 million and $500 million. During this proposed single research burn, the Agency believes $60 million would provide substantial coverage for responding to any cleanup and damage claims that may result from an unanticipated release.

While the Agency continues to believe that the MPRSA authorizes it to require a demonstration of financial responsibility of at least $60 million, the Agency recognizes that questions have been raised regarding the Agency's authority to require any amount above $5 million. A 1985 report by the Congressional Research Service entitled "Authority of EPA to Impose Financial Responsibility Requirement as Condition for Ocean Incineration Permits" concluded that the MPRSA does not authorize the Agency to require evidence of financial responsibility in excess of amounts authorized for vessels in CERCLA (i.e., $5 million). This position was echoed in comments on the proposed ocean incineration regulations. The permit applicant, Chemical Waste Management, Inc., also has taken the position that EPA has no authority under the MPRSA to require evidence of

financial responsibility in excess of the amounts authorized by CERCLA, and that the appropriate CERCLA amounts are those applicable to vessels, i.e., $300 per gross ton or $5 million.

The Agency solicits public comment on the appropriateness of its proposed level of financial responsibility for this research permit. The Agency is also considering whether a level in the range of $5 million would be more appropriate given the current CERCLA liability for vessels. Such a level more closely reflects the current levels of financial responsibility required by existing RCRA regulations. Regulations under RCRA currently require land-based incinerators to demonstrate financial responsibility of at least $2 million for claims resulting from "sudden and accidental" releases. 40 CFR 264.147.

Several commenters on the proposed ocean incineration regulations indicated that commercial liability insurance in any amount approaching $60 million was not available. The inability of the applicant to obtain insurance for $60 million is potentially a problem, a given the current state of the environmental insurance market. To assist in alleviating this potential problem, the Agency is proposing to allow alternative mechanisms to demonstrate financial responsibility.

Mechanisms for Establishing Assurance of Financial Responsibility

The proposed permit authorizes the permittee to demonstrate financial responsibility through one or more of five mechanisms: insurance, qualification as a self-insurer, guarantee, surety bond or letter of credit. Depending on the mechanism selected by the permittee, special provisions will apply with respect to each mechanism.

The first mechanism is *insurance*. In the proposed ocean incineration regulations, EPA proposed that permittees provide evidence of financial responsibility through use of liability insurance. That same mechanism is available for the applicant of this research permit. The applicant in fact has submitted insurance policies covering activities under the proposed permit. The policies are included with the permit application (Support Document D). The policies include a hull policy in the amount of $13.75 million, a limited war risk policy attached as a clause to the hull policy, a P&I policy of $350 million and a special policy to cover claims arising out of the use of *Vulcanus II* as an incinerator vessel in the amount of $10 million.

If the applicant chooses to use insurance as the mechanism for demonstrating financial responsibility, the policies will have to include a special endorsement which the Agency has developed (Support Document M). The special endorsement would amend any insurance agreement to clarify the obligations of the insured and insurer with respect to potential liabilities that may arise under the research permit. With these special provisions, EPA believes that insurance would provide a suitable mechanism for demonstrating financial responsibility.

While the proposed ocean incineration regulations would require that a demonstration of financial responsibility be made through insurance, EPA has decided to allow the permittee to make such a demonstration through alternative mechanisms. CERCLA [section 108(a), 42 U.S.C. 9608(a)] and RCRA, as amended, [section 3004(t), 42 U.S.C. 6924(t)] allow for the demonstration of financial responsibility through the alternative means which EPA is proposing to be available to the permittee for the research permit. EPA believes it is appropriate to allow such alternative mechanisms.

Therefore, the second mechanism is *qualification as a self-insurer*. This is a test of financial soundness. The current RCRA financial responsibility regulations include a financial test for establishing financial assurances for closure and post-closure care and for demonstrating financial responsibility to cover claims resulting from sudden and accidental releases. [See 40 CFR 264.143(f), 264.145(f), 264.147 (a)(2) and (f).] The Agency has determined that the financial test under § 264.147(f) provides the appropriate requirements for adequately assessing the financial soundness of a permit applicant. If the applicant chooses to demonstrate financial responsibility by qualifying as a self-insurer, the Agency will apply test provisions similar to those in § 264.147(f). For example, the Agency would use the same multipliers contained in the RCRA test [i.e., net working capital and tangible net worth each at least six times the amount of liability coverage (in this case the amount would be $360 million), see § 264.147(f)(1)(i)(A)]. The financial test will work so that the applicant who passes it will have the financial capability to cover potential liabilities arising during operation under the permit.

A closely related third mechanism is the *guarantee* or *corporate guarantee*. Under this mechanism, the applicant could meet financial responsibility requirements by obtaining a guarantee from another entity that met the financial test requirements. The object is to allow a qualified parent corporation to provide evidence of financial responsibility for a subsidiary. At this time, the Agency would restrict the guarantee to this use. The parent-guarantor would be required to meet the same requirements as the applicant-subsidiary using the financial test. In effect, the parent-guarantor "stands in the shoes" of the applicant as far as demonstrating financial responsibility. This mechanism currently is authorized under the RCRA financial responsibility regulations. 40 CFR 264.143(f) and 264.145(f).

The last two mechanisms are the *surety bond* and *letter of credit*. Also authorized under the RCRA regulations [40 CFR 264.143 (c), (d) and 264.145 (c), (d)], these mechanisms generally rely on commitments by outside financial institutions to perform or pay for specified obligations of the applicant. The Agency does not anticipate that either of these mechanisms will be used by the applicant for the research permit. However, if the applicant chooses either, the Agency would rely on existing RCRA regulatory requirements to develop appropriate provisions for such a mechanism.

Modifications to or Revocation of the Permit

The permit may be modified or revoked for:

- The violation of any provision of the permit, including any misrepresentation, inaccuracy, or failure to disclose all relevant facts in the permit application.
- A change in any condition or fact upon which the permit is based.
- Failure to meet the permit conditions.

Penalties

The following penalties are provided in the Marine Protection, Research, and Sanctuaries Act:

- Civil penalty of up to $50,000 per violation per day.
- Criminal penalty of up to $50,000 per violation per day and/or one year in prison.

Permit Issued by the Assistant Administrator for Water

The Administrator delegated the authority to issue at-sea incineration permits to the Assistant Administrator for Water on September 16, 1983.

III. Findings

Introduction

According to 33 U.S.C. 1412a(b), research permits for dumping (incineration) of industrial waste may be

issued if the Administrator makes the determinations specified in that section. Pursuant to section 1412a(b), the Agency has determined that the proposed dumping will have minimal adverse impact upon human health, welfare and amenities, and the marine environment, ecological systems, and economic potentialities; and that the potential benefits of such research outweigh any adverse impacts.

As discussed above in Part I, the Agency has made these determinations with respect to the proposed research permit. The factors for reviewing and evaluating ocean dumping permit applications and for making the determination to issue the permits are set forth in section 102 of the MPRSA (33 U.S.C. 1412). The specific criteria for evaluating permit applications are set forth in the Ocean Dumping Regulations, 40 CFR Parts 220–228. EPA has not yet promulgated specific criteria for incineration-at-sea activities. However, a regulation containing such criteria was proposed on February 28, 1985 (50 FR 8222 et seq.), and a final regulation is being prepared. Until such criteria are promulgated, the Agency will evaluate research permit applications under the current regulations. Although it is not required, the draft permit meets the applicable criteria proposed by the Agency in the February 28, 1985, ocean incineration regulation. In making these evaluations, the Agency will also apply the standards and criteria binding on the United States under the London Dumping Convention to the extent that application of such criteria does not relax the requirements of the Act.

As part of its tentative determination to issue the research permit, EPA also examined:

- The regulations in 40 CFR 761.70(a) implementing TSCA (15 U.S.C. 2601, Pub. L. 94–466, Oct. 11, 1976), because the research proposes the incineration of PCBs;
- The regulations in 40 CFR 264.340–264.351 implementing the requirements for land-based incinerators under the Solid Waste Disposal Act, as amended by RCRA (42 U.S.C. 6905, 6912(a), 6924, 6925, and 6927), because it is Agency policy to have incineration-at-sea permits at least equivalent to land-based incinerator permits, unless there is a specific reason which renders the land-based requirements unnecessary for incineration at sea.
- The guidance of the U.S. Coast Guard on the adequacy of the Contingency Plan in implementing procedures to protect the environment, if accidents or life-threatening incidents should occur in the harbor or at sea.

A summary of each provision in the above regulations and the guidance of the U.S. Coast Guard is provided below.

Compliance With the Ocean Dumping Regulations

(a) *Section 220.3(e)—Research Permits and § 220.3(f)—Permits for Incineration at Sea.* Section 220.3(e) states that, in general, research permits may be issued when it is determined that the scientific merit of the proposed project outweighs the potential environmental or other damage that may result from the dumping (incineration).

EPA has concluded that the research to be conducted under this proposed permit is necessary to: (1) Address areas of concern raised by various groups; (2) verify methodologies used in the past; and (3) provide information for the management of a future permitting program. EPA has further concluded that potential damage from incineration activities is minimal given the limited scope of these activities, and is outweighed by the scientific merit of the project.

Section 220.3(f) states, among other things, that permits for incineration of wastes at sea will be issued only as research permits (except for certain limited conditions) until specific ocean incineration criteria are promulgated. While ocean incineration criteria have been proposed, they are not final. Therefore, ocean incineration permit applications will be evaluated using those established for research permits.

(b) *Section 221—Applications for Ocean Dumping Permits.* Section 221 outlines several provisions that must be contained in permit applications. The Applicant has met these requirements.

(c) *Section 223.1—Contents of Permits.* Section 223.1 lists several terms and conditions that must be included in permits. The draft permit contains all of the listed items except for § 223.1(a)(4), "A description of relevant physical and chemical properities of the material to be dumped [incinerated]." As set forth in the draft permit, a complete physical and chemical analysis of the waste will be presented to EPA before the Permit Manager authorizes the loading of a vessel.

(d) *Section 224—Records of Permittees.* Section 224 contains record-keeping and reporting requirements that the applicant must meet. These requirements are included in the draft permit.

(e) *Section 227—Criteria for the Review and Evaluation of Ocean Dumping Permit Applications.* The criteria that are used in reviewing and evaluating ocean dumping permits, as required by section 102 of the MPRSA, are set forth in 40 CFR Part 227.

(1) *Subpart A—General.* Subpart A of Part 227 states that:

> (a) If the applicant satisfactorily demonstrates that the material proposed for ocean dumping satisfies the environmental impact criteria set forth in Subpart B, a permit for ocean dumping will be issued unless:
>
> (1) There is no need for the dumping, and alternative means of disposal are available, as determined in accordance with the criteria set forth in Subpart C; or
>
> (2) There are unacceptable adverse effects on esthetic, recreational or economic values as determined in accordance with the criteria set forth in Subpart D; or
>
> (3) There are unacceptable adverse effects on other uses of the ocean as determined in accordance with the criteria set forth in Subpart E.

In applying the criteria for incineration-at-sea permits, EPA evaluated the *emissions* resulting from the incineration of mixed liquid chemical wastes as the materials to be disposed of by ocean dumping. The emissions may include hydrochloric acid, carbon dioxide, carbon monoxide, water vapor, and trace amounts of metallic oxides, silicate ash, surviving organic compounds and partially combusted organic compounds.

(2) *Subpart B—Environmental Impact.* Subpart B, §§ 227.4–227.13, sets specific environmental impact prohibitions, limits and conditions for the dumping of materials in the ocean. Section 227.4 states that:

> if the applicable prohibitions, limits and conditions are satisfied, it is the determination of EPA that the proposed disposal will not unduly degrade or endanger the marine environment and that the disposal will present:
>
> (a) No unacceptable adverse effects on human health and no significant damage to the resources of the marine environment;
>
> (b) No unacceptable adverse effect on the marine ecosystem;
>
> (c) No unacceptable adverse persistent or permanent effects due to the dumping of the particular volumes or concentrations of these materials; and
>
> (d) No unacceptable adverse effect on the ocean for other uses as a result of direct environmental impact.

EPA finds that the proposed permit meets these requirements because:

- Wastes, such as high-level radioactive wastes; materials produced or used for radiological, chemical, or biological warfare; materials insufficiently described by the applicant; or persistent inert synthetic or natural materials are prohibited from the wastes eligible for incineration.
- The stack emissions will not contain any of the prohibited

constituents in § 227.6(a) except those which are "rapidly rendered harmless" as provided for under § 227.6(h). The determination that the wastes are "rapidly rendered harmless" is being made on the basis that the permit meets or exceeds the Incineration Regulations and Technical Guidelines of the London Dumping Convention and on the basis that incinerator plume modeling and oceanic dispersion modeling conducted to date have demonstrated that any organic compounds or metals contained in emissions, resulting from incinerations which achieve destruction efficiencies of 99.9999 percent, will not cause marine water quality criteria or the marine aquatic life "no effect" concentrations for these materials to be exceeded. The limitations placed on the waste materials as part of the proposed permit further ensure that these constituents will not be present in the emissions.

- The proposed permit limits the quantities of metals allowed in the wastes and require operating parameters such that any emission products of metals or organochlorines are below the limiting permissible levels as required in § 227.8.
- The proposed permit is consistent with § 227.9 because the quantity of material in the emissions will not damage the ocean environment or reduce its amenities based on the monitoring conducted to date which shows no detectable adverse environmental impact.
- The activities conducted under the proposed permit meet the requirements of § 227.10 because the incineration site is away from fishing areas, outside normal shipping fairways for commercial and recreational vessels, and, as previous monitoring data has indicated, the emissions pose no threat to fishing, navigation, shorelines or beaches.
- The purpose of accepting this permit application is to further evaluate the possible environmental impacts of incineration.

(3) *Subpart C—Need for Ocean Dumping.* Subpart C of Part 227 (40 CFR 227.14–227.16) sets forth the basis on which an evaluation will be made of the need for ocean dumping, and alternatives to ocean dumping. Because the specific factors outlined in § 227.15 may not be applicable for all cases, § 227.14 allows for an evaluation of the applicability on an individual permit basis.

EPA does not believe that the specific factors are applicable for this proposed research permit since the permit responds to requests to conduct ocean-incineration-related research.

The EPA Science Advisory Board has completed a review of the incineration of liquid hazardous waste (Support Document H). One of the conclusions is that research needs to be conducted to determine the chemical composition and toxicity of emissions resulting from the incineration process. EPA's Office of Policy, Planning and Evaluation has completed their assessment of incineration as a method for destroying liquid hazardous wastes (Support Document I), and reached a similar conclusion.

The research proposed to be conducted under this research permit has been designed to address the issues raised in both of these studies and issues raised by the public in public meetings and written comments. All these issues were taken into account in the preparation of the Agency's Research Strategy, which was completed on February 19, 1985, and is the basis for this proposed research permit.

Based on the above, the Agency believes that there is a need for this research permit.

(4) *Subpart D, Part 227—Impact of the Emissions on Esthetic, Recreational, and Economic Values; and Subpart E, Part 227—Impact of the Proposed Ocean Dumping on Other Uses of the Ocean.* Under Subpart D, Part 227, EPA is to assess the potential for impacts on the esthetic, recreational and economic values of the ocean which might be affected by incinerator emissions based on the characteristics of the emissions. Subpart E requires an evaluation of the impact for specific uses of the ocean rather than on overall esthetic, recreational and economic values. By their nature, Subparts D and E are dependent on the characteristics of the incineration research site.

The site was selected, in part, because it is beyond the reach of most recreational vessels; it is low in marine resources of commercial or recreational value; and it is far enough from shore that trace contaminants from the emission plume would be in such minute amounts or so diluted by the ocean that on-shore or near-shore activities would not be affected. Therefore, EPA concludes that activities conducted under the proposed research permit should have no adverse impact on commercial or recreational activities. Tests conducted during the research burn will supplement that which is known of the impacts from incineration at sea for use in future permit considerations.

Conclusion

Based on the foregoing analyses, EPA finds that the proposed permit meets all the requirements of the Ocean Dumping Regulations applicable to incineration at sea and 33 U.S.C. 1412a(b) and 1412.

The London Dumping Convention

When evaluating ocean incineration permit applications, EPA is required to apply the London Dumping Convention's Regulations for the Control of Incineration of Wastes and Other Matter at Sea, and is required "to take full account of" the Technical Guidelines implementing the Regulations.

The proposed activities satisfy paragraph (2) of Regulation 2 of the London Dumping Convention which requires that practical alternative land-based methods be considered prior to issuing a permit for incineration at sea. The Agency has included land-based testing of the toxicity test procedures to the greatest extent possible in the research plan but must use the procedures during actual incineration-at-sea activities in order to obtain the needed information.

The proposed research permit meets or exceeds all other requirements of the London Dumping Convention's Incineration Regulations and Technical Guidelines.

Compliance With TSCA Regulations When Incinerating PCBs

Sections 6(e)(1) (A) and (B) of TSCA require the Administrator:

> to promulgate regulations to prescribe methods for the disposal of polychlorinated biphenyls and to require polychlorinated biphenyls to be marked with clear and adequate warnings, and instructions with respect to their processing, distribution in commerce, use or disposal or with respect to any combination of activities.

Based on this mandate, EPA promulgated regulations controlling the incineration of wastes containing PCBs in 40 CFR 761.70.

The PCB regulations issued under TSCA set out certain requirements which must be met for incineration, unless a waiver is obtained. These regulations include a minimum combustion efficiency, in addition to specific temperature, incineration dwell time, and oxygen requirements. The proposed permit incorporates the TSCA requirements for liquid PCBs, except for the TSCA regulatory requirement for dwell time.

Dwell time, the time the liquid waste and its gaseous combustion by-products are in the lower combustion chamber and upper incineration stack, is a

parameter which was once believed to be of major significance. It is currently overshadowed, however, by the more important parameter of destruction efficiency. While EPA formerly believed that dwell times of two seconds or more were universally needed to achieve good incinerator performance for PCBs, the Agency now has an extensive data base which indicates that as little as tenths of one second may be sufficient in well-designed incinerators. TSCA has a waiver provision for dwell time which relies on destruction removal efficiency as the primary measure of incinerator performance. One of the tests conducted under this research permit will determine the destruction efficiency of the incinerator for PCBs.

Consistency With Land-based Incinerators Permitted Under RCRA.

With the exception of incinerating PDCs, which are regulated under TSCA and the rules in 40 CFR 761.70, landbased incineration facilities are regulated under RCRA and the rules in 40 CFR 264.340–264.351. Although these regulations do not specificially apply to the incineration of hazardous wastes at sea where such activity is regulated by an MPRSA permit, it is EPA's policy to establish or impose requirements in at-sea incineration permits that are equivalent to the requirements in land-based permits unless there is a specific reason which renders the land-based requirements unnecessary for incineration at sea.

In general, RCRA regulations are performance base; that is, permits are granted based on demonstration of the incinerator's destruction and removal efficiency for specific substances, during a trial burn. During the implementation of the proposed research permit, tests will be conducted to demonstrate the ability of the incinerator to destroy PCBs (destruction efficiency).

Based on the above, EPA has concluded that the proposed permit conditions are at least as stringent as the RCRA requirements.

U.S. Coast Guard's Findings on the Contingency Plan

As indicated elsewhere, a significant degree of cargo containment capability is built into the vessel, and the vessel must be inspected and certified by the U.S. Coast Guard. In addition, the Applicant was required to submit, as part of their application, a Contingency Plan outlining the procedures to be implemented in case of an accident or other emergency. The Contingency Plan specifies the safety precautions and the coordination mechanisms and responses if fires, explosions, spills, collisions, etc., should occur in the harbor, duing transit, or at sea. A major focus of the Contingency Plan is the steps that will be taken to minimize the environmental effect of any incident.

EPA requested the U.S. Coast Guard to review and to make recommendations on the adequcy of the Applicant's Contingency Plan. Based on a preliminary review at the Headquarters level, the U.S. Cost Guard found the format and general content of Plan acceptable. However, following a more detailed review by the cognizant Coast Guard District Commander and Captain of the Port, and improved administrative format was indentified and additional port specific information will be incorporated. Changes to the Contingency Plan based upon Coast Guard and public comments will be approved by EPA and incorporated into the Plan prior to the issuance of an ocean incineration research permit.

Consistency With Coastal Zone Management Act

Under section 307(c)(3)(A) of the Coastal Zone Management Act [16 U.S.C. 1456(c)(3)(A)], an applicant for a Federal pemit to conduct an activity affecting land or water uses in the coastal zone of a state with a Federally approved management program must provide the permitting agency a certification that the proposed activity complies with the state's management program and that the activity will be conducted in a manner consistent with the program. The Applicant has submitted a copy of the certification to the states of Pennsylvania, Delaware, and New Jersey. The states of Pennsylvania and Delaware have concurred with CWM's certification, and New Jersey is reviewing it. The Applicant must demonstrate in writing, prior to final permitting, that they have satisfied all CZMA requirements of affected states.

Conclusion

Based on the above analyses, EPA concludes that the proposed incineration under the terms and conditions of the research permit satisfies the requirements of applicable statutes and regulations and the LDC.

Therefore, EPA has made a tentative determination to issue a research permit to Chemical Waste Management, Inc., to incinerate up to 708,958 gallons of 10 to 30 percent PCB waste.

Dated: December 5, 1985.

William N. Hedeman, Jr.,

Acting Assistant Administrator, Office for Water.

[FR Doc. 85-29372 Filed 12-13-85; 8:45 am]

BILLING CODE 6560-50-M

federal register

Monday
December 16, 1985

Part VII

Department of the Interior

Minerals Management Service

Outer Continental Shelf; North Aleutian Basin; Oil and Gas Lease Sale 92; Notice

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
North Aleutian Basin
Oil and Gas Lease Sale 92

1. Authority. This Notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1356), as amended and the regulations issued thereunder (30 CFR 256). The Statement of Reasons for the Secretary's decision on this sale is available from the Alaska Outer Contential Shelf (OCS) Regional Office at the address given in paragraph 2 below.

2. Filing of Bids. Sealed bids will be received by the Regional Director (RD), Alaska Outer Continental Shelf (OCS) Region, Minerals Management Service (MMS), room 544, 949 East 36th Avenue, Anchorage, Alaska 99508. Bids may be delivered in person to the above address between 8:00 a.m. and 4:00 p.m., Alaska Standard Time (a.s.t.), until the Bid Submission Deadline at 10:00 a.m., a.s.t., January 14, 1986. Bids will not be accepted on January 15, 1986, the day of Bid Opening. Delivery by mail should be addressed to P.O. Box 101159, Anchorage, Alaska 99510, and must be received by the Bid Submission Deadline. Bids received by the RD later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the RD prior to 10:00 a.m., a.s.t., January 14, 1986. Bids may not be withdrawn unless written withdrawal is received by the RD prior to 8:30 a.m., a.s.t., January 15, 1986. Bid Opening Time will be 9:00 a.m., a.s.t., January 15, 1986, at the William A. Egan Civic Convention Center, 555 West 5th Avenue, Anchorage, Alaska. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR 256. The list of restricted joint bidders which applies to this sale appeared in the Federal Register at 50 FR 40618 on October 4, 1985, correction published in the Federal Register at 50 FR 42102 on October 17, 1985.

3. Method of Bidding. (a) A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease Sale 92--North Aleutian Basin, (insert Official Protraction Diagram number and name, if applicable, and block number), not to be opened until 9:00 a.m., a.s.t., January 15, 1986," must be submitted for each block bid on. For example, a label would read as follows: "Sealed Bid for Oil and Gas Lease Sale 92--North Aleutian Basin, NO 3-8, Block 485, not to be opened until 9:00 a.m., a.s.t., January 15, 1986." (There will be no multiple-blocks comprising a bidding unit for Sale 92.) A suggested bid form appears in 30 CFR 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the U.S. Department of the Interior--Minerals Management Service. No bid for less than all of the unleased portion of a block as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the percentage of the proportionate interest of each participating bidder. The percentage shown on the bid form may not exceed five decimal places; e.g., 50.12345 percent. All documents must be executed in conformance with signatory authorizations on file.

Partnerships also need to submit or have on file a list of signatories authorized to bind the partnership. Other documents may be required of bidders under 30 CFR 256.46.

(b) At the time of bid submission bidders are required to provide a statement when they have filed, either alone or jointly, more than one bid on the same block, as to all persons, partnerships, and corporations which have a controlling interest in the entity submitting the bid.

A controlling interest means a direct or indirect legal or beneficial interest in or influence over another person arising through ownership of capital stock, interlocking directorates or officers, contractual relations, or other similar means, which substantially affect the independent business behavior of such person. (See paragraph 16 of this notice on information concerning Unusual Bidding Patterns.)

Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this sale must provide for a cash bonus in the amount of $371 or more per hectare or fraction thereof. All leases awarded from this sale will provide for a yearly rental payment of $8 per hectare or fraction thereof. All leases will provide for a minimum royalty of $8 per hectare or fraction thereof. The bidding system to be utilized for this sale is cash bonus bidding with a 12 1/2 percent royalty. All bids submitted on all blocks shown in paragraph 12 must be submitted on a cash bonus basis with a fixed royalty of 12 1/2 percent.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS-2033 (June 1985), and the Affirmative Action Program Representation Form, Form MMS-2032 (June 1985). See paragraph 14, "Information to Lessees."

6. Bid Opening. Bid opening will begin at the Bid Opening Time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or

rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in an interest-bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block will be awarded to any bidder, unless:

(a) the bidder has complied with all requirements of this Notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $371 or more per hectare or fraction thereof. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, or other applicable regulations, may be returned to the person submitting that bid by the authorized officer and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid together with the first year's annual rental as specified below, and satisfy the bonding requirements of 30 CFR 256, Subpart I.

Successful bidders are required to submit the balance of the bonus and the first year's annual rental payment, for each lease issued, by electronic funds transfer (EFT) utilizing the Federal Reserve Communications System and the Treasury Financial Communications System, payable to the Department of the Interior--MMS.

The KD will provide more detailed instructions on making the EFT payments when bidders are qualified to submit bids at the sale. Bidders are referred to 30 CFR 218.155.

11. Official Protraction Diagrams (OPD). Blocks or portions of blocks offered for lease may be located on the following OPD's which may be purchased for $2 each from the Records Manager, Alaska OCS Region, room 502, at the first address stated in paragraph 2 of this Notice.

Outer Continental Shelf Official Protraction Diagrams:

NO 3-8	--	(Approved March 20, 1975)
NO 4-7	Chignik	(Approved September 30, 1976)
NN 3-2	Cold Bay	(Approved September 30, 1976)

12. Description of the Areas Offered for Bids.

(a) The lease sale area offered for bids is listed by OPD. Only one category of blocks appears under each OPD listed: Whole or Partial blocks.

Whole or partial blocks fall entirely under the jurisdiction of the Federal Government. Each block must be bid on separately. Hectares for whole or partial blocks listed in paragraph 12(b) may be found on the appropriate OPD.

(b) The following blocks or portions of blocks are offered for bid:

Official Protraction Diagram NO 3-8, (approved March 20, 1975):

WHOLE or PARTIAL BLOCKS:

485-523	749-787
529-567	793-831
573-611	837-875
617-655	881-918
661-699	925-962
705-743	969-1006

Official Protraction Diagram NO 4-7, Chignik (approved September 30, 1976):

WHOLE or PARTIAL BLOCKS:

490-506	710-725
534-550	754-760
578-594	798-804
622-638	842-845
666-681	

Official Protraction Diagram NN-3-2, Cold Bay (approved September 30, 1976):

WHOLE BLOCKS:

1-37	397-415
45-78	441-458
89-121	485-502
133-164	529-545
177-207	573-589
221-251	617-633
265-294	661-675
309-330	705-714
353-372	749-754

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale will have initial terms of 10 years. Leases will be issued on Form MMS-2005 (August 1982). Copies of the lease form are available from the Regional Supervisor, Leasing and Environment, Alaska OCS Region, at the first address stated in paragraph 2.

(b) The following stipulations will be included in each lease resulting from this sale.

Stipulation No.1--Protection of Archaeological Resources.

(a) "Archaeological resource" means any prehistoric or historic district, site, building, structure, or object (including shipwrecks); such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object. (Section 301(5), National Historic Preservation Act, as amended, 16 U.S.C. 470w(5)). "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Supervisor, Field Operations (RSFO), believes an archaeological resource may exist in the lease area, the RSFO will notify the lessee in writing. The lessee shall then comply with subparagraphs (1) through (3).

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RSFO, to determine the potential existence of any archaeological resource that may be affected by operations. The report, prepared by an archaeologist and a geophysicist, shall be based on an assessment of data from remote-sensing surveys and other pertinent archaeological and environmental information. The lessee shall submit this report to the RSFO for review.

(2) If the evidence suggests that an archaeological resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to adversely affect the area where the archaeological resource may be; or

(ii) Establish to the satisfaction of the RSFO that an archaeological resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RSFO. A report on the investigation shall be submitted to the RSFO for review.

(3) If the RSFO determines that an archaeological resource is likely to be present in the lease area and may be adversely affected by operations, the RSFO will notify the lessee immediately. The lessee shall take no action that may adversely affect the archaeological resource until the RSFO has told the lessee how to protect it.

(c) If the lessee discovers any archaeological resource while conducting operations in the lease area, the lessee shall report the discovery immediately to the RSFO. The lessee shall make every reasonable effort to preserve the archaeological resource until the RSFO has told the lessee how to protect it.

Stipulation No. 2--Orientation Program. The lessee shall include in any exploration or development and production plans submitted under 30 CFR 250.34 a proposed orientation program for all personnel involved in exploration or development and production activities (including personnel of the lessee's agents, contractors, and subcontractors) for review and approval by the Regional Supervisor, Field Operations. The program shall be designed in sufficient detail to inform individuals working on the project of specific types of environmental, social, and cultural concerns which relate to the sale and adjacent areas. The program shall be formulated by qualified instructors experienced in each pertinent field of study and shall employ effective methods to ensure that personnel are informed of archaeological, geological, and biological resources and habitats including endangered species, fisheries, bird colonies, and marine mammals, and to ensure that personnel understand the importance of avoidance and nonharassment of wildlife resources, and legal authorities and penalties pertinent to the harassment of wildlife. The program shall also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating and shall include information concerning avoidance of conflicts with commercial fishing operations and with commercial fishing gear. The program also shall include presentations and information about all pertinent lease sale stipulations and Information to Lessees provisions, and about stipulations applied to subsequent exploration plans and development and production plans.

The program shall be attended at least once a year by all personnel involved in on-site exploration or development and production activities (including personnel of the lessee's agents, contractors, and subcontractors) and all supervisory and managerial personnel involved in lease activities of the lessee and its agents, contractors, and subcontractors.

Stipulation No. 3--Protection of Biological Resources. If the Regional Supervisor, Field Operations (RSFO), identifies biological populations or habitats which may require additional protection from activities associated with the lease, the RSFO may require the lessee to conduct biological surveys to determine the extent and composition of such biological populations or habitats. The RSFO shall give written notification to the lessee of the RSFO's decision to require such surveys.

Based on any surveys which the RSFO may require of the lessee or on other information available to the RSFO on special biological resources, the RSFO may require the lessee to: (1) relocate the site of operations; (2) establish to the satisfaction of the RSFO, on the basis of a site-specific survey, either that such operation will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist; (3) operate during those periods of time, as established by the RSFO, that do not adversely affect the biological resources; and/or (4) modify operations to ensure that significant biological populations or habitats deserving protection are not adversely affected.

If any area of biological significance should be discovered during the conduct of any operations on the lease, the lessee shall immediately report such findings to the RSFO and make every reasonable effort to preserve and protect the biological resource from damage until the RSFO has given the lessee direction with respect to its protection.

The lessee shall submit all data obtained in the course of biological surveys to the RSFO with the locational information for drilling or other activity. The lessee may take no action that might affect the biological populations or habitats surveyed until the RSFO provides written directions to the lessee with regard to permissible actions.

Stipulation No. 4--Wellhead and Pipeline Requirements. Subsea wellheads on temporary abandonments, or suspended operations that leave protrusions above the seafloor, are potential hazards to fisheries trawling gear. They shall be constructed or protected, if feasible and as appropriate, in such a manner as to allow commercial fisheries trawling gear to pass over the structures without snagging or otherwise damaging the structures or the fishing gear. The lessee shall submit latitude and longitude coordinates of these structures and their water

depths to the Regional Supervisor, Field Operations. The lessee shall also forward this information to the U.S. Coast Guard in accordance with Alaska OCS Order No. 1, Part 4. To determine the coordinates of such structures, the lessee shall use navigation systems with accuracy of at least ±50 feet at 200 miles.

All pipelines, unless buried, including gathering lines, shall have a smooth-surface design. If an irregular pipe surface is unavoidable because of the need for valves, anodes, or other structures, it shall, as appropriate, be protected in such a manner as to allow trawling gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

Stipulation No. 5--Transportation of Hydrocarbons. Pipelines will be required: (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technologically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple-use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the Regional Technical Working Group, or other similar advisory groups with participation of Federal, State, and local governments and industry.

All pipelines, including both flow lines and gathering lines for oil and gas, shall be designed and constructed to provide for adequate protection from water currents, storms and ice scouring, permafrost, subfreezing conditions, and other hazards as determined on a case-by-case basis. Following the development of sufficient pipeline capacity, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Regional Supervisor, Field Operations, subject to economic feasibility.

In addition to the above, the following provision will be applied to the following blocks:

NN 3-2	21 - 37	272 - 294	529 - 545
	64 - 78	315 - 330	573 - 589
	107 - 121	356 - 372	617 - 633
	149 - 164	397 - 415	661 - 675
	192 - 207	441 - 458	705 - 714
	234 - 251	485 - 502	749 - 754

NO 3-8	516 - 523	775 - 787
	559 - 567	818 - 831
	602 - 611	861 - 875
	645 - 655	904 - 918
	688 - 699	946 - 962
	732 - 743	989 - 1006
NO 4-7	490 - 506	710 - 725
	534 - 550	754 - 760
	578 - 594	798 - 804
	622 - 638	842 - 845
	666 - 681	

In order to protect the wildlife and subsistence resources of the Izembek Lagoon and Port Moller, offshore loading on this block of produced oil, except during testing for well producibility or in the case of an emergency, is prohibited if such a prohibition on offshore loading is technically and economically feasible, safe, and environmentally preferable, and results in no net social loss.

Stipulation No. 6--Testing of Oil Spill Containment Equipment. The lessee shall conduct semiannual full-scale drills at the request of the lessor for production platforms and operator-controlled contracted cleanup vessels for deploying equipment in open water to test the equipment and the contingency plan. These drills must involve all primary equipment identified in the oil spill contingency plans as satisfying Alaska OCS Order No. 7. These drills shall include the primary equipment controlled and operated by the appropriate cooperative. These drills will be unannounced and held under realistic environmental conditions in which deployment and operations can be accomplished without endangering safety of personnel. Representatives of the U.S. Coast Guard, Minerals Management Service, and State of Alaska may be present as observers. The lessor's inspectors will frequently inspect oil and gas facilities where oil spill containment and cleanup equipment are maintained in order to assure readiness.

Stipulation No. 7--Protection of Commercial Fisheries. (a) The lessee, operator(s), subcontractor(s), and all personnel involved in exploration, development, and production operations shall endeavor to minimize conflicts between the oil and gas industry and the commercial fishing industry.

Prior to submitting a plan of exploration or development to the lessor, appropriate industry personnel shall contact potentially affected commercial fishermen or recognized fishing organizations like United Fishermen of Alaska, Bering Sea Fishermen's Association and Oil/Fisheries Group of Alaska to discuss potential conflicts with the

siting, timing, and methods proposed. Through this consultation, the lessee shall assure that, whenever feasible, exploratory and development activities are compatible with seasonal fishing operations and will not result in undue interference with commercial fishing from important fishing grounds.

A discussion of the resolutions reached during this consultation process and a discussion of any unresolved conflicts shall be included in the Plan of Exploration or Development/Production. The lessee shall send a copy of the Plan of Exploration or Development/Production to the Oil/Fisheries Group of Alaska, United Fishermen of Alaska and to major fisheries organizations in the area at the same time they are submitted to the lessor to allow concurrent review and comment as part of the lessor's plan approval process.

(b) In particular, the lessee shall show in the Plan of Exploration or Development/Production crew and supply boat operation routes which will be used to minimize impacts to commercial fishing, marine mammals, and endangered and threatened species. Conflicts foreseen in the planning stages or that develop later shall be resolved whenever feasible and as quickly as possible.

(c) The lessee also shall include in the Plan of Development/Production analyses of the effects of its operations on the allocation and use of local dock space by fishing boats and crew and supply boats. These analyses shall include present (baseline) uses, predicted oil and gas uses which increase the level of demand, and an assessment of individual and cumulative impacts. Conflicts foreseen in the planning stages or that develop later shall be resolved whenever feasible and as quickly as possible.

(d) All activities associated with exploration and development operations shall be conducted to minimize the creation of obstacles to commercial fishing operations. If the Regional Supervisor, Field Operations has reason to believe that the site has not been adequately cleared, additional surveys shall be required to detect the location of any obstacles to commercial fishing.

Stipulation No. 8--Protection of Endangered Whales from Seismic Survey Activities. The lessee shall conduct all seismic survey activities on the lease in a manner that is not likely to jeopardize the continued existence of endangered species of whales. The standards set forth in the Alaska Outer Continental Shelf Region Notice to Lessees 85-2 are expressly incorporated by reference as the standards applicable to this stipulation. These standards shall be followed for all seismic survey activities including, but not limited to, preliminary activities.

14. Information to Lessees.

(a) Affirmative Action Requirements. Revision of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) has been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form (Form MMS-2005, August 1982) would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this Notice contain language that would be superseded by revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Pending the issuance of revised versions of Forms MMS-2032 and MMS-2033, submission of Form MMS-2032 (June 1985) and Form MMS-2033 (June 1985) will not invalidate an otherwise acceptable bid, and the revised regulation requirements will be deemed to be part of the affirmative action forms.

(b) U.S. Army Corps of Engineers Permits. The U.S. Army Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.

(c) Discharges of Drilling Wastes. Lessees are advised that the U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System permits are required for discharge of drilling fluids, produced waters, and other drilling wastes generated during exploration and development/production phases.

(d) Oil Spill Cleanup Capability. Approval of oil spill contingency plans will require information on the capability to detect, contain, clean up, and dispose of spilled oil in accordance with Best Available and Safest Technologies requirements as determined by the Regional Supervisor, Field Operations (RSFO).

(e) Offshore Pipelines. Lessees are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Lessees should consult both departments for regulations applicable to offshore pipelines.

(f) Unitization Agreements. Lessees are advised that in accordance with section 16 of each lease offered, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases.

(g) Exploration Plan Submittals For 10-Year Lease Terms. Lessees are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to the MMS either an exploration plan or a general statement of exploration intention prior to the end of the ninth lease year.

(h) Coastal Zone Management and Bristol Bay Area Plan. Lessees are advised that the Alaska Coastal Management Program (ACMP) contains policies and standards which are relevant to exploration, development, and production activities associated with leases resulting from this sale. In addition, approved local coastal management programs (CMP) which are part of the ACMP may contain more specific policies related to energy facility siting; areas with particular geologic hazards, subsistence uses, habitats, and transportation uses; and areas which have historic or prehistoric resources. Lessees are advised that the draft Aleutians East Coastal Resource Service Area (CRSA) CMP delineates archaeological and historical sites.

Coastal districts with approved CMP's may have policies applicable to ACMP consistency reviews of postlease activities. Coastal districts near the lease area engaged in policy development or implementation include: the Yukon/ Kuskokwim CRSA, the Bristol Bay CRSA, the Aleutians East CRSA, the Bristol Bay Borough, and the Cities of Bethel, Akutan, and St. Paul. Early consultation and coordination with the State and coastal districts involved in coastal management review is encouraged.

The MMS anticipates that the State will review exploration plans, development and production plans, and pipeline right-of-way applications for consistency with the ACMP pursuant to section 307(c)(3)(B) of the Coastal Zone Management Act (CZMA). As specified in section 307(c)(3)(B), the State may disagree with the lessee's certification of consistency for the lessee's plans for exploration, development, and production, or pipeline right-of-way applications. The State has indicated that it may recommend additional measures be taken by the lessee, as a condition of certification, that will ensure that the transportation, storage, and loading of produced oil is consistent with applicable mandatory enforceable policies listed in the ACMP.

The State of Alaska has advised the MMS that it will review the lessee's consistency certification accompanying oil spill contingency plans specifically for consistency with the State's CMP. The State may not concur with the lessee's plans for exploration, development, and production under section 307(c)(3) of the CZMA unless they are adequate to ensure consistency with applicable policies in the State's program. The State's review will consider the use of best available and safest technologies for operating in the North Aleutian environment. Also considered in this are the lessee's contingency plans in the event of an oil-well blowout (including relief well plans), and the lessee's ability to initiate timely oil spill recovery operations, as required by Federal or State regulations to protect areas of special biological sensitivity.

Lessees are also advised that the State of Alaska adopted a land use management plan in September 1984. That plan, the Bristol Bay Area Plan, contains policies adopted by the State that indicate priorities for different land uses in portions of the Alaska Peninsula and the rest of the Bristol Bay region. Policies include pipeline transportation across State tidelands and the Alaska Peninsula.

(i) Areas of Special Biological Sensitivity. Lessees are advised that certain areas are especially valuable for their concentrations of marine birds, marine mammals, and/or fishes. Lessees are advised that seasonal concentrations of fishes, including major salmon streams, and birds and/or marine mammals in the Izembek and Togiak National Wildlife Refuges, Izembek State Game Refuge, Walrus Islands and Cape Newenham State Game Sanctuaries, State Critical Habitat Areas (Egegik, Pilot Point, Cinder River, Port Heiden, and Port Moller), Port Moller/Herendeen Bay/Bear River area, Nelson Lagoon, Bechevin Bay, Unimak Pass, Amak Island, Sea Lion Rocks, and the Shumagin Islands, are identified as areas of special biological sensitivity. Other areas of special biological sensitivity include Moffett Lagoon, Big Lagoon, Hook Bay, St. Catherines Cove, and Swanson Lagoon. These areas are among areas of special biological sensitivity to be considered in the oil spill contingency plan section of Alaska OCS Order No. 7 and environmental report requirements of 30 CFR 250.34-3. Lessees are advised that, subject to approval by the State and the Secretary of Commerce, areas of special biological sensitivity also may be defined by local coastal management programs. Areas of special biological sensitivity may also be identified by local and regional organizations, planning offices, village councils, and regional nonprofit corporations.

Due to the sensitivity and vulnerability of these areas to spilled oil, special attention will be given to deployment plans and time requirements on the review of oil spill contingency plans. Such protection should not include dispersant usage unless such usage has been approved in advance.

(j) Bering Sea Biological Task Force. In the enforcement of the Protection of Biological Resources stipulation, the RSFO will receive recommendations from a Bering Sea Biological Task Force (BTF) composed of designated representatives of the MMS, the U.S. Fish and Wildlife Service (FWS), the National Marine Fisheries Service (NMFS), and the EPA. (Before making recommendations to the RSFO, the Bering Sea BTF should consult with representatives of the State of Alaska and local communities that can contribute to biological evaluations.) The RSFO will consult with the Bering Sea BTF on the conduct of biological surveys by lessees and the appropriate course of action after surveys have been conducted.

(k) Bird and Marine Mammal Protection. Lessees are advised that during the conduct of all activities related to leases issued as a result of this sale, the lessee and its agents, contractors, and subcontractors will be

subject to, among others, the provisions of the Marine Mammal Protection Act of 1972, as amended; the Endangered Species Act of 1973, as amended; the Migratory Bird Treaty Act; and International Treaties.

Lessees and their contractors should be aware that disturbance of wildlife could be determined to constitute harm or harassment and thereby be in violation of existing laws. With respect to endangered species, disturbance could be determined to constitute a "taking" situation and be in violation of the Endangered Species Act. Under the Endangered Species Act, the term "take" has been defined to mean "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Violations under these acts and treaties will be reported to the NMFS or the FWS, as appropriate by MMS inspectors. These violations will be listed in a monthly report.

Of particular concern is disturbance at major wildlife concentration areas including bird colonies, marine mammal haulout and breeding areas, and wildlife refuges and parks. Maps depicting major wildlife concentration sites in the vicinity of the lease area are available from the RSFO. Lessees are also encouraged to confer with the FWS and NMFS in planning transportation routes between support bases and leaseholdings.

Behavioral disturbance of most birds and mammals found in or near the lease area would be unlikely if aircraft and vessels maintained at least a 1-mile horizontal distance and aircraft maintain a 1,500-foot vertical distance from known or observed wildlife concentration areas, such as bird colonies and marine mammal haulout and breeding areas. It is recommended that aircraft and vessels operated by lessees or their contractors maintain at least a 1-mile horizontal distance and that aircraft maintain a 1,500-foot vertical distance from known or observed wildlife concentrations.

For the protection of endangered whales and marine mammals throughout the lease area, operators of fixed-wing aircraft or helicopters should maintain a 1,500-foot altitude when in transit between support bases and exploration sites; and lessees and their contractors are encouraged to reduce, minimize, or reroute trips to and from the leasehold by aircraft, tugs, barges, supply ships, hovercraft, or other self-propelled surface vessels when endangered whales are likely to be in the area. Information on general locations of endangered whales is available from the RSFO.

The distance and altitude herein recommended to avoid disturbance to wildlife is advisory. Rules of other agencies concerning air traffic must be observed. Human safety will take precedence at all times over these provisions.

(l) Endangered Whales (Oil Spills). Lessees are advised that the RSFO has the authority and may limit or suspend oil and gas drilling activities on any lease whenever endangered (especially gray or right) whales are present and near enough to be subject to probable oil spill risks. Exploratory drilling, testing, and other downhole activities below a

predetermined threshold depth, with the exception of testing through casing, may be prohibited whenever these whales are in the vicinity of the drilling operation. Such prohibition would continue until it is determined that the whales are outside of the zone of probable influence or are no longer subject to likely risk of oil spills, unless the RSFO determines that continued operations are necessary to prevent a loss of well control or to ensure human safety.

(m) Aleutian Canada Goose. Lessees are advised that the Aleutian Canada goose (Branta canadensis leucopareia) is listed as an endangered species by the U.S. Department of the Interior (16 U.S.C. 1531 et seq.). A potential for conflict may exist in this region between the onshore support facilities of OCS exploration or development and production activities and the Aleutian Canada goose. Such conflicts can be avoided if onshore support facilities are not located near Chagulak or Kiliktagik Island and aerial-support flight paths maintain a 1,500-foot altitude and vessel traffic a 1-mile distance from Aleutian Canada goose populations.

Lessees are advised that the FWS will review all exploration or development and production plans submitted by the lessee to the MMS. The FWS may apply certain restrictions to further protect the Aleutian Canada goose habitats as a result of this review. Lessees and affected operators should establish regular communication with the MMS and the FWS. Human safety will take precedence at all times.

(n) Fairway Designations. Blocks offered for lease may fall in or be adjacent to areas which may be included in fairways, precautionary zones, or traffic-separation schemes which may be established, among other reasons, for the purpose of protecting maritime commerce. Lessees are advised that the United States may designate necessary fairways through leased areas pursuant to the Ports and Waterways Safety Act of 1972, as amended (33 U.S.C. 1221 et seq.).

(o) Potential Gear Conflict with Commercial Fishing Industry. To reduce potential fishing gear conflicts, the lessees should keep commercial fishermen in the area advised of plans for seismic surveys, drill rig transport, or other vessel traffic, and discuss mutually satisfactory ways to avoid fishing-gear conflicts. Additionally, designations of open-ocean-storage areas for crab pots are subject to change. Vessels transiting these areas should operate in such a manner as to prevent loss of these stored crab pots. Locations of storage areas can be provided by the Alaska Department of Fish and Game and the North Pacific Fishery Management Council. The MMS encourages the lessees to use the Oil/Fisheries Group of Alaska to reduce potential conflicts between the oil and commercial fishing industries.

(p) Oil Spill Contingency Plans. Lessees are notified that oil spill contingency plans are required under Alaska OCS Order No. 7, pursuant to the authority prescribed in 30 CFR 250.11, 250.34, and 250.43, prior to

approval of exploration plans and development and production plans. Information to Lessees clause (i) identified areas of special biological sensitivity which will require protection in oil spill contingency plans as mandated under Alaska OCS Order No. 7 and 30 CFR 250.34-3. Due to the severe weather conditions of the Sale 92 area and the sensitivity of this area to spilled oil, particular attention will be given to equipment adequacy, equipment staging areas, deployment plans, and response times. Additionally, special protection measures may be required by the RSFO in the review of oil spill contingency plans. For example, the lessee may be required by the RSFO to position cleanup equipment near sensitive areas, develop specific plans for excluding oil from entering important habitats, demonstrate the timely use of dispersants, or run detailed spill trajectories for determining potential spill impact points, in accordance with MMS/U.S. Coast Guard planning guidelines for approvals of oil spill contingency plans. Furthermore, lessees are required under 30 CFR 250.34-2 to include in development and production plans descriptions of all environmental safeguards. Prior to approval of development and production plans, the RSFO will review these items to determine whether those oil transportation facilities described, which are regulated by the MMS can safely transport oil under expected conditions in the leased areas.

(q) Minimum Altitude Over Izembek Lagoon. Due to large waterfowl concentrations using lagoons in the Cold Bay area from August 15 through November 15 and March 31 through May 31, the following flight procedures are recommended. Helicopter and fixed-wing aircraft should fly around lagoons in the Cold Bay area at or above 2,000 feet ASL when weather conditions permit. When weather conditions do not permit flying around Izembek Lagoon at or above 2,000 feet ASL and it is necessary to cross the lagoon, helicopters and fixed-wing aircraft should only cross the lagoon along the Instrument Flight Rules (IFR) corridor. All helicopters and those fixed-wing planes able to attain 6,000 feet before crossing the lagoon, flying IFR outbound from Cold Bay, should cross Izembek Lagoon at or above 6,000 feet ASL. Fixed-wing aircraft which are mechanically unable to attain 6,000 feet of altitude over the lagoon when departing Cold Bay should cross the lagoon at a minimum of 4,000 feet. Lessees are advised that the FWS will take steps to minimize the impacts of helicopter disturbance on the black brant population of Izembek Lagoon. This may include consultation with the lessee or his contractors and specific FWS recommendations on aircraft altitudes and patterns which should be followed.

(r) Protection of Important Biological Resources. Lessees are advised that according to oil spill contingency planning guidance incorporated in MMS/USCG Planning Guidelines For Approval Of Oil Spill Contingency Plans, if local conditions or geography permit, the target for initiating recovery operations with pre-staged equipment (i.e., the response time) should be 6 to 12 hours from the time of the spill, dependent upon the location and general operating characteristics of the drilling or

production activity. If the Risk Analysis indicates that an oil spill will contact a shoreline sooner than 6 to 12 hours, the response times should be reduced to ensure response prior to contact. Whatever amount of equipment is required to be available for responding to spills should be fully deployed and in operation within the specified response time, weather permitting. The location of staged equipment will be left to the operator. For extraordinary spills, the operator should be expected to obtain additional equipment within a timeframe commensurate with trajectory analysis but no more than 48 hours.

(s) Additional Requirements for Protecting Biological Resources. Lessees are advised that the MMS intends to continue funding environmental and socioeconomic studies in the North Aleutian Basin assuming that exploratory drilling proves successful and future sales are held. The MMS will continue to coordinate with the State of Alaska, Federal Agencies, and other interested parties to plan and implement studies, including those which may assess possible impacts of postlease activities. Based on information received from on-going and planned studies, the MMS may develop site-specific measures to protect living marine resources. Development of these measures will occur in consultation with the State of Alaska, Federal Agencies, and other interested parties. Compliance with these specified measures, which may include operational modifications or restrictions, will be binding on the lessee.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Alaska OCS Orders, and any other applicable OCS Order. Final Alaska OCS Orders were published in the Federal Register at 47 FR 47180, on October 22, 1982.

16. Unusual Bidding Patterns. The bid adequacy procedures provide for the application of criteria in a two-phased process for bid adequacy determination. Prospective bidders should be aware that the RD may determine that an unusual bidding pattern exists when a company and its parent and/or subsidiary (a company in which the controlling interest is owned by another company), participate alone or jointly in more than one bid on the same block. In such case only the highest of such bids by that entity will be considered for computing the number of bids on the block for acceptance in the Phase I criteria of the bid adequacy process. If as a result of an unusual bidding pattern there is an insufficient number of bids for acceptance in the Phase I criteria,

the RD will pass those bids on the block to Phase II of the bid adequacy process for further analysis. As a result, special requirements on this subject have been outlined in paragraph 3(b), Method of Bidding in this Notice.

Wm D Bettenberg

Director, Minerals Management Service
Wm. D. Bettenberg

Approved:

Donald Paul Hodel

Secretary of the Interior
DONALD PAUL HODEL

DEC 11 1985
Date

[FR Doc. 85-29733 Filed 12-13-85; 8:45 am]
BILLING CODE 4310-MR-C

Billing Code: 4310-MR

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf
North Aleutian Basin

Notice of Leasing Systems, Sale 92

Section 8(a)(8) (43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act (OCSLA), as amended, requires that, at least 30 days before any lease sale, a Notice be submitted to the Congress and published in the Federal Register:

1. identifying the bidding systems to be used and the reasons for such use; and

2. designating the tracts to be offered under each bidding system and the reasons for such designation.

This Notice is published pursuant to these requirements.

1. Bidding system to be used. In the Outer Continental Shelf (OCS) Sale 92, blocks will be offered under the following bidding system as authorized by section 8(a)(1) (43 U.S.C. 1337(a)(1)): bonus bidding with a fixed 12 1/2-percent royalty.

a. Bonus bidding with a 12 1/2-percent royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA, as amended. This system has been chosen for all blocks proposed for Sale 92 because these blocks are expected to have high exploration, development, and production costs.

Department of the Interior analyses indicate that the minimum economically developable discovery on a block in high-cost areas under a 12 1/2-percent royalty system would be less than it would be for the same block under a 16 2/3-percent royalty system. In addition, the lower royalty rate system is expected to encourage more rapid production and higher economic profits. The larger cash bonus bids associated with a lower royalty rate are not anticipated to significantly reduce competition, as the higher costs for exploration and development are the primary constraints to competition.

2. Designation of blocks. All blocks in this lease sale will be offered under a 12 1/2-percent royalty system because that system is most appropriate to the resource levels and costs expected in this sale area.

Wm D Bettenberg

Director, Minerals Management Service
Wm. D. Bettenberg

Approved:

Donald Paul Hodel

Secretary of the Interior
DONALD PAUL HODEL

DEC 11 1985

[FR Doc. 85-29732 Filed 12-13-85; 8:45 am]
BILLING CODE 4310-MR-C

Reader Aids

Federal Register

Vol. 50, No. 241

Monday, December 16, 1985

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-1184
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual	523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

49341-49504	2
49505-49664	3
49665-49824	4
49825-49918	5
49919-50156	6
50157-50268	9
50269-50608	10
50609-50754	11
50755-50890	12
50891-51234	13
51235-51382	16

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

5414	49665
5415	49825
5416	49827
5417	50269
5418	50271
5419	50255
5420	50757

Administrative Orders:

Presidential Determinations:

No. 86-03 November 25, 1985	50273

Executive Orders:

12345 (Amended by EO 12539)	49829
12539	49829

4 CFR

6	49505
8	49505
9	49505
30	49505
33	49505
51	49505
52	49505
75	49505
82	49505

7 CFR

6	49919
226	49341
301	51228
403	50275
404	49505, 50275
408	49505, 50275
409	49505
411	49505
413	49505
415	49506
416	49920
417	49506
418	49506
419	49506
423	49507
427	49506
428	49513
429	49506
430	49506
433	49518
439	49505
450	50276
800	49667
907	49343, 50759
908	50759
958	50157
959	49831
971	49831
989	49831, 50158
991	49831
1002	49674
1004	49674
1136	50159
1446	50280
1540	49524
1965	49832

Proposed Rules:

70	50310
210	49933
225	49933
226	49933
430	50794
440	49854
971	50171
980	50621
994	51344
1032	49395
1136	50794
1137	50622
1140	50622
1941	49395
1943	49395
1980	49395

8 CFR

103	51235
211	49921

9 CFR

77	49922
92	49344
102	50761
108	50761
114	50761
318	50282
381	50282

Proposed Rules:

71	49937
80	49937
92	49702

10 CFR

9	50283
50	50764
440	49912

11 CFR

Ch. I	50778

12 CFR

204	50284
217	50160
227	49524
563	49345
564	49524

Proposed Rules:

205	50623
207	50606
226	50794
556	49937
571	49940
615	50798

13 CFR

120 49832

14 CFR

11 ..... 51188, 51332
39 ..... 49349–49351, 49832, 49833, 49923, 50609, 50610, 51235–51237
71 ..... 49353, 49528, 49529, 50254, 50285, 50610, 50778, 51238–51240
73 50611
91 ..... 51188, 51193
93 50264
95 49674
97 50161
198 51332

Proposed Rules:

1 50624
27 50624
29 50624
39 ..... 49858, 49944, 49945, 50172, 51259
71 ..... 49704, 49902, 50173, 50174, 50310, 51259, 51260
73 51260
91 50588
121 50588
125 50588
129 50588
135 50588

15 CFR

Proposed Rules:

10 50177

16 CFR

4 50779
13 ..... 49834, 49835, 50781
305 49679
455 50162

Proposed Rules:

13 50800
444 50178
1500 50918

17 CFR

200 50286
210 49529
229 49529
239 49529
250 50611
259 50611
276 49835

Proposed Rules:

1 49859
166 50805
240 50624
250 ..... 49354, 49705

18 CFR

2 ..... 49679, 51240
32 49924
33 49924
34 49924
35 49924
36 49924
45 49924
101 49924
152 51240
154 51240
157 51240
260 49534
284 ..... 49359, 49371, 49534, 51240
292 49924
375 ..... 49924, 51240
381 ..... 49924, 51240

19 CFR

162 50287
171 50287

20 CFR

404 ..... 50068, 50118
416 50118
601 51241

Proposed Rules:

404 ..... 49397, 49558, 50630, 50920
416 50920
655 ..... 50311, 50313

21 CFR

172 49535
173 ..... 49535, 49684
175 ..... 49535, 49684
176 49684
178 ..... 49684, 50611
181 49535
184 49535
193 49687
310 49371
510 ..... 49372, 49537
520 ..... 49372, 49537, 49840, 50291
522 ..... 49372, 49840, 50292
524 ..... 49372, 49840
555 ..... 49372, 49924
558 ..... 49372, 49840, 50292, 50612, 50613
561 49687
1020 50293

Proposed Rules:

163 ..... 49398, 49405
201 49947
343 49409
357 49409
610 51002
870 50179

22 CFR

514 49373

Proposed Rules:

41 49705

23 CFR

230 51242
625 50784
655 50784
658 49688

Proposed Rules:

1325 49409

24 CFR

232 49538
235 49538
300 49842
511 50594
970 50891

25 CFR

23 51244

28 CFR

65 51340

29 CFR

1 49822
1625 50614
1910 51120
2610 50896
2619 ..... 50898, 50899
2621 50900
2622 50896
2642 49539

Proposed Rules:

20 51354
1910 ..... 49410, 51412, 50512

30 CFR

901 49541
904 49374
906 ..... 49924, 50788
915 49925
917 50293
936 ..... 49376, 50296
944 49542
950 ..... 49544, 50901

Proposed Rules:

75 50925
800 50631

31 CFR

Proposed Rules:

357 49412

32 CFR

54 49927
78 49930
828 49688
880 49688

Proposed Rules:

553 50315

33 CFR

72 50903
110 49843
117 ..... 49550, 50163, 51246
165 ..... 49844, 50164
334 50297

Proposed Rules:

66 50179
117 50808
166 ..... 49861, 50808
167 ..... 49861, 50925
209 50316

36 CFR

1258 50904

37 CFR

304 49551

38 CFR

3 50615

Proposed Rules:

19 50632
21 50632–50642

39 CFR

10 ..... 49387, 49689, 50905
111 49689

40 CFR

52 ..... 49389, 50906, 50908, 51250
81 51251
180 49690
261 50789
305 51196
306 51205
712 50910
716 50910

Proposed Rules:

52 51262
60 49442
122 49904
124 49904
125 49904
141 49423
166 50643
180 ..... 49705, 50643
261 51264
264 51264
265 51264
271 ..... 49561, 49947, 49949
799 49863

41 CFR

101–40 ..... 49551, 49845

42 CFR

52a 49692
75 50710
405 50165
412 49930
432 49389
433 49389

43 CFR

2740 50298
2910 50298

Public Land Orders:

6610 Corrected by 6611 50165
6611 50165

Proposed Rules:

431 49563

44 CFR

64 ..... 49390, 50617
65 ..... 50789, 50790
67 50791
205 50618

Proposed Rules:

67 ..... 49951, 50810
205 49959

45 CFR

96 49552
305 49392

46 CFR

308 50165
309 50165

Proposed Rules:

38 49563
151 49563

47 CFR

22 50167
31 50910
43 50910
68 49930
69 50910
73 ..... 49392, 49553, 50916
87 49554
97 49555

Proposed Rules:

Ch. I 50316
22 50181
43 49423
64 50182
69 50183
73 ..... 49426–49428, 49565, 49566, 49707, 49863, 50329, 51265–51269

48 CFR

514 50169
536 50170
552 50170
701 50301
702 50301
715 50301
728 50301
731 50301
732 50301
737 50301
750 50301
752 50301
753 50301

Proposed Rules:

Ch. 5 50502
31 49662
5242 49819
5252 49819
5350 49708

49 CFR

90 49930
171 49393
173 49849
175 49393
212 50888
217 50888
218 50888
219 50888
225 50888
391 49849

Proposed Rules:

171 49866
173 49866
177 49866
178 49866
180 49866
192 ..... 49429, 49575
195 49429
1039 49576

50 CFR

17 ..... 50304, 50726, 50792, 51251
20 49695
216 49696
227 51252
611 49852
652 ..... 49852, 49931
663 50309
671 ..... 49853, 50793
675 49852

Proposed Rules:

14 49709
17 ..... 49868, 49967, 49970, 50646
18 49577
20 49870
80 50185
651 49582
655 50186
658 50928
663 49590

LIST OF PUBLIC LAWS

Last List December 13, 1985

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.J. Res. 459/Pub. L. 99-174

Reaffirming the friendship of the people of the United States with the people of Colombia following the devastating volcanic eruption of November 13, 1985. (Dec. 11, 1985; 99 Stat. 1033; 1 page) Price $1.00.

S.J. Res. 206/Pub. L. 99-175

To authorize and request the President to designate the month of December 1985, as "Made in America Month". (Dec. 11, 1985; 99 Stat. 1034; 2 pages) Price: 1.00.

H.J. Res. 473/Pub. L. 99-176

Waiving the printing on parchment of the enrollment of H.J. Res. 372. (Dec. 11, 1985; 99 Stat. 1036; 1 page) Price: $1.00.

H.J. Res. 372/Pub. L. 99-177

Increasing the statutory limit on the public debt. (Dec. 12, 1985; 99 Stat. 1037)

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $550 domestic, $137.50 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$5.50	Apr. 1, 1985
3 (1984 Compilation and Parts 100 and 101)	7.50	Jan. 1, 1985
4	12.00	Jan. 1, 1985
5 Parts:		
1–1199	18.00	Oct. 1, 1985
1200–End, 6 (6 Reserved)	7.50	Jan. 1, 1985
7 Parts:		
0–45	14.00	Jan. 1, 1985
46–51	13.00	Jan. 1, 1985
52	14.00	Jan. 1, 1985
53–209	14.00	Jan. 1, 1985
210–299	13.00	Jan. 1, 1985
300–399	8.00	Jan. 1, 1985
400–699	12.00	Jan. 1, 1985
700–899	14.00	Jan. 1, 1985
900–999	14.00	Jan. 1, 1985
1000–1059	12.00	Jan. 1, 1985
1060–1119	9.50	Jan. 1, 1985
1120–1199	8.00	Jan. 1, 1985
1200–1499	13.00	Jan. 1, 1985
1500–1899	7.50	Jan. 1, 1985
1900–1944	12.00	Jan. 1, 1985
1945–End	13.00	Jan. 1, 1985
8	7.50	Jan. 1, 1985
9 Parts:		
1–199	13.00	Jan. 1, 1985
200–End	9.50	Jan. 1, 1985
10 Parts:		
0–199	17.00	Jan. 1, 1985
200–399	9.50	Jan. 1, 1985
400–499	12.00	Jan. 1, 1985
500–End	14.00	Jan. 1, 1985
11	7.50	Jan. 1, 1985
12 Parts:		
1–199	8.00	Jan. 1, 1985
200–299	14.00	Jan. 1, 1985
300–499	9.50	Jan. 1, 1985
500–End	14.00	Jan. 1, 1985
13	13.00	Jan. 1, 1985
14 Parts:		
1–59	16.00	Jan. 1, 1985
60–139	13.00	Jan. 1, 1985
140–199	7.50	Jan. 1, 1985
200–1199	15.00	Jan. 1, 1985
1200–End	8.00	Jan. 1, 1985
15 Parts:		
0–299	6.50	Jan. 1, 1985
300–399	13.00	Jan. 1, 1985
400–End	12.00	Jan. 1, 1985

Title	Price	Revision Date
16 Parts:		
0–149	9.00	Jan. 1, 1985
150–999	10.00	Jan. 1, 1985
1000–End	13.00	Jan. 1, 1985
17 Parts:		
1–239	20.00	Apr. 1, 1985
240–End	14.00	Apr. 1, 1985
18 Parts:		
1–149	12.00	Apr. 1, 1985
150–399	19.00	Apr. 1, 1985
400–End	7.00	Apr. 1, 1985
19	21.00	Apr. 1, 1985
20 Parts:		
1–399	8.00	Apr. 1, 1985
400–499	16.00	Apr. 1, 1985
500–End	18.00	Apr. 1, 1985
21 Parts:		
1–99	9.00	Apr. 1, 1985
100–169	11.00	Apr. 1, 1985
170–199	13.00	Apr. 1, 1985
200–299	4.25	Apr. 1, 1985
300–499	20.00	Apr. 1, 1985
500–599	16.00	Apr. 1, 1985
600–799	6.50	Apr. 1, 1985
800–1299	10.00	Apr. 1, 1985
1300–End	5.50	Apr. 1, 1985
22	21.00	Apr. 1, 1985
23	14.00	Apr. 1, 1985
24 Parts:		
0–199	11.00	Apr. 1, 1985
200–499	19.00	Apr. 1, 1985
500–699	6.50	Apr. 1, 1985
700–1699	13.00	Apr. 1, 1985
1700–End	9.00	Apr. 1, 1985
25	18.00	Apr. 1, 1985
26 Parts:		
§§ 1.0–1.169	21.00	Apr. 1, 1985
§§ 1.170–1.300	12.00	Apr. 1, 1985
§§ 1.301–1.400	7.50	Apr. 1, 1985
§§ 1.401–1.500	15.00	Apr. 1, 1985
§§ 1.501–1.640	12.00	[2] Apr. 1, 1984
§§ 1.641–1.850	11.00	Apr. 1, 1985
§§ 1.851–1.1200	22.00	Apr. 1, 1985
§§ 1.1201–End	22.00	Apr. 1, 1985
2–29	15.00	Apr. 1, 1985
30–39	9.50	Apr. 1, 1985
40–299	18.00	Apr. 1, 1985
300–499	11.00	Apr. 1, 1985
500–599	8.00	[1] Apr. 1, 1980
600–End	4.75	Apr. 1, 1985
27 Parts:		
1–199	18.00	Apr. 1, 1985
200–End	13.00	Apr. 1, 1985
28	16.00	July 1, 1985
29 Parts:		
0–99	11.00	July 1, 1985
100–499	5.00	July 1, 1985
500–899	19.00	July 1, 1985
900–1899	7.00	July 1, 1985
1900–1910	21.00	July 1, 1985
1911–1919	5.50	[3] July 1, 1984
1920–End	20.00	July 1, 1985
30 Parts:		
0–199	16.00	July 1, 1985
200–699	6.00	July 1, 1985
700–End	13.00	July 1, 1985
31 Parts:		
0–199	8.50	July 1, 1985
200–End	11.00	July 1, 1985

Title	Price	Revision Date
32 Parts:		
1–39, Vol. I	15.00	[4] July 1, 1984
1–39, Vol. II	19.00	[4] July 1, 1984
1–39, Vol. III	18.00	[4] July 1, 1984
1–189	13.00	July 1, 1985
190–399	16.00	July 1, 1985
400–629	15.00	July 1, 1985
630–699	12.00	[3] July 1, 1984
700–799	15.00	July 1, 1985
800–999	7.50	July 1, 1985
1000–End	5.50	July 1, 1985
33 Parts:		
1–199	20.00	July 1, 1985
200–End	14.00	July 1, 1985
34 Parts:		
1–299	15.00	July 1, 1985
300–399	8.50	July 1, 1985
400–End	18.00	July 1, 1985
35	7.00	July 1, 1985
36 Parts:		
1–199	9.00	July 1, 1985
200–End	14.00	July 1, 1985
37	9.00	July 1, 1985
38 Parts:		
0–17	16.00	July 1, 1985
18–End	11.00	July 1, 1985
39	9.50	July 1, 1985
40 Parts:		
1–51	16.00	July 1, 1985
52	21.00	July 1, 1985
53–80	23.00	July 1, 1985
81–99	18.00	July 1, 1985
100–149	18.00	July 1, 1985
150–189	13.00	July 1, 1985
190–399	19.00	July 1, 1985
400–424	14.00	July 1, 1985
425–699	13.00	July 1, 1985
700–End	8.00	July 1, 1985
41 Chapters:		
1, 1–1 to 1–10	13.00	[5] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[5] July 1, 1984
3–6	14.00	[5] July 1, 1984
7	6.00	[5] July 1, 1984
8	4.50	[5] July 1, 1984
9	13.00	[5] July 1, 1984
10–17	9.50	[5] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[5] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[5] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[5] July 1, 1984
19–100	13.00	[5] July 1, 1984
1–100	7.50	July 1, 1985
101	19.00	July 1, 1985
102–200	8.50	July 1, 1985
201–End	5.50	July 1, 1985
42 Parts:		
1–60	12.00	Oct. 1, 1985
61–399	7.00	Oct. 1, 1985
400–End	18.00	Oct. 1, 1984
43 Parts:		
*1–999	10.00	Oct. 1, 1985
*1000–3999	18.00	Oct. 1, 1985
4000–End	8.50	Oct. 1, 1985
44	13.00	Oct. 1, 1984
45 Parts:		
1–199	9.50	Oct. 1, 1984
200–499	7.00	Oct. 1, 1985
500–1199	13.00	Oct. 1, 1984
1200–End	9.50	Oct. 1, 1984
46 Parts:		
1–40	9.50	Oct. 1, 1984
*41–69	10.00	Oct. 1, 1985
70–89	5.50	Oct. 1, 1985
*90–139	9.00	Oct. 1, 1985
*140–155	8.50	Oct. 1, 1985
156–165	10.00	Oct. 1, 1985
*166–199	9.00	Oct. 1, 1985
200–499	13.00	Oct. 1, 1984
500–End	7.50	Dec. 31, 1984
47 Parts:		
0–19	13.00	Oct. 1, 1984
20–69	14.00	Oct. 1, 1984
70–79	13.00	Oct. 1, 1984
80–End	14.00	Oct. 1, 1984
48 Chapters:		
1 (Parts 1–51)	13.00	Oct. 1, 1984
1 (Parts 52–99)	13.00	Oct. 1, 1984
2	13.00	Oct. 1, 1984
3–6	12.00	Oct. 1, 1984
7–14	14.00	Oct. 1, 1984
15–End	12.00	Oct. 1, 1984
49 Parts:		
*1–99	7.00	Oct. 1, 1985
100–177	14.00	Nov. 1, 1984
178–199	13.00	Nov. 1, 1984
200–399	13.00	Oct. 1, 1984
400–999	13.00	Oct. 1, 1984
1000–1199	13.00	Oct. 1, 1984
1200–1299	13.00	Oct. 1, 1984
*1300–End	2.25	Oct. 1, 1985
50 Parts:		
1–199	9.50	Oct. 1, 1984
200–End	14.00	Oct. 1, 1984
CFR Index and Findings Aids	18.00	Jan. 1, 1985
Complete 1985 CFR set	550.00	1985
Microfiche CFR Edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Subscription (mailed as issued)	185.00	1985
Individual copies	3.75	1985

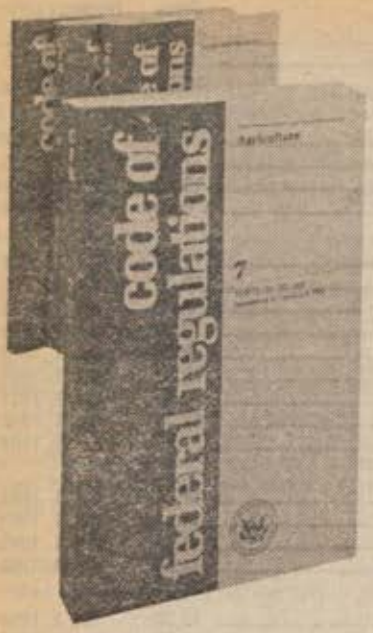
[1] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1985. The CFR volume issued as of Apr. 1, 1980, should be retained.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1984 to March 31, 1985. The CFR volume issued as of Apr. 1, 1984, should be retained.

[3] No amendments to this volume were promulgated during the period July 1, 1984 to June 30, 1985. The CFR volume issued as of July 1, 1984, should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.



Just Released

Code of Federal Regulations

Revised as of October 1, 1985

Quantity	Volume	Price	Amount
	Title 46—Shipping		
_____	Parts 41–69 (Stock No. 822–004–00148–9)	$10.00	$_____
_____	Parts 90–139 (Stock No. 822–004–00150–1)	9.00	_____
_____	Parts 140–155 (Stock No. 822–004–00151–9)	8.50	_____
_____	Parts 166–199 (Stock No. 822–004–00153–5)	9.00	_____
	Title 49—Transportation		
_____	Parts 1–99 (Stock No. 822–004–00166–7)	7.00	_____
_____	Part 1300–End (Stock No. 822–004–00173–0)	2.25	_____
		Total Order	$_____

A cumulative checklist of CFR issuances appears every Monday in the Federal Register in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA*

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		