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Monday
February 24, 1986

Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC, St. Louis, MO, Denver, CO, and Dallas, TX, see announcement on the inside cover of this issue.

Selected Subjects

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Selected Subjects

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

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

WHO: The Office of the Federal Register.

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

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

ST. LOUIS, MO

WHEN: March 11; 9 am.
WHERE: Room 1612, Federal Building, 1520 Market Street, St. Louis, MO.
CALL: Dolores O'Guin, St. Louis Federal Information Center, 314-425-4109, for reservations.

WASHINGTON, DC

WHEN: March 20; 9 am and 1 pm. (identical sessions)
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW, Washington, DC
CALL: Ruth Reedy, 202-523-5239, for reservations.

DENVER, CO

WHEN: March 24; 9 am.
WHERE: Room 239, Federal Building, 1961 Stout Street, Denver, CO.
CALL: Elizabeth Stout, Denver Federal Information Center, 303-236-7181, for reservations.

DALLAS, TX

WHEN: April 23; 1:30 pm.
WHERE: Room 7A23, Earl Cabell Federal Building, 1100 Commerce St Dallas, TX.
CALL: **local numbers:**

Ft. Worth	817-334-3624
Dallas	214-767-8585
Houston	713-229-2552
Austin	512-472-5494
San Antonio	512-224-4471

for reservations.

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Separate Parts In This Issue

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 51, No. 36
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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1822, 1872, 1930, 1944, 1951 and 1980

Revision of Section 502 Rural Housing Loan Policies, Procedures and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) adopts its interim rule published October 1, 1985 (50 FR 39959), as amended by a correction published November 25, 1985 (50 FR 48372), to implement the provisions of Pub. L. 98–181, the Rural Housing Amendments of 1983, which was signed into law on November 30, 1983. This action is necessary to discussion the comments received and to finalize the interim rule.

EFFECTIVE DATE: February 24, 1986.

FOR FURTHER INFORMATION CONTACT: Ruth Corcoran, Senior Loan Specialist, Single Family Housing Processing Division, Farmers Home Administration, USDA, Room 5344, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250, telephone (202) 382–1488.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291, and has been determined to be nonmajor, because there is no substantial change from practices under existing rules that would have an annual effect on the economy of $100 million or more. There is no major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Only two comments were received on the October 1, 1985, interim rule. Both commenters were concerned that FmHA did not make provisions in the interim rule implementation to "grandfather in" those tentatively eligible applicants for a rural housing loan who were in the process of optioning a property or obtaining a sales contract on a dwelling. It was contended that implementation of new income limits scaled for size of family which decreased the income eligibility limits for 1 through 3 person households in many counties was unfair to those persons who had been advised by FmHA to furnish all documents and information necessary to approve a loan but whose loan was not approved prior to October 1, 1985. FmHA agreed with the commenters and a Notice was published in the **Federal Register** on November 8, 1985 (50 FR 46471), to reinstate the eligibility of such applicants under the previous income limits. Applicants with applications in process prior to October 1, 1985, were given until January 31, 1986, to furnish the information necessary for loan approval. If they have done so, a loan will be approved for them provided they are otherwise eligible, subject to the availability of funds.

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.410. For the reasons set forth in the Final Rule related Notice to 7 CFR Part 3015, Subpart V, 48 FR 29115, June 24, 1983, this program/activity is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

List of Subjects in 7 CFR Part 1944

Home improvement, Loan program—Housing and community development, Low and moderate income housing—Rental, Mortgages, Rural housing, Subsidies.

Accordingly, the interim rule published in the **Federal Register** on October 1, 1985 (50 FR 39959), and amended by a correction published in the **Federal Register** on November 25, 1985 (50 FR 48372), is adopted as a final rule.

Dated: February 13, 1986.

Frank W. Naylor, Jr.,

Under Secretary for Small Community and Rural Development.

[FR Doc. 86–3898 Filed 2–21–86; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 561

[86–155]

Brokered Deposits; Limitations Applicable to Institutions With Low Net Worth; Correction

Dated: February 19, 1986.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; technical correction.

SUMMARY: The Federal Home Loan Bank Board ("Board") is correcting the language of the heading of 12 CFR 561.2a so that it will conform to the language contained in the headings of the other sections of Part 561 of the Board's regulations and as enumerated in the table of contents of Part 561 of the Code of Federal Regulations ("CFR").

EFFECTIVE DATE: February 24, 1986.

FOR FURTHER INFORMATION CONTACT: Carol J. Rosa, Paralegal Specialist, Regulations and Legislation Divisions, Office of General Counsel, (202) 377–6464, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On January 31, 1985, the Board adopted a final regulation that added § 561.2a to Part 561 of the CFR regarding brokered deposits, limitations applicable to institutions with low net worth. Board Res. No. 85–78, 50 FR 5232 (Feb. 7, 1985). During the drafting of the final rule an

error was made in the language of the heading of § 561.2a in that the language used did not conform to the language contained in the headings of the other sections of Part 561 and as enumerated in the table of contents of Part 561. This action corrects that error.

Pursuant to 12 CFR 508.11 and 508.14, the Board finds that, because of the minor, technical nature of this corrective amendment, notice and public comment are unnecessary, as is the 30-day delay of the effective date.

List of Subjects in 12 CFR Part 561

Savings and loan associations.

Accordingly, the Board hereby amends Part 561, Subchapter D, Chapter V, Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

1. The authority citation for part 561 continues to read as follows:

Authority: 12 U.S.C. 1724–26, 1730; Reorg. Plan No. 3 of 1947, 3 CFR, 1943–48 Comp., p. 1071, unless otherwise noted.

§ 561.2a [Corrected]

2. The heading of 12 CFR 561.2a, added at 50 FR 5232, 5233 (Feb. 7, 1985), is corrected to read "§ 561.2a Deposit broker.".

§ 561.2a Deposit broker.

* * * * *

By the Federal Home Loan Bank Board.

Nadine Y. Penn,

Acting Secretary.

[FR Doc. 86–3930 Filed 2–21–86; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84–ANE–14; Amdt. 39–5239]

Airworthiness Directives: Rolls-Royce Limited RB211–22B and –524 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Rolls-Royce RB211–22B and RB211–524 series turbofan engines. The amendment is needed because the FAA has determined that the original compliance date is unnecessarily restrictive. Reevaluation of the initial risk analysis by Rolls-Royce and the Civil Aviation Authority (CAA) of the United Kingdom, based on more current service experience, shows that the compliance date can be extended while maintaining a lower risk of failure than was originally required.

DATE: Effective March 28, 1986.

Compliance Schedule—As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Chris Gavriel, Engine Certification Branch, ANE–141, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273–7084.

SUPPLEMENTARY INFORMATION: A proposal to amend Amendment 39–5063 (50 FR 23109), AD 85–10–05, to extend the compliance deadline from April 1, 1986, to December 31, 1987, was published in the **Federal Register** on October 24, 1985 (50 FR 43223). Amendment 39–5063 required modification of the location bearing area in accordance with Rolls-Royce SB RB.211–72–6847, dated March 30, 1984, prior to April 1, 1986. After issuing Amendment 39–5063, the FAA determined, based on current service experience and reevaluation of the CAA and Rolls-Royce risk analysis, that the compliance date can be extended from April 1, 1986, to December 31, 1987, without increasing the risk of a failure. This amendment also adopts two paragraphs at the end of the AD which provide for a means for adjusting the compliance schedule and ferrying aircraft to a repair station. Interested persons have been afforded the opportunity to participate in the making of this amendment and due consideration has been given to all relevant data and comments received. One response was received concerning the proposed amendment. Because the response received is in total agreement with the proposed amendment, the proposal is adopted without change.

Conclusion

The FAA has determined that, since this amendment extends the compliance date, there would be no additional costs relative to the cost of Amendment 39–5063. This amendment affects 277 RB211–22B and –524 series turbofan engines on Lockheed L–1011 and Boeing 747 aircraft, the operators of which are not believed to be small entities. Therefore, I certify that this proposed action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) 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 39

Air Transportation; Aircraft, Aviation Safety, Engines.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the FAA amends Part 39 of the Federal Aviation Regulations (FAR) 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.

§ 39.13 [Amended]

2. By amending § 39.13, Amendment 39–5063 (50 FR 23109), AD 85–10–05, as follows:

(a) Revise the compliance statement to read "Prior to December 31, 1987".

(b) By adding the following paragraphs at the end thereof:

"Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Engine Certification Office, New England Region, may adjust the compliance time specified in this AD."

This amendment becomes effective on March 28, 1986.

This amendment amends Amendment 39–5063 (50 FR 23109), AD 85–10–05.

Issued in Burlington, Massachusetts, on February 11, 1986.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86–3876 Filed 2–21–86; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 85–AWP–31]

Alteration of Alturas, CA, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule; change of effective date.

SUMMARY: An error was noted in the effective date of the correction to the final rule of the alteration of the Alturas,

California, Transition Area that was published in the **Federal Register** on December 17, 1985 (50 FR 51384) (Airspace Docket No. 85–AWP–31). This action corrects the effective date of the correction.

EFFECTIVE DATE: 0901 G.m.t., January 16, 1986.

FOR FURTHER INFORMATION CONTACT:
Frank Torikai, Airspace Branch, Air Traffic Division, Federal Aviation Administration (FAA), 15000 Aviation Boulevard, Lawndale, California 90261; telephone (213) 297–1649.

SUPPLEMENTAL INFORMATION:

History

Federal Register Document 85–29745 was published on December 17, 1985, corrected the description of the Alturas, California, Transition Area. An error was discovered in the effective date of the correction and this action corrects that error.

List of Subjects in 14 CFR Part 71

Transition areas.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 85–29745, as published in the **Federal Register** on December 17, 1985, is corrected by removing "Effective Date: March 13, 1986" and substituting "Effective Date: January 16, 1986."

Issued in Los Angeles, California, on February 13, 1986.

B. Keith Potts,

Acting Director, Western-Pacific Region.

[FR Doc. 86–3877 Filed 2–21–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 85–AWP–28]

Alteration of the Santa Rosa, CA, Transition Area

AGENCY: Federal Aviation Administration, DOT.

ACTION: Correction to final rule; change of effective date.

SUMMARY: An error was noted in the effective date of the correction to the final rule of the alteration of the Santa Rosa, California, Transition Area that was published in the **Federal Register** on December 12, 1985 (50 FR 50778) (Airspace Docket No. 85–AWP–28). This action corrects the effective date of the correction.

EFFECTIVE DATE: 0901 G.m.t., January 16, 1986.

FOR FURTHER INFORMATION CONTACT:
Frank Torikai, Airspace Branch, Air Traffic Division, Federal Aviation Administration (FAA), 15000 Aviation Boulevard, Lawndale, California 90261; telephone (213) 297–1649.

SUPPLEMENTAL INFORMATION:

History

Federal Register Document 85–29430, published on December 12, 1985, corrected the description of the Santa Rosa, California, Transition Area. An error was discovered in the effective date of the correction and this action corrects that error.

List of Subjects in 14 CFR Part 71

Transition areas.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** document 85–29430, as published in the **Federal Register** on December 12, 1985, is corrected by removing "Effective Date: March 13, 1986" and substituting "Effective Date: January 16, 1986."

Issued in Los Angeles, California, on February 13, 1986.

B. Keith Potts,

Acting Director, Western-Pacific Region.

[FR Doc. 86–3878 Filed 2–21–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 85–AWP–19]

Alteration and Redefinition of the Fresno, CA; Fresno Air Terminal Control Zone

AGENCY: Federal Aviation Administration, DOT.

ACTION: Correction to final rule.

SUMMARY: An error was noted in the description of the Fresno Air Terminal Control Zone that was published in the **Federal Register** on December 16, 1985, (50 FR 51238) (Airspace Docket No. 85–AWP–18). This action corrects that error.

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

FOR FURTHER INFORMATION CONTACT:
Frank Torikai, Airspace Branch, Air Traffic Division, Federal Aviation Administration (FAA), 15000 Aviation Boulevard, Lawndale, California 90261; telephone (213) 297–1649.

SUPPLEMENTARY INFORMATION:

History

Federal Register document 85–29621, published on December 16, 1985, amended controlled airspace in the State of California. An error was discovered in the description of the Fresno Air Terminal Control Zone and this action corrects that error.

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, when promulgated, will not have a significant 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 zone, Transition areas.

Adoption of the Correction

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 85–29621, as published in the **Federal Register** on December 16, 1985, is corrected as follows:

Beginning with the first line from the top of the Fresno Air Terminal Control Zone description, remove "at lat. 36°45'30" N., long. 119°37'30" W." and substitute "at lat. 36°45'50" N. long. 119°37'44" W."

Beginning with the third line from the top of the Fresno Air Terminal Control Zone description, remove "to lat. 36°43'20" N., long. 119°30'40'30" W." and substitute "to lat. 36°42'57" N., long. 119°40'07" W."

Beginning with the fifth line from the top of the Fresno Air Terminal Control Zone description, remove "to lat. 36°49'40" N., long. 119°47'30" W." and substitute "to lat. 36°49'21" N., long. 119°47'15" W."

Beginning with the seventh line from the top of the Fresno Air Terminal Control Zone description, remove "to lat. 36°51'30" N., long. 119°44'30" W." and substitute "to lat. 36°50'53" N., long. 119°44'03" W."

Issued in Los Angeles, California, on February 13, 1986.

B. Keith Potts,

Acting Director, Western-Pacific Region.

[FR Doc. 86–3879 Filed 2–21–86; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 24910; Amdt. No. 1314]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, D.C. on February 7, 1986.

John S. Kern,

Acting Director of Flight Standards.

Adoption of the Amendment

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

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

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

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

. . . Effective 8 May 1986

Yankton, SD—Chan Gurney Muni, VOR RWY 31, Amdt. 3, Cancelled
Yankton, SD—Chan Gurney Muni, VOR RWY 31, Orig.

Yankton, SD—Chan Gurney Muni, VOR RWY 13, Amdt. 5, Cancelled
Yankton, SD—Chan Gurney Muni, VOR RWY 31, Orig.
McAllen, TX—Miller Intl, VOR RWY 13, Amdt. 13
McAllen, TX—Miller Intl, VOR-A, Amdt. 12
McAllen, TX—Miller Intl, LOC BC RWY 31, Amdt. 6
McAllen, TX—Miller Intl, NDB RWY 13, Amdt. 5
McAllen, TX—Miller Intl, ILS RWY 13, Amdt. 6

. . . Effective 10 April 1986

Denver, CO—Front Range, NDB RWY 26, Orig.
Delaware, OH—Delaware Muni, VOR RWY 28, Amdt. 2
Delaware, OH—Delaware Muni, VOR RWY 10, Amdt. 2
Eau Claire, WI—Eau Claire County, VOR-A, Amdt. 20
Eau Claire, WI—Eau Claire County, LOC/DME BC RWY 4, Amdt. 5
Eau Claire, WI—Eau Claire County, NDB RWY 22, Amdt. 5
Eau Claire, WI—Eau Claire County, ILS RWY 22, Amdt. 5
Stevens Point, WI—Stevens Point Muni, VOR RWY 3, Amdt. 11
Stevens Point, WI—Stevens Point Muni, VOR RWY 21, Amdt. 15
Stevens Point, WI—Stevens Point Muni, VOR RWY 30, Amdt. 14
Waukesha, WI—Waukesha County, NDB RWY 18R, Amdt. 1
Waukesha, WI—Waukesha County, NDB RWY 28, Amdt. 1

. . . Effective 13 March 1986

Greenville, AL—Greenville Muni, NDB RWY 32, Amdt. 4
Troy, AL—Troy Muni, VOR RWY 7, Amdt. 3
Troy, AL—Troy Muni, NDB RWY 7, Amdt. 5
Troy, AL—Troy Muni, ILS RWY 7, Amdt. 5
Ft. Huachuca/Sierra Vista, AZ—Libby AAF/Sierra Vista Muni, VOR RWY 26, Orig.
Ft. Huachuca/Sierra Vista, AZ—Libby AAF/Sierra Vista Muni, NDB-B, Amdt. 1, Cancelled
Macon, GA—Lewis B. Wilson, ILS RWY 5, Amdt. 23
Elizabethtown, KY—Elizabethtown, VOR-A, Amdt. 1
Hattiesburg, MS—Bobby L Chain Muni, VOR RWY 13, Amdt. 10
Laurel, MS—Hesler-Noble Field, NDB RWY 13, Amdt. 6
Laurel/Hattiesburg, MS—Pine Belt Regional, VOR RWY 36, Amdt. 3
Laurel/Hattiesburg, MS—Pine Belt Regional, VOR RWY 18, Amdt. 5
Tupelo, MS—C. D. Lemons Muni, ILS RWY 6, Amdt. 4
Batavia, NY—Genesee County, VOR RWY 28, Amdt. 4, Cancelled
Batavia, NY—Genesee County, VOR/DME-A, Amdt. 3
Batavia, NY—Genesee County, ILS RWY 28, Amdt. 2
Millbrook, NY—Sky Acres, VOR-A, Amdt. 6
Newburgh, NY—Stewart, NDB RWY 9, Amdt. 5
Stormville, NY—Stormville, VOR-A, Amdt. 4
White Plains, NY—Westchester County, ILS RWY 16, Amdt. 21
White Plains, NY—Westchester County, ILS RWY 34, Amdt. 2
Coatesville, PA—Chester County G.O. Carlson, NDB RWY 11, Amdt. 7, Cancelled
Monongahela, PA—Rostraver, VOR-A, Amdt. 4
Seven Springs Borough, PA—Seven Springs, VOR-A, Amdt. 2
Sumter, SC—Sumter Muni, RADAR-1, Amdt. 6
San Antonio, TX-San Antonio Intl, VOR RWY 3, Orig.
San Antonio, TX-San Antonio Intl, VOR RWY 21, Orig.
Portsmouth, VA—Hampton Roads, NDB RWY 2, Amdt. 4
Bluefield, WV-Mercer County, ILS RWY 23, Amdt. 8

. . . Effective 6 February 1986

Asheboro, NC—Asheboro Muni, NDB RWY 21, Amdt. 2

. . . Effective 5 February 1986

Clinton, NC—Sampson County, VOR/DME-A, Amdt. 4
Houston, TX—William P. Hobby, VOR RWY 12R, Amdt. 16
Houston, TX—William P. Hobby, VOR/DME RWY 30L, Amdt. 13
Houston, TX—William P. Hobby, ILS RWY 12R, Amdt. 9

. . . Effective 3 February 1986

Cortez, CO—Cortez-Montezuma County, VOR RWY 21, Amdt. 5
Kansas City, MO—Kansas City Intl, ILS RWY 9, Amdt. 10

. . . Effective 31 January 1986

North Little Rock, AR—North Little Rock Muni, VOR RWY 35, Amdt. 3
North Little Rock, AR—North Little Rock Muni, VOR/DME RWY 35, Amdt. 4

. . . Effective 30 January 1986

Ocala, FL—Ocala Muni/Jim Taylor Field, VOR RWY 36, Amdt. 14
Ocala, FL—Ocala Muni/Jim Taylor Field, LOC RWY 36, Amdt. 5
Ocala, FL—Ocala Muni/Jim Taylor Field, NDB RWY 36, Amdt. 1
McCook, NE—McCook Muni, VOR RWY 30, Amdt. 7
McCook, NE—McCook Muni, VOR/DME RWY 30, Amdt. 1

. . . Effective 29 January 1986

Orlando, FL—Orlando Executive, RADAR-1, Amdt. 22
Leonardtown, MD—St Marys County, VOR RWY 29, Amdt. 3

. . . Effective 23 January 1986

Montrose, CO—Montrose County, VOR RWY 12, Amdt. 6
Montrose, CO—Montrose County, VOR/DME RWY 12, Amdt. 7

The FAA published an Amendment in Docket No. *24900*, Amdt. No. *1313* to Part 97 of the Federal Aviation Regulations (VOL *51* FR No. *22* Page *4159*; dated *3 FEB 1986*) under § 97.*27* effective *13 MAR 86*, which is hereby amended as follows:

Cordele, GA—Crisp County-Cordele, NDB RWY 9, Amdt. 2, Rescinded.

[FR Doc. 86-3880 Filed 2-21-86; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3180]

North American Philips Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a New York City marketer of Norelco Clean Air Machines, among other things, to cease misrepresenting the ability of air cleaners to eliminate or help eliminate indoor pollutants or the irritation they cause, or the results of smoke chamber demonstrations or other tests, surveys or demonstrations of air cleaning appliances. Additionally, respondent is required to have competent and reliable substantiation for all future claims about its products' efficacy.

DATE: Complaint and Order issued Feb. 10, 1986 [1].

FOR FURTHER INFORMATION CONTACT: FTC/B-407, Brinley H. Williams, Washington, DC 20580. (202) 376-8720.

SUPPLEMENTARY INFORMATION: On Friday, Nov. 29, 1985, there was published in the **Federal Register**, 50 FR 49060, a proposed consent agreement with analysis In the Matter of North American Philips Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or

[1] Copies of the Complaint and the Decision and Order are filed with the original document.

properties of product or service; § 13.170–16 Cleaning, purifying; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–45 Maintain records. Subpart—Disseminating Advertisements, Etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1885 Qualities or properties; § 13.189 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Indoor air cleaners, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 86–3896 Filed 2–21–86; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM85–1–000; RM 85–1–148, RM85–1–150 and RM85–1–152 (Part A)

Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol

Issued: February 14, 1986.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order Granting in Part Petitions for Rehearing and Reconsideration.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is granting in part three petitions for rehearing of its Order No. 436–A, issued December 12, 1985, 50 FR 52217 (Dec. 23, 1985), and is granting three related petitions for reconsideration of that order. The Commission is permitting the transportation of natural gas by interstate pipelines or local distribution companies, under arrangements commenced on or after October 9, 1986, to continue through June 30, 1986, before customer rights to reduce or convert firm sales entitlements under § 284.10 of the Commission's regulations are triggered.

EFFECTIVE DATE: February 14, 1986.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8400.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is granting in part three petitions for rehearing of its Order No. 436–A [1] and is granting three related petitions for reconsideration of that order. The Commission is permitting the transportation of natural gas by interstate pipelines on behalf of intrastate pipelines or local distribution companies, under arrangements commenced on or after October 9, 1985, to continue through June 30, 1986, before customer rights to reduce or convert firm sales entitlements under § 284.10 of the Commission's regulations are triggered.

This order is not a decision on the merits of any other issue or application before the Commission on rehearing of Order No. 436–A.[2] The amendment to the Commission's regulations is effective immediately.

II. Background

In Part A of Order No. 436 [3], the Commission adopted a comprehensive program for the interstate transportation of natural gas. That final rule, issued pursuant to the Natural Gas Act (NGA) [4] and the Natural Gas Policy Act of 1978 (NGPA) [5], substantially changed Commission regulation of interstate natural gas transportation. As an alternative to the traditional "merchant" function played by natural gas pipelines, the Commission provided the regulatory framework under which both interstate and intrastate pipelines could transport gas for others on a non-discriminatory basis, thereby ensuring that the benefits of competitively-priced gas supplies and transmission services are available to all consumers. This program is implemented by means of blanket certificates issued to interstate pipelines [6] and self-implementing transportation arrangements conducted under section 311 of the NGPA by either interstate and intrastate pipelines.[7]

As a condition of accepting a blanket certificate under § 284.221 or commencing any self-implementing NGPA section 311 transaction after December 15, 1985, interstate pipelines were required by Order No. 436 to offer their firm sales customers the opportunity to reduce or convert to firm transportation service any firm sales entitlements to gas supplies. 18 CFR 284.10(a).

In Order No. 436–A, the Commission granted rehearing in part to extend the date for applying the CD reduction/conversion provision in § 284.10 to interstate pipelines that commenced new NGPA section 311 arrangements authorized under § 284.102 or § 284.243. The amendment allowed transportation arrangements that commenced after October 9, 1985, to continue through February 16, 1986, without triggering the § 284.10 conditions.

III. Discussion

In applications for rehearing of Order No. 436–A, Texas Eastern Transmission Corporation, Southern Natural Gas Company, Natural Gas Pipeline Company of America, the Interstate Natural Gas Association of America, ANR Pipeline Company, Coastal Corporation, and Colorado Interstate Gas Company raise serious concerns regarding disruption of gas markets as a result of the requirements of § 284.10. In addition, the American Gas Association and Arkla Energy Resources, Northwest Pipeline Corporation and its major customers, the Citizens Energy Corporation, Texas Eastern, Dome Petroleum Limited, United Gas Pipe Line Company, and Trunkline Gas Company request postponement of the trigger date to forestall disruptions in ongoing transactions that will occur on February 15, 1986.[8] These petitioners request an extension to various dates beyond February 15, 1986. In requesting the extension, they note the existence of significant and promising negotiations involving several major pipelines which may lead to open access transportation under Order No. 436. They urge the Commission to permit these negotiations to proceed without risking the hardships to consumers that will arise if pipelines discontinue NGPA section 311 transactions. Two of the petitioners

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[1] 50 FR 52217 (Dec. 23, 1985).

[2] On February 4, 1986, the Commission issued an "Order Granting Rehearing of Order No. 436–A for the Purpose of Further Consideration." All issues raised on rehearing, other than those specifically addressed herein, remain tolled pending further Commission action.

[3] 50 FR 42408 (Oct 18, 1985).

[4] 15 U.S.C. 717–717w (1982).

[5] 15 U.S.C. 3301–3432 (1982).

[6] 18 CFR Part 284, Subparts G and H.

[7] 18 CFR Part 284, Subparts B, C, and H.

[8] These filings, variously requesting extension or waiver, are treated as petitions for reconsideration of Order No. 436–A. The Commission notes that it also received letters from the Maryland People's Counsel and Michigan Consolidated Gas Company and from the Illinois Commerce Commission in opposition to such an extension. For the reasons stated in this order, the Commission believes that an extension is appropriate.

request a postponement of the trigger date up to July 1, 1986, consistent with the date on which revised rates for Order No. 436 transportation must be proposed to be effective.

The Commission is persuaded that postponement of the February 15 trigger date for the CD reduction/conversion options through June 30, 1986, is appropriate. In granting this extension, the Commission reaffirms its commitment to the concepts embodied by Order No. 436. At the same time, the Commission notes that the postponement of the § 284.10 trigger date provided by Order No. 436–A had a specific purpose, namely to enable all segments of the gas industry to adjust their commercial relationships so that they would be in the most advantageous position possible to maximize their opportunities under Order No. 436. The Commission explained, in granting this extension, that

> Because the bulk of self-help transportation services are those implemented under section 311 and because Order No. 436 provides pipelines new flexibility to provide section 311 services to local distribution systems for both system supply and direct end-uses, the change to § 284.10(a) would extend the CD reduction/conversion "trigger" date for new section 311 arrangements from December 15, 1985, to February 15, 1986. However, all other Order No. 436 conditions applicable to such 311 services, such as the non-discriminatory access condition, would continue to apply as required by Order No. 436.
>
> Under this change, all segments of the industry more readily will be able to adjust their commercial relationships, while at the same time meeting Order No. 436's overall goal of permitting pipelines and their customers to maximize the movement of gas on a non-discriminatory basis in response to competitive conditions.[9]

The Commission believes that the goals articulated in Order No. 436–A can be furthered by this extension and that it will serve the public interest for the following reasons.

Several pipelines have taken steps to participate in the Order No. 436 transportation program. Nine pipelines have filed applications for blanket transportation certificates, while two others have filed settlements which claim to include transportation service pursuant to Order Nos. 436 and 436–A. We believe that an evolution toward flexible, nondiscriminatory transportation and greater competition in gas markets is occurring. The petitions before us note that many major pipelines currently are meeting with customers to determine their participation in the Order No. 436 transportation program. We therefore expect that many pipelines are in the process of attempting to restructure their traditional relationships with customers and suppliers to allow a smooth transition toward that transportation program.

The Commission recognizes that Order Nos. 436 and 436–A represent a major change in the regulation of transportation. Accordingly, and as experience since issuance of these orders has shown, the transition to this new regulatory environment will take time. We must give pipelines the opportunity to meet with their customers and suppliers to work out new requirements and new relationships. The Commission, too, is facing many issues of first impression as pipelines file applications for blanket certificates, settlements involving flexible, nondiscriminatory transportation, and operating conditions and requirements for implementation of new transportation service. From experience, we know that sufficient time is required to give the necessary level of consideration to these new issues to find appropriate resolutions. Postponement of the trigger date will assure that pipelines will have the necessary time to work with their customers and suppliers to determine participation and file for transportation authorizations and the Commission will have the necessary time to respond to the filings granting authorizations, where it is appropriate.

Although we are postponing the trigger date, we do not expect that all pipelines which will participate in the flexible, nondiscriminatory transportation program will wait until July 1 to file for any necessary approval and/or authorization. As noted in the petitions and discussed earlier in this order, several pipelines have already made the decision to participate in Order No. 436 transportation, and many others are currently meeting with their customers to determine participation in that program.

Finally, postponing the trigger date does not mean that nondiscriminatory transportation will not occur before July 1. New NGPA section 311 transportation must be on a nondiscriminatory basis. Postponement of the trigger date will permit pipelines and their customers to gain further experience in operating in a nondiscriminatory transportation environment, without the need of customers to commit immediately to changes in current contract demand. Customers converting or reducing their contract demand will be permitted to base their decisions on recent experience with transportation opportunities.

[9] 50 FR at 52273.

IV. Effective Date

The change to the Commission's regulations in this order is effective immediately. The Commission finds good cause under the Administrative Procedure Act, 5 U.S.C. 553(d) (1982), to amend § 284.10(a) to defer the application of the CD reduction/conversion provisions to new transactions under NGPA section 311(a)(1), that is, those transactions that the Commission authorizes under 18 CFR 284.102 or 284.243. The amendment will prevent the imminent disruption of natural gas markets on February 15, 1986. Therefore, immediate effectiveness is essential.

In light of the foregoing, the Commission grants rehearing in part, grants reconsideration, and amends accordingly, Chapter I, Title 18, Code of Federal Regulations, as set forth below, effective immediately.

By the Commission. Commissioner Stalon dissented with a separate statement to be issued later.

Kenneth F. Plumb,

Secretary.

List of Subjects in 18 CFR Part 284

Natural gas, Reporting and recordkeeping requirements.

PART 284—[AMENDED]

1. The authority citation for Part 284 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Department of Energy Organization Act, 42 U.S.C. 7107–1352 (1982); Executive Order No. 12,009, 3 CFR 142 (1978).

§ 284.10 [Amended]

2. In § 284.10, paragraph (a)(1) is amended by removing the words "February 15, 1986; and by inserting in lieu thereof the words "June 30, 1986;".

[FR Doc. 86–3933 Filed 2–21–86; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8059]

Income Taxes; Statutory Merger Using Voting Stock of Controlling Corporation (Reverse Triangular Merger); Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the **Federal Register** publication on Tuesday, October 22, 1985, beginning at 50 FR 42688 of the final regulations which were the subject of Treasury Decision 8059. T.D. 8059 relates to the statutory merger of a controlled corporation into an acquiring corporation using the voting stock of the corporation controlling the merged corporation (reverse triangular merger).

EFFECTIVE DATES: The final regulations that are the subject of this correction apply to statutory mergers occurring after December 31, 1970, and are effective October 22, 1985. This correction is also effective October 22, 1985.

FOR FURTHER INFORMATION CONTACT: Carroll Yue of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. (Attention: CC:LR:T). Telephone 202–566–3935 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On October 22, 1985, final regulations relating to the statutory merger of a controlled corporation into an acquiring corporation using the voting stock of the corporation controlling the merged corporation (reverse triangular merger) were published in the **Federal Register** (50 FR 42688). These regulations apply to statutory mergers occurring after December 31, 1970, and are effective October 22, 1985. These amendments were made to conform the regulations to changes made by Public Law 91–693, which added section 368(a)(2)(E) to the Internal Revenue Code of 1954.

Need for Correction

As published, Treasury Decision 8059 incorrectly includes the word "controlling" rather than the word "surviving". This error appears on page 42690, second column, paragraph (4), eleventh line.

Correction of Publication

Accordingly, FR Doc. 85–25174, § 1.368–2(j) is corrected on page 42690, second column, paragraph (4), eleventh line, by removing the word "controlling" and adding the word "surviving" in its place.

Paul A. Francis,

Acting Director, Legislation and Regulations Division.

[FR Doc. 86–3862 Filed 2–21–86; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

28 CFR Part 22

Confidentiality of Identification Research and Statistical Information

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: Final rule.

SUMMARY: 28 CFR Part 22 is being amended to comply with the nomenclature changes in the Justice Assistance Act of 1984, Chapter VI, Division I, of Title II of Pub. L. 98–473 (Oct. 12, 1984), and the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984, Chapter VI, Division II, of Title II of 98 Stat. 1837 (Oct. 12, 1984). These amendments establish the Office of Justice Programs as successor to the Office of Justice Assistance, Research, and Statistics and a Bureau of Justice Assistance as successor to the Law Enforcement Assistance Administration. Part 22 is also made applicable to recipients of financial assistance awarded under the Victims of Crime Act of 1984, Chapter XIV of Title II of Pub. L. 98–473.

EFFECTIVE DATE: February 24, 1986.

FOR FURTHER INFORMATION CONTACT: Charles A. Lauer, General Counsel, Office of Justice Programs, Department of Justice, 633 Indiana Avenue, NW., Room 1268, Washington, DC 20531. Telephone number (202) 724–7792.

SUPPLEMENTARY INFORMATION: The Justice Assistance Act of 1984 amends Title II of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to establish an Office of Justice Programs within the Department of Justice under the general authority of the Attorney General. The Office of Justice Programs is headed by an Assistant Attorney General. The Assistant Attorney General provides staff support and coordinates the activities of the National Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, the Bureau of Justice Assistance, and the Office for Victims of Crime. In addition, the Victims of Crime Act of 1984 contains a confidentiality provision identical to the Justice Assistance Act confidentiality provision. The regulations are being amended to implement both provisions.

List of Subjects in 28 CFR Part 22

Crime, Juvenile delinquency; Privacy, Research, and Statistics.

Part 22 of Title 28 is amended as follows:

PART 22—[AMENDED]

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

Authority: Secs. 801(a), 812(a), Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, *et seq.*, as amended (Pub. L. 90–351, as amended by Pub. L. 93–83, Pub. L. 93–415, Pub. L. 94–430, Pub. L. 94–503, Pub. L. 95–115, Pub. L. 96–157, and Pub. L. 98–473); secs. 262(b), 262(d), Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601, *et seq.*, as amended (Pub. L. 93–415, as amended by Pub. L. 94–503, Pub. L. 95–115, Pub. L. 99–509, and Pub. L. 98–473); and secs. 1407(a) and 1407(d) of the Victims of Crime Act of 1984, 42 U.S.C. 10601, et seq., Pub. L. 98–473.

2. Part 22 is amended by removing the Editorial Note at the end of the table of contents.

3. Section 22.1 is amended by adding a new paragraph (f) to read as follows:

§ 22.1 Purpose.

* * * * *

(f) Insure the confidentiality of information provided by crime victims to crisis intervention counselors working for victim services programs receiving funds provided under the Crime Control Act, and Juvenile Justice Act, and the Victims of Crime Act.

4. 28 CFR 22.2 is amended by adding a new paragraph (k) and by revising paragraph (b) to read as follows:

§ 22.2 Definitions.

* * * * *

(b) Private person—means any person defined in § 22.2(a) other than an agency, or department of Federal, State, or local government, or any component or combination thereof. Included as a private person is an individual acting in his or her official capacity.

* * * * *

(k) The Victims of Crime Act—means the Victims of Crime Act of 1984.

§ 22.20 [Amended]

5. Section 22.20(a) is amended by substituting "the Crime Control Act, the Juvenile Justice Act, and the Victims of Crime Act" for "the Crime Control Act and Juvenile Justice Act."

6. 28 CFR 22.22 is amended by revising paragraph (a)(2) to read as follows:

§ 22.22 Revelation of identifiable data.

(a) * * *

(2) Such individuals as needed to implement sections 202(c)(3), 801, and 811(b) of the Act; and sections 223(a)(12)(A), 223(a)(13), 223(a)(14), and 243 of the Juvenile Justice and Delinquency Prevention Act.

§ 22.29 [Amended]

7. Section 22.29 is amended by changing "section 818(a)" to read "section 812(a) of the Act or section 1407(d) of the Victims of Crime Act."

§§ 22.20, 22.23, 22.24, 22.26, and 22.29 [Amended]

8. Sections 22.20, 22.23, 22.24, 22.26 and 22.29 are amended by changing the acronym "LEAA" to "BJA" and the acronym "OJARS" to "OJP" and by inserting "OJJDP," after "BJA," in the following places:

(a) 28 CFR 22.20(a);
(b) 28 CFR 22.23(a) and (b)(6);
(c) 28 CFR 22.24;
(d) 28 CFR 22.26(b); and
(e) 28 CFR 22.29.

Dated: February 19, 1986.

Lois Haight Herrington,

Assistant Attorney General, Office of Justice Programs.

[FR Doc. 86-3957 Filed 2-21-86; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 317

Regulations Governing Agencies for Issue of United States Savings Bonds

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: The regulations published by the Bureau of the Public Debt governing agencies that issue United States Savings Bond provide, at § 317.8, that such agencies shall remit bond sales proceeds promptly in accordance with instructions issued by the Department of the Treasury. The instructions are set forth in the Appendix to § 317.8, published in conjunction with the regulations. In the interest of improved cash management, the Appendix is being revised to provide that the remittance of sales proceeds be made in immediately available funds.

DATE: June 24, 1986.

FOR FURTHER INFORMATION CONTACT: Dean A. Adams, Assistant Chief Counsel, or Susan J. Klimas, Attorney-Adviser, Bureau of the Public Debt, Savings Bond Operations Office, Parkersburg, WV 26101 (304) 420-6506.

SUPPLEMENTARY INFORMATION: The regulations governing agencies for the issue of United States Savings Bonds (31 CFR Part 317), at § 317.8, require that issuing agents remit "promptly" all bond sales proceeds. The Appendix to § 317.8 specifies the ways in which the sales proceeds should be remitted: (1) By check, or (2) by charge to a reserve account at a Federal Reserve Bank. Also, agents that are note option Treasury tax and loan depositaries are permitted to remit by credit to the tax and loan account.

The above authorization is being modified to specify that payments be made in "immediately available funds," and, in the case of issuing agents that are financial institutions, to preclude payment by them to the Department of the Treasury, or its fiscal agents, by ordinary check. Upon implementation of the rule, payment must be made by financial institutions by a charge to a reserve account at a Federal Reserve Bank, or by credit to a tax and loan account, as currently authorized, or by one of three other forms of remittance that permit immediate collection.

In the case of issuing agents that are not financial institutions, the rule admonishes them to submit sales proceeds in immediately available funds.

Procedural Requirements

This rule is not considered a "major rule" for purposes of Executive Order 12291. A regulatory impact analysis, therefore, is not required.

The notice and public procedures of the Administrative Procedure Act are inapplicable pursuant to 5 U.S.C. 553(a)(2). As no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply.

List of Subjects in 31 CFR Part 317

Banks and banking, Federal Reserve System, Government securities.

Dated: February 13, 1986.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

PART 317—[AMENDED]

For the reasons set out in the summary, Part 317 of Chapter II, Subchapter B, Title 31 of the Code of Federal Regulations, is hereby amended, as set forth below:

1. The authority citation for Part 317 continues to read as follows:

Authority: Sec. 22, 49 Stat. 21, as amended; 31 U.S.C. 757c.

§ 317.8 [Amended]

2. The appendix to § 317.8 is amended by adding paragraphs (f), (g), and (h) to Subpart A, 2. *Definition of terms* and by revising 4. *Forms of remittance* of Subpart A, to read as follows:

Appendix to § 317.8—Remittance of Sales Proceeds, Department of the Treasury Circular, Public Debt Series No. 4-67, Revised (31 CFR Part 317), Fiscal Service, Bureau of the Public Debt

Subpart A—General Information

* * * * *

2. *Definition of terms.* As used in this appendix:

* * * * *

(f) "Immediately available funds" are remittances of funds which are available for the use by the Department of the Treasury immediately upon receipt by the Department or its fiscal agents, and include, but are not limited to:

(1) A charge to the remitter's (or a correspondent depository institution's) reserve account with a Federal Reserve Bank;

(2) A credit to the tax and loan account of an agent which is a note option Treasury tax and loan depositary, subject to the provisions of § 203.9 of Department of the Treasury Circular No. 92, as revised (31 CFR Part 203), the regulations governing Treasury Tax and Loan Depositaries;

(3) A Federal funds check;

(4) A United States Government check; or

(5) A postal money order.

(g) "Financial institutions" refers to banks, trust companies, credit unions, and savings institutions chartered by or incorporated under the laws of the United States, or those of any State or Territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(h) "Nonfinancial institutions" refers to any issuing agent not described under (g), above.

* * * * *

4. *Forms of remittance.* Issuing agents shall remit sales proceeds in timely fashion as follows:

(a) Issuing agents which are financial institutions must remit in immediately available funds.

(b) Issuing agents which are nonfinancial institutions should remit in immediately available funds.

(c) The Commissioner of the Public Debt, as designee of the Secretary of the Treasury, may waive or modify this provision. The Commissioner may do so in any particular case or class of cases for the convenience of the United States or in order to relieve any agent of agents of unusual hardship: (1) If such action would not be inconsistent with law or equity, (2) if it does not impair any existing rights, and (3) if the Commissioner is satisfied that such action would not subject the United States to any substantial expense or liability.

* * * * *

[FR Doc. 86-3741 Filed 2-21-86; 8:45 am]

BILLING CODE 4810-10-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket RM 84-2]

Copyright Deposit Requirements

AGENCY: Copyright Office, Library of Congress.

ACTION: Final regulations.

SUMMARY: This notice is issued to inform the public that the Copyright Office of the Library of Congress is amending 37 CFR 202.19, 202.20, and 202.21 of its regulations. Those regulations implement portions of sections 407 and 408 of the Copyright Act of 1976, title 17 of the U.S. Code. Those sections embody the deposit requirements for the benefit of the Library of Congress and for copyright registration. The amendments revise certain requirements governing such deposits.

EFFECTIVE DATE: February 24, 1986.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20540, (202) 287-8380.

SUPPLEMENTARY INFORMATION: Under 17 U.S.C. 407 the owner of copyright, or of the exclusive right of publication, in a work published with notice of copyright in the United States is required to deposit copies of the work in the Copyright Office for the use or disposition of the Library of Congress. Section 408 of the statute also requires deposit of material in connection with applications for copyright registration of published and unpublished works.

On September 18, 1978, the Copyright Office published in the **Federal Register** (43 FR 41975) final regulations implementing the deposit requirements of sections 407 and 408. The Office decided, however, on the basis of its experience with the deposit regulations over the past several years, that a number of amendments were needed to liberalize, clarify or, in limited instances, expand the requirements. Proposed amendments to the deposit regulations were published in the **Federal Register** on February 14, 1985 (50 FR 6208) for public comment. The Copyright Office received eight comment letters from the public addressing the proposed amendments.

1. *Multimedia kits.*

One comment suggested a more liberal approach in § 202.19(d)(2)(ii) to allow use of the Motion Picture Agreement for motion pictures deposited as parts of multimedia kits. There are substantial handling and processing procedures associated with multimedia kits which would be further complicated by making the Agreement applicable to part of the kit. Furthermore, the application of the Agreement to motion pictures that comprise a part of multimedia kits would render the kits useless for Library purposes.

Another comment noted the deletion of the "systematic instructional" limitation on the single-copy deposit of published multimedia kits for registration in § 202.20(c)(2)(i)(F), and questioned the lack of a similar deletion in § 202.19(d)(2)(vi). The deletion was inadvertent and the change has been made in the final regulation.

2. *Use of Mandatory Deposit to Satisfy Registration Requirements.*

Two comments objected to the Office's stated intention to apply more strictly the requirement in § 202.19(f)(1) that all copyright deposits must be accompanied by an application and fee to be considered to satisfy the deposit provisions for registration under section 408. The first comment referred to motion picture industry practices, and stated that the Office's policy is inconsistent with the industry practice of permitting local film exchanges to make motion picture deposits while at the same time allowing studio attorneys to prepare the required paper work. A narrow exception was requested for the deposit of motion pictures.

The second comment had similar objections with respect to books and journals. Copies are often forwarded to the Copyright Office from "geographically and logistically separate" locations from where the applications are completed. If copyright owners are required to have deposits strictly accompany registration applications, it was argued, some publishers may be forced to forego registration. Both comments also maintained that workflow, administrative procedures and expenses would be increased by the strict requirement that deposits accompany applications.

The Office intends to construe strictly the requirement that the deposit be "accompanied by the prescribed application and fee." It was believed that when the 1976 Act became effective the public needed time to become familiar with the new law and to change mailing procedures. The "accompanied by" requirement was, therefore, interpreted liberally. However, the volume of registration material sent separately has increased and the impact on workflow has been significant. The efficiency of the automation procedures being instituted in the Copyright Office has likewise been impaired. For these reasons, the Office intends to apply more strictly the requirement of 17 U.S.C. 408(b) that one deposit may satisfy the requirements of both 17 U.S.C. 407 and 408 only if a deposit is "accompanied by the prescribed application and fee."

3. *Computer Programs Embodied in Machine-readable Copies.*

Two comments suggested the addition of the term "semiconductor chip products" to § 202.20(c)(2)(vii), which relates to the forms of machine-readable copies embodying computer programs. In keeping with that suggestion we have added "semiconductor chip products" to § 202.20(c)(2)(vii) in the final regulations as an example of a machine-readable copy in which a computer program may be embodied.

4. *Deposit of "Identifying Portions" of Computer Programs.*

Two comments addressed the required deposit for revised computer programs. The first suggested an alternative definition for the term "identifying portions" in § 202.20(c)(2)(vii)(A), that would allow the deposit of any 50 pages of representative material for all computer programs. It was maintained that because computer programs have a modular structure, with one or more major components and numerous subprograms and subroutines often longer and more complex than the main program itself, copyright owners should be permitted to submit a portion of each module as identifying material for the program.

The Office has decided, however, to retain the current required deposit of the first and last 25 pages or equivalent units for original versions and, where revisions do not occur within the first and last 25 pages, any 50 representative pages for revised programs. For examining purposes, the first and last 25 pages are optimal since they contain the table of contents and other material describing the program, and also indicate the program's length. The final regulations, however, do contain the additional specification not in the proposed regulations that, for programs of 50 pages or less, deposit of the entire work is required.

The other comment on this provision expressed concern that revised computer programs and programs with confidential matter would receive less favorable special relief treatment than original versions. It is not the Office's intention, however, to favor any type of program in the granting of special relief

5. *Copies Containing Both Visually-perceptible and Machine-readable Material.*

The heading of § 202.20(c)(2)(ix), that was entitled "Works with visually-perceptible and machine-readable copies" in the proposed regulations, has been changed to "Copies containing both visually-perceptible and machine-readable materials," in an attempt to clarify the type of material to which it applies since two comments indicated uncertainty as to the requisite deposit. The first questioned whether deposit of the actual diskette was required. The second comment assumed that the deposit consists of a copy of a manual, for example, and a listing or printout from a diskette, and that the diskette itself is not required.

By way of explanation, where a published literary work is embodied in copies containing both visually-perceptible and machine-readable material, § 202.20(c)(2)(ix) requires the deposit of both the visually-perceptible material and identifying material for the machine-readable portions, such as the first and last 25 pages of a computer program; deposit of the diskette itself is not required.

The second comment also raised questions about the required deposit where registration for only part of a work is sought. The deposit must, in any event, comply with the complete copy requirement of § 202.20(b)(2)(ii).

6. *Non-viewable Copies of Motion Pictures Submitted for Copyright Registration.*

The proposed regulations provided that for motion pictures and phonorecords in formats that cannot be examined on equipment in the Examining Division of the Copyright Office, the deposit be accompanied by a description which includes enough information to enable the Examining Division to determine copyrightability. Two comments argued that the Office's treatment of non-viewable motion pictures and non-playable phonorecords is inconsistent with registration of claims to copyright in computer programs under the rule of doubt where the deposit consists of object code, because in each case the Office cannot "read" the deposit; yet in the case of motion pictures and phonorecords, depositors are allowed to deposit identifying material. To be consistent, the comments stated that the Office should permit the use of alternate means to identify the copyrightable content of computer programs.

In most cases, the reason object code is deposited is to preserve possible trade secret protection that might be in the program. A proceeding is presently pending concerning the deposit of computer programs and other works containing trade secrets (48 FR 22951) and commentators will have the opportunity to make their positions known on these issues in connection with that proceeding.

7. *Registration and Deposit of Databases.*

The Office also received comments related to the registration and deposit of databases, which have not been included as part of these amended regulations. A separate Notice of Inquiry has been issued, specifically limited to this rapidly developing technology of storing and retrieving information. *See* 50 FR 24240 (June 10, 1985). Accordingly, the feasibility of group and other registration of databases is presently under review and will be the subject of a separate rulemaking.

8. *Regulatory Flexibility Act Statement.*

With respect to the Regulatory Flexibility Act, the Copyright Office takes the position that this Act does not apply to Copyright Office rulemaking. The Copyright Office is a department of the Library of Congress and is part of the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act of June 11, 1946, as amended (title 5 Chapter 5 of the U.S. Code, Subchapter II and Chapter 7). The Regulatory Flexibility Act consequently does not apply to the Copyright Office since that Act affects only those entities of the Federal Government that are agencies as defined in the Administrative Procedure Act.[1]

Alternatively, if it is later determined by a court of competent jurisdiction that the Copyright Office is an "agency" subject to the Regulatory Flexibility Act, the Register of Copyrights has determined and hereby certifies that this regulation will have no significant impact on small businesses.

List of Subjects in 37 CFR Part 202

Claims, Claims to copyright, Copyright, Registration requirements.

[1] The Copyright Office was not subject to the Administration Procedure Act before 1978, and it is now subject to it only in areas specified by section 701(d) of the Copyright Act (i.e., "all actions taken by the Register of Copyrights under this title [17]," except with respect to the making of copies of copyright deposits). [17 U.S.C. 706(b)]. The copyright Act does not make the Office an "agency" as defined in the Administrative Procedure Act. For example, personnel actions taken by the Office are not subject to APA-FOIA requirements.

Final Regulations

PART 202—[AMENDED]

In consideration of the foregoing, Part 202 of 37 CFR, Chapter II is amended in the manner set forth below.

1. The authority citation for Part 202 is revised to read as follows:

Authority: Sec. 702, 90 Stat. 2541, 17 U.S.C. 702; §§ 202.19, 202.20 and 202.21 are also issued under 17 U.S.C. 407 and 408.

2. Sections 202.19, 202.20, and 202.21 are revised to read as follows:

§ 202.19 Deposit of published copies or phonorecords for the Library of Congress.

(a) *General.* This section prescribes rules pertaining to the deposit of copies and phonorecords of published works for the Library of Congress under section 407 of title 17 of the United States Code, as amended by Pub. L. 94–553. The provisions of this section are not applicable to the deposit of copies and phonorecords for purposes of copyright registration under section 408 of title 17, except as expressly adopted in § 202.20 of these regulations.

(b) *Definitions.* For the purposes of this section:

(1) (i) The "best edition" of a work is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes.

(ii) Criteria for selection of the "best edition" from among two or more published editions of the same version of the same work are set forth in the statement entitled "Best Edition of Published Copyrighted Works for the Collections of the Library of Congress" (hereafter referred to as the "Best Edition Statement") in effect at the time of deposit. Copies of the Best Edition Statement are available upon request made to the Deposits and Acquisitions Division of the Copyright Office.

(iii) Where no specific criteria for the selection of the "best edition" are established in the Best Edition Statement, that edition which, in the judgment of the Library of Congress, represents the highest quality for its purposes shall be considered the "best edition". In such cases:

(A) When the Copyright Office is aware that two or more editions of a work have been published it will consult with other appropriate officials of the Library of Congress to obtain instructions as to the "best edition" and (except in cases for which special relief is granted) will require deposit of that edition; and

(B) When a potential depositor is uncertain which of two or more published editions comprises the "best edition", inquiry should be made to the Deposits and Acquisitions Division of the Copyright Office.

(iv) Where differences between two or more "editions" of a work represent variations in copyrightable content, each edition is considered a separate version, and hence a different work, for the purpose of this section, and criteria of "best edition" based on such differences do not apply.

(2) A "complete" copy includes all elements comprising the unit of publication of the best edition of the work, including elements that, if considered separately, would not be copyrightable subject matter or would otherwise be exempt from mandatory deposit requirements under paragraph (c) of this section. In the case of sound recordings, a "complete" phonorecord includes the phonorecord, together with any printed or other visually perceptible material published with such phonorecord (such as textual or pictorial matter appearing on record sleeves or album covers, or embodied in leaflets or booklets included in a sleeve, album, or other container). In the case of a musical composition published in copies only, or in both copies and phonorecords:

(i) If the only publication of copies in the United States took place by the rental, lease, or lending of a full score and parts, a full score is a "complete" copy; and

(ii) If the only publication of copies in the United States took place by the rental, lease, or lending of a conductor's score and parts, a conductor's score is a "complete" copy.

In the case of a motion picture, a copy is "complete" if the reproduction of all of the visual and aural elements comprising the copyrightable subject matter in the work is clean, undamaged, undeteriorated, and free of splices, and if the copy itself and its physical housing are free of any defects that would interfere with the performance of the work or that would cause mechanical, visual, or audible defects or distortions.

(3) The terms "copies," "collective work," "device," "fixed," "literary work," "machine," "motion picture," "phonorecord," "publication," "sound recording," and "useful article," and their variant forms, have the meanings given to them in section 101 of title 17.

(4) "Title 17" means title 17 of the United States Code, as amended by Pub. L. 94–553.

(c) *Exemptions from deposit requirements.* The following categories of material are exempt from the deposit requirements of section 407(a) of title 17:

(1) Diagrams and models illustrating scientific or technical works or formulating scientific or technical information in linear or three-dimensional form, such as an architectural or engineering blueprint, plan, or design, a mechanical drawing, or an anatomical model.

(2) Greeting cards, picture postcards, and stationery.

(3) Lectures, sermons, speeches, and addresses when published individually and not as a collection of the works of one or more authors.

(4) Literary, dramatic, and musical works published only as embodied in phonorecords. This category does not exempt the owner of copyright, or of the exclusive right of publication, in a sound recording resulting from the fixation of such works in a phonorecord from the applicable deposit requirements for the sound recording.

(5) Literary works, including computer programs and automated databases, published in the United States only in the form of machine-readable copies (such as magnetic tape or disks, punched cards, or the like) from which the work cannot ordinarily be visually perceived except with the aid of a machine or device. Works published in a form requiring the use of a machine or device for purposes of optical enlargement (such as film, filmstrips, slide films and works published in any variety of microform), and works published in visually perceivable form but used in connection with optical scanning devices, are not within this category and are subject to the applicable deposit requirements.

(6) Three-dimensional sculptural works, and any works published only as reproduced in or on jewelry, dolls, toys, games, plaques, floor coverings, wallpaper and similar commercial wall coverings, textiles and other fabrics, packaging material, or any useful article. Globes, relief models, and similar cartographic representations of area are not within this category and are subject to the applicable deposit requirements.

(7) Prints, labels, and other advertising matter, including catalogs, published in connection with the rental lease, lending, licensing, or sale of articles of merchandise, works of authorship, or services.

(8) Tests, and answer material for tests when published separately from other literary works.

(9) Works first published as individual contributions to collective works. This category does not exempt the owner of copyright, or of the exclusive right of publication, in the collective work as a whole, from the applicable deposit requirements for the collective work.

(10) Works first published outside the United States and later published in the United States without change in copyrightable content, if:

(i) Registration for the work was made under 17 U.S.C. 408 before the work was published in the United States; or

(ii) registration for the work was made under 17 U.S.C. 408 after the work was published in the United States but before a demand for deposit is made under 17 U.S.C. 407(d).

(11) Works published only as embodied in a soundtrack that is an integral part of a motion picture. This category does not exempt the owner of copyright, or of the exclusive right of publication, in the motion picture, from the applicable deposit requirements for the motion picture.

(12) Motion pictures that consist of television transmission programs and that have been published, if at all, only by reason of a license or other grant to a nonprofit institution of the right to make a fixation of such programs directly from a transmission to the public, with or without the right to make further uses of such fixations.

(d) *Nature of required deposit.* (1) Subject to the provisions of paragraph (d)(2) of this section, the deposit required to satisfy the provisions of section 407(a) of title 17 shall consist of:

(i) In the case of published works other than sound recordings, two complete copies of the best edition; and

(ii) In the case of published sound recordings, two complete phonorecords of the best edition.

(2) In the case of certain published works not exempt from deposit requirements under paragraph (c) of this section, the following special provisions shall apply:

(i) In the case of published three-dimensional cartographic representations of area, such as globes and relief models, the deposit of one complete copy of the best edition of the work will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(ii) In the case of published motion pictures, the deposit of one complete copy of the best edition of the work will suffice in lieu of the two copies required by paragraph (d)(1) of this section. Any deposit of a published motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. The Library of Congress may, at its sole discretion, enter into an agreement permitting the return of copies of published motion pictures to the

depositor under certain conditions and establishing certain rights and obligations of the Library with respect to such copies. In the event of termination of such an agreement by the Library it shall not be subject to reinstatement, nor shall the depositor or any successor in interest of the depositor be entitled to any similar or subsequent agreement with the Library, unless at the sole discretion of the Library it would be in the best interests of the Library to reinstate the agreement or enter into a new agreement.

(iii) In the case of any published work deposited in the form of a hologram, the deposit shall be accompanied by: (A) Two sets of precise instructions for displaying the image fixed in the hologram; and (B) two sets of identifying material in compliance with § 202.21 of these regulations and clearly showing the displayed image.

(iv) In any case where an individual author is the owner of copyright in a published pictorial or graphic work and (A) less than five copies of the work have been published, or (B) the work has been published and sold or offered for sale in a limited edition consisting of no more than three hundred numbered copies, the deposit of one complete copy of the best edition of the work or, alternatively, the deposit of photographs or other identifying material in compliance with § 202.21 of these regulations, will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(v) In the case of a musical composition published in copies only, or in both copies and phonorecords, if the only publication of copies in the United States took place by rental, lease, or lending, the deposit of one complete copy of the best edition will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(vi) In the case of published multimedia kits, that include literary works, audiovisual works, sound recordings, or any combination of such works, the deposit of one complete copy of the best edition will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(e) *Special relief.* (1) In the case of any published work not exempt from deposit under paragraph (c) of this section, the Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress and upon such conditions as the Register may determine after such consultation:

(i) Grant an exemption from the deposit requirements of section 407(a) of title 17 on an individual basis for single works or series or groups of works; or

(ii) permit the deposit of one copy or phonorecord, or alternative identifying material, in lieu of the two copies or phonorecords required by paragraph (d)(1) of this section; or

(iii) permit the deposit of incomplete copies or phonorecords, or copies or phonorecords other than those normally comprising the best edition; or

(iv) permit the deposit of identifying material which does not comply with §202.21 of these regulations.

(2) Any decision as to whether to grant such special relief, and the conditions under which special relief is to be granted, shall be made by the Register of Copyrights after consultation with other appropriate officials of the Library of Congress, and shall be based upon the acquisition policies of the Library of Congress then in force.

(3) Requests for special relief under this paragraph shall be made in writing to the Chief, Deposits and Acquisitions Division of the Copyright Office, shall be signed by or on behalf of the owner of copyright or of the exclusive right of publication in the work, and shall set forth specific reasons why the request should be granted.

(4) The Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress, terminate any ongoing or continuous grant of special relief. Notice of termination shall be given in writing and shall be sent to the individual person or organization to whom the grant of special relief had been given, at the last address shown in the records of the Copyright Office. A notice of termination may be given at any time, but it shall state a specific date of termination that is at least 30 days later than the date the notice is mailed. Termination shall not affect the validity of any deposit made earlier under the grant of special relief.

(f) *Submission and receipt of copies and phonorecords.* (1) All copies and phonorecords deposited in the Copyright Office will be considered to be deposited only in compliance with section 407 of title 17 unless they are accompanied by an application for registration of a claim to copyright in the work represented by the deposit, and either a registration fee or a deposit account number on the application. Copies or phonorecords deposited without such an accompanying application and either a fee or a deposit account notation will not be connected with or held for receipt of separate applications, and will not satisfy the deposit provisions of section 408 of title 17 or § 202.20 of these regulations.

(2) All copies and phonorecords deposited in the Copyright Office under section 407 of title 17, unless accompanied by written instructions to the contrary, will be considered to be deposited by the person or persons named in the copyright notice on the work.

(3) Upon request by the depositor made at the time of the deposit, the Copyright Office will issue a certificate of receipt for the deposit of copies or phonorecords of a work under this section. Certificates of receipt will be issued in response to requests made after the date of deposit only if the requesting party is identified in the records of the Copyright Office as having made the deposit. In either case, requests for a certificate of receipt must be in writing and accompanied by a fee of $2. A certificate of receipt will include identification of the depositor, the work deposited, and the nature and format of the copy or phonorecord deposited, together with the date of receipt.

§ 202.20 Deposit of copies and phonorecords for copyright registration.

(a) *General.* This section prescribes rules pertaining to the deposit of copies and phonorecords of published and unpublished works for the purpose of copyright registration under section 408 of title 17 of the United States Code, as amended by Pub. L. 94–553. The provisions of this section are not applicable to the deposit of copies and phonorecords for the Library of Congress under section 407 of title 17, except as expressly adopted in § 202.19 of these regulations.

(b) *Definitions.* For the purposes of this section:

(1) The "best edition" of a work has the meaning set forth in § 202.19(b)(1) of these regulations.

(2) A "complete" copy or phonorecord means the following:

(i) *Unpublished works.* Subject to the requirements of paragraph (b)(2)(vi) of this section, a "complete" copy or phonorecord of an unpublished work is a copy or phonorecord representing the entire copyrightable content of the work for which registration is sought;

(ii) *Published works.* Subject to the requirements of paragraphs (b)(2) (iii) through (vi) of this section, a "complete" copy or phonorecord of a published work includes all elements comprising the applicable unit of publication of the work, including elements that, if considered separately, would not be copyrightable subject matter. However, even where certain physically separable elements included in the applicable unit of publication are missing from the deposit, a copy or phonorecord will be

considered "complete" for purposes of registration where:

(A) The copy or phonorecord deposited contains all parts of the work for which copyright registration is sought; and

(B) The removal of the missing elements did not physically damage the copy or phonorecord or garble its contents; and

(C) The work is exempt from the mandatory deposit requirements under section 407 of title 17 of the United States Code and § 202.19(c) of these regulations, or the copy deposited consists entirely of a container, wrapper, or holder, such as an envelope, sleeve, jacket, slipcase, box, bag, folder, binder, or other receptacle acceptable for deposit under paragraph (c)(2) of this section;

(iii) *Contributions to collective works.* In the case of a published contribution to a collective work, a "complete" copy or phonorecord is the entire collective work including the contribution or, in the case of a newspaper, the entire section including the contribution;

(iv) *Sound recordings.* In the case of published sound recordings, a "complete" phonorecord has the meaning set forth in § 202.19(b)(2) of these regulations;

(v) *Musical scores.* In the case of a musical composition published in copies only, or in both copies and phonorecords:

(A) If the only publication of copies took place by the rental, lease, or lending of a full score and parts, a full score is a "complete" copy; and

(B) If the only publication of copies took place by the rental, lease, or lending of a conductor's score and parts, a conductor's score is a "complete" copy;

(vi) *Motion pictures.* In the case of a published or unpublished motion picture, a copy is "complete" if the reproduction of all of the visual and aural elements comprising the copyrightable subject matter in the work is clean, undamaged, undeteriorated, and free of splices, and if the copy itself and its physical housing are free of any defects that would interfere with the performance of the work or that would cause mechanical, visual, or audible defects or distortions.

(3) The terms "copy," "collective work," "device," "fixed," "literary work," "machine," "motion picture," "phonorecord," "publication," "sound recording," "transmission program," and "useful article," and their variant forms, have the meanings given to them in section 101 of title 17.

(4) A "secure test" is a nonmarketed test administered under supervision at specified centers on specific dates, all copies of which are accounted for and either destroyed or returned to restricted locked storage following each administration. For these purposes a test is not marketed if copies are not sold but it is distributed and used in such a manner that ownership and control of copies remain with the test sponsor or publisher.

(5) "Title 17" means title 17 of the United States Code, as amended by Pub. L. 94–553.

(6) For the purposes of determining the applicable deposit requirements under this § 202.20 only, the following shall be considered as unpublished motion pictures: motion pictures that consist of television transmission programs and that have been published, if at all, only by reason of a license or other grant to a nonprofit institution of the right to make a fixation of such programs directly from a transmission to the public, with or without the right to make further uses of such fixations.

(c) *Nature of required deposit.* (1) Subject to the provisions of paragraph (c)(2) of this section, the deposit required to accompany an application for registration of claim to copyright under section 408 of title 17 shall consist of:

(i) In the case of unpublished works, one complete copy or phonorecord.

(ii) In the case of works first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.

(iii) In the case of works first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.

(iv) In the case of works first published outside of the United States, whenever published, one complete copy or phonorecord of the work as first published. For the purposes of this section, any works simultaneously first published within and outside of the United States shall be considered to be first published in the United States.

(2) In the case of certain works, the special provisions set forth in this clause shall apply. In any case where this clause specifies that one copy or phonorecord may be submitted, that copy or phonorecord shall represent the best edition, or the work as first published, as set forth in paragraph (c)(1) of this section.

(i) *General.* In the following cases the deposit of one complete copy or phonorecord will suffice in lieu of two copies or phonorecords:

(A) Published three-dimensional cartographic representations of area, such as globes and relief models;

(B) Published diagrams illustrating scientific or technical works or formulating scientific or technical information in linear or other two-dimensional form, such as an architectural or engineering blueprint, or a mechanical drawing;

(C) Published greeting cards, picture postcards, and stationery;

(D) Lectures, sermons, speeches, and addresses published individually and not as a collection of the works of one or more authors;

(E) Musical compositions published in copies only, or in both copies and phonorecords, if the only publication of copies took place by rental, lease, or lending;

(F) Published multimedia kits or any part thereof;

(G) Works exempted from the requirement of depositing identifying material under paragraph (c)(2)(xi)(B)(5) of this section;

(H) Literary, dramatic, and musical works published only as embodied in phonorecords, although this category does not exempt the owner of copyright in a sound recording;

(I) Choreographic works, pantomimes, literary, dramatic, and musical works published only as embodied in motion pictures;

(J) Published works in the form of two-dimensional games, decals, fabric patches or emblems, calendars, instructions for needle work, needle work and craft kits; and

(K) Works reproduced on three-dimensional containers such as boxes, cases, and cartons.

(ii) *Motion pictures.* In the case of published or unpublished motion pictures, the deposit of one complete copy will suffice. The deposit of a copy or copies for any published or unpublished motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. In any case where the deposit copy or copies required for registration of a motion picture cannot be viewed for examining purposes on equipment in the Examining Division of the Copyright Office, the description accompanying the deposit must comply with § 202.21(h) of these regulations. The Library of Congress may, at its sole discretion, enter into an agreement permitting the return of copies of published motion pictures to the depositor under certain conditions and establishing certain rights and obligations of the Library of Congress with respect to such copies. In the event

of termination of such an agreement by the Library, it shall not be subject to reinstatement, nor shall the depositor or any successor in interest of the depositor be entitled to any similar or subsequent agreement with the Library, unless at the sole discretion of the Library it would be in the best interests of the Library to reinstate the agreement or enter into a new agreement. In the case of unpublished motion pictures (including television transmission programs that have been fixed and transmitted to the public, but have not been published), the deposit of identifying material in compliance with § 202.21 of these regulations may be made and will suffice in lieu of an actual copy.

(iii) *Holograms.* In the case of any work deposited in the form of a three-dimensional hologram, the copy or copies shall be accompanied by:

(A) Precise instructions for displaying the image fixed in the hologram; and

(B) Photographs or other identifying material complying with § 202.21 of these regulations and clearly showing the displayed image.

The number of sets of instructions and identifying material shall be the same as the number of copies required. In the case of a work in the form of a two-dimensional hologram, the image of which is visible without the use of a machine or device, one actual copy of the work shall be deposited.

(iv) *Certain pictorial and graphic works.* In the case of any unpublished pictorial or graphic work, deposit of identifying material in compliance with § 202.21 of these regulations may be made and will suffice in lieu of deposit of an actual copy. In the case of a published pictorial or graphic work, deposit on one complete copy, or of identifying material in compliance with § 202.21 of these regulations, may be made and will suffice in lieu of deposit of two actual copies where an individual author is the owner of copyright, and either:

(A) Less than five copies of the work have been published; or

(B) The work has been published and sold or offered for sale in a limited edition consisting of no more than 300 numbered copies.

(v) *Commercial prints and labels.* In the case of prints, labels, and other advertising matter, including catalogs, published in connection with the rental, lease, lending, licensing, or sale of articles of merchandise, works of authorship, or services, the deposit of one complete copy will suffice in lieu of two copies. Where the print or label is published in a larger work, such as a newspaper or other periodical, one copy of the entire page or pages upon which it appears may be submitted in lieu of the entire larger work. In the case of prints or labels physically inseparable from a three-dimensional object, identifying material complying with § 202.21 of these regulations must be submitted rather than an actual copy or copies except under the conditions of paragraph (c)(2)(xi)(B)(*4*) of this section.

(vi) *Tests.* In the case of tests, and answer material for tests, published separately from other literary works, the deposit of one complete copy will suffice in lieu of two copies. In the case of any secure test the Copyright Office will return the deposit to the applicant promptly after examination: Provided, That sufficient portions, description, or the like are retained so as to constitute a sufficient archival record of the deposit.

(vii) *Computer programs and databases embodied in machine-readable copies.* In cases where a computer program, database, compilation, statistical compendium or the like, if unpublished is fixed, or if published is published only in the form of machine-readable copies (such as magnetic tape or disks, punched cards, semiconductor chip products, or the like) from which the work cannot ordinarily be perceived except with the aid of a machine or device, the deposit shall consist of: (A) For published or unpublished computer programs, one copy of identifying portions of the program, reproduced in a form visually perceptible without the aid of a machine or device, either on paper or in microform. For these purposes, "identifying portions" shall mean either the first and last 25 pages or equivalent units of the program if reproduced on paper, or at least the first and last 25 pages or equivalent units of the program if reproduced in microform, together with the page or equivalent unit containing the copyright notice, if any. If the program is 50 pages or less, the required deposit will be the entire work. In the case of revised versions of such works, if the revisions occur throughout the entire computer program, the deposit of the first and last 25 pages will suffice; if the revisions are not contained in the first and last 25 pages, the deposit should consist of any 50 pages representative of the revised material.

(B) For published and unpublished automated databases, compilations, statistical compendia, and other literary works so fixed or published, one copy of identifying portions of the work, reproduced in a form visually perceptible without the aid of a machine or device, either on paper or in microform. For these purposes: (*1*) "identifying portions" shall mean either the first and last 25 pages or equivalent units of the work if reproduced on paper, or at least the first and last 25 pages or equivalent units of work if reproduced in microform, or, in the case of automated databases comprising separate and distinct data files, representative portions of each separate data file consisting of either 50 complete data records from each file or the entire file, whichever is less; and (*2*) "data file" and "file" mean a group of data records pertaining to a common subject matter, regardless of the physical size of the records or the number of data items included in them. (In the case of revised versions of such databases, the portions deposited must contain representative data records which have been added or modified.) In any case where the deposit comprises representative portions of each separate file of an automated database as indicated above, it shall be accompanied by a typed or printed descriptive statement containing: The title of the database; the name and address of the copyright claimant; the name and content of each separate file within the database, including the subject matter involved, the origin(s) of the data, and the approximate number of individual records within the file; and a description of the exact contents of any machine-readable copyright notice employed in or with the work and the manner and frequency with which it is displayed (e.g., at user's terminal only at sign-on, or continuously on terminal display, or on printouts, etc.). If a visually perceptible copyright notice is placed on any copies of the work (such as magnetic tape reels or their container) a sample of such notice must also accompany the statement.

(viii) *Machine-readable copies of works other than computer programs and databases.* Where a literary, musical, pictorial, graphic, or audiovisual work, or a sound recording, except for literary works which are computer programs, databases, compilations, statistical compendia or the like, if unpublished has been fixed or, if published, has been published only in machine-readable form, the deposit must consist of identifying material. The type of identifying material submitted should generally be appropriate to the type of work embodied in machine-readable form, but in all cases should be that which best represents the copyrightable content of the work. In all cases the identifying material must include the title of the work. A synopsis may also be requested in addition to the other deposit materials as appropriate in

the discretion of the Copyright Office. In the case of any published work subject to this section, the identifying material must include a representation of the copyright notice, if one exists. Identifying material requirements for certain types of works are specified below. In the case of the types of works listed below, the requirements specified shall apply except that, in any case where the specific requirements are not appropriate for a given work the form of the identifying material required will be determined by the Copyright Office in consultation with the applicant, but the Copyright Office will make the final determination of the acceptability of the identifying material.

(A) For pictorial or graphic works, the deposit shall consist of identifying material in compliance with § 202.21 of these regulations;

(B) For audiovisual works, the deposit shall consist of either a videotape of the work depicting representative portions of the copyrightable content, or a series of photographs or drawings, depicting representative portions of the work, plus in all cases a separate synopsis of the work;

(C) For musical compositions, the deposit shall consist of a transcription of the entire work such as a score, or a reproduction of the entire work on an audiocassette or other phonorecord;

(D) For sound recordings, the deposit shall consist of a reproduction of the entire work on an audiocassette or other phonorecord;

(E) For literary works, the deposit shall consist of a transcription of representative portions of the work including the first and last 25 pages or equivalent units, and five or more pages indicative of the remainder.

(ix) *Copies containing both visually-perceptible and machine-readable material.* Where a published literary work is embodied in copies containing both visually-perceptible and machine-readable material, the deposit shall consist of the visually-perceptible material and identifying portions of the machine-readable material.

(x) *Works reproduced in or on sheetlike materials.* In the case of any unpublished work that is fixed, or any published work that is published, only in the form of a two-dimensional reproduction on sheetlike materials such as textiles and other fabrics, wallpaper and similar commercial wall coverings, carpeting, floor tile, and similar commercial floor coverings, and wrapping paper and similar packaging material, the deposit shall consist of one copy in the form of an actual swatch or piece of such material sufficient to show all elements of the work in which copyright is claimed and the copyright notice appearing on the work, if any. If the work consists of a repeated pictorial or graphic design, the complete design and at least part of one repetition must be shown. If the sheetlike material in or on which a published work has been reproduced has been embodied in or attached to a three-dimensional object, such as furniture, or any other three-dimensional manufactured article, and the work has been published only in that form, the deposit must consist of identifying material complying with § 202.21 of these regulations instead of a copy. If the sheet-like material in or on which a published work has been reproduced has been embodied in or attached to a two-dimensional object such as wearing apparel, bed linen, or a similar item, and the work has been published only in that form, the deposit must consist of identifying material complying with § 202.21 of these regulations instead of a copy unless the copy can be folded for storage in a form that does not exceed four inches in thickness.

(xi) *Works reproduced in or on three-dimensional objects.* (A) In the following cases the deposit must consist of identifying material complying with § 201.21 of these regulations instead of a copy or copies:

(*1*) Any three-dimensional sculptural work, including any illustration or formulation of artistic expression or information in three-dimensional form. Examples of such works include statues, carvings, ceramics, moldings, constructions, models, and maquettes; and

(*2*) Any two-dimensional or three-dimensional work that, if unpublished, has been fixed, or, if published, has been published only in or on jewelry, dolls, toys, games, except as provided in paragraph (c)(2)(xi)(B)(*3*) below, or any three-dimensional useful article.

(B) In the following cases the requirements of paragraph (c)(2)(xi)(A) of this section for the deposit of identifying material shall not apply:

(*1*) Three-dimensional cartographic representations of area, such as globes and relief models;

(*2*) Works that have been fixed or published in or on a useful article that comprises one of the elements of the unit of publication of an educational or instructional kit which also includes a literary or audiovisual work, a sound recording, or any combination of such works;

(*3*) Published games consisting of multiple parts that are packaged and published in a box or similar container with flat sides and with dimensions of no more than 12x24x6 inches;

(*4*) Works reproduced on three-dimensional containers or holders such as boxes, cases, and cartons, where the container or holder can be readily opened out, unfolded, slit at the corners, or in some other way made adaptable for flat storage, and the copy, when flattened, does not exceed 96 inches in any dimension; or

(*5*) Any three-dimensional sculptural work that, if unpublished, has been fixed, or, if published, has been published only in the form of jewelry cast in base metal which does not exceed four inches in any dimension.

(xii) *Soundtracks.* For separate registration of an unpublished work that is fixed, or a published work that is published, only as embodied in a soundtrack that is an integral part of a motion picture, the deposit of identifying material in compliance with § 202.21 of these regulations will suffice in lieu of an actual copy of the motion picture.

(xiii) *Oversize deposits.* In any case where the deposit otherwise required by this section exceeds 96 inches in any dimension, identifying material complying with § 202.21 of these regulations must be submitted instead of an actual copy or copies.

(xiv) *Pictorial advertising material.* In the case of published pictorial advertising material, except for advertising material published in connection with motion pictures, the deposit of either one copy as published or prepublication material consisting of camera-ready copy is acceptable.

(xv) *Contributions to collective works.* In the case of published contributions to collective works, the deposit of either one complete copy of the best edition of the entire collective work, the complete section containing the contribution if published in a newspaper, the entire page containing the contribution, the contribution cut from the paper in which it appeared, or a photocopy of the contribution itself as it was published in the collective work, will suffice in lieu of two complete copies of the entire collective work.

(xvi) *Phonorecords.* In any case where the deposit phonorecord or phonorecords submitted for registration of a claim to copyright is inaudible on audio playback devices in the Examining Division of the Copyright Office, the Office will seek an appropriate deposit in accordance with paragraph (d) of this section.

(d) *Special relief.* (1) In any case the Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress and upon such conditions as the Register may determine after such consultation:

(i) Permit the deposit of one copy or phonorecord, or alternative identifying material, in lieu of the one or two copies or phonorecords otherwise required by paragraph (c)(1) of this section;

(ii) Permit the deposit of incomplete copies or phonorecords, or copies or phonorecords other than those normally comprising the best edition; or

(iii) Permit the deposit of an actual copy or copies, in lieu of the identifying material otherwise required by this section; or

(iv) Permit the deposit of identifying material which does not comply with § 202.21 of these regulations.

(2) Any decision as to whether to grant such special relief, and the conditions under which special relief is to be granted, shall be made by the Register of Copyrights after consultation with other appropriate officials of the Library of Congress, and shall be based upon the acquisition policies of the Library of Congress then in force and the archival and examining requirements of the Copyright Office.

(3) Requests for special relief under this paragraph may be combined with requests for special relief under § 202.19(e) of these regulations. Whether so combined or made solely under this paragraph, such requests shall be made in writing to the Chief, Examining Division of the Copyright Office, shall be signed by or on behalf of the person signing the application for registration, and shall set forth specific reasons why the request should be granted.

(4) The Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress, terminate any ongoing or continuous grant of special relief. Notice of termination shall be given in writing and shall be sent to the individual person or organization to whom the grant of special relief had been given, at the last address shown in the records of the Copyright Office. A notice of termination may be given at any time, but it shall state a specific date of termination that is at least 30 days later than the date the notice is mailed. Termination shall not affect the validity of any deposit or registration made earlier under the grant of special relief.

(e) *Use of copies and phonorecords deposited for the Library of Congress.* Copies and phonorecords deposited for the Library of Congress under section 407 of title 17 and § 202.19 of these regulations may be used to satisfy the deposit provisions of this section if they are accompanied by an application for registration of claim to copyright in the work represented by the deposit, and either a registration fee or a deposit account number on the application.

§ 202.21 Deposit of identifying material instead of copies.

(a) *General.* Subject to the specific provisions of paragraphs (f) and (g) of this section, and to §§ 202.19(e)(1)(iv) and 202.20(d)(1)(iv), in any case where the deposit of identifying material is permitted or required under § 202.19 or §202.20 of these regulations for published or unpublished works, the material shall consist of photographic prints, transparencies, photostats, drawings, or similar two-dimensional reproductions or renderings of the work, in a form visually perceivable without the aid of a machine or device. In the case of pictorial or graphic works, such material should reproduce the actual colors employed in the work. In all other cases, such material may be in black and white or may consist of a reproduction of the actual colors.

(b) *Completeness; number of sets.* As many pieces of identifying material as are necessary to show the entire copyrightable content in the ordinary case, but in no case less than an adequate representation of such content, of the work for which deposit is being made, or for which registration is being sought shall be submitted. Except in cases falling under the provisions of § 202.19(d)(2)(iii) or § 202.20(c)(2)(iii) with respect to holograms, only one set of such complete identifying material is required.

(c) *Size.* Photographic transparencies must be at least 35mm in size and, if such transparencies are 3x3 inches or less, must be fixed in cardboard, plastic, or similar mounts to facilitate identification, handling, and storage. The Copyright Office prefers that transparencies larger than 3x3 inches be mounted in a way that facilitates their handling and preservation, and reserves the right to require such mounting in particular cases. All types of identifying material other than photographic transparencies must be not less than 3x3 inches and not more than 9x12 inches, but preferably 8x10 inches. Except in the case of transparencies, the image of the work must be either lifesize or larger, or if less than lifesize must be large enough to show clearly the entire copyrightable content of the work.

(d) *Title and dimensions.* At least one piece of identifying material must, on its front, back, or mount, indicate the title of the work; and the indication of an exact measurement of one or more dimensions of the work is preferred.

(e) *Copyright notice.* In the case of works published with notice of copyright, the notice and its position on the work must be clearly shown on at least one piece of identifying material. Where necessary because of the size or position of the notice, a separate drawing or similar reproduction shall be submitted. Such reproduction shall be no smaller than 3×3 inches and no larger than 9×12 inches, and shall show the exact appearance and content of the notice, and its specific position on the work.

(f) For separate registration of an unpublished work that is fixed, or a published work that is published, only as embodied in a soundtrack that is an integral part of a motion picture, identifying material deposited in lieu of an actual copy of the motion picture shall consist of:

(1) A transcription of the entire work, or a reproduction of the entire work on a phonorecord; and

(2) Photographs or other reproductions from the motion picture showing the title of the motion picture, the soundtrack credits, and the copyright notice for the soundtrack, if any.

The provisions of paragraphs (b), (c), (d), and (e) of this section do not apply to identifying material deposited under this paragraph (f).

(g) (1) In the case of unpublished motion pictures (including transmission programs that have been fixed and transmitted to the public, but have not been published), identifying material deposited in lieu of an actual copy shall consist of either:

(i) An audio cassette or other phonorecord reproducing the entire soundtrack or other sound portion of the motion picture, and description of the motion picture; or

(ii) A set consisting of one frame enlargement or similar visual reproduction from each 10-minute segment of the motion picture, and a description of the motion picture.

(2) In either case the "description" may be a continuity, a pressbook, or a synopsis but in all cases it must include:

(i) The title or continuing title of the work, and the episode title, if any;

(ii) The nature and general content of the program;

(iii) The date when the work was first fixed and whether or not fixation was simultaneous with first transmission;

(iv) The date of first transmission, if any;

(v) the running time; and

(vi) The credits appearing on the work, if any.

(3) The provisions of paragraphs (b), (c), (d), and (e) of this section do not apply to identifying material submitted under this paragraph (g).

(h) In the case where the deposit copy or copies of a motion picture cannot be viewed for examining purposes on equipment in the Examining Division of

the Copyright Office, the "description" required by §202.20(c)(2)(ii) of these regulations may be a continuity, a press-book, a synopsis, or a final shooting script but in all cases must be sufficient to indicate the copyrightable material in the work and include

(1) The continuing title of the work and the episode title, if any;

(2) The nature and general content of the program and of its dialogue or narration, if any;

(3) The running time; and

(4) All credits appearing on the work including the copyright notice, if any. The provisions of paragraphs (b), (c), and (d) of this section do not apply to identifying material submitted under this paragraph (h).

Dated: February 7, 1986.

Ralph Oman,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 86-3838 Filed 2-21-86-8:45 am]

BILLING CODE 1410-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Active Military Service Certification

AGENCY: Veterans Administration.

ACTION: Final Regulation Amendment.

SUMMARY: The Veterans Administration (VA) has amended its regulation concerning persons who are included as having served on active duty. The need for this action results from a recent decision of the Secretary of the Air Force, acting in accordance with authority delegated to him by the Secretary of Defense, that the service of members of the group known as the United States Merchant Seamen Who Served on Blockships in Support of Operation Mulberry constitutes active military service in the Armed Forces of the United States for purposes of all laws administered by the Veterans Administration. Under section 401 of Pub. L. 95-202, GI Bill Improvement Act of 1977, the effect of this action was to confer veteran status for VA benefit purposes on former members of that group who were discharged under honorable conditions.

DATE: This amendment is effective October 18, 1985, the date that the Secretary of the Air Force held that such service constitutes active duty.

FOR FURTHER INFORMATION CONTACT: Robert M. White (211B), Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420 (202) 389-3005.

SUPPLEMENTARY INFORMATION: Pursuant to 38 CFR 1.12(b) the Veterans Administration finds that prior publication of this change for public notice and comment is impracticable and unnecessary. The Veterans Administration has no discretion in this matter. The decision of the Secretary of the Air Force concerning active duty status is binding on the Veterans Administration. Consequently, a proposed notice will not be published. For this reason, this change is also not subject to the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it does not come within the term "rule" as defined in that act.

In accordance with Executive Order 12291, Federal Regulation, we have determined that this regulation change is non-major for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

There is no affected Catalog of Federal Domestic Assistance program number.

Approved: January 31, 1986.

Everett Alvarez, Jr.,

Acting Administrator.

38 CFR Part 3, *Adjudication,* is amended by adding paragraph (x)(14) to § 3.7 to read as follows:

§ 3.7 Persons included.

* * * * *

(x)* * *

(14) United States Merchant Seamen Who Served on Blockships in Support of Operation Mulberry. (Pub. L. 95-202, sec. 401)

[FR Doc. 86-3901 Filed 2-21-86; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 4

Disabilities Rating Schedules for Bilateral Blindness and Multiple Losses of Extremities

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: Legislative enactments have provided for a more equitable assessment of special monthly compensation for veterans suffering from anatomical loss and loss of use of extremities; severe loss of vision, and veterans with combined vision and hearing impairments. Section 3.350, title 38, Code of Federal Regulations has been amended to reflect these recent enactments. The corresponding tables in 38 CFR Part 4 are amended by this final rule to conform to Part 3.

DATES: Table II incorporated in 38 CFR 4.71a, concerning anatomical loss and loss of use of extremities, is retroactively effective from October 1, 1981 in accordance with Pub. L. 97-66. Table IV incorporated in 38 CFR 4.85a, concerning loss of vision, and combined vision and hearing impairments, is retroactively effective from October 1, 1983 in accordance with Pub. L. 98-223.

FOR FURTHER INFORMATION CONTACT: Lawrence Wheeler, Compensation and Pension Staff (211B), Department of Veterans Benefits, (202) 389-2635.

SUPPLEMENTARY INFORMATION: On pages 24549-52 of the **Federal Register** dated June 7, 1982, final rules amending 38 CFR Part 3 were published implementing Pub. L. 97-66; and on pages 47002-04 of the **Federal Register** dated November 30, 1984, final rules were published implementing Pub. L 98-223. These rules, implementing the two respective public laws provided for a more equitable assessment in the special monthly compensation payable to veterans having multiple loss of extremities, or bilateral blindness or blindness combined with hearing loss. No comments were received on either of the above published final rules.

Changes to 38 CFR § 3.350 have been promulgated to implement Pub. L. 97-66 and 98-223. The effect of this amendment is to change 38 CFR 4.71a and 4.84a so that the tables therein conform to 38 CFR 3.350.

Pursuant to 38 CFR 1.12 the Veterans Administration finds that prior publication of these changes for public notice and comment is not required and is unnecessary. These changes simply incorporate in tabular form certain substantive changes in 38 CFR § 3.350 which have already been published for notice and comment. Consequently, a

proposed notice will not be published. For this reason, these changes are also not subject to the Regulatory Flexibility Act, 5 U.S.C. 601–612, since they do not come within the term "rule" as defined in that Act.

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that these changes are non-major for the following reasons:

(1) They will not have an effect on the economy of $100 million or more;

(2) They will not cause a major increase in costs or prices;

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 4

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

The Catalog of Federal Domestic Assistance program number is 64.109.

Approved: January 29, 1986.

Everett Alvarez, Jr.,

Acting Administrator.

38 CFR Part 4, Schedule for Rating Disabilities, is amended as follows:

1. Section 4.71a is amended by revising Table II to read as follows:

§ 4.71a Schedule of ratings—musculoskeletal system.

* * * * *

TABLE II.—RATINGS FOR MULTIPLE LOSSES OF EXTREMITIES WITH DICTATOR'S RATING CODE AND 38 CFR CITATION

Impairment of one extremity	Impairment of other extremity					
	Anatomical loss or loss of use below elbow	Anatomical loss or loss of use below knee	Anatomical loss or loss of use above elbow (preventing use of prosthesis)	Anatomical loss or loss of use above knee (preventing use of prosthesis)	Anatomical loss near shoulder (preventing use of prosthesis)	Anatomical loss near hip (preventing use of prosthesis)
Anatomical loss or loss of use below elbow.	M Codes M–1 a, b, or c, 38 CFR 3.350 (c)(1)(i).	L Codes L–1 d, e, f, or g, 38 CFR 3.350(b). L Codes L–1 a, b, or c, 38 CFR 3.350(b).	M½ Code M–5, 38 CFR 3.350 (f)(1)(x). L½ Code L–2 b, 38 CFR 3.350 (f)(1)(iii). N Code N–1, 38 CFR 3.350 (d)(1).	L½ Code L–2 c, 38 CFR 3.350 (f)(1)(vi). L½ Code L–2 a, 38 CFR 3.350 (f)(1)(i). M Code M–2 a, 38 CFR 3.350 (c)(1)(iii).	N Code N–3, 38 CFR 3.350 (f)(1)(xi). M Code M–3 b, 38 CFR 3.350 (f)(1)(iv). N½ Code N–4, 38 CFR 3.350 (f)(1)(ix).	M Code M–3 c, 38 CFR 3.350 (f)(1)(viii) M Code M–3 a, 38 CFR 3.350 (f)(1)(ii) M½ Code M–4 c, 38 CFR 3.350 (f)(1)(xi)
Anatomical loss or loss of use below knee.						
Anatomical loss or loss of use above elbow (preventing use of prosthesis).						
Anatomical loss or loss of use above knee (preventing use of prosthesis).				M Code M–2 a, 38 CFR 3.350 (c)(1)(ii).	M½ Code M–4 b, 38 CFR 3.350 (f)(1)(vii).	M½ Code M–4 a, 38 CFR 3.350 (f)(1)(v)
Anatomical loss near shoulder (preventing use of prosthesis).					O Code O–1, 38 CFR 3.350 (e)(1)(i).	N Code N–2 b, 38 CFR 3.350 (d)(3)
Anatomical loss near hip (preventing use of prosthesis).						N Code N–2 a, 38 CFR 3.350 (d)(2)

NOTE.—Need for aid attendance or permanently bedridden qualifies for subpar. L. Code L–1 h, i (38 CFR 3.350(b)). Paraplegia with loss of use of both lower extremities and loss of anal and bladder sphincter control qualifies for subpar. O. Code O–2 (38 CFR 3.350(e)(2)). Where there are additional disabilities rated 50% or 100%, or anatomical or loss of use of a third extremity see 38 CFR 3.350(f) (3), (4) or (5).

(38 U.S.C. 315; Pub. L. 97–66)

* * * * *

2. Section 4.84a is amended by revising Table IV to read as follows:

§ 4.84a Schedule of ratings—eye.

* * * * *

TABLE IV.—TABLE FOR RATING BILATERAL BLINDNESS OR BLINDNESS COMBINED WITH HEARING LOSS WITH DICTATOR'S CODE AND 38 CFR CITATIONS

Vision one eye	Vision other eye			Plus service-connected Hearing loss				
	5/200 (1.5/60) or less	Light perception only	No light perception or anatomical loss	Total deafness one ear	10% or 20% at least one ear SC	30% at least one ear SC	40% at least one ear SC	60% or more at least one ear SC
5/200 (1.5/60) or less.	L † Code LB–1 38 CFR 3.350(b)(2).	L + ½ † Code LB–2 38 CFR 3.350(f)(2)(i).	M Code MB–2 a or b 38 CFR 3.350(f)(2)(ii).	Add ½ step Code PB–1 38 CFR 3.350(f)(2)(iv).	No additional SMC..	Add a full step Code PB–3 38 CFR 3.350(f)(2)(vi).	Add a full step Code PB–3 38 CFR 3.350(f)(2)(vi).	O Code OB–1 38 CFR 3.350(e)(1)(iii)
Light perception only.		M Code MB–1 a 38 CFR 3.350(c)(1)(iv).	M + ½ Code MB–3 a or b 38 CFR 3.350(f)(iii).	O Code OB–2 38 CFR 3.350(e)(1)(iv).	Add ½ step Code PB–2 38 CFR 3.350(f)(2)(v).	Add a full step Code PB–3 38 CFR 3.350(f)(2)(iv).	O Code OB–2 38 CFR 3.350(e)(1)(iv).	O Code OB–1 38 CFR 3.350(e)(1)(iii)
No light perception or anatomical loss.			N Code NB–1 a-b or c 38 CFR 3.350(d)(4).	O Code OB–2 38 CFR 3.350(e)(1)(iv).	Add ½ step Code PB–2 38 CFR 3.350(f)(2)(v).	Add full step Code PB–3 38 CFR 3.350(f)(2)(vi).	O Code OB–2 38 CFR 3.350(e)(1)(iv).	O Code OB–1 38 CFR 3.350(e)(1)(iii)

† With need for aid and attendance qualifies for Subpar. m. code MB–1, b; 38 CFR 3.350(c)(1)(v).

NOTE.—(1) Any of the additional SMC payable under Dictator's Codes PB–1, PB–2, or PB–3 is not to exceed the rate payable under Subpar. O. (2) If in addition to any of the above the veteran has the service-connected loss or loss of use of an extremity, additional SMC is payable, not to exceed the rate payable under Subpar. O. See Dictator's Codes PB–4, PB–5, PB–6, and 38 CFR 3.350(f)(2)(vii) (A), (B), (C).

(38 U.S.C. 315; Pub. L. 98–223)

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[FR Doc. 86–3902 Filed 2–21–86; 8:45 am]

BILLING CODE 8320–01–M

38 CFR Part 21

Veterans Education; Measurement of Undergraduate Courses

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: Title 38 of the Code of Federal Regulations has permitted VA to measure, in a number of ways, undergraduate courses which have fewer than one 50-minute class sessions per week per hour of credit. One of these ways required the VA to estimate the quality of the course. The VA does not believe it should be estimating the quality of courses for measurement purposes. This final regulation rescinds the portion of the regulations which permitted the agency to do so.

EFFECTIVE DATE: March 1, 1986.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service (225), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–2092.

SUPPLEMENTARY INFORMATION: On pages 42191 and 42192 of the **Federal Register** of October 18, 1985, there was published a notice of intent to amend Part 21 to eliminate from VA consideration, the quality of a course when the agency determines how to measure the training of veterans and eligible persons enrolled in it. Interested persons were given 28 days to submit comments, suggestions or objections.

The VA received two letters. One was from a college official. The other was from an educational organization. Both supported the proposal. Accordingly, the VA is making the amended regulation final.

The VA has determined that this regulation is not a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulation will not cause a major increase in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs certifies that this amended regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), the amended regulation, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. This certification can be made because this regulation removes a potential, but not an actual, information collection burden from schools, since the VA has never implemented this authority. Any economic impact it may have on small entities would be favorable, but not economically significant.

The Catalog of Federal Domestic Assistance numbers for the program affected by this regulation are 64.111, 64.117 and 64.120.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: January 30, 1986.

Everett Alvarez, Jr.,

Acting Administrator.

PART 21—[AMENDED]

38 CFR Part 21. VOCATIONAL REHABILITATION AND EDUCATION, is amended by revising § 21.4272(f)(2) introductory text and (f)(2)(i) to read as follows:

§ 21.4272 Collegiate undergraduate, credit-hour basis.

* * * * *

(f) *Course measurement, insufficient standard class sessions.* * * *

* * * * *

(2) When a course includes one or more weeks with more than one regularly scheduled class for every 2 credit hours, but less than one regularly scheduled class session for each credit hour.

(i) The VA will determine training time for those weeks by using the table in § 21.4270(b) without adjustment when the published accrediting standards of the accrediting agency that accredits the course or the educational institution offering the course permit a class session which is somewhat shorter than that stated in § 21.4200(g) while requiring an overall level of educational pursuit that approximates the level required by courses offered on a standard quarter- or semester-hour basis. (38 U.S.C. 1788(b))

* * * * *

[FR Doc. 86–3904 Filed 2–21–86; 8:45 am]

BILLING CODE 8320–01–M

38 CFR Part 21

Veterans Education; Extension of the Emergency Veterans' Job Training Act

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Emergency Veterans' Job Training Act has been amended. The Act contains a deadline for beginning training programs under the Act. The amendment changes the date from September 1, 1985 to July 1, 1986. The regulation which concerns this part of the law is amended accordingly.

EFFECTIVE DATE: September 30, 1985.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 389–2092.

SUPPLEMENTARY INFORMATION: Public Law 99–108 changed the deadline for beginning a program of training under the Emergency Veterans' Job Training Act from September 1, 1985 to July 1, 1986. 38 CFR 21.4632 is amended to bring it into agreement with the law.

The VA finds that good cause exists for making this regulation final without previous publication of a notice of proposed rulemaking. The change contained in this regulation is directly based upon the law. The VA must make the Code of Federal Regulations agree with the law. Public participation in this rulemaking is, therefore, unnecessary. Since a Notice of Proposed Rulemaking is unnecessary and will not be published, this change does not come within the term "rule" as defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601(2), and is therefore not subject to the requirements of that Act.

Nevertheless, this regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the RFA, 5 U.S.C. 601–602. Although small entities will be affected by the extension of the Emergency Veterans' Job Training Act, all the effects will derive from the change in the law upon which the regulation is based. The regulation itself will have no effect upon small entities.

The VA has determined that this regulation does not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulation will not have a $100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. It will have no significant adverse effects on

competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.121)

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: January 28, 1986.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

1. The authority citation for § 21.4632 is amended by adding the following citation:

Authority: * * * Pub. L. 99-108).

§ 21.4632 [Amended]

2. 38 CFR 21.4632(e)(2)(ii) is amended by removing the words "September 1, 1985" and inserting, in their place, the words "July 1, 1986,".

[FR Doc. 86-3903 Filed 2-21-86; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Third-Class Bulk Rate Merchandise Samples

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends postal regulations pertaining to merchandise samples to make it clear that detached address cards may be used to deliver merchandise samples on all types of carrier routes. In addition, a new provision is added specifying that when a portion of a merchandise sample mailing must be or may be prepared using detached address cards, the remaining portion which does not meet the general distribution test may, at the mailer's option, be prepared with detached address cards. Certain other minor and editorial changes are also made to make the third-class bulk rate merchandise sample regulations consistent with other detached address card regulations.

EFFECTIVE DATE: March 26, 1986.

FOR FURTHER INFORMATION CONTACT: Ernest Collins, (202) 245-4749.

SUPPLEMENTARY INFORMATION: On January 9, 1986, the Postal Service published for comment in the **Federal Register** (51 FR 993-994) proposed changes in sections of the Domestic Mail Manual pertaining to merchandise samples. Interested persons were invited to submit comments on the proposed changes by February 10, 1986.

Written comments were received from four mailers, all of whom support the proposed changes.

One commenter observed that the proposed changes would standardize handling of all merchandise samples, provide for greater efficiency and less chance of error in preparing a mailing, and reduce costs by allowing manufacturers to manufacture one standardized sample rather than two samples. This would provide the mailer greater flexibility and easier use of the postal system for sample mailings.

Another commenter believed his company could not use detached address cards for mailing merchandise samples which destinate on rural routes and therefore was prevented from claiming the carrier route rate for pieces which were at least ¾-inch thick. The commenter also requested assurance that the simplified form of address could be used to address detached address cards for merchandise samples which destinate on rural routes. The simplified form of address as provided for in Domestic Mail Manual 122.41 may be used to address detached address cards for merchandise samples which destinate on rural routes.

The other two commenters supported the proposed rule because it further clarifies and provides uniformity of handling.

List of Subjects in 39 CFR Part 111

Postal Service

PART 111—[AMENDED]

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

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 404, 407, 408, 3001-3011, 3201-3219, 3403-3405, 3621; 42 U.S.C. 1973cc-13, 1973cc-14.

PART 664—MERCHANDISE SAMPLES

2. In 664, revise and renumber 664.1 and revise 664.22 to read as follows:

664.1 General.

.11 City Delivery Routes. Merchandise samples which exceed 5 inches in width (height) or ¼ of an inch in thickness, or which are nonuniform in thickness, mailed at bulk third-class rates for general distribution on city delivery routes must be prepared by the mailer in accordance with 664.2-664.4. For purpose of this section, GENERAL DISTRIBUTION means distribution of samples to at least 25 percent of the addresses in a 5-digit ZIP Code delivery area.

.12 Other Types of Routes (Such as Rural). Mailers who wish to use detached address cards with merchandise samples (of the kind described in .11 above) intended for general distribution on other types of routes, such as rural routes, must be prepared in accordance with 664.2-664.4.

.13 Optional Preparation of Residual Samples. When a portion of a merchandise sample mailing must or may be prepared with detached address cards under 664.11 or 664.12, that portion of the mailing for distribution to less than 25 percent of the addresses in a 5-digit ZIP Code delivery area may, at the mailer's option, also be prepared in accordance with 664.2-664.4.

664.2 Address Cards.

* * * * *

.22 The recipient's address, the mailer's return address, and the words, "Postal Service regulations require that the address card be delivered together with its accompanying postage paid sample. If you should receive this card without its accompanying sample, please notify your local postmaster." must be placed on the address card. The brand name, color coding, or other identifying symbols must also be placed on the address card to clearly associate it with the accompanying sample.

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

W. Allen Sanders,

Associate General Counsel, Office of General Law and Admininstration.

[FR Doc. 86-3894 Filed 2-21-86; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 702, 707, 710, 723, 747, 750, 762, 775, 791, and 792

[OPTS-00068; FRL-2972-8]

Authority Citations; Revision of Format

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule; Technical Amendments.

SUMMARY: EPA is revising the authority citations in 40 CFR Parts 702, 707, 710, 723, 747, 750, 762, 775, 791, and 792 to conform to the requirements of 1 CFR Part 21. These are non-substantive, technical amendments that do not require an opportunity for public comment or a 30-day delay in effective date under the Administrative Procedure Act, 5 U.S.C. 553.

EFFECTIVE DATE: February 24, 1986.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Federal Register Staff (TS-788B), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-603, 401 M St., SW., Washington, D.C. 20460, (202-382-2253).

List of Subjects in 40 CFR Parts 702, 707, 710, 723, 747, 750, 762, 775, 791, and 792

Administrative practice and procedure, Chemicals, Data reimbursement, Environmental protection, Exports, Fully halogenated chlorofluoroalkanes, Good laboratory practice, Hazardous substances, Imports, Metalworking fluids, Premanufacture notification exemptions, Recordkeeping and reporting requirements, Waste treatment and disposal.

Dated: February 6, 1986.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR Chapter I Subchapter R is amended as follows:

PART 702—GENERAL PRACTICE AND PROCEDURE

1. The authority citation for Part 702 is revised to read as follows:

Authority: 15 U.S.C. 2619.

PART 707—CHEMICAL IMPORTS AND EXPORTS

2. The authority citation for Part 707 is revised to read as follows and the authority citations following all the sections in Part 707 are removed:

Authority: 15 U.S.C. 2611(b) and 2612.

PART 710—INVENTORY REPORTING REGULATIONS

3. The authority citation for Part 710 is revised to read as follows:

Authority: 15 U.S.C. 2607(a).

PART 723—PREMANUFACTURE NOTIFICATION EXEMPTIONS

4. The authority citation for Part 723 is revised to read as follows and the authority citations following all the sections in Part 723 are removed:

Authority: 15 U.S.C. 2604.

PART 747—METALWORKING FLUIDS

5. The authority citation for Part 747 is revised to read as follows:

Authority: 15 U.S.C. 2604 and 2605.

PART 750—PROCEDURES FOR RULEMAKING UNDER SECTION 6 OF THE TOXIC SUBSTANCES CONTROL ACT

6. The authority citation for Part 750 is revised to read as follows:

Authority: 15 U.S.C. 2605.

PART 762—FULLY HALOGENATED CHLOROFLUOROALKANES

7. The authority citation for Part 762 is revised to read as follows:

Authority: 15 U.S.C. 2605, 2607, and 2611.

PART 775—STORAGE AND DISPOSAL OF WASTE MATERIAL

8. The authority citation for Part 775 is revised to read as follows:

Authority: 15 U.S.C. 2605.

PART 791—DATA REIMBURSEMENT

9. The authority citation for Part 791 is revised to read as follows:

Authority: 15 U.S.C. 2603 and 2607.

PART 792—GOOD LABORATORY PRACTICE STANDARDS

10. The authority citation for Part 792 is revised to read as follows:

Authority: 15 U.S.C. 2603.

[FR Doc. 86-3824 Filed 2-21-86; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register
Vol. 51, No. 36
Monday, February 24, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 319

[Docket No. 84-019P]

Deletion of Certain Labeling Requirements for "Pork With Barbecue, Sauce" or "Beef With Barbecue Sauce"

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the standard in the Federal meat inspection regulations for "Pork with Barbecue Sauce" and "Beef with Barbecue Sauce" by deleting the requirement that the product name be qualified whenever thickeners, binders, or extenders are used in the barbecue sauce. This would result in consistent labeling provisions for all meat and poultry products made with barbecue sauce. This action is in response to a petition filed by the Pillsbury Company.

DATE: Comments must be received on or before April 25, 1966.

ADDRESS: Written comments to: Policy Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 3803, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Margaret O'K. Glavin, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this proposed rule is not a "major rule" under Executive Order 12291. This proposed rule would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographical regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets because no mandatory labeling changes will be required.

Effect on Small Entities

The Administrator has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601) because no mandatory labeling changes will be required.

Comments

Interested persons are invited to submit comments concerning the proposal. Written comments must be sent in duplicate to the Policy Office and should refer to the docket number located in the heading of this document. All comments submitted in response to this proposal will be available for public inspection in the Policy Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

The present standard in the Federal meat inspection regulations for "Pork with Barbecue Sauce" and "Beef with Barbecue Sauce" (9 CFR 319.312) was adopted in 1952. The standard provides, among other things, that when cereal, vegetable flour, soy flour, or similar substances are used to prepare the barbecue sauce, they must be prominently identified in the product name such as "Pork with Barbecue Sauce—Cereal Added."

Information on file with the Standards and Labeling Division shows that the use of barbecue sauce and labeling of products containing it was addressed by the Department as early as 1930. Approval for a pork sausage product with barbecue sauce was granted in December 1930. The records show that the approval was granted on the basis that the barbecue sauce was used as a type of dressing rather than a cooking process. The approval also noted the ingredients of the barbecue sauce—a traditional recipe containing no thickeners, binder or extenders. At that time, these added thickening ingredients were not expected ingredients in barbecue sauce.

The records indicate that the Agency considered barbecue sauce to be "a hot sauce composed of combinations of spices, flavorings, with or without tomato, and with or without fat." The records also show an approval for "Pork Sausage, Barbecue Sauce Added" with a sauce consisting of red pepper, Worcestershire sauce, sugar, salt, allspice, black pepper, paprika and onion powder. In 1944, a sketch label for "Cooked Beef, Barbecue Sauce Added" was approved. The barbecue sauce consisted of beef fat, paprika, pepper and salt.

The present standard for "Pork with Barbecue Sauce" and "Beef with Barbecue Sauce" (9 CFR 319.312), adopted in 1952, requires special labeling of thickeners, binders or extenders when added to the barbecue sauce because at that time they were not common or usual ingredients in that product. Present day barbecue sauce recipes in several leading cookbooks call for only traditional ingredients without the use of thickeners, binders, or extenders. However, some barbecue sauces are available to consumers in retail stores that do contain vegetable gums and thickening agents.

The Pillsbury Company has petitioned the Agency to amend the standard for "Pork with Barbecue Sauce" and "Beef with Barbecue Sauce" contained in § 319.312 of the Federal meat inspection regulations by deleting the requirement that the product name be qualified whenever thickeners, binders or extenders are used in the barbecue sauce. The petitioner asserts that the requirement is not consistent with the labeling policy for all other meat and poultry products prepared with barbecue sauce and is also not consistent with the Food and Drug Administration's (FDA) labeling requirements for barbecue sauce.

The standardized products "Pork with Barbecue Sauce" and "Beef with Barbecue Sauce" are the only meat or poultry products that, when made with a barbecue sauce containing a thickening agent, must be labeled to identify the

presence of the thickening agent in the product name such as "Pork with Barbecue Sauce—Cereal Added." For example, "Barbecue Sauce with Beef" and "Chicken in Barbecue Sauce" may be made with a barbecue sauce that contains a thickening agent without further identification in the product name. These products are considered different from the standardized products and have not been subject to the labeling requirements of § 319.312 of the Federal meat inspection regulations. In addition, the FDA regulations do not provide a standard for barbecue sauce and, therefore, thickeners, binders or extenders may be used in barbecue sauce under the FDA regulations without any further identification in the product name.

A review of approved labels for "Pork with Barbecue Sauce" and "Beef with Barbecue Sauce" revealed that 313 establishments have approved labels for these products. Of these, 147 establishments produce the products without thickening agents while 166 establishments produce the products with and without thickening agents. There appears to be a market both for the traditional barbecue sauce without thickeners and for the nontraditional barbecue sauce with thickeners.

Proposed Amendment

The proposed amendment would remove the labeling distinction that is now required when a nontraditional barbecue sauce, i.e., one containing thickening agents, is used in the standardized products "Pork with Barbecue Sauce" or "Beef with Barbecue Sauce." This would result in consistent labeling of all meat and poultry products made with barbecue sauce and would eliminate any confusion resulting from different labeling requirements. Consumers who desire to purchase barbecue sauce products without thickening agents could still do so by examining the list of ingredients on the label. The proposal would also benefit processors by eliminating a burdensome labeling requirement and would permit fair competition among all products made with a barbecue sauce.

Presently, the standard for "Pork with Barbecue Sauce and Beef with Barbecue Sauce" (9 CFR 319.312) reads as follows:

"Pork with Barbecue Sauce" and "Beef with Barbecue Sauce" shall contain not less than 50 percent meat of the species specified on the label, computed on the weight of the cooked and trimmed meat. Mechanically Separated (Species) may be used in accordance with § 319.6. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, dry or dried whey, reduced lactose whey, reduced mineral whey, whey protein concentrate, calcium reduced dried skim milk, or similar substances are used in preparing products, there shall appear on the label in a prominent manner, the name of the product, the name of each added ingredient as, for example, "Cereal Added" or "With Cereal and Nonfat Dry Milk".

FSIS is proposing to amend Part 319 of the Federal meat inspection regulations (9 CFR 319.312) by deleting the last sentence. The requirement that the product name be on the label, although deleted from this section, is still required under § 317.2(c)(1) of this subchapter.

List of Subjects in 9 CFR Part 319

Meat and meat food products, Standards of identity, Food labeling.

PART 319—AMENDED

Accordingly, Part 319 of the Federal meat inspection regulations would be amended as follows:

1. The authority citation for Part 319 continues to read as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended, (21 U.S.C. 601 *et seq.*); 72 Stat. 862, 92 Stat. 1069, as amended, (7 U.S.C. 19d *et seq.*); 76 Stat. 663 (7 U.S.C. 450 *et seq.*).

2. Section 319.312 (9 CFR Part 319) would be revised to read as follows:

§ 319.312 Pork with barbecue sauce and beef with barbecue sauce.

"Pork with Barbecue Sauce" and "Beef with Barbecue Sauce" shall contain not less than 50 percent meat of the species specified on the label, computed on the weight of the cooked and trimmed meat. Mechanically Separated (Species) may be used in accordance with § 319.6. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent meat computed on the weight of the fresh uncooked meat.

Done at Washington, DC on: November 12, 1985.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 86-3900 Filed 2-21-86; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket Number 85-ANE-35]

Airworthiness Directives: Rolls-Royce Limited RB211-22B Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This summary proposes to adopt an airworthiness directive (AD) that would require removal from service of the intermediate pressure compressor (IPC) stage 6 to 7 rotor assemblies on Rolls-Royce RB211-22B series turbofan engines in accordance with Rolls-Royce Mandatory Service Bulletin (SB) RB.211-72-6427, Revision 2, dated June 30, 1984. The proposed AD institutes a reduction in published cyclic life and is needed to assure timely removal of the identified assemblies and prevent uncontained engine failures.

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

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attention: Rules Docket Number 85-ANE-35, 12 New England Executive Park, Burlington, Massachusetts 01803.

or delivered in duplicate to Room Number 311 at the above address.

Comments delivered must be marked: Docket Number 85-ANE-35.

Comments may be inspected at the New England Regional Office, Office of the Regional Counsel, Room Number 311, between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

The applicable SB may be obtained from Rolls-Royce Limited, Technical Publications Department, P.O. Box 31, Derby DE2 8BJ, England. A copy of the SB is contained in Rules Docket Number 85-ANE-35 in the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Chris Gavriel, Engine Certification Branch, ANE-141, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington,

Massachusetts 01803, telephone (617) 273–7084

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice, must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 85–ANE–35". The postcard will be date/time stamped and returned to the commenter.

The FAA has determined that certain IPC stage 6 to 7 rotor assemblies on Rolls-Royce RB211–22B series engines, reworked per Rolls-Royce SB RB.211–72–5126, may not reach their published in-service cyclic life. There have been no reported in-service failures to date, but rig testing undertaken by Rolls-Royce has demonstrated the need to remove certain assemblies that have been reworked per Rolls-Royce SB RB.211–72–5126. Those assemblies must be removed from service in accordance with Rolls-Royce Mandatory SB RB.211–72–6427, Revision 2, dated June 30, 1984.

Conclusion: The FAA has determined that this proposed regulation involves 40 Rolls-Royce RB211–22B engines installed on Lockheed L–1011 series aircraft and the approximate total cost is $72,000. It is also determined that few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected since the rule affects only operators using Lockheed L–1011 aircraft in which the RB211–22B engines are installed, none of which are believed to be small entities. Therefore, I certify that this action (1) is not a "major rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

List of Subjects in 14 CFR 39

Aircraft, Air transportation, Aviation safety, Engines, Incorporation by reference.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend Part 39 of the Federal Aviation Regulations (FAR) 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 11.85.

§ 39.13 [Amended]

2. By adding to § 39.13 the following new AD:

Rolls-Royce Limited: Applies to Rolls-Royce RB211–22B series turbofan engines:

Compliance is required as indicated, unless already accomplished.

To prevent disk failures that can cause uncontained engine failures, accomplish the following:

(a) Remove from service all IP Compressor stage 6 to 7 rotor assemblies listed individually by serial number in Appendix 1 of Rolls-Royce Mandatory SB RB.211–72–6427, Revision 2, dated June 30, 1984, or FAA approved equivalent, on or before attaining the service life specified in that appendix.

(b) Remove from service all IP compressor state 6 to 7 rotor assemblies listed individually by serial number in Appendix 2 of Rolls-Royce Mandatory SB RB.211–72–6427, Revision 2 dated June 30, 1984, or FAA approved equivalent, on or before attaining the service life specified in that appendix.

(c) Remove from service prior to further flight all IP compressor stage 6 to 7 rotor assemblies listed individually by serial numbers in Appendices 1 and 2 of Rolls-Royce Mandatory SB RB.211–72–6427, Revision 2, dated June 30, 1984, or FAA approved equivalent, that have accumulated total cycles since new, in excess of the service lives specified in those appendices.

Upon request, an equivalent means of compliance may be approved by the Manager, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Engine Certification Office, New England Region, may adjust the compliance time specified in this AD.

The FAA will request the permission of the **Federal Register** to incorporate by reference the manufacturer's SB identified and described in this document.

Issued in Burlington, Massachusetts, on February 11, 1986.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86–3881 Filed 2–21–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 85–AGL–18]

Proposed Realignment of Federal Airway V–78

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign Federal Airway V–78 to the north between the Eau Clair, WI, and Gopher, MN, very high frequency omni-directional radio range and tactical air navigational and (VORTAC) facilities. This action would provide the necessary increased separation between established routes to ensure the safe and expeditious flow of air traffic in the area.

DATES: Comments must be received on or before April 11, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 85–AGL–18, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

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: Gene Falsetti, Airspace and Air Traffic Rules Branch (ATO–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800

Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85–AGL–18." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

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 the 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 Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign V–78 to the north between the Eau Claire, WI, (EAU) and Gopher, MN, (GEP), VORTACs. At the present time the Judas Standard Terminal Arrival Route (STAR) and V–78 are in close proximity to one another that constant scrutiny by air traffic controllers is required to ensure against possible conflicts. To provide increased separation on these routes, V–78 would be realigned farther north. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

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

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

The Proposed Amendment

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:

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

§ 71.123 [Amended]

2. § 71.123 is amended as follows:

V–78 [Amended]

By removing the words "Eau Claire, WI;" and substituting the words "INT Gopher 091°T(085°M) and Eau Claire, WI, 290°T(286°M) radials; Eau Claire;"

Issued in Washington, DC, on February 12, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86–3882 Filed 2–21–86; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Parts 71 and 73

[Airspace Docket No. 85–ANM–7]

Proposed Alteration of Restricted Areas R–5701 and R–5706, Boardman, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions, altitudes, and times of use of Restricted Areas R–5701 and R–5706 located near Boardman, OR. After reviewing their oveall training and operational requirements, the Department of the Navy has requested changes in R–5701 and R–5706 to accommodate changes in weapons delivery tactics.

DATES: Comments must be received on or before April 11, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Northwest Mountain Region, Attention: Manager, Air Traffic Division, Docket No. 85–ANM–7, Federal Aviation Administration, 17900 Pacific Highway South, C–68966, Seattle, WA 98168.

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: Andrew B. Oltmanns, 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, DC 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, economic, environmental, and energy aspects of the proposals. 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–ANM–7." 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 Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to alter the descriptions, altitudes, and times of use of Restricted Areas R–5701 and R–5706 located near Boardman, OR. The Department of Navy has performed a review of their overall training and operational requirements and has requested changes in R–5701 and R–5706 to accommodate changes in weapons delivery tactics. In order to achieve their training and operational requirements, it will be necessary to restrict airspace from the surface to and including 23,000 feet MSL in R–5701 and from 3,500 feet MSL to and including 23,000 feet MSL in R–5706. This proposal will also include minor extensions to the existing areas and will reduce the amount of time the restricted area airspace will be in use. Restricted Area R–5706 will also be added to the Continental Control Area. Sections 71.151 and 73.57 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 currently. 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.

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:

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; 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. § 71.151 is amended as follows:

R–5706 Boardman, OR [New]

PART 73—[AMENDED]

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.

§ 73.57 [Amended]

4. § 73.57 is amended as follows:

R–5701 Boardman, OR [Amended]

Boundaries. Beginning at lat. 45°38'00" N., long. 120°02'00" W.; to lat. 45°36'00" N., long. 119°46'00" W.; to lat. 45°39'00" N., long. 119°31'00" W.; to lat. 45°41'25" N., long. 119°31'00" W.; to lat. 45°42'25" N., long. 119°25'00" W.; to lat. 45°45'00" N., long. 119°22'00" W.; to lat. 45°47'30" N., long. 119°23'00" W.; to lat. 45°46'10" N., long. 119°35'00" W.; to intercept 5 NM arc centered at lat. 45°43'36" N., long. 119°41'03" W.; thence via 5 NM arc to lat. 45°46'35" N., long. 119°47'00" W.; to lat.45°46'35" N., long. 120°02'25" W.; to the point of beginning.

Altitudes. Surface to FL 230.

Time of designation. 0800–2359 local time, Monday-Friday; 0800–1600 Saturday.

R–5706 Boardman, OR [Amended]

Boundaries. Beginning at lat.45°38'00" N., long. 120°02'00" W.; to lat. 45°39'00" N., long. 120°09'00" W.; to lat. 45°45'45" N., long. 120°09'00" W.; thence along south shore of the Columbia River to lat. 45°51'00" N., long. 119°40'00" W.; to lat. 45°53'00" N., long. 119°31'00" W.; to lat. 45°46'35" N., long. 119°31'00" W.; to lat. 45°46'10" N., long. 119°35'00" W.; to intercept 5 NM arc centered at lat. 45°43'36" N., long. 119°41'03" W.; thence via 5 NM arc to lat. 45°46'35" N., long. 119°47'00" W.; to lat. 45°46'35" N., long. 120°02'25" W.; to the point of beginning.

Altitudes. 3,500 feet MSL to FL 230.

Time of designation. 0800–2359 local time, Monday–Friday; 0800–1600 Saturday.

Issued in Washington, DC, on February 12, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86–3883 Filed 2–21–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Parts 71 and 75

[Airspace Docket No. 85–AAL–9]

Proposed Establishment of VOR Federal Airway V–308 and Jet Route J–188—AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a new Federal Airway V–308 and Jet Route J–188 between Bethel and Sparrevohn, AK. The additional Federal Airway and Jet Route would expedite traffic and reduce sector workload by providing an alternate route for aircraft departing Bethel and climbing eastbound. This would alleviate opposite direction climb situations.

DATE: Comments must be received on or before April 11, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Alaskan Region, Attention: Manager, Air Traffic Division, Docket No. 85–AAL–9, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

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: Burton Chandler, Airspace and Air Traffic Rules Branch (ATO–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426–8627.

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, economic, environmental, and energy aspects of the proposals. 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–AAL–9." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The 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 20 591, 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 Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to establish a new Federal Airway V–308 and Jet Route J–188 between Bethel and Sparrevohn, AK. The additional Federal Airway and Jet Route would expedite traffic and reduce sector workload by providing an alternate route for aircraft departing Bethel and climbing eastbound. This would alleviate opposite direction climb situations. Sections 71.125 and 75.100 of Parts 71 and 75 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 his 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 75

Aviation safety, VOR Federal airways and jet routes.

The Proposed Amendments

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) 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; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.125 [Amended]

2. § 71.125 is amended as follows:

V–308 [New]

From Bethel, AK, via INT Bethel 066 °T(047 °M) and Sparrevohn, AK, 279 °T(257 °M) radials; to Sparrevohn.

PART 75—[AMENDED]

3. The authority citation for Part 75 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.

§ 75.100 [Amended]

4. § 75.100 is amended as follows:

J–188 [New]

From Bethel, AK, via INT Bethel 066 °T(047 °M) and Sparrevohn, AK, 279 °T(257 °M) radials; to Sparrevohn.

Issued in Washington, DC, on February 12, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86–3884 Filed 2–21–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 75

[Airspace Docket No. 85–AWA–48]

Proposed Realignment and Revocation of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign Jet Routes J–4, J–104, J–169 and J–50. Also, this notice proposes to revoke Jet Route J–181. These route changes are in conjunction with planned or future changes to the descriptions of several special use airspace areas located in Arizona and California. This action would increase safety and improve air traffic control efficiency and service to users.

DATES: Comments must be received on or before April 11, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 85–AWA–48, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

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

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

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426–8626.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85–AWA–48". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with the 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 Proposal

The FAA is considering an amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign J–4, J104, J–169, J–50 and revoke J–181 located in southern California and Arizona. These changes would increase safety, permit more efficient use of the airspace and allow more flexibility for military operations. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The FAA had 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 75

Aviation safety, Jet routes.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as follows:

PART 75—[AMENDED]

1. The authority citation for Part 75 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.

§ 75.100 [Amended]

2. § 75.100 is amended as follows:

J–4 [Amended]

By removing the words "Twentynine Palms, CA; via intersection of Twentynine Palms 103 ° and Stanfield, AZ , 299 ° radials; Stanfield; San Simon, AZ;" and substituting the words "Twentynine Palms; Parker, CA; Buckeye, AZ; San Simon, AZ;"

J–104 [Amended]

By removing the words "Twentynine Palms; via intersection Twentynine Palms 103° and Gila Bend, Az, 312 ° radials; Gila Bend," and substituting the words "Twentynine Palms; Parker, CA; Gila Bend, AZ;"

J–169 [Amended]

By removing the words "Blythe, CA" and substituting the words "Blythe, CA; INT Blythe 096 °T(112 °M) and Stanfield, AZ, 297 °(304 °M) radials; to Stanfield."

J–50 [Amended]

By removing the words "Blythe; INT Blythe 096° and Gila Bend, AZ, 299° radials; Gila Bend;" and substituting the words "Blythe, INT Blythe 096°T(104°M) and Gila Bend, AZ, 312°T(318°M) radials; Gila Bend;"

J–181 [Revoked]

Issued in Washington, DC on February 14, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86–3885 Filed 2–21–86; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 436

Franchising and Business Opportunities Rule

AGENCY: Federal Trade Commission.

ACTION: Request for comments.

SUMMARY: The Federal Trade Commission ("the Commission") in accordance with the Regulatory Flexibility Act and published of a Plan for the Periodic Review of Commission Rules, 46 FR 35118 (July 7, 1981), is soliciting comments and data on whether its trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunities Ventures", 16 CFR Part 436 ("the Rule"), has had a significant economic impact on small entities and, if so, whether the Rule should be rescinded or amended to minimize any such significant economic impact on small entities.

DATE: All comments and data should be received by the Commission no later than April 25, 1986.

ADDRESS: Comments and data should be sent to: Secretary, Federal Trade Commission, Washington, D.C. 20580. Submissions should be identified as "Franchise Rule—RFA Comment".

FOR FURTHER INFORMATION CONTACT: John M. Tifford, Program Advisor for Franchising, Division of Enforcement, Bureau of Consumer Protection, Federal

Trade Commission, Washington, D.C. 20580. (202) 376–2805.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (the "RFA"), requires that the Commission conduct a periodic review of rules that have or will have a significant economic impact upon a substantial number of small entities.

The Commission promulgated the Rule on December 21, 1978, with an effective date of October 21, 1979. On August 24, 1979, compliance guidelines were issued to assist sellers of franchises and business opportunities in complying with the Rule's obligations.

The Rule was adopted in response to evidence of deceptive and unfair practices in connection with the sale of the types of businesses covered by the Rule. In some, instances, prospective franchisees lacked a ready means of obtaining essential and reliable information about their proposed business investment. This lack of information reduces the ability of prospective franchisees either to make an informed investment decision or otherwise verify the representations of the business' salespersons. The Rule attempts to deal with these problems by requiring franchisors and franchise brokers to furnish prospective franchisees with information about the franchisor, the franchise business and the terms of the franchise agreement. Franchisors and franchise brokers must furnish additional information if they make apy claim about actual or potential earnings, either to the prospective franchisee or in the media. All disclosures must be made (i) before any sale is made and (ii) by means of disclosure documents whose form and content are set forth in the Rule. The Rule requires disclosure of certain information. It does not interfere with the substantive terms of the franchisor-franchisee relationship, a subject which is left to the parties' own negotiation and agreement.

The Commission sought to minimize compliance burdens in two ways. First, no registration or filing of the proposed offers, or the disclosure documents and other agreements which accompany such offers, need be made with the Commission. In this way, compliance expense, management time, paperwork and potential delays are reduced. Second, use of a state developed disclosure format known as the Uniform Franchise Offering Circular may be substituted for the disclosure format set forth in the Rule. In this way, no duplicative Rule disclosure document need be prepared, so that sellers either may continue to use their existing disclosure document or prepare whichever disclosure format is more appropriate to their needs.

For the purpose of this review under the RFA, the term "small entity" is defined as franchisors whose gross revenues were below three million dollars in their most recently completed fiscal year.

Two impact evaluation studies of the Rule have been conducted to date. Each study was funded by the Commission and conducted by an independent research organization. One study, entitled "A Study of The Impact of the Franchise Disclosed Rule On Franchisees and Potential Investors" was conducted by Audits and Surveys and is directed at the efficacy of disclosure for franchisees and potential investors. It was released by the Commission in January 1985. The other study, entitled "Final Report of A Survey to Evaluate the Economic Impact On Franchisors of the FTC Trade Regulation Rule Entitled 'Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures' " was conducted by Opinion Research Corporation and is directed at the costs and perceived benefits and burdens of the Rule on franchisors. It was released by the Commission in October 1985. Copies of both studies are available, free of charge, from the Commission's Public Reference Section, Room 130, Pennsylvania Avenue and 6th Street, NW., Washington, DC 20580 (202) 523–3598.

The purpose of this RFA review is limited to determine whether the Rule should be (1) continued without change, (ii) rescinded or (iii) amended, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the Rule upon a substantial number of small entities.

The Commission is soliciting public comment on the Rule as part of its periodic review in accordance with the RFA, and is especially interested in comments, including the factual data (*e.g.*, economic and accounting information, statistical analysis, surveys, studies, *etc.*) upon which submitted comments are based, on the following topics:

(1) Has the Rule had a significant economic impact (costs and/or benefits) on a substantial number of small entities? Please describe the details of any such significant negative and/or positive economic impact.

(2) Is there a continued need for the Rule and all of its requirements?

(3)(a) What burdens, if any, does compliance with the Rule place on small entities? (b) To what extent are these burdens similar to those which small entities also would experience under standard and prudent business practices or other existing federal, state or local laws or regulations?

(4) What changes, if any, should be made to the Rule in order to minimize the economic effect on small entities?

(5) To what extent does the Rule overlap, duplicate or conflict with other federal, state and local government rules?

(6) Have technology, economic conditions or other factors changed in the area affected by the Rule since its promulgation and, if so, what effect do these changes have on the Rule or those covered by it?

(7) Is three million dollars an appropriate size standard for purposes of this RFA review in defining a small entity; if not, what is a more appropriate size standard and how would the results of the Commission's RFA review differ if the different size standard were adopted?

List of Subjects in 16 CFR Part 436

Federal Trade Commission, Advertising, Business and industry, Trade practices.

Authority: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (1980).

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 86–3895 Filed 2–21–86; 8:45 am]

BILLING CODE 6750–01–M

RAILROAD RETIREMENT BOARD

20 CFR Part 395

Regulations Under Title VII of the Regional Rail Reorganization Act

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board hereby proposes to amend its regulations pertaining to reviews and appeals of initial determinations under the benefit schedules promulgated by the Secretary of Labor pursuant to section 701 of the Regional Rail Reorganization Act. The benefit schedules are administered by the Board.

DATE: Comments must be received on or before March 26, 1986.

ADDRESS: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Arthur A. Arfa, Assistant to the Associate Executive Director for Legal and Administrative Services, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4970 (FTS 387–4970).

SUPPLEMENTARY INFORMATION: Section 395.9 of the Board's current rules provides for certain time limits during which a claimant who wishes to appeal an initial adverse determination may file such an appeal. The current regulations are not precise as to when the time period begins to run since they use the phrase, "communicated" to the claimant as the start of the appeal time period. The use of this phrase makes it unclear whether the appeal period starts on the date the notice of the decision is sent to the claimant or when it is received by the claimant. The amendment to the regulations will clarify that the appeal period begins to run from the date the notice in mailed. The Board has determined that this is not a major rule under Executive Order 12291. Therefore, no regulatory analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 395

Employee benfit plans, Employee protection benefits, Railroad employees, Railroad retirement.

PART 395—[AMENDED]

Title 20 CFR Part 395 is proposed to be amended as follows:

1. The authority citation for Part 395 is proposed to be revised to read:

Authority: 45 U.S.C. 362(1); 45 U.S.C. 797.

§ 395.9 [Amended]

2. Section 395.9 is proposed to be amended by adding at the end of paragraphs (c)(1) and (d)(1) of this section the following new sentence to read as follows: Notice shall be deemed to have been communicated to the claimant when it is mailed to the claimant at the latest address furnished by him or her.

Dated: February 13, 1986.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 86–3767 Filed 2–21–86; 8:45 am]

BILLING CODE 7905–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–165–84]

Below-Market Loans

Corrections

In FR Doc. 19785 beginning on page 33553 in the issue of Tuesday, August 20, 1985, make the following corrections:

1. On page 33560 in the first column, in the ninth line of § 1.7872–3(e)(3), Example (3), "September 20" should read "September 30";

2. On page 33565 in the second column, in the seventh line of § 1.7872–8(c)(6), "proportion" was misspelled;

3. On the same page in the third column, in § 1.7872–8(c)(9), Example (2):

a. The thirteenth line should read "imputed interest payment attributable to each loan", and

b. In the second line of the second paragraph, "lander" should read "lender"; and

4. On page 33566 in the second column, in § 1.7872–10(a)(6):

a. In the thirteenth line, "outstanding" was misspelled, and

b. The last line should read "variable balances, see § 1.7872–13(c)".

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[OPTS–211017; FRL 2962–1]

Hazardous Waste; Polychlorinated Biphenyls (PCBs); Response to Citizens' Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Response to Citizens' Petitions.

SUMMARY: This notice responds to citizens' petitions submitted by Citizens for Healthy Progress and Valley Watch under section 21 of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2620) and section 7004 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6974).

Each TSCA petition is a request that EPA exercise authority under TSCA section 5(e) to prevent the construction of a PCB disposal facility in Henderson, Kentucky, pending the development of additional information regarding the health and environmental effects arising from the operation of the proposed facility. An application for an approval under TSCA section 6(e) for this proposed PCB disposal facility is pending before EPA Region IV.

As explained in Unit II, EPA is denying the TSCA requests of both petitions on two grounds: (1) EPA cannot amend TSCA, as requested by Citizens for Healthy Progress; and (2) EPA does not have the authority under section 5(e) of TSCA to issue a proposed order to prevent construction of a proposed facility when a proposed process does not involve either a "new chemical substance" or a "significant new use" of a substance.

In addition, Valley Watch has petitioned for rulemaking under RCRA, seeking regulation of the Henderson facility and, if possible, seeking to halt construction and operation. EPA regulations issued under RCRA impose additional notice and comment procedures which are applicable only to RCRA section 7004 petitions. These regulations require EPA to publish a tentative decison to grant or deny the petition, to solicit public comment on that tentative decision, and then, to issue and publish its final decision.

In this notice, EPA has tentatively decided to deny the Valley Watch petition under RCRA. The Agency solicits public comment on this tentative denial; interested persons may also request an informal public hearing regarding this tentative decision.

However, the Agency notes that it intends to list wastes containing PCBs as hazardous wastes under RCRA, thereby subjecting PCB waste management facilities to RCRA regulation.

ADDRESSES: Copies of the petitions and all related information are located in: Document Control Office (TS–793), Office of Toxic Substances, Environmental Protection Agency, Rm. E–107, 401 M St., SW., Washington, DC 20460.

They are available for review and copying from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays.

Comments on EPA's Tentative Decisions under RCRA and any requests for an informal public meeting under RCRA should be in writing and sent to: Francine Jacoff, Waste Identification Branch (WH–562B), Office of Solid Waste, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

DATES: Comments on EPA's Tentative Decision under RCRA and any written requests for an informal public hearing under RCRA should be sent to the above address by April 25, 1986.

FOR FURTHER INFORMATION (TSCA PETITIONS) CONTACT: Edward 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:

I. Background

A. Summary of Petitions

On November 20, 1985, Citizens for Healthy Progress (CHP) petitioned the EPA under section 21 of TSCA to take action under section 5(e) of TSCA to halt construction of a planned PCB disposal facility in Henderson, Kentucky. The petitioner asserts that the Agency lacks sufficient information at this time to make a decision on the safety of the facility and that construction of the facility should not be allowed to occur until such information is available for the Agency to evaluate. The petitioner argues that the fact that funds have been expended for construction of a costly facility could bias the Agency's decision to permit or not permit the facility in favor of the applicant and could, therefore, place the public at unreasonable risk.

The CHP petition specifically requests that the Agency "amend an order" under TSCA section 5(e) by adding language to paragraph (1)(A) of the TSCA section 5(e) which would, among other things, enable the Administrator to issue a "proposed order" to prohibit the construction or completion of a facility such as the one planned for Henderson, Kentucky, pending the development of information.

On December 9, 1985, Valley Watch (VW) petitioned the EPA under section 21 of TSCA to take action similar to that requested on November 20, 1985, by Citizens for Healthy Progress. Valley Watch petitioned EPA under section 5(e), to issue either a "proposed order" or an injunction which would prohibit the commencement of construction of the Henderson facility pending the development of additional information. Specifically, VW argues that the authority to enjoin the construction of the Henderson, Kentucky, facility is "inherent" in the authority reposed in the Administrator by TSCA section 5(e) to prohibit or limit activities involving a new chemical substance pending the development of information. The Valley Watch petition is premised upon the belief that the Agency lacks information with respect to the health and environmental risks posed by the proposed PCB disposal facility, the processes to be employed in the facility, and the chemicals to be used and manufactured in the facility. In particular, the identity of and possible risks associated with the material known as "TF-1" appears to be at the heart of VW's concern that insufficient information is available regarding the proposed disposal facility. VW asserts that construction of the Henderson facility should not occur until such time as this information is available and has been subjected to reasoned evaluation by the Agency.

In addition, Valley Watch petitioned for the issuance of a regulation under section 7004(a) of RCRA (42 U.S.C. 6974(a)). The petition did not request any specific rules or cite specific provisions of RCRA as possible authority for rulemaking but generally sought regulation of the PCB facility in Henderson under RCRA and, if possible, a ban on construction and operation. The basis for the petition is that there is insufficient information available to the Agency to evaluate health and environmental effects from the activities at the facility. The Agency is treating the RCRA request as a petition seeking rulemaking under Subtitle C of RCRA (Hazardous Waste Management).

B. TSCA Section 21

Section 21 of the Toxic Substances Control Act (TSCA) provides that any person may petition the Administrator of EPA to initiate a proceeding for the issuance of rules under section 4 (rules requiring chemical testing), section 6 (rules imposing substantive controls on chemicals), or section 8 (information-gathering rules). Also, section 21 authorizes a petitioner to request the issuance, amendment, or repeal of orders under section 5(e) (orders affecting chemicals involved in premanufacture notification) or section 6(b)(2) (orders affecting quality control procedures). Section 21(b)(3) requires that EPA grant or deny citizens' petitions within 90 days of the filing of the petitions (15 U.S.C. 2620(b)(3)).

If the Administrator grants a section 21 petition, the Agency must promptly commence an appropriate proceeding. If the Administrator denies the petition, the reasons for denial must be published in the **Federal Register.**

If EPA denies the petition, or fails to grant or deny the petition within 90 days of the filing date, the petitioners may commence a civil action in a Federal district court to compel the Agency to initiate the requested action. This suit must be filed within 60 days of the denial, or within 60 days of the expiration of the 90-day period if the Agency fails to grant or deny the petition within that period (15 U.S.C. 2620(b)(4)).

In the case of a section 21 petition which requests an order which can be issued under section 5(e), EPA may issue such an order if EPA determines that information is insufficient to evaluate a subject chemical, and that in the absence of sufficient information, the chemical may present an unreasonable risk or, may cause substantial or significant human or environmental exposure (15 U.S.C. 2604(e)(1)(A)).

C. RCRA Regulations Governing Citizens' Petitions

EPA regulations set out a process for addressing petitions for rulemaking under RCRA Subtitle C at 40 CFR 260.20. They provide that the Administrator is to issue for publication in the **Federal Register** a tentative decision to grant or deny a petition and solicit public comment on the tentative decision. That notice may take the form of an advance notice of proposed rulemaking, a proposed rule, or a tentative decision to deny the petition. Upon written request of any interested person, the Administrator may, at his discretion, hold an informal public hearing to consider oral comments on the tentative decision. A person requesting a public hearing must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The Administrator may, in any event, decide to hold an informal public hearing on his own initiative. After evaluating all public comments, EPA is to make a final decision by issuing for publication in the **Federal Register** a regulatory amendment or a final denial of the petition.

This notice contains EPA's tentative decision on the RCRA petition. A subsequent **Federal Register** notice will announce the Agency's final decision.

II. Response to TSCA Petitions

The Citizens for Healthy Progress and Valley Watch petitions are motivated by concerns that allowing the construction of the Henderson PCB disposal facility might bias the Agency's ultimate permitting decision in favor of the applicant. EPA addresses these concerns in Unit III. However, in requesting relief from EPA under TSCA section 21, the petitioners rely exclusively upon the remedies set forth in TSCA section 5(e). Therefore, the decision to grant or deny petitioners' requests depends upon whether CHP and VW have presented circumstances which suggest the proper application of

section 5(e) authority. EPA must deny all of petitioners' TSCA requests because of congressionally mandated limitations on the applicability of section 5(e) authority. This unit sets forth the reasons for these denials.

A. Request To Amend TSCA Section 5(e)

While phrased as a request to "amend an order," the Citizens for Healthy Progress in effect ask EPA to amend TSCA section 5(e) by adding to paragraph (1)(A) of section 5(e) language which would enable the Administrator to initiate necessary legal proceedings to prohibit construction of a facility intended primarily for activities involving a substance which EPA can subject to a proposed order.

EPA denies the CHP petition, because EPA cannot amend TSCA. Any such request should be addressed to Congress, rather than this Agency.

B. Requests for Issuance of Proposed Order

The Valley Watch petition requests that EPA issue a TSCA section 5(e) proposed order or injunction which would prohibit construction of the Henderson PCB disposal facility until sufficient information is developed regarding the health and environmental effects associated with the facility. Likewise, the Citizens for Healthy Progress petition could be construed to request the same relief.

When construed in this manner, both the CHP and VW petitions must be denied because the petitioners have not alleged circumstances which would trigger the availability of either a proposed order or an injunction under section 5(e).

The "proposed order" provision of section 5(e) does not apply to all chemical substances; rather, the provision applies only to those chemical substances with respect to which notice is required by section 5(a). Section 5(a) requires persons who intend to manufacture or import a "new chemical substance," (or, who intend to manufacture, import, or process a chemical substance in a "significant new use") to notify EPA at least 90 days before any such activity begins (15 U.S.C. 2604(a)(1)). TSCA defines a "new chemical substance" in section 3(9) as a substance not included on the inventory compiled under section 8(b).

It is true that under TSCA section 5(a)(2), EPA has authority to designate uses of chemical substances as "significant new uses." But, such a designation must be undertaken through rulemaking after EPA has considered the statutory factors enumerated in section 5(a)(2). In this instance, however, the components of TF–1 are not "new chemical substances." Nor are these components subject to any "significant new use" rules.

EPA understands that the petitioners are unaware of the precise nature of the material identified as TF–1. This circumstance arises from the claim to business confidentiality asserted by Union Carbide under TSCA section 14 with regard to the composition of TF–1. Nevertheless, EPA is aware of the identity of the TF–1 components, and there is available to EPA a considerable amount of information regarding the effects of the TF–1 components. The PCB disposal permitting process (described in Unit III) enables the EPA to consider comprehensively the possible health and environmental effects presented by the proposed Henderson PCB disposal facility, including the effects of TF–1.

EPA has determined that the substances comprising TF–1 are contained on the section 8(b) inventory of exisiting chemical substances. Thus, TF–1 is not composed of "new chemical substances" subject to section 5(a)(1)(A) premanufacture notification. Likewise, the use of TF–1 components as organic solvents or dielectric fluids is not currently subject to a rule designating such uses as "significant new uses," and thus, would not give rise to section 5(a)(1)(B) significant new use notification. Because TF–1 and its components are not subject to any section 5(a) notification requirements, TF–1 cannot be the subject of a proposed order under section 5(e)(1) or an injunction under section 5(e)(2). TSCA section 5 affords EPA the opportunity to screen new substances for their health and environmental effects prior to their being manufactured and introduced into commerce, but it does not extend to other chemical substances (such as those comprising TF–1) unless a designated "significant new use" is involved.

However, the CHP and VW petitions do raise an issue of significance in the PCB disposal permitting program: whether construction of a PCB disposal facility should be prohibited during the pendency of the permitting review for a disposal process.

While the petitioners did not specifically request that the PCB disposal permitting process be altered, the Agency believes that the construction issue merits consideration in this response. EPA has concluded that the existing permitting process, which allows construction of a facility prior to the granting of an approval, provides the best assurance that a PCB disposal process will in fact achieve safe and effective disposal of PCBs. As an essential part of the permitting process, EPA requires that PCB disposal facilities be demonstrated to meet EPA's regulatory requirements. Necessarily, a facility must be constructed before it can be demonstrated.

To aid in understanding EPA's conclusion that the existing permitting process should not be altered, EPA has included below a description of the PCB disposal permitting process.

III. The PCB Disposal Permitting Program Under TSCA

A. The Application and Review Process

EPA, under section 6(e) of TSCA, issued regulations in the Federal Register of May 31, 1979 (44 FR 31514) governing the disposal of PCBs and PCB Items. These regulations, codified at 40 CFR 761.60 et seq., contain requirements for the disposal of PCBs and PCB Items and detailed specifications that must be met by incinerators, high efficiency boilers, landfills, and alternative methods of disposal in order to be approved by EPA for the disposal of PCBs and PCB Items. For example, 40 CFR 761.70 requires that incinerators used for incinerating PCBs be approved by EPA and meet specific standards for dwell time, temperature, excess oxygen, and combustion efficiency. In practical terms, these incineration standards mean that PCB incinerators must achieve a destruction efficiency for PCBs of 99.9999 percent. The owner operator of a proposed facility is required by EPA to submit an application which contains information on the location of the incinerator, a detailed description of the incinerator, including general site plans and design drawings, engineering reports on the anticipated performance of the incinerator, the availability of sampling and monitoring equipment and facilities, estimates of waste volumes expected to be incinerated, any local, State, or other Federal permits or approvals, and schedules and plans for complying with the approval requirements (e.g., the trial burn requirement) (40 CFR 761.70(d)(1)).

The owner or operator is also required to subject the incinerator to a trial burn and to submit to EPA a full plan for conducting the trial burn. EPA requires trial burns to monitor destruction efficiency and safe operation prior to full permitting and commercial operation. Monitoring data and results from the trial burn are analyzed by EPA to insure that the applicant meets the regulatory requirements regarding

destruction efficiency and safety (40 CFR 761.70(d)(2)).

EPA engineers and scientists review the material provided in the application and the results of trial burns and make determinations on whether the incinerator meets the regulatory requirements for effective and safe destruction of PCBs (40 CFR 761.70(d)(4)).

The proposed PCB disposal facility which is the subject of the Citizens for Healthly Progress petition and the Valley Watch petition is what EPA terms an alternative method for PCB destruction. Alternative methods of PCB destruction include, but are not limited to, catalytic dehydrochlorination, chlorolysis, plasma arc, ozonation, catalyzed oxidation, and microbiological and sodium-catalyzed decomposition of the PCB molecules.

Methods for decontamination of PCB-contaminated materials by concentration and removal of the PCBs also are considered alternative methods of PCB destruction. The planned Henderson, Kentucky facility is an example of an alternative method, employing a physical separation technique the particulars of which are protected by a claim to business confidentiality asserted by Union Carbide under TSCA section 14.

The proposed PCB disposal facility in Henderson, Kentucky would house material and personnel necessary to accomplish the physical separation of PCBs from a solvent (which also serves as a temporary dielectric fluid). The solvent (hereafter referred to as TF-1) is then intended to be recycled for future use and the PCBs will be shipped to an EPA-approved PCB incinerator for final destruction.

For such an alternative method of PCB destruction, EPA requires that this method achieve a "level of performance" or "destruction efficiency" equal to or greater than high temperature incineration (40 CFR 761.60(e)). For physical separation processes, the requirement of 99.9999 percent PCB destruction efficiency translates into a requirement of complete separation of the PCBs from the solvent. The person proposing such an alternative disposal process must demonstrate that after separation has occurred, there are no PCBs present in the solvent above the practical limits of detection. This is demonstrated by chemical analysis of the solvent after separation has occurred. EPA requires that the solvent contain less than 2 parts per million (ppm) PCBs, which is the lowest level of PCBs which is practically detectable or measurable in the solvent. Further, EPA requires that the process operate in a manner which will not present unreasonable risk to public health or the environment.

In the first phase of the permitting procedure for alternative methods of destruction, EPA requires the submission of an application. The applicant must provide complete information on the proposed process, including:

1. A description of the project organization including persons responsible for obtaining permits, the project manager, facility manager, and safety officer.

2. A description of waste intended to be treated in the unit, including the type of waste to be destroyed (liquid or solid), the proposed total waste and PCB feed rates, and the matrix and composition of the waste including major and minor constituents, and PCB content.

3. A process engineering description including process flow diagram, and narrative description of the system, description of the theoretical basis for the destruction process, layout diagrams and descriptions of the plant or mobile unit; detailed engineering drawings, intended location of the facility and intended location when in storage.

4. A narrative description of the waste feed system, description of waste preparation, and estimate of waste volume.

5. A description of the automatic waste feed cutoff system when process conditions exceed normal bounds, a description of the procedures to shut off the waste feed line and whole process in the event of an equipment malfunction.

6. A narrative description of the destruction system (e.g., description of chemical reactions, stoichiometry, reagents, catalysts, process design capacity), and a list of products and by-products and their concentrations.

7. A description of the pollution control system for process effluents (air emissions, liquid effluents, sludge, solid waste, etc.), design parameters, and important operating parameters of the pollution control system and how they will be monitored.

8. A summary of process operating parameters which lists target values as well as upper and lower boundaries for all measured operating parameters, instrument settings and control equipment parameters.

9. A sampling and monitoring program to monitor process operation and to verify PCB destruction is equivalent to or greater than 99.9999 percent.

10. Sampling procedures including an explanation of the apparatus, calibration procedures, and maintenance procedures.

11. Analytical procedures (e.g., methods, instruments, etc.).

12. Monitoring procedures (methods, instruments, etc.).

13. A spill prevention control and countermeasure plan.

14. A safety plan.

15. A training plan.

16. A demonstration test plan.

17. Test data or engineering performance calculations.

18. Copies of other required permits/approvals.

19. Schedule for operation.

20. A quality assurance plan.

21. A copy of the plant or facility operational plan.

22. A closure plan for the facility.

A full description of what EPA requires of applicants for approval to dispose of PCBs is contained in "Guidelines for PCB Destruction Permit Applications and Demonstration Test Plans" (April 16, 1985).

Once EPA has received and evaluated the information contained in the application, a demonstration test of the effectiveness and safety of the disposal process is scheduled. However, if technical information contained in an application (or in an applicant's demonstration test plan) indicates to EPA that a process cannot achieve safe and effective PCB disposal, the demonstration test will not be scheduled, and the application proceeds no further. Thus, there is conducted a phased review of a proposed alternative disposal process.

At the process demonstration test, EPA completes an audit of plant operations, an audit of the laboratory which will be routinely conducting analyses of process samples, and takes samples to verify independently the effectiveness of the process. EPA ensures that the process is operating in the manner described in the application, that the process is as effective as high temperature incineration in destroying PCBs (i.e., that the process meets the 99.9999 percent PCB destruction requirement), and that it is being operated in a manner that does not present unreasonable risks to public health or the environment. The process demonstration test is critical to EPA's evaluation of applications for approval to dispose of PCBs under TSCA. EPA will deny a permit if the applicant cannot successfully demonstrate a process.

Since EPA Headquarters began reviewing applications in March of 1983 for mobile and alternative methods of PCB destruction, EPA Headquarters has received 11 complete applications. Demonstrations have been completed by

the 11 applicants, and EPA has granted permits to operate to 7 of the applicants. Four of the eleven applicants that have filed complete applications and have held demonstrations have been denied permits based on EPA's determination that the process does not meet the required level of PCB destruction, or, that it presents unreasonable risks to public health or the environment. Simply put, the PCB destruction equivalency criterion and the unreasonable risk standard which govern the review of alternative disposal processes assure an objective permit review that is insulated from concerns for the applicant's financial commitments.

EPA agrees with the general premise that a proposed PCB disposal facility should not be permitted under TSCA until there has been conducted a reasoned evaluation of the health and environmental effects posed by the operation of such a facility. The Agency believes that a reasoned evaluation requires that there is sufficient information available concerning the proposed disposal process and the substances involved in the process. A particularly valuable information element is actual data on the effectiveness of the alternative process as demonstrated.

The description of the PCB permitting process set forth above (and in much greater detail in "Guidelines for PCB Destruction Permit Applications and Demonstration Test Plans" (April 16, 1985)), underscores EPA's commitment to conducting a thorough and reasoned evaluation. Indeed, the TSCA permitting process for PCB disposal requires a great deal of information on proposed PCB disposal facilities and requires that the facilities meet standards for safety and destruction efficiency prior to EPA permitting.

B. Benefits of Existing Permitting Process

It is true that prohibiting the construction of a disposal facility before the permitting evaluation has been completed might avoid wasteful expenditures on ineffective disposal processes, and might also avoid any appearance of bias in the permitting review process. But, the Agency believes that these concerns are outweighed by the value of obtaining actual data to assess the safety and effectiveness of PCB disposal processes. Such data are particularly valuable in the case of a proposed alternative method of disposal.

The approval process for alternative disposal methods was designed to encourage new PCB disposal technologies which could be demonstrated to be as effective as incineration in their ability to destroy or remove PCBs. Incineration capacity is scarce, and the alternative technologies hold out the greatest prospects for assuring an adequate capacity for safe, yet cost-effective disposal. While EPA requires a demonstration test in the case of a proposed PCB incinerator, the reasons for requiring a demonstration are much more compelling when an alternative disposal process is proposed. Unlike an incinerator, for which the design and operation conditions required to accomplish PCB destruction are well established, the design and operation parameters for an alternative process are not always amenable to being prescribed by this Agency in advance of actual demonstration. Because of the innovative nature of these technologies, it is essential that the safety and efficacy of these processes be thoroughly demonstrated to the Agency prior to the issuance of a permit. The existing permit review process assures that the Agency can evaluate a disposal facility on the basis of actual operations on a commercial scale, rather than relying upon mere "paper proof," theoretical yields, and the like.

Moreover, it is demonstrably wrong that the mere expenditure of funds for the construction of a PCB disposal facility influences the Agency's decision to permit or not permit a facility in favor of the applicant. Rather, the efficacy of PCB destruction and the "unreasonable risk" determination are the crucial considerations in the TSCA PCB permitting decision. The PCB disposal regulations contain objective destruction criteria for evaluating the efficacy of a disposal process, and these criteria, combined with the process test demonstration, assure a thorough and unbiased evaluation. But, as a practical matter, construction of a facility is necessary under the TSCA permitting process before EPA can hold a demonstration and then make a determination whether the facility meets the regulatory requirements for disposal of PCBs.

The current permitting process allows EPA personnel to be on site at the trial demonstration, and to take samples to verify destruction effectiveness and process safety. The Agency believes that this process is the optimal mechanism for assuring that the operation of a process does not present unreasonable risks to public health or the environment.

The existing permitting process may encourage the commitment of considerable resources to the construction and demonstration of TSCA disposal facilities, but EPA believes that this review procedure best accomplishes the Agency's mandate to protect human health and the environment, without unduly impeding innovation. Moreover, the record of EPA denials of proposed disposal processes shows that the permitting process is not swayed by factors irrelevant to the regulatory standards governing approvals. For these reasons, EPA would deny any request that the Agency alter its PCB disposal permitting program to prohibit construction of a facility before an approval is issued. EPA believes that the existing permitting process represents a reasonable exercise of the discretion granted EPA by Congress to prescribe disposal methods for PCBs under TSCA section 6(e)(1)(A).

IV. Response to RCRA Petition

The VW petition seeks the issuance of a regulation under RCRA which would prohibit the construction and operation of the Henderson facility. The Agency has tentatively decided that VW's petition for rulemaking under RCRA should be denied.

However, EPA intends to regulate facilities managing wastes containing PCBs under RCRA Subtitle C. Such regulation would be accomplished by an Agency rulemaking listing wastes containing PCBs as RCRA hazardous wastes.

RCRA hazardous waste regulations do not currently apply to the Henderson facility. EPA regulates the generation, transportation, treatment, storage, and disposal (management) of hazardous wastes under Subtitle C of RCRA. However, the management requirements apply only to substances "identified" or "listed" by regulation as hazardous wastes. (See RCRA section 3001, 42 U.S.C. 6921; 49 CFR Part 261.) Therefore, until a waste is identified or listed as hazardous in a final regulation, the management requirements of EPA's regulations do not apply. Neither the wastes coming to the Henderson facility nor any wastes generated in the PCB disposal process have been listed as hazardous or exhibit a characteristic of hazardous waste (i.e., ignitability, corrosivity, reactivity, or extraction procedure (EP) toxicity), based upon the tests performed by Union Carbide and other information available to EPA.

Petitioners have requested that EPA promulgate RCRA regulations covering the Henderson facility, arguing that there is insufficient information to determine the health and environmental risks from the facility. The petition does not provide any information on the risks

of managing the wastes at the Henderson facility.

Under RCRA section 1004(5) (42 U.S.C. 6903(5)), a hazardous waste means a solid waste which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (1) Cause or significantly contribute to serious irreversible illness or an increase in mortality, or (2) pose a substantial present or potential hazard to health or the environment when improperly managed. To identify or list such hazardous wastes and thereby subject their management to RCRA standards, EPA must possess or obtain information on the hazardous nature of the substances or evidence of substantial risk if mismanaged. The Agency generally conducts an industry-wide study to identify the different wastes which are generated, how they are managed, and the potentially hazardous constituents in these wastes. The Agency then gathers and evaluates any toxicity data available on the wastes and their hazardous constituents.

EPA must make a decision to list or not list a waste based upon its consideration of several factors set forth in the RCRA regulations (40 CFR 261.11(a)(3)). These factors include the nature of the toxicity, the concentration of the toxic constituent, the potential for degradation into non-harmful constituents, the degree of bioaccumulation in ecosystems, the persistence of the toxic constituent (or degradation product), the potential for the toxic constituent or degradation product to migrate into the environment, and the plausible types of improper management to which the waste could be subjected. Should this analysis suggest that listing is appropriate, the listing must be accomplished through rulemaking proceedings which require the publishing of the proposed listing rule, the opportunity for public comment on the proposed rule, the consideration of comments received on the proposed rule, and the promulgation of a final listing rule.

EPA has information on both PCBs and TF–1 (and its constituents) and intends to propose listing wastes containing PCBs as hazardous wastes. After opportunity for comment and consideration of any comments, EPA may promulgate the rule listing wastes containing PCBs as hazardous wastes. The Agency, in fact, tentatively decided to propose this listing before the VW petition was received. (The primary reason for deciding to regulate wastes containing PCBs under RCRA was a desire to regulate all hazardous wastes under the RCRA program, but not any concern that these wastes were not being properly managed under TSCA regulations.) Also, EPA is now investigating several of the constituents of TF–1 to determine their toxicity and whether they should also be listed.

If EPA lists wastes containing PCBs as RCRA hazardous wastes (as intended), the Henderson facility probably will be brought under RCRA jurisdiction at that time. Whether the Henderson facility will be regulated under RCRA depends on whether the PCR waste listing covers the wastes processed at the facility. Based on EPA's very tentative plans, the PCB waste listing regulation would include the wastes managed by the Henderson facility. However, RCRA requirements will not apply to the facility until the Agency lists PCBs as a hazardous waste. Since listing of PCBs has not yet occurred, EPA cannot now speculate as to which particular management standards will apply to the activities at the Henderson facility.

Because the Henderson facility is not now subject to RCRA jurisdiction, neither RCRA nor the RCRA regulations prohibit construction or operation. EPA could ban operation by regulation in response to this petition only if EPA found that wastes containing PCB or constitutents of TF–1 were currently within RCRA jurisdiction.

While RCRA and the RCRA regulations require a permit before construction may commence, this restriction applies only to waste management facilities that are constructed after a final listing regulation has been issued for wastes being managed at the facility (RCRA section 3005(a), 42 U.S.C. 6925(a); see also 40 CFR 270.10(f)). Should the Henderson facility ultimately receive a TSCA section 6(e) approval to dispose of PCBs, it would likely be constructed and operating by the time the Agency lists wastes containing PCBs as hazardous wastes under RCRA. Thus, the construction or operation of the Henderson facility would not be banned by this provision of RCRA. Rather, at such time as listing occurs, the Henderson plant would likely be subject to RCRA management standards necessary to protect human health and the environment for existing facilities (i.e., the "interim status" management standards) (see 40 CFR Part 265). To continue operation, the facility would later be required to obtain a final RCRA permit. Such a permit may require compliance with management standards more stringent than interim status standards (see 40 CFR Part 264).

For the above reasons, the Agency has tentatively decided to deny Valley Watch's RCRA petition seeking the issuance of a RCRA regulation.

EPA requests comment on all aspects of this tentative decision under RCRA. (Note, however, that the decisions to deny the TSCA section 21 petitions are final Agency decisions). After consideration of comments on its tentative RCRA decision, EPA will make a final decision, and will issue it for publication in the **Federal Register.**

V. Official Record for the Petition

The following documents constitute the record for this action:

1. Citizen's for Healthy Progress Petition to the Environmental Protection Agency, dated November 15, 1985.

2. Valley Watch Petition to the Environmental Protection Agency, dated December 2, 1985.

3. USEPA, "Guidelines for PCB Destruction Permit Applications and Demonstration Test Plans," dated April 16, 1985.

4. Union Carbide Corporation, Public Information Copy of Permit Application for PCB Destruction Unit, dated November 21, 1984 (document available at OPTS Document Control Office, Room E–107, Environmental Protection Agency, 401 M Street SW., Washington, DC).

5. Union Carbide, Permit for PCB Destruction (complete application), dated November 21, 1984 (confidential business information contained in this document not available for public viewing, but document filed for record at OPTS Document Control Office, Room E–201, Environmental Protection Agency, 401 M Street SW., Washington, DC).

6. Official rulemaking record from "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions Rule" published in the **Federal Register** of May 31, 1979 (44 FR 31514).

7. Official rulemaking record from "Polychlorinated Biphenyls (PCBs); Disposal and Making Final Regulation" published in the **Federal Register** on February 17, 1978 (43 FR 7150).

8. USEPA, Polychlorinated Biphenyls (PCBs); Procedural Amendmemt of the Approval Authority for PCB Disposal Facilities and Guidance for Obtaining Approval (48 FR 13181, March 30, 1983).

9. USEPA, document dated January 8, 1986, summarizing data reflecting number of firms applying the PCB disposal approvals, number of firms conducting demonstrations, and number of firms granted approvals.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Dated: February 18, 1986.

Lee M. Thomas,

Administrator.

[FR Doc. 86-3999 Filed 2-21-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 434

[BERC-293-P]

Medicare/Medicaid Program; Revisions in Reporting and Recordkeeping Requirements

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

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to set forth changes in several regulations containing collection of information requirements. These requirements affect the providers of outpatient physical therapy and speech pathology services; physical therapists in independent practice; portable X-ray services; and Medicaid contracts with health maintenance organizations (HMOs) and prepaid health plans (PHPs). OMB has extended its approval of the questioned requirements for the period of review. This proposed rule solicits public comments on the collection of information requirements and our proposed revisions. This proposed rule also sets forth other changes affecting outpatient physical therapy and speech pathology services and physical therapists in independent practice. These changes authorized by sections 2341 and 2342 of Pub. L. 98-369, the Deficit Reduction Act of 1984 amend the definition of "physician", and modify the plan of care requirement.

DATE: To ensure consideration, comments should be received by April 25, 1986.

ADDRESS: Address comments in writing to:

Health Care Financing Administration, Department of Health and Human Services, Attention: BERC-293-P, P.O. Box 26676, Baltimore, Maryland 21207

Please address a copy of comments on information collection requirements to: Office of Information and Regulatory Affairs, Room 3208, New Executive Office Building, Washington, DC 20503, Attention: Desk Officer for HCFA.

In commenting, please refer to file code BERC-293-P.

If you prefer, you may deliver your comments to Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC, or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

Comments will be available for public inspection as they are received, beginning approximately three weeks after publication, in Room 309-G of the Department's offices at 200 Independence Avenue SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

FOR FURTHER INFORMATION CONTACT:

For issues related to outpatient physical therapy and speech pathology services, physical therapists in independent practice, and portable x-ray suppliers: Stefan Miller, (301) 597-6394;

or

For issues related to HMOs and PHPs: Joan Mahanes, (301) 594-8046.

SUPPLEMENTARY INFORMATION:

I. Background

The Paperwork Reduction Act of 1980, 44 U.S.C 3504(h), and implementing regulations authorize the Office of Management and Budget (OMB) to review all collection of information requirements in Federal regulations. (On March 31, 1983, OMB published regulations at 5 CFR 1320.14 to impletment its authority to review (48 FR 13666)). OMB has the authority to require agencies to initiate a proposal for a change in information collection requirements, if they are unnecessarily burdensome, duplicative, or lack practical utility. The agency responsible for the regulations is required to publish a notice in the **Federal Register** informing the public that OMB has directed the Agency to revise certain requirements for the collection of information. OMB has granted approval of the collection of information requirements for the period necessary for consideration of the proposed change.

In its review of collection of information requirements in the regulations listed below, OMB identified requirements in need of revision. In accordance with the requirements in 5 CFR 1320.14 (f), a notice was published in the **Federal Register** on August 20, 1984 to inform the public of OMB's action and to state that OMB has granted approval of the questioned requirements for the period necessary for consideration of the proposed changes (49 FR 33051).

The purpose of this proposed rule is to set forth changes in several regulations containing collection of information requirements. We are soliciting comments on the proposal as required by 5 CFR 1320.14(g).

Sections 2341 and 2342 of Pub. L. 98-369, the Deficit Reduction Act of 1984, mandate that the definition of "physician" be expanded to include podiatrists, and that a physical therapist be permitted to establish a plan of care without being under the direction of a physician. These changes affect outpatient physical therapy and speech pathology organizations and physical therapists in independent practice.

II. Specific Proposals

OMB directed HCFA to review the Medicare requirements for providers of outpatient physical therapy and speech pathology services, physical therapists in independent practice, and portable x-ray services, and to revise the respective regulations to remove those papework requirements that are overly prescriptive. For issues related to HMOs and PHPs in the Medicaid program, OMB has similarly directed that the regulations be revised with a view toward removing requirements which are overly prescriptive. The objective is to give States the flexibility to determine the need for reviews of marketing materials for HMOs and PHPs and terminations of recipients from participation in an HMO or PHP.

A. 42 CFR Part 405, Subpart N—Conditions for Coverage of Portable X-Ray Services

Section 405.1413 Condition for Coverage—Qualifications and orientation of technical personnel and employee records.

Standard: Employee records. This standard requires employee records of suppliers of portable x-ray services to include a resume of each employee's training and experience and evidence of health supervision of employees. It also specifies what that evidence includes.

Statutory Requirement

Under section 1861(s)(3) of the Social Security Act there is no explicit statutory provision for personnel policies for x-ray suppliers. The current regulation is based on section 1861(s)(12) of the Act, which provides that laboratories must meet health and safety requirements prescribed by the Secretary.

Revision/Rationale

We propose to remove the unnecessary papework burdens in the existing regulation. We would require that records be maintained to demonstrate that (1) each employee is qualified for his or her position by means of training and experience and (2) employees receive adequate health supervision. However, we would not impose Federal requirements on how these records are to be structured.

B. 42 CFR Part 405, Subpart Q—Conditions of Participation: Clinics, Rehabilitation Agencies and Public Health Agencies as Providers of Outpatient Physical Therapy and/or Speech Pathology Services; and Conditions for Coverage: Outpatient Physical Therapy Services Furnished by Physical Therapists in Independent Practice

1. Section 405 1716(c) Condition of Participation—Administrative Management

Standard: Personnel policies. This standard requires personnel practices to be supported by appropriate written policies, and specifies what must be included in personnel records.

Statutory Requirement. There is no explicit statutory provision dealing with personnel policies. The current regulation is based on section 1861(p)(4)(A)(v) of the Act, which provides that providers meet health and safety requirements prescribed by the Secretary.

Revision/Rationale. We propose to modify the requirement in existing regulations that detailed lists of records must be maintained. Some items in the list of personnel record requirements are too prescriptive and thus inappropriate for application at the Federal level. We have deleted the requirements that personnel records include job descriptions, performance evaluations and health examinations.

2. Section 405.1716(d) Condition of Participation—Administrative Management

Standard: Patient care policies. This standard requires that patient care practices and procedures be supported by written policies, lists the kinds of issues the policies should cover, and requires at least an annual review of the policies by a professional group.

Statutory Requirement. Current law at section 1861(p)(4)(A)(ii) of the Act requires a facility furnishing outpatient physical therapy services or speech pathology (or others furnishing those services under arrangement with the facility) to have policies established by a group of professional personnel, including one or more physicians associated with the facility, and one or more qualified physical therapists or speech pathologists to govern the physical therapy and speech pathology services.

Revision/Rationale. We propose to remove the detailed list of requirements from the existing regulation. The statute does not specify that patient care policies must be written; however, we would retain the requirement that they be written to assure that they are applied consistently to patient plans of care. We would remove the detailed list of items to be covered in the policies to allow facilities the flexibility to structure the policies to fit their individual administrative needs.

3. Section 405.1717(b) Condition of Participation—Physician's Direction and Plan of Care

Standard: Plan of care. This standard requires that each patient's plan of care be written and include anticipated goals as well as the type, amount, frequency, and duration of physical therapy or speech pathology services.

Statutory Requirement. Sections 1835 (a)(2) (C) and (D) and 1861(p)(2) of the Act require, as an element of the definition of outpatient physical therapy services, the establishment and periodic review of a physician's plan of care delineating the type, amount and duration of physical therapy and speech pathology services which are to be furnished. The statute does not explicitly provide that the plan of care be in writing or that it make reference to anticipated goals or frequency of treatment.

Revision/Rationale. We propose to delete the requirements that (1) the plan be developed in consultation between specifice practitioners; and (2) other appropriate professional staff be required to participate in the plans of care. We would also delete the reference to the date "December 31, 1980", which is now unnecessary. Regarding the requirement for consultation, it is standard practice for plans of care to result from a collaborative effort between physicians and the other practitioners furnishing care. Therefore, we believe that formal consultation need not be addressed at the Federal level, and its deletion from regulations will have no adverse affect upon the quality of patient care. Regarding the requirement for participation by other professional staff, it is standard practice that the physician, based upon his or her knowledge of the patient and upon information submitted by the other practitioners furnishing care, determines the plan of care changes as often as necessary. Therefore, the proposed regulations would delete the requirement that other appropriate professional staff be required to participate in the plans of care. While health professionals would not be required to participate in the formal plan of care review, they nevertheless could furnish information essential to the physician's review.

We believe that no further revisions are prudent. The statute stipulates sufficient detail regarding the content of plans of care to suggest to us that the nature of the regulation, as a requirement designed to protect the health and safety of patients, would not be satisfied by broad requirements or by plans not committed to writing. For that reason, we propose to retain the requirement that the plan be written. We are equally committed to the goal of assuring that program monies are not expended for unnecessary services provided because plans of care that are so vague that assessment of medical necessity for the services by fiscal agents is made unduly difficult. We believe that the retention in the plan of care of anticipated goals and frequency of treatment is also crucial to this assessment and is an important adjunct to patient health and safety.

4. Section 405.1717(e) Condition of Participation—Physician's Direction and Plan of Care

Standard: Availability of physicians for emergency. This standard requires a facility to have one or more physicians available on call to provide medical care in case of emergency, and to post a schedule listing the names and telephone numbers of these physicians and the specific days each is on call.

Statutory Requirement. Current law at section 1861(p)(4)(A)(v) gives broad authority to the Secretary to promulgate regulations relating to the health and safety of patients as he or she determines are necessary.

Revision/Rationale. We propose to delete the requirement that the provider post the names and phone numbers of the "on call" physicians as well as their specific days of availability. We believe that the concept of physician availability is medically sound, but the details of the procedures by which this goal is achieved need not be prescribed by Federal regulation.

5. Section 405.1725(a) Condition of Participation—Disaster Preparedness.

Standard Disaster plan. This condition and standard requires a disaster plan that is written and

procedures for the management of a disaster and resulting casualties. The regulations include the stipulation that the plan be supported by written policies and procedures.

Statutory Requirement. Current law at section 1861(p)(4)(8)(v) gives broad authority to the Secretary to promulgate regulations relating to the health and safety of patients as he or she determines are necessary.

Revision/Rationale. We propose to retain items to be included in structuring a disaster plan because they are instructive to providers, but we would remove the specific requirements that the plan include "instructions", "information" and "specifications" because they require paperwork which may not contribute to readiness for disaster.

6. Section 405.1733(b) Condition for coverage— Physician's Direction and Plan of Care.

Standard: Plan of care. The standard requires that each patient's plan of care be written and include anticipated goals as well as specifiy the type, amount, frequency, and duration of physical therapy services.

Statutory Requirements. Sections 1835(a)(2) (C) and (D) and 1861(p)(2) of the Act require, as an element of the definition of outpatient physical therapy services (relating to services furnished by a physical therapist in independent practice), the establishment and periodic review of a physician's plan of care delineating the type, amount and duration of physical therapy which are to be furnished. The statute does not explicitly provide that the plan of care be in writing or that it make reference to anticipated goals or frequency of treatment.

Revision/Rationale. We propose to delete the requirements that (1) the plan be developed in consultation between specified practitioners; and (2) that other appropriate professional staff be required to participate in the plans of care. Regarding the requirement for consultation, it is standard practice for plans of care to result from a collaborative effort between physicians and the other practitioners furnishing care. Therefore, we believe that formal consultation need not be addressed at the Federal level, and its deletion from regulations will have no adverse affect upon the quality of patient of care. Regarding the requirement for participation by other professional staff, it is standard practice that the physician, based upon his or her knowledge of the patient and upon information submitted by the other practitioners furnishing care, determines the plan of care changes as often as necessary. Therefore, the proposed regulations would delete the requirement that other appropriate professional staff be required to participate in the plans of care. While health professionals would not be required to participate in the formal plan of care review, they nevertheless could furnish information essential to the physician's review.

We believe that no further revisions are prudent. The statute stipulates sufficient detail regarding the content of plans of care to suggest to us that the nature of the regulation, as a requirement designed to protect the health and safety of patients, would not be satisfied by broad requirements or by plans not committed to writing. For that reason, we propose to retain the requirement that the plan be written. We are equally committed to the goal of assuring that program monies are not expended for unnecessary services provided because plans of care that are so vague that assessment of medical necessity for the services by fiscal agents is made unduly difficult. We believe that the retention in the plan of care of anticipated goals and frequency of treatment is also crucial to this assessment and is an important adjunct to patient health and safety.

In addition to comments concerning the proposed changes to information collection requirements in Subpart Q included in this document, we are requesting comments on the need to revise or eliminate any other information collection requirements in Subpart Q, as well.

C. 42 CFR Part 434, Subpart C— Contracts with HMOs and PHPs: Contract Requirements

1. Section 434.27(a)(3) Termination of Enrollment

This section requires that health maintenance organization (HMO) or prepaid health plan (PHP) contracts with the Medicaid program specify that each termination of a Medicaid recipient's enrollment in an HMO or PHP be submitted for approval by the State Medicaid Agency.

Statutory Requirement. Under section 1903(m)(2)(A)(v) of the Social Security Act there is no explicit statutory provision for requiring State Medicaid agencies to review each termination of enrollment by an HMO or PHP, but only a requirement that such terminations not discriminate against individuals on the basis of their health status or need for health care services.

Revision Rationale. We propose to continue to require only that the contract between the HMO or PHP and the agency specify the methods by which the HMO or PHP will assure the agency that termination of individuals from participation is for the reasons permitted under the contract. However, these methods will be left to agency discretion.

2. Section 434.36 Marketing

This section requires the HMO or PHP contract to provide for submitting marketing plans, procedures, and materials to the Medicaid State agency for approval before using the plans.

Statutory Requirement. Under section 1903(m)(2)(A)(v) of the Social Security Act there is not explicit statutory provision for requiring agencies to review marketing plans, procedures or materials prior to their use, but only a requirement that the contract specify that the HMO's enrollment procedures will not discriminate among individuals on the basis of health status.

Revision/Rationale. We propose to require that the contract specify the methods by which the HMO or PHP will assure the agency that marketing plans, procedures and materials are accurate, and do not mislead, confuse, or defraud either the recipients or the agency. However, approval of these methods would be left to the discretion of the Medicaid State agency.

3. Section 434.55 Approval of Marketing plans, Procedures, and Materials.

This section requires a Medicaid agency to provide written requirements for approval of the HMOs' or PHPs' marketing plans, procedures, and materials.

Statutory Requirement. As stated above, section 1903(m)(2)(A)(v) of the Act provides no explicit statutory provision for requiring the Medicaid State agencies to review marketing plans, procedures, or materials before their use.

Revision/Rationale. We propose to delete the existing requirement since § 434.36 has been clarified to indicate that the Medicaid State agency may adopt whatever method it chooses to assure that marketing materials are accurate. However, § 434.36 would be expanded to specify the requirement that the system provide that marketing practices not mislead, confuse, or defraud either recipients or the agency.

III. Proposed Changes Per Legislation

As mandated by sections 2341 and 2342 of Pub. L. 98–369, the Deficit Reduction Act of 1984 (DRA), we would

make the following revisions to 42 CFR Part 405, Subpart Q.

A. Definition of Physician

We would include a definition of physician to apply to 42 CFR Part 405, Subpart Q. This definition would expand the use of the term " physician" as it relates to outpatient physical therapy services to include a podiatrist in all but the following two instances:

1. Qualifications of a Physical Therapist

As set forth in current regulations at §§ 405.1702(d)(4)(ii) and 405.1731(a)(4)(ii), an individual may qualify as a Medicare physical therapist if he or she has had, prior to 1970, fifteen years of full-time experience in the practice of physical therapy services that were furnished under the order and direction of a physician. Historically, we have only recognized a doctor of medicine or osteopathy as a physician for the purposes of this requirement. Redefining the term physician to include a podiatrist would alter the original intent of this provision since during the timeframe embodied under this regulation, physical therapists were restricted to treating only those patients referred by doctors of medicine or osteopathy.

2. Emergency Staffing Requirements

Section 405.1717(e) specifies requirements concerning the availability of physicians for emergency care. Since patients treated in outpatient providers generally present a broad array of symptoms, we believe that patient health and safety requires the availability of personnel with broad medical knowledge in the event that emergency care is needed. Therefore, in this standard, we have specified that a doctor of medicine or osteopathy must be available.

B. Physical Therapists

We would revise §§ 405.1717(b) and 405.1733(b) to permit a physical therapist to establish a plan of care for physical therapy without being under the direction of a physician.

IV. Impact Analysis

Executive Order 12291 requires us to prepare and publish a regulatory impact analysis for regulations that are likely to have an annual effect on the economy of $100 million or more, cause a major increase in costs or prices, or meet other threshold criteria that are specified in the Executive Order. In addition, the Regulatory Flexibility Act, Pub. L. 96–354, requires us to prepare and publish a regulatory flexibility analysis for regulations unless the Secretary certifies that the regulations will not have a significant economic impact on a substantial number of small entities. (For purposes of the Regulatory Flexibility Act, small entities include all nonprofit and most for-profit providers.) Under both the Executive Order and the Regulatory Flexibility Act, such analysis must, when prepared, show that the agency issuing the regulations has examined alternatives that might minimize an unnecessary burden or otherwise ensure that the regulations are cost-effective.

We examined each provision noted in the preamble for their potential impacts (costs and benefits) on affected providers and suppliers. Most of the proposed changes would benefit providers and suppliers by reducing certain recordkeeping and reporting requirements (e.g., removing unnecessary burdens related to employee records as noted in 42 CFR 405.1413).

Furthermore, we examined the economic implications of the proposed changes. We conclude that the effect is a negligible savings over current expenditures incurred by providers to meet the requirements of these provisions. Savings for some of these provisions are very minimal.

Since the estimated impact of this proposed rule would not meet any of the threshold criteria of E.O. 12291 or of the Regulatory Flexibility Act (Pub. L. 96–354), we have determined, and the Secretary certifies, that the annual economic impact is not likely to result in a significant impact on a substantial number of small entities.

Reporting and Recordkeeping Requirements

Sections 405.1413(c), 405.1716 (c) and (d), 405.1717 (b) and (e), 405.1725(a), 405.1733(b), 434.27(a)(3), and 434.36 contain collection of information requirements. As required by section 3504) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504), we have submitted a copy of this proposed rule to the Executive Office of Management and Budget (EOMB) for its review of these collection of information requirements. Other organizations and individuals desiring to submit comment on the information collection requirement should follow the directions in the **ADDRESS** section of this preamble.

V. Response to Comments

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to the issues in the preamble to that rule.

VI. List of Subjects

42 CFR Part 405

Administrative practice and procedure, Certification of compliance, Clinics, Contracts (Agreements), End-Stage Renal Disease (ESRD), Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Health suppliers, Home health agencies, Hospitals, Inpatients, Kidney diseases, Laboratories, Medicare, Nursing homes, Onsite surveys, Outpatient providers, Reporting requirements, Rural areas, X-rays.

42 CFR Part 434

Capitation, Contracts, Fiscal agents, Health insuring organizations, Health maintenance organizations (HMO), Prepaid health plans (PHP).

We are proposing to amend 42 CFR Chapter IV as set forth below:

I. Part 405 is amended as follows:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

A. Subpart N is amended as follows:

1. The authority citation for Subpart N is revised to read as follows:

Authority: Secs. 1102, 1861(s) (3), (11) and (12), 1864, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395x(s) (3), (11), and (12), 1395aa and 1395hh).

2. Section 405.1413 is amended by revising the section title and paragraph (c) to read as follows:

§ 405.1413 Condition for coverage—qualifications, orientation and health of technical personnel.

* * * * *

(c) *Standard: Employee records.* Records are maintained and include evidence that—

(1) Each employee is qualified for his or her position by means of training and experience; and

(2) Employees receive adequate health supervision.

B. Subpart Q is amended as follows:

The authority citation for Subpart Q continues to read as follows:

Authority: Secs. 1102, 1861(p), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395x(p), 1395hh).

1. In § 405.1702, the introductory language for the section, the introductory language in paragraph (d) and paragraph (d)(4)(ii) are revised; the current paragraphs (f)–(k) are redesignated as (g)–(1); and, a new

paragraph (f) is added to read as follows:

§ 405.1702 Definitions relating to clinics, rehabilitation agencies, and public health agencies.

As used in §§ 405.1702–405.1726, the following definitions apply:

* * * * *

(d) *Physical therapist.* A person who is licensed as a physical therapist by the State in which he is practicing if the State licenses physical therapists. and—

* * * * *

(4) * * *

(ii) Prior to January 1, 1970, had 15 years of fulltime experience in the treatment of illness or injury through the practice of physical therapy in which services were rendered under the order and direction of attending and referring doctors of medicine or osteopathy; or

* * * * *

(f) *Physician.* A person who is—

(1) A doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which he or she performs those functions or actions; or

(2) A doctor of podiatric medicine, but only with respect to the functions which he or she is legally authorized to perform by the State in which he or she performs them.

* * * * *

2. Section 405.1716 is amended by revising paragraphs (c) and (d) to read as follows:

§ 405.1716 Condition of participation—administrative management.

* * * * *

(c) *Standard: Personnel policies.* Personnel practices are supported by appropriate written personnel policies, that are kept current. Personnel records include the qualifications of all professional and assistant level personnel as well as evidence of State licensure, where applicable.

(d) *Standard: Patient care policies.* Patient care practices and procedures are supported by written policies established by a group of professional personnel including one or more physicians associated with the clinic or rehabilitation agency and one or more qualified physicial therapists (if physical therapy services are provided) and one or more qualified speech pathologists (if speech pathology services are provided). The policies govern the outpatient physical therapy and/or speech pathology services and related services which are provided. These policies are evaluated at least annually by the group of professional personnel, and revised as necessary based upon this evaluation.

3. Section 405.1717 is amended by revising paragraphs (b) and (e) to read as follows:

§ 405.1717 Condition of participation—physician's direction and plan of care.

* * * * *

(b) *Standard: Plan of care.* For each patient there is a written plan of care established by the physician or, for speech pathology services, by the speech pathologist who furnishes the services, or for physical therapy services, by the physical therapist who furnishes the services which indicates anticipated goals and specifies the type, amount, frequency, and duration of physical therapy or speech pathology services. The plan of care and results of treatment are reviewed at least once every 30 days, by the attending or other physician, and the indicated action is taken.

* * * * *

(e) *Standard: Emergency care.* The organization provides for one or more doctors of medicine or osteopathy to be available on call to furnish necessary medical care in case of emergency. There are established procedures to be followed by personnel in an emergency which cover immediate care of the patient, persons to be notified and reports to be prepared.

4. Section 405.1725 is amended by revising paragraph (a) to read as follows:

§ 405.1725 Condition of participation—disaster preparedness.

* * * * *

(a) *Standard: Disaster plan.* The organization has a written plan in operation, with procedures to be followed in the event of fire, explosion, or other disaster. The plan is developed and maintained with the assistance of qualified fire, safety, and other appropriate experts, and includes:

(1) Transfer of casualties and records;

(2) The location and use of alarm systems and signals;

(3) Methods of containing fire;

(4) Notification of appropriate persons; and

(5) Evacuation routes and procedures.

* * * * *

5. In § 405.1731, the introductory language is revised; in paragraph (a) which defines "physical therapist", the introductory language is amended by adding two dashes following the word "and"; paragraph (a)(4)(ii) is revised; the current paragraph (c) is redesignated as (d); and a new paragraph (c) is added to read as follows:

§ 405.1731 Definitions relating to physical therapists in independent practice.

As used in §§ 405.1731 through 405.1737, the following definitions apply:

(a) *Physical therapist.* A person who is licensed as a physical therapist by the State in which he is practicing if the State licenses physical therapists, and—

* * * * *

(4) * * *

(ii) Prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which services were rendered under the order and direction of attending and referring doctors of medicine or osteopathy; or

* * * * *

(c) *Physician.* A person who is—

(1) A doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which he or she performs these functions or actions; or

(2) A doctor of podiatric medicine, but only with respect to the functions which he or she is legally authorized to perform by the State in which he or she performs them.

6. In § 405.1733, paragraph (a)(7) is amended by replacing the word "rendered" with "provided" and paragraph (b) is revised to read as follows:

§ 405.1733 Condition for coverage—physician's direction and plan of care.

* * * * *

(b) *Standard: Plan of care.* For each patient there is a written plan of care established by the physician or by the physical therapist who furnishes the services which indicates anticipated goals and specifies the type, amount, frequency, and duration of physical therapy services. The plan of care and results of treatment are reviewed at least once every 30 days by the attending physician; and the indicated action is taken.

* * * * *

II. Part 434 is amended as set forth below:

PART 434—CONTRACTS

The authority citation for Part 434 continues to read as follows:

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

1. In § 434.27, the introductory language in paragraph (a) is reprinted for the convenience of the user and paragraph (a)(3) is revised to read as follows:

§ 434.27 Termination of enrollment.

(a) All HMO and PHP contracts must specify—

* * * * *

(3) The methods by which the HMO or PHP will assure the agency that terminations are consistent with the reasons permitted under the contract, and are not due to an adverse change in the recipient's health;

* * * * *

2. Section 434.36 is revised to read as follows:

§ 434.36 Marketing.

The contract must specify the methods by which the HMO or PHP will assure the agency that marketing plans, procedures, and materials are accurate, and do not mislead, confuse, or defraud either recipients or the agency.

§ 434.55 [Removed]

3. Section 434.55 is removed.

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare-Supplementary Medical Insurance Program; No. 13.714, Medical Assistance)

Dated: September 17, 1985.

C. McClain Haddow,

Acting Administrator, Health Care Financing Administration.

Approved: October 21, 1985.

Margaret M. Heckler,

Secretary.

[FR Doc. 86-3849 Filed 2-21-86; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6703]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations proscribe how high to build in the flood plain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ARIZONA	
Carefree (Town), Maricopa County	
Andora Hills Wash: At upstream side of Holiday Lane Bridge	*2,287
Galloway Wash: At center of Scopa Trial Bridge	*2,313
Maps available for inspection at the Town Engineer's Office, P.O. Box 740, Carefree, Arizona 85377.	
Send comments to The Honorable Merrit Bigelow, Mayor, Town of Carefree, P.O. Box 740, Carefree, Arizona 85377.	
Oro Valley (Town), Pima County	
Canada del Oro Wash: Approximately 180 feet upstream from center of La Canada Drive Bridge	*2,737
Pusch Wash: At upstream face of El Conquistador Way culvert	*2,637
Pusch Wash, East Fork: Approximately 1,160 feet upstream from the confluence with Pusch Wash	*2,637
Pusch Wash, West Fork: Approximately 160 feet upstream from the confluence with Pusch Wash	*2,637
Pinetop-Lakeside (Town), Navajo County	
Billy Creek: Approximately 200 feet above center of Porter Mountain Road	*6,708
Walnut Gulch Creek: At center of Nadean Drive	*6,937
Maps available for inspection at the Planning and Zoning Department, P.O. Drawer 1459, Pinetop-Lakeside, Arizona.	
Send comments to The Honorable Jay Natoli, Mayor, P.O. Drawer 1459, Pinetop-Lakeside, Arizona 85935.	
COLORADO	
Estes Park (Town), Larimer County	
Big Thompson River: Approximately sixty feet upstream from center of St. Vrain Avenue	*7,506
Big Thompson River Overflow: Approximately three hundred twenty feet upstream from confluence with Big Thompson River	*7,485
Fall River: Approximately sixty feet upstream from center of Spruce Drive	*7,549
Fall River Overflow: Approximately eighty feet upstream from confluence with Fall River	*7,561
Black Canyon Creek: Approximately three hundred fifty feet upstream from center of West Wonderview Avenue (U.S. Highway 34)	*7,546
Dry Gulch: Approximately three thousand feet north of intersection of Dry Gulch Road and U.S. Highway 34, along center of Dry Gulch Road	*7,481
Maps available for inspection at the Building Inspector's Office, 170 McGregor Street, Estes Park, Colorado.	
Send comments to The Honorable Bernerd Dannels, Mayor, Town of Estes Park, P.O. Box 1200, Estes Park, Colorado 80517.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Holyoke (City), Phillips County	
Frenchman Creek: Approximately 30 feet north of the centerline of US route 6, along Frenchman Creek	*3,728
North Fork Frenchman Creek: Approximately 395 feet upstream of the confluence with Frenchman Creek	*3,744
South Fork Frenchman Creek: Approximately 110 feet upstream of the centerline of Denver Street	*3,746
Maps available for inspection at the City Superintendent's Office, 207 West Denver, Holyoke, Colorado.	
Send comments to The Honorable Tom Hethcote, Mayor, City of Holyoke, 207 West Denver, Holyoke, Colorado 80734.	
CONNECTICUT	
Hartford (City), Hartford County	
North Branch Park River:	
Upstream side of conduit entrance	*37
Upstream side of Asylum Avenue	*45
Upstream side of Albany Avenue	*54
Upstream corporate limits	*59
South Branch Park River:	
Upstream side of conduit entrance	*34
Upstream side of Flatbush Avenue	*44
Upstream corporate limits	*47
Connecticut River:	
Downstream corporate limits	*29
Upstream corporate limits	*31
Maps available for inspection at the Flood Commission Office and the City Clerk's Office; and The Department of Environmental Protection, Responsible Person: Ms. Patricia Williams, City Planning Department, City Hall, Hartford, Connecticut 06103.	
Send comments to The Honorable Milner L. Thirman, Mayor of the City of Hartford, Hartford County, City Hall, Hartford, Connecticut 06103.	
GEORGIA	
Chatham County (Unincorporated Areas)	
Savannah River:	
Just upstream of City of Port Wentworth Corporate Limits	*12
At upstream County Boundary	*15
Ogeechee River:	
Just upstream of Interstate 95	*12
About 2.1 miles upstream of State Route 204	*30
St. Augustine Creek:	
About 1,000 feet downstream of an unnamed road (about 0.7 mile upstream of Interstate 95)	*12
About 3.2 miles upstream of an unnamed road (about 0.7 mile upstream of Interstate 95)	*19
St. Augustine Creek Tributary:	
Just upstream of Godley Road	*12
About 4.9 miles upstream of Interstate 95	*19
Pipe Makers Canal:	
Just upstream of Norfolk Southern Railway	*12
Just downstream of U.S. Route 80	*22
Hardin Canal:	
Just upstream of Interstate 16	*12
About 1.0 mile upstream of Wildcat Dam Road	*18
Dundee Canal:	
Just upstream of Norfolk Southern Railway	*12
About 1.5 miles upstream of Louisville Road	*15
Salt Creek Tributary:	
Just upstream of Interstate 16	*12
Just downstream of Louisville Road	*15
Lower Springfield Canal Tributary:	
Just upstream of Seaboard Coast Line Railroad	*12
Just downstream of Garrard Avenue (about 1.7 miles upstream of mouth)	*12
Springfield Canal: Within community	*13
Springfield Canal Tributary A:	
Just downstream of Seaboard Coast Line Railroad	*13
Just downstream of U.S. Route 17 (about 1.0 mile upstream of Lynes Parkway)	*15

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Casey Canal: Within community	*13
Atlantic Ocean:	
Along Middle River from mouth to U.S. Route 17	*11
At Atlantic Coastal Highway over Little Ogeechee River	*12
Just west of confluence of Williamson Creek with Herb River	*12
At Pennyworth Island	*12
At intersection of Bartram Road and Landings Way	*13
At confluence of Lazaretto Creek with Bull River	*17
Just northwest of divergence of Bear River from Ogeechee River	*19
Along shoreline	*20
Maps available for inspection at the County Engineer's Office, County Courthouse, Savannah, Georgia.	
Send comments to Honorable Charles C. Brooks, Chairman, Board of Commissioners, Chatham County Courthouse, 133 Montgomery Street, Savannah, Georgia 31412.	
Rincon (City), Effingham County	
Dasher Creek:	
About 1.3 miles downstream of State Route 21	*29
About 2,500 feet upstream of Seaboard Coast Line Railroad	*47
Polly Creek:	
About 1,100 feet downstream of State Route 21	*57
About 2,100 feet upstream of State Route 21	*62
Rincon Branch:	
At mouth	*34
Just downstream of Fourth Street	*46
Just upstream of Fourth Street	*56
Just downstream of Seaboard Coast Line Railroad	*57
Just upstream of Seaboard Coast Line Railroad	*67
About 2,500 feet upstream of Old Columbia Avenue	*67
Sweigoffer Creek:	
About 1,850 feet downstream of confluence of Willowpeg Creek	*21
At confluence of Willowpeg Creek	*23
Willowpeg Creek:	
At mouth	*23
Just downstream of State Route 21	*38
Maps available for inspection at the City Hall, Rincon, Georgia.	
Send comments to The Honorable George Saraf, Mayor, City of Rincon, P.O. Box 232, Rincon, Georgia 31326.	
ILLINOIS	
Highland (City), Madison County	
Lindenthal Creek:	
About 3,000 feet downstream of Easy Street	*487
About 200 feet downstream of Poplar Street	*507
About 600 feet upstream of Conrail	*521
Laurel Branch:	
About 600 feet downstream of Park Hill Drive	*489
Just upstream of Poplar Street	*501
Maps available for inspection at the City Manager's Office, City Hall, 1115 Broadway, Highland, Illinois.	
Send comments to Honorable Clarence T. Payne, Mayor, City of Highland, City Hall, 1115 Broadway, Highland, Illinois 62249.	
IOWA	
Muscatine County (Unincorporated Areas)	
Mississippi River:	
At downstream county boundary	*555
At upstream county boundary	*561
Cedar River:	
About 2.1 miles downstream of confluence of Sugar Creek	*632
At upstream county boundary	*647
Wapsinonoc Creek:	
Just downstream of county road	*639

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At upstream county boundary	*668
West Branch Wapsinonoc Creek:	
At mouth	*645
About 4.1 miles upstream of U.S. Highway 6	*669
East Branch Wapsinonoc Creek:	
At mouth	*660
At upstream county boundary	*671
Mud Creek:	
Just upstream of U.S. Highway 6	*652
About 2.4 miles upstream of Liberty Street	*662
Hockey's Slough:	
At mouth	*618
About 300 feet downstream of County Road	*619
Just upstream of County Road	*624
Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*634
Maps available for inspection at the County Engineer's Office, 1631 Isett Avenue, Muscatine, Iowa.	
Send comments to Honorable Sandra Huston, Chairperson, Board of Supervisors Muscatine County, County Courthouse, Muscatine, Iowa 52761.	
Nichols (City), Muscatine County	
Hockey's Slough:	
About 1,225 feet downstream of State Highway 70	*630
Just upstream of Abandoned Railroad	*634
Maps available for inspection at the City Hall, Nichols, Iowa.	
Send comments to Honorable Warren Roth, Mayor, City of Nichols, 605 Broadway, Nichols, Iowa 52766.	
North Liberty (City), Johnson County	
Muddy Creek:	
About 1.0 mile downstream of Cedar Rapids and Iowa City Railway	*730
Just upstream of Zeller Street	*754
Maps available for inspection at the City Hall, North Liberty, Iowa.	
Send comments to Honorable David Roberts, Mayor, City of North Liberty, P.O. Box 250, North Liberty, Iowa 52317.	
West Liberty (City), Muscatine County	
Wapsinonoc Creek:	
About 250 feet downstream of Chicago, Rock Island and Pacific Railroad	*653
About 1,900 feet downstream of Rainbow Drive	*658
West Branch Wapsinonoc Creek:	
Just downstream of Chicago, Rock Island and Pacific Railroad	*650
About 1,100 feet upstream of Prairie Street	*655
Maps available for inspection at the City Hall, West Liberty, Iowa.	
Send comments to Honorable Larry Combs, Mayor, City of West Liberty, City Hall, 101 West 4th Street, West Liberty, Iowa 52776.	
KANSAS	
Andover (City), Butler County	
Republican Creek:	
Just upstream of Thirteenth Street	*1,328
Just downstream of Interstate 35	*1,331
Spring Branch:	
At mouth	*1,287
Just downstream of County Road 841	*1,290
Fourmile Creek:	
About 14,100 feet downstream of Rose Hill Road	*1,266
Just downstream of County Road 622	*1,287
Maps available for inspection at the City Hall, Andover, Kansas.	
Send comments to The Honorable Zack Wilkerson, Mayor, City of Andover, 909 North Andover Road, Box 295, Andover, Kansas 67002.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Park City (C), Sedgwick County	
Shallow flooding (ponding from rainfall): Just south of levee along eastern overbank of Chisholm Creek (east of Interstate 35)	*1,347
Chisholm Creek:	
About 1,600 feet downstream of Interstate 35	*1,347
Just downstream of 69th Street North	*1,356
West Branch Chisholm Creek: Within community	*1,336
Maps available for inspection at the City Hall, 6125 North Hydraulic, Wichita, Kansas.	
Send comments to The Honorable Raymond Reiss, Mayor, City of Park City, City Hall, 6125 North Hydraulic, Wichita, Kansas 67219.	
Peabody (City), Marion County	
Doyle Creek:	
Just upstream of County Road	*1,354
About 1,200 feet upstream of Chicago, Rock Island and Pacific Railroad	*1,366
Spring Creek:	
At mouth	*1,360
About 1,200 feet upstream of U.S. Highway 50	*1,376
Prairie Creek:	
At mouth	*1,356
About 3,800 feet upstream of Elbing Road	*1,389
Maps available for inspection at the City Offices, 300 North Walnut, Peabody, Kansas.	
Send comments to The Honorable Jay Cook, Mayor, City of Peabody, City Offices, 300 North Walnut, Peabody, Kansas 66866.	
Syracuse (City), Hamilton County	
Arkansas River:	
About 1,800 feet downstream of State Highway 27	*3,226
About 1,400 feet upstream of State Highway 27	*3,233
Shallow flooding (overflow from Syracuse Creek):	
About 600 feet south of Atchison, Topeka and Santa Fe Railroad along western corporate limits	#3
Shallow flooding (ponding from overflow of Syracuse Creek):	
Just north of Atchison, Topeka and Santa Fe Railroad	*3,248
Just north of Avenue D	*3,249
Maps available for inspection at the City Offices, 220 North Main Street, Syracuse, Kansas.	
Send comments to Honorable O.L. Mayers, Mayor, city of Syracuse, P.O. Box 148, Syracuse, Kansas 67878.	
KENTUCKY	
Clark County (Unincorporated Areas)	
Strodes Creek:	
About 300 feet upstream of confluence of Hancock Creek	*873
Just downstream of Interstate 64	*910
Just upstream of Interstate 64	*915
About 0.9 mile upstream of the Chessie System	*953
Tributary S1:	
Just downstream of the Chessie System	*924
Just upstream of the Chessie System	*937
Just downstream of State Route 1958	*937
Just upstream of State Route 1958	*942
Just downstream of Colby Road	*954
Tributary S4:	
At mouth	900
Just downstream of Louisville and Nashville Railroad	*922
Just upstream of Louisville and Nashville Railroad	*928
Just upstream of Interstate 64	*939
Tributary S5:	
About 600 feet upstream of mouth	*919
About 1,400 feet upstream of mouth	*921
Tributary S6:	
At mouth	*937
About 1,200 feet upstream of mouth	*951
Railroad Pond: Along shoreline	*953

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Lower Howard Creek:	
Just upstream of Fish and Game Club Road	*853
Just downstream of State Route 627	*896
Just upstream of State Route 627	*903
About 200 feet upstream of Colby Road	*962
Tributary H2:	
Just upstream of Colby Road	*959
About 650 feet upstream of Colby Road	*962
Tributary H3:	
Just downstream of Ashford Drive	*943
About 500 feet upstream of Ashford Drive	*951
Tributary H5: Within unincorporated areas	*907
Tributary H7:	
At mouth	*889
Just downstream of McClure Road	*930
Tributary H8:	
At mouth	*910
Just downstream of West Meade Drive	*939
Tributary H9:	
At mouth	*875
Just downstream of McClure Road	*944
Tributary H10:	
At mouth	*895
Just downstream of McClure Road	*940
Tributary H11:	
At mouth	*900
Just downstream of Hillcrest Drive	*910
Just upstream of Hillcrest Drive	*922
About 700 feet upstream of Hillcrest Drive	*928
Town Branch:	
At mouth	*889
Just downstream of Louisville and Nashville Railroad	*906
Just upstream of Louisville and Nashville Railroad	*914
About 2,300 feet upstream of Louisville and Nashville Railroad	*915
Tributary T2:	
About 200 feet downstream of Interstate 64	*920
Just downstream of U.S. Route 60	*947
Just upstream of U.S. Route 60	*952
Just downstream of Abandoned Railroad	*962
Just upstream of Abandoned Railroad	*968
About 900 feet upstream of Winn Avenue	*978
Tributary T3:	
At mouth	*906
Just upstream of Interstate 64	*934
Maps available for inspection at the Clark County Courthouse, Winchester, Kentucky.	
Send comments to The Honorable James B. Allen, Judge Executive, Clark County, County Courthouse, Winchester, Kentucky 48391.	
Hawesville (City), Hancock County	
Ohio River: Within community	*401
Maps available for inspection at the City Hall, Hawesville, Kentucky.	
Send comments to Honorable Rick Embry, Mayor, City of Hawesville, City Hall, Hawesville, Kentucky 42348.	
Lewis County (Unincorporated Areas)	
Ohio River:	
At downstream county boundary	*518
At upstream county boundary	*535
Maps available for inspection at the County Courthouse, Vanceburg, Kentucky.	
Send comments to Honorable Jackie Ray Cooper, Judge Executive, Lewis County, County Courthouse, Vanceburg, Kentucky 41179.	
Lewisport (City), Hancock County	
Ohio River: Within community	*395
Maps available for inspection at the City Hall, Lewisport, Kentucky.	
Send comments to Honorable James B. Pell, Mayor, City of Lewisport, City Hall, Lewisport, Kentucky 42351.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Shepherdsville (City), Bullitt County	
Salt River:	
About 3 miles downstream of State Route 61	*447
About 1.5 miles upstream of Interstate 65	*451
Floyds Fork: Within community	*451
Maps available for inspection at the City Hall, P.O. Box 398, Shepherdsville, Kentucky.	
Send comments to The Honorable Adrain Jones, Mayor, City of Shepherdsville, City Hall, P.O. Box 398, Shepherdsville, Kentucky 40165.	
Vanceburg (City), Lewis County	
Ohio River: Within community	*527
Maps available for inspection at the Municipal Building, 609 Front Street, Vanceburg, Kentucky.	
Send comments to Honorable M.J. Cooper, Mayor, City of Vanceburg, Municipal Building, 609 Front Street, Vanceburg, Kentucky 41179.	
Wilmore (City), Jessamine County	
Town Branch:	
About 1,200 feet downstream of Butler Boulevard	*827
About 260 feet upstream of Bellview Avenue	*880
Maps available for inspection at the City Hall, 335 East Main Street, Wilmore, Kentucky.	
Send comments to Honorable Harold Rainwater, Mayor, City of Wilmore, City Hall, 335 East Main Street, Wilmore, Kentucky 40390.	
MAINE	
Belgrade (Town), Kennebec County	
Great Pond: Entire shoreline within the community	*249
Long Pond: Entire shoreline within the community	*242
Messalonskee Lake: Entire shoreline within the community	*238
Belgrade Stream: Entire shoreline within the community above Wings Mills Dam	*242
Belgrade Stream: Entire shoreline within the community below Wings Mills Dam	*238
Salmon Lake: Entire shoreline within the community	*279
Maps available for inspection at the Town Administrative Office Vault, Belgrade, Maine.	
Send comments to The Honorable Dorothy Guillotte, Chairman of the Town of Belgrade Board of Selectmen, Kennebec County, Town Office, Belgrade, Maine 04917.	
Litchfield (Town), Kennebec County	
Cobbosseecontee Stream:	
At downstream corporate limits	*139
Upstream side of Pond Road	*140
Upstream side of Dennis Hill Road	*141
Confluence of Dennis Brook	*142
Upstream corporate limits	*143
Cobbosseecontee Lake: Entire shoreline within community	*170
Little Purgatory Pond: Entire shoreline within community	*178
Woodbury Pond: Entire shoreline within community	*178
Sand Pond: Entire shoreline within community	*178
Pleasant Pond: Entire shoreline within community	*139
Buker Pond: Entire shoreline within community	*178
Jimmy Pond: Entire shoreline within community	*178
Upper Pleasant Pond: Entire shoreline within community	*139
Maps available for inspection at the Town Clerk's Office, Litchfield, Maine.	
Send comments to The Honorable Neal Bowdell, Chairman of the Board of Selectmen of the Town of Litchfield, Kennebec County, Box 1280, Litchfield, Maine 04350.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. ²Elevation in feet (NGVD)
MARYLAND	
Prince Georges County (Unincorporated Areas), Maryland	
Potomac River:	
Downstream County boundary	*9
Upstream County boundary	*9
Piscataway Creek:	
At confluence with Potomac River	*9
Approximately 100 feet upstream of Indian Head Highway	*18
Upstream side of Piscataway Road	*23
Approximately 125 feet upstream of Wind Brook Drive	*49
Upstream side of Brandywine Road	*100
Upstream side of Surratts Road	*135
At confluence of House Branch	*155
Approximately 120 feet upstream of Woodyard Road	*193
Tinkers Creek:	
At confluence with Piscataway Creek	*22
Upstream side of Rickety Bridge Farm Road	*47
Approximately 0.56 mile downstream of Steed Road	*100
Upstream side of Steed Road	*143
Upstream side of Temple Hills Road	*189
At confluence with Meetinghouse Branch	*215
Pea Hill Branch:	
At confluence with Tinkers Creek	*143
Upstream side of Temple Hills Road	*170
Approximately 130 feet upstream of Old Branch Avenue	*211
Burch Branch:	
At confluence with Piscataway Creek	*47
Approximately 175 feet upstream of Springfield Road	*96
Meetinghouse Branch:	
At confluence with Tinkers Creek	*215
Approximately 315 feet upstream of Old Branch Avenue	*238
Broad Creek:	
At confluence with Potomac River	*10
At confluence with Henson Creek	*19
Henson Creek:	
At confluence with Broad Creek	*19
Approximately 50 feet upstream of Tucker Road	*70
Approximately 100 feet upstream of Brinkley Road	*119
Upstream side of Interstate 95 (Capital Beltway) downstream crossing	*146
Upstream side of Suitland Road	*197
Approximately 100 feet upstream of Interstate 95 (Capital Beltway) upstream crossing	*236
Hunters Mill Branch:	
At confluence with Broad Creek	*19
Upstream side of Indian Head Highway	*39
Approximately 1.1 miles upstream of Indian Head Highway	*105
Unnamed Tributary to Broad Creek:	
At confluence with Broad Creek	*10
Approximately 1,050 feet downstream of Parkton Street	*33
Mattawoman Creek:	
At downstream County boundary	*63
Upstream side of Bealle Hill Road	*100
Upstream side of Gardener Road	*152
Approximately 0.21 mile downstream of Cedarville Road	*189
Timothy Branch:	
At confluence with Mattawoman Creek	*170
Upstream side of Crain Highway	*187
Approximately 1.34 miles upstream of Crain Highway	*200
Approximately 1,000 feet upstream of Brandywine Road	*218
Oxon Run:	
At downstream County boundary	*11
At confluence of Barnaby Run	*22
Approximately 1,100 feet downstream of 23rd Parkway	*107
Upstream side of Branch Avenue	*151
Upstream side of Suitland Road	*175
Approximately 0.24 mile upstream of Pennsylvania Avenue	*203

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. ²Elevation in feet (NGVD)
Patuxent River:	
At downstream County boundary	*7
Upstream side of State Route 214	*29
Upstream side of CONRAIL	*68
Upstream side of Baltimore Washington Parkway	*115
Downstream side of Rocky Gorge Dam	*172
Western Branch:	
At confluence with Patuxent River	*8
Upstream side of State Route 4	*25
Upstream side of State Route 202	*61
Approximately 0.43 mile upstream of Lottsford Road	*92
Collington Branch:	
At confluence with Western Branch	*28
Upstream side of Oak Grove Road	*62
Upstream side of Mount Oak Road	*100
Approximately 500 feet downstream of CONRAIL	*120
Charles Branch:	
At confluence with Western Branch	*8
Approximately 120 feet upstream of CONRAIL	*43
Upstream side of Crain Highway	*75
Approximately 130 feet upstream of Woodyard Road	*150
Southwest Branch:	
At confluence with Western Branch	*59
Upstream side of Harry S. Truman Drive	*86
Approximately 200 feet upstream of Interstate 95 (Capital Beltway)	*116
Approximately 120 feet upstream of Walker Mill Road	*145
Approximately 0.25 mile downstream of Kipling Parkway	*193
Lottsford Branch:	
At confluence with Western Branch	*92
Upstream side of Chantilly Lane	*108
Approximately 260 feet upstream of Annapolis Road	*129
Northeast Branch Western Branch:	
At confluence with Western Branch	*74
Approximately 270 feet upstream of Woodmore Road	*106
Folly Branch:	
At confluence with Lottsford Branch	*98
Upstream side of U.S. Route 50	*108
Upstream side of Baltimore Lane	*115
Approximately 300 feet upstream of Lanham Severn Road	*127
Bald Hill Branch:	
At confluence with Bald Hill Branch	*92
Upstream side of George N. Palmer Highway	*115
Upstream side of State Route 450	*124
Approximately 0.2 mile upstream of Good Luck Road	*142
Federal Spring Branch:	
At confluence with Western Branch	*29
Upstream side of State Route 408	*37
Approximately 170 feet upstream of Ritchie Marlboro Road	*65
Ritchie Branch:	
At confluence with Southwest Branch	*145
Upstream side of Ritchie Road	*161
Approximately 0.42 mile upstream of Ritchie Road	*170
Horsepen Branch:	
At confluence with Patuxent River	*51
Upstream side of Laurel Bowie Road	*77
Upstream side of High Bridge Road approximately 60 feet upstream of CONRAIL	*100
Approximately 600 feet upstream of Hillmeade Road	*129
Bear Branch:	
At downstream County boundary	*145
At most upstream County boundary	*194
Approximately 70 feet upstream of Van Dusen Road	*223
Approximately 220 feet upstream of Contee Road	*236
Anacostia River:	
At downstream County boundary	*16
Upstream side of Bladensburg Road	*17
At confluence with Northeast and Northwest Branch Anacostia River	*18

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. ²Elevation in feet (NGVD)
Northeast Branch Anacostia River:	
At confluence with Anacostia River	*18
Upstream side of Riverdale Road	*32
At confluence with Indian Creek and Paint Branch	*47
Northwest Branch Anacostia River:	
At confluence with Anacostia River	*18
Approximately 50 feet upstream of Queens Chapel Road	*35
Upstream side of East West Highway	*54
Upstream side of Riggs Road	*92
Approximately 140 feet upstream of Piney Branch Road	*120
Paint Branch:	
At confluence with Northeast Branch Anacostia River	*47
Upstream side of Metzerott Road	*75
Upstream side of Interstate 95 (southbound)	*114
Approximately 500 feet upstream of County boundary	*156
Indian Creek:	
At confluence with Northeast Branch Anacostia River	*47
Upstream side of Cherrywood Lane	*72
Upstream side of Old Baltimore Pike	*107
Upstream side of Ammendale Road	*166
Approximately 400 feet upstream of Interstate 95	*194
Beaverdam Creek:	
At confluence with Anacostia River	*16
Upstream side of CONRAIL (2nd upstream crossing)	*28
Upstream side of Beaver Road	*41
Upstream side of Old Landover Road	*53
Upstream side of CONRAIL (6th upstream crossing)	*76
Approximately 300 feet upstream of John Hanson Highway	*80
Little Paint Branch:	
At confluence with Paint Branch	*84
Upstream side of Insterstate 95 (Capital Beltway)	*106
Upstream side of Sellman Road	*134
Upstream side of Briggs Chaney Road	*196
Approximately 400 feet upstream of Greencastle Road	*243
Sligo Creek:	
At confluence with Northwest Branch Anacostia River	*41
Upstream side of East West Highway	*73
Upstream side of New Hampshire Avenue	*101
At upstream County boundary	*135
Brier Ditch:	
At confluence with Northeast Branch Anacostia River	*39
Approximately 140 feet upstream of Baltimore Washington Parkway	*58
Approximately 230 feet upstream of Auston Road	*62
Long Branch:	
At confluence with Sligo Creek	*104
Approximately 0.31 mile upstream of confluence with Sligo Creek	*140
At upstream County boundary	*164
Cabin Branch:	
At confluence with Beaverdam Creek	*30
Approximately 100 feet upstream of Sheriff Road	*60
Upstream side of Seat Pleasant Road	*74
Approximately 200 feet upstream State Route 214	*105
Ammendale Branch:	
At confluence with Indian Creek	*123
Upstream side of Ammendale Road	*141
Approximately 480 feet upstream of Virginia Manor Road	*172
Muirkirk Branch:	
At confluence with Indian Creek	*120
Approximately 0.55 mile upstream of confluence with Indian Creek	*127
Barnaby Run:	
At confluence with Oxon Run	*22
Upstream side of Southern Avenue	*42
At upstream County boundary	*49

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Crows Branch:	
Approximately 720 feet downstream of Bowie Road	*139
At U.S. Route 1	*153
Maps available for inspection at the Construction Standards Division, County Administration Building, Upper Marlboro, Maryland.	
Send comments to The Honorable Parris Glendening, Prince Georges County Executive, County Administration Building, Upper Marlboro, Maryland 20772.	
MASSACHUSETTS	
Braintree (Town) Norfolk County	
Weymouth Fore River:	
Shoreline at Argyle Road (extended)	*12
Shoreline at View Avenue (extended)	*15
Monatiquot River:	
Upstream of Quincy Avenue	*12
Upstream side of McCuster Drive	*31
Upstream side of Middle Street	*56
Upstream side of State Route 3	*65
Upstream side of Lower Armstrong Dam	*89
Confluence with Farm and Cochato Rivers	*105
Cochato River:	
Confluence with Monatiquot River	*105
Upstream side of Richardi Reservoir Dam No. 1	*107
Approximately 120 feet upstream of upstream corporate limits	*108
Farm River:	
Confluence with Monatiquot river	*105
Upstream side of Granite Street	*119
At upstream corporate limits	*121
Town Brook:	
At downstream corporate limits	*34
Upstream side of Walnut Street	*54
Upstream side of Braintree Dam	*82
Upstream side of Interstate 93/State Route 128	*95
Approximately 270 feet upstream of Wood Road	*96
Maps available for inspection at the Engineering Department, Town Hall, 1 JFK Memorial Drive, Braintree, Massachusetts.	
Send comments to Honorable Edward Wynot, Chairman of the Board of Selectmen for the Town of Braintree, Town Hall, 1 JFK Memorial Drive, Braintree, Massachusetts 02157.	
MICHIGAN	
Huron (Township), Wayne County	
North Branch Swan Creek:	
About 400 feet upstream from Will Carleton Drive	*613
About 300 feet downstream of confluence of Townline Drain	*623
Hand Drain:	
Just upstream of confluence with Silver Creek	*609
Just downstream of Versailles Lane	*616
Maps available for inspection at the Supervisor's Office, Huron, Township Hall, 37290 Huron River Drive, New Boston, Michigan.	
Send comments to Honorable Ralph V. Dugan, Supervisor, Township of Huron, 37290 Huron River Drive, New Boston, Michigan 48164.	
Taylor (City), Wayne County	
Sexton—Kilfoil Drain:	
Just upstream of Pelham Road	*602
About 1,750 feet upstream of Holland Road	*624
North Branch Ecorse Creek:	
Just upstream of Pelham Road	*604
About 775 feet upstream of Harold Road	*621
Frank and Poet Drain:	
Just upstream of Allen Road	*601
Just downstream of Inkster Road	*624
Sutliff and Kenope Drain:	
Just upstream of North Line Road	*609
Just downstream of Inkster Road	*627

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Blakely Drain:	
Just upstream of Pennsylvania Road (near Conrail)	*609
Just downstream of Pennsylvania Road (at upstream corporate limits)	*615
Brighton Drain: Within community	*606
Maps available for inspection, at the Director of Public Works Office, City Hall, 23555 Goddard, Taylor, Michigan.	
Send comments to Honorable Cameron G. Prebe, Mayor, City of Taylor, City Hall, 23555 Goddard, Taylor, Michigan 48180.	
MISSOURI	
Annada (Village), Pike County	
Mississippi River: Within community	*454
Maps available for inspection at the Mayor's House, Annada, Missouri.	
Send comments to The Honorable Rose Crank, Mayor, Village of Annada, P.O. Box 65, Annada, Missouri 63330.	
Augusta (Village), St. Charles County	
Missouri River: Within Community	*484
Maps available for inspection at the Chairman's House, 311 Green Street, Augusta, Missouri.	
Send comments to The Honorable Melvin Fuhr, Chairman, Town Board, Village of Augusta, P.O. Box 87, Augusta, Missouri 63332.	
Carroll County (Unincorporated Areas)	
Missouri River:	
At confluence of Grand River	*646
About 1.9 miles upstram of confluence of Tabo Creek	*692
Maps available for inspection at the County Assessor's Office, County Courthouse, Carrollton, Missouri.	
Send comments to The Honorable Charles Lybarger, County Commissioner, Carroll County Courthouse, Carrollton, Missouri 64633.	
Flinghill (Village), St. Charles County	
Dry Branch:	
About 0.32 mile downstream of U.S. Highway 61	*469
Just downstream of U.S. Highway 61	*479
Maps available for inspection at the City's Clerk's House, 5040 Highway P, Flinthill, Missouri.	
Send comments to The Honorable Barry Auchly, Mayor, Village of Flinthill, Town Hall, Flinthill, Missouri 63346.	
Moniteau County (Unincorporated Areas)	
Missouri River:	
About 3.4 miles downstream of confluence of Factory Creek	*572
About 3.7 miles upstram of confluence of Petite Saline Creek	*588
Maps available for inspection at the County Commission, California, Missouri.	
Send comments to The Honorable J. George Albin, Presiding Commissioner, County Commission, Moniteau County, County Courthouse, California, Missouri 65018.	
NORTH DAKOTA	
Mandan (City), Morton County	
Missouri River: 900 feet upstream from centerline of Burlington Northern Railroad Bridge	*1,636
Heart River—With consideration of Levees: 50 feet upstream from State Highway 6 (10th Avenue SW) bridge	*1,656
Heart River—Without Consideration of Levees: At the intersection of 3rd Street SW and State Highway 6 (10th Avenue SW)	*1,650

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for review at the City Engineer's Office 205 2nd Avenue, NW, Mandan, North Dakota.	
Send comments to The Honorable Sharon Schafer, 205 2nd Avenue, NW, Mandan, North Dakota 58554.	
Morton County (Unincorporated Areas)	
Missouri River: At the confluence with the Heart River	*1,634
Heart River—With Consideration of Levees: 50 feet upstream from center of Burlington Northern Railroad Bridge	*1,668
Heart River—Without Consideration of Levees: At intersection of Dead Heart Slough and an Unnamed Road approximately 300 feet South of the Burlington Northern Railroad along the Channel of Dead Heart Slough	*1,659
Maps available for review at the County Engineer's Office, 205 2nd Avenue, NW, Mandan, North Dakota.	
Send comments to The Honorable Ray Knoll, Chairman, Morton County Commissioners, Morton County Courthouse, Mandan, North Dakota 58554.	
OREGON	
Malheur County (Unincorporated Areas)	
Snake River (vicinity of Annex): At the intersection of 1st Street and River Road	*2,103
Snake River (Vicinity of Ontario): At Union Pacific railroad	*2,142
Snake River (Vicinity of Adrian): At County Road 454	*2,201
Malheur River (Vicinity of Ontario): At the intersection of Malheur drive and Clark Boulevard	*2,158
Malheur River (Vicinity of Vale): At the center of the west bound lane of U.S. Highway 20 and 26	*2,238
Bully Creek: At the center of U.S. Highway 20	*2,259
Willow Creek: At the intersection of road and Vale View Road, 200 feet north of southwest corner of Section 8, T18S, R45E	*2,252
Willow Creek Shallow Flooding: 200 feet north from the intersection of Foothill Drive and Pioneer Lane	*2,230
Jordan Creek: Approximately 1,950 feet southeast on U.S. Highway 95 from the intersection of U.S. Highway 95 and Ackerman Road	*4,367
Maps available for inspection at the Malheur County Courthouse, 251 B Street, SW, Vale, Oregon.	
Send comments to the County Judge Maxwell Lieurance, Malheur County Courthouse, 251 B Street, SW, Vale, Oregon 97918.	
Pendleton (City), Umatilla County	
Umatilla River: At Main Street	1,067
Tutuilla Creek: Approximately 100 feet upstream of the center of Tutuilla Street (County Road) 382)	*1,069
McKay Creek: At the intersection of Southwest Perkins and Southwest 44th street	*1,060
Nelson Creek: Approximately 500 feet upstream of the center of Northgate Bridge	1,059
Patawa Creek: Approxmiately 470 feet upstream of the center of Tutuilla Street	1,089
Maps available for inspection at the Planning Department, City Hall, P.O. Box 190, Pendleton, Oregon.	
Send comments to Mr. John S. Nelson, City Manager, P.O. Box 190 Pendleton, Oregon 97801.	
Tualatin (City), Washington County	
Tualatin River: Along Cipole Road 1,600 feet south of Southwest Pacific Highway (West 99)	*129
Nyberg Slough: At Interstate Highway 5	*122
Maps available for review at the City Engineer's Office, 18880 SW Martinazzi Avenue, Tualatin, Oregon.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. ²Elevation in feet (NGVD)
Send comments to the Honorable Luanne Thielke, Mayor, City of Tualatin, P.O. Box 428, Tualatin, Oregon 97062.	
PENNSYLVANIA	
Canton (Township), Washington County	
Chartiers Creek:	
Downstream corporate limits	*996
Upstream side of Wallace Lane	*1,006
Upstream side of West Wylie Avenue	*1,012
Downstream side of Caldwell Avenue	*1,024
Upstream corporate limits	*1,030
Log Pile Run:	
Confluence with Chartiers Creek	*1,025
Downstream side of Prigg Road	*1,040
Downstream side of Weirich Avenue	*1,066
Catfish Creek:	
Confluence with Chartiers Creek	*1,013
Upstream side of Interstate Route 70	*1,017
Upstream corporate limits	*1,025
Georges Run:	
Confluence with Chartiers Creek	*1,006
Appoximately 0.5 mile upstream of Chartiers Creek confluence	*1,006
Wolfdale Run:	
Confluence with Chartiers Creek	*1,008
Downstream side of Boone Avenue	*1,020
Upstream side of Hewitt Avenue	*1,030
Downstream side of McClay Road	*1,050
Downstream side of Old Johnson Lane	*1,064
Downstream side of Jefferson Avenue	*1,076
Approximately 1,500 feet upstream of Jefferson Avenue	*1,082
Maps available for inspection at the Township Building, 655 Grove Avenue, Washington, Pennsylvania.	
Send comments to The Honorable Eugene Foster, Chairman of the Township of Canton Board of Supervisors, Washington County, R.D. 3, Box 237, Washington, Pennsylvania 15301.	
Ferndale (Borough), Cambria County	
Stony Creek:	
Approximately 450 feet downstream of State Route 403	*1,191
Approximately 100 feet upstream of upstream corporate limits	*1,204
Maps available for inspection at the Municipal Building, 109 Station Street, Johnstown, Pennsylvania.	
Send comments to The Honorable John A. Robinson, Mayor of the Borough of Ferndale, Cambria County, 900 Suter Street, Johnstown, Pennsylvania 15905.	
Harmony (Township), Forest County	
Allegheny River:	
Downstream corporate limits	*1,059
Approximately 450 feet upstream of West Hickory Highway	*1,074
At County boundary	*1,089
Maps available for inspection with the Township Secretary, Mary Remington, Box 208, West Hickory, Pennsylvania.	
Send comments to The Honorable David W. Manross, Chairman of the Township of Harmony Board of Supervisors, Forest County, Box 166, R.D. 1, Tidioute, Pennsylvania 16351.	
Hickory (Township), Forest County	
Allegheny River:	
At corporate limits	*1,061
Approximately 700 feet upstream of West Hickory Highway	*1,074
At County boundary	*1,089
Maps available for inspection with Secretary Mary A. Goochee, Box 485, East Hickory, Pennsylvania.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. ²Elevation in feet (NGVD)
Send comments to The Honorable Alton Z. Hall, Chairman of the Township of Hickory Board of Supervisors, Forest County, Box 605, East Hickory, Pennsylvania 16321.	
Hunker (Borough), Westmoreland County	
Belson Run:	
Downstream corporate limits	*935
Upstream side of Walnut Street	*957
Approximately .26 mile upstream of Walnut Street	*980
Upstream corporate limits	*1,008
Maps available for inspection at the Borough Building, Hunker, Pennsylvania.	
Send comments to The Honorable Daniel Muir, Mayor of the Borough of Hunker, Westmoreland County, Box 31, Hunker, Pennsylvania 15639.	
Paint (Borough), Somerset County	
Paint Creek:	
Downstream corporate limits	*1,590
Upstream side of State Route 56	*1,615
Upstream side of State Route 601	*1,662
Upstream corporate limits	*1,668
Approximately 400 feet upstream of corporate limits	*1,670
Maps available for inspection at the Borough Building, 807 Main Street, Windber, Pennsylvania.	
Send comments to The Honorable Richard P. Divido, Council President of the Borough of Paint, 701 Main Street, Windber, Pennsylvania 15963.	
Scalp Level (Borough), Cambria County	
Paint Creek:	
Downstream corporate limits	*1,548
Upstream side of State Route 56	*1,610
At confluence of Little Paint Creek	*1,626
Little Paint Creek:	
At confluence with Paint Creek	*1,626
Upstream side of Bridge Street	*1,674
Upstream corporate limits	*1,735
Sheet flow: South of CONRAIL and North Brantly Road	#1
Maps available for inspection at the Borough Building, 152 Richland Avenue, Scalp Level, Pennsylvania.	
Send comments to The Honorable Leonard Gosnell, Mayor of the Borough of Scalp Level, 152 Richland Avenue, Scalp Level, Pennsylvania 15963.	
Southwest Greensburg (Borough), Westmoreland County	
Jacks Run:	
Downstream corporate limits	*986
Upstream corporate limits	*997
Zellers Run:	
At confluence with Jacks Run	*987
Upstream corporate limits	*1,018
Maps available for inspection at the Municipal Building, 422 Brandon Street, Greensburg, Pennsylvania.	
Send comments to The Honorable James L. Hayden, Jr., Mayor of the Borough of Southwest Greensburg, Westmoreland County, 703 Green Street, Greensburg, Pennsylvania 15601.	
Tionesta (Borough), Forest County	
Allegheny River:	
Approximately 0.61 mile downstream of U.S. Route 62	*1,049
Approximately 1.21 mile upstream of U.S. Route 62	*1,052
Maps available for inspection at the Borough Building, 210 Elm Street, Tionesta, Pennsylvania.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. ²Elevation in feet (NGVD)
Send comments to The Honorable Thomas Greenlee, Mayor of the Borough of Tionesta, Forest County, P.O. Box 98, Tionesta, Pennsylvania 16353.	
Washington (City), Washington County	
Catfish Creek:	
Approximately 950 feet downstream of the downstream corporate limits	*1,021
Upstream side of West Maiden Street	*1,041
Upstream side of South College Street	*1,063
Upstream side of Rosewood Avenue	*1,097
At upstream corporate limits	*1,127
Chartiers Creek:	
Approximately 1,130 feet downstream of most downstream CONRAIL bridge	*999
Approximately 375 feet upstream of upstream corporate limits	*1,010
Maps available for inspection at the City Hall, 55 West Maiden Street, Wshington, Pennsylvania.	
Send comments to The Honorable L. Anthony Spossey, Mayor of the City of Washington, Washington County, City Hall, 55 West Maiden Street, Washington, Pennsylvania 15301.	
South Carolina	
Charleston (City), Charleston County	
Atlantic Ocean:	
About 1,960 feet west along Bees Ferry Road from the intersection of Bees Ferry Road and Shadowmoss Drive	*8
At the intersection of U.S. Route 17 and Farmfield Avenue	*11
Along Ashley River from State Route 7 to the confluence of Church Creek	*13
About 1.5 miles west of the intersection of McIntyre Road and Ferguson Road	*15
At the intersection of Laurens Street and Marsh Street	*16
Entire shoreline of Town Creek	*17
Maps available for inspection at the City Hall, 80 Broad Street, Charleston, South Carolina.	
Send comments to Honorable Joseph P. Riley, Jr., Mayor, City of Charleston, City Hall, 80 Broad Street, Charleston, South Carolina 29402.	
Hollywood (Town), Charleston County	
Atlantic Ocean:	
Just downstream of U.S. Route 17 bridge over Wallace River (about 1.85 miles east of the intersection of State Route 162 and U.S. Route 17)	*7
At the mouth of Log Bridge Creek	*12
At the intersection of Baptist Hill Road and Toogoodoo Road	*12
Maps available for inspection at the City Hall, Hollywood, South Carolina.	
Send comments to Honorable Lela Dickerson, Mayor, Town of Hollywood, City Hall, P.O. Box 519, Hollywood, South Carolina 29449.	
Isle of Palms (City), Charleston County	
Atlantic Ocean:	
At the intersection of Palm Boulevard and 30th Avenue	*12
At the intersection of Palmetto Drive and Racquet Club Road	*13
Along shoreline	*19
Maps available for inspection at the Town Hall, Isle of Palms, South Carolina.	
Send comments to Honorable Carmen Bunch, Mayor, City of Isle of Palms, Town Hall, 1301 Palm Boulevard, Isle of Palms, South Carolina 29451.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Meggett (Town), Charleston County	
Atlantic Ocean:	
At the confluence of Lower Toogoodoo Creek with Toogoodoo Creek	*12
At the intersection of Church Street and State Route 165	*12
About 1.0 mile south of the intersection of Little Britton Road and Kings Point Road	*15
Maps available for inspection at the City Hall, Meggett, South Carolina.	
Send comments to Honorable G.S. Coffin, Mayor, Town of Meggett, P.O. Box 34A, Meggett, South Carolina 29460.	
Mount Pleasant (Town), Charleston County	
Atlantic Ocean:	
At the intersection of Casseque Province and Chersonese Round	*11
Along Shem Creek from Bowman Road to U.S. Route 17	*12
At the intersection of Center Street and Yonge Street	*13
Just upstream of U.S. Route 17 bridge over Cooper River	*14
About 600 feet south of the intersection of William Street and Pitt Street	*15
Maps available for inspection at the Town Hall, Mt. Pleasant, South Carolina.	
Send comments to Honorable Richard L. Jones, Mayor, Town of Mount Pleasant, Town Hall, 302 Pitt Street, Mt. Pleasnat, South Carolina 29404.	
North Charleston (City), Charleston County	
Atlantic Ocean:	
Along Popperdam Creek from Dorchester Road to about 0.64 mile upstream of Dorchester Road	*7
About 800 feet south of the intersection of Gwinett Street and Dedrich Street	*9
Along Filbin Creek from Virginia Avenue to Interstate 26	*12
At the mouth of Shipyard Creek	*15
About 2,500 feet Southeast of the intersection of Interstate 26 and State Route 7	*16
Maps available for inspection at the City Hall, P.O. Box 10100, North Charleston, South Carolina.	
Send comments to Honorable John Bourne, Mayor, City of North Charleston, City Hall, P.O. Box 10100, North Charleston, South Carolina 29411.	
Sullivans Island (Township), Charleston County	
Atlantic Ocean:	
At the intersection of Middle Street and Station 18 Street	*12
At the intersection of Conquest Avenue and Middle Street	*14
Along shoreline from about 1,500 feet south of intersection of Atlantic Avenue and Station 17 Street to about 400 feet east of the intersection of Station 30 Street and Marshall Boulevard	*19
Maps available for inspection at the Town Hall, 1610 Middle Street, Sullivans Island, South Carolina.	
Send comments to Honorable C. Melvin Anderegg, Mayor, Township of Sullivans Island, Town Hall, 1601 Middle Street, Sullivans Island, South Carolina 29482.	
TEXAS	
Fort Bend County MUD #25	
Red Gully:	
Upstream side of Old Richmond Road	*80
Approximately 0.66 mile upstream of Old Richmond Road	*82

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at 1001 Fannin Street, Houston, Texas.	
Send comments to Mr. Larry Nettles, Vinson & Elkins, Attorneys at Law, 2800 First City Tower, Houston, Texas 77002.	
WEST VIRGINIA	
Mannington (City), Marion County	
Buffalo Creek:	
Downstream corporate limits	*964
Upstream side of High Street (downstream crossing)	*972
Upstream side of Hough Street	*976
Upstream corporate limits	*977
Pyles Fork:	
Confluence with Buffalo Creek	*975
Upstream corporate limits	*976
Maps available for inspection at the City Hall, 206 Main Street, Mannington, West Virginia.	
Send comments to The Honorable Delbert Huey, Mayor of the City of Mannington, Marion County, City Hall, 206 Main Street, Mannington, West Virginia 26582.	
WISCONSIN	
Belmont (Village), Lafayette County	
Bonner Branch:	
Just downstream of County Highway G	*1,004
About 1,800 feet upstream of Chicago, Milwaukee, St. Paul & Pacific Railroad	*1,024
Unnamed Tributary:	
At mouth	*1,014
Just downstream of U.S. Highway 151	*1,019
Maps available for inspection at the Village Hall, Box 192, Belmont, Wisconsin.	
Send comments to The Honorable Cletus Cushion, Village President, Village of Belmont, Village Hall, Box 192, Belmont, Wisconsin 53510.	
Boyceville (Village), Dunn County	
Tiffany Creek:	
At northern corporate limits	*939
About 1,400 feet upstream of Duffy Street	*956
East Drainageway:	
At mouth	*944
About 1,500 feet upstream of Second Street	*949
West Drainageway:	
At mouth	*948
About 1,150 feet upstream of Field Road	*951
Maps available for inspection at the Village Hall, Boyceville, Wisconsin.	
Send comments to Honorable E.S. Evenson, Village President, Village of Boyceville, Village Hall, Box 363, Boyceville, Wisconsin 54725.	
Gratiot (Village), Lafayette County	
Pecatonica River: Within community	*803
Maps available for inspection at the Clerk Treasurer's Office, Village Hall, Gratiot, Wisconsin.	
Send comments to The Honorable LaVerne Griffiths, Village President, Village of Gratiot, Village Hall, Box 192, Gratiot, Wisconsin 53541.	
Lafayette County (Unincorporated Areas)	
Pecatonica River:	
At downstream county boundary	*790
Just downstream of U.S. Highway 151	*862
East Branch Pecatonica River:	
At mouth	*790
About 3.4 miles upstream of State Highway 78	*820
Blue Mounds Branch: Within county	*820
Vinegar Branch:	
About 0.14 mile upstream of mouth	*824
Just downstream of County Highway F	*832
Wood Branch:	
At mouth	*832
Just downstream of County Highway O	*887

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Bonner Branch:	
At mouth	*834
Just upstream of Chicago, Milwaukee, St. Paul, and Pacific Railroad (about 15.5 miles above mouth	*1,036
Mineral Point Branch:	
At mouth	*839
About 0.84 mile upstream of East Oak Park Road	*861
Galena River:	
About 0.68 mile downstream of County Highway H	*852
About 0.31 mile upstream of confluence of Pat's Creek	*866
New Diggings Tributary:	
About 0.14 mile upstream of mouth	*737
About 0.18 mile upstream of Ollie Bell Road	*797
Maps available for inspection at the Zoning Administrator's Office, County Courthouse, Darlington, Wisconsin.	
Send comments to The Honorable Richard McKnight, Chairman, County Board of Commissioners, Lafayette County, County Courthouse, Darlington, Wisconsin 53530.	
Mellen (City), Ashland County	
Bad River:	
About 0.75 mile downstream of East Tyler Street	*1,223
At western corporate limits	*1,237
Devils Creek:	
At mouth	*1,227
About 4,200 feet upstream of First Avenue	*1,250
Maps available for inspection at the Clerk's Office, City Hall, 102 Bennett Street, Mellen, Wisconsin.	
Send comments to The Honorable Robert Holmes, III, Mayor, City of Mellen, City Hall, 102 Bennett Street, Mellen, Wisconsin 54546.	
South Wayne (Village), Lafayette County	
Pecatonica River: Within community	*790
Maps available for inspection at the Village Clerk's Office, Village Hall, South Wayne, Wisconsin.	
Send comments to The Honorable Buddy E. Mau, Village President, Village of South Wayne, Village Hall, P.O. Box 305, South Wayne, Wisconsin 53587.	

Issued: February 12, 1986.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 86-3750 Filed 2-21-86; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-57; RM-4940]

FM Broadcast Station, Hazard, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to allot FM Channel 284A to Hazard, Kentucky as that community's first FM

channel in response to a petition filed by Perry Broadcasting.

DATES: Comments must be filed on or before April 11, 1986, and reply comments on or before April 28, 1986.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, 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.

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Hazard, Kentucky).

Adopted: January 29, 1986.
Released: February 18, 1986.
By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a petition for rule making filed by Perry Broadcasting, a partnership consisting of John E. Edwards and Kenneth R. Comb ("petitioner") requesting the allotment of FM Channel 223A to Hazard, Kentucky as that community's first FM channel. Petitioner has expressed an intention to apply for the channel, if allotted. In order to avoid a conflict with another pending proposal to allot Channel 222A to Hyden, Kentucky (RM–4930), we have determined that, as an alternative, Channel 284A can be allotted to Hazard. Channel 284A can be allocated in compliance with the Commission's minimum distance separation requirements.

2. In view of the fact that the proposed allotment could provide a first FM service to Hazard, Kentucky, the Commission proposes to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules for the following community.

City	Channel No.	
	Present	Proposed
Hazard, KY		284A

3. 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.

4. Interested parties may file comments on or before April 11, 1986, and reply comments on or before Apirl 28, 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 E. Edwards, President, Perry Broadcasting, P.O. Box 929, Hazard, Kentucky 41701.

5. 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.

6. For further information concerning this proceeding, contact D. David Weston, 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* contracts 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 and *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(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 proceedings, 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 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 to 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. 86-3924 Filed 2-21-86; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-55; RM-5161]

FM Broadcast Station in Atmore, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to allot Channel 290A at Atmore, Alabama, as that community's second local FM service, in response to a petition filed by Alabama Native American Broadcasting Company.

DATES: Comments must be filed on or before April 11, 1986, and reply comments on or before April 28, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

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

Proposed Rulemaking

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations, Atmore, Alabama; MM Docket No. 86-55 and RM-5161.

Adopted: January 24, 1986.
Released: February 18, 1986.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rulemaking filed by Alabama Native American Broadcasting Company ("petitioner") seeking the allotment of Channel 254A [1] to Atmore, Alabama, as that community's second local FM service. Petitioner indicates that it will apply for the channel, if it is allotted.

2. A staff engineering study has determined that Channel 254A at Atmore would be short-spaced to two pending proposals to allot that channel to either Chatom, Alabama (RM-4929) or to Chickasaw, Alabama (RM-5108). Moreover, petitioner's proposal would not provide the 16 kilometer protected buffer zone to Class C Stations WKYD-FM (Channel 251), Andalusia, Alabama and WPMO (FM) (Channel 256), Pascagoula, Mississippi. However, in an effort to accommodate petitioner's expressed interest, we have determined that Channel 290A can be allotted to Atmore with a site restriction 4.8 kilometers (3.0 miles) southwest of the community to negate a short-spacing to Class C Station WRJM(FM) (Channel 289), Troy, Alabama.

3. Although petitioner indicated an interest in applying for Channel 254A, in view of our proposed action herein, it should advise in its comments whether it now will apply for Channel 290A, if it is indeed allotted to Atmore.

4. We believe the petitioner's proposal warrants consideration since it could provide a second local FM service at Atmore for the expression of diverse comments and programming. Therefore, we shall seek comments on the proposal to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Atmore, AL	281	281, 290A

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 April 11, 1986, and reply comments on or before April 28, 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: M. Scott Johnson, Esq., Lynn M. Clancy, Esq., Gardner, Carton & Douglas, Suite 1050, 1875 Eye Street, NW., Washington, DC 20006-5472, (Counsel for Petitioner).

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 Nancy V. Joyner, 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(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

[1] Initially, petitioner requested Channel 254C2. However, in a Supplement to its petition for rule-making, petitioner corrected its proposal to request consideration of Channel 254 as a Class A facility.

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 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 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. 86-3922 Filed 2-21-86; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-56; RM-5128]

FM Broadcast Station in Mariposa, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allotment of Channel 280A to Mariposa, California, as that community's second local FM broadcast service, in response to a petition filed by Charles S. Hughes.

DATES: Comments must be filed on or before April 11, 1986, and reply comments on or before April 28, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

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

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations, Mariposa, California; MM Docket No. 86-56 and RM-5128.

Adopted: January 24, 1986.
Released: February 18, 1986.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration a petition for rule making filed by Charles S. Hughes ("petitioner") requesting the allotment of Channel 280A to Mariposa, California, as that community's seond local FM service. Petitioner indicates that he will apply for the channel, if allotted.

2. A staff engineering study reveals that Channel 280A can be allotted to Mariposa in conformity with the minimum distance separation requirements of § 73.207 of the Commission's Rules, provided the transmitter is sited in an area approximately 0.8 kilometers (0.5 miles) north of the community to avoid short-spacing to Station KMGX(FM) (Channel 279), Hanford, California.

3. In view of the fact that the proposal could provided a second local FM service to Mariposa for the expression of diverse viewpoints and programming selection, the Commission believes it is appropriate to propose amending the FM Table of Allotments, § 73.202(b) of the Commission's Rules with respect to that community, as follows:

City	Channel No.	
	Present	Proposed
Mariposa, CA	242	242, 280A

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 April 11, 1986, and reply comments on or before April 28, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Charles S. Hughes, Box 2442, Merced, CA 95344.

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 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 F.R. 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy V. Joyner, 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(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 Section 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 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 and its headquarters, 1919 M Street NW., Washington, DC.

[FR Doc. 86-3923 Filed 2-21-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-59; RM-5082]

FM Broadcast Station in Eagle and Lincoln, NE

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allocation of Channel 287A to Lincoln, Nebraska, as that community's sixth local FM service or to Eagle, Nebraska, as that community's first local service, at the request of Jerrell E. Kautz.

DATES: Comments must be filed on or before April 11, 1986, and reply comments on or before April 28, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 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.

Proposed Rulemaking

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations, Eagle and Lincoln, Nebraska; MM Docket No. 86-59 and RM-5082.

Adopted: January 29, 1986.

Released: February 18, 1986.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the petition for rule making filed by Jerrell E. Kautz ("petitioner") requesting the allocation of FM Channel 287A on a hyphenated basis to Eagle-Lincoln, Nebraska. Petitioner states that he will apply for the frequency, if allocated.

2. Petitioner states that if the allocation is made to Eagle-Lincoln, it would provide a sixth local service to Lincoln and a first local service to Eagle and would serve a population of over 250,000 persons. Hyphenation is an allocation tool which we have used very sparingly. In the past, we have done so only where it appeared that the communities should be treated as one due to their nearness and mutual economic, trade, cultural and social interests, etc. Lincoln (population 171,932,)[1] in Lancaster County (population 192,884), is the capital of the State of Nebraska. It currently receives local FM service from five stations. Eagle, located 21 kilometers (13 miles) from Lincoln, is not listed in the U.S. Census nor in the Rand-McNally Atlas (1984 Edition). Petitioner has not provided us with any information to justify allocating Channel 287A to Lincoln-Eagle on a hyphenated basis.

3. Further, as noted above, we are unable to confirm that Eagle is a community for allocation purposes. Section 307(b) of the Communications Act of 1934, as amended, requires that channel allocations be made to a "community" which has been defined as a geographically identifiable population grouping. Generally, if a community is incorporated or is listed in the U.S. Census, that is sufficient to satisfy its status. However, absent such

[1] Population figures are taken from the 1980 U.S. Census.

recognizable community factors, the petitioner must present the Commission with sufficient information to demonstrate that such a place has social, economic or cultural indicia to qualify it as a "community" for allocation purposes. See, *e.g., Ansley, Alabama,* 46 FR 48688, published December 3, 1981; *Cascade Village, Colorado,* 48 FR 19917, published May 3, 1983; *Red Rock, Georgia,* 48 FR 36170, published August 9, 1983, and cases cited therein. Therefore, petitioner should submit information to demonstrate whether it has any business, social organizations, or governmental units that identify themselves with Eagle, if he desires the allotment at Eagle.

4. We believe that petitioner's proposal to provide Lincoln with its sixth local FM service or to provide Eagle with its first such service, should it ultimately be deemed to be a community, warrants further consideration. Channel 287A can be allocated to Lincoln if the transmitter site is restricted to an area at least 3.2 kilometers (2 miles) east to avoid a short-spacing to Channel 287 at Orchard, Nebraska. If allocated to Eagle, no site restrictions is necessary. Accordingly, we propose to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, for the communities listed below, to read as follows:

City	Channel No.	
	Present	Proposed
Lincoln, NE	237A, 270, 274, 292A, and 297.	237A, 270, 274, 287A, 292A, and 297.
OR		
Eagle, NE		287A.

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 Appendix before a channel will be allotted.

6. Interested parties may file comments on or before April 11, 1986, and reply comments on or before April 28, 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: Jerrell E. Kautz, Rte. 1, Box 24A, Utica, Nebraska 68456 (Petitioner).

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 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 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 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 Section 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. 86–3925 Filed 2–21–86; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 90

[PR Docket No. 86-3]

Amendment of the Rules Governing Eligibility for the Specialized Mobile Radio Services

AGENCY: Federal Communications Commissions.

ACTION: Order extending time to file comments and replies.

SUMMARY: The Commission has received a motion from the National Association of Business and Educational Radio, Inc. seeking an extension of the time to comment on the *Notice of Proposed Rule Making*. Docket No. 86-3, 51 Fed. Reg. 2,910 (January 22, 1986). By this action the Commission has granted, in part, the motion extending the deadline for comments and reply comments to May 19, 1986 and July 3, 1986.

DATES: Comments are now due on May 19, 1986 and reply comments are due on July 3, 1986.

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

FOR FURTHER INFORMATION CONTACT: Nia Chirigos Cresham, Private Radio Bureau, Land Mobile and Microwave Division, Rules Branch, (202) 634-2443.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 90

Private Land Mobile Radio Services, Radio.

Order

In the matter of amendment of Part 90 of the Commission's Rules Governing Eligibility for the Specialized Mobile Radio Services in the 800 MHz Private Land Mobile Band, PR Docket No. 86-3.

Adopted: February 14, 1986.
Released: February 18, 1986.

By the Acting Chief, Private Radio Bureau:

1. On January 10, 1986, the Commission released a *Notice of Proposed Rule Making*, Docket No. 86-3, 51 FR 2,910 (January 22, 1986). The *Notice* proposed to amend the Commission's rules governing the eligibility requirements for licensees in the Specialized Mobile Radio (SMR) Services. Current rules prohibit wire line telephone common carriers from being licensed in the SMR Service. We proposed to allow wire line telephone carriers to be eligible to apply for an SMR license. We designated thirty days for interested persons to file comments and fifteen days to file reply comments. Therefore, the current deadline for filing comments is February 18, 1986, and the deadline for filing reply comments is March 5, 1986.

2. On January 15, 1986, we received a Motion for Extension of Time in which to file comments, filed by the National Association of Business and Educational Radio, Inc., (NABER) pursuant to 47 C.F.R. § 1.46. We received comments in support of the Motion for Extension of Time from the American SMR Network Association, Inc. (ASNA). Both NABER and ASNA are non-profit associations representing the interests of SMR Service Licensees.

3. In support of its request for an extension of time, NABER states that additional time is necessary to develop a complete record addressing the significant impact that the proposed rule making would have on the private land mobile services. NABER notes the need to analyze several factors, such as: the economic impact on the SMR market; the legality of the proposal under the Communications act of 1934, as amended, and the post-divestiture policies for wire line carriers; the prospective increase in the use of interconnection; the impact on allocation and assignment policies for the SMR Service; and the arrangements necessary to ensure a "level playing field" among the users of interconnection.

4. We recognize the complexity of the issues involved in this proceeding and the need to develop a complete record. Therefore, an extension of time will be granted. We will allow an additional ninety (90) days within which to file comments and an additional forty-five (45) days within which to file reply comments. Accordingly, it is ordered, pursuant to the authority set forth in § 0.331 of the Commission's rules, that interested parties are to file comments by May 19, 1986 and reply comments by July 3, 1986.

5. For further information in this matter contact Nia Chirigos Cresham of the Rules Branch Land Mobile and Microwave Division, (202) 634-2443.

Federal Communications Commission.

Michael T.N. Fitch,

Acting Chief, Private Radio Bureau.

[FR Doc. 86-3926 Filed 2-21-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 86-63; RM-4991; FCC 86-73]

Examination Credit for Written Examination Elements Above the Novice Class

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: This document proposes rules to give examination credit for written elements for amateur radio operator examinations. These rules are being proposed in order to allow Volunteer-Examiner Coordinators (VEC's) and volunteer examiners greater latitude in the administration of amateur operator examinations, and to give applicants additional examination opportunities.

DATE: Comments are due April 30, 1986. Reply comments are due May 31, 1986.

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

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Private Radio Bureau, Washington, D.C. 20554 (202) 632-4964.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 97

Amateur Radio,

Examinations.

The collection of information requirement contained in this proposed rule has been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act. Persons wishing to comment on this collection of information requirement should direct their comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Federal Communications Commission.

In the matter of Amendment of Part 97 of the Commission's Rules to Provide for Examination Credit for Written Examination Elements above the Novice Class. PR Docket No. 86-63, RM-4991.

Notice of Proposed Rulemaking

Adopted: February 7, 1986.

Released: February 12, 1986.

By the Commission:

1. Robert A. Scupp has filed a petition for rule making (RM-4991) proposing "to amend §§ 97.25(b) and 97.28(e) of the Commission's Rules to authorize currently licensed amateur radio operators to receive examination element credit upon successfully completing Elements 1(A), 1(B), 1(C), 2, 3, 4(A) and 4(B)," except for examinations for the Novice license.[1]

[1] Scupp also filed a Motion for Amendment of RM-4991. The purpose of the amendment was to illustrate how to use Form 610 in the event of adoption of his proposal so as to avoid any need to revise it, at least for the short term. We will treat this motion as a comment upon this rule making petition.

The volunteer examination system for amateur operator licenses above the Novice class went into effect December 1, 1983.[2] In some respects it was patterned after the examination system previously employed by the Commission.

2. For administrative convenience we routinely administered any required telegraphy examination element before administering any required written examination element to a license applicant. Our rules provided for examination credit for telegraphy elements to accommodate those applicants who successfully completed the telegraphy element but failed the written element. The one-year credit for the telegraphy element enabled them to retake the written element without having to again demonstrate the required proficiency in the international Morse code. There was no provision for credit for written elements since a successful applicant would be issued a license.

3. It appears that under the volunteer examination system, it is sometimes desirable to administer written examination elements prior to administering telegraphy examination elements. In instances where an applicant without a license initially seeks a class higher than Novice, or where an applicant with a license seeks to upgrade to a class two or more levels higher than his/her current class, volunteer examiners (VE's) may prefer not to follow the former approach.

4. Our rules make no provision for examination credit for written elements. Thus, an applicant under the volunteer examination system who successfully completes a required written element but fails a required telegraphy element in an examination session must re-take the written element at a later session. The object of Scupp's petition is to eliminate the need for an applicant to re-take written examination elements which have already been successfully completed. Scupp expressed particular concern about applicants seeking to further upgrade while awaiting FCC processing of a previously upgraded license.

5. William G. Welsh filed comments concurring with Scupp's proposal. Jonathan C. Higbee supported Scupp's proposal, but added that the certificate of successful completion of examination issued last in time should state all elements (both telegraphy and written) successfully completed to date. Richard S. Moseson proposed to extend temporary operating authority to persons who have successfully completed examinations for but not yet received their first amateur license.

6. We see no reason to continue the procedures of the former examination structure in the existing volunteer examination system. If examiners and volunteer-examiner coordinators (VEC's) find it useful and convenient to offer examination elements in a different order, our rules should not hinder them. We therefore propose rules to offer examination credit for all written and telegraphy elements administered under the volunteer examination system above the Novice class, as set forth in Appendix A.

7. We do not propose to extend temporary operating authority in the Amateur service to persons who have successfully completed the examinations for but not yet received their first amateur license. Written and telegraphy examinations are only part of the qualifications procedure. We must make many determinations based upon FCC Form 610 before we may issue an amateur operator license, including that the applicant is not a representative of a foreign government, that the applicant has a mailing address in the United States, and that the applicant's station application is not a major action for purposes of environmental impact. See also 47 U.S.C. 303(1). Before issuing an amateur operator license we must know the associated station's land location and control point(s), without which we cannot provide effective enforcement to resolve interference problems. For these reasons temporary operating authority is only appropriate for those applicants who seek to upgrade existing amateur operator licenses.

8. Nor do we propose to require that the most recent certificate of successful completion of examination include all previous successfully completed elements, for that information may not be readily available or verifiable by the examiners or the VEC's with which they are associated. We do, however, seek comment on whether expansion of the use of certificates of successful completion of examination to written examination elements is workable.

9. We also seek comment on another aspect of the volunteer examination system. If we give examination credit for all elements coordinated by VEC's, is it necessary to require an application before a candidate may take an element? We do not wish to receive and hold applications until an applicant has accumulated required elements, due to the increased administrative burden this would place upon our processing staff. However, we do seek comment on whether VEC's could be the repository of such pending applications, or whether we should allow a candidate to accumulate certificates of successful completion and to later submit an FCC Form 610 through a VEC when that candidate has fulfilled the requirements for the desired class of operator license.

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

See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is available from the Commission's Consumer Assistance Office, FCC, Washington, DC 20554 (202) 632-7000.

11. Authority for issuance of this Notice is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules (47 CFR 1.415 and 1.419) interested parties may file comments on or before April 30, 1986, and reply comments on or before May 31, 1986. All relevant and timely comments will be considered by the

[2] See *Report and Order*, PR Docket No. 83-27, 47 FR 45652, October 6, 1983.

Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original and nine copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Docket Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, NW. Washington, DC 20554.

12. The proposal contained herein would require slight modification of FCC Form 610. Specifically, Part B. of the Volunteer Examiner Team Report would need to be revised to permit examiners to give examination credit for written elements to holders of certificates of successful completion of examination for those elements. Additionally, Instruction Number 6 to Volunteer Examiner Teams for Section II–B of Application Form 610 would need to be revised to permit administration of examination elements in any order. The proposed modifications to FCC Form 610 are set forth in Appendix B.

13. These changes to FCC Form 610 would, if promulgated, impose new or modified requirements or burden upon the public with respect to the Paperwork Reduction Act of 1980. Implementation of any new or modified requirement or burden will be subject to approval by the Office of Management and Budget as prescribed by the Act.

14. In accordance with section 605 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605), we certify that this rule change would not, if promulgated, have a significant economic impact on a substantial number of small entities, because these entities may not use the Amateur Radio Service for commercial radio communication. (See 47 CFR 97.3(b)).

15. It is ordered, That the Secretary shall cause a copy of this *Notice* to be served upon the Chief Counsel for Advocacy of the Small Business Administration.

16. For information concerning this proceeding, contact John J. Borkowski, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554 (202) 632–4964.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachments: Appendices.

APPENDIX A

PART 97—[AMENDED]

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations would be amended as follows:

1. The authority citation for Part 97 would continue to read:

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

2. Paragraph (b) of § 97.25 would be revised to read:

§ 97.25 Examination credit.

* * * * *

(b) A certificate of successful completion of an examination will be issued by the examiners to applicants who successfully complete an examination element coordinated by a VEC under Subpart I. Upon presentation of this certificate examiners shall give the applicant for an amateur radio operator license examination credit for the previously completed element. A certificate is valid only for a period of one year from the date of its issuance.

* * * * *

§ 97.28 [Amended]

3. Paragraph (e) of § 97.28 would be removed and reserved.

APPENDIX B

FCC Form 610 would be revised as follows: (Form 610 does not appear in the Code of Federal Regulations).

1. Line B. of the Volunteer Examiner Team Report would be revised to read:

* * * * *

B. CERTIFICATE OF SUCCESSFUL COMPLETION OF AN EXAMINATION HELD (97.25(b)):	Dated: →							

* * * * *

2. Paragraphs 4 and 6 of the Instructions to Volunteer Examiner Teams under Section II–B of the Instructions for Section II of Application Form 610 would be revised to read:

* * * * *

4. If the applicant holds a valid CERTIFICATE OF SUCCESSFUL COMPLETION OF AN EXAMINATION issued within the previous one year period for any element, enter the date of issuance of the Certificate in ITEM B of the VET REPORT. Make a check mark in the box which corresponds to the element to be credited to the applicant.

* * * * *

6. Administer the examination by administering any required telegraphy and written elements. If the applicant fails Element 1(C), Element 1(B) may be administered. If the applicant fails Element 1(B), Element 1(A) may be administered. Written elements should be administered in ascending order of difficulty. If the applicant fails a written element, no additional written elements should be administered. Make check marks in the appropriate boxes in ITEM D of the VET REPORT for those elements the applicant passes.

* * * * *

[FR Doc. 86–3622 Filed 2–21–86; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 51, No. 36
Monday, February 24, 1986

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

Commodity Credit Corporation

1985 Tobacco Price Support Level; Burley Tobacco

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Notice of determination of level of price support for 1985-crop Burley Tobacco.

SUMMARY: The purpose of this notice is to affirm the level of price support for the 1985 crop of burley tobacco which was announced by press release by the Executive Vice President, Commodity Credit Corporation (CCC), on November 15, 1985. The level of price support is determined in accordance with Section 106 of the Agricultural Act of 1949, as amended.

EFFECTIVE DATE: November 15, 1985.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy or Robert H. Miller, (202) 447–8839. The Final Regulatory Impact Analysis describing the impact of implementing the prescribed support level is available from Dr. Miller or Mr. Tarczy.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, the environment, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice applies to are: Title—Commodity Loans and Purchases, Number—10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject of this notice.

Price support is required to be made available for burley tobacco for the 1985 crop since producers approved marketing quotas for the 1983, 1984, and 1985 marketing years. Section 106 of the Agricultural Act of 1949 (the "1949 Act") was amended by Pub. L. 99–157, approved November 15, 1985, to add a new subsection (f)(5) which provides that the level of price support for 1985 crop of burley tobacco shall be 148.8 cents per pound. Earlier, the level of price support for the 1985 crop of burley tobacco was determined to be 178.8 cents per pound. (See 50 FR 37557). On November 15, 1985, the Department of Agriculture announced by press release that the level of price support for the 1985 crop of burley tobacco is 148.8 cents per pound. In addition, the Department also announced at that time the grade loan rates which reflect this level of price support.

Since the only purpose of this notice is to affirm the announcement of the statutory level of price support for the 1985 crop of burley as announced on November 15, 1985, it has been determined that no further public rulemaking is required.

Determination

Accordingly, it has been determined that the level of price support for the 1985 crop of burley tobacco is 148.8 cents per pound. The grade loan rates reflecting this level of price support for the 1985 crop of tobacco are available at county Agricultural Stabilization and Conservation Service offices, producer associations, and the Tobacco and Peanuts Division, Agricultural Stabilization Conservation Service, Washington, DC.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); Secs. 101, 106, 401, 403, 406, 63 Stat. 1051 as amended, 74 Stat. 6, as amended, 63 Stat. 1054, as amended, 63 Stat. 1055, as amended (7 U.S.C. 1441, 1445, 1421, 1423, 1426).

Signed at Washington, DC on February 4, 1986.

John R. Norton,
Acting Secretary.

[FR Doc. 86–3899 Filed 2–21–86; 8:45 am]
BILLING CODE 3410–05–M

COMMISSION ON CIVIL RIGHTS

Colorado Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Colorado Advisory Committee to the Commission will convene at 9:30 a.m. and adjourn at 4:00 p.m., on April 5, 1986, at the Rodarte Center, 920 A Street, Greeley, Colorado. The sub-committee will conduct a forum to gather information on problems related to Hispanic dropouts.

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

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

Dated at Washington, D.C., February 18, 1986.

Ann Goode,
Program Specialist for Regional Programs.

[FR Doc. 86–3951 Filed 2–21–86; 8:45 am]
BILLING CODE 6335–01–M

Michigan Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 6:00 p.m. and adjourn at 10:00 p.m. on March 20, 1986, at the Plymouth Hilton, Conference Room A, 14707 Northville Road, Plymouth, Michigan. The purpose of the meeting is to discuss the status of civil rights in the

State of Michigan and to select and plan future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Charles Tobias or Clark Roberts, Director of the Midwestern Regional Office at (312) 353-7371, (TDD 312/886-2188). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five(5) working days before the scheduled date of the meeting.

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

Dated at Washington, D.C., February 19, 1986.

Yvonne E. Schumacher,

Program Specialist for Regional Programs.

[FR Doc. 86-3952 Filed 2-21-86; 8:45 am]

BILLING CODE 6335-01-M

Utah Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Utah Advisory Committee to the Commission will convene at 7:00 p.m. and adjourn at 10:00 p.m., on March 12, 1986, at the State Office of Education Building, 200 East 500 South, Salt Lake City, Utah. The purpose of the meeting is to plan a community forum on pay equity and discuss current civil rights issues.

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

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

Dated at Washington, D.C., February 18, 1986.

Ann Goode,

Program Specialist for Regional Programs.

[FR Doc. 86-3953 Filed 2-21-86; 8:45 am]

BILLING CODE 6335-01-M

Wisconsin Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will convene at 7:00 p.m. and adjourn at 9:00 p.m. on March 12, 1986, at the Pfister Hotel, 424 E. Wisconsin, Mirror Room, Milwaukee, Wisconsin. The purpose of the meeting is to discuss Indian issues in Wisconsin, as well as Committee projects on Milwaukee growth industries and affirmative action.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Kwame Salter or Clark Roberts, Director of the Midwestern Regional Office at (312) 353-7371, (TDD 312/886-2188). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

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

Dated at Washington, D.C., February 18, 1986.

Yvonne Schumacher,

Program Specialist for Regional Programs.

[FR Doc. 86-3954 Filed 2-21-86; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Number of Employees, Payrolls, Geographic Location, and Kind of Business for Single-Establishment Employers; Determination for Surveys

In conformity with Title 13, United States, sections, 182, 224, and 225 and due notice of consideration having been published on December 12, 1985 (50 FR 50819), I have determined that a 1985 Company Organization Survey is needed to update the single-establishment employers in the Standard Statistical Establishment List. The survey is designed to collect information on the number of employees, payrolls, geographic location, and kind of business for single-establishment employers. These data will have significant application to the needs of the public and to governmental agenices and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to organizations included in the survey and additional copies of the form are available on request to the Director, Bureau of the Census, Washington, DC 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

Dated: February 19, 1986.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 86-3911 Filed 2-21-86; 8:45 am]

BILLING CODE 3510-07-N

International Trade Administration

[C-201-005]

Litharge, Red Lead and Lead Stabilizers From Mexico; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On September 10, 1985, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on litharge, red lead and lead stabilizers from Mexico. The review covers the period January 1, 1983, through December 31, 1983, and 11 programs.

We gave interested parties an opportunity to comment on the preliminary results. After review of all comments received, the Department has determined the bounty or grant during the period of review to be 5.16 percent *ad valorem*.

EFFECTIVE DATE: February 24, 1986.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau or Stephen Nyschot, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 36912) the preliminary results of its administrative review of the countervailing duty order on litharge, red lead, and lead stabilizers from Mexico (47 FR 54847, December 6, 1982). In accordance with § 355.10(a) of the Commerce Regulations, a domestic

interested party and the Mexican government on October 21, 1985, and November 15, 1985, respectively, requested that we complete the administrative review. The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of Mexican litharge, red lead, and lead stabilizers, which include lead compounds "not specifically provided for" ("NSPF") and pigments containing lead NSPF. Such merchandise is currently classifiable under the following items of the Tariff Schedules of the United States Annotated: litharge, 473.5200; red lead, 473.5600; lead compounds NSPF, 419.0400; and pigments containing lead NSPF, 473.9000.

The review covers the period January 1, 1983, through December 31, 1983, and 11 programs: (1) FOMEX; (2) Article 94 of the Banking Law; (3) CEPROFI; (4) state tax incentives; (5) FONEI; (6) FOGAIN; (7) import duty reductions and exemptions; (8) CEDI; (9) discounts on lead purchases through the Boletin price mechanism; (10) accelerated and immediate depreciation allowances; and (11) FOMIN.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received written comments from the two exporters, Pigmentos y Oxidos, S.A. ("PYOSA") and Productos Industriales de Plomo, S.A. ("PIPSA").

Comment 1: The exporters contend that the rate of cash deposit of estimated countervailing duties should reflect their discontinuance in 1984 of FOMEX benefits on U.S. sales. Although the Department was not able to verify the discontinuance as part of its verification for the 1983 review period, there is no statutory requirement that information used to establish the rate of cash deposit be verified. The Department should have used as the best information available the certifications from the FOMEX trustee that in 1984, both PYOSA and PIPSA stopped using, FOMEX financing on U.S. sales. Although the certifications were submitted after the verification, the Department should not consider the date of verification to be the cutoff point for accepting information relating to cash deposits. Such a cutoff is not mandated by statute or by regulation and its selection is entirely arbitrary, especially in view of the long delay between the date of verification and the date of publication of the preliminary results.

Department's Position: We disagree. Although there is no statutory requirement to use verified information in establishing the rate of cash deposit, the Department uses verified information whenever possible. Here, the exporters made the claim of cessation before our verification for all but PIPSA's use of FOMEX export financing. We attempted to verify the three cessations that the exporters claimed to have occurred by the time of verification. The exporters only produced documents regarding PIPSA's cessation of FOMEX pre-export financing, and those documents did not demonstrate cessation. The certifications from the FOMEX trustee, submitted after the verification, cannot resolve the issue in light of the failed verification. We therefore consider the level of FOMEX borrowing during the review period to be the best estimate for the level of borrowing on U.S. sales after the review period.

Comment 2: The exporters contend that the Department erred in not using the most recent FOMEX pre-export interest rate in the administrative record for purposes of establishing the cash deposit rate. That interest rate became effective on October 1, 1984, well before the signing of the preliminary results of the review. Furthermore, the Department should have considered the stipulations in the Understanding between the United States and Mexico regarding Subsidies and Countervailing Duties ("the Understanding"), signed on April 23, 1985. In the Understanding, the Government of Mexico agreed to eliminate, by September 1, 1985, one-third of the export subsidy element of its pre-export and export financing with a maturity of less than two years. Therefore, the Department should further reduce the cash deposit rate for both FOMEX pre-export and export financing by one-third.

Department's Position: In establishing a rate of cash deposit, the Department normally considers program-wide changes that occur before signature of the notice of preliminary results. On September 2, 1985, before signature of the notice, the Mexican government raised the interest rate on FOMEX pre-export financing to 39.6 percent and on FOMEX export financing to 6.6 percent. The Mexican government made these changes in observance of the stipulation in the Understanding that one-third of the subsidy element of such financing would be eliminated by September 1, 1985. Therefore, to calculate the cash deposit rate, we have now compared the September FOMEX rates to our most recent commercial benchmarks.

For purposes of assessment, we used as a peso benchmark for the pre-export loans the nominal Mexican interest rates published in the *Indicadores Economicos* ("IE") by the Banco de Mexico. As of 1985, the Banco de Mexico no longer publishes those rates. We therefore consider the most appropriate benchmark to be the Banco de Mexico's Costo Porcentual Promedio ("CPP"), the average cost of funds to Mexican banks, plus a spread equal to the average differential between the CPP and the nominal IE rates from 1981 to 1984, the only period for which we have nominal IE rates. Using that information, we calculate the comparable peso-denominated loan rate to be 65.77 percent in September 1985.

In calculating the benefits from the short-term dollar-denominated FOMEX export loans for purposes of assessment, we used as the benchmark the weighted average of the interest rates for loans of less than one million dollars for commercial and industrial loans from table 1.34 of the Federal Reserve Bulletin. The Federal Reserve no longer publishes that table, but includes similar information in table 4.23. The main difference for our purpose is that table 4.23 differentiates between fixed-rate and floating-rate loans. Since FOMEX loans carry fixed rates, we have considered only the fixed-rate section of the commercial and industrial loans reported in table 4.23. We continue to exclude loans of greater than one million dollars. Using that information, we conclude that comparable dollar-denominated loans were available commercially at 12.88 percent during the third quarter of 1985.

On this basis, we determine, for purposes of cash deposit of estimated countervailing duties, the potential bounty or grant from FOMEX pre-export loans to be 1.17 percent *ad valorem*, and from FOMEX export loans, 2.20 percent *ad valorem*.

Final Results of Review

After reviewing all of the comments received, we determine the total bounty or grant to be 5.16 percent *ad valorem* during the period of review.

The Department therefore will instruct the Customs Service to assess countervailing duties of 5.16 percent of the f.o.b. invoice price on any shipments of this merchandise exported on or after January 1, 1983, and on or before December 31, 1983.

The Department will instruct the Customs Service to collect a cash deposit of estimated countervailing

duties, as provided by section 751(a)(1) of the Tariff Act, of 3.38 percent of the entered value on any shipment of Mexican litharge, red lead, or lead stabilizers entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.10 of the Commerce Regulations (19 CFR 355.10; 50 FR 32556, August 13, 1985).

Dated: February 18, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-3893 Filed 2-21-86; 8:45 am]

BILLING CODE 3510-DS-M

National Technical Information Service

Intent To Grant Exclusive Patent License; Roberts Laboratories, Inc.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Roberts Laboratories, Inc., having a place of business at 230 Half Mile Road, Red Bank, New Jersey 07701, an exclusive right in the United States to manufacture, use, and sell products embodied in the invention entitled "Hydantoin Compounds and Methods of Use Thereof," U.S. Patent 4,105,774. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the attention of Robert P. Auber, Director, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 86-3873 Filed 2-21-86; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on the LHX Helicopter; Closed Meeting

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on the LHX Helicopter will meet in closed session on February 27 and 28, March 31 and April 1, April 28 and 29, and May 22 and 23, 1986 at the MITRE Corporation, McLean, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting this Task Force will evaluate the Army's requirements for the LHX Helicopter.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1)(1982), and that accordingly this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 18, 1986.

FR Doc. 86-3918 Filed 2-21-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Agency Information Collection Under OMB Review

ACTION: Public information collection requirement submitted to OMB review.

SUMMARY: The Department of Defense has submitted to 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). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Existing Collection in use Without an OMB Number

Parents'/Parents-In-Law's Dependency Statement

Forms are used to obtain information from Parents, Parents-In-Law, to determine dependency upon service member, retired member, or surviving spouse for entitlement to basic allowance for quarters with dependent rate, travel, or ID card privileges.

Individuals:

Responses, 3,900.

Burden hours, 3,900.

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

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Courtney Collier, AFAFC/AJCD, Denver, CO 80279-5000, telephone number (303) 370-7907.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 19, 1986.

[FR Doc. 86-3912 Filed 2-21-86; 8:45 am]

BILLING CODE 3810-01-M

Agency Information Collection Under OMB Review

ACTION: Public information collection requirement submitted to OMB review.

SUMMARY: The Department of Defense has submitted to 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). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Existing Collection in use Without an OMB Number

Childrens' Dependency Statement

Forms are used to obtain information from Child's Custodian, or Retired member to determine dependency upon service member, or surviving spouse for entitlement to basic allowance for quarters with dependent rate, travel, or ID care privileges.

Individuals:

Responses, 9,000.

Burden hours, 4,950.

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

SUPPLEMENTAL INFORMATION: A copy of the information collection proposal may be obtained from Mr. Courtney Collier, AFAFC/AJCD, Denver, CO 80279–5000, telephone number (303) 370–7907.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 19, 1986.

[FR Doc. 86–3913 Filed 2–21–86; 8:45 am]

BILLING CODE 3810–01–M

Existing Collection in Use Without an OMB Number

Students' Dependency Statement

Forms are used to obtain information to verify dependency of college student upon service member, retired member, or surviving spouse for entitlement to basic allowance for quarters with dependent rate, travel, or ID card privileges.

Individuals:

Response, 1,600.

Burden hours, 1,600.

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

SUPPLEMENTAL INFORMATION: A copy of the information collection proposal may be obtained from Mr. Courtney Collier, AFAFC/AJCD, Denver, CO 80279–5000, telephone number (303) 370–7907.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 19, 1986.

[FR Doc. 86–3914 Filed 2–21–86; 8:45 am]

BILLING CODE 3810–01–M

Existing Collection in Use Without an OMB Number

Parent's/Parents-In Law's Optional Dependency Certification

Forms are used under certain circumstances to certify dependency of Parents or Parents-In-Law upon service member, retired member, or surviving spouse for entitlement to basic allowance for quarters with dependent rate, travel, or ID card privileges.

Individuals:

Responses, 1,100.

Burden hours, 275.

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

SUPPLEMENTAL INFORMATION: A copy of the information collection proposal may be obtained from Mr. Courtney Collier, AFAFC/AJCD, Denver, CO 80279–5000, telephone number (303) 370–7907.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 19, 1986.

[FR Doc. 86–3915 Filed 2–21–86; 8:45 am]

BILLING CODE 3810–01–M

Agency Information Collection Under OMB Review

ACTION: Public Information Collection Requirement Submitted to OMB Review.

SUMMARY: The Department of Defense has submitted to 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). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Agency Information Collection Under OMB Review

ACTION: Public information collection requirement submitted to OMB review.

SUMMARY: The Department of Defense has submitted to 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). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Agency Information Collection Under OMB Review

ACTION: Public information collection requirement submitted to OMB for review.

SUMMARY: The Department of Defense has submitted to 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). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number or responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) the point of contact from whom a copy of the information proposal may be obtained.

Extension

Unescorted Entry Authorization Certificate (AF Form 2586)

The information collected on AF Form 2586 is needed to identify individuals who require entry into controlled or restricted areas on Air Force installations.

Individuals, Local Governments, Businesses.

Responses, 120,000.

Burden hours, 6,000.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 2335, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone number (202) 746-0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Chief Master Sergant George Gould, Kirtland AFB, NM 87117-6001, telephone number (505) 844-9091.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 19, 1986.

[FR Doc. 86-3916 Filed 2-21-86; 8:45 am]

BILLING CODE 3810-01-M

Agency Information Collection Under OMB Review

AGENCY: Public information collection requirement submitted to OMB for review

SUMMARY: The Department of Defense has submitted to 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). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Visitor Register for Controlled/ Restricted Area (AF Form 1109)

AF Form 1109 is used by Air Force Security Police to maintain the security of restricted areas on Air Force installations. Visitors requesting access to such areas are required to furnish personal identification and their destination within the area. They are also required to sign in and, when leaving, indicate time of departure.

Individuals, Local Governments, Businesses:

Responses, 120,000.

Burden hours, 6,000.

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

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Chief Master Sergeant George Gould, Kirtland AFB, NM 87117-6001, telephone number (505) 844-9091.

Patricia H. Means,

OSD Federal Register Liaison Officer Department of Defense.

February 19, 1986.

[FR Doc. 86-3917 Filed 2-21-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Public Information Collection Requirement Submitted to OMB for review.

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

Extension

Reference Questionnaire, Naval Reserve Officers Training Corps

Navcruit 1131/8

An assessment of an applicant's qualifications for an NROTC scholarship is necessary to ensure that the Selection Board has the information needed to select the best qualified candidates. Collection is necessary to have information from teachers and other adults on the applicant's academic ability and eligibility for an NROTC scholarship.

Individuals or teachers.

Responses, 36,000.

Burden hours, 12,000.

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

FOR FURTHER INFORMATION CONTACT: A copy of the information collection proposal may be obtained from Commander J. M. Thomas, Navy Recruiting Command, Washington, DC, College Programs Branch, telephone (202) 696-4581.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 19, 1986.

[FR Doc. 86-3919 Filed 2-21-86; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-85-028; OFP Case No. 61052-9287-01-24]

Dartmouth College; Exemption From Prohibitions of Powerplant and Industrial Fuel Use

AGENCY: Economic Regulatory Administration Energy.

ACTION: Order granting to Dartmouth College, exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department

of Energy (DOE) hereby gives notice that it has granted a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. § 8301 *et seq.* ("FUA" or "the Act"), to Dartmouth College of Hanover, New Hampshire. The permanent cogeneration exemption permits the use of oil as the primary energy source for a proposed boiler to replace the aging capacity of its Hanover, New Hampshire campus heating plant. The final exemption order and detailed information on the proceeding are provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATES: The order shall take effect on April 25, 1986.

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

FOR FURTHER INFORMATION CONTACT:

Xavier Puslowski, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Indepenuence Avenue SW., Room GA–045, Washington, D.C. 20585, Telephone (202) 252–4708.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A–113, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone (202) 252–6749.

SUPPLEMENTARY INFORMATION: On August 19, 1985, Dartmouth College of Hanover, New Hampshire filed a petition requesting a permanent cogeneration exemption from the prohibitions of FUA for a proposed 90,000 lb/hr oil-fired boiler. The oil or gas that will be consumed by the heating plant with the new boiler is designed to be less than that which would otherwise be consumed with the continuation of the present system. All electricity produced by cogeneration will be used by Dartmouth.

Basis for Permanent Exemption Order

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

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

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

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition and Availability of Certification in the **Federal Register** on September 30, 1985 (50 FR 39755), commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental Protection Agency for comments as required by section 701(f) of the Act. During the comment period interested persons were afforded an opportunity to request a public hearing. The comment period closed on November 13, 1985; no comments were received and no hearing was requested.

NEPA Compliance

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

Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, ERA has determined that Dartmouth College of Hanover, New Hampshire has satisfied the eligibility requirements for the requested permanent cogeneration exemption, as set forth in 10 CFR 503.37. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent cogeneration exemption to Dartmouth College of Hanover, New Hampshire, to permit the use of oil as the primary energy source for its cogeneration facility.

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

Issued in Washington, D.C. on February 13, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86–3970 Filed 2–21–86; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–C&E–86–31; OFP Case No. 65040–9307–20–24]

Acceptance of Petition for Exemption and Availability of Certification by Oceanside Refrigeration, Inc.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of acceptance of petition for exemption and availability of certification by Oceanside Refrigeration, Inc.

SUMMARY: On January 13, 1986, Oceanside Refrigeration, Inc. (ORI), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for a proposed electric powerplant to be located at its facility in San Diego County, California, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the cogeneration exemption were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

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

ERA will issue a final order granting or denying the petition for exemption

from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATES: Written comments are due on or before April 10, 1986. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-045, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

Docket No. ERA-C&E-86-31 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Steven Mintz, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-045, Washington, DC 20585. Telephone (202) 252-9506

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

SUPPLEMENTARY INFORMATION: ORI proposes to construct and operate a 40.9 MW cogeneration facility in San Diego County, California, which will (1) generate electrical power for sale to San Diego Gas and Electric Company and (2) produce steam to meet the requirements of the adjoining cold storage and ice making complex. The system will consist of a gas turbine, a heat recovery steam generator, a steam turbine generator, an absorption refrigeration package, and ancillary equipment.

The cogeneration facility is classified as an electric powerplant under FUA because more than 50 percent of its net annual electric generation will be sold in San Diego Gas & Electric Co., Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), ORI has certified to ERA that:

1. The gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture petroleum or natural gas and an alternate fuel in the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

In accordance with the evidentiary requirements of § 503.37(c) (and in addition to the certifications discussed above), ORI has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR 1500 *et seq.*; and DOE guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) An Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment.

If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that ORI is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC on February 10, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-3968 Filed 2-21-86; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Managment and Budget.

SUMMARY: The Department of Energy (DOE) has submitted the energy information collections, listed at the end of this notice, to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by DOE.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The collection number(s); (2) Collection title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to respond to the collection; and (9) A brief abstract describing the proposed collection.

DATES: Last Notice published Tuesday, February 11, 1986 (51 FR 5100).

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Data Collection Services Division (DCSD), Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-2308

Vartkes Broussalian, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395-7313.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to Mr. Broussalian within 30 days of this notice.

If you anticipate commenting on a collection, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, DC, February 14, 1986.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE Collections Under Review by OMB

Collection No.	Collection title	Type of request	Response frequency	Response obligation	Respondent description	Estimated No. of respondents	Annual respondent burden hrs.	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
FE								
FE-748	Enhanced Oil Recovery Annual Report.	Reinstatement.	Annually	Voluntary	Businesses or other for profit.	83	516	FE-748 collects data on changes in well data and description of operation, and average monthly production and injection on projects in the enhanced oil recovery incentive program. Data are published. Respondents are individuals or companies that have enhanced oil recovery projects approved for the incentive program.
FERC								
FERC-531	Gas Producer Certificates: New Service/Amendments.	Extension	Event oriented.	Mandatory	Businesses or other for profit.	210	1,275	Producers who make certain sales of natural gas in interstate commerce pursuant to Section 7(c) of the Natural Gas Act, Section 2(18) of the Natural Gas Policy Act, and Part 157 of the Commission's regulations must file this information for certificates of public convenience and necessity.
FERC-576	Report by Certain Natural Gas Companies on Service Interruptions.	Extension	On occasion	Mandatory	Businesses or other for profit.	16	48	The information collected is required to give the Commission sufficient data to oversee pipeline safety and continuity of service.
FERC-587	Indexes of essential power site withdrawals.	New	On occasion	Mandatory	Business or other for profit, non-profit organizations, small business organizations.	1,000	25,000	Section 24 of the Federal Power Act provides for the automatic withdrawal of Federally-owned lands within the proposed boundaries of hydropower projects when an application for preliminary permit or license is filed with the Commission. FERC-587 will collect information to enable the Commission to determine which reserved Federal lands should be released for other possible uses, and which must remain reserved in order to protect the rights of the license and permit holders.

[FR Doc. 86-3969 Filed 2-21-86; 8:45 am]
BILLING CODE 6450-01-M

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, section 204(3), the Energy Information Administration (EIA) herewith published for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective March 1, 1986. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue, SW., Room BE-034, Washington, DC 20585, Telephone: (202) 252-6077.

Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on April 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollar per million BTU's
Alabama	2.89
Arizona [1]	3.20
Arkansas	3.10
California [1]	3.20
Colorado [2]	3.13
Connecticut [1]	3.15
Delaware [1]	3.40
Florida	3.14
Georgia [1]	3.22
Idaho [2]	3.13
Illinois [1]	2.93
Indiana [1]	2.93
Iowa [1]	2.83
Kansas [1]	2.83
Kentucky [1]	2.93
Louisiana [1]	3.17
Maine	3.10
Maryland [1]	3.40
Massachusetts [1]	3.15
Michigan	2.87
Minnesota	2.83
Mississippi [1]	3.22
Missouri [1]	2.83
Montana [2]	3.13
Nebraska [1]	2.83
Nevada [1]	3.20
New Hampshire	3.10
New Jersey [1]	3.40
New Mexico	2.97
New York	3.39
North Carolina [1]	3.22
North Dakota [1]	2.83
Ohio	2.76
Oklahoma [1]	3.17
Oregon	3.17
Pennsylvania	3.36
Rhode Island [1]	3.15
South Carolina [1]	3.22
South Dakota [1]	2.83
Tennessee [1]	3.22
Texas	2.97
Utah [2]	3.13
Vermont [1]	3.15
Virginia	3.15
Washington	3.07
West Virginia [1]	2.93
Wisconsin [1]	2.93
Wyoming [2]	3.13

[1] Region based price as required by FERC Interim Rule, issued on April 2, 1981, in Docket No. RM-79-21.

[2] Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during December 1985 was $34.74 per barrel. The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which the incremental pricing threshold becomes effective. The prices found in Platt's Oilgram Price Report are given for each trading day in the form of high and low prices for No. 2 fuel oil in Metropolitan New York and Northern New Jersey. A lag adjustment factor was calculated using the average of the low posted price for these two areas for the ten trading days ending February 14, 1986, and dividing that price by the corresponding average price computed from prices published by Platt's for the month of December 1985. This lag adjustment factor was applied to the December price yielding $22.48 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective March 1, 1986, is $5.04 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81–27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on November 6, 1981, in Docket No. RM81–28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA a sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of October 1985, November 1985, and December 1985.[3] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) Calculation of Volume-Weighted Average Price. The prices which will become effective March 1, 1986, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, October 1985, November 1985, and December 1985. Reported prices for sales in October 1985 were adjusted by the percent change in the nationwide volume-weighted average price from October 1985 to December 1985. Prices for November 1985 were similarly adjusted by the percent change in the nationwide volume-weighted average price from November 1985 to December 1985. The volume-weighted 3-month average of the adjusted October 1985 and November 1985, and the reported December 1985 prices were then computed for each State.

(2) Adjustment for Price Variation. States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) Calculation of Ceiling Price. The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of October 1985, November 1985, and December 1985. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weighted average price ceilings for Region E, Region F, and Region G, and Region H.

(4) Lag Adjustment. The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending February 14, 1986, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of December 1985. A regional lag adjustment factor was similarly

[3] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Region B

Delaware
Maryland
New Jersey
New York
Pennsylvania

Region C

Alabama
Florida
Georgia
Mississippi
North Carolina
South Carolina
Tennessee
Virginia

Region D

Illinois
Indiana
Kentucky
Michigan
Ohio
West Virginia
Wisconsin

Region E

Iowa
Kansas
Missouri
Minnesota
Nebraska
North Dakota
South Dakota

Region F

Arkansas
Louisiana
New Mexico
Oklahoma
Texas

Region G

Colorado
Idaho
Montana
Utah
Wyoming

Region H

Arizona
California
Nevada
Oregon
Washington

Issued in Washington, DC February 19, 1986.

L.A. Pettis,

Acting Deputy Administrator, Energy Information Administration.

[FR Doc. 86-4005 Filed 2-20-86; 2:17 pm]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 5865-000]

Availability of Environmental Assessment and Finding of No Significant Impact; David Cereghino

February 7, 1986

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the application for exemption listed below and has assessed the environmental impacts of the proposed development.

Project No.	Project name	State	Water body	Nearest town	Applicant
			Exemption		
5865-000	John Day Creek	ID	John Day Creek	Lucille	David Cereghino.

An Environmental Assessment (EA) was prepared for the above proposed project. Based on an independent analysis of the above action, as set forth in the EA, the Commission's staff concludes that the project would not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement for this project will not be prepared.

Copies of the EA are available for review in the Commission's Public Reference Section, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-3934 Filed 2-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7182-000]

Availability of Supplement to Environmental Assessment and Finding of No Significant Impact; Gerald and Lois Simms

February 7, 1986

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the application for exemption listed below and has assessed the environmental impacts of the proposed development.

Project No.	Project name	State	Water body	Nearest town	Applicant
			Exemption		
7182-000	Davis Creek	WA	Davis Creek	Silver Brook	Gerald and Lois Simms

A Supplemental to the Environmental Assessment (Supplement) was prepared for the above proposed project. Based on an independent analysis of the above action, as set forth in the Supplement, the Commission's staff concludes that the project would not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement for this project will not be prepared.

Copies of the Supplement are available for review in the Commission's Public Reference Section, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-3935 Filed 2-21-86; 8:45 am]

BILLING CODE 6710-01-M

Availability of Environmental Assessment and Finding of No Significant Impact; Summit Hydropower; et al.

February 12, 1986

	Project No.
Summit Hydropower	8264-001
Northern States Power Company	9003-000
City of Boulder	6282-003

	Project No.
Batten Kill Hydro Associates	6904-001
Idaho Renewable Resources, Bonneville Pacific Corporation, and Big Wood Canal Co.	8909-000
Birch Power Company	7194-001
Holden Village, Inc.	6758-003
City of Kaukaua	2715-005
David O. Harde	8722-000
Town of Gassaway	3344-002
Prodek, Inc.	8492-002
Geoffrey Shadroui	7746-001
Wisconsin Public Service Corp. and Wisconsin Public Power Inc. System	1966-003 and 8243-000
Manti City Corp.	7342-001
Owyhee Project Irrigation Districts	4359-001
Western Hydro, Inc.	8800-000
Ptarmigan Energy and Resources, Inc.	3174-002
Pacific Gas & Electric Company	2310-015
Rochester Gas & Electric and City of Rochester	2582-000 and 6379-001

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for major and minor licenses (or exemptions) listed below and has assessed the environmental impacts of the proposed developments.

Project No.	Project name	State	Water body	Nearest town	Applicant
Exemptions					
6264-001	Falls Mill Dam No. 2	CT	Yanti River	Norwich	Summit Hydropower
9003-000	Riverdale Hydro	WI	Apple River	Somerset	Northern States Power Company
6282-003	Orodell	CO	City of Boulder Water Distribution System.	Boulder	City of Boulder
Licenses					
6904-001	Upper Greenwich	NY	Batten Kill River	Easton and Greenwich	Batten Kill Hydro Associates
7194-001	Birch Creek	ID	Birch Creek	Clark County	Birch Power Co.
6758-003	Railroad Creek	WA	Railroad Creek	Chelan	Holden Village, Inc.
2715-005	Combined Locks	WI	Fox River	Combined Locks	City of Kaukauna
8722-000	Landis-Harde	CA	Perry Creek	Placerville	David O. Harde
3344-002	Sutton Dam	WV	Elk River	Sutton	Town of Gassaway
8492-002	McGee Creek Dam	OK	McGee Creek	Farris	Prodek, Inc.
7746-001	Stevens Water	VT	Stevens Branch of the Winooski River.	Barre	Geoffrey Shadroui
1966-003 and 8243-000.	Grandfather Falls	WI	Wisconsin River	Merrill	Wisconsin Public Service Corps. & Wisconsin Public Power Inc. System
7342-001	Manti Canyon	UT	Manti Creek	Manti City	Manti City Corp.
4359-001	Owhyee Tunnel #1	OR	Owyhee River/Lake Owyhee	Nyssa	Owyhee Project Irrigation Dist.
8800-000	Goose Creek	ID	Goose & Brundage Creeks	Payette National Forest	Western Hydro, Inc.
Amendments					
3174-002	Vallecito	CO	Los Pinos River	Durango	Ptarmigan Energy & Resources, Inc.
2310-015	Drum-Spaulding	CA	Lake Valley Canal, Bear River Canal, and Wise Canal.	Auburn	Pacific Gas and Electric Co.
2582-000 and 6379-001	Station No. 2	NY	Genesee River	Rochester	Rochester Gas & Electric and
	Upper Falls	NY	Genesee River	Rochester	City of Rochester

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environment impact statements for these projects will not be prepared.

Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-3936 Filed 2-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8174-001]

Surrender of Preliminary Permit; YZ Cattle Company

February 10, 1986.

Take notice that YZ Cattle Company, Permittee for the proposed Stillwater Project No. 8174, has requested that its preliminary permit be terminated. The preliminary permit was issued on September 4, 1984, and would have expired on August 31, 1986. The project would have been located on the South Fork of the White River, in Rio Blanco County, Colorado.

The Permittee filed the request on January 13, 1986, and the preliminary permit for Project No. 8174 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-3937 Filed 2-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP76-492-037]

Informal Settlement Conference; Penn-York Energy Corp.; National Fuel Gas Supply Corp.

February 14, 1986.

Take notice that, at the request of Penn-York, an informal settlement conference is scheduled for February 26, 1986, at 10:00 a.m., to discuss the possibilities of settlement in the above-

captioned docket. The conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington DC 20426.

All interested persons and Commission Staff are invited to attend; however, attendance at the conference will not confer party status. Any person wishing to become a party to this proceeding must file a Motion to Intervene in accordance with Rule 214(d) of the Commission's rules of practice and procedure (18 CFR 385.214(d)).

For further information contact Joel L. Saltzman (202) 357–5354, or Robert Woods (202) 357–5738, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–3938 Filed 2–21–86; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $25,000 to members of the public. This money is being held in escrow following the settlement of an enforcement proceeding involving Fine Petroleum Company of Norfolk, Virginia.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585. All comments should conspicuously display a reference to the Case No. HEF–0072.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–2860.

SUPPLEMENTARY INFORMATION: In accordance with Section 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to a Consent Order entered into by Fine Petroleum Company (Fine) of Norfolk, Virginia. The Consent Order involves a particular audit period and a distinct consent order fund as set forth in the Proposed Decision. The Consent Order settled possible pricing violations in Fine's sales of refined petroleum products to customers during the period November 1, 1973 through February 29, 1976.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow account funded by Fine pursuant to the Consent Order. The DOE has tentatively decided that the consent order fund should be distributed to those customers of Fine who establish that they were injured by Fine's alleged overcharges. Such customers will receive refunds proportionate to the volume of petroleum products they purchased from Fine during the consent order period. However, Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in the proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue SW., Washington, D.C. 20585.

Dated: February 7, 1986.

George S. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

February 7, 1986.

Name of Firm: Fine Petroleum Company
Date of Filing: October 13, 1983
Case Number: HEF–0072.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) of the DOE may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. The ERA filed such a petition on October 13, 1983 requesting that the OHA implement a proceeding to distribute funds received pursuant to a Consent Order entered into by the DOE and Fine Petroleum Company (Fine) of Norfolk, Virginia.

I. Background

Fine is a "reseller-retailer" of "refined petroleum products", as these terms were defined in 10 CFR 212.31. An ERA audit of Fine's operations during the period November 1, 1973 through February 29, 1976 (the audit period) revealed possible violations of the Mandatory Petroleum Price Regulations. In order to settle all claims and disputes between Fine and the DOE regarding Fine's compliance with the DOE price regulations in sales of No. 2 fuel oil, kerosene, solvents,[1] and motor gasoline during the audit period (hereinafter referred to as the consent order period), the firm entered into a Consent Order with the DOE on July 13, 1979. Under the terms of the Consent Order, Fine agreed to deposit $25,000 in an interest-bearing escrow account pending distribution by the DOE. The Consent Order refers to the ERA allegations of overcharges, but notes that no findings of violation were made. Additionally, the Consent Order states that Fine does not admit that it committed any such violations.

II. Jurisdiction

The procedural regulations of the DOE set forth general guidelines by which the OHA may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. It is DOE policy to use the Subpart V process to distribute such funds, where appropriate. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶ 82,553 (1982); *Office of Enforcement*, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers*). After reviewing the record in the present case, we have concluded that a Subpart V proceeding is an appropriate mechanism for distributing the Fine consent order fund. We therefore

[1] Solvents (special naphthas) were defined in the DOE price regulations as "all finished products within the gasoline range, not otherwise defined as aviation fuels or gasoline specially refined to specified flash point and boiling range, for use as paint thinners, cleaners, solvents, etc." 10 CFR 212.31.

propose to grant the ERA's petition and assume jurisdiction over distribution of the fund.

III. Proposed Refund Procedures

A. Eligible Claimants

We propose to establish a claims procedure whereby claimants who can demonstrate that they were injured as a result of Fine's pricing practices during the consent order period will be eligible to receive a refund. In the present case, the Consent Order specifies the portion of the consent order amount allocable to each of Fine's ten classes of purchaser. These classes of purchaser are listed in the Appendix to this Proposed Decision. We propose to allow any customer who was a member of one of these classes and who purchased No. 2 fuel oil, kerosene, solvents, or motor gasoline from Fine during the consent order period to apply for a refund in this proceeding.

B. Showing of Injury

We propose that claimants who resold refined petroleum products purchased from Fine be required to demonstrate that they did not pass on to their customers the price increases implemented by Fine. Accordingly, in order to qualify for a refund, a reseller claimant (including retailers) must show that it would have maintained its prices for the product purchased from Fine at the same level had the alleged overcharges not occurred. While there are a variety of ways to make this showing, a reseller should generally demonstrate that at the time it purchased refined petroleum products from Fine, market conditions would not permit it to increase its prices to pass through the additional costs associated with the alleged overcharges. *See OKC Corp./Hornet Oil Co.*, 12 DOE ¶ 85,168 (1985); *Tenneco Oil Co./Mid-Continent Systems, Inc.*, 10 DOE ¶ 85,009 (1982). In addition, a reseller will be required to show that it had "banks" of unrecovered increased product costs in order to demonstrate that it did not recover the increased costs associated with the alleged overcharges by increasing its prices. The maintenance of banks will not, however, automatically establish injury. *See, e.g., Tenneco Oil Co./Chevron U.S.A.*, 10 DOE ¶ 85,014 (1982).

C. Applicants Claiming a Refund of $5,000 or Less

In the present case, we propose to adopt a presumption of injury for small claims which has been used in many previous special refund cases. We will presume that reseller applicants claiming small refunds ($5,000 or less) were injured by the alleged overcharges. We recognize that making a detailed showing of injury may be too complicated and burdensome for resellers who purchased relatively small amounts of product from Fine. For example, such firms may have limited accounting and data-retrieval capabilities and may therefore be unable to produce the records necessary to prove the existence of banks of unrecovered costs or to show that they did not pass on the alleged overcharges to their own customers. We also are concerned that the cost to the applicant and to the government of compiling and analyzing information sufficient to make a detailed showing of injury not exceed the amount of the refund to be gained. In the past, we have adopted a small claims procedure to assure that the costs of filing and processing a refund application do not exceed the benefits. *See, e.g., Aztex Energy Co.*, 12 DOE ¶ 85,116 (1984); *Marion Corp.*, 12 DOE ¶ 85,014 (1984) *(Marion)*. We propose to adopt such a procedure in this case. Therefore, any applicant claiming a refund of $5,000 or less need not make a detailed showing of injury in order to be eligible to receive a refund.[2]

D. Spot Purchasers

We further propose that resellers who made spot purchases from Fine be ineligible to receive a refund, even a refund at or below the threshold level, unless they can make a showing that rebuts the presumption that they were not injured. As we have previously noted, a spot purchaser tends to have considerable discretion in where and when to make purchases and would therefore not have made spot purchases of Fine's product at increased prices unless it was able to pass through the full amount of the alleged overcharges to its own customers. *See Vickers*, 8 DOE at 85,396–97. Accordingly, in order to overcome the rebuttable presumption that it was not injured, a spot purchaser must submit evidence to establish that it was unable to recover the prices it paid for Fine's product and did not have discretion as to where and when to make the purchase(s) upon which its refund claim is based.

E. End-Users

We will not require end-users or ultimate consumers whose businesses are unrelated to the petroleum industry to make a detailed showing of injury. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,209 (1984). Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period and were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *Id.* We have therefore concluded that end-users of Fine products need only document their purchase volumes from the firm to make a sufficient showing that they were injured by the alleged overcharges. On the other hand, refund applicants whose business operations were subject to the DOE regulatory program and who purchased Fine products for consumption as fuel or raw materials will not be considered end-users for the purposes of the showing of injury. *See Seminole Refining, Inc.*, 12 DOE ¶ 85,188 (1985).

F. Calculation of Refund Amounts

We propose to use a volumetric method to divide the consent order fund among applicants who demonstrate that they are eligible to receive refunds. This method generally presumes that the alleged overcharges were spread equally over all the gallons of the consent order product(s) sold by a consent order firm. *See, e.g., Vickers.* As mentioned above however, the Consent Order in this proceeding specifies different consent order amounts for each Fine class of purchaser, thereby suggesting that the alleged overcharges were not spread equally among these classes. We therefore propose to adopt a more narrow presumption, which holds that the alleged overcharges to each class of purchaser were spread equally over all gallons of the consent order product sold *to that class* during the consent order period. Accordingly, we propose to establish a separate volumetric factor for each class of purchaser.[3] We have calculated the volumetric factors by dividing the maximum refund amount allocable to each class of purchaser under the terms of the Consent Order by the total volumes sold to that class by Fine. The classes of purchaser, maximum refund amounts, volumes, and

[2] As in prior refund cases, resellers whose calculated refund exceeds the threshold amount may elect to apply for a refund of $5,000 without being required to make a detailed demonstration of injury.

[3] Any customer who was in more than one class of purchaser during the consent order period may apply for a refund based on more than one volumetric refund amount. Under these circumstances, the applicant must provide separate documentation of volumes purchased from Fine as a member of each relevant class of purchaser.

volumetric refund factors are set forth in the Appendix to this Proposed Decision and Order. In each instance, a successful applicant will receive a volumetric refund amount for each gallon of refined petroleum products which it purchased from Fine during the consent order period. Any interest which accrued on the money in the escrow account will be added to the refund of each successful applicant in proportion to the size of its refund.

As in previous cases, we propose to establish a minimum refund amount of $15 for first stage claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1985).

Refund applications in the Fine proceeding should not be filed until after issuance of a final Decision and Order. Detailed procedures for filing applications will be provided in the final Decision and Order. Before disposing of any of the funds recieved as a result of the Consent Order involved in this proceeding, we intend to publicize the distribution process to solicit comments on the proposed refund procedures and to provide an opportunity for any affected party to file a claim.

In the event that money remains after all first stage claims have been processed, undistributed funds could be disbursed in a number of different ways. We will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed.

It is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Fine Oil, Inc. pursuant to the Consent Order executed on July 13, 1979 will be distributed in accordance with the foregoing Decision.

Appendix

Product/class	(Dollars) refund amount	(Gallons) volumes	(Dollars) volumetric
No. 2 Fuel Oil:			
50 gallons	896.89	382,085	.002347
100 gallons	9,716.68	2,331,915	.004167
Rack buyers	730.43	133,487	.005472
Kerosene:			
50 gallons	1,907.70	179,410	.010633
100 gallons	4,841.47	730,779	.006625
Rack buyers	184.83	44,486	.004155
Solvents:			
50 gallons	1,200.93	36,254	.093126
100 gallons	3,623.07	258,520	.014015
Motor Gasoline:			
Service stations	933.23	187,567	.004976
Farmers & Commercial	964.77	425,728	.002266

[FR Doc. 86-3967 Filed 2-21-86; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Energy.

ACTION: Notice of implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning procedures to be followed in refunding to adversely affected parties $368,000 in consent order funds obtained as a result of a consent order which the DOE entered into with American Pacific International, Inc., a crude oil producer and reseller of motor gasoline. This money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. All comments should conspicuously display a reference to case number HEF-0316.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-2094.

SUPPLEMENTARY INFORMATION: In accordance with the procedural regulations of the Department of Energy (DOE), 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to a May 13, 1983 consent order between the DOE and American Pacific International, Inc. That consent order settled all disputes between the firm and DOE concerning API's possible violations of DOE crude oil and motor gasoline price regulations during the period November 1, 1973 through the end of federal price controls on January 27, 1981.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of an escrow account funded by the firm pursuant to the consent order. Under the DOE's tentative procedures, purchasers of API motor gasoline during the consent order period may file claims for refunds from the escrow fund. Applications for refund should *not* be filed at this time. Appropriate public notice will be given when the submission of claims is authorized. The Proposed Decision notes that after all applications for refund are processed, some funds may remain after all meritorious claims have been satisfied. OHA therefore invites interested parties to submit comments concerning alternative methods of distributing any remaining motor gasoline funds in a subsequent proceeding.

With regard to the portion of the consent order fund attributable to alleged crude oil violations, the decision proposes to place the money into a pool of crude oil moneys pursuant to the DOE's Statement of Restitutionary Policy for crude oil claims. *See* 50 FR 27400 (1985), Fed. Energy Guidelines ¶ 90,508 (1985).

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue SW., Washington, DC 20585.

Dated: February 10, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

February 10, 1986.

Name of Petitioner: American Pacific International, Inc.

Date of Filing: October 13, 1983.

Case Number: HEF-0316.

On October 13, 1983, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed a petition with the Office of Hearings and Appeals (OHA), requesting that the OHA formulate and implement procedures for distributing funds obtained through the settlement of enforcement proceedings involving American Pacific International, Inc. (API). *See* 10 CFR Part 205, Subpart V. This proposed decision contains OHA's tentative plan for distributing funds the DOE received from API to qualified refund applicants. Information necessary to prepare motor gasoline refund applications appears at Section II of this decision. The decision first sets

forth specific requirements applicable to each of the various types of claimants that are likely to file applications in Section II–A. A claimant should take particular note of those requirements applicable to its particular circumstances. The specific application requirements are followed at Section II–B by a discussion of general requirements which apply to all motor gasoline refund applications.

API was a producer of crude oil and a reseller of motor gasoline. DOE audits of API revealed possible regulatory violations in the firm's first sales of crude oil and its sales of motor gasoline during the period of federal price controls. In order to settle all claims and disputes between API and the DOE, the two parties entered into a consent order on May 13, 1983. Under the terms of the consent order, API agreed to remit $368,000 plus interest to the DOE in 36 monthly installments beginning June 30, 1983, in settlement of alleged violations occurring between November 1, 1973 and January 27, 1981 (the Consent Order period). As of December 31, 1985, the API escrow account contained approximately $415,000 including accrued interest, although API has not completed making the scheduled payments. These funds are being held in an escrow account established with the United States Treasury pending a determination of their proper distribution.

Because the Consent Order resolves alleged violations involving both sales of crude oil and refined products, we propose to divide the fund into two pools. *See Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). From our review of the Proposed Remedial Order (PRO) issued to the firm by ERA, it appears that 39.82% of the aggregate amount of the alleged violations settled by the Consent Order concern API's production and sales of crude oil. We therefore propose that 39.82 percent of the principal contained in the API escrow account be set aside in a pool of crude oil funds. We further propose that the remaining 60.18 percent of the API funds be made available for distribution to claimants who demonstrate that they were injured by API's alleged violations in sales of motor gasoline.

I. Proposed Refund Procedures for Crude Oil Claims

API, like other producers of crude oil, was subject to the Mandatory Petroleum Price Regulations set forth in 6 CFR Part 150 and 10 CFR Part 212.[1] To the extent that API miscertified old crude oil as new or stripper well crude oil, the impact of the violations was spread throughout the domestic refining industry by the operation of the Entitlements Program, 10 CFR § 211.67. *See, e.g., Union Oil Co.* v. *DOE*, 688 F.2d 797 (Temp. Emer. Ct. App. 1982), *cert. denied*, 459 U.S. 1202 (1983). Based on the OHA's report to the District Court in the Stripper Well Exemption Litigation, *see Report of the Office of Hearings and Appeals, In re; The Department of Energy Stripper Well Exemption Litigation*, MDL No. 378 (D. Kan., filed June 21, 1985), Fed. Energy Guidelines ¶ 90,507 at 90,620 (1985) (the OHA Stripper Well Report), the DOE announced that no claims for direct restitution would be accepted, and the Department would maintain overcharges associated with such violations in escrow to afford Congress the opportunity to select the means of making indirect restitution. *See* Statement of Restitutionary Policy, 50 FR 27400 (1985), Fed. Energy Guidelines ¶ 90,508 (1985). In light of the DOE policy determination, the OHA issued an order in June 1985 announcing that it intended to apply the policy in special refund proceedings involving overcharge funds attributable to Entitlements-period crude oil certification violations. 50 FR 27402 (1985). After soliciting comments from potentially aggrieved parties regarding the OHA's application of the policy to pending refund proceedings, the OHA stated in *Amber Refining, Inc.*, 13 DOE ¶ 85,217 (1985), that it would apply the Statement of Restitutionary Policy in crude oil refund cases. Thus, the OHA will pool the American Pacific funds attributable to alleged crude oil violations with other crude oil funds for distribution in accordance with department policies. *See* 50 FR 27402 (1985); 50 FR 27400 (1985); 50 FR 1919 (1985).

II. Proposed Refund Procedures for Motor Gasoline Refund Claims

With regard to the remainder of the API settlement fund, we propose to implement a two-stage refund proceeding in which purchasers of API motor gasoline will be afforded an opportunity to submit refund applications during the initial stage. It appears from examination of audit records that Tesoro Petroleum Corporation bought significant volumes of API motor gasoline during the consent order period, although it is likely that there are other potential claimants as well. From our experience with Subpart V proceedings, we believe that potential claimants will fall into the following categories: (1) End users, i.e., consumers who used the API motor gasoline; (2) regulated non-petroleum entities which used API products in their businesses or cooperatives which sold API products in their businesses; (3) and refiners, resellers or retailers who resold the API motor gasoline.

In establishing the procedures which will govern the API Special Refund Proceeding, we are adopting certain presumptions which will permit claimants to participate in the refund process without incurring inordinate expense and enable OHA to consider the refund applications in the most efficient manner possible.[2] First, we will adopt a presumption that the alleged overcharges were dispersed equally in all sales of motor gasoline made by API during the consent order period and that refunds should therefore be made on a pro-rata or volumetric basis. In the absence of better information, such a volumetric refund assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. However, we also recognize that the impact on an individual purchaser might have been greater, and any purchaser may file a refund application based on a claim that the impact of the alleged overcharge on it was greater than the pro rata share calculated by the use of the volumetric presumption. *See, e.g., Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./ Siouxland Propane Co.*, 12 DOE ¶ 85,054 at 88,164 (1984).

Under the volumetric refund approach we are adopting, a claimant will be eligible to receive a refund equal to the product of the number of gallons purchased times the per gallon refund factor.[3] At the present, however, we

[1] The DOE regulations, in effect from August 19, 1973 until January 27, 1981, governed prices charged in crude oil sales to first purchasers by defining ceiling prices for various tier classifications of crude oil. The regulations permitted producers to sell certain crude oil, such as crude oil produced from a "stripper well property," at market price levels. When a producer sold crude oil, it was required to certify in writing to the purchaser the respective volumes of crude oil belonging to each tier classification in each purchase. When a refiner processed to the crude oil, it was required to report these certifications to the DOE to enable the agency to administer the Crude Oil Entitlements Program, 10 CFR § 211.67.

[2] The Subpart V regulations specifically authorize the use of presumptions in special refund proceedings. *See* 10 CFR Part 205, Subpart V.

[3] A volumetric refund amount will be calculated by dividing the motor gasoline portion of the settlement amount by our estimate of the total gallonage of motor gasoline sold by API during the period encompassed by the consent order.

cannot determine precisely what the per gallon refund amount will be. Information set forth in the PRO suggests that API may have sold as little as 3.7 million gallons of motor gasoline during the audit period. If this figure represents the totality of API's motor gasoline sales during the consent order period, the per gallon refund amount would be approximately $.06 per gallon plus a share of the accrued interest. However, we note that information relating to API's motor gasoline sales contained in the PRO encompasses only the period from January 14 through March 31, 1974, whereas the consent order period spans the entire period during which petroleum prices were subject to federal regulation. Thus, there may be additional volumes of motor gasoline to be accounted for in determining a reasonably reliable per gallon refund amount. The Office of Hearings and Appeals has been unable to obtain gasoline sales volume figures for the entire consent order period because the firm has been unable to locate revelant records. *See* Memorandum of Telephone Conversation between Lorraine Loder, Esq. and Meri Arnett-Kremian, OHA Staff Attorney, dated May 20, 1985. For this reason, we propose to hold all refund applications until the close of the application period in order to determine whether the per gallon refund shares of applicants should be reduced by some amount in order to insure that sufficient funds are available to pay all claims established.

A. Specific Application Requirements for Each Category of Refined Product Refund Applicants

(1) Refund Applications by End Users. We will adopt a finding that end-users or ultimate consumers whose business is unrelated to the petroleum industry were injured by the alleged overcharges settled in the consent order. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Office of Enforcement*, 10 DOE ¶ 85,072 (1983) (*PVM Oil Associates*). *See also Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,209 (1984). We have therefore concluded that end-users of API motor gasoline need only document that they were ultimate consumers of a specific amount of API gasoline to make a sufficient showing that they were injured by the alleged overcharges.

(2) Refund Applications by Regulated Firms or Cooperatives.

In addition, we will adopt the presumption that firms whose prices for goods and services are regulated by a governmental agency or by the terms of a cooperative agreement will not be required to demonstrate that they absorbed the alleged motor gasoline overcharges. In the case of regulated firms, *e.g.*, public utilities, any overcharges incurred as a result of API's alleged violations would routinely be passed through to the firms' customers. Consequently, we will add such firms to the class of claimants that are not required to show that they did not pass through to their customers cost increases resulting from alleged overcharges. *See Office of Special Counsel*, 9 DOE ¶ 82,538 (1982). Instead, those firms and cooperative groups should provide with their applications a full explanation of the manner in which refunds would be passed through to their customers and how the appropriate regulatory body or membership group will be advised of the applicant's receipt of refund money. We note, however, that a cooperative's sales of API products to non-members will be treated in the same manner as sales by other resellers.

(3) Refund Applications by Resellers, Retailers and Refiners

a. *Spot Purchasers.* If a claimant made only spot purchases, we believe that in most circumstances it should not receive a refund since it is unlikely to have experienced injury. Spot purchasers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of API product at increased prices unless they were able to pass through the full amount of the quoted selling price at the time of purchase to their own customers. *See Office of Enforcement*, 8 DOE ¶ 82,597 at 85,396–97 (1981). Therefore, a firm which made only spot purchases from API will not receive a refund unless it presents evidence rebutting the spot purchaser presumption and establishes the extent to which it was injured as a result of its purchases of API motor gasoline during the consent order period.

b. *Refiners, Resellers and Retailers Seeking Refunds of $5,000 or Less.* Another presumption we will adopt is that purchasers of API motor gasoline seeking small refunds were injured by API's pricing practices. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). With small claims, the cost to the firm of gathering evidence of injury to support a refund claim could exceed the expected refund. Consequently, without simplified procedures, some injured parties would be effectively denied an opportunity to obtain a refund. Under the small-claims presumption, a claimant seeking a refund of $5,000 or less will not be required to submit any evidence of injury beyond establishing the volume of API gasoline it purchased during the consent order period. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984). In addition to the general information required from all applicants, it need only establish that it is a small-claims applicant.

c. *Refiners, Resellers and Retailers Seeking Large Refunds.* Unlike small-claims applicants, a firm which claims a refund in excess of $5,000 will be required to provide a detailed demonstration of its injury in addition to providing purchase volume information. It will be required to demonstrate that it maintained a "bank" of unrecovered product costs in order to show that it did not pass along the alleged overcharges to its own customers. In addition, a claimant must show that market conditions would not permit it to pass through those increased costs. *See, e.g., Panhandle Eastern Pipeline Co./I.V. Cole Petroleum Co.*, 10 DOE ¶ 85,051 (1983); *Tenneco Oil Co./Mid-Continent Systems, Inc.*, 10 DOE ¶ 85,009 (1982). For periods in which the DOE regulations did not require retailers to compute cost banks, a retailer will only be required to show that market conditions prevented it from recovering increased costs. Such a showing might be made through a demonstration of lowered profit margins, decreased market shares, or depressed sales volume during the period of purchases from the consent order firm.

B. General Refund Application Requirements

In addition to the specific requirements outlined above, all applications for refund must be in writing and signed by the applicant. An application must make reference to the American Pacific International, Inc. Special Refund Proceeding (Case No. HER–0316). Each applicant must submit a monthly purchase schedule for API motor gasoline purchases during the consent order period, November 1, 1973 through January 27, 1981. If an applicant purchased API motor gasoline from a reseller, it must establish its basis for belief that the motor gasoline originated with API and identify the reseller from whom the product was purchased. Indirect purchasers who either fall

within a class of applicant whose injury is presumed, or who can prove injury, may be eligible for a refund if the reseller of API products passed through the alleged API overcharges to its own customers.

An applicant for refund should furnish us with the name, position or title, and telephone number of a person who may be contacted by us for additional information concerning the applicant. If the applicant is affiliated or associated with API in any manner, it must so indicate and provide information explaining the nature of its relationship with the consent order firm. If the applicant has been involved in enforcement proceedings brought by the DOE, it must provide a summary of the present status of the proceeding, or if the matter is no longer pending, it must indicate how the proceeding was resolved. If the applicant is a firm which did not actually purchase gasoline from API, but is a successor to an API customer, the applicant must provide evidence establishing that it, rather than API's former customer, is entitled to a refund. Finally, each application must include the following statement: "I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c) 18 U.S.C. 1001.

All applications for refund must be filed in duplicate. A copy of each application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals, Forrestal Building, Room 1E–234, 1000 Independence Avenue, SW., Washington, DC. Any applicant that believes that its application contains confidential information must so indicate on the first page of its application and submit two additional copies of its application from which the confidential information has been deleted, together with a statement specifying why any such information is privileged or confidential. Applications should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

C. Distribution of the Remainder of the Consent Order Funds Attributable to API's Motor Gasoline Sales

In the event that money remains after all first stage claims have been disposed of, undistributed funds attributable to API's alleged motor gasoline violations could be distributed in a number of different ways. For example, the funds may be distributed through plans formulated by state governments to benefit consumers who were likely injured by API's alleged overcharges. *See, e.g., Northeast Petroleum Industries*, 11 DOE ¶ 85,199 (1983). However, we will not be in a position to decide what should be done with any remaining funds until the first stage refund pfocedure is completed. We encourage the submission of comments containing proposals for alternative distribution schemes.

It is Therefore Ordered That:

The refund amount remitted to the Department of Energy by the American Pacific International, Inc. pursuant to the consent order executed on May 13, 1983 will be distributed in accordance with the foregoing Decision.

[FR Doc. 86–3966 Filed 2–21–86; 8:45 am]

BILLING CODE 6450–01–M

Western Area Power Administration

California-Oregon Transmission Project (Third 500–KV AC Transmission Line Intertie) Southern Oregon to South Central California; Amendment to Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Western Area Power Administration, DOE.

ACTION: Amend notice of intent to prepare an environmental impact statement.

SUMMARY: The Western Area Power Administration (Western) intends to expand the scope of the environmental impact statement (EIS) being prepared for the California-Oregon Transmission Project (Project). The expansion is proposed as a result of new information provided by the Pacific Gas and Electric Company (PG&E) who is a participant in the Project. The information indicates that approximately 85 miles of new 500 kilovolt (kV) (500,000 volt) alternating current transmission line may be required between the Los Banos and Gates substations in Merced and Fresno Counties, California, in order that PG&E could fulfill its obligations under the Memorandum of Understanding signed by all Project participants. In addition to the new transmission line, other system modifications may be required, for example, expansion of existing substations to accommodate new electrical equipment. These system additions and modifications will be identified and analyzed in the EIS.

Background

Western, as the lead Federal agency under the National Environmental Policy Act of 1969 (NEPA), announced its intention to prepare an EIS for the Project on November 7, 1984 (49 FR 44546). Western announced the locations of public scoping meetings and its intent to coordinate with the Transmission Agency of Northern California (TANC) to produce a joint environmental document that would serve as an EIS under NEPA and an environmental impact report (EIR) under the California Environmental Quality Act (CEQA) on April 26, 1985 (50 FR 16538). TANC is the lead State agency for the purpose of complying with the CEQA. The Bonneville Power Administration; U.S. Department of the Interior, Bureau of Land Management; U.S. Department of Defense, Army Corps of Engineers; and the U.S. Department of Agriculture, Forest Service, are cooperating agencies. The California Public Utilities Commission (CPUC) is involved as a result of the participation of the Investor Owned Utilities.

At the time the Notice of Intent to Prepare an EIS was published, the Project consisted of substation modifications in the Northwest, a new substation located along the Malin-Meridian 500–kV transmission line in southern Oregon, a new 500–kV transmission line from that substation to a new substation in the vicinity of Redding, California, the possibility of a 500–kV connection between the existing Round Mountain Substation and the new Redding area substation, upgrading of Western's existing double-circuit, 230–kV Central Valley Project line between Redding and the Tracy Substation, and a new 500–kV tranmission line between the Tracy Substation and PG&E's existing 500–kV Tesla Substation.

Meetings

Western, TANC, and the CPUC will jointly conduct a series of public meetings in the area of the proposed Los Banos to Gates 500–kV transmission line. The purposes of the meetings are: (1) To inform the public and Federal, State, and local agencies of the proposed project; and (2) to receive information and comments that will assist in identifying the environmental issues to be addressed in the EIS-EIR. The meetings will be conducted at the locations listed below.

February 26, 1986

9:30 a.m., Centre Plaza Holiday Inn, 2233 Ventura Street, Fresno, California

7:30 p.m., City Hall Annex, Elm and 6th Street, Coalinga, California

February 27, 1986

7:30 p.m., Masonic Lodge, 1510 Canal Farm Lane, Los Banos, California

FOR FURTHER INFORMATION CONTACT: Persons wanting to be included on the mailing list to receive information as the Project progresses or who would like additional information about the meetings may contact:

James C. Feider, Deputy Area Manager, Western Area Power Administration, Sacramento Area Office, 1825 Bell Street, Sacramento, CA 95825, (916) 978–4455, FTS 460–4455

Lawrence T. Klein, Project Director, California-Oregon Transmission Project, P.O. Box 660970, Sacramento, CA 95866, (916) 924–3995

Issued at Golden, Colorado: February 7, 1986.

William H. Clagett,

Administrator.

[FR Doc. 86–4054 Filed 2–21–86; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE–FRL–2972–5]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICR is available for review and comment.

FOR FURTHER INFORMATION CONTACT: Nanette Liepman, (202) 382–2740 or FTS 382–2740.

SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Substances

Title: Preliminary Assessment Information Rule (EPA No. 0596). (This is an extension of an existing ICR; no change is proposed.)

Abstract: The Preliminary Assessment Information Rule (PAIR) authorizes EPA to collect production, use, and exposure information from manufacturers and importers of chemical substances listed by rule. The information will support EPA risk analysis and risk management programs.

Respondents: Manufacturers and importers of chemical substances listed by rule.

Agency PRA Clearance Request Completed by OMB

EPA No. 1287; National Operations and Maintenance Excellence Awards, was appoved 1/22/86 (OMB No. 2040–0101; expires 1/31/89).

Comments on all parts of this notice may be sent to:

Nanette Liepman, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM–223), Information and Regulatory Systems Division, 401 M Street, SW, Washington, DC 20460
and
Carlos Tellez, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW, Washington, DC 20503.

Dated: February 14, 1986.

Daniel J. Fiorino,

Acting Director, Information and Regulatory Systems Division.

[FR Doc. 86–3627 Filed 2–21–86; 8:45 am]

BILLING CODE 6560–50–M

[SAB–FRL–2973–5]

Science Advisory Board, Clean Air Scientific Advisory Committee; Open Meeting

Under Pub. L. 92–463, notice is hereby given of a meeting of the Clean Air Scientific Advisory Committee (CASAC) of the Science Advisory Board. The meeting will be held March 11–12, 1986, starting at 9:30 a.m. on March 11 and ending at approximately 2:00 p.m. on March 12. The meeting will be held at the U.S. Environmental Protection Agency, Environmental Research Center, Main Auditorium, Route 54 and Alexander Drive, Research Triangle Park, North Carolina.

The purpose of the meeting is to allow the Committee to review and provide its advice to the Agency on: (1) The February 1986 *Addendum to the Air Quality Criteria Document for Lead;* and (2) the February 1986 draft of the *Review of the National Ambient Air Quality Standards for Lead: Assessment of Scientific and Technical Information—Draft Staff Paper.*

Copies of the February 1986 Addendum to the Criteria Document may be obtained by writing or calling the Office of Research and Development Publications Center, CERI–FRN, U.S. EPA, 26 West St. Clair Street, Cincinnati, Ohio, 45268 (513) 648–7562. Please ask for EPA document 600/8–83–028B, February 1986. Copies of the February 1986 draft Staff Paper may be obtained from Jeff Cohen, Strategies and Air Standards Division, Office of Air Quality Planning and Standards (MD–12), U.S. EPA, Research Triangle Park, North Carolina, 27711, (CML) (919) 541–5531, (FTS) 629–5531. Written comments on the draft staff paper will be accepted through May 12, 1986. Comments should be sent to Jeff Cohen at the previous address.

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Mr. Robert Flaak, Executive Secretary, Clean Air Scientific Advisory Committee (CASAC), Science Advisory Board (A–101F), U.S. EPA, Washington, DC, 20460 (202) 382–2552, prior to the meeting. Persons wishing to make statements at the meeting must contact Mr. Flaak no later than close of business on March 3, 1986.

Dated: February 18, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86–3942 Filed 2–21–86; 8:45 am]

BILLING CODE 6560–50–M

[SAB FRL–2973–6]

Science Advisory Board, Environmental Health Committee; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a one-day meeting of the Metals Subcommittee of the Environmental Health Committee of the Science Advisory Board will be held on March 24, 1986, in the Barney House of the University of Connecticut at 11 Mountain Spring Road, Farmington, CT, 06032. The meeting will start at 9:00 a.m. and adjourn no later than 4:00 p.m.

The purpose of the meeting will be to review the scientific adequacy of a draft final Health Assessment Document for Nickel (EPA/600/8–83/012F; September, 1985) which has been prepared by EPA's Office of Research and Development, and to discuss upcoming issues of current interest to the Subcommittee.

The document is available in single copy quantity at the ORD Publications Center (CERI-FRN), U.S. EPA, 26 West Saint Clair Street, Cincinnati, Ohio 45268 by phone at (513) 569–7562. Requestors should provide their name, address and the EPA document number with their request. The document also is available for public inspection and copying at the EPA library, 401 M Street SW., Washington, DC 20460. For other information about the document, contact

Ms. Diane Ray in the Environmental Criteria and Assessment Office (MD–52), Research Triangle Park, N.C. 27711, by phone at (919) 541–3637.

The meeting will be open to the public. Any member of the public wishing to attend, present information or desiring further information, should contact either Dr. Daniel Byrd, Executive Secretary to the Committee, or Mrs. Brenda Johnson, by telephone at (202) 382–2552 or by mail to Science Advisory Board (A–101F), 401 M Street SW., Washington, DC 20460, no later than c.o.b. Thursday, March 20, 1986.

Dated: February 18, 1986.

Terry F. Yosie,

Director Science Advisory Board.

[FR Doc. 86–3941 Filed 2–21–86; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–44014; FRL–2973–8]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the data submissions received by EPA during the fourth quarter of 1985 from negotiated testing programs accepted by EPA in lieu of requiring testing under section 4 of the Toxic Substances Control Act (TSCA). These submissions include results of certain studies and tests on 10 chemical substances or groups of chemicals.

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 Street SW., Washington, DC 20460, Toll Free: (800–424–9065), In Washington, DC: (554–1404), Outside the USA: (Operator 800–554–1404).

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires the EPA to issue a notice in the **Federal Register** reporting on any test data received pursuant to test rules promulgated under section 4(a). Although not required by section 4(d), EPA also periodically publishes notices of receipt of data from negotiated testing programs and other industry programs the conduct of which led EPA not to require testing through test rules.

I. Test Data Submissions

This notice announces test data submissions received during the fourth quarter of 1985 from such industry testing programs under TSCA.

A. Aryl Phosphates

Ciby-Geigy PLC has voluntarily submitted test data on members of the aryl phosphates category. This category of chemicals is used primarily as fire-retardant plasticizers and as hydraulic fluids and lubricant additives. EPA issued an Advance Notice of Proposed Rulemaking on December 29, 1983 (48 FR 47452) on this category.

On October 22, 1985 EPA received results of a study conducted to investigate the permeability of human epidermis to typical tris(isopropylated phenol) phosphates. The two substances tested differ in degrees of isopropylation.

B. Alkyl Phthalates

The Chemical Manufacturers Association (CMA), on behalf of the Phthalates Esters Program Panel, is conducting testing on a number of alkyl phthalates, alkyl diesters of 1,2-benzenedicarboxylic acid, which are primarily used as plasticizers. The CMA's proposal was accepted by the Agency in lieu of a test rule under section 4 of TSCA and is described in the **Federal Register** of October 30, 1981 (46 FR 53775).

On November 20, 1985, EPA received the results of a mouse lymphoma forward mutation assay and an *in vitro* transformation of BALB/3T3 cells assay on dimethyl phthalate (CAS No. 131–11–3), di-n-butyl phthalate (CAS No. 84–74–2), butyl benzyl phthalate (CAS No. 85–68–7), di(n-hexyl, octyl, decyl) phthalate (CAS No. 25724–58–7), di-isononyl phthalate (CAS No. 28553–12–0), di-isodecyl phthalate (CAS No. 26761–40–0), di-undecyl phthalate (CAS No. 3648–20–2), and di(heptyl, nonyl, undecyl) phthalate (CAS No. 39393–37–8). Results of a CHO/HGPRT forward mutation assay were submitted for 2-ethyl hexanol, mono-2-ethylhexyl phthalate, and di-2-ethylhexyl phthalate. A 21-day dose response relationship study of di(2-ethyl-hexyl) phthalate was also submitted.

On November 13, 1985, EPA received the results of a 21-day dose response relationship study on diundecyl phthalate.

C. Phenylenediamines

DuPont has voluntarily submitted test data on members of the phenylenediamine category. The Agency issued an Advance Notice of Proposed Rulemaking on this category on January 8, 1982 (47 FR 973). In response to public comments, the category was divided into three subcategories, one of which includes the unsubstituted phenylenediamines, (pdas), o-pda (CAS No. 95–54–5), *m*-pda (CAS No. 108–45–2), and *p*-pda (CAS No. 106–50–3). The Agency published a proposed rule for these chemicals on January 6, 1986 (51 FR 472).

On October 31, 1985, the Agency received the results of the following studies: Static acute 96-hour LC_{50} of *o*, *m*, and *p*-pda to fathead minnow *(Pimephales promelas)*; static acute 48-hour EC_{50} of *o*-, *m*-, and *p*-pda to *Daphnia magna*; chronic toxicity (MATC) of *m*-pda to *Daphnia magna*; oxidative half-life of *o*-, *m*-, and *p*-pda in well water; oxidative half-life determination of *p*-pda in river water; and summary of the results of algal testing of *o*-, *m*-, and *p*-pda.

D. Hydroquinone

Eastman Kodak Co. has voluntarily submitted test data on hydroquinone (CAS No. 123–31–9) a photographic developing agent and chemical intermediate in rubber production.

EPA issued a proposed rule on January 4, 1984 (49 FR 438); the final rule was published on Dec. 30, 1985 (50 FR 53145).

On November 25, 1985 EPA received the results of a developmental toxicity study in rats, a metabolic fate study in male rats, a metabolic fate study in female rats, and a percutaneous absorption study in beagle dogs.

E. Propylene Oxide

Dow Chemical U.S.A., Arco Chemical Co., and Shell International Petrochemical Co. have voluntarily sponsored testing on propylene oxide (CAS No. 75–56–9), a chemical intermediate, solvent stabilizer, and sterilant for plastic medical equipment and foodstuffs. The test for which data was submitted was included in the proposed testing requirements published in the **Federal Register** of January 4, 1984 (49 FR 430).

On October 31, 1985, the Agency received the results of a 24-week neurotoxicity test on male rats.

F. 2-Chlorotoluene

Occidental Chemical Corp. is conducting a negotiated testing program on 2-chlorotoluene (CAS No. 95–49–8), a solvent for agricultural pesticides and a general solvent replacement for 1,2-dichlorobenzene. EPA's decision to adopt this negotiated testing program, which describes this testing, was published in the **Federal Register** of April 28, 1982 (47 FR 18172).

On November 27, 1985, EPA received the results of a mouse lymphoma mutation assay.

G. 1,3-Dioxolane

Ferro Corp. and PPG Industries are conducting a negotiated testing program on 1,3-dioxolane (CAS No. 646-06-0), a stabilizer in production and distribution of 1,1,1-trichloroethane. EPA's decision to adopt this negotiated testing program, which describes this testing program, was published in the **Federal Register** of August 10, 1984 (49 FR 32113).

On August 21, 1985 the Agency received an independent laboratory audit of a 2-year chronic oral toxicity study with 1,3-dioxolane in drinking water of albino rats, which was performed by Industrial Biotest Laboratory in 1975. The audit was submitted as part of the negotiated testing agreement for 1,3-dioxolane.

H. Antimony Trioxide

The Antimony Oxide Industry Association is conducting a testing program on antimony trioxide (CAS No. 1309-64-4), a flame retardant in textiles and plastics. This program was accepted by the Agency in lieu of rulemaking under section 4 of TSCA and is summarized in the **Federal Register** of September 2, 1983 (48 FR 39979).

On November 27, 1985, EPA received the results of a 3-month subchronic inhalation study on rats.

I. Tris(2-Ethylhexyl) Trimellitate

The Chemical Manufacturers Association (CMA) is sponsoring a testing program on tris(2-ethylhexyl) trimellitate (TOTM, CAS No. 3319-31-1), a substance used as a specialty plasticizer in electronics insulation.

This program was accepted by the Agency in lieu of a test rule under section 4 of TSCA; details of the program are published in the **Federal Register** of June 4, 1984 (49 FR 23116).

On November 19, 1985, the Agency received the results of a 28-day subchronic oral toxicity study in rats, a 21-day *Daphnia magna* chronic toxicity study, and method validation and solubility studies. EPA also acknowledges a previously unreported mutagenicity test of urine from rats dosed with TOTM received on February 3, 1984.

J. Bis(2-Ethylhexyl) Terephthalate

Eastman Kodak Co. is conducting a testing program on bis(2-ethylhexyl) terephthalate (DOTP, CAS No. 6422-86-2), a plasticizer for polyvinly chloride and related plastics. This program was accepted by the Agency in lieu of rulemaking under section 4 of TSCA, and is summarized in the **Federal Register** of June 4, 1984 (49 FR 23110).

On November 22, 1985 EPA received the results of a 28-day shake-flask biodegradation study.

Other previously unreported studies were received: on February 3, 1984, mutagenicity testing of urine from rats dosed with DOTP; and on December 27, 1984, the results of a CHO/HGPRT forward mutation assay and an *in vitro* cytogenetic assay measuring chromosome aberration frequencies in CHO cells.

II. Public Record

EPA has established a public record for this quarterly receipt of data notice (docket number OPTS-44014). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the OPTS reading room, E-107, 401 M St., SW., Washington, DC, 20460.

Dated: February 14, 1986.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division.

[FR Doc. 86-3943 Filed 2-21-86; 8:45 am]

BILLING CODE 6560-50-M

[FRL-2973-9]

Air Pollution Control; Removal From List of Violating Facilities

AGENCY: Environmental Protection Agency.

ACTION: Notice of removal of facility from EPA List of Violating Facilities.

SUMMARY: On August 21, 1985, the Las Vegas, New Mexico, facility of Sierra Transit Mix, Inc. was placed on Sublist 2 of EPA's List of Violating Facilities based upon continual or recurring violations of an administrative order issued under section 113 of the Clean Air Act [See 50 FR 37423].

On February 10, 1986, the EPA Assistant Administrator for Enforcement and Compliance Monitoring determined that the conditions which gave rise to the listing of the facility have been corrected. Accordingly, pursuant to 40 C.F.R 15.21(a)(2), the facility has been removed from the List of Violating Facilities and is eligible for use by Agencies in the performance of Federal contracts, grants, and loans.

FOR FURTHER INFORMATION CONTACT: Allen Danzig, Listing Official, Office of Enforcement and Compliance Monitoring, Environmental Protection Agency, Rm. W1037 (LE-133), 401 M Street, SW., Washington, DC 20460. Telephone: (202) 382-4146.

SUPPLEMENTARY INFORMATION: Pursuant to Section 306 of the Clean Air Act [42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604], section 508 of the Clean Water Act [33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500], and Executive Order 11738, EPA has been authorized to provide certain prohibitions and requirements concerning the administration of the Clean Air Act and the Clean Water Act with respect to Federal contracts, grants, or loans. On April 16, 1975, regulations implementing the requirements of the statutes and the Executive Order were promulgated in the **Federal Register** [see 40 CFR Part 15, 40 FR 17124, April 16, 1975, as amended at 44 FR 6911, February 5, 1979]. On September 5, 1985, revisions to those regulations were promulgated in the **Federal Register** [see 50 FR 36188, September 5, 1985]. The regulations provide for the establishment of a List of Violating Facilities which reflects those facilities ineligible for use in nonexempt Federal contracts, grants or loans.

The List of Violating Facilities is contained in two sublists. Sublist 1 includes those facilities listed on the basis of a conviction under section 113(c)(1) of the Clean Act or section 309(c) of the Federal Water Pollution Control Act. Sublist 2 includes those facilities listed on the basis of continuing or recurring noncompliance with clean air or clean water standards and: A conviction by a federal court under section 113(c)(2) of the Clean Air Act; any injunction, order, judgment, decree or other form of civil ruling by a Federal, State or local court issued as a result of noncompliance with clean air or water standards; a conviction in a State or local court for noncompliance with clean air or water standards; noncompliance with an order under sections 113(a), 113(d), 167, or 303 of the Clean Air Act or section 309(a) of the Clean Water Act; a Notice of Noncompliance issued by EPA under section 120 of the Clean Air Act; or an enforcement action filed in federal court due to noncompliance with clean air or water standards.

A facility shall be removed from Sublist 2: If the conviction, decree, order, judgment, or form of civil ruling which formed the basis for the listing has been reversed or otherwise modified to remove the basis for the listing; if the Assistant Administrator has determined that the condition(s) which gave rise to the listing have been corrected; automatically after one year of a listing; or if the Assistant Administrator determines that the facility is on a plan for compliance which will ensure that

the condition(s) which gave rise to the listing will be corrected.

The purpose of this notice is to remove from Sublist 2 the Las Vegas, New Nexico facility of Sierra Transit Mix, Inc. based upon a determination by the Assistant Administrator that the conditions which gave rise to the listing of the facility have been corrected.

Pursuant to the above-referenced authority, the Assistant Administrator for Enforcement and Compliance Monitoring, U.S. Environmental Protection Agency, certifies that the Sierra Transit Mix, Inc. Las Vegas, New Mexico facility has been removed from the List of Violating Facilities as of February 10, 1986. The List of Violating Facilities will be revised periodically as any listings or delistings occur.

Dated: February 10, 1986.

Courtney M. Price,

Assistant Administrator for Enforcement and Compliance Monitoring.

[FR Doc. 86-3945 Filed 2-21-86; 8:45 am]

BILLING CODE 6560-50-M

[FRL 2974-1]

Air Pollution Control; Addition to List of Violating Facilities

AGENCY: Environmental Protection Agency.

ACTION: Notice of addition of facility to EPA List of Violating Facilities.

SUMMARY: On February 10, 1986, the EPA Listing Review Panel decided to add to Sublist 2 of EPA's List of Violating Facilities the Louisville, Kentucky facility of the B.F. Goodrich Company based on the filing of an enforcement action under section 113 of the Clean Air Act and adequate evidence of continuing or recurring violations of the Act pursuant to 40 CFR 15.20. Accordingly, the facility has been placed on the List of Violating Facilities and is ineligible for use by any department, agency, establishment or instrumentality in the Executive Branch of the Federal Government in the performance of Federal contracts, grants, and loans.

FOR FURTHER INFORMATION CONTACT: Allen Danzig, Listing Official, Office of Enforcement and Compliance Monitoring, Environmental Protection Agency, Rm. W1037 (LE-133), 401 M Street, SW., Washington, DC 20460. Telephone: (202) 382-4146.

SUPPLEMENTARY INFORMATION: Pursuant to section 306 of the Clean Air Act [42 U.S.C. 1857 et seq., as amended by Pub. L. 91604], section 508 of the Clean Water Act [33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500], and Executive Order 11738, EPA has been authorized to provide certain prohibitions and requirements concerning the administration of the Clean Air Act and the Clean Water Act with respect to Federal Contracts, grants, requirements of the statutes and the Executive Order were promulgated in the **Federal Register** [see 40 CFR Part 15, 40 FR 17124, April 16, 1975, as amended at 44 FR 6911, February 5, 1979]. On September 5, 1985, revisions to those regulations were promulgated in the **Federal Register** [see 50 FR 36188, September 5, 1985]. The regulations provide for the establishment of a List of Violating Facilities which reflects those facilities ineligible for use in nonexempt Federal contracts, grants or loans.

The List of Violating Facilities is contained in two sublists. Sublist 1 includes those facilities listed on the basis of a conviction under section 113(c)(1) of the Clean Air Act or section 309(c) of the Federal Water Pollution Control Act. Sublist 2 includes those facilities listed on the basis of continuing or recurring noncompliance with clean air or clean water standards and: a conviction by a federal court under section 113(c)(2) of the Clean Air Act; any injunction, order, judgment, decree or other form of civil ruling by a Federal, State or local court issued as a result of noncompliance with clean air or water standards; a conviction in a State or local court for noncompliance with clean air or water standards; noncompliance with an order under sections 113(a), 113(d), 167, or 303 of the Clean Air Act or section 309(a) of the Clean Water Act; a Notice of Noncompliance issued by EPA under section 120 of the Clean Air Act; or an enforcement action filed in federal court due to noncompliance with clean air or water standards.

A facility shall be removed from Sublist 2 if the conviction, decree, order, judgment, or form of civil ruling which formed the basis for the listing has been reversed or otherwise modified to remove the basis for the listing; if the Assistant Administrator has determined that the condition(s) which gave rise to the listing have been corrected; automatically after one year of a listing; or if the Assistant Administrator determines that the facility is on a plan for compliance which will ensure that the condition(s) which gave rise to the listing will be corrected.

The purpose of this notice is to add to Sublist 2 the Louisville, Kentucky facility of the B.F. Goodrich Company based upon a determination by the Listing Review Panel that: (1) An enforcement action has been filed in federal court under section 113(b) of the Clean Air Act and (2) there is adequate evidence of continuing or recurring noncompliance with Clean Air Act standards. The List of Violating Facilities will be revised periodically as any listings or delistings occur.

List of Violating Facilities

Sublist 1: Chemical Formulators Inc., Nitro, West Virginia Facility.

Sublist 2: B.F. Goodrich Company, Louisville, Kentucky Facility.

Dated: February 10, 1986.

Richard H. Mays,

Acting Assistant Administrator for Enforcement and Compliance Monitoring.

[FR Doc. 86-3944 Filed 2-21-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Agency Information Collection Activities Under OMB Review

February 14, 1986.

The following information collection requirement has been approved by the Office of Management and Budget. For further information contact Doris Benz, FCC, (202) 632-7513.

OMB No.: 3060-0095

Title: Annual Employment Report—Cable Television

Form No.: FCC 395-A.

A revised report form FCC 395-A has been approved for use through 1/31/89. This revision is dated January 1986 and will be effective with the report for 1986. All previous editions are obsolete.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-3927 Filed 2-21-86; 8:45 am]

BILLING CODE 6712-01-M

Memorandum Opinion and Order Designating Applications for Hearing; Comex, Inc., et al.

In re application of CC Docket No. 86-68:

	File No.
Comex, Inc. To establish additional facilities for one-way Station KCI295 to operate on frequency 152.24 MHz in the Public Land Mobile Service at Nashua and Epsom, New Hampshire.	23196-CD-P/L-1-85.

	File No.
RAM Communications of Massachusetts, Inc. To establish an additional facility for one-way Station KSV956 to operate on frequency 152.24 MHz in the Public Land Mobile Service at Andover, Massachusetts.	21659-CD-P/L-1-85.

Adopted February 12, 1986.

Released February 14, 1986.

By the Common Carrier Bureau.

1. On November 26, 1985, the Federal Communications Commission held a lottery in the Common Carrier Public Mobile Service in which RAM Communications of Massachusetts, Inc. (RAM) was ranked first and Comex, Inc. (Comex) second, the only applicant with which RAM was mutually exclusive.[1] On October 30, 1985, Comex had filed a Petition for Comparative Hearing, which should have been resolved prior to including RAM and Comex in a lottery.

2. We find that Comex in its Petition has satisfied the requirements of § 22.33(c)(i) of our Rules necessary for it to qualify for a comparative hearing instead of a lottery. Comex has shown that it proposes to add additional transmitter locations to an authorized station on the same frequency for which it is already licensed and within 40 miles of its existing transmitter locations on that frequency. Comex has also demonstrated a demand by its existing subscribers for the expanded service.

3. Consequently we find that a comparative hearing and not a lottery was proper in this case and the results of the lottery must be set aside. We further find both applicants to be legally, technically, and otherwise qualified to construct and operate the proposed facilities. We also find that the proposals of Comex and RAM to use frequency 152.24 MHz in the same geographical area are electrically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest.

4. Accordingly, It Is Ordered, That the Petition for Comparative Hearing filed by Comex Is Granted.

5. It Is Further Ordered, That the results of lottery case PMS 17-11, held November 26, 1984, are SET ASIDE and the applications of RAM, Filed No. 21859-CD-P-85, and Comex, File No. 23196-CD-P-85, are Returned To Pending Status.

6. It Is Further Ordered, That the applications of Comex, File No. 23196-CD-P/L—1-85, and RAM, File No. 21859-CD-P/L—1-85, Are Designated For Hearing In A Consolidated Proceeding pursuant to section 309(e) of the Communications Act of 1934, as amended, upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 43 dBu contours,[2] based upon the standards set forth in § 22.504(a) of the Commission's Rules [3] and to determine and compare the relative demand for the proposed services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience, and necessity.

7. It Is Further Ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

8. It Is Further Ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

9. It Is Further Ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221 of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for a hearing and present evidence in the issues specified in the Memorandum Opinion and Order.

10. This order is issued under § 0.291 of the Commission's Rules and is effective upon its release date. Applications for review under § 1.115 of the rules may be filed within 30 days of the date of public notice of this order. *See* § 1.4(b)(2).

11. The Secretary shall cause a copy of this order to be published in the **Federal Register.**

Federal Communications Commission.

Michael Deuel Sullivan,

Chief, Mobile Services Division Common, Carrier Bureau.

[FR Doc. 86-3928 Filed 2-21-86; 8:45 am]

BILLING CODE 6712-01-M

[1] See Public Notice released November 29, 1985, PMS 17-11.

[2] For the purpose of this proceeding, the interference-free area is defined as the area within the 43 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6404, equation 8.

[3] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service on frequencies in the 150 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours for the facilities involved in this proceeding. (The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits).

FEDERAL HOME LOAN BANK BOARD

Mt. Whitney Savings and Loan Association, Exeter, CA.; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in Section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Mt. Whitney Savings and Loan Association, Exeter, California on February 12, 1986.

Dated: February 18, 1986.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 86-3875 Filed 2-21-86; 8:45 am]

BILLING CODE 6720-01-M

American Diversified Savings Bank, Costa Mesa, CA; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in § 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C. 1729(c)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for American Diversified Savings Bank, Costa Mesa, California on February 14, 1986.

Dated: February 19, 1986.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 86-3931 Filed 2-21-86; 8:45 am]

BILLING CODE 6720-01-M

Intercapital Savings Bank, Jacksonville Beach, FL; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in § 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. § 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance

Corporation as sole receiver for Intercapital Savings Bank, Jacksonville Beach, Florida on February 14, 1986.

Dated: February 19, 1986.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 86-3932 Filed 2-21-86; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

ASB Bankcorp, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 17, 1986.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *ASB Bankcorp, Inc.*, Adrian, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Adrian State Bank, Adrian, Michigan.

B. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Lincoln County Bancorp, Inc.*, Troy, Missouri; to acquire 18.15 percent of the voting shares of Warren County Bancshares, Inc., thereby indirectly acquiring Commerce Warren County Bank, both of Warrenton, Missouri. The comment period of this application ends March 10, 1986.

Board of Governors of the Federal Reserve System, February 18, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-3889 Filed 2-21-86; 8:45 am]

BILLING CODE 6210-01-M

Barnett Banks of Florida, Inc.; Extension of Comment Period

This notice corrects a previous **Federal Register** document (FR Doc. No. 86-3373), published at page 5802 of the issue for Tuesday, February 18, 1986.

Barnett Banks of Florida, Inc., Jacksonville, Florida; to engage *de novo* through its subsidiary, Statewide Administrative Services, Inc., Jacksonville, Florida, in data processing activities pursuant to § 225.25(b)(7) of Regulation Y by monitoring the loan portfolios of affiliated banks in order to identify loans with uninsured collateral, by force-placing vendor's single interest insurance with respect to such collateral, and by performing recordkeeping and administrative functions on behalf of the insurer, including the collection of premiums. These services would be conducted in the State of Florida. Comments on this application must be received not later than March 5, 1986.

Board of Governors of the Federal Reserve System, February 18, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-3890 Filed 2-21-86; 8:45 am]

BILLING CODE 6210-01-M

Franklin Capital Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 CFR 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than than March 13, 1986.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Franklin Capital Corporation*, Wilmette, Illinois; to engage *de novo* directly in making loans which total no more than $250,000 to an affiliated holding company.

Board of Governors of the Federal Reserve System, February 18, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-3891 Filed 2-21-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of March 1986:

Name: National Advisory Council on Health Professions Education.

Date and Time: March 24-26, 1986, 9:00 a.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on March 24, 1986, 9:00 a.m. to 5:00 p.m.

Closed for the remainder of meeting.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The open portion of the meeting will cover: welcome and opening remarks; report of the Acting Administrator; report of the Director, Bureau of Health Professions; financial management update; discussion on dealing with perspective reimbursement of clinical education costs, options for coordinating geriatric activities in Area Health Education Centers, with Geriatric Educations Centers; and future agenda items. The meeting will be closed to the public on March 25, at 9:00 a.m. for the remainder of the meeting, for the review of grant application from Family Medicine Predoctoral Training, Area Health Education Centers, Physician Assistants, General Internal Medicine/General Pediatrics Residencies, Health Career Opportunity Program, Health Administration and General Practice Dental Residencies. The closing is in accordance with the provisions set forth in section 552b(2)(6), Title 5, U.S.C., and the Determination by the Acting Administrator, Health Resources and Services Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Mr. Robert L. Belsley, Executive Secretary, National Advisory Council on Health Professions Education, Bureau of Health Professions, Health Resources and Services Administration, Room 8C–22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6880.

Agenda items are subject to change as priorities dictate.

Dated: February 18, 1986.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 86–3869 Filed 2–21–86; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer, Washington, DC 20503, telephone 202–395–7313.

Title: Waterfowl Harvest Surveys.

Abstract: Waterfowl, Wildlife Conservation. Migratory waterfowl hunting is authorized throughout the United States including Alaska. Information on the magnitude and composition of the harvest is needed for sound management and to preclude overharvest of the species involved. The forms used in these surveys provide the major part of that information.

Form Number(s): 3–1823, 3–2056G, 3–165

Frequency. Annually

Description of Respondents: Individuals or households

Annual Responses: 73,800

Annual Burden Hours: 23,474

Alternate Service Clearance Officer: James E. Pinkerton, 202–653–7499, Room 859, Riddell Building, U.S. Fish and Wildlife Service, Washington, DC 20240.

Dated: January 23, 1986.

Walter O. Stieglitz,

Acting Associate Director—Wildlife Resources.

[FR Doc. 86–3872 Filed 2–21–86; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Coordinating Council on Juvenile Justice and Delinquency Prevention; Meeting

The first quarterly meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention will be held in Washington, D.C., on March 18, 1986. The meeting will take place in the Main Auditorium at the Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue SW., from 9:30 a.m. to 12 noon. The public is welcome.

The Council will discuss missing children, school crime, and alcohol and drug abuse.

For further information, please contact Roberta Dorn, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue NW., Washington, D.C. 20531, (202) 724–7655.

Dated: February 19, 1986.

Approved:

Alfred S. Regnery,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 86–3958 Filed 2–21–86; 8:45 am]

BILLING CODE 4410–08–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 86–12]

NASA Advisory Council (NAC), Space Applications Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NAC Space Applications Advisory Committee (SAAC), Informal Advisory Committee on Communications.

Date and Time: March 11, 1986, 8:30 a.m. to 4:30 p.m.; March 12, 1986, 8:30 a.m. to 3 p.m.

ADDRESS: National Aeronautics and Space Administration, Room 226A, 600 Independence Avenue, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Dudley G. McConnell, Code E, National Aeronautics and Space Administration, Washington, DC 20546 (202/453–1420).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Communications will meet to consider the strategic plan for satellite communications. The Subcommittee is chaired by Mr. Leonard Jaffe and is composed of 7 members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons, including subcommittee members and other participants).

Type of Meeting: Open.

Dated: February 14, 1986.

Richard L. Daniels,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 86–3874 Filed 2–21–86; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: March 14, 1986.
Time: 9:00 a.m. to 5:00 p.m.
Room: M–14
Program: This meeting will review applications for support of fellowship programs in the humanities at Centers for Advanced Study submitted to the Regrants Program in the Division of Research Programs, for projects beginning after July 1, 1986.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C., or call (202) 786–0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 86–3910 Filed 2–21–86; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Industrial Science and Technological Innovation; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Industrial Science and Technological Innovation.

Date and time: March 11, 1986: 8:30 a.m. to 5:00 p.m.

Place: Room 1242–A, National Science Foundation, 1800 G St., NW, Washington, DC 20550.

Type of meeting: Open.

Contact person: Mr. Robert D. Lauer, Section Head, Division of Industrial Science and Technological Innovation, Room 1250, National Science Foundation, Washington, DC 20550. Telephone (202) 357–7527.

Summary of minutes: May be obtained from contact person at address above.

Purpose of committee: To provide advice and recommendations concerning support of research in NSF programs administered by the Division of Industrial Science and Technological Innovation.

Agenda: March 11, 1986: 8:30 a.m.–11:45 a.m.

Briefing on Division of Industrial Science and Technological Innovation (ISTI) Activities for new members of the advisory committee and update for old members—advisory committee communications for rapid response—update on GAO Small Business Report—review status of multiple Phase I SBIR awards with respect to impact of the Gramm-Rudman Bill and authorization of Pub. L. 97–219—status report on Annual ISTI Conference scheduled for April 24–29, 1986.

Lunch—March 11, 1986: 1:15 p.m.–5:00 p.m.

Review university/SBIR initiative discussion that took place at a meeting with the National Academy of Sciences Industry/University/Government Roundtable, followed by discussion of future course of action for the initiative—in-depth review of the Equipment Donation and Discount procedures—administrative procedural discussion on Advisory Committee membership—new business—review of action items generated during meeting.

M. Rebecca Winkler,

Committee Management Officer.

February 18, 1986.

[FR Doc. 86–3905 Filed 2–21–86; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Issuance of New Environmental Standard Review Plan; Radiological Impacts, Releases to Groundwater

The U.S. Nuclear Regulatory Commission (NRC) has completed the development of Environmental Standard Review Plan (ESRP) Section 7.1.1 entitled "Environmental Impacts of Postulated Accidents Involving Radioactive Materials—Releases to Groundwater." ESRP 7.1.1 was published for comment in the **Federal Register** on May 23, 1985 (50 FR 21375). The final version of the ESRP was published as NUREG 1165.

This ESRP provides guidance to the staff for preparation of environmental assessments of "Radiological Impacts—Releases to Groundwater," an input to the staff's Environmental Statement which addresses the groundwater pathway consequences from postulated reactor core-melt accidents. The ESRP lists the type of information which should be collected, references that may be useful, and provides a procedure for uniform staff review of applicant analyses. The ESRP is applicable to both Construction Permit and Operating License Stage reviews.

Since July 1980 the staff has been required to include in Commercial Reactor Environmental Impact Statements an analysis of the radiological exposure pathways to humans (including groundwater) from a postulated core-melt accident. This requirement was contained in the Commission's Statement of Interim Policy Regarding Nuclear Power Plant Accident Considerations Under the National Environmental Policy Act of 1969 (45 FR 40101, June 13, 1980). The ESRP is a codification of staff review practice that has developed in response to the Interim Policy Statement. The ESRP does not place any new requirements on applicants. The ESRP also permits the use of future source term and probabilistic studies when they become available.

Copies of NUREG 1165 and of the NUREGs referenced in NUREG 1165 may be purchased through the U.S. Government Printing Office by calling (202) 275–2060 or by writing to the U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082. Copies may be purchased also from the National Technical Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161. A copy is available also for inspection and/or copying for a fee in the NRC

Public Document Room, 1717 H Street NW, Washington, DC 20555.

Dated at Bethesda, Maryland, this 13th day of February 1986.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 86-3947 Filed 2-21-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-528, 50-529]

Arizona Public Service Co. et al. (Palo Verde Nuclear Generating Station, Units Nos. 1 and 2); Receipt of Requests for Action

Notice is hereby given that, by a Petition dated January 17, 1986 and supplemented January 21, 1986, and February 1, 1986, Barbara Bush and Myron Scott, on behalf of the Coalition for Responsible Energy Education (CREE), requested that the Nuclear Regulatory Commission suspend the low power operating license for Palo Verde Nuclear Generating Station (PVNGS) Unit 2 of the Arizona Public Service Co., et al (Licensee) and defer any further licensing action with respect to Unit 2 pending resolution of a number of issues raised by the Petitioner. The Petitioner alleges that management incompetence and schedular pressure in the PVNGS Nuclear Program calls into question the safe conduct of start-up operations and power ascension at PVNGS Unit 2. Relief requested includes a hearing to resolve the issues raised in the Petition of January 17, 1986, as supplemented January 21, 1986, and initiation of a special NRC Inspection and Oversight Team to closely monitor the Licensees' activities in the future.

A second Petition dated February 3, 1986 alleges that the containment leak test of PVNGS Unit 1 was not conducted in accordance with the applicable NRC regulations. Relief requested includes immediate shutdown of the reactor, retest of the containment using test procedures complying with all applicable NRC requirements, and placement of all test data associated with containment leak rate testing at PVNGS into the public domain.

The Petitions are being handled as requests for action pursuant to 10 CFR 2.206 and, accordingly, appropriate action will be taken on the Petitions within a reasonable time.

Copies of the Petitions are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20555, and at the Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, AZ 85004.

Dated at Bethesda, Maryland this 18th day of February 1986.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 86-3948 Filed 2-21-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369 and 50-370]

Duke Power Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-9 and NPF-17, issued to Duke Power Company (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The amendments relate to primary containment leak rate. Surveillance Specification 4.6.1.2 requires that primary containment leak rates periodically be demonstrated in conformance with criteria specified in Appendix J of 10 CFR 50. (Appendix J defines three types of leakage tests, identified as Types A, B and C.) Subparagraph d of this Specification states that Type B and C tests are to be conducted with gas at a specified pressure and test interval with three indicated exceptions. The proposed amendments would add NRC approved exemptions to Appendix J as a fourth exception to Subparagraph d. These changes were requested in the licensee's application for amendments dated January 21, 1986.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Basis for Proposed No Significant Hazards Consideration Determination

Pursuant to 10 CFR 50.12(a) (50 FR 50764), the Commission may, in cases where special circumstances are present and upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 which are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.

The proposed amendments would eliminate the potential for conflict between Specification 4.6.1.2.d and exemptions to Appendix J to 10 CFR 50 (relative to Type B and C leakage tests), once granted by the Commission. An example of such potential conflict is illustrated by the licensee's letter to NRC of September 24, 1985. The letter requests partial exemption to 10 CFR 50 Appendix J to leak test two mechanical penetrations for the Ice Condenser Refrigeration System using glycol as the test medium rather than gas. (The licensee also proposed an acceptance criterion of zero leakage for the test using glycol, and if not met, the penetration would then be drained and tested with gas in accordance with Appendix J.) The Commission is presently reviewing the licensee's request for exemption. If granted, this exemption permitting the use of glycol could not be implemented without violating existing Specification 4.6.1.2d which requires use of gas.

The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. The request involved in this case does not match any of those examples. However, the staff has reviewed the licensee's request for the above amendments and has determined that should this request be implemented, it would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated or (2) involve a significant reduction in a margin of safety because the Commission's review and approval process for exemptions would assure that containment integrity would not be compromised and that only exemptions meeting the criteria of 10 CFR 50.12(a) above would be granted. The proposed amendments, if implemented, also would not (3) create the possibility of a new or different kind of accident from any accident previously evaluated because Appendix J exemptions would involve only testing aspects rather than

hardware changes or operating procedure changes. Accordingly, the Commission proposes to determine that the change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday. Copies of comments received may be examined at the NRC Public Document Room 1717 H Street, N.W., Washington, D.C.

By March 26, 1986, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to B.J. Youngblood: petitioner's name and telephone number; date petition was mailed, plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request, should be granted based upon balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further detials with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Bethesda, Maryland, this 19th day of February 1986.

For the Nuclear Regulatory Commission.

Darl Hood,

Acting Director, PWR Project Directorate #4 Division of PWR Licensing–A

[FR Doc. 86–3949 Filed 2–21–86; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling System; Cancellation

The ACRS Subcommittee on Emergency Core Cooling Systems scheduled for February 26, 1986 has been cancelled. This meeting notice was previously published in the **Federal Register** (51 FR 5007) on February 10, 1986.

Dated: February 19, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86-3946 Filed 2-21-86; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Motion Picture and Videotape Production Contracting and Audiovisual Productions Acquisition System; Invitation for Public Comment

AGENCY: Office of Management and Budget, Office of Federal Procurement Policy.

ACTION: The Office of Federal Procurement Policy (OFPP) is requesting comments on proposed revisions to OFPP Policy Letter 79-4, "Contracting for Motion Picture and Videotape Productions," and OFPP Pamphlet #3, "Federal System for Acquiring Audiovisual Productions."

SUMMARY: OFPP Policy Letter 79-4 was issued in November 1979 and Pamphlet #3 in August 1980. The Policy Letter established a Government-wide system for contracting for motion picture and videotape productions. The pamphlet supplemented the Policy Letter by providing information about using the Government-wide system. The revised pamphlet and policy letter propose to: (1) eliminate the need for producers to sign contracts prior to placement on the Government-wide Qualified Film or Videotape Producers Lists; (2) reduce from five to three the number of Interagency Audiovisual Review Committee members that must be present to evaluate sample productions; (3) eliminate the descriptions contained in 79-4 of the treatment and scripting approaches to audiovisual production; and (4) generally update the policies contained in both documents.

The intended effect of the proposed changes is to simplify Federal audiovisual contracting practices. Since the changes will not have a $100 million (or greater) effect on the economy, will not result in major increases in price or cost, and will not have adverse affects on employment, investment, competition, productivity or innovation, it is not a major rule, as defined in Executive Order 12291.

DATE: Comments must be received on or before April 1, 1986.

ADDRESS: Comments should be submitted to the Office of Management and Budget, Office of Federal Procurement Policy, Room 9025, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Charles W. Clark, Deputy Associate Administrator for Policy Development (202) 395-6803. Copies of Pamphlet #3, Revised, may be obtained from Mr. Clark.

David F. Baker,

Acting Administrator.

Policy Letter No. 79-4 (Revised)

To the Heads of Executive Departments and Establishments

Subject: Contracting for Motion Picture Productions and Videotape Productions.

1. *Purpose.* This Policy Letter replaces Policy Letter 79-4 issued by the Office of Federal Procurement Policy (OFPP) on November 28, 1979. The Policy Letter modifies and updates the uniform Government-wide procedures for contracting for motion picture and videotape productions previously prescribed by Policy Letter 79-4.

2. *Background.* Beginning in the early 1970's, various management studies were made of the Government's audiovisual contracting programs. These studies indicated widespread dissatisfaction with the policies and procedures followed by Federal agencies and departments in contracting for the production of audiovisuals. OFPP Policy Letter 79-4 established a Government-wide system to correct many of the contracting problems identified in the studies. The Government-wide contracting system established by Policy Letter 79-4, however, has not been incorporated in the Federal Acquisition Regulation (FAR) and has not been uniformly applied. Accordingly, this Policy Letter is intended to update the procurement policies and provisions contained in Policy Letter 79-4 and to provide for their inclusion in the FAR.

3. *Policy.* Executive agencies and departments shall use the uniform Government-wide system described in paragraph 7 below in contracting for motion picture and videotape productions. The uniform system is intended to:

a. Reduce waste and inefficiency in audiovisual contracting practices;

b. Ensure that the Government obtains quality motion picture and videotape productions at fair, competitive prices;

c. Provide a central point within the Government where producers can obtain information on motion picture and videotape contracting procedures; and

d. Increase competiton for Government contracts.

4. *Implementation.* This Policy Letter will be effective when implemented in the FAR. Under provisions of the OFPP Act and OFPP Policy Letter 85-1, implementation in the FAR 90 days after the date of this Policy Letter shall be considered timely.

5. *8(a) Contracts.* Contracts made pursuant to Section 8(a) of the Small Business Act will be handled in accordance with existing regulations and use of the uniform system is not required.

6. *Definitions.* As used in this Policy Letter:

a. "Motion picture production" refers to those productions on motion picture film, developed according to plan or script, containing visual imagery, sound, or both, and used to convey information.

b. "Videotape production" refers to those productions on videotape, cassette, or disc, developed according to a plan or script, containing visual imagery, sound, or both, and used to convey information.

c. "Treatment" refers to a written overview of a producer's proposed creative approach and storyline. It includes a description of participants, their roles, and their general conversation or narration. Scene descriptions, animation (if any), and locations are provided by the treatment.

d. "Executive Agent" refers to the Office for Defense Audiovisual Policy of the American Forces information Service. The Executive Agent is designated by OFPP and is responsible for administering and maintaining the qualified film and videotape producers list described in Paragraph 7 below. The Executive Agent also serves as the central information source about Federal motion picture and videotape contracting procedures.

e. "Interagency Audiovisual Review Board" (IARB) refers to a committee consisting of representatives from various Federal agencies. Members of the IARB are designated by an agency's central audiovisual management office. The IARB is chaired by the Executive Agent and is used in an advisory

capacity by the Executive Agent in the evaluation of sample motion picture and videotape productions submitted by producers.

7. *Uniform System.*

a. *Open Invitation.* Persons interested in competing for Government motion picture or videotape production contracts shall contact the Executive Agent (Office for Defense Audiovisual Policy), Room 208, Plaza West; 1735 North Lynn Street; Arlington, Virginia 22209; telephone (202) 696–5260. The Executive Agent will provide each interested producer a standard application form, which shall be completed by the producer and returned to the Executive Agent.

b. *Submission of Work Sample.* Each application submitted to the Executive Agent must be accompanied by a sample motion picture or videotape production. Sample motion picture productions must be in the 16-mm optical sound format. Sample videotape productions must be on ¾-inch, U-format or ½-inch VHS videocassette. Sample productions must have been produced within the past 3 years, and a letter so stating from the client or sponsor of the sample production must be included in the application.

c. *Review of Work Samples.* Work samples submitted to the Executive Agent will be reviewed and evaluated by the IARB on a first-in, first-out basis. A minimum of three IARB members must participate in the evaluation of each work sample. The public may attend meetings of the IARB, during which sample motion picture and videotape productions are viewed. The public may not, however, be present nor participate during the formal evaluation of the productions.

d. *Criteria for Evaluating Work Samples.* The IARB will evaluate sample motion picture and videotape productions on the basis of the following criteria:

(1) Achievement of Purpose:

—Did the production accomplish its stated purpose?

—Was it appropriate for the intended audience? 0–15 Points

(2) Creativity:

—Did the production provide a fresh or innovative way of conveying the message? Was the manner of presentation appropriate? 0–15 Points.

(3) Continuity:

—Did the subject develop in a logical or understandable manner? 0–15 Points.

(4) Technical Factors:

—Did the following elements, if included in the production, exhibit technical competence?

—Direction
—Writing
—Photography/Camera Work
—Editing
—Artwork/Animation
—Narration/Dialogue
—Music and Sound
—Special Effects

—0–60 Points.

e. *Placement on Qualified Producers Lists.*

(1) The IARB will recommend to the Executive Agent that all producers whose work samples receive a composite score of 70 or more be included on the Qualified Film Producers List (QFPL) or Qualified Videotape Producers List (QVPL). The Executive Agent will then review and verify all application information and, if valid, will assign a QFPL or QVPL number to those producers. This number will be cited by the producers in all responses to Government solicitations.

(2) In the case of a sample which receives a composite score of less than 70, the IARB will recommend that the producer not be placed on the QFPL or QVPL. The IARB will provide the rationale for their recommendation to the Executive Agent, and the Agent will explain the shortcomings of the work sample to the producer. A producer who has additional facts or data which might offset the IARB recommendation may present these to the Executive Agent for consideration. Also, any producer whose sample is scored at less than 70 will be afforded an immediate opportunity to reapply with a different sample.

(3) A producer will normally remain on the QFPL or QVPL until he or she requests removal. The Executive Agent will verify (annually) the name, address, QFPL/QVPL number, and business size of each producer on the lists. Producers not responding to this verification will be removed from the lists. If a producer performs unsatisfactorily for an agency, the agency will take appropriate contractual action and also submit documentation on the unsatisfactory performance to the Executive Agent. The Executive Agent may reevaluate the producer's capabilities and reconsider the producer's qualifications for the QFPL or QVPL.

(4) Firms placed on the QFPL or QVPL will not be classified by subject matter or geographic area unless they so request. Copies of the qualified lists will be distributed by the Executive Agent to all using agencies and to other persons requesting them.

f. *The Solicitation and Contracting Process.*

(1) All notices and synopses published in accordance with FAR Part 5 shall advise interested producers that in order to qualify for contract award, they must first apply to the Executive Agent and be placed on the QFPL or QVPL, as appropriate. Persons and firms not on the QFPL or QVPL may submit proposals in response to Commerce Business Daily or other notices, but they must be placed on the appropriate list prior to award.

(2) When an agency is prepared to solicit production or treatment proposals for a motion picture or videotape, the contracting officer will contact the Executive Agent and request the names of producers from the QFPL or QVPL. The Executive Agent will furnish names in increments of five. The names furnished will be selected from the QFPL or QVPL on a random number basis.

(3) Use of Names. The agency will solicit proposals from all firms referred by ther Executive Agent. Proposals must be solicited from at least ten producers for each requirement (unless a noncompetitive acquisition is justified in accordance with the FAR). Agencies will determine, in light of the specific film or videotape to be produced, whether more than ten proposals should be solicited. As a general guide, however, agencies should not request more than ten names from the Executive Agent for productions estimated to cost less than $100,000. Any producer on the QFPL or QVPL may request a copy of an agency's request for proposals. Offers received from such producers shall be evaluated in the same manner as offers received from solicited producers.

g. *Soliciting Proposals.* Standard formats have been developed for soliciting proposals for: (1) the preparation of treatments and; and (2) the production of specific motion pictures and video tapes. Those formats are published in OFPP Pamphlet No. 3, Revised. Copies of the pamphlet may be obtained from the Executive Agent or OFPP.

h. *Reporting Requirements.* All motion picture and videotape productions acquired through contract, including those specifically exempted from this contracting system by Paragraph 8 below, will be reported to the Federal Procurement Data Center under Service Code T006 and, annually, to the National Audiovisual Center, using the Standard Form 203 in accordance with OMB Circular A–114. The Executive Agent will monitor these reports to ensure appropriate use of the QFPL and QVPL.

8. *Exceptions to Mandatory use of the QFPL or QVPL.*

a. The QFPL or QVPL is mandatory for use by all Federal agencies, except as follows:

(1) Noncompetitive (sole source) acquisitions justified and conducted in accordance with existing regulations.

(2) When a contract is required for work in which the development of motion picture or videotape productions represents less than 50% of the cost of that contract, an agency may determine that the involvement or production by the prime contractor is essential for continuity or is more cost effective than separately contracting for the audiovisual productions. If, however, such productions are to be accomplished through a subcontract, the prime contractor should be encouraged to use producers from the QFPL and QVPL.

(3) Agencies will follow existing regulations or directives when contracting for sound slide or multimedia productions or for separate media production support services, such as photography, editing, sound recording or rerecording, sound mixing, artwork, etc. If production support services are obtained by contract, the total cost of the services shall not exceed 30% of the estimated total cost of the production.

(b) these exceptions do not exempt agencies from the reporting requirements specified in paragraph 7.1.

9. *Effective Date.* This Policy Letter shall be effective ——

10. *Concurrence.* The Director of the Office of Management and Budget concurs in the issuance of this policy directive.

David F. Baker,

Acting Administrator.

[FR Doc. 86-3871 Filed 2-21 86: 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

Information Collection for OMB Review

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed extension of forms submitted to the Office of Management and Budget (OMB) for clearance.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35, we are announcing a proposed extension to forms which collect information from the public. OPM Form 1203 (Occupational Supplement series—Form B) and OPM Form 1280 (Applicant Data Sheet) are optical scan and key entry documents, respectively. These forms are used by our automated processing center to create basic applicant records for an automated examining system. We will be using these forms to carry out our responsibility for open competitive examining for admission to the competitive service in accordance with section 3302, 5 U.S.C. For copies of this proposal, call James M. Farron, Agency Clearance Officer, on (202) 632-7714.

DATE: Comments on this proposal should be received within 20 working days from date of this publication.

ADDRESS: Send or deliver comments to—

James M. Farron, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6410, Washington, DC 20415

and

Katie Lewin, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: James M. Farron, (202) 632-7714.

Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 86-3971 Filed 2-21-86; 8:45 am]

BILLING CODE 6325-01-M

PRESIDENTIAL COMMISSION ON THE SPACE SHUTTLE CHALLENGER ACCIDENT

[86-14]

Presidential Commission on the Space Shuttle Challenger Accident; Meeting

AGENCY: Presidential Commission on the Space Shuttle Challenger Accident.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the Commission announces the forthcoming meetings.

DATE AND TIME: February 25, 1986, beginning at 10:00 a.m. and February 26, 1986, beginning at 10:00 a.m.

ADDRESS: Department of State Auditorium, 2201 C Street, NW., Washington, DC 20520.

FOR FURTHER INFORMATION CONTACT: Dr. Alton G. Keel, Executive Director, Presidential Commission on the Space Shuttle Challenger Accident. (202/395-6190)

Purpose of meeting: To consider matters relevant to the decision to launch the Space Shuttle Challenger on January 28, 1986, including weather and launch pad conditions and concerns about the condition of the solid rocket boosters.

SUPPLEMENTARY INFORMATION: The Presidential Commission on the Space Shuttle Challenger Accident was established as a group of distinguished leaders of the government and the scientific, technical and management communities to investigate the accident of the Space Shuttle Challenger which occurred on January 28, 1986.

Exceptional circumstances requiring less than 15 days notice: The meetings were required to be held promptly due to the President direction that the Commission investigate the January 28, 1986 Space Shuttle Challenger accident and submit a final report to the Presidential and the Administrator of National Aeronautics and Space Administration within one hundred and twenty days of issuance of Executive Order 12546 dated February 3, 1986.

Richard L. Daniels,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

February 20, 1986.

[FR Doc. 86-4006 Filed 2-21-86; 8:45 am]

BILLING CODE 7510-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-14942; File No. 812-6233]

Application and Opportunity for Hearing; Bankers Security Life Insurance Society et al.

February 18, 1986.

Notice is hereby given that Bankers Security Life Insurance Society ("Company"), a New York stock life insurance company with executive offices at 1701 Pennsylvania Avenue NW., Washington, DC 20006; Bankers Security Variable Life Separate Account I, Bankers Security Variable Life Separate Account II, registered under the Investment Company Act of 1940 (the "Act") as open-end management investment companies ("Accounts I and II"); USLICO Securities Corporation, the principal underwriter; and Bankers Centennial Management Corp., the investment advisor (collectively, "Applicants"), filed an application on October 24, 1985, and an amendment thereto on January 29, 1986, for an order of the Commission pursuant to section 6(c) of the Act exempting Applicants from sections 2(a)(32), 2(a)(35), 18(i), 22(c) and 22(d), 26(a)(1), 26(a)(2), 27(c)(1), 27(c)(2), 27(f), and 27(h) of the Act and Rules 6e-2 (b)(1), (b)(10), (b)(12), (b)(13), and (c), 22c-1 and 27f-1

thereunder in connection with the issuance and funding of certain single premium variable life insurance contracts ("contracts"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and are referred to the Act and the rules thereunder for a statement of the relevant provisions.

Applicants represent that Accounts I and II are segregated accounts to which assets are allocated from time to time to support benefits payable under scheduled permium insurance contracts offered by the Company. Applicants propose to offer a single premium contract to be funded by Accounts I and II. The new contract will differ from the existing scheduled premium contract in certain respects, including the fact that no front-end sales charge will be deducted. In the single premium contract's first ten years, the cash surrender value will be lower than its benefit base, a value used to claculate death benefits and cash surrender values. Therefore, Appicants note, surrender values are structured in such a manner which may be considered to impose a "contingent deferred sales charge" ("CDSL"). Applicants request exemptive relief to elminate any doubt regarding full compliance with the Act and the rules thereunder in light of the CDSL.

Applicants state that cash surrender values under the single premium contract are structured so that they are less than the benefit base for the first ten years of the contract. Assuming a net investment return of 4½%, the benefit base will be the net single premium for the attained age (found in the single premium contract) multiplied by the guaranteed insurance amount under the contract. Using the same investment return assumption, the cash surrender value would always equal the tabular cash value. The relationship between the tabular cash value and the benefit base is such that at the end of the first contract year it equals 91% of the benefit base. At the end of each subsequent contract year it increases by 1% until at the end of the tenth year, and thereafter, it is always 100%. Applicants represent the CDSL will not exceed 9% of the single premium paid by the contractowner. It will apply upon the full surrender of a contract and upon an exchange of a contract for a fixed-benefit contract.

Applicants assert that both the language and the history of Rule 6e–2 anticipated variable life insurance contracts with CDSLs, and that the sales load under their contract is consistent with the rule in terms of amount and timing. Applicants also assert that contractowners benefit from CDSLs in that the net amount invested is increased, and the elimination of the front-end sales load permits higher minimum death benefits for the same premium.

Applicants assert section 2(a)(35) and 27(h) contemplate a sales load that is deducted at the time payment for the securities is made, and Rule 6e–2, paragraphs (b)(1) and (c)(4) may not cover a CDSL. Applicants seek exemptive relief to permit such a sales load on the grounds that it is consistent with the intent of the Act and that the timing of the deduction does not change the basic nature of the charge, which is in every other respect a sales charge. Applicants seek exemptive relief from sections 2(a)(32) and 27(c)(1) and from Rule 6e–2, paragraphs (b)(12) and (b)(13)(iv), to the extent such provisions do not recognize a sales charge at redemption. Applicants argue that the deferral of a sales load does not restrict the contractowner from receiving his proportionate value of the account on redemption. Applicants request exemption from section 22(c) of the Act and from Rules 6e–2(b)(12) and 22c–1 to the extent necessary to permit a CDSL. Applicants argue that Rule 6e–2(b)(12) was intended to afford exemptive relief from Rule 22c–1 with respect to redemption procedures in the context of variable life insurance, including surrender and exchange procedures, but the Rule 6e–2(b)(12) could be read as not recognizing a CDSL. Applicants point out Rule 22c–1 was intended to minimize dilution of interests and unfair speculative trading and that a CDSL would not have a dilutive effect and would actually discourage speculative short-term trading. With regard to Rule 6e–(c)(1)(i), which defines "variable life insurance contract" in terms of cash surrender values which vary to reflect investment experience, Applicants assert the single premium contract provides for a cash surrender value that also varies. Applicants seek relief from section 22(d) and Rule 6e–2(b)(12)(ii), which concern uniform price requirements. Applicants assert that although the exemption afforded in the Rule may not contemplate situations where separate accounts fund variable life insurance contracts, one with a front-end sales load and the other with a CDSL, any variation is reasonable, fair and non-discriminatory to the owners of the same class.

Applicants also request relief from section 27(h)(1) and Rules 6e–2 (b)(1), (b)(13), and (c)(4) to the extent necessary to permit use of the 1980 Commissioners Standard Ordinary Mortality Tables ("CSO Tables") instead of the 1958 CSO Table to measure the cost of insurance charge in determining what is deemed to be sales load. Applicants will use separate 1980 CSO Tables in computing sales load for male and female insureds and they state that these tables correspond to those guaranteed by the single premium contracts. Applicants state the 1980 CSO Tables reflect more contemporary mortality assumptions and, in most cases, the use of these tables will result in lower cost of insurance deductions than would use of the 1958 CSO Table. However, Applications acknowledge that for contractowners between ages 17 and 22 inclusive, the 1980 CSO Tables result in higher cost for the purchase of insurance. In addition, Applicants request relief from sections 26(a)(1), 26(a)(2), and 27(c)(2) and Rule 6e–2(b)(13)(iii) to permit the deduction of insurance charges from the benefit base value. Applicants believe their request for relief is consistent with amendments to Rule 6e–2 proposed in Investment Company Act Release 14421 (March 15, 1985).

Finally, Applicants request exemption from sections 22(e), 27(c)(1), and 27(f), and from Rules 6e–2 (b)(12), (b)(13)(iv), (b)(13)(viii)(C), (c)(1)(i), and (c)(4), and 22c–1 and 27f–1 to the extent necessary to permit them to use the structure of cash surrender values under the contract. They also request exemption from section 18(i) and Rule 6e–2(b)(10) to allow voting rights based on the value of the benefit base rather than the cash surrender value of the single premium contract. The calculation of the benefit base reflects the investment experience of the separate account to determine death benefits and cash surrender values. Applicants assert that voting rights based on the owner's participation in the separate account are the most appropriate way to determine voting rights.

Applicants represent they will conform to any rules and amendments the Commission may adopt under Rule 6e–2, or will seek exemptive relief from such amendments.

Notice is further given that any interestd person wishing to request a hearing on the application may, not later than March 11, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed. Such request should be addressed to: Secretary, Securities and

Exchange Commission, Washington, DC 20549. A copy of such request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-3960 Filed 2-21-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14941 (File No. 812-6176)]

Kemper Investment Trust Series I and Subsequent Series et al.; Application for Order Exempting Applicants and Approving Certain Affiliated Transactions

February 14, 1986.

Notice is hereby given that Kemper Investment Trust, Series 1 and Subsequent Series ("Trust"), 120 South LaSalle Street, Chicago, Illinois 60603, a series unit investment trust ("UIT") registered under the Investment Company Act of 1940 ("Act"), Technology Fund, Inc., Kemper Total Return Fund, Inc., Kemper Growth Fund, Inc., Kemper Summit Fund, Inc., Kemper Option Income Fund, Inc., Kemper International Fund, Inc., Kemper Income and Capital Preservation Fund, Inc. Kemper High Yield Fund, Inc., Kemper Municipal Bond fund, Inc., Kemper U.S. Government Securities Fund, Inc., any future fixed income or equity mutual funds which are part of the Group of Kemper Mutual Funds (collectively, "Funds") and Kemper Sales Company ("KSC"), sponsor/depositor of all of the Kemper unit investment trust (all of the above, "Applicants") filed an application on August 12, 1985, and an amendment thereto on January 24, 1986, and a second amendment to be filed during the notice period, for an order of the Commission, pursuant to section 6(c) of the Act, exempting Applicants from the provisions of section 12(d)(1) of the Act, and, pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, permitting the Trust series to invest in portfolios consisting of zero-coupon obligations and underlying Fund shares. Interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and Rules thereunder for the complete text of the applicable provisions.

The application indicates that the Trust will consist of a series of UITs, each of which will be similar but separate and designated by a different series number. Applicants represent that each Trust series will be created, pursuant to a Trust Indenture and Agreement ("Trust Agreement") between KSC as depositor and Investors Fiduciary Trust Company ("Trustee"). Applicants state that the Trust intends to pursue its objective of seeking to provide protection of capital while providing for capital appreciation through investments in U.S. Government and other types of zero-coupon obligations or evidences thereof ("zero-coupon obligations") and shares of the Funds. Applicants further represent that KSC will act as principal underwriter and depositor of the Trust series, which are intended to be initially offered to the public at prices based on the net asset value of the shares of the Fund selected for deposit in that series of the Trust, plus the offering side value of the zero-coupon obligations contained therein, plus a sales charge.

The application states that KSC is a Delaware corporation and a wholly owned subsidiary of Kemper Investors Life Insurance Company which, in turn, is a wholly-owned subsidiary of Kemper Financial Service, Inc. ("KFS"), a registered investment adviser and broker-dealer; KFS is also a Delaware corporation and a wholly-owned subsidiary of Kemper Corporation, a diversified insurance and financial services holding company. Applicants state that each of the Funds is an open-end, diversified, management investment company registered under the Act. The Funds are part of a group of mutual funds known as the Kemper Mutual Funds for which KFS serves as investment adiviser and/or principal underwriter.

Applicants propose that each series of the Trust would have a portfolio consisting of zero-coupon obligations purchased by KSC from third parties, all of which would have an essentially identical maturity. In addition to the zero-coupon obligations, each series would have deposited in it shares of one of the Funds. Applicants state that the Trust would be structured so that each series would contain a sufficient amount of zero-coupon obligations to insure that, at the specified maturity date for that series, an investor purchasing units of beneficial interest ("Units") of a Trust series on the date of deposit would receive back the approximate total amount of this original investment in the Trust, including the sales charge thereon. Applicants further state that at the maturity of a Trust series, the minimum which any investor in a series would receive would be the amount of his original investment (even if the Fund shares were worthless), since the principal value of the maturing zero-coupon obligations would approximately equal the original purchase price of the Unit of the Trust. To the extend that the Fund paid dividends or made capital gains distributions during the life of the Trust, the value of the purchaser's investment would be increased.

Applicants represent that shares of the Funds will be sold to the Trust at net asset value and that, since Fund shares have their net asset values calculated daily and that value is readily available to KSC, no evaluation fee will be charged with respect to determining the value of the Fund shares. Applicants state that an evaluation fee will be charged only with respect to that portion of the Trust's portfolio which consists of zero-coupon obligations. Applicants state that KSC intends to maintain a secondary market for Units of the Trust, although it is not obligated to do so. Applicants further state that the existence of a secondary market reduces or eliminates the number of Unit tendered to the Trustee for redemption and thus alleviates the necessity to sell portfolio securities to raise the cash necessary to meet those redemptions. Applicants represent that in the event that KSC does not maintain a secondary market, Fund shares held in the Trust series will first be sold to meet redemptions of Units. To insure that the benefit of zero-coupon obligations is not impaired, the Trust Agreement provides that KSC will not instruct the Trustee to sell zero-coupon obligations from any Trust series until Fund shares have been liquidated, unless KSC is able to sell those zero-coupon obligations and still maintain the original proportional relationship to Unit value. The Trust Agreement provides, further, that zero-coupon obligations may not be sold to meet Trust expenses.

Applicants note that section 12(d)(1) of the Act is intended to prevent the duplication of costs and other adverse consequences to investors incident to the pyramiding of investment companies. Applicants submit that their proposal is structured so as to eliminate such pyramiding and that the UIT format is uniquely adaptable to avoiding the problems with which section 12(d)(1) is concerned.

Applicants state that there will be no duplicative sales charges to Trust

investors. Fund shares will be sold to the Trust at net asset value and the sales load charged by the Trust will be, in most cases, equal to or less than the sales loads charged by the Funds. The Funds' principal underwriter has agreed to waive the usual sales charge in light of the minimal direct sales effort required to sell Fund shares to the Trust. Applicants indicate that since a UIT has an unmanaged portfolio, there are no duplicative investment advisory fees as there would be where a mutual fund purchased shares of other mutual funds. Furthermore, the normal evaluation fee on Fund shares deposited in any Trust series will not be charged since the pricing of such shares is readily available to KSC, although an evaluation fee will be charged with respect to the zero-coupon obligations in the Trust. Applicants assert that the administrative costs to both the Trust and the underlying Fund should be reduced by the proposed arrangement for the reasons set forth above.

Applicants submit that shareholders of each of the Funds selected for deposit in various series (one Fund per series) will benefit from the additional economies of scale resulting from the sale of a large number of shares to a Trust Series, each of which will be carried on the books of the Fund as a single shareholder account, rather than multiple shareholder accounts.

Applicants further note that another concern of section 12(d)(1) was potentially abusive control problems resulting from concentration of voting power in a fund holding company or from the threat of large-scale redemptions by the fund holding company. The voting of shares of the Fund which are held by a series of the Trust will be done by the Trustee of the Trust. The trust indenture for each series of the Trust will provide that the Trustee must vote all shares of a Fund held in a Trust series in the same proportion as all other shares of that Fund, which are not held by the Trust, are voted.

Regarding large-scale redemptions, Applicants assert that the requirements of the trust indenture, which permit the Trust to sell shares *only* when necessary to meet redemptions and which will occur only if KSC is not maintaining a secondary market, should alleviate any concerns with this problem. The application states that neither the Trustee nor KSC will have discretionary authority to determine when shares of the underlying Fund are to be sold or to substitute shares of another Fund for those deposited in the Trust.

According to the application, the Trust has taken certain steps to reduce the impact of the termination of a series of the trust on the Fund deposited therein. Applicants state that the Trust will, with respect to all Unitholders still holding Units at maturity, transfer the registration on their proportionate number of Fund shares from the Trust to a registration in the investor's name in lieu of redeeming those shares, and the Trust will also offer all such Unitholders the option of reinvesting the proceeds of the zero-coupon obligations in Fund shares at net asset value. Proceeds from the zero-coupon obligations will be paid in cash unless the Unitholder elects reinvestment.

Applicants believe that the threats of large-scale redemptions will be further reduced by imposing a requirement that no particular series of the trust could acquire more than 10% of the then outstanding shares of a Fund. Applicants argue that it is appropriate that this condition relate to each series of the Trust individually, because the purchasers of Units of each series are essentially different. Applicants further undertake that not more than 10% of a Fund's shares will be deposited in multiple Trust series having zero-coupon obligations that mature within a 30-day period.

Applicants assert that the restriction on levels of ownership contained in section 12(d)(1) was imposed primarily to deal with a situation where a mutual fund manager might be able to exert some degree of control over an acquired fund by threatening large-scale redemptions and that the unmanaged nature of a UIT precludes any necessity for concern in this area. Applicants note that the trustee of the Trust, as noted, has no discretionary ability to demand a redemption of a Fund's shares and may do so only to meet redemption requests (and then only to the extent that KSC does not purchase the Units in order to resell them in the secondary market). Any attempt to vary the portfolio of any series of the Trust, except under certain very narrowly defined conditions, would, according to the application, be contrary to the Trust Agreement and would, more than likely, cause the Trust to lose its status as a grantor trust under the provisions of the Internal Revenue Code.

Applicants also seek an order under section 17(d) of the Act and Rule 17d-1 thereunder, approving certain affiliated transactions associated with their proposal. Applicants state that they have structured the Trust to eliminate as many potential areas of concern with respect to any affiliated transactions as possible. There will be no duplication of sales charges with respect to the Fund shares and Trust Units, there will be no overlap of fees for managing the portfolio since there is no management fee at the Trust level and, because the price of the Funds' shares can be easily obtained, the evaluation fee with respect to that portion of the Trust's portfolio represented by Fund shares has been waived. Applicants state that, for the reasons cited above and in light of the restrictions imposed in connection with the proposed transactions, neither the Funds nor the Trust will be disadvantaged by the arrangement and that each stands to gain significant benefits from the proposed transaction.

Applicants submit that the proposed arrangement is consistent with the purposes, policies, and provisions of the Act and no less advantageous to any one of the Applicants. Finally, Applicants represent that, with respect to any future Fund, they will substantially comply with the representations contained in their application.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 11, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interests, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant(s) at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued, unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-3961 Filed 2-21-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14944; (812-6237)]

PaineWebber Special Income Fund, Inc.; Application for Order Permitting Assessment (and Variation) of a Contingent Deferred Sales Load

February 18, 1986.

Notice is hereby given that PaineWebber Special Income Fund, Inc. ("Applicant"), 1285 Avenue of the Americas, New York, NY 10019 filed an application on October 29, 1985, and an amendment thereto on February 4, 1986,

for a Commission order, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting it from sections 2(a)(32), 2(a)(35), 22(c), and 22(d) of the Act and Rule 22c–1 thereunder to the extent necessary to permit assessment (and variation) of a contingent deferred sales load ("CDSL") on certain redemptions of shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable provisions.

Applicant, a Maryland corporation organized in October 1985, states it is registered under the Act as an open-end, diversified, management investment company. Further, Applicant states that PaineWebber Incorporated ("PaineWebber") is expected to serve as Applicant's principal underwriter, administrator and investment adviser. Mitchell Hutchins Asset Management Inc. ("Mitchell"), an affiliate of PaineWebber, is expected to serve as sub-adviser to Applicant.

Applicant proposes to impose a CDSL if during the six years preceding the redemption, an investor redeems an amount which causes the value of his account to fall below the total amount of his purchase payments. Applicant represents that no CDSL will be imposed upon redemption on amounts derived from (i) increases in the value of the account above the total dollar amount of purchase payments made during the six years preceding the redemption (either through appreciation or through reinvestment of dividends and capital gains contributions) or (ii) purchase payments made more than six years prior to the redemption. Applicant states that such amounts would be considered the amounts first redeemed upon any redemption request.

Applicant states that where a CDSL is imposed, the amount will depend upon when the shares being redeemed were purchased. During the first 12 months after purchase, the CDSL would be 5% of the amount subject to a redemption charge. Thereafter, the CDSL would be 4% for shares redeemed during the second year after purchase, 3% during the third year, 2% during the fourth and fifth years and 1% during the sixth year. Applicant represents that the shares first purchased will be assumed to be the first redeemed. Applicant also represents that the maximum amount on which a CDSL may be imposed on a cumulative basis will not exceed the total purchase payments made by an investor. Further, Applicant represents that in no event could the aggregate amount of the CDSL exceed 5% of the aggregate purchase payments made by an investor.

According to the application, Applicant proposes to finance its distribution expenses pursuant to a plan ("Plan") adopted under Rule 12b–1 under the Act. The Plan currently provides that Applicant will pay PaineWebber a monthly distribution fee of 1% per annum of the lesser of (a) the original purchase price of Applicant's shares less the original purchase price of Applicant's shares redeemed since inception upon which (i) a CDSL was imposed or could have been imposed but for the fact that such shares were purchased six years or more prior to redemption and (ii) a CDSL was imposed but waived or (b) Applicant's average daily net assets. Applicant represents that PaineWebber will also receive the proceeds of the CDSL.

Applicant proposes to waive the CDSL on redemptions (i) following the death or disability of an investor, (ii) in connection with certain distributions from qualified retirement plans and (iii) by officers, directors and employees of Applicant, PaineWebber, Mitchell and their affiliates. Applicant also proposes to reduce the CDSL on certain redemptions by investors who at the time of redemption hold shares of Applicant worth at least $1,000,000.

Applicant requests relief from sections 2(a)(32), 2(a)(35) and 22(c) of the Act and Rule 22c–1 thereunder to the extent necessary to allow it to impose a CDSL. Applicant supports such request by alleging that the CDSL in no way restircts an investor from receiving his proportionate share of Applicant's current net assets, but merely defers the deduction of a sales load and makes it contingent upon an event which may never occur. Because a CDSL may be considered a sales load under the Act, Applicant also requests an exemption from section 22(d) of the Act permitting the proposed waivers and reduction. Applicant represents that upon the granting of the requested relief it will comply with Rule 22d–1 under the Act in connection with such waivers and reduction.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 11, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86–3962 Filed 2–21–86; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–14943; 812–6236]

Prudential-Bache Securities Inc., et al.; Application for an Order Amending an Existing Order and Permitting Certain Additional Offers of Exchange

February 18, 1986.

Notice is hereby given that Prudential-Bache Securities Inc. (the "Sponsor") on behalf of all existing and future trusts in any series of the Prudential Unit Trusts or any other similar series for which Prudential-Bache Securities Inc. is the Sponsor (collectively, the "Trusts", and individually, the Trust, the Sponsor and the Trusts, collectively, "Applicants"), unit investment trusts registered or under the Investment Company Act of 1940 (the "Act"), c/o Prudential Bache Securities Inc., 100 Gold Street, New York, NY 10292, filed an application on October 18, 1985, and amendments thereto on December 5, 1985, January 24 and 29, 1986, for an order of the Commission pursuant to Section 11 of the Act (a) amending a prior order issued by the Commission approving certain offers of exchange (the "Exchange Option"); (b) approving, on substantially identical terms, an offer of exchange for Trusts not included in the prior order, including future unit investment trusts to be sponsored by the Sponsor (the "Future Trusts") and (c) approving an additional offer of exchange that Applicants propose to offer to holders of units in any registered unit investment trust with a minimum sales load of 3%, exclusive of available sales charge discounts, such as volume discounts, employee discounts and exchange option discounts (the "Conversion Option"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below,

and to the Act for the applicable provisions thereof.

Applicants state that each Trust is a separate unit investment trust and that each series thereof may have different investment objectives. Applicants represent that the Future Trusts will also be registered unit investment trusts under the Act and will be sponsored by the Sponsor (but may be sponsored by additional sponsors). With respect to the prospective relief sought on behalf of the Future Trusts, Applicants undertake to limit their activities, as they relate to the Exchange and Conversion Options, to the terms and conditions represented in the application.

By an order issued on June 26, 1984 (Investment Company Act Release No. 14010), the Commission permitted certain Trusts to participate in the Exchange Option. Applicants now request approval to expand the Exchange Option to all Trusts and Future Trusts (Trusts and Future Trusts, collectively, "Exchange Trusts"), subject to the modifications and conditions set forth in the application.

According to the application, although the particular Exchange Trusts and the particular series thereof will differ in various respects depending on the nature of the underlying portfolios, the investment procedure followed in all cases is the same. The Sponsor acquires a portfolio of securities that it believes satisfies the standards applicable to the investment objectives of the particular series. These securities are then deposited in trust with a corporate fiduciary in exchange for certificates representing units of undivided interest in the deposited portfolio ("Units"). These Units are then offered to the public at public offering price that is based upon the offering prices of the underlying securities plus a sales load that is generally 4.5% of the public offering price (purchasers of Units, "Certificateholders").

Under the Exchange Option, Certificateholders may exchange Units held in any one of the Exchange Trusts for Units of other series of the same Trust or of any of the other Exchange Trusts that the Sponsor has repurchased and has not tendered for redemption. Upon notifying the Sponsor of a desire to exercise the Exchange Option, a Certificateholder will be delivered a current prospectus for one or more series of the Exchange Trusts for which the Certificateholder has indicated an interest and for which the Sponsor has Units available to offer in exchange for the Units being tendered. Although the Sponsor is not legally obligated to do so, the Sponsor intends to maintain a secondary market for Units of the Exchange Trusts and to continuously offer to purchase Units at prices based upon the market value determined in the manner set forth in the prospectus. The Exchange Option would apply only to Units of series of the Exchange Trusts for which a secondary market is being maintained by the Sponsor. Applicants request, however, that the order sought herein approve exchanges for Units available on original issue in the event that at some future date the Sponsor determines to permit such exchanges.

Applicants contend that the Exchange Option will operate in a manner essentially identical to any secondary market transaction, except that the Sponsor intends to impose a reduced sales charge on certain exchanges. Pursuant to the Exchange Option, the Sponsor will sell Units of the Exchange Trusts at the public offering price, plus a fixed sales charge of $15 per Unit received by the Certificateholder (the "Reduced Sales Charge"). Applicants represent that the Reduced Sales Charge can be expected to approximate 1.5% of the public offering price.

Applicants represent that a Certificateholder who purchased Units of a series and paid a per Unit sales charge that was less than the per Unit sales charge of the series of the Exchange Trusts for which such Certificateholder desires to exchange into, will be allowed to exercise the Exchange Option at the public offering price plus the Reduced Sales Charge, provided that the Certificateholder held the Units for at least five months. Any such Certificateholder who has not held the Units to be exchanged for the five-month period will be required to exchange them at the public offering price plus a sales charge based on the greater of the Reduced Sales Charge, or an amount which, together with the initial sales charge paid in connection with the acquisition of the Units being exchanged, equals the sales charge of the series of the Exchange Trusts for which the Certificateholder desires to exchange into, determined as of the date of the exchange. Applicants submit that the five month holding period requirement sufficiently evidences a Certificateholder's intent to make a *bona fide* investment and that it is unlikely that a Certificateholder would purchase Units with a view to exchanging such Units in order to pay a lesser aggregate sales charge.

Under the Exchange Option, Certificateholders will also be permitted to tender cash to make up any difference between the value of the Units being submitted for exchange and the value of the Units being acquired up to the next highest number of whole Units. Applicants assert that permitting Certificateholders to round up to the next highest number of Units does not create any significant potential for abuse or unfairness in pricing.

In addition to the Exchange Option, Applicants request an order to permit the Exchange Trusts to offer, on terms substantially the same as those applicable to the Exchange Option (including the ability to round up to the next highest number of whole Units), Units in exchange for beneficial interests in any and all registered unit investment trusts initially offered to the public at a minimum sales charge of 3%, exclusive of customary sales charge discounts, such as volume discounts, employee discounts or exchange option discounts (the "Conversion Trusts"). Applicants submit that the minimum sales load condition applied to the Conversion Option, as well as the five-month holding period, limits potential for abuses of the Conversion Option. Applicants state that the fixed sales charge for exercise of the Conversion Option will be $20.00 per Unit received. Applicants represent that in the future, and as a condition to the granting of the order requested, the Sponsor will not charge more than five dollars per Unit more for exercise of the Conversion Option than the corresponding fee being charged for exercise of the Exchange Option. Applicants reserve the right to increase or decrease the fixed sales charge relating to the Exchange and Conversion Options subject to the terms and conditions of Rule 22d-1 and may otherwise modify, suspend or terminate either exchange privilege.

Applicants submit that the fixed sales charge assessed in connection with the proposed exchange transactions is a reasonable and justifiable expense to be allocated to the professional assistance and operational expenses contemplated in connection with the Exchange and Conversion Options. Applicants also submit that it is not abusive or unfair to permit purchasers who originally acquire Units at a discounted sales charge to participate in the proposed offers of exchange. The Sponsor represents that it will not solicit Certificateholders with respect to the Exchange or Conversion Options with a view to churning Certificateholders' accounts and that the proposed transactions will be done for the benefit of Certificateholders and in accordance with their investment objectives.

Notice is further given that any interested person wishing to request a

hearing on the application may, not later than March 11, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of the interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant(s) at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-3963 Filed 2-21-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[CM-8/944]

Advisory Committee on International Investment, Technology, and Development; Subcommittee on Transborder Data Flows; Meeting

The Department of State will hold a meeting of the Subcommittee on Transborder Data flows of the Advisory Committee on International Investment, Technology, and Development on March 11, 1986 from 10:00 a.m. to noon. The meeting will be held in the East Auditorium at the Department of State, 2201 "C" Street, NW., Washington, D.C. 20520.

The purpose of the meeting will be to discuss the U.S. proposals for the 1987 OECD/ICCP work program, the Secretariat's proposals, and the March meetings of the Working Party on Transborder Data Flows and the ICCP Committee.

Access to the State Department is controlled. Therefore, members of the public wishing to attend the meeting must contact the Office of Investment Affairs, (202) 647-2728, in order to arrange admittance. Please use the "C" street entrance.

The Chairman of the Subcommittee will, as time permits, entertain comments from members of the public at the meeting.

Dated: February 18, 1986.

Walter B. Lockwood, Jr.,

Executive Secretary.

[FR Doc. 86-3955 Filed 2-21-86; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/943]

Advisory Committee on South Africa; Closed Meetings

The Advisory Committee on South Africa will meet in closed sessions on March 11, 1986 and May 6, 1986. The meetings will commence at 9 a.m. and will be held in Room 7220, Department of State, Washington, D.C.

The sessions will be closed to the public pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b (c)(1) and (c)(9)(B). The Committee will have access to and will discuss classified information. Disclosure of the Committee's deliberations could adversely affect the Committee's ability to function as a group in providing the Secretary of State with advice on matters of critical importance to the conduct of United States foreign policy. The purpose of the meetings will be to discuss the current situation in South Africa and the evaluation of U.S. policy toward South Africa.

Requests for further information should be directed to: Peter Jensen, (202) 647-8971, Room 3513, Department of State.

Dated: February 13, 1986.

C. William Kontos,

Executive Director.

[FR Doc. 86-3956 Filed 2-21-86; 8:45 am]

BILLING CODE 4710-26-M

DEPARTMENT OF TRANSPORTATION

Agreements Filed; During the Week Ending February 14, 1986

Answers may be filed within 21 days from the date of filing.

Date filed	Docket No.	Parties	Subject	Proposed effective date
Feb. 10, 1986	43787, R-1-R-42	Members of International Air Transport Association	Africa—TC3 Fares	Feb. 15, 1986.
Do	43788, R-1-R-10	do	Composite Passenger-Conf. North/Mid-Atlantic	Apr. 1, 1986.
Do	43789	do	Tokyo-Cairns General Cargo Rates	Do.
Do	43790, R-1-R-8	do	TC1 Longhaul Amending Reso	Do.
Do	43791, R-1-R-4	do	Europe-Asia Cargo	Mar. 10, 1986.
Do	43792, R-1-R-3	do	TC31 Circle Pacific Fares	Feb. 15, 1986.
Do	43793	do	Cargo Increase Jugoslovia	Apr. 1, 1986.
Do	43794	do	North Atlantic Proportionals-Canada	Do.
Do	43795	do	Egypt/Syria Rates	Dec. 21, 1985, Jan. 1, 1985.
Do	43796, R-1-R-8	do	Cargo Agency Conference	Apr. 1, 1986.
Feb. 13, 1986	43799	do	Cargo Agents Reporting/Remittance in Argentina	Feb. 15, 1986.
Do	43800	do	Increase Fares to/from Algeria	Apr. 1, 1986.
Do	43802	do	Specific Commodity Rates TC1	Feb. 8, 1986.
Feb. 14, 1986	43803, R-1-R-12	do	Southwest Pacific/Australia to Europe Fares	Apr. 1, 1986.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86-3964 Filed 2-21-86; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Advisory Circular; Initial Maintenance Inspection Test Run for Turbine Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Draft AC No. 33.90–1.

SUMMARY: This notice is to notify the aviation public of the withdrawal of Draft Advisory Circular (AC) No. 33.90–1, "Initial Maintenance Inspection Test Run for Turbine Engines." This draft AC (33.90–1) was initiated to provide guidance for meeting the test requirements for Federal Aviation Regulation (FAR) Part 33 establishing when the initial maintenance inspection is required for an engine being type certificated.

FOR FURTHER INFORMATION CONTACT: H. Alden Jackson, Engine and Propeller Standards Staff, ANE–110, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone 617–273–7078.

SUPPLEMENTARY INFORMATION: Interested parties were given the opportunity to review and comment on the Draft AC during the proposal and development phases. Notice was published in the Federal Register (50 FR 25645) to announce the availability of and request comments to the Draft AC. Comments were received from public organizations, the Air Transportation Association (ATA) and the Aerospace Industries Association (AIA) who recommended cancelling the AC on the grounds that it implied that life limits would be established, and the functions of the MRB team would be compromised in establishing an approved maintenance plan. The AC has been reexamined in light of the comments, and it has been determined that they are valid. Accordingly, the FAA has determined that the AC be cancelled.

Issued in Burlington, Massachusetts, on February 11, 1986.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86–3886 Filed 2–21–86; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 159—Minimum Aviation System Performance Standards for GPS; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 159 on Minimum Aviation System Performance Standards for GPS to be held on March 13–14, 1986, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Meeting Held on December 12–13, 1985; (3) Review Modified Committee Terms of Reference; (4) Review and Discussion of European Organization for Civil Aviation Electronics (EUROCAE) Working Group 28 Activities; (5) Briefings on GPS Topics Requested at Previous Meeting; (6) Develop Committee Work Program and Schedule for Accomplishment; (7) Assignment of Tasks; and (8) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC on February 13, 1986.

Karl F. Bierach,

Designated Officer.

[FR Doc. 86–3887 Filed 2–21–86; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 150—Minimum System Performance Standards for Vertical Separation Above Flight Level 290; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 150 on Minimum System Performance Standards for Vertical Separation Above Flight Level 290 to be held on March 18–20, 1986, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC commencing at 9:30 a.m.

The Agenda for this meeting is as follows: Chairman's Introductory Remarks; (2) Approval of the Minutes of the Committee Meeting Held on November 13–14, 1985; (3) Review of Task Assignments from the Previous Meeting; (4) Status Report on European Organization for Civil Aviation Electronics (EUOCAE) Data Collection Activities; (5) Canadian Data Collection Activities; (6) FAA Report on Data Analysis Activity; (7) Review and Discuss Committee Programs and Plan Future Activities; and (8) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC on February 13, 1986.

Karl F. Bierach,

Designated Officer.

[FR Doc. 86–3888 Filed 2–21–86; 8:45 am]

BILLING CODE 4910–13–M

Maritime Administration

[Docket No. S–784]

United States Lines Inc.; Application for Waiver

By order served December 3, 1984 [approved November 30, 1984—Docket S–760], the Maritime Administrator waived the provisions of section 804(a) of the Merchant Marine Act, 1936, as amended (Act), to allow United States Lines, Inc. (USL) to enter into certain foreign-flag vessel charters and spece charters. The foreign-flag vessels serve as feeders in support of USL's unsubsidized Jumbo Econship container vessels which operate in Round-the-World service eastbound. The waiver specified the ports to be served, the number of vessels to be operated in each port range, and the maximum FEU capacity per vessel.

The December 3, 1984 Order allowed USL to, among other things, charter two foreign-flag vessels of up to 275 FEU capacity each to relay cargo at a single

port in the U.A.E. to and from a U.A.E. port, Ad Dammam, and Kuwait.

USL has been operating one vessel in such a feeder sevice between the U.A.E. port of Khor al Fakkan on the Gulf of Oman and Ad Dammam and Kuwait in the Persian Gulf.

USL, buy letter of December 23, 1985, requests an amendment to the december 3 Order to permit USL to add a port in Bahrain to the permitted feeder service described above.

The requested addition if granted would result in the waiver of section 804(a) of the Act for theparticular vessel charter arrangement to read, as amended:

Line haul port	Feeder ports	Number of vessels	Maximum FEU capacity per vessel
A single port in the U.A.E.	A U.A.E. port, Ad Dammam (Saudi Arabia), Kuwait, Bahrain.	2	275

USL has served the demand for Bahrain cargo movements by utilizing a foreign-flag common carrier. USL desires to call its chartered vessel at Bahrain, thus saving the expense of common carrier charges. Bahrain island is about twenty miles offshore from Ad Dammam, therefore the chartered vessel could accommodate the additional call within existing schedules.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such application within the meaning of section 804 of the Act and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Comments must be received no later than 5:00 P.M. on March 7, 1986. This notice is published as a matter of discretion. The Maritime Administrator will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies)

By Order of the Maritime Administrator.

Dated: February 19, 1986.

Georgia P. Stamas,

Secretary.

[FR Doc. 86-3950 Filed 2-21-86; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. 85-16; Notice 1]

Evaluation Report on Child Passenger Safety; Federal Motor Vehicle Safety Standards; Child Retraint Systems

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

ACTION: Request for comments.

SUMMARY: This notice announces the publication by NHTSA of an Evaluation Report concerning Safety Standard No. 213, *Child Restraint Systems*. This staff report evaluates safety effectiveness, benefits and usage of child safety seats for motor vehicle passengers aged 0–4. The report was developed in response to Executive Order 12291, which provides for Government-wide review of existing major Federal regulations. The agency seeks public review and comment on this evaluation. Comments received will be used to complete the review required by Executive Order 12291.

DATE: Comments must be received no later than May 25, 1986.

ADDRESSES: Interested persons may obtain a copy of the report free of charge by sending a self-addressed mailing label to Ms. Glorious Harris (NAD-51), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C., 20590. All comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street SW., Washington, D.C., 20590. [Docket hours, 8:00 a.m.–4:00 p.m., Monday through Friday.]

FOR FURTHER INFORMATION CONTACT: Mr. Frank G. Ephraim, Director, Office of Standards Evalution, Plans and Policy, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street SW., Washington, D.C., 20590 (202-426-1574).

SUPPLEMENTARY INFORMATION: Standard No. 213, *Child Restraint Systems* (49 CFR 571.213) specifies performance and labeling requirements for child safety seats used in motor vehicles. The purpose of safety seats is to reduce the number of children killed or injuried in motor vehicle crashes. The primary function of child safety seats is to hold children in place during a crash and prevent them from being thrown into the instrument panel or other parts of the vehicle or from being ejected from the passenger compartment. Moreover, the seats must be specifically tailored to a child's anatomy and designed to restrain a child without applying dangerous forces to vulnerable body regions. The seats must be convenient and easy to use, labeled with clear instructions on how they are to be used correctly. The current version of Standard No. 213 took effect on January 1, 1981.

Pursuant to Executive Order 12291, NHTSA recently conducted an evaluation of child passenger measures to determine the effectiveness of the technology selected by safety seat manufacturers in preventing fatalities and injuries and to determine the benefits and costs of the technology to consumers. Under the Executive Order, agencies are to review existing regulations to determine whether the regulations are achieving the Order's policy goals, i.e., achieving legislative goals effectively and efficiently and without imposing any unnecessary burdens on those affected. This evaluation is an analysis of the effectiveness, benefits and usage of safety seats and other safety measures for child passengers aged 0–4.

The principal findings and conclusions of the report are the following:

- It is estimated that child safety seats saved the lives of 158 children aged 0–4 during 1984. Lap belts saved an additional 34 lives. In all, 192 children were saved by child passenger safety measures in 1984—up from just 38 children in 1979.
- 46 percent of child passengers aged 0–4 were in a safety seat in 1984. An additional 14 percent used the lap belt only. Thus 60 percent of child passengers used a child restraint or lap belt in 1984—up from 18 percent in 1979.
- 39 percent of safety seats were correctly used in 1984, while 61 percent were misused to a greater or lesser extent. But in 1979, only 18 percent were correctly used while 82 percent were misused.
- A correctly used safety seat reduces fatality risk by 71 percent and serious injury risk by 67 percent. But misuse can partially or completely nullify this effect. In 1984, the average overall effectiveness of safety seats (correct uses plus misusers) was 46 percent. In 1979, when more seats were misused, the average effectiveness was just 27 percent.
- Lap belts in passenger cars reduce fatality risk of 1–4 year old children by 33 percent. Moving an unrestrained child age 0–4 from the front seat to the back seat reduces fatality risk in the event of a crash by 27 percent.
- All types of safety seats tested in this evaluation were highly effective in frontal crashes when they were correctly used.

The report was developed from statistical analyses of the National Accident Sampling System, Fatal Accident Reporting System, and State accident data files; analyses of sled test and compliance test data; and observational surveys of restraint system usage and misuse.

NHTSA welcomes public review of the evaluation report and invites the public to submit comments.

It is requested but not required that 10 copies of comments be submitted.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.50 and 501.8)

Issued on: February 14, 1986.

Adele Spielberger,

Associate Adminstrator for Plans and Policy.

[FR Doc. 86-3870 Filed 2-21-86; 8:45 am]

BILLING CODE 4910-59-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 36
Monday, February 24, 1986

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

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Tuesday, February 25, 1986.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, DC.

STATUS:

MATTERS TO BE CONSIDERED:

Open to the Public

1. Pressed Wood Project/Petition CP82-6

The Commission will consider the Consumer Federation of America's petition CP 82-6 requesting a mandatory standard on formaldehyde emissions from pressed wood products.

2. ATVs: Preliminary Hazard Analysis

The staff will brief the Commission on the preliminary injury survey of all-terrain vehicles.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301—492-6800.

Sheldon D. Butts,
Deputy Secretary.
February 19, 1986.

[FR Doc. 86-3996 Filed 2-20-86; 12:00 pm]
BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Thursday, February 27, 1986.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, DC.

STATUS:

MATTERS TO BE CONSIDERED:

Open to the Public

Monitoring Voluntary Standards

The staff will brief the Commission on recent comments received on efforts by staff to monitor industry enforcement of voluntary standards. The staff will also present options for carrying out this effort in the future.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301—492-6800.

Sheldon D. Butts,
Deputy Secretary.
February 19, 1986.

[FR Doc. 86-3997 Filed 2-20-86; 12:00 pm]
BILLING CODE 6355-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION

February 19, 1986.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: 10:00 a.m., February 26, 1986.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

* Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda, 838th Meeting—February 26, 1986, Regular Meeting (10:00 a.m.)

CAP-1.
Project No. 9009-001, Pan Pacific Hydro, Incorporated
CAP-2.
Project No. 9613-001, Ashuelot Hydro Partners, Ltd.
CAP-3.
Project No. 7395-002, W.M. Lewis & Associates, Inc.
CAP-4.
Project Nos. 9270-001, 9271-001 and 9272-001, Cook Electric, Inc.
CAP-5.
Project Nos. 7285-003 and 7295-003, F&T Energy Corporation
CAP-6.
Project No. 8352-001, Trinity County, California
CAP-7.
Project No. 4660-002, Independence County, Arkansas
CAP-8.
Project No. 7387-001, Niagara Mohawk Power Corporation
CAP-9.
Project No. 3286-009, Puget Sound Power and Light Company
CAP-10.
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Kenneth F. Plumb,

Secretary

[FR Doc. 86-4007 Filed 2-20-86; 2:19 pm]

BILLING CODE 6717-01-M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Monday, March 3, 1986, 2:00 p.m. (eastern time).

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200-C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, DC 20507.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

Closed

Litigation Authorization: General Counsel Recommendations; Discussion of Certain Commissioners' Charges

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer at (202) 634-6748.

Dated: February 19, 1986.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

[FR Doc. 86-3985 Filed 2-20-86; 11:13 am]

BILLING CODE 6750-06-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:25 a.m. on Wednesday, February 19, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding an administrative enforcement proceeding involving an officer, director, employee, agent, or other person participating in the conduct of the affairs of an insured bank (name of person and name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii))).

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: February 19, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-4000 Filed 2-20-86; 1:08 pm]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:57 p.m. on Friday, February 14, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A) consider a recommendation regarding a regional realignment of the Corporation's area offices;

(B)(1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in First National Bank of Tipton, Tipton, Iowa, which was closed by the Deputy Comptroller of the Currency, Office of the Comptroller of the Currency, on Friday, February 14, 1986; (2) accept the bid for the transaction submitted by Citizens Savings Bank, Anamosa, Iowa, an insured State nonmember bank; (3) approve the application of Citizens Savings Bank, Anamosa, Iowa, for consent to purchase certain assets of and assume the liability to pay deposits made in First National Bank of Tipton, Tipton, Iowa, and for consent to establish the sole office of First National Bank of Tipton as a branch of Citizens Savings Bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(C) adopt a resolution making funds available for the payment of insured deposits made in Executive Center Bank, National Association, Dallas, Texas, which was closed by the Comptoller of the Currency on Friday, February 14, 1986.

The meeting was recessed at 5:01 p.m., and at 7:17 p.m. that same day the meeting was reconvened, by telephone conference call, at which time the Board of Directors:

(1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Park Bank of Florida, St. Petersburg, Florida, which was closed by the State Comptroller for the State of Florida on Friday, February 14, 1986; (2) accepted the bid for the transaction submitted by The Chase Bank of Florida, National Association, St. Petersburg, Florida, a newly-chartered national bank; and (3) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: February 18, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-4001 Filed 2-20-86; 1:09 pm]

BILLING CODE 6714-01-M

7

POSTAL RATE COMMISSION

TIME AND DATE: 9:00 a.m., March 6, 1986.

PLACE: 1333 H Street, NW., Suite 300 (Commissioners' Conference Room) Washington, DC 20268-0001.

STATUS: Open.

MATTERS TO BE CONSIDERED: Docket No. RM86-1, consideration of a final rule.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 300, 1333 H Street, NW., Washington DC 20268-0001, Telephone (202) 789-6840.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 86-3998 Filed 2-20-86; 12:33 pm]

BILLING CODE 7715-01-M

Federal Register

Monday
February 24, 1986

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 700

Cosmetics; Proposed Ban on the Use of Methylene Chloride as an Ingredient of Aerosol Cosmetic Products; Extension of Comment Period; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 700

[Docket No. 85N-0536]

Cosmetics; Proposed Ban on the Use of Methylene Chloride as an Ingredient of Aerosol Cosmetic Products; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending for 45 days the period for submitting comments on the agency's assessment of the safety of methylene chloride's food additive use as an extraction solvent in decaffeinating coffee beans.

DATE: Comments by April 4, 1986.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John M. Taylor, Center for Food Safety and Applied Nutrition (HFF-300), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0160.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 18, 1985 (50 FR 51551), FDA issued a proposed rule that would ban the use of methylene chloride as an ingredient of aerosol cosmetic products. The agency proposed this action because recent scientific studies have revealed that inhalation of methylene chloride causes cancer in laboratory animals. These studies have shown that the continued use of methylene chloride in cosmetic products may pose a significant risk to the public health, especially to specific segments of the population that are continually exposed to cosmetics containing methylene chloride. In the preamble to the proposal to ban the use of methylene chloride in cosmetics, FDA announced its assessment of the safety of methylene chloride for its food additive use in decaffeinating coffee beans. Based on its assessment, the agency did not propose to lower the maximum permitted residue level of methylene chloride in decaffeinated coffee because that level is considered to be safe.

FDA received two requests for a 45-day extension of the comment period. The requestors indicated that this additional time is needed to review adequately all of the evidence and references associated with the use of methylene chloride for decaffeination. The agency believes that good cause has been shown and is extending until April 4, 1986, the period for all interested persons to submit comments regarding the agency's assessment of the safety of methylene chloride for food additive use as a decaffeinating agent.

This extension of the comment period does not apply to the agency's proposal to ban the use of methylene chloride as an ingredient in cosmetic products.

Interested persons may, on or before April 4, 1986, submit to the Dockets Management Branch (address above) written comments regarding the agency's assessment of the safety for the food additive use of methylene chloride as a decaffeinating agent. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 20, 1986.

Joseph P. Hile,

Acting Commissioner of Food and Drugs.

[FR Doc. 86-4081 Filed 2-21-86; 10:26 am]

BILLING CODE 4160-01-M

Federal Register

Monday
February 24, 1986

Part III

Department of the Treasury

Customs Service

Reimbursable Services; Excess Cost of Preclearance Operations

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 86-50]

Reimbursable Services; Excess Cost of Preclearance Operations

February 2, 1986.

Notice is hereby given that pursuant to 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning February 2, 1986.

Installation	Biweekly excess cost
Montreal, Canada	$22,043
Toronto, Canada	33,125
Kindley Field, Bermuda	12,273
Nassau, Bahama Islands	18,800
Vancouver, Canada	16,372
Winnipeg, Canada	3,483
Freeport, Bahama Islands	16,356
Calgary, Canada	9,893
Edmonton, Canada	6,592

D. Lynn Gordon,

Acting Comptroller.

[FR Doc. 86-4113 Filed 2-21-86; 12:26 pm]

BILLING CODE 4820-02-M

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[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.

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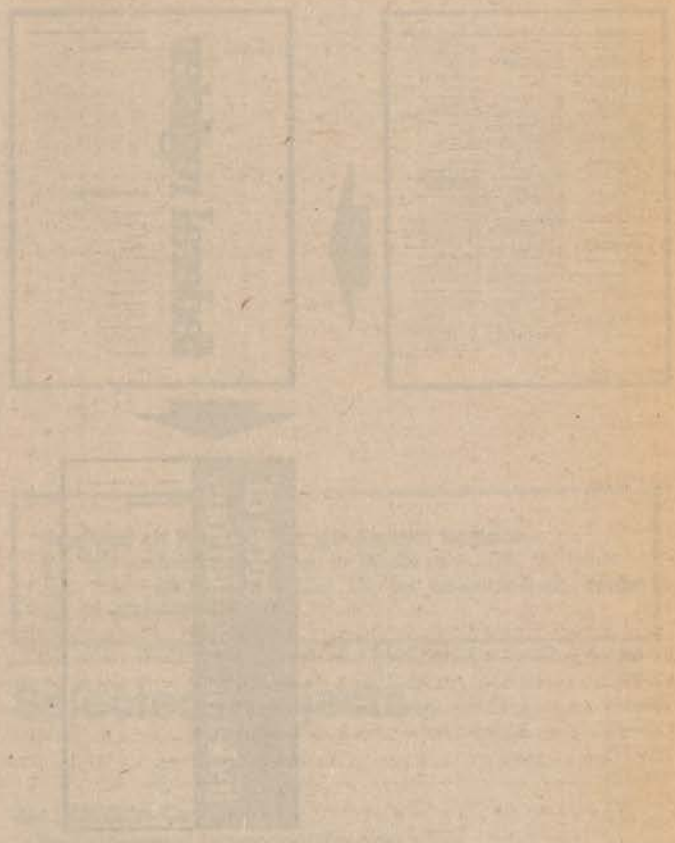

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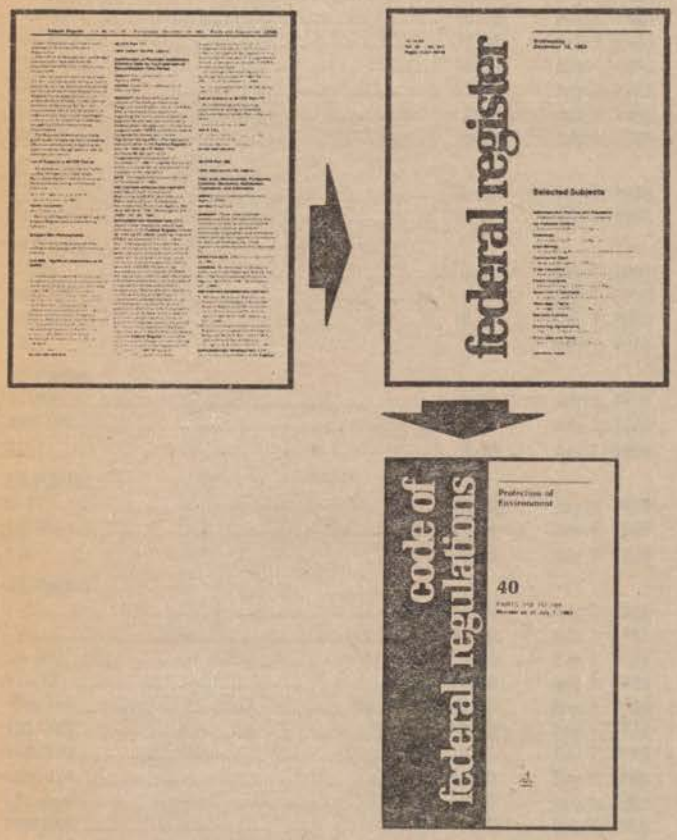

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