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Federal Register

Wednesday
March 12, 1986

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

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Agricultural Marketing Service
Air Pollution Control
Environmental Protection Agency
Air Traffic Control
Federal Aviation Administration
Aviation Safety
Federal Aviation Administration
Banks, Banking
Federal Reserve System
Claims
Commodity Credit Corporation
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Exports
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Fisheries
National Oceanic and Atmospheric Administration
Highway and Roads
Federal Highway Administration
Labeling
Alcohol, Tobacco and Firearms Bureau
National Parks
National Park Service

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Selected Subjects

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Penalties
Customs Service

Pesticides and Pests
Environmental Protection Agency

Postal Service
Postal Service

Radio Broadcasting
Federal Communications Commission

Trade Practices
Federal Trade Commission

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.

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

RESERVATIONS: Ruth Reedy, 202-523-5239, for reservations.

DENVER, CO

WHEN: March 24; at 9 am.

WHERE: Room 239, Federal Building, 1961 Stout Street, Denver, CO.

RESERVATIONS: Elizabeth Stout Denver Federal Information Center, 303-236-7181, for reservations

DALLAS, TX

WHEN: April 23; at 1:30 pm.

WHERE: Room 7A23, Earl Cabell Federal Building, 1100 Commerce Street, Dallas, TX.

RESERVATIONS: local numbers:
Dallas 214-767-8585
Ft. Worth 817-334-3624
Austin 512-472-5494
Houston 713-229-2552
San Antonio 512-224-4471, for reservations

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Presidential Documents

Title 3—

The President

Executive Order 12555 of March 10, 1986

Protection of Cultural Property

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Convention on Cultural Property Implementation Act (Title III of Public Law 97–446; hereinafter referred to as the "Act"), and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. *United States Information Agency.* The following functions conferred upon the President by the Act are hereby delegated to the Director of the United States Information Agency, acting in consultation with the Secretary of State and the Secretary of the Treasury:

(a) The functions conferred by section 303(a)(1) concerning determinations to be made prior to initiation of negotiations of bilateral or multilateral agreements.

(b) The functions conferred by section 303(d) with respect to the determinations concerning the failure of other parties to an agreement to take any or satisfactory implementation action on their agreement; provided, however, that the Secretary of State will remain responsible for interpretation of the agreement.

(c) The functions conferred by section 303(e) relating to the determinations to be made prior to the initiation of negotiations for the extension of any agreement.

(d) The functions conferred by section 303(f) relating to the actions to be taken upon receipt of a request made by a State Party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by the Sixteenth General Conference of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as the "Convention").

(e) The functions conferred by section 303(g)(1)(B) relating to the notification of Presidential action and the furnishing of reports to the Congress.

(f) The functions conferred by section 304(b) to the extent that they involve determinations by the President that an emergency condition applies with respect to any archaeological or ethnological material of any State Party to the Convention, subject to the limitations of sections 304(c)(1), 304(c)(2), and 304(c)(3).

(g) The functions conferred by section 304(c)(3) to the extent that they involve determinations to be made and the receipt and consideration of an advisory report from the Cultural Property Advisory Committee by the President prior to extensions of emergency import restrictions.

(h) The functions conferred by sections 306(f)(6) and 306(g) relating to the receipt of reports prepared by the Cultural Property Advisory Committee.

(i) The functions conferred by section 306(h) relating to the determinations to be made about the disclosure of matters involved in the Cultural Property Advisory Committee's proceedings.

Sec. 2. *Department of State.* The following functions conferred upon the President by the Act are hereby delegated to the Secretary of State, acting in consultation with and with the participation of the Director of the United

States Information Agency and in consultation with the Secretary of the Treasury:

(a) The functions conferred by section 303(a)(2) relating to the negotiation and conclusion of bilateral or multilateral agreements under the Act, subject to the restrictions of section 303(c).

(b) The functions conferred by section 303(a)(4) relating to obtaining a commitment on the exchange of archaeological and ethnological materials from a party to an agreement.

(c) The functions conferred by section 303(e) relating only to negotiation and conclusion of extensions of agreements under the Act.

(d) Except with respect to subsection 303(g)(1)(B), the functions conferred by section 303(g), relating to the notification of Presidential action and the furnishing of reports to the Congress.

(e) The functions conferred by section 304(c)(4) to the extent that they involve the negotiation and conclusion of agreements subject to advice and consent to ratification by the Senate.

Sec. 3. *Department of the Treasury.* The following functions conferred upon the President by the Act are hereby delegated to the Secretary of the Treasury, acting in consultation with the Director of the United States Information Agency and the Secretary of State:

(a) Subject to subsection (b) of Section 1 above, the functions conferred by section 303(d) to the extent that they involve the suspension of import restrictions.

(b) Subject to subsection (f) and (g) of Section 1 above, the functions conferred by section 304 to the extent that they involve the application of import restrictions set forth in section 307 and the extension of such import restrictions pursuant to section 304(c)(3).

Sec. 4. *Enforcement in Territories and Other Areas.* The Secretary of the Interior is designated to carry out the enforcement functions in section 314.

Ronald Reagan

THE WHITE HOUSE,
March 10, 1986.

[FR Doc. 86-5599
Filed 3-11-86; 10:54 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

Regulations Governing Inspection, Certification, and Standards for Fresh Fruits, Vegetables and Other Products

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise the Regulations Governing Inspection, Certification and Standards for Fresh Fruits, Vegetables, and other Products. This rulemaking would: (1) Provide authorization for inspector's signature to be affixed by computer on official certificates; (2) revise the schedule of fees and charges for inspection of fresh fruits, vegetables, and other products at destination markets to reflect increased costs associated with the program.

EFFECTIVE DATE: March 23, 1986, 12:01 a.m.

FOR FURTHER INFORMATION CONTACT: Mr. Donald T. Paradis, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2482.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. If the increased fees for inspection of fresh fruits, vegetables and other special products were passed on by the wholesalers, the increase would represent less than 0.8 cent per package based on a carload of 1,000 packages of fresh produce. This is not considered to be a major increase in cost or price for consumers or individual industries. Likewise, this rule should have no impact on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The use of grades and inspection and certification services increases the efficiency in the marketing system and facilitates orderly marketing of agricultural products.

The Administrator, Agricultural Marketing Service, has determined that the final rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it represents, on a cost-per-unit graded basis, only a small increase in the cost currently borne by those entities utilizing the voluntary inspection and certification services.

Presently the regulations do not specifically provide for the signature of the inspector who performed the inspection, another employee of the Inspection Service who has been given power of attorney by the inspector, or another employee of the Inspection Service who has been authorized by the Administrator to act in a supervisory capacity to be mechanically applied to a completed official inspection certificate.

It has become necessary in some areas, especially shipping point locations where inspected shipments have increased dramatically, to key punch the information from the inspection notes and subsequently generate an official certificate by computer. This is usually carried out at a central office some distance from the original point of inspection. These offices are under the supervision of duly appointed Supervising Inspector who is also responsible for certifying the accuracy of computer generated official inspection certificates. The mechanically affixed signature on inspection certificates would be that of the person performing the inspection or that of another employee of the Inspection Service who has been authorized by the Administrator to act in a supervisory capacity.

It is found that good cause exists for making this final rule effective March 23, 1986, 12:01 a.m. because the present fees are not adequate to recover the costs of providing the different types of services. The need for the increase and the amount thereof are largely beyond the control of the Agricultural Marketing Service.

The fees and charges for services at destination markets rendered to the fresh fruit and vegetable industry are amended to reflect the costs associated with the program. Such services are authorized under the Agricultural Marketing Act of 1946, section 203(h), which requires that fees be reasonable and, as nearly as possible, cover the costs of rendering the services. Since the last fee increase was October 3, 1982, there have been three government-wide cost of living increases; Medicaid increased benefits costs, retirement benefits for employees hired after January 1984 increased agency costs 6 percent, inflation allowances have averaged 5 percent a year, health insurance costs to the agency have gradually increased and relocation allowances have also increased 3 to 4 percent for the last 2 years. No appropriated funds are provided to the agency to offset the costs of rendering the services. Therefore, such costs must be recovered in full through user fees charged to the applicants requesting the services.

The following table compares current fees and charges for fresh fruit and vegetable inspection with the new schedule.

	Current	New
(1) Quality and condition inspections:		
(i) Over one-half to full carlot of one product	$42.00	$50.00
(ii) One-half carlot or less of one product	35.00	42.00
(iii) Full carlot of more than one product—maximum fee	84.00	100.00
(2) Condition inspection only:		
(i) Over one-half carlot to full carlot of one product	35.00	42.00
(ii) One-half carlot or less of one product	33.00	38.00
(iii) Full carlot of more than one product—maximum fee	70.00	84.00
(3) The base fee for peanuts (shelled), pecans and other nuts per ton shall be	1.20	1.50
Minimum fee per lot	20.00	24.00
Farmers' Stock Peanuts (unshelled) per ton	3.50	4.00
(4) Hourly rate	21.00	25.00
(5) Small package fee:		
1 to 25 packages inclusive	5.50	6.25
26 to 50 packages inclusive	7.75	8.75
51 to 150 packages inclusive	11.00	14.00
151 to ½ customary carlot	15.50	18.00
(6) Hourly rate for overtime or equivalent work in addition to regular commercial lot or hourly fees specified	10.60	12.00

Notice of proposed rulemaking, public procedure thereon, and the postponement of the effective time of this action later than March 23, 1986, 12:01 a.m., (5 U.S.C. 533) are impracticable, unnecessary, and contrary to the public interest in that: (1) The Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly possible, cover the cost of the service rendered; (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employees salary adjustments; (3) it is imperative that these increases in fee rates become effective in time to cover such increased costs; and (4) additional time is not required by users of the inspection service to comply with these amendments.

List of Subjects in 7 CFR Part 51

Agricultural commodities.

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

1. The authority citation for 7 CFR Part 51 continues to read as follows:

Authority: Agricultural Marketing Act of 1946, Sec. 203, 205, 60 Stat. 1087, as amended, 1090 as amended (7 U.S.C. 1622, 1624).

2. Section 51.19 paragraph (a)(4) is added before the proviso as follows:

§ 51.19 Issuance of certificates.

(a) * * *

(4) With the approval of the administrator, the signature of the person performing the inspection or that of an employee of the Inspection Service who has been authorized to act in a supervisory capacity may be affixed by computer to an official certificate.

* * * * *

3. Section 51.38 is revised as follows:

§ 51.38 Basis for charges.[3]

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans, or other nuts, shall be on the following basis.

(1) Quality and condition inspections:

(i) $50 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $42 for each half-carlot equivalent or less of an individual product.

(iii) $100 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) Condition inspection only:

(i) $42 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $38 for each half-carlot equivalent or less of an individual product.

(iii) $84 minimum for inspection of each carlot equivalent when more than one kind of product is involved.

(b) The base fee for peanuts (shelled), pecans, or other nuts shall be $1.50 per ton: *Provided,* That the minimum fee shall be $24 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmer's Stock peanuts (unshelled) shall be $4.00 per ton.

(c) When inspections are made and the products inspected cannot be readily calculated in terms of carlots, or when the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspections may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $25.00 per hour.

(d) Not withstanding the fee rates prescribed in the preceding paragraphs, fee and charges for the inspection of small lots where detailed reports of inspections are not normally required,[4] the following rates may be applied:

1 to 25 packages inclusive	$6.25
26 to 50 packages inclusive	8.75
51 to 150 packages inclusive	14.00
151 to ½ customary carlot equivalent	18.00

(e) Whenever inspections are performed at the request of the applicant during periods which are outside the inspector's regular scheduled workweek, a charge for overtime or holiday work shall be made at the rate of $12.00 per hour or portion thereof in addition to the regular commercial lot or hourly fees specified in this subpart. Holidays are those specified in Title 5 U.S.C. 6103(a).

(Paperwork Reduction Act Assigned Number 0581-1025)

[3] Carlot equivalent shall be based on the customary quantity of a product loaded in common railcars.

[4] For example, the inspection of small lots for export to Canada or delivery to private and public institutions.

Done at Washington, DC on: March 4, 1986.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 86-5230 Filed 3-11-86; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0569]

Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty; Regulation Q

AGENCY: Federal Reserve System.

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

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

EFFECTIVE DATE: February 21, 1986 for the California counties of Lake, Marin, Napa, Sacramento, Santa Clara, Santa Cruz, Solano, Sonoma, and Yuba; February 25, 1986 for the California counties of Glenn, Humboldt, and Modoc; and February 27 for the counties of Alpine, Amador, Butte, Calaveras, El Dorado, Lassen, Mendocino, Placer, Plumas, San Joaquin, Sierra, Sutter, Tehama, Tuolumne, and Yolo.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Senior Attorney (202/452-3711), Legal Division, or Ernestine Hill or Dorothea Thompson, Telecommunication Device for the Deaf (202/452-3544), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On February 21, 1986, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the California counties of Lake, Marin, Napa, Sacramento, Santa Clara, Santa Cruz, Solano, Sonoma, and Yuba major disaster areas. On February 25, 1986, the Presidental declaration was amended to include the California counties of Glenn, Humboldt, and Modoc. The Presidential declaration was further amended on February 27, 1986, to include the California counties of Alpine, Amador, Butte, Calaveras, El Dorado, Lassen, Mendocino, Placer, Plumas, San Joaquin, Sierra, Sutter,

Tehema, Tuolumne, and Yolo. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms, landslides, mudslides, and flooding beginning on or about February 12, 1986. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to February 21 for the counties of Lake, Marin, Napa, Sacramento, Santa Clara, Santa Cruz, Solano, Sonoma and Yuba; February 25 for the counties of Glenn, Humboldt, and Modoc; and February 27 for the counties of Alpine, Amador, Butte, Calaveras, El Dorado, Lassen, Mendocino, Placer, Plumas, San Joaquin, Sierra, Sutter, Tehama, Tuolumne, and Yolo, and will remain in effect until 12 midnight, August 30, 1986.

List of Subjects in 12 CFR Part 217

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

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

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, March 6, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-5338 Filed 3-11-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-NM-17-AD; Amdt. 39-5255]

Airworthiness Directives: Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires inspection for adequate self-locking capability of the nuts that support the nacelle strut attach fittings on Boeing Model 747 series airplanes, and replacement, if necessary. This action is prompted by a recent report of inadequate self-locking capability of some nuts. This action is necessary since inadequate self-locking capability of these nuts, if not corrected, could result in separation of the engine from the airplane.

DATE: Effective March 31, 1986.

ADDRESSES: Information on the inspection procedure may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Owen E. Schrader, Airframe Branch, ANM-120S; telephone (206) 431-2923. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: There has been a recent report of self-locking nuts, part number BACN10HR162CS, not having the required self-locking capability. This was found to have been the result of improper processing of the nuts. Should the clamp up torque be lost, the nut may back off and allow the bolt to come out. Loss of a bolt could result in separation of an engine.

Boeing Commercial Airplane Company has issued Alert Service Bulletin 747-57A2233, Revision 1, dated January 24, 1986, which describes the specific procedures to be used to inspect for adequate self-locking torque on forward engine mount nuts.

Since this condition is likely to exist or develop on other airplanes of this same type design, an airworthiness directive is being issued which requires inspection of the nuts that support the nacelle strut attach fittings for adequate self-locking capability, and replacement, if necessary, in accordance with Boeing Alert Service Bulletin 747-57A2233, Revision 1.

Further, since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

2. By adding the following new airworthiness directive:

Boeing: Applies to all Model 747 series airplanes, certificated in any category, listed in Boeing Alert Service Bulletin 747-57A2233, Revision 1, dated January 24, 1986.

To detect faulty self-locking nuts that could lead to separation of an engine, accomplish the following, unless already accomplished:

A. Within 100 landings after the effective date of this AD, perform a one-time inspection of the outboard attach fitting nuts of all nacelle struts for adequate self-locking torque of the nuts, part number BACN10HR162, in accordance with Boeing Alert Service Bulletin 747-57A2233, Revision

1, dated January 24, 1986, or later FAA-approved revisions.

B. Within 600 landings after the effective date of this AD, perform a one-time inspection of the inboard attach fittings nuts of all nacelle struts for adequate self-locking torque of the nuts, part number BACN10IHR162, in accordance with Boeing Alert Service Bulletin 747-57A2233, Revision 1, dated January 24, 1986, or later FAA-approved revisions.

C. Defective nuts must be replaced prior to further flight.

D. Upon the request of an operator, an FAA Principal Maintenance Inspector, subject to prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the inspection time in this AD to permit compliance at an established inspection period of that operator, if the request contains substantiating data to justify the change for the operator.

E. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposal who have not already received information on inspection procedures from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 31, 1986.

Issued in Seattle, Washington, on March 5, 1986.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 86-5284 Filed 3-11-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-102-AD; Amdt. 39-5256]

Airworthiness Directives: McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires modification of anti-skid valve assemblies on the main landing gear and centerline gear on McDonnell Douglas DC-10 and KC-10A (Military) series airplanes. This AD is prompted by reports of failures of anti-skid valve assembly end cap screws which, if not corrected, could result in fluid loss from the affected hydraulic system when the brakes are applied. This AD is necessary to minimize the potential for reduced braking capability.

DATES: Effective April 21, 1986.

Compliance schedule as prescibed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60); or Goodyear Aerospace Corporation, 1210 Massillon Road, Akron, Ohio 44315. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Gilbert L. Thompson, Aerospace Engineer, Systems & Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2831.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) requiring modification of certain anti-skid valve assemblies on the main landing gear and centerline gear on McDonnell Douglas DC-10 and KC-10A (Military) series airplanes was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on October 28, 1985 (50 FR 43572). The comment period for the proposal closed on December 16, 1985.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received. A total of six comments were received.

Four of the commenters indicated that the DC-10 airplane has two hydraulic brake systems, and that loss of a single brake hydraulic system through anti-skid valve end cap screw failure would not measurably degrade the braking performance during landing operation up to the certified maximum landing weight of the aircraft. The FAA agrees. However, the primary concern does not involve landing braking distances, but, rather, the consequences involved in increases in rejected takeoff stopping distances should single brake system operation occur in combination with a rejected takeoff. For a rejected takeoff requiring high braking energy, the loss of available torque for stopping could approach 50% with only one brake system operative. The FAA considers the possibility of such an occurrence a potentially unsafe condition requiring corrective action.

Three commenters felt that a dual hydraulic brake system failure would have to occur before an unsafe condition existed. One of these commenters provided analysis indicating that the probability of a dual hydraulic braking system fluid loss due to anti-skid valve end screw failure is extremely low. The FAA does not agree that a dual hydraulic brake system failure must occur to present a potential safety hazard. Rather, such a hazard exists should a high brake energy stop be required, utilizing a single hydraulic brake system. Recent service history indicates an increase in the total number of screw failures to 57, from the five originally reported. Though the likelihood of this failure occurring in combination with a high energy rejected takeoff is remote, the FAA considers that sufficient potential exists to require replacement of the affected screws.

One commenter noted that the proposed Airworthiness Directive states that the applicable valves are those that have serial number dates of January 1981 through April 1985, plus any valves overhauled during the same period having end cap screws replaced with screws obtained from Goodyear Aerospace Corporation. However, Goodyear Service Bulletin DC10-10-32-29 and DC-30/40/32/41 defines that affected valves as having serial numbers JUL81-8519 and subsequent, plus ones overhauled having end cap screws replaced from January 1981 to April 1985. Upon further investigation, it was confirmed that the suspect screws did not get incorporated into newly-manufactured anti-skid valves until serial number JUL81-8519, even though they were available for overhaul of valves in January 1981. The effectivity has been revised in the final rule to properly reflect the serial number valves affected.

Five commenters indicated that the six-month compliance time was not realistic, since inspection of certain anti-skid valves requires removal of the landing gear strut door, necessitating jacking of the airplane and retracting the gear to perform this task. For operators with large fleets, this could present a hardship disproportionate to the remote nature of the potential impact on continued airworthiness. Further, one of these commenters felt the estimate of 11

manhours per airplane to accomplish the required actions is unrealistic. The operator bases his statement on the fact that the suspect valves must be removed from the aircraft and sent to the shop for cleaning and screw replacement. In addition, the operator must take the aircraft out of service, depressurize the hydraulic systems, change the anti-skid valves, and functionally check the system prior to return to service. Without a complete shipset of serviceable valves in stock, the procedure must be repeated.

The FAA has determined that the 11 manhours is realistic for accomplishing the required modifications because few aircraft are expected to have suspect valves in both brake systems. Goodyear has indicated that, of 2,140 valves that they know are affected, 1,600 valves are at Goodyear, 540 valves are in service (including spares, as well as valves installed on aircraft), and 150 were overhauled by Goodyear. Goodyear has already modified enough of the 1,600 valves to support a rotatable program with the operators involved to allow line replacement of the suspect anti-skid valves, including those overhauled using the suspect screws by other than Goodyear. The 11 manhour estimate represents 6 manhours for the overhaul of four valves per airplane, and 5 manhours per airplane for removal, replacement, and hydraulic system servicing. Though a limited number of airplanes may exceed this estimate, depending on the installed position of the affected anti-skid valves, the estimate is considered by the FAA as reasonable and valid. To account, however, for additional manhours required to inspect for the suspect valves in cases where landing gear strut door removal is necessary, 50% of the estimated 105 airplanes in the final cost analysis are considered to require 5 manhours per airplane for the inspection.

Upon reconsideration, the FAA does agree that operators with large fleets may experience undue hardship in completing the required actions within the proposed six-month compliance time. Accordingly, the compliance time has been increased to twelve months, which the FAA has determined to be acceptable, considering the potential impact on continued airworthiness and the ability of those operators affected to complete the required actions without interruption of existing maintenance schedules.

One commenter noted that accomplishment of the procedures described in McDonnell Douglas Service Bulletin 32-209 is also necessary for removal of the anti-skid control valves from the airplane and should be included in the required actions. Though the removal and installation of the anti-skid valve assemblies follows normal DC-10 Maintenance Manual procedures, the FAA concurs with inclusion of reference to McDonnell Douglas Service Bulletin 32-209 for the sole purpose of clarification, and the final rule has been so revised.

It is estimated that up to 105 airplanes of U.S. registry will be affected by this AD, that it will take approximatly 13.5 manhours per airplane to accomplish the required actions, and that the average labor costs will be $40 per manhour. Parts required for the modification will be provided by the valve manufacturer upon request. Based on these figures, the total cost impact of the AD is estimated to be $56,700.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the following rule with the changes discussed above.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because few, if any, Model DC-10 or KC-10A airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

2. By adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) series airplanes, certificated in any category, equipped with anti-skid valve assemblies, Goodyear Aerospace Corporation Part Numbers 6000189, 6000189-2, and 6000183-3, having serial number dates of JUL81-8519 through serial numbers dated April 1985, or any valves overhauled during January 1981 through April 1985 having end cap screws replaced with screws obtained from Goodyear Aerospace Corporation. Compliance required as indicated, unless previously accomplished.

To preclude the potential of hydraulic system fluid loss with subsequent loss of braking system performance on anti-skid valve assemblies, accomplish the following:

A. Within 12 months after the effective date of this airworthiness directive (AD), modify and reidentify the anti-skid valve assemblies as outlined in the Accomplishment Instructions of Goodyear Service Bulletin DC10-10-32-29 and DC10-30/40-32-41, dated May 3, 1985, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note.—Removal and installation of skid control manifold or skid control valve may be accomplished as outlined in McDonnell Douglas Service Bulletin 32-209, dated June 27, 1985.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60); or Goodyear Aerospace Corporation, 1210 Massillon Road, Akron, Ohio 44315. These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective April 21, 1986.

Issued in Seattle, Washington, on March 5, 1986.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 86-5283 Filed 3-11-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 373, 376 and 385

[Docket No. 60106-6006]

Donations of Goods To Meet Basic Human Needs

AGENCY: Export Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: The Export Administration Amendments Act of 1985 (Pub. L. 99-64) amended section 6 of the Export Administration Act of 1979 by revising the provision that excludes from foreign policy controls exports of medicine, medical supplies and certain foods. The amended section, designated 6(g), expands the category of exempted items to include donations of goods intended to meet basic human needs. These have been identified in that section as including educational materials, seeds and hand tools, water resources equipment, clothing and shelter materials, and basic household supplies, as well as food, medicine and medical supplies.

This rule implements the new provision by amending Parts 373, 376 and 385 of the Export Administration Regulations to create a new special "Humanitarian License" that permits the export of donations subject to certain guidelines, including a requirement that the exporter be able to monitor delivery of the donated goods to the intended beneficiaries. A Humanitarian License authorizes an exporter to make multiple shipments of goods identified in a supplement to Part 373 as meeting basic human needs. Additional items may be exported pursuant to specific authorization. The use of this procedure will be limited in practice to the export of donations for humanitarian projects in those countries to which the export of such items would otherwise require a validated license. While this procedure applies to donations to any destination, in practice it will thus only affect shipments to the embargoed destinations, since shipments of such items to other destinations do not require individual validated licenses. The embargoed destinations are countries listed in Country Groups S and Z: Libya, Cuba, North Korea, Cambodia and Vietnam.

Note.—Effective February 1, 1986, all exports from the United States to Libya are subject to the Libyan Sanctions Regulations promulgated by the Department of the Treasury (31 CFR Part 550). Excepted from the Treasury regulations are publications and donated articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies intended strictly for medical purposes. All other exports must be licensed by the Department of the Treasury. Therefore, even though an export may be authorized under the Humanitarian License, exporters should confirm with the Department of the Treasury that a particular export meets this exception.

EFFECTIVE DATE: This rule is effective May 12, 1986. Comments must be received by May 12, 1986.

FOR FURTHER INFORMATION CONTACT: Michael Peterson, Strategic Planning and Policy Division, Export Administration, (202) 377-5622, or David W. Mills, Office of the Assistant General Counsel for Export Administration, (202) 377-5305.

Rulemaking Requirements and Invitation to Comment

1. Because this rule concerns a foreign affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign affairs function of the United States. Further, no other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule.

However, because of the importance of the issues raised by these regulations, this rule is issued in interim form and comments will be considered in developing final regulations. Accordingly, interested persons who wish to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule contains a collection of information requirement under the Paperwork Reduction Act of 1980, (44 U.S.C. 3501 *et seq.*), but the paperwork burden is lessened because certain commodities that formerly required a validated export license (Form ITA-622P, approved by the Office of Management and Budget under control number 0625-0001) for individual shipments can now be shipped under a new special licensing procedure authorizing bulk shipments subject to renewal every two years. OMB approval is pending for the new reporting requirement contained in section 373.5 of the Export Administration Regulations. Comments may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Department of Commerce/ International Trade Administration.

The period for submission of comments will close May 12, 1986. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comment and material to the person submitting the comments and will not consider them in the development of final regulations.

All public comments on these regulations will be matter of public record and will be a available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4104, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, D.C. 20230. Record in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in

accordance with regulations published in Part 4 of Title 15 of the *Code of Federal Regulations*. Information about the inspection and copy of records at the facility may be obtained from Patricia L. Mann, International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

List of Subjects in 15 CFR Parts 373, 376, and 385

Exports, Communist countries.

Accordingly, Parts 373, 376, and 385 of the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

1. The authority citation for Parts 373 and 385 continues to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981 and Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95–223, 50 U.S.C. 1701 *et seq.*, E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985).

2. The authority citation for Part 376 continues to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981 and Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

PART 373—SPECIAL LICENSING PROCEDURES

3. A § 373.5 is added, reading as follows:

§ 373.5 Humanitarian license procedures.

A Humanitarian License Procedure is established that authorizes exports to any destination of donated goods to meet basic human needs under a verifiable system of distribution that ensures delivery to the intended beneficiaries.

(a) *Basic Human Needs.* Under this licensing procedure, basic human needs are defined as those requirements essential to individual well-being: Health, food, clothing, shelter, and education. These needs are considered to extend beyond those of an emergency nature and those that meet direct needs for mere subsistence. This procedure permits the export of goods that are suitable for small-scale local improvement projects; for example: Seeds, tools, fertilizers, small-scale irrigation pumps, and agricultural materials and machinery suited to small-scale farming operations. It encompasses the export of goods of the kind normally donated by charitable organizations that address basic human needs directly and at the local level, where specific improvement projects can be closely monitored and adjusted as needed to ensure that the donated items are being delivered to the intended beneficiaries. The Humanitarian License procedure does not, however, permit exports for large-scale projects of the kind associated with comprehensive economic growth, such as dams and hydroelectric plants.

(b) *Donations.* To qualify for export under this procedure, the goods must be provided free of charge to the beneficiary. This requirement reflects a distinction between freely-donated goods of a people-to-people nature of the type exported by U.S. private and voluntary charitable organizations and those goods of a commercial nature, which are excluded from this procedure. The payment by the beneficiary, however, of normal handling charges or fees levied by the importing country (e.g., import duties, taxes, etc.) is not considered to be a cost to the beneficiary for purposes of this section.

(c) *Ineligible Goods.* Among those goods *not* eligible under this procedure are those commodities controlled for national security, nuclear non-proliferation or crime control reasons in the "Reason for Control" paragraph on the Commodity Control List (CCL) (Supplement No. 1 to 399.1) and communications intercepting devices (ECCN 4517B). In addition, this procedure would not apply to any items controlled for export as hazardous goods or substances pursuant to section 3(13) of the Export Administration Act of 1979, as amended.

(d) *Eligible goods.* Supplement No. 7 to this Part 373 lists the kinds of items that have been determined to meet basic human needs. The exporter, however, is required to abide by the guidelines set forth in subsection (a) of this section to ensure that a given item to be exported is encompassed by this procedure. For example, even though "generators" are included in the Supplement, only small generators suitable and necessary to administer and operate a donative program are authorized for export under this procedure. In like manner, "laboratory supplies and equipment" covers items intended for use in local medical laboratories such as refrigerators, sterilization equipment and microscopes. If a license holder is in doubt whether an item is included within the scope of one of the entries listed in the Supplement, or seeks authorization for items not included in the Supplement, a letter of inquiry should be submitted to the Office of Export Licensing, Special Licensing Division, Rm. 1614, U.S. Department of Commerce, Washington, D.C. 20230. The request should describe the type of goods intended for export and how it is intended to meet basic human needs. The Office of Export Licensing will notify the exporter whether the item is authorized for export under this procedure and any special conditions that may apply to such export.

(e) *Distribution.* To qualify for a Humanitarian License, the donor must demonstrate a means of ensuring that the donations exported are in fact used to meet the basic human needs of the intended beneficiaries. This requires a monitoring system that would alert the donor if goods are being diverted. See paragraph (f)(5) of this section for ways by which this requirement may be satisfied.

(f) *Application Procedure.* To apply for a Humanitarian License, the applicant shall prepare a Narrative Statement, in duplicate, explaining the nature and function of the donative program. This Narrative Statement should be submitted to the Special Licensing Division, Office of Export Licensing, Room 1614, Department of Commerce, Washington, D.C. 20230. The Narrative Statement shall include, as a minimum, the following information:

(1) The applicant's identity and past experience as an exporter of goods to meet basic human needs;

(2) A specific list of past and current countries to which the donative programs have been and are being directed, as well as any countries to which such programs are now planned, with particular reference to donative programs in Country Groups S and Z;

(3) A description of the types of projects and commodities involved in the donative programs;

(4) A description of the specific class(es) of beneficiaries of particular donated goods intended to be exported under this license;

(5) A description of the arrangements to ensure proper distribution of the donated goods. These arrangements may consist of any one or more of the following:

(i) A permanent staff maintained in the recipient country to monitor the receipt and distribution of the donations to the intended beneficiaries;

(ii) Periodic spot-checks in the recipient country by members of the exporter's staff;

(iii) An agreement to utilize the services of a charitable organization that has a monitoring system in place; and

(6) Information concerning the source of funding for the donative programs and the projected annual value of exports under the license.

When a narrative statement is approved, the Office of Export Licensing will issue a validated letter authorizing export of eligible donations during the validity period, subject to the provisions of the Export Administration Regulations and to the terms and conditions contained in the letter. Attached to this letter will be a validated copy of the narrative statement with a license number and an expiration date. This validated letter together with the validated copy of the Narrative Statement constitutes the "Humanitarian License." The license number must be displayed on the Shipper's Export Declaration (Commerce Form 7525–V).

(g) *Duration of License.* A Humanitarian License granted under this section will be valid for two years from the last day of the month in which it is issued. The license may be extended for two-year periods thereafter by submitting a certification to the Office of Export Licensing. This certification shall state the following:

For the purpose of requesting a two year extension of Humanitarian License No. ———, I (we) certify that all material facts concerning the license outlined in the Narrative Statement submitted to the Office of Export Licensing remain the same and that I continue to comply with the terms and conditions of said license and with the Export Administration Regulations (EAR). I am authorized to make this statement on behalf of our organization.

(Name and Title)

(Signature and Date)

If any material facts concerning the license have changed from those described in the Narrative Statement, the exporter shall submit an explanation of those changes at the time that renewal of the license is sought. This request for an extension of the Humanitarian License should be submitted 90 days prior to the license's expiration date. When this extension request is approved, the Office of Export Licensing will issue a validated letter with a new license number and expiration date.

(h) *Revocation of License.* In addition to any enforcement action under Part 387 of the EAR, the license may be suspended or revoked if any of the following occurs:

(1) The exporter discontinues use of the license for a period of more than one year;

(2) The exporter has failed to comply with the guidelines of the license by exporting items that do not qualify as donations intended to meet basic human needs, including the acceptance of any form of payment for the items donated;

(3) The donations are diverted to an unauthorized party;

(4) Any provision of the Export Administration Act of any regulation, order, or license issued pursuant thereto has been violated.

(i) *Recordkeeping Requirements.* In addition to the renewal request discussed in subsection (g) of this section, any exporter granted a Humanitarian License shall maintain records of all shipments made under that license, the values of said shipments, the countries and beneficiaries to which the donations are sent, the validated Department of Commerce letter and Narrative Statement, and any party charged with distributing the donations to the beneficiaries. These records shall be available upon request by the Office of Export Enforcement for review.

4. A Supplement No. 7 is added to Part 373, reading as follows:

Supplement No. 7—Kinds of Commodities That May Be Donated To Meet Basic Human Needs Under § 373.5

The following is a list of the kinds of commodities that have been identified as meeting basic human needs. The list is not definitive but will be amended on an ongoing basis to reflect additional items, as they are identified, that meet these needs. The list is divided into categories that parallel the five basic human needs set forth in § 373.5(a): Health, food, clothing, shelter, and education. A degree of overlap exists, however, since an item listed as meeting one need may serve as well to meet additional needs. A sixth category of items is added to cover the non-commercial export of basic support equipment and supplies necessary to operate and administer the donative programs. The list is limited by the guidelines outlined in § 373.5(a), which confine the scope of the list to those items appropriate in addressing *basic* human needs through *small-scale* projects at the *local* level. Each item itself must be able to be described as "basic" and "small-scale" if it is to be eligible for export under this procedure. If the exporter is unsure whether a prospective donation falls within these guidelines, the procedure outlined in § 373.5(d) should be followed. Where applicable, replacement and spare parts for items that qualify for export under this Supplement may also be exported. Specific goods that may not be exported under a Humanitarian License are described in § 373.5(c).

Note.—Motorized vehicles, watercraft and aircraft are not included in this Supplement. Requests to export such items to meet basic human needs may be made under the procedure described in § 373.5(d).

Health: equipment for the handicapped, hospital supplies and equipment, laboratory supplies and equipment, medical supplies and devices, medicine-processing equipment, medicines, vitamins, water resources equipment.

Food: agricultural materials and machinery suited to small-scale farming operations, agricultural research and testing equipment, fertilizers, fishing equipment and supplies suited to small-scale fishing operations, food, insecticides, pesticides, seeds, small-scale irrigation equipment, veterinary medicines and supplies.

Clothes and Household Goods: bedding, clothes, cooking utensils, fabric, personal hygiene items, soap-making equipment, weaving and sewing equipment.

Shelter: building materials, hand tools.

Education: books, individual school supplies, school furniture, special education supplies and equipment for the handicapped.

Basic Support Equipment and Supplies Necessary to Operate and Administer the Donative Program: audio-visual aids for training, generators, office supplies and equipment.

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

5. Section 376.15 is added as follows:

§ 376.15 Donations of goods to meet basic human needs.

Pursuant to section 6(g) of the Export Administration Act of 1979, as amended, exports of donations to meet basic human needs are authorized under a Humanitarian License Procedure set forth in § 373.5. Exports that qualify under this procedure are therefore exempt from the licensing requirements contained in §§ 385.1 and 385.7.

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

6. Section 385.1 is amended by revising the last sentence of paragraph (a) and adding two sentences to read as follows:

§ 385.1 Country Group Z; North Korea, Vietnam, Cambodia and Cuba.

(a) * * * Exports of donations to meet basic human needs may be authorized under a Humanitarian License, as described in § 373.5. Such exports may also be authorized for single transactions under an individual validated license. Exports to meet emergency needs that do not qualify for export under the Humanitarian License procedure will be considered on a case-by-case basis.

7. Section 385.7 is amended by revising the second sentence of paragraph (a) introductory text as follows:

§ 385.7 Country Group S: Libya.

* * * * *

(a) * * * Excepted from this licensing requirement are those goods exported under the Humanitarian License Procedure outlined in § 375.5, and commodities and data exported pursuant to special general licenses described in Parts 371 and 379 * * * * * * * * *

Dated: March 7, 1986.

Walter J. Olson,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 86-5375 Filed 3-11-86; 8:45 am]

BILLING CODE 3510-DT-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3178]

John William Costello Associates, Inc., et al.; 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 two Washington, DC-based employment counseling services and four corporate officers, among other things, to cease misrepresenting: (1) The basis on which clients are accepted; (2) the number of clients who have obtained interviews, job offers, or jobs through respondents' services; and (3) the chances that the clients' fees would be refunded because the employer would likely pay the respondents a finder's fee. Additionally, respondents are required to have a reasonable basis for any placement claims they make, and whenever such placement claims are made, to maintain records of their placements and make a composite of these records available to clients on request. Further, respondents are prohibited from accepting a fee until a client has obtained employment through respondents' services.

DATE: Complaint and Order issued Feb. 4, 1986.[1]

FOR FURTHER INFORMATION CONTACT: E. Charles Lane, FTC/H-272, Washington, D.C. 20580, (202) 523-3937.

SUPPLEMENTARY INFORMATION: On Wednesday, Nov. 27, 1985, there was published in the **Federal Register**, 50 FR 48789, a proposed consent agreement with analysis In the Matter of John William Costello Associates, Inc., a corporation, National Executive Search, Inc., a corporation, John William Costello, Sr., individually and as an officer of said corporations, John William Costello, Jr., individually and as an officer of said corporations, James H. Sellors, individually and as an officer of said corporations, and William S. Spector, individually and as an officer of said corporations, 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; § 13.115 Jobs and employment service. Subpart—Corrective Actions and/or Requirements: §13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-45(a) Advertising substantiation. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1553 Services.—Services: § 13.1843 Terms and conditions. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.1995 Job guarantee and employment.

List of Subjects in 16 CFR Part 13

Employment counseling services, 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. 86-5330 Filed 3-11-86; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket 9198]

MidCon Corp. et al.; 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, among other things, a Lombard, Ill., natural gas pipeline owner and operator to divest its interest in the Louisiana portion of the Acadian Gas Pipeline System, which serves markets in Louisiana and Texas. The Acadian system is currently owned jointly by MidCon Corp. and Texas Oil and Gas Co. MidCon is also required to obtain Commission approval before acquiring certain gas pipeline operations in the New Orleans/Baton Rouge market. This consent order resolves part of a two-count administrative complaint issued by the FTC that challenges MidCon Corp.'s proposed merger with United Energy Resources, Inc.

DATES: Complaint issued Sept. 19, 1985. Order issued Feb. 6, 1986[1].

FOR FURTHER INFORMATION CONTACT: FTC/B-908, Ronald B. Rowe, Washington, D.C. 20580. (202) 724-1441.

SUPPLEMENTARY INFORMATION: On Thursday, Oct. 17, 1985, there was published in the **Federal Register**, 50 FR 42032, a proposed consent agreement with analysis In the Matter of MidCon Corp., a corporation, and United Energy Resources, Inc., 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.

A comment was filed and considered by the Commission. 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 divest, 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—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; § 13.5-20 Federal Trade Commission Act. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records.

List of Subjects in 16 CFR Part 13

Natural gas, Pipelines, Trade practices.

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

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

[Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Emily H. Rock,

Secretary.

[FR Doc. 86-5329 Filed 3-11-86; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

Electric Utilities; Construction Work in Progress and Anticompetitive Implications; Interim Rule and Request for Comment

Correction

In FR Doc. 86-4783, beginning on page 7774 in the issue of Thursday, March 6, 1986, make the following correction:

On page 7775, in the first column, in the third line of the **SUPPLEMENTARY INFORMATION,** delete the final period and add "; Docket No. RM86-6-000, Order No. 448."

BILLING CODE 1505-01-M

18 CFR Part 292

[Docket No. RM83-69-002]

Qualifying Facility Status for Hydroelectric Projects Under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978; Rehearing Denial

Issued: March 6, 1986.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order denying rehearing.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is denying rehearing of an order that denied a petition for rulemaking. Petitioners requested the Commission to reopen a prior rulemaking proceeding to amend the Commission's rules governing qualification of certain hydroelectric facilities for incentives under the Public Utility Regulatory Policies Act of 1978 (PURPA). Petitioners assert that the Commission should reconsider whether (1) its rule is consistent with PURPA; (2) the Commission violated the National Environmental Policy Act; and (3) the Commission abused its discretion by refusing to reexamine the existing rule. The Commission denies rehearing because it believes that its prior order was correct and in compliance with statutory requirements.

FOR FURTHER INFORMATION CONTACT: A. Hays Butler, Office of the General Counsel, 825 North Capitol Street, NE., Washington, D.C. (202) 357-8548.

SUPPLEMENTARY INFORMATION:

[Docket No. RM83-69-002]

Qualifying Facility Status for Hydroelectric Projects Under Sections 202 and 210 of the Public Utility Regulatory Policies Act of 1978; Rehearing Denial; the Sierra Club et al.

Issue: March 6, 1986.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is denying rehearing of an order denying a petition for rulemaking[1] filed by several environmental groups.[2] Petitioners had requested the Commission to reopen a prior rulemaking proceeding,[3] in order to prepare a programmatic environmental impact statement (EIS) for that rulemaking, and to amend the Commission's rules governing qualification of certain hydroelectric facilities for incentives under sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA)[4] and the Commission's regulations promulgated thereunder. Under the existing rules, certain hydroelectric facilities are eligible for qualifying facility (QF) status, and thus the incentives available to such facilities under the Commission's regulations, without regard to whether the facility is already existing (old) or is proposed to be built in the future (new).

Petitioners contend that rehearing should be granted for three reasons. First, the Commission did not reconsider whether the existing rule is consistent with the intent of PURPA, as expressed in the legislative history. Second, the Commission violated the National Environmental Policy Act (NEPA)[5] by not undertaking a new, programmatic environmental review of the existing rule, in light of increased hydroelectric development activity after the rule was promulgated. Finally, the Commission abused its discretion by not reexamining the existing rule in light of new information showing that it was based on erroneous assumptions or information.

The Commission is denying rehearing because it is not persuaded that its prior order was incorrect and because the Commission believes that it is fully in compliance with its obligations under both PURPA and NEPA.

II. Discussion

A. Petitioners' Argument That Permitting QF Status for New Dams and Diversions Violates PURPA

Petitioners' first argument is that in enacting PURPA, Congress barred the Commission from granting QF status to new hydroelectric facilities. As the Commission noted in the order of January 8, 1986, Petitioners had an opportunity to request rehearing of the final rule and failed to do so.[6] Thus, for the reasons set forth in the order of January 8, 1986, the Commission again rejects Petitioners' request to reopen Docket No. RM79-54 on this ground.

B. Whether a New or Supplemental Programmatic Review of the PURPA Rules Is Required at This Time

Petitioners appear to have abandoned their claim that the Commission is not monitoring the environmental impacts of new, PURPA-induced hydroelectric projects. However, they continue to assert that a new, programmatic environmental assessment of the effects of permitting QF status for new facilities needs to be made at this time. We construe Petitioners' fundamental premise to be that such a review must be undertaken because new information has come to light indicating either that the original Environmental Assessment (EA)[7] conducted at the time the PURPA

[1] "Qualifying Facility Status for Hydroelectric Projects under sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978," 34 FERC ¶61,008.

[2] Petitioners are The Sierra Club, Friends of the River Foundation, National Wildlife Federation, California Trout, the Planning and Conservation League, Western River Guides Association, Friends of the Earth, The Wilderness Society, Natural Resources Council of Maine, and the American Wilderness Society.

[3] Small Power Production and Cogeneration Facilities—Qualifying Status, 45 FR 17,959 (March 20, 1980) (Order No. 70) (Docket No. RM79-54) (issued March 13, 1980).

[4] 16 U.S.C. 796, 824a-3 (1982).

[5] 42 U.S.C. 4321-4361 (1982).

[6] Petitioners state that they did not file a petition for rehearing of the final rule because the rule, on its face, was neutral on the question of the eligibility of new facilities. Request for Rehearing, p. 2. However, in their petition, Petitioners acknowledged that they were aware that § 292.204 permits new facilities to have qualifying status, and stated that they chose not to challenge the Commission's interpretation of renewable resources because the Commission had pledged to monitor the effects of the rule. Petition for Rulemaking, p. 17.

[7] Small Power Production and Cogeneration Facilities—Environmental Findings; No Significant Impact and Notice of Intent to Prepare Environmental Impact Statement, 45 FR 23661 (April 8, 1980) (10 FERC ¶ 61,314) (March 31, 1980)

rules were promulgated was not valid or, if the EA was valid when conducted, circumstances have changed to such a degree that its conclusions are no longer valid.

The Commission acknowledges that the number of license and exemption applications has increased sooner than was anticipated in the EA. The Commission continues to believe, however, that this fact alone does not call into question the validity of the approach to further environmental review taken in the EA,[8] and does not constitute sufficient reason to compel a new, programmatic review of the PURPA rules at this time.

In this regard, the Commission reiterates that the fact that a license is issued for a hydroelectric project is not a guarantee that it will be built. A licensee's decision regarding whether to construct a project or to seek to surrender the license rests largely on economic factors. Thus, a hydroelectric QF developer may find, after having acquired the license, that its avoided cost projections were overstated, and that the project has become uneconomic. A downward trend in avoided cost rates (as discussed in the following paragraph) could result in many licensed projects being abandoned prior to construction.[9]

The Commission also believes there is good reason to think that recent increases in hydroelectric applications will abate substantially for the foreseeable future. First, the Federal energy tax credit applicable to, *inter alia*, hydroelectric QFs, expired on December 31, 1985. Moreover, avoided cost rates for purchases from QFs, as determined by the State regulatory authorities, have generally been declining over the past year.[10] This trend has been particularly evident in some States with significant hydropower potential.[11] From these developments, a decline in the number of hydroelectric applications might be expected. Thus, the Commission continues to adhere to its conclusion that sufficient cause has not been shown to warrant a new, programmatic review at this time.

Also with regard to preclusion of alternatives, Petitioners allege that the Commission erred legally and factually in holding, in the order of January 8, 1986, that the rule permitting QF status for new facilities has not resulted in an "irretrievable commitment" of resources which would preclude alternatives. With regard to the alleged factual error, Petitioners claim that promulgation of the rule has resulted in the commitment of substantial amounts of money to develop PURPA-induced hydroelectric projects.

The Commission believes that Petitioners have misapplied the "irretrievable commitment of resources" principle. That principle relates to the timing of environmental review *before* an agency takes action; that is, the agency must undertake its environmental review before making critical decisions which may result in the commitment of resources to action which will significantly affect the environment.[12] The Commission undertook such review at the time of its original rulemaking. In any event, as the prior order explained, obtaining QF status does not require a commitment of resources by the Commission or any other party, nor does it obviate the need for, or determine the outcome of, a hydroelectric licensing or exemption proceeding. All concerned parties have exactly the same options after QF status is obtained as before.[13]

Petitioners nonetheless contend that case-by-case review of hydroelectric applications and the Cumulative Impact Assessment Procedure (CIAP) is not adequate, on the ground that hydroelectric QF development may have environmental consequences extending beyond the river or watershed where any given project is located and that such consequences cannot be considered in the context of individual proceedings or the CIAP program. The Commission does not agree with this assertion. The Commission is not precluded from considering broad-based environmental concerns in individual license proceedings or in the CIAP program, where such consideration is appropriate. For instance, an intervenor in a hydroelectric proceeding might adduce evidence to support its belief that a particular project or group of projects would endanger the Nation's supply of whitewater rafting sites, or would threaten anadromous fisheries stocks in the Pacific Northwest, or might eliminate a critical habitat for an endangered species. The hydropower licensing or exemption procedures provide an ample forum for such concerns to be addressed.

Petitioners originally charged that the Commission has not abided by its pledge to continue monitoring the market penetration of technologies that qualify for PURPA benefits. On rehearing, they have abandoned this claim. Instead, they assert that the Commission's comprehensive PURPA implementation study is not enough. However, this assertion is based on the incorrect premise that continued environmental review in hydroelectric license and exemption proceedings and the CIAP does not provide a forum to address their concerns. It is further premised on their belief that the few, generalized facts set forth in their pleadings regarding increased hydroelectric license applications demonstrate that alternatives are fast being foreclosed. As set forth above and in the order of January 8, 1986, the Commission concludes that Petitioners' alarm is unwarranted.

There are additional reasons why a new, programmatic review of the PURPA regulations is not appropriate at this time. A programmatic review would necessarily be very general in nature and somewhat speculative. A much better way to evaluate the types of concerns raised by the Petitioners, such as the effects of water flow levels on aquatic life, is in the context of concrete project proposals that would, if built, affect identified areas in specific ways. For example, the effects on a given river of a single facility may be quite different than the effects of half a dozen like facilities on the same river. A five megawatt facility of River A might have little or no impact on other resource values, while the same size facility on River B might have significant impacts. A facility at one site on a river may have substantially different effects than a similarly sized facility twenty miles upstream. Some facilities may be detrimental to other resource values, while other facilities enhance them. In

[8] In the EA, the Commission stated that it would continue to monitor the market penetration of technologies that qualify for PURPA benefits (45 FR at 17965) and that any significant impacts caused by PURPA-induced hydroelectric development would be evaluated and subjected to mitigation measures in the traditional manner; that is, in hydroelectric license and exemption proceedings.

[9] As noted below at page 10, the Commission expects to have more specific information in this regard in a matter of months.

[10] *See* "Electric Utility Week," McGraw-Hill, February 17, 1986, p. 15; "Cogeneration Report," McGraw-Hill, February 14, 1986, p., 1; January 31, 1986, p. 3; January 17, 1986, p. 1; December 6, 1985, p. 5; August 16, 1985, p. 6; May 24, 1985, p. 1; "Cogeneration," Pequot Publishing, Nov.-Dec. 1985, p. 6.

[11] "Cogeneration Report," McGraw-Hill, May 24, 1985, p. 5; April 26, 1985, p. 1, February 1, 1985, p., 4; January 18, 1985, p. 3; January 4, 1985, pp. 1, 3; "Electric Utility Week," McGraw-Hill January 6, 1986, p. 14, November 4, 1985, p. 13, September 16, 1985, p. 12; August 26, 1985, p. 10.

[12] *See Mobil Oil Corp.* v. *FTC*, 562 F.2d 170, 173 (2d Cir. 1977) and *American Public Transit Association* v. *Goldschmidt*, 485 F. Supp. 811 (D.D.C. 1980). Petitioners characterize this principle as "FERC's * * * test" and state that it is "not legally correct." Request for Rehearing, p. 15. However, the requirement to consider any irreversible commitment of resources that would result from the proposed action appears in NEPA itself. 42 U.S.C. 4332(2)(c)(v).

[13] 34 FERC at 61,008.

short, each situation is unique, and the general information gathered in a programmatic review is very likely to be too abstract to significantly assist the Commission in determining whether licenses should be granted or denied, and if granted, what mitigative conditions are appropriate.

The Commission also concludes that contemplation of a new, programmatic review prior to completion of the PURPA implementation study would be unwarranted. That study, which was undertaken specifically for environmental monitoring purposes, should yield detailed and accurate information about the location, size, and construction status of PURPA-induced hydroelectric facilities. Until this information is gathered and evaluated, the true extent of market penetration will not be fully known.

The Commission believes that such specific information, as opposed to simple references to the numbers of license applications, is essential to determining whether any change in the existing rules should be proposed. To commit the substantial amount of scarce Commission resources necessary for a new, programmatic review of the regulations before this information is available seems, therefore, hasty and may be wasteful. In this connection, the Commission notes that the implementation study is proceeding on schedule and will be completed in a matter of months.

In addition, a new programmatic review now would, to some extent, duplicate the consideration of potential for cumulative impacts now taking place in the CIAP, and the activities of the PURPA implementation study. The Commission believes the most prudent use of its resources is to minimize the potential for duplicative or parallel procedures. If, upon review of the CIAP experience, the PURPA implementation study, and such other information as may come to light, the Commission concludes that further programmatic review of the PURPA rules is warranted, the Commission can use relevant data from those other sources in the review.

For the reasons set forth above and in the order of January 8, 1986, the Commission continues to believe that a new, programmatic review of the PURPA regulations as they pertain to QF status for new hydroelectric facilities is not warranted at this time. Petitioners' request for rehearing is, therefore, denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5344 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 381

[Docket No. RM82-30-000]

Fees Applicable to the Natural Gas Policy Act of 1978

Issued: March 7, 1986.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final Rule; Update of Commission Filing Fees; Correction.

SUMMARY: The annual update of the Commission's filing fees (51 FR 4310, February 4, 1986) contained an error in calculation of the fee for the Initial or Extension Reports for Title III Transactions under the Natural Gas Policy Act. Subsequent review of the fee calculation process revealed that additional staff processing time needs to be included to recover the cost of processing the filing. The fee, therefore, will be raised from $200 to $600.

EFFECTIVE DATE: April 11, 1986.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, (202) 357-8400.

SUPPLEMENTARY INFORMATION: In consideration of the foregoing, the Commission amends Chapter I, Title 18 of the *Code of Federal Regulations*, as set forth below

List of Subjects in 18 CFR Part 381

General fees, Natural fees.

Kenneth F. Plumb,

Secretary.

PART 381—[AMENDED]

1. The authority citation for Part 381 continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); Executive Order 12009, 3 CFR 142 (1978); Independent Offices Appropriations Act, 31 U.S.C. 9701 (1982); Natural Gas Act, 15 U.S.C. 717-717w (1982); Federal Power Act, 16 U.S.C. 791-828c (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601-2645 (1982); Interstate Commerce Act, 49 U.S.C. 1-27 (1976), unless otherwise noted.

2. Part 381 is amended as follows:

§ 381.404 [Amended]

Section 381.404 is amended by removing the number "$200" and inserting, in its place, the number "$600."

[FR Doc. 86-5343 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 6 and 162

[T.D. 86-59]

Customs Regulations Amendments Relating to Penalties for Failure to Manifest Narcotics or Marihuana

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to clarify that the $500 penalty amount set forth for failure to manifest merchandise found aboard or unladen from aircraft does not apply to such violations involving narcotics or marihuana. The penalty amount for failure to manifest these substances is that provided for in 19 U.S.C. 1584, for failure to manifest narcotics or marihuana. This section is made applicable to aircraft by 19 U.S.C. 1431(b) and 1644. This action is necessary in order to avoid any confusion as to the penalties applicable to non-manifesting violations involving narcotics or marihuana.

EFFECTIVE DATE: March 12, 1986.

FOR FURTHER INFORMATION CONTACT: Stuart P. Seidel, Office of Chief Counsel (202-566-2482), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Sections 6.7 and 6.11, Customs Regulations (19 CFR 6.7, 6.11), provide for civil penalties of $500 for failure to manifest merchandise carried by aircraft and other violations of the Customs laws and regulations respecting aircraft. Section 162.72(b), Customs Regulations (19 CFR 162.72(b)), provides for an identical penalty for failure to manifest merchandise found aboard or unladen from an aircraft, and a $10,000 or domestic value of merchandise penalty for unmanifested merchandise found aboard or unladen from a vessel or vehicle. Section 162.65(b), Customs Regulations (19 CFR 162.65(b)), states that the penalties applicable to violations involving unmanifested narcotic drugs found aboard or unladen from a vessel or vehicle are those

prescribed in section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584). Since these penalties are based upon a flat rate of $10, $25, or $50 (depending upon the nature of the controlled substance found), times the number of ounces of the controlled substance, they are often greatly in excess of $500.

Customs routinely assesses penalties under 19 U.S.C. 1584 for failure to manifest narcotics and marihuana found aboard or unladen from aircraft. However, persons and some air carriers have alleged that, as written, the Customs Regulations do not permit penalties in excess of $500 for failure to manifest violations involving aircraft, regardless of the nature of the non-manifested merchandise. These parties maintain that §§ 6.7(h)(5) and 6.11, as well as § 162.72(b), mandate $500 penalties for all manifest discrepancy violations involving merchandise carried by aircraft.

We do not agree with these allegations. However, in order to remove any ambiguity and to preclude any misunderstanding that the $500 manifest discrepancy penalties are not applicable to violations involving narcotics or marihuana, we are amending §§ 6.7, 6.11, and 162.72(b), Customs Regulations, to make it clear that manifest discrepancy violations involving narcotics or marihuana are covered by the specific penalty provisions of 19 U.S.C. 1584. We are also amending §§ 162.65 (b) and (e), Customs Regulations, to include marihuana among the substances for which failure to manifest would result in a penalty under the provisions of 19 U.S.C. 1584, and to include aircraft among the conveyances which may be involved in a failure to manifest violation. The penalty provisions of 19 U.S.C. 1584 were made applicable to aircraft by sections 431(b) and 644, Tariff Act of 1930, as amended (19 U.S.C. 1431(b), 1644).

Other minor non-substantive amendments to Parts 6 and 162, Customs Regulations, are also made to update the regulations and to conform them to the other changes.

Inapplicability of Public Notice and Delayed Effective Date Provisions

Inasmuch as these are minor amendments which merely clarify existing statutes and regulations, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary, and pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Executive Order 12291

Because this document will not result in a "major rule" as defined by E.O. 12291, the regulatory analysis and review prescribed by the E.O. is not required.

Regulatory Flexibility Act

This document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*). That Act does not apply to any regulations, such as these, for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Drafting Information

The principal author of this document was Susan Terranova, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Parts 6 and 162

Customs duties and inspection, Air carriers, Administrative practice and procedures, Law enforcement, Penalties.

Amendments to the Regulations

Part 6, Customs Regulations (19 CFR Part 6), is amended as set forth below.

PART 6 —AIR COMMERCE REGULATIONS

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

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (Gen. Hdnote 11), 1624, 49 U.S.C. 1474, 1509; § 6.2 also issued under 19 U.S.C. 1322, 1448, 1450, 1451, 1644; § 6.6 also issued under 19 U.S.C. 1431; § 6.7 also issued under 19 U.S.C. 1431 and 1644; § 6.8 also issued under 19 U.S.C. 1644, 46 U.S.C. 91, 92; § 6.10 also issued under 19 U.S.C. 1644; § 6.11 also issued under 19 U.S.C. 1431; § 6.17 also issued under 19 U.S.C. 1551, 1552, 1553; §§ 6.18 and 6.20 also issued under 19 U.S.C. 1552, 1553.

§ 6.7 [Amended]

2. The first sentence of § 6.7(h)(5) is amended by inserting, after the phrase "under § 584, Tariff Act of 1930, as amended", a parenthetical reference to "(19 U.S.C. 1584)", and by inserting, after the word "overage", the phrase "other than narcotics or marihuana (see § 162.65 of this chapter),".

§ 6.10 [Amended]

3. Section 6.10 is amended by removing the word "part" and by inserting, in its place, the word "chapter".

§ 6.11 [Amended]

4. The first sentence of § 6.11 is amended by inserting, after the amount "$500," the phrase "except for failure to manifest narcotics or marihuana in which case the penalties set forth in § 584, Tariff Act of 1930, as amended (19 U.S.C. 1584) apply,".

5. Section 6.11 is further amended by inserting, in the second sentence, after the phrase "§ 466, Tariff Act of 1930, as amended," a parenthetical reference to "(19 U.S.C. 1466)".

Part 162, Customs Regulations (19 CFR Part 162), is amended as set forth below.

PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

1. The authority citation for Part 162 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1624; § 162.32 also issued under 19 U.S.C. 1603, 1610; § 162.44 also issued under 19 U.S.C. 1614; § 162.46 also issued under 19 U.S.C. 1609, 1611; §§ 162.65 and 162.72 also issued under 19 U.S.C. 1431(b) and 19 U.S.C. 1644.

2. Section 162.65 is amended by revising the heading to paragraph (b), and the text of paragraphs (b), (d), and (e), to read as follows:

§ 162.65 Penalties for failure to manifest narcotic drugs or marihuana.

* * * * *

(b) *Unmanifested narcotic drugs or marihuana.* When an unmanifested narcotic drug or marihuana is found on board of, or after having been unladen from, a vessel, vehicle, or aircraft, the penalties prescribed in § 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), shall be assessed. The penalty shall be applied without exception and without regard to any question of negligence or responsibility.

* * * * *

(d) *Referral to the U.S. attorney.* If the penalty incurred under § 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), is not paid, or a petition is not filed as provided in Part 171 of this chapter, or if payment is not made in accordance with the decision on a petition or a supplemental petition, the district director, after required collection action, shall refer the case to the U.S. attorney.

(e) *Withholding clearance of vessel.* Where a penalty has been incurred under § 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), for failure to

manifest narcotic drugs or marihuana, clearance of the vessel involved shall be withheld until the penalty is paid or a bond satisfactory to the district director is given for the payment thereof unless

(1) The narcotics or marihuana were discovered in a passenger's baggage and the district director is satisfied that neither the master nor any of the officers nor the owner of the vessel knew or had any reason to know or suspect that the narcotics or marihuana had been on board the vessel, or

(2) Prior authority for the clearance without payment of the penalty or the furnishing of the bond is obtained from Customs.

3. Section 162.72(b)(3)(ii) is revised to read as follows:

§ 162.72 Penalties and forfeitures under sections 466 and 584(a)(1), Tariff Act of 1930, as amended.

* * * * *

(b) * * *

(3) * * *

(ii) A penalty of $500 (see § 6.11 of this chapter) if merchandise (other than narcotics or marihuana—see § 162.65 of this chapter) is found on board of or after having been unladen from an aircraft—if the merchandise is not included or described in the manifest or does not agree with the manifest (an "overage").

William von Raab,

Commissioner of Customs.

Approved: February 24, 1986.

Francis A. Keating, II,

Assistant Secretary of the Treasury.

[FR Doc. 86-5377 Filed 3-11-86; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

26 CFR Part 1

[T.D. 8075]

Income Taxes; Treatment of Certain Hospital Services

Correction

In FR Doc. 86-3107 beginning on page 5320 in the issue of Thursday, February 13, 1986, make the following corrections:

1. On page 5321, in the first column in the fifth line from the bottom, insert "of" after "characterization".

2. On page 5322, in the first column, in amendatory instruction 2 and in the following section heading, the section number should read "§ 1.513-6".

BILLING CODE 1505-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 7 and 25

[T.D. ATF-225; Re: Notice No. 573]

Principal Place of Business on Beer Labels

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule allows multiplant brewers to show their principal place of business as the only address on labels of beer bottles and cans, and on beer key bungs or tap covers, in lieu of listing the addresses of all breweries operated by the same company. This final rule is a result of a petition from Anheuser-Busch Companies, and a notice of proposed rulemaking, Notice No. 573, published in the **Federal Register** of October 15, 1985, at 50 FR 41701.

This amendment will benefit multiplant brewers by allowing them to use a "universal" label and a "universal" bung or tap cover at all of their breweries. It will relieve industry and Government of the necessity of approving new beer labels, including bungs or tap covers, whenever a brewing company buys, builds, acquires, sells, closes, or otherwise disposes of a brewing location.

EFFECTIVE DATE: May 1, 1986.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum, FAA, Wine and Beer Branch, (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Previous Label Requirements

Under previous regulations implementing the Internal Revenue Code of 1954, 26 U.S.C. 5412, labels of bottles and can of domestic beer, and bungs or tap covers of domestic draft beer were required to show the brewer's name and the address of the place of production. In 1968, the regulation on bottles and cans (27 CFR 245.126) was amended to pemit a brewer that owns or operates two or more breweries to show the actual place of production as part of a listing of all breweries owned and operated by the brewer in lieu of showing the actual place of production only. Brewers that chose this alternative, however, were also required to indicate the actual place of production by means of a coding system which cuts, notches, stamps or otherwise marks the label, crown, lid, chime or other part of the label or the bottle or can. This coding system allows the brewer and ATF to determine the actual location at which the beer in a particular package was produced and taxpaid. This information is necessary for the protection of the revenue.

Under the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e)(2), the Secretary of the Treasury is required to issue regulations to provide the consumer with adequate information as to the manufacturer or bottler or importer of malt beverages sold or offered for sale in interstate commerce. Regulations under the FAA Act, 27 CFR 7.25, require that containers of domestic malt beverages show the name of the bottler or packer and the place where bottled or packed. In line with the 1968 amendment previously described, ATF has permitted the listing on the label of all brewery locations operated by the brewer as long as the actual place of production of the malt beverage appears as part of the list. This FAA Act requirement permits the consumer to know the identity of the brewer responsible for producing the malt beverage.

Anheuser-Bush Petition

Anheuser-Busch Companies, Inc. petitioned ATF to amend 27 CFR 245.126 to allow showing the brewer's principal place of business on the label in lieu of listing the actual place of production or listing all of the breweries. Under their proposal, the actual brewing location would not be required to appear on a label but would be identified by means of the coding system established in 1968. As an example, all of the petitioner's breweries could utilize an identical label showing "Anheuser-Busch, Inc., St. Louis, Missouri" as the name and address of the brewer. The actual producing brewery would be indicated by means of their existing coding system.

Anheuser-Busch stated they now use a universal label, *i.e.*, the identical label is used at all of their breweries. This label lists all of their plants with the producing brewery indicated by a coding system. The petitioner stated that this label has numerous advantages over a label showing only the place of production because the universal label eliminates separate label inventories for each brewery, avoids misshipments of labels to breweries, and avoids mislabeled products which can result in product destruction or special label permissions.

In support of their petition, Anheuser-Busch stated that the listing of all brewery locations on a beer label is aesthetically undesirable and produces label clutter. They further stated that the

coding system employed under 27 CFR 245.126 would continue to be used in order to identify the producing brewery where the beer was taxpaid. Thus, the principal place of business label together with the coding system is sufficient to protect the revenue. From the consumer standpoint, Anheuser-Busch notes that the present listing of all brewery locations does not inform the consumer where beer in a particular package was produced. They further stated that public inquiries are generally directed to their corporate offices in St. Louis, and that the principal place of business address on a beer label would satisfy FAA requirements by enabling consumers to know who is responsible for manufacturing the beer.

Anheuser-Busch cited regulations of the Food and Drug Administration, 21 CFR 101.5(e), as a precedent to allow principal place of business address labeling on beer. Those FDA regulations state "If a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such food was manufactured or packed or is to be distributed, unless such statement would be misleading."

Discussion

ATF believes Anheuser-Busch's petition has merit and that there are additional reasons in support of it. If major brewers were to use a label showing only the principal place of business, the number of submissions of labels for approval under the FAA Act would be substantially reduced. Under the previous regulations, new labels were required to be submitted when the listing of breweries is affected by brewery openings, closings, sales or other changes. For brewers operating multiple breweries, producing several brands of beer, and producing numerous package sizes and styles, this may result in several hundred label submissions necessitated by the acquisition or disposition of a single brewery. Thus, switching to the principal place of business on the label would save paperwork for both brewers and the Government.

ATF does not believe that the listing of only the brewer's principal place of business on the label would be deceptive to consumers. We believe that consumers today know that many large brewers operate more than one brewery. Moreover, the present listing of all brewing locations on the label does not inform the consumer where beer in a specific bottle was produced because the consumer generally does not understand brewers' coding systems. ATF notes that many brewers market brands of beer nationwide and that they strive to achieve a uniform taste in their products regardless of the actual brewing location. Thus, ATF does not believe the actual place of production of beer produced by today's multiplant brewers is meaningful to consumers.

Proposal

ATF believes the listing of the principal place of business on a beer label in lieu of the actual place of business would meet statutory criteria under both the Internal Revenue Code and the Federal Alcohol Administration Act. Therefore, we proposed, in Notice No. 573, published in the **Federal Register** of October 15, 1985, at 50 FR 41701, to amend regulations in Parts 7 and 245 to permit listing of the principal place of business. [Part 245 was recodified as Part 25 at 51 FR 7666, May 5, 1986, effective May 1, 1986.]

In order to prevent consumer deception, ATF believes the brewer's principal place of business should be the location of a brewery. This is necessary to prevent, for example, a multiplant brewer from using a corporate office in some other city as the principal place of business.

ATF is also concerned that use of some addresses as the principal place of business of a brewer could be misleading or deceptive in conjunction with certain geographic brand names or slogans used on malt beverage labels. We therefore proposed to amend 27 CFR 7.25(a) to give the Director of ATF the authority to require the actual place of production be shown on a malt beverage label if use of the principal place of business would cause confusion or deception as to the geographic origin of the beer. In addition, Notice No. 573 proposed to amend 27 CFR 245.126 Bottles, and 245.127 Cases. [§§ 245.126 and 245.127 were recodified as §§ 25.142 and 25.143, respectively, at 51 FR 7684, May 5, 1986 effective May 1, 1986.]

In response to Notice No. 573, ATF received two comments both in favor of the proposed changes. In addition, one commenter, G. Heileman Brewing Co., was in favor of extending the same privilege to draft beer kegs, by allowing the principal place of business to appear on the keg, bung, tap cover, or on a separate label attached to the keg. Since Notice No. 573 specifically asked for comments on extending this labeling change to barrels and kegs, we are adopting this comment. Therefore, the final rule also amends 27 CFR 245.125 to provide for showing the principal place of business on barrels and kegs, in lieu of the actual place of production. [§ 245.125 was recodified as § 25.141 at 51 FR 7684, May 5, 1986, effective May 1, 1986.]

Regulatory Flexibility Act

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

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

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a "major rule" since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or

(c) Significant adverse effect 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.

Paperwork Reduction Act

The requirement to collect information proposed in Notice No. 573 was submitted to the Office of Management and Budget for review under sec. 3504(h) of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35. ATF received two public comments on this notice, including one comment, from G. Heileman Brewing Company, Inc., in favor of the reduced paperwork which would result from adoption of the proposed rule. The other comment, from Lauren Gleason, was in favor of adoption of the proposed rule, but did not cite reduced paperwork as one of her reasons. The Office of Management and Budget has assigned control number 1512-0474 to the collection of information in this document.

List of Subjects

27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, Labeling.

27 CFR Part 25

Administrative practice and procedure, Authority delegations, Beer, Claims, Electronic fund transfers, Excise taxes, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Research, Surety bonds, Transportation.

Drafting Information

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

Authority and Issuance

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

27 CFR Part 7 is amended as follows:

Paragraph 1. The authority citation for Part 7 is revised to read as follows:

Authority: 27 U.S.C. 205.

Paragraph 2. Paragraph (a) of § 7.25 is revised to permit showing the principal place of business in lieu of the address of the bottler or packer. As revised, § 7.25(a) reads as follows:

§ 7.25 Name and address.

(a) *Domestic malt beverages.* (1) On labels of containers of domestic malt beverages there shall be stated the name of the bottler or packer and the place where bottled or packed. The bottler's or packer's principal place of business may be shown in lieu of the actual place where bottled or packed if the address shown is a location where bottling or packing operation takes place. The Director may disapprove the listing of a principal place of business if its use would create a false or misleading impression as to the geographic origin of the beer.

(2) If malt beverages are bottled or packed for a person other than the actual bottler or packer there may be stated in addition to the name and address of the bottler or packer (but not in lieu of), the name and address of such other person immediately preceded by the words "bottled for," "distributed by," or other similar appropriate phrase.

* * * * *

(Approved by the Office of Management and Budget under Control Number 1512-0474)

PART 25—BEER

27 CFR Part 25 is amended as follows:

Paragraph 3. The authority citation for Part 25 continues to read as follows:

Authority: 5 U.S.C. 552(a); 19 U.S.C. 81c, 1309; 26 U.S.C. 5002, 5051–5054, 5056, 5061, 5091, 5111, 5113, 5142, 5143, 5146, 5222, 5401–5417, 5551, 5552, 5555, 5556, 5671, 5673, 5684, 6011, 6061, 6065, 6091, 6109, 6151, 6301, 6302, 6311, 6313, 6402, 6651, 6656, 6676, 6806, 7011, 7342, 7606, 7805; 31 U.S.C. 9301, 9303–9308.

Paragraph 4. Paragraph (b) of § 25.141 is revised to permit showing the principal place of business on beer keg bungs, or on beer keg tap covers, or on a separate label attached to the beer keg, in lieu of showing the place of production. As revised, § 25.141(b) reads as follows:

§ 25.14 Barrels and kegs.

* * * * *

(b) *Breweries of same ownership.* (1) If two or more breweries are owned or operated by the same person, firm, or corporation (as defined in § 25.181), the place of production:

(i) May be shown as the only location on the bung, or on the tap cover, or on a separate label attached to the keg;

(ii) May be included in a listing of the locations of breweries qualified under this part if the place of production is not given less emphasis than any of the other locations; or

(iii) Need not be shown if the brewer's principal place of business is shown in lieu of any other location. The brewer's principal place of business will be the location of a brewery operated by the brewer and qualified under this part.

(2) If the location of two or more breweries is shown on the keg, bung, tap cover, or on a separate label attached to the keg (paragraph (b)(1)(ii)), or if the brewer's principal place of business is shown in lieu of the actual place of production (paragraph (b)(1)(iii)), the brewer shall indicate the actual place of production by printing, coding or other markings on the keg, bung, tap cover, or on a separate label attached to the keg. The coding system employed will permit an ATF officer to determine the place of production (including street address if two or more breweries are located in the same city) of the beer. The brewer shall notify the regional director (compliance) prior to employing a coding system.

* * * * *

(Approved by the Office of Management and Budget under Control Number 1512-0474)

Paragraph 5. Paragraph (b) of § 25.142 is revised to permit showing the principal place of business on a beer label in lieu of showing the place of production. As revised, § 25.142(b) reads as follows:

§ 25.142 Bottles.

* * * * *

(b) *Breweries of same ownership.* (1) If two or more breweries are owned or operated by the same person, firm, or corporation (as defined in § 25.181), the place of production:

(i) May be shown as the only location on the label;

(ii) May be included in a listing of the locations of breweries qualified under this part if the place of production is not given less emphasis than any of the other locations; or

(iii) Need not be shown if the brewer's principal place of business is shown in lieu of any other location. The brewer's principal place of business will be the location of a brewery operated by the brewer and qualified under this part.

(2) If the location of two or more breweries is shown on the label (paragraph (b)(1)(ii)), or if the brewer's principal place of business is shown on the label in lieu of the actual place of production (paragraph (b)(1)(iii)), the brewer shall indicate the actual place of production by printing, coding or other markings on the label, bottle, crown or lid. The coding system employed will permit an ATF officer to determine the place of production (including street address if two or more breweries are located in the same city) of the beer. The brewer shall notify the regional director (compliance) prior to employing a coding system.

* * * * *

(Sec. 201, Pub. L. 85–859, 72 Stat. 1389, as amended (26 U.S.C. 5412))

(Approved by the Office of Management and Budget under Control Number 1512–0474)

Paragraph 6. Paragraph (b) of § 25.143 is revised to permit showing the principal place of business on a beer case in lieu of the place of production. As revised, § 25.143(b) reads as follows:

§ 25.143 Cases.

* * * * *

(b) *Other information.* The brewer may show on a case or shipping container the place of production (city and, when necessary for identification, State), and the addresses of other breweries owned by the same person, firm, or corporation (as defined in § 25.181). If only one address is shown, it will be that of the producing brewery, or of the brewer's principal place of business.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1389, as amended (26 U.S.C. 5412))

(Approved by the Office of Management and Budget under Control Number 1512–0474)

Signed: January 27, 1986.

Stephen E. Higgins,

Director.

Approved: February 24, 1986.

Francis A. Keating, III,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 86-5382 Filed 3-11-86; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

St. Croix National Scenic Riverway; Water Use Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This rulemaking is an administrative change deleting the special regulation pertaining to water recreation at Saint Croix National Scenic Riverway. The existing regulation, which places restrictions on motorboats and water skiing activities, duplicates provisions of Minnesota and Wisconsin regulations that govern the same activities and that the National Park Service can adopt by using another authority. The existing regulation also includes restrictions that can be imposed by the superintendent without a formal rulemaking. Deletion of this regulation will result in no reduction in the levels of park and visitor protection measures provided. The same closures, restrictions and public use limits will remain in effect, but will be codified in other forms.

EFFECTIVE DATE: April 11, 1986.

FOR FURTHER INFORMATION, CONTACT: Henry Hughlett, Chief, RM & VP, Saint Croix National Scenic Riverway, P.O. Box 708, St. Croix Falls, WI 54024, Telephone: 715-483-3284.

SUPPLEMENTARY INFORMATION:

Background

The special regulations which are being deleted pertain to water surface use on the St. Croix National Scenic Riverway. Many of these restrictions duplicated those of Wisconsin and Minnesota, which the NPS can adopt under the authority of 36 CFR 3.1(a). Adoption of non-conflicting State regulations by the NPS helps attain consistency in the management of State and NPS water recreation and safety programs. The NPS considers 36 CFR 7.9(a) unnecessary since all the provisions of this particular special regulation are duplicated by State regulations that can be adopted and/or could be imposed by other means. The NPS considers this deletion an administrative change, since the restrictions will continue in effect after the deletion, but in other forms.

On October 4, 1985, the National Park Service, Department of the Interior, published in the **Federal Register** (50 FR 40567) a proposed rule to delete the special regulations pertaining to water recreation at St. Croix National Scenic Riverway. This proposal was made available for public review and comment for a period of thirty (30) days following publication in the **Federal Register**, and ending on November 4, 1985. One comment was received. The respondent commented favorably about the proposed change, stating that using existing State regulations was better than having separate Federal regulations.

Drafting Information

The following persons participated in the writing of these regulations: Hugh P. Beattie, Superintendent; Henry T. Hughlett, Chief, Resource Management and Visitor Protection, both of the St. Croix National Scenic Riverway.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

Compliance with Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This conclusion is based on the fact that, even though regulations are not contained in the Code of Federal Regulations, they do exist in the respective states of Minnesota and Wisconsin and can be adopted through 36 CFR 3.1(a).

The NPS has determined that this rulemaking will not have a significant effect of the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants. Based on this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Department of the Interior regulations in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 7

National Parks.

In consideration of the foregoing, 36 CFR Chapter I is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation of Part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k).

§ 7.9 [Amended]

2. By amending § 7.9 as follows:

a. By removing paragaph (a).

b. By redesignating paragraph (b) as (a) and paragraph (c) as (b).

Dated: February 28, 1986.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-5254 Filed 3-11-86; 8:45 am]

BILLING CODE 4310-70-M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual; Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby describes the numerous miscellaneous revisions consolidated in the Transmittal Letter for Issue 20 of the Domestic Mail Manual (DMM), which is incorporated by reference in the Code of Federal Regulations, 39 CFR 111.1.

Most of the revisions are minor, editorial, or clarifying. Substantive changes, such as the revised regulations on addresses and return addresses, preferred rates, and post office box fee groups, have previously been published in the **Federal Register.**

EFFECTIVE DATE: November 14, 1985.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 268-2960.

SUPPLEMENTARY INFORMATION: The Domestic Mail Manual, which is incorporated by reference in the Code of

Federal Regulations (see 39 CFR 111.1) has been amended by the publication of a transmittal letter for issue 20, dated November 14, 1985. The text of all published changes is filed with the Director of the Federal Register. Subscribers to the Domestic Mail Manual receive these amendments automatically from the Government Printing Office.

The following excerpt from the Summary of Changes section of the transmittal letter for issue 20 covers the minor changes not previously described in interim or final rules published in the **Federal Register.**

Note.—Issue 20 is a complete revision of the DMM. It contains all DMM revisions published between June 13, 1985 and November 14, 1985 (Postal Bulletins 21518 through 21540).

Summary of Changes

Major Revisions

1. * * *

2. * * *

3. *ZIP + 4 Mail.* Section 324 is revised to permit mailers to collect the ZIP + 4 discount on mail which is pre-printed with the bar code corresponding to the ZIP + 4 code. Section 324 has also been reorganized and renumbered for clarity (PB 21522, 7–11–85).

4. * * *

5. *Mailing List Services and Address Card Sequencing.* Section 945, pertaining to mailing list services and address card sequencing, is revised to clarify and reorganize the current instructions. Section 945 is now divided into 945 and 946. Section 945 provides regulations regarding mailing lists, and the new section 946 provides regulations regarding address card sequencing (PB 21522, 7–11–85).

6. * * *

Other Revisions

1. Section 113.234g(2) is revised to reflect the current address for the Postal Rate Commission (PB 21534, 10–3–85).

2. Section 121.44 is added to specifically state where endorsements for special services must be placed on articles (PB 21522, 7–11–85).

3. Section 121.345 is amended to prohibit improperly clinched staples in flats, envelopes and cards (PB 21519, 6–13–85).

4. Section 122.413a is revised to clarify the preparation requirements for mailings which bear a simplified address and are mailed at the First-, second-, or third-class carrier route presort rates (PB 21534, 10–3–85).

5. Exhibit 122.63c is revised to improve the handling of Presort First-Class Mailings (PB 21531, 9–12–85).

6. Exhibits 122.63f and 122.63i are revised to improve the handling of second-class mail (PB 21523, 7–18–85).

7. Section 122.812 (*not* section 122.822 as indicated in the *Postal Bulletin*) is revised to require a complete address, including military organization, on mail sent to Air Force personnel (PB 21540, 11–14–85).

8. Section 124.63c(1) and 753i are amended to clarify the regulations governing the collection of postage and fees for the shipment of bees and day old poultry (PB 21528, 8–22–85).

9. Exhibit 125.2, including its footnotes, is revised to reflect changes in the restrictions applied to mail that is addressed to military post offices overseas (PB 21539, 11–7–85).

10. Sections 134.21a and 134.21b are revised to reflect the termination of free mail privileges for military personnel serving in Grenada and Lebanon (PB 21524, 7–25–85).

11. * * *

12. Sections 143.421a–b, and 143.424a–b are revised to reflect the new precanceled stamps format (PB 21533, 9–26–85).

13. Sections 144.341a, 144.341e, 144.61a–k., and 144.62a–b are revised to strengthen the requirements for: (a) the quarterly examination of postage meters; and (b) the six-month postage meter examination (PB 21529, 8–29–85).

14. Sections 144.348 and 144.952j are amended to rescind the requirements for a post office to report the loss or recovery of a meter setting key to a regional director of finance; and for a meter manufacturer to report such a loss or recovery to a regional postmaster general (PB 21526, 8–8–85).

15. Sections 146.123 and 146.222 are revised to clarify the handling of non-postal mail found in Postal Service collection boxes or other receptacles or mailing areas (PB 21518, 6–13–85).

16. Sections 146.131, 146.133, 273.42, 286.1, 286.2 and 287 are revised to clarify the handling of shortpaid items (PB 21525, 8–1–85).

17. Section 159.527a–c is revised to permit post offices to provide undeliverable periodicals for use by individuals called for or assigned to jury duty (PB 21532, 9–19–85).

18. Section 159.561b-c is revised to reflect the closure of the Fort Worth Texas Dead Parcel Branch (PB 21538, 10–31–85)

19. Sections 211.3, 223.11, 223.24 (deleted), 224.3, 225a–h (added) and 230 are revised to clarify the policy on Express Mail pickup fee charges and to clarify Express Mail Reshipment procedures (PB 21538, 10–31–85).

20. Section 282a–d is revised to eliminate the minimum weekly shipment requirement for Express Mail Corporate Accounts, to provide that the minimum balance in such accounts is equal to the average weekly postage and fees or $50.00, whichever is higher, and the initial deposit is equal to two weeks' average postage or $100.00 whichever is higher (PB 21529, 8–29–85).

21. Sections 323.2, 468.12b(1), 468.12b(2), 468.12c, 468.12d, 622.11e(1), 622.11e(2)(a), 622.11e(2)(e), 622.11e(2)(f), 763.21, 763.221, 767.224, and 767.225 are revised to require mailers who submit First-, second-, third-, or fourth-class bulk mailings that are presorted to carrier routes to incorporate Carrier Route Information System (CRIS) changes within 75 days of the effective date of semiannual updates on February 15 and July 15 (PB 21522, 7–11–85).

22. Sections 362.44, 362.46, 365.32, 365.37, 365.38, 382.1, 382.21, 382.31, and 382.321 are revised to provide for an additional method of payment of postage by use of precanceled stamps in ZIP + 4 Presort First-Class mailings (PB 21521, 7–4–85).

23. Section 365.32 is revised to suspend, until April 6, 1986, the requirement that all non-ZIP + 4 coded pieces of a combined ZIP + 4 Presort and Presorted First-Class Mailing meet the ZIP + 4 mailing requirements of 324, except 324.2 (PB 21531, 9–12–85).

24. Sections 411.213, 411.343, 411.354, 411.361, 411.364, 411.374, and 468.12c are revised to cross reference Exhibit 122.63c and Exhibit 122.63d (PB 21518, 6–13–85).

25. Sections 411.21 is revised and 411.4 is added to clarify that, with the elimination of the second-class transient rate, mailers may now send noncommingled copies of second-class publications at any third- or fourth-class rate for which the mailing qualifies (PB 21525, 8–1–85).

26. Section 447.22 is amended to reference 447.53 which has been added to provide for an exception to the 3-year record retention requirement for publishers whose second-class publications receive a postal audit by an independent audit bureau (PB 21537, 10–24–85).

27. Section 448.1 is revised to permit publishers of general second-class periodicals to submit only one Form 3526, *Statement of Ownership, Management and Circulation* (PB 21519, 6–20–85).

28. Section 455.2 is amended to allow second-class publications to print the required identification statement on one of the last three editorial pages

preceding the inside back cover (PB 21534, 10–3–85).

29. Section 455.2a is revised to clarify that an ISSN number must be displayed in the identification statement of second-class publications (PB 21519, 6–20–85).

30. Sections 464.242b(1) and 464.242b(5) are revised to reflect changes in the authorized use of the optional endorsement line. The changes resulted from the introduction of the computerized Address Change Service (ACS) for second-class publishers (PB 21535, 10–10–85).

31. Sections 464.331a, 667.131a–b, 667.224 and 667.643a(1) are revised to require mailers to use pink-colored paper stock for labeling sacks containing copies of second-class publications (PB 21525, 8–1–85).

32. Section 642.134 is revised to extend, until July 1, 1986, the provisions which allow mailers to obtain temporary authorization at additional offices to mail at the special bulk rates of postage (PB 21527, 8–15–85).

33. Exhibits 711.2b and 711.2c are added so that correct postage for individually metered bulk rate bound printed matter may be quickly determined (PB 21524, 7–25–85).

34. Section 723.21 is revised to allow mailers of nonidentical weight pieces of bound printed matter to mail the pieces at the bulk rates, if the applicable bulk rate is affixed to each piece (PB 21524, 7–25–85).

35. Sections 767.433, 767.523a, 767.523b, 768.1, 768.2, and 768.3 are revised to allow mailers of bound printed matter to use optional endorsement lines currently in effect for presorted First-, second-, and third-class mailings (PB 21520, 6–27–85).

36. Section 767.7 is revised to clarify how to sort and label packages of addressed labels for mailings of fourth-class bound printed matter, presented under the provisions of 767.7 (PB 21534, 10–3–85).

37. Sections 911.232, 911.311a, 911.311b, 911.311c, 911.38 and 911.41 are revised to provide more specific instructions on the proper completion and use of registered mail forms and labels (PB 21520, 6–27–85).

38. Section 911.31 is revised to prohibit the use of padded envelopes to send domestic registered mail (PB 21531, 9–12–85).

39. Section 914.621a is revised to specifically instruct clerks to enter the name and address of the mailer and addressee in the "Pay To" and "Purchased By" sections of COD money orders (PB 21528, 8–22–85).

40. Sections 917.211, 917.22, 917.23c, 917.241a–b, 917.242a–b, 917.243a, 917.33a–b, 917.343c(4), 917.344b, 917.352b, 917.42b, 917.51, 917.524, 917.525a, 917.525c, 917.56a, 917.56c., and 917.58 are amended to more clearly state Postal Service requirements concerning Business Reply Mail (BRM). Areas affected include the formatting of BRM pieces, unique ZIP Code, use of permit holder names when authorized representatives are involved and permit renewals (PB 21538, 10–31–85).

41. Minor editorial and typographical changes have been made in Exhibits 121, 121.324a, 122.632, 132, 146.123, 147, 159.332, 411.2, 426.2, 426.3, 426.5, 426.6, 468, 471, 481, Exhibits 482c(p.2), 667.224, 681.221d, 711.2, 911.31, 951.86, 952.46.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

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

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

2. In consideration of the foregoing 39 CFR 111.3 is amended by adding at the end thereof the following:

111.3 Amendment to the Domestic Mail Manual.

Transmittal letter issue	Dated	Federal Register publication
. . . . .		
20	Nov. 14, 1985	51

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 86–5315 Filed 3–11–86; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-2977-7]

Approval and Promulgation of Implementation Plans; California Plan Revisions for the South Coast

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: This notice disapproves 1979 and 1982 New Source Review (NSR) rule deficiencies in the South Coast Nonattainment Area portion of the California State Implementation Plan. Specifically, the NSR rule exemptions for resource conservation (resource recovery) and energy projects (cogeneration) are disapproved. The effect of this disapproval is thus to clarify the requirement that any projects whose application for a permit becomes complete after January 1, 1986, must meet all federal NSR provisions including the requirement for full offsets prior to permitting, construction, or modification.

EFFECTIVE DATE: April 11, 1986.

ADDRESS: EPA's Technical Support Document and a copy of the disapproved rules are located at: New Source Section, Air Management Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Dave Jesson (A–3–1), New Source Section, Air Management Division, EPA, Region 9 (415) 974–8220, (FTS) 454–8220.

SUPPLEMENTARY INFORMATION:

Background

Part D of the Clean Air Act (sections 172 and 173) requires that states incorporate in their State Implementation Plans (SIPs) an acceptable permitting program for the pre-construction review of new or modified major stationary sources in nonattainment areas. EPA's requirements are contained at 40 CFR 51.18, as amended on May 13, 1980, August 7, 1980, and in the Emissions Trading Policy Statement of April 7, 1982 (47 FR 15076).

January 21, 1981(46 FR 5965) EPA conditionally approved portions of the South Coast NSR rule (Regulation XIII) and disapproved other portions. The conditional approval was made contingent on revision of the NSR rule to meet EPA's NSR regulations as amended on August 7, 1980 and to correct those specific deficiencies cited in EPA's Evaluation Report Addendum. The revision was due to be submitted to EPA by May 7, 1981.

On October 26, 1983 (48 FR 49522), EPA proposed action on a revised South Coast Regulation XIII (adopted September 10, 1982 and submitted to EPA on November 8, 1982), which responds to many of EPA's NSR concerns. One deficiency noted in the Evaluation Report Addendum to the January 21, 1981 rulemaking has not yet been corrected and is now long overdue. That deficiency is the fact that the regulation provided an exemption from offsets and statewide compliance, where none is provided under federal law, for the following source categories:

Resource Conservation (resource recovery) and Energy (congeneration) Projects (Rule 1304(e)). The exemption was slightly amended on September 10, 1982, and renumbered and retitled as Rule 1304(b)(2), Resource and Energy Conservation Projects.

In order to correct the deficiency, either the rule needs to be revised to remove the exemption altogether or the SIP needs to establish a valid growth allowance in lieu of offsets, as authorized in the Clean Air Act sections 172(b)(5) and 173(1)(B).

A valid growth allowance has not been submitted nor approved for the South Coast for any nonattainment pollutant. In the absence of an approved growth allowance, Authority to Construct permits issued after the effective date of this notice based on the referenced exemption would have a substantial adverse impact on the South Coast's ability to demonstrate attainment of the NAAQS.

Both the original and revised South Coast Rule 1304 exemptions for cogeneration and resource recovery responded to the requirements in then-existing State law that: (1) Districts issue permits to congeneration and resource recovery projects in the absence of full offsets (California State Health & Safety Code section 42314), and (2) Districts provide mitigation for the impact of these projects to protect the ambient standards and achieve reasonable further progress (section 41604).

In September 1985, the State adopted revisions to State law affecting congeneration and resource recovery sources. The 1985 revision to these sections of State law recognized that certain areas of the State, such as the South Coast, could not provide mitigation (a growth allowance) for any new source growth. Therefore, the new legislation (Stats. 1985, ch. 978, section 1) eliminates the mandate in previous law that these areas exempt congeneration and resource recovery projects from the offset requirement. (The legislation affects only projects whose applications for a permit were complete after January 1, 1986.) EPA's action today is consistent with the revised State law. Following the effective date of this disapproval, the offset exemptions for cogeneration and resource recovery projects are eliminated in the South Coast under federal law, as well as State law (but only as to projects whose permit applications are complete after January 1, 1986).

Public Comment

EPA received six comments in response to its October 26, 1983 proposal on revised South Coast Regulation XIII. Five commenters raised issues concerning the NSR rule exemptions referenced above that are in the SIP and EPA's proposed action thereon. EPA has responded to these comments in its Technical Support Document. The effective date of this disapproval, more than two years after publication of the proposal, moots the most common and emphatic of the 1983 public comments, urging that EPA minimize the dislocating impacts of the disapproval on sources undergoing permitting at that time.

EPA Action

In conformity with the General Preamble Supplement to the Conditional Approval Policy (44 FR 57182, November 23, 1979), EPA today takes final action to disapprove Rule 1304(e) in the South Coast SIP and the 1982 proposed revision to the SIP, as to projects whose applications for a permit become complete after January 1, 1986. EPA is temporarily deferring action on the balance of revised Regulation XIII, because the State may shortly submit revisions to Regulation XIII.

EPA has determined that an Authority to Construct issued under the now disapproved exemptions to a source whose application was complete on or before January 1, 1986, would not be, due to use of such exemption, inconsistent with the conditionally approved SIP when issued. Such a permit therefore, would not become invalid by reason of today's action. (EPA intends to express here no view as to the validity of such a permit under State law). However, any Authority to Construct issued under the exemptions to a source whose application for a permit became complete after January 1, 1986, would be inconsistent with the federally approved SIP and therefore would be invalid.

The effect of this disapproval is thus to clarify the requirement that any projects whose application for a permit becomes complete after January 1, 1986, must meet all federal NSR provisions including the requirement for full offsets prior to permitting, construction, or modification. This disapproval does not, however, trigger the construction ban under Section 100(a)(2)(I) of the Clean Air Act because the removal of the exemptions from the federally approved SIP leaves in place the requirement for offsets, thus satisfying sections 173 (1) and (3) of the Act.

Administration

Under 5 U.S.C. 605(b), EPA has determined that this action will not have a significant economic impact on a substantial number of small entities, since the action will not impose any more burdens than State law will have previously and independently imposed.

Under Executive Order 12291, today's action is not "major". It has been submitted to the Office of Management and Budget (OMB) for review.

Under section 307(b)(1) of the Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days from today. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Particulate matter, Ozone, Sulfur oxide, Nitrogen oxides, Hydrocarbons, Carbon monoxide.

Dated: February 20, 1986.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Subpart F of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart F—California

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.220 is revised by adding paragraph (c)(163) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(163 Rule 1304(e), Resource Conservation and Energy Projects, adopted on March 7, 1980, submitted on April 3, 1980 (See § 52.220(c)(68)(i), and conditionally approved on January 21, 1981 [See § 52.232(a)(3)(i)(A)] is disapproved but only with respect to projects whose application for a permit is complete after January 1, 1986.

§ 52.233 [Amended]

3. Section 52.233 is amended by adding new paragraphs (l) and (m) to read as follows:

* * * * *

(l) The following rules and regulations are disapproved because they do not meet the requirements of sections 110, 172, and 173 of the Clean Air Act, since they exempt certain source categories from the offset requirements of the Act:

(1) South Coast Air Quality Management District.

(i) Rule 1304(e), Resource Conservation and Energy Projects, submitted on April 3, 1980, but only with respect to projects whose application for a permit is complete after January 1, 1986,

(ii) Rule 1304(b)(2), Resource and Energy Conservation Projects, submitted on November 8, 1982, but only with respect to projects whose application for a permit is complete after January 1, 1986,

(m) Revised South Coast Regulation XIII, submitted on November 8, 1982, is not approved inasmuch as action on it is temporarily deferred.

[FR Doc. 86-4637 Filed 3-11-86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[OPP-300124B, FRL-2979-3]

Revocation of Tolerances for Ethyl 4,4'-Dichlorobenzilate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule revokes the tolerances for residues of the insecticide ethyl 4,4'-dichlorobenzilate (chlorobenzilate) in or on certain raw agricultural commodities. EPA is taking this action to remove pesticide tolerances for which related registered uses have been cancelled.

EFFECTIVE DATE: Effective on March 12, 1986.

ADDRESS: Written objections, identified by the document control number [OPP-300124B], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: James Tompkins, Registration Division (TS-767), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-1806).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of June 5, 1985 (50 FR 23720), which proposed the revocation of tolerances for residues of the insecticide ethyl 4,4'-dichlorobenzilate (chlorobenzilate) in or on a certain raw agricultural commodities listed in 40 CFR 180.109.

One public comment was received in response to the proposed revocation action from the National Food Processors Association (NFPA), which indicated its opposition to eliminating tolerances for chlorobenzilate on raw agricultural commodities and their replacement with action levels. NFPA believes it is inappropriate to eliminate tolerances for persistent environmental contaminants before the contaminants have dissipated from the environment. Second, NFPA fees that under the decision of the United States Court of Appeals for the District of Columbia Circuit, establishment of action levels to replace the revoked tolerances would be illegal. As stated previously in the Agency's proposed rule, no residues of chlorobenzilate are expected to occur in the food commodities affected by the revocation actions and therefore, no replacement action levels are being recommended.

No requests for referral to an advisory commodities were received in response to this notice of proposed rulemaking.

Therefore, based on the information considered by the Agency and discussed in the June 5, 1985, proposal, the Agency is hereby revoking the tolerances in 40 CFR 180.109 for residues of chlorobenzilate in or on the following raw agricultural commodities:

Commodities	Existing tolerances (ppm) chlorobenzilate
Almonds	0.2
Almonds, hulls	15.0
Apples	5.0
Cottonseed	0.5
Melons	5.0
Pears	5.0
Walnuts	0.2

The Agency concluded, via the RPAR process (44 FR 9548, February 13, 1979), that by limiting the use to citrus, classifying chlorobenzilate products for restricted use, and upgrading the protective clothing requirements, the benefits would exceed the risks. Since chlorobenzilate is still registered and being used on citrus, and since citrus processed commodities (dehydrated and wet citrus pulp and citrus molasses) constitute major feed items, transmission of secondary residues to the meat, fat, and meat byproducts of livestock (except poultry) is anticipated. Therefore, it is appropriate to retain the tolerances, at the existing levels, for citrus and for the meat, fat, and meat byproducts of cattle and sheep.

Any person adversely affected by this regulation revoking the tolerances may, within 30 days after the date of publication of this regulation in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

This action has been reviewed by the Office of Management and Budget as required under section 3 of Executive Order 12291.

In order to satisfy requirements for analysis as specified by Executive Order 12291 and the Regulatory Flexibility Act, the Agency has analyzed the costs and benefits of the revocation of tolerances for this chemical. This analysis is available for public inspection in Rm. 236 CM #2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202.

Regulatory Flexibility Act

This rulemaking has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1164, 5 U.S.C. 601 *et seq.*) and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. The reasons for this conclusion are discussed in the June 5, 1985, proposal.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 27, 1986.

J.A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.109 is revised to read as follows:

§ 180.109 Ethyl 4,4'-dichlorobenzilate; tolerances for residues.

Tolerances are established for residues of the insecticide ethyl 4,4'-dichlorobenzilate (chlorobenzilate) in or on the following raw agricultural commodities:

Commodities	Parts per million
Cattle, fat	0.5
Cattle, mbyp	0.5
Cattle, meat	0.5
Citrus fruits	5.0
Sheep, fat	0.5
Sheep, mbyp	0.5
Sheep, meat	0.5

[FR Doc. 86-4907 Filed 3-11-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 31 and 69

[CC Docket No. 79-105; FCC 86-63]

Detariffing the Installation and Maintenance of Inside Wiring

AGENCY: Federal Communications Commission.

ACTION: Final rule; summary of report and order.

SUMMARY: The Commission has determined that the competitive environment is such that the maintenance and installation of inside wiring should not be performed under tariff after December 31, 1986. In addition, the Commission has decided to require the telephone carriers to relinquish ownership of inside wiring. In the case of wiring that has been directly expensed pursuant to Commission rules, relinquishment will occur on January 1, 1987. In the case of wiring costs that have been capitalized pursuant to Commission rules,relinquishment will occur at that point in time where costs have been fully amortized.

EFFECTIVE DATES: Amendments of the regulations will become effective January 1, 1987.

Installation and maintenance of inside wiring shall be detariffed January 1, 1987. In the case of wiring that has been directly expensed by telephone companies pursuant to Commission rules, telephone companies shall relinquish ownership on January 1, 1987. In the case of wiring costs that have been capitalized by the telephone companies pursuant to Commission rules, telephone companies shall relinquish ownership at that point in time where costs have been fully amortized.

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

FOR FURTHER INFORMATION CONTACT: John T. Curry, Accounting and Systems Branch, Common Carrier Bureau (202) 634-1861.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 31

Communications Common Carriers, Telephone, Uniform System of Accounts, Common Carrier, Accounting Order Common Carrier, Accounting Regulations.

47 CFR Part 69

Communications Common Carriers, Telephone, Common Carrier, Accounting Order, Common Carrier, Accounting Regulations.

Summary of Second Report and Order

In the matter of Detariffing the Installation and Maintenance of Inside Wiring. [CC Docket 79-105, FCC 86-63]. This is a summary of the Commission's second report and order, CC Docket 79-105, adopted January 30, 1986, and released February 24, 1986.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, Northwest, Washington, D.C. The complete text of this decision may also be purchased from the commission's copy contractors International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, D.C. 20037.

1. On April 5, 1985, the FCC released a further notice of proposed rulemaking (Further Notice), CC Docket 79-105, 50 FR 13991 (April 9, 1985), proposing to detariff the installation of simple inside wiring and also to detariff the maintenance of all inside wiring both simple and complex. In addition, the FCC proposed that the telephone companies relinquish all claims to ownership of the inside wiring when their investment in the inside wiring account has been fully amortized. The principal aim of the detariffing proposals was to have the full costs of installing and maintaining inside wire borne by the customers who cause these costs to be incurred. The rationale underlying the proposal for relinquishment of ownership, was to prevent customers from being charged excessively through sale or lease of inside wiring after the telephone companies had recovered their costs in a regulated environment.

2. By this Second Report and Order, the FCC required detariffing the installation of simple inside wiring and detariffing the maintenance of all inside wiring by January 1, 1987. For the most part, commenting parties supported detariffing. Those who opposed detariffing expressed concerns over service availability, rate impact and jurisdictional separations, definitions of demarcation points and the structural separation requirement described in the Further Notice that would have required telephone companies to offer inside wiring services through a separate subsidiary. Several commenting parties both in favor and opposed to detariffing proposed phase-in periods, while some others supported immediate action. The FCC concluded that there was nothing in the record which compelled deferring detariffing beyond the current calendar year. The record indicated that an expanding competitive market was already in existence and that several states have already detariffed simple inside wiring installation and maintenance. Moreover, the FCC concluded that it will permit telephone companies to continue to provide inside wiring services on a deregulated basis after detariffing, without requiring such services to be provided through a separate subsidiary. Instead of requiring such services to be provided through a separate subsidiary, the FCC required telephone companies to use special accounts created specifically for nonregulated activities in CC Docket 81-893. With respect to rate impacts and jurisdictional separations, the FCC noted that detariffing would remove some costs from the regulated category in each jurisdictional and would not alter the jurisdictional allocation formula. To the extent there may be an indirect effect, the FCC expressed confidence that states would use their regulatory powers wisely to ensure greater economic efficiency. Finally, the Commission decided to retain its current definition of a demarcation point because it provided the kind of flexibility required to provide the widest range of services.

3. In connection with ownership, the FCC required telephone companies to relinquish ownership of inside wiring when their capitalized costs that are predominantly labor costs, have been fully recovered through amortization; or in the case of expensed wiring, the costs of which have already been recovered through revenue requirements, by January 1, 1987. The FCC noted that upon relinquishment, conflicting claims may arise if the subscriber is not the premises owner. The FCC concluded that in such circumstances ultimate ownership questions should be resolved through application of local property

law and that no federal interest would be furthered by attempting a national standard that must be applied in all circumstances.

Ordering Clauses

4. Accordingly, it is ordered, That, under the authority contained in sections 1, 201–205, and 221(c) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 201–205, 221(c), subject to the exceptions discussed herein, the installation and maintenance of inside wiring shall not be offered pursuant to tariff after December 31, 1986. States may not impose common carrier tariff regulation on installation or maintenance of such inside wiring.

5. It is further ordered, That under the authority contained in section 4(i), 4(j), and 220 of the Communications Act of 1934, as amended 47 U.S.C. 154(i), 154(j) and 220, Part 31 *Uniform System of Accounts for Class A and Class B Telephone Companies*, of the Commission's Rules is amended as shown in the Appendix to reflect that the installation of simple inside wiring will be performed on a detariffed basis effective January 1, 1987, and the maintenance of both simple and complex inside wiring shall be performed on a detariffed basis. This amendment will become effective January 1, 1987.

6. It is further ordered, That under the authority contained in section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. section 154(i), the telephone companies shall relinquish the ownership of inside wiring that has previously been expensed to Account 605 effective no later than January 1, 1987, and that with respect to inside wiring recorded in Account 232, telephone companies shall relinquish ownership effective on the date such investment has been fully amortized.

7. It is further ordered, That the amendment to Part 69 of the Commission's Rules set forth in the Appendix is adopted, effective January 1, 1987.

8. It is further ordered, That the Secretary shall, pursuant to section 220(i) of the Communications Act of 1934, as amended, 47 U.S.C. 220(i) cause this Report and Order to be served on each state commission having jurisdiction over intrastate communications service.

9. It is further ordered, That the Secretary shall cause a summary of this Report and Order to be published in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 31–[AMENDED]

Parts 31 and 69 of Title 47 of the Code of Federal Regulations are amended as follows:

1. The authority citation for Part 31 continues to read:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154 Interpret or apply secs. 219, 220, 48 Stat. 1077 as amended, 1078; 47 U.S.C. 219, 220.

2. Section 31.605 "Installation and repairs of station equipment", paragraph (a) is revised to read:

§ 31.605 Installation and repairs of station equipment.

(a) This account shall include the cost of installing items of station apparatus (included in 231) and the cost of inside wiring under either the phase-in or flash-cut approach until such time as inside wiring has been detariffed pursuant to Commission order, whereupon new installation and maintenance costs of inside wiring shall be recorded in appropriate subaccounts of Account 106, Nonregulated investments. Under the phase-in approach this installation activity shall be charged to this account on the following basis: 25% between October 1, 1981, and September 30, 1982, 50% between October 1, 1982, and September 30, 1983; 75% between October 1, 1983 and September 30, 1984; and 100% after installation activity shall be charged to this account. Carriers shall maintain the cost of installing wiring under either of the above approaches in a separate subaccount. This account shall also include the cost of reconnecting customers' lines at customers' premises (Note also account 103, account 232 and account 316).

* * * * *

PART 69–[AMENDED]

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

Authority: Secs. 4(i), 4(j), 201, 202, 203, 205, 218, 403 and 410 of the Communications Act of 1934, as amended; 47 U.S.C. 154(i), 154(j), 201, 202, 203, 205, 218, 403 and 410.

4. Section 69.401(b) is revised to read:

§ 69.401 Direct expenses.

* * * * *

(b) Amortization of embedded inside wiring investment and any maintenance or depreciation expense that is apportioned to interstate and foreign services as a surrogate for CPE maintenance or depreciation shall be deemed to be associated with § 69.303(c) other station equipment investment for purposes of the apportionment described in paragraph (a) of this section.

[FR Doc. 86–4844 Filed 3–11–86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 69

[CC Docket No. 85–88; FCC 86–31]

Detariffing of Billing and Collection Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; summary of report and order.

SUMMARY: This action detariffs interstate billing and collection services provided by local exchange carriers to interexchange carriers. Consequently, § 69.114 of the Commission's rules, which provides for a billing and collection rate element, is eliminated. This action also continues the Commission's deferral to state regulatory authorities with respect to the practice of disconnecting a subscriber's local telephone service for nonpayment of interstate toll charges.

This action is necessary because third party billing and collection is not an activity within the scope of Title II of the Communications Act since it is not a communications common carrier service. Moreover, no statutory purpose would be served by exercising ancillary jurisdiction over billing and collection under Title I because there is sufficient competition to allow market forces to respond to unreasonable rates or practices on the part of exchange carriers.

This action will give exchange carriers greater flexibility in structuring and pricing this service and it will enable interexchange carriers to get billing and collection packages tailored to their specific needs. This action will also serve to eliminate unnecessary regulation.

EFFECTIVE DATE: January 1, 1987.

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

List of Subjects in 47 CFR Part 69

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

FOR FURTHER INFORMATION CONTACT: Mark Wolf at 202–632–6917.

SUPPLEMENTARY INFORMATION:

Summary of Report and Order

In the matter of Detariffing of Billing and Collection Services, [CC Docket 85–88]. This is a summary of the Commission's report and

order, CC Docket 85-88, adopted January 14, 1986, and released January 29, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, Northwest, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, D.C. 20037.

1. On April 9, 1985, the FCC released a *Notice of Proposed Rulemaking (Notice)*, CC Docket 85-88, 100 FCC 2d 607, 50 FR 26266 (June 25, 1985), proposing to detariff billing and collection services, *i.e.*, the services provided by local exchange carriers (LECs) to interexchange carriers (ICs) in billing and collecting from end users for their use of an IC's services. In this *Report and Order*, the FCC affirmed the tentative conclusion it reached in the *Notice* that billing and collection services are not communications common carriage subject to regulation under Title II of the Communications Act of 1934, 47 U.S.C. 201 *et seq.* In reaching its decision, the Commission found that billing and collection is essentially a financial and administrative service, that it does not employ wire or radio facilities and that it does not allow customers of the service, *i.e.*, ICs, to communicate or transmit information of their own design and choice. The Commission also found that sufficient competition exists and will continue to develop for billing and collection services to allow market forces to respond to excessive rates or unreasonable practices on the part of LECs and that detariffing will enhance competition in the billing and collection market by giving LECs flexibility in structuring and pricing their offerings. Accordingly, the FCC also concluded that no regulatory purpose would be served by continuing to regulate billing and collection service indefinitely under its ancillary jurisdiction pursuant to Title I of the Communications Act, 47 U.S.C. 151 *et seq.* The FCC decided that its decision should have preemptive effect with respect to LEC billing and collection for interstate services of ICs because it found that state regulation in this regard was not necessary and could lead to excessive charges that would frustrate the goals of the Communications Act.

2. This *Report and Order* amended the FCC's access charge rules, effective January 1, 1987, to delete § 69.114, the Billing and Collection element. In addition, the FCC required LECs to file tariff revisions on 35 days' notice, to be effective January 1, 1987, removing provisions for interstate billing and collection from their access tariffs. The Commission stated that the delay to January 1, 1987 should afford the Bell Operating Companies ample time to obtain any waivers of the American Telephone and Telegraph Co. (AT&T) *Modification of Final Judgment (MFJ)* which may be necessary for those companies to provide untariffed billing and collection services. In addition, the FCC concluded that any temporary bottleneck monopoly of billing and collection facilities affecting AT&T as a result of the AT&T divestiture should be an insignificant problem by 1987, and that a transition period will allow LECs currently participating in the National Exchange Carrier Association (NECA) billing and collection pool to absorb the billing and collection function internally or to establish a non-tariffed pooling arrangement with NECA. The FCC's *Report and Order* authorized NECA to operate an untariffed billing and collection pool.

3. The FCC did not adopt the proposal in its *Notice* to detariff indefinitely the recording function of billing and collection, *i.e.*, the entering on magnetic tape or other acceptable medium of the details of IC messages originating through Switched Access Service. The comments indicated that ICs are apparently capable of performing this function and that no wasteful duplication of facilities will result from performance of recording by entities other than LECs. To ensure that ICs will be able to operate efficiently and economically, however, the FCC required LECs to continue offering recording service to all ICs upon reasonable request, and according to reasonable terms, through 1989 or until the equal access conversion process has been completed, whichever is later. The Commission concluded that this requirement should prevent any short-term dislocations and will allow ICs either to arrange with LECs for the continued provision of this service or to assume this function as part of their own operations. The FCC also concluded that continuing to require the offering of recording will not unreasonably burden the LECs, because they must generally record call detail anyway in order to bill ICs for access service, and that the *MFJ* is not a barrier to imposing this requirement.

4. The FCC also concluded that deregulation of billing and collection services should not shift costs between the state and interstate jurisdictions and that requiring carriers to offer these services under a separate subsidiary is not warranted. Most of the comments opposed the separate subsidiary requirement, and the FCC concluded that the efficiencies of joint operation in the provision of billing and collection clearly outweigh the potential for cross-subsidization. While the FCC's *Report and Order* did not prohibit the establishment of a separate subsidiary for providing billing and collection services, the Commission concluded that those services should not be provided by the same subsidiary which provides customer premises equipment and enhanced services.

5. The FCC decided to continue to defer to state regulatory authorites with respect to LEC termination of local exchange service for nonpayment of charges for interstate, non-LEC-offered services. However, the Commission held that state commissions may not impose charges upon ICs for a "cut-off service."

6. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), it is certified that the final rule does not have a significant economic impact on a substantial number of small entities because it is the FCC's expectation that marketplace alternatives will afford interexchange carriers adequate protection against any unreasonably high rates which may be set by local exchange carriers for billing and collection services. Further, the interests of end users concerning local service disconnections for nonpayment of interstate toll charges have been accommodated by the detariffing process.

7. The final rule contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure, or record retention requirements. It will not increase or decrease burden hours imposed on the public.

Ordering Clauses

8. Accordingly, it is ordered, pursuant to sections 2(a), 4(i), 4(j), 201-205, 218, 220, 403 and 410 of the Communication Act, 47 U.S.C. 152(a), 154(i), 154(j), 201-205, 218, 220, 403 and 410, that the policies and requirements set forth herein are adopted.

9. It is further ordered, pursuant to § 61.58(c)(3) of the Commission's Rules, 47 CFR 61.58(c)(3), that local exchange carriers are required to cancel their interstate billing and collection tariff pages on 35 days' notice to be effective January 1, 1987.

10. It is further ordered, that § 61.114 of the Commission's rules, 47 CFR 69.114, is deleted, effective January 1, 1987.

11. It is further ordered, pursuant to § 69.603(a) of the Commission's rules, 47 CFR 69.603(a), that the National Exchanged Carrier Association is authorized to operate a billing and collection pool on an untariffed basis.

12. It is further ordered that the Secretary shall cause this Report and Order to be published in the **Federal Register.**

13. It is further ordered, pursuant to section 202(i) of the Communications Act, 47 U.S.C. 220(i), that the Secretary shall serve a copy of this Report and Order on each state commission.

Federal Communications Commission

William J. Tricarico,

Secretary.

Appendix B

PART 69—[AMENDED]

Part 69, Chapter 1 of Title 47, Code of Federal Regulations, is amended as follows:

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

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 stat. 1066, 1070, 1072, 1077, 1094, as amended, 47 U.S.C. 145, 201, 202, 203, 205, 218, and 403.

§ 69.114 [Removed]

2. Section 69.114 is removed.

[FR Doc. 86-5289 Filed 3-11-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 85-136; RM-4918; RM-5019]

FM Broadcast Station in Warren and Niles, OH

AGENCY: Federal Communications Commission.

ACTION: Final rule; summary of report and order.

SUMMARY: Action taken herein allocates FM Channel 291A to Niles, Ohio, as that community's first fulltime local service, at the request of Gary R. Zocolo, and denies the request of CKP, Inc. to allocate Channel 291A to Warren, Ohio, as that community's first local FM service.

EFFECTIVE DATE: April 7, 1986.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting

The authority citation for Part 73 continues to read:

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

Summary of Report and Order

In the matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations, (Warren and Niles, Ohio), MM Docket No. 85-136, RM-4918, RM-5019. This is a summary of Chief, Policy and Rules Division, Mass Media Bureau, *Report and Order*, MM Docket 85-136, Adopted January 31, 1986, and released February 28, 1986.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, Northwest, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Nortwest, Suite 140, Washington, D.C. 20037.

1. On May 6, 1985, the Commission adopted the *Notice of Proposed Rule Making*, 50 FR 21631, published May 28, 1985, proposing the allocation of Channel 291A to Warren, Ohio, as the community's first local FM service, at the request of CKP, Inc. ("CKP"). In response to the *Notice*, Gary R. Zocolo ("Zocolo") filed a counterproposal requesting the allocation of Channel 291A to Niles, Ohio, as the community's first local FM service. Comments were filed by CKP and Zocolo and reply comments were filed by CKP, Zocolo and Johnny Appleseed Broadcasting Company, licensee of Station WVNO-FM, Mansfield, Ohio.

2. These two proposals are mutually exclusive since the Commission's Rules specify a 65 mile separation between co-channel Class A allotments and here the distance between Warren and Niles is only 5 miles. Further, the staff's engineering study was unable to find another channel for use at either community. CKP urged the allocation of the channel to Warren based on the community's larger population and its status as both the county seat and an industrial center. Zocolo argued that the allocation at Niles would provide both Niles as well as associated unincorporated areas with a first fulltime local radio service.

3. The Commission allocated Channel 291A to Niles stating that in comparing the two communities, it found that the most important factor, that is the availability of local service, was the determining factor. The allocation at Niles would provide that commmunity with its first local fulltime aural service as well as its first competitive outlet which could provide the area with a diversity of viewpoints. No such benefit would accure if the channel were allocated to Warren since it already is served by two local radio stations, one of which operates fulltime.

4. Channel 291A can be allocated to Niles in compliance with the Commission's minimum distance separation requirements if the transmitter site is restricted to an area at least 5.8 kilometers (3.6 miles) north to avoid short-spacing to Station WAMO, Pittsburgh, Pennsylvania, and Station WWKS, Beaver Falls, Pennsylvania. Canadian concurrence was received since Niles is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

Ordering Clauses

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules, it is ordered, That effective April 7, 1986, the FM Table of Allotments, § 73.202(b) of the Rules is amended with respect to the community listed below, to read as follows:

City	Channel No.
Niles, Ohio	291A

6. The window period for filing applications for this channel will open on April 8, 1986, and close on May 8, 1986.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-5286 Filed 3-11-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-752]

Changes in the AM Technical Rules To Reflect New International Agreements; Correction

AGENCY: Federal Communications Commission.

ACTION: Final Rule; Correction.

SUMMARY: This document corrects errors appearing in the Commission's Second Report and Order in this proceeding concerning changes in the AM technical rules (published on February 7, 1986, 51 FR 4750).

FOR FURTHER INFORMATION CONTACT: Louis C. Stephens, (202) 632–7791.

SUPPLEMENTARY INFORMATION:

Erratum

In the matter of Changes in the AM Technical Rules to Reflect New International Agreements; MM Docket No. 84–752.

Released: February 19, 1986.

The Appendix to the *Second Report and Order* adopted in this proceeding on January 16, 1986, contains the text of several enumerated amendments to Part 73 of the Commission's Rules. The amendments enumerated as "1", "5" and "6" are corrected as follows:

§ 73.21 [Corrected]

No. "1" of the Appendix introduces a new note to § 73.21, which is designated as "Note 3". This is corrected to read: "Note 4".

§ 73.182 [Corrected]

No. "5" of the Appendix contains an amendment to a paragraph of § 73.182 that is designated as paragraph "(r)". The designation of the amended paragraph is corrected to read "(o)" instead of "(r)".

No. "6" of the Appendix amends the table in a paragraph of § 73.182 that is designated as paragaph "(v)". The designation of the amended paragraph is corrected to read "(s)" instead of "(v)".

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–5287 Filed 3–11–86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 60337–6037]

Groundfish of the Gulf of Alaska

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

ACTION: Emergency interim rule.

SUMMARY: The Secretary of Commerce (Secretary) announces the closure of four fishing areas in the vicinity of Kodiak Island to nonpelagic trawling. This action is necessary to reduce the number of red king crabs killed during their molting and mating period by trawls that fish on, or with gear in contact with, the seabed. It is intended to help the king crab stocks rebuild from their depressed level of abundance.

EFFECTIVE DATES: This emergency rule is effective from noon, Alaska Standard Time (AST), Saturday, March 8, 1986, until noon, Alaska Daylight Time (ADT), June 6, 1986.

ADDRESS: Copies of documents supporting this action may be obtained from Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. Comments may be sent to Mr. McVey at the same address.

FOR FURTHER INFORMATION CONTACT: Aven M. Andersen (Fishery Management Biologist, NMFS), 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the U.S. exclusive economic zone (coterminous with the fishery conservation zone) in the Gulf of Alaska are managed under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was developed by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act), and was implemented by Federal regulations on December 1, 1978 (43 FR 52709). Since then, the FMP has been amended 12 times. Current regulations governing these fisheries are found at 50 CFR Parts 611 and 672.

At its January 15–17, 1986, meeting, the Council reviewed the condition of red king crab (*Paralithodes camtschatica)* stocks around Kodiak Island in the Gulf of Alaska. It also considered testimony from resource agencies and fishermen about possible effects of nonpelagic trawling on red king crab. These effects relate to fishing mortality imposed on red king crab by trawls, such as bottom and off-bottom trawls, that fish on or close to the sea bed during the time red king crab molt and mate. The Council determined that the abundance of red king crab around Kodiak Island is so reduced that fishing mortality resulting from nonpelagic trawling for groundfish during the molting and mating period should be avoided. The Council recommended, therefore, that the Secretary implement an emergency rule under section 305(e) of the Magnuson Act prohibiting the use of trawl gear that fishes in contact with the ocean bottom in four areas around Kodiak Island between February 15 and June 15. The Council considered the following information when it made this recommendation:

The numbers of adult red king crabs in the waters around Kodiak Island are at historically low levels. As a result, the commercial king crab fishery around Kodiak Island has been closed during 1983, 1984, and 1985 to allow the stocks to rebuild. Nevertheless, the abundance of adult and juvenile crabs is still extremely low. Extra protection must be given to those crabs remaining.

King crabs move inshore in the spring and congregate in certain areas where they molt and mate. Approximately 70 percent of the female red king crabs from Kodiak stocks are estimated to congregate in two areas, known as the Marmot Flats and the Alitak Flats. Past studies have shown that most red king crabs around Kodiak Island molt and mate in March, April, and May, although some begin as early as January. Adult female king crabs must molt annually to mate and extrude eggs. After molting, their exoskeleton (shell) is soft, and crabs in this stage are known as soft-shelled crabs. The new exoskeletons take 2 to 3 months to harden fully. During the soft-shell period, the crabs are particularly susceptible to damage from encounters with fishing gear and handling. Because many of the present groundfish trawling grounds overlap with the mating grounds of the king crabs, potential exists for substantial king crab mortality.

Nonpelagic trawling can kill or injure king crabs in two ways. First, crabs caught in the net can be crushed during the tow or injured (often fatally) as the net is unloaded on the fishing boat. Second, crabs might be struck by parts of the gear (e.g., trawl doors, towing cables, ground lines, roller gear) as the trawl is towed along the bottom. Recent observer studies estimate that about 70 percent of the crabs caught by nonpelagic trawls in the Bering Sea are killed. The percent of those killed by encountering the gear but not being caught is unknown, but one report suggests that as many as 15 crabs are killed for every one caught. For king crabs with soft shells, any contact with fishing gear or handling results in high levels of injury or death.

The domestic trawl fishery for groundfish (cod, pollock, and flounder) has developed rapidly in the last few years. Before 1984, the domestic trawl fisheries harvested primarily cod and pollock. These fisheries historically were conducted along the northwest side of Kodiak Island adjacent to Shelikof Strait, which is not prime habitat of king crabs. In 1984, the Kodiak

domestic trawl fisheries began harvesting flounders on the northeast side of Kodiak Island, partially in an area known to be prime king crab habitat. One trawl trip averaged 82.6 king crabs per ton of groundfish.

In May 1984, the Alaska Department of Fish and Game sent a report to the Director, Alaska Region, NMFS (Regional Director) that pointed out the high bycatches of king crabs in the Kodiak area trawl fishery. Subsequently, the Kodiak nonpelagic trawlers voluntarily agreed to avoid those areas inhabited by molting and mating king crabs. Thus, no emergency action was required. In 1985, no trawlers fished for flounder in those areas.

NMFS predicts that the fishery for flounders and cod in the Kodiak area will increase substantially in 1986; these species are usually harvested with nonpelagic gear. If bycatch rates are as high as indicated in some of the observer samples, king crab mortality in the Kodiak area could be extremely high. With the expected influx of new vessels into the fishery in 1986, a voluntary agreement is not possible.

Unlike other fisheries that encounter soft-shell king crabs, (e.g., the pot fisheries for king, Tanner, or dungeness crabs), the trawl fishery for groundfish is not currently subject to seasonal restrictions. Prohibiting nonpelagic trawling on the mating grounds during the mating period is necessary to prevent a large number of king crabs from being killed and to help the king crab stocks rebuild.

In January 1986, the Alaska Department of Fish and Game and NMFS presented the Council with a report entitled "Conservation Concerns of the Kodiak King Crab Resource: A Discussion of Management Options." The Council considered the two options for time-and-area closure presented in the report at its January 1986 meeting.

The Council also considered two check-in/check-out and observer options. Although these options would have provided more data on the incidence of crabs in the trawl catch, the Council did not consider them because they would not have reduced substantially the number of crabs injured or killed—the goal of the Council.

The Council did not adopt either of the two alternative time-and-area closures as proposed. It did not adopt the first proposal to close only the Marmot Flats and Alitak Flats areas, because that closure would have protected only about 70 percent of the crabs. It did not adopt the second proposal to close most of the fishing areas around Kodiak, Chirikof, and Trinity Islands and a portion of the Portlock Bank, although that closure would have protected about 90 percent of the crabs, but at a cost of precluding nonpelagic trawling along the entire northwest side of Kodiak Island and the Portlock Bank.

After much public discussion of the suggested time-and-area closures, the Council recommended that nonpelagic trawling be prohibited from February 15 to June 15 in red king crab molting and mating areas around Chirikof and Trinity Islands and the Alitak Flats, Barnabas area, and Marmot Flats around Kodiak Island (see Figure 1). Closing these areas will protect from 80 to 90 percent of the molting and mating red king crabs in the Kodiak area.

The compromise closure the Council adopted was developed by the Council's Advisory Panel; it provides nearly as much protection to the crabs as the most restrictive option proposed in the report, but leaves considerable area open to trawl fishing. Most of the crab fishermen and trawl fishermen at the Council meeting testified that they supported the closures the Council adopted.

The Secretary, after reviewing the reasons supporting the Council's recommendation, has determined that the stocks of red king crabs are extremely depressed and that nonpelagic groundfish trawling operations would impose unacceptable mortality on red king crabs in the areas where they molt and mate. He, therefore, issues this emergency rule prohibiting fishing from a vessel having any trawl, other than a pelagic trawl, either attached or aboard in the areas described during the period from noon, AST, March 8, 1986, until noon, ADT, June 6, 1986; it may be extended until June 15, 1986, or later.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator) has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator also finds that early implementation of this rule is desirable to protect the crabs during their highly vulnerable stages during the late winter and spring. The Assistant Administrator recognizes that the public has had opportunity to comment on these closures of the areas to non-pelagic trawling at the January 1986 Council meeting, when this subject was discussed during open public hearings. The reasons justifying promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide advanced notice and opportunity for public comment or to delay for 30 days its effective date, under the provisions of sections 553 (b) and (d) of the Administrative Procedure Act.

The Regional Director has prepared an environmental assessment (EA) for this action and has concluded that there will be no significant impact on the human environment. A copy of the EA is available from the Regional Director at the address above.

This emergency rule is exempt from the normal review procedures of Executive Order 12291, as provided in section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget with an explanation of why it is not possible to follow the usual procedures of that order.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. This determination has been submitted for review by the Alaska Office of Management and Budget under section 307 of the Coastal Zone Management Act.

This rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior public comment.

This rule contains no requirement for collecting information and, therefore, is not subject to provisions of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 672

Fisheries.

Dated: March 6, 1986.

Carmen J. Blondin,

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

PART 672—GROUNDFISH OF THE GULF OF ALASKA

For the reasons set out in the preamble, 50 CFR Part 672 is amended as follows:

1. The authority citation for Part 672 continues to read as follows:

Authority:

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

2. In § 672.2, definitions for "net-sonde device", "pelagic trawl", and "trawl" are added in alphabetical order to read as follows:

§ 672.2 Definitions.

* * * * *

Net-sonde device means a sensor used to determine the depth from the water surface at which a fishing net is operating.

* * * * *

Pelagic Trawl means a trawl in which neither the net nor the trawl doors (or other trawl-spreading device) operates in contact with the seabed, and which does not have attached to it any protective device (such as chafing gear, rollers, or bobbins) that would make it suitable for fishing in contact with the seabed.

* * * * *

Trawl means a funnel-shaped net that is towed through the water for fish or other organisms. The net accumulates its catch in the closed, small end (usually called the cod end). This definition includes Danish and Scottish seines as well as otter trawls.

* * * * *

3. In § 672.24, paragraphs (c) and (d) are added to read as follows:

§ 672.24 Gear limitations.

* * * * *

(c) *Trawls other than pelagic trawls prohibited in some areas.*

(1) No person may fish in any of the following areas in the vicinity of Kodiak Island (see Figure 1) from a vessel having any trawl other than a pelagic trawl either attached or on board.

BILLING CODE 6560-50-M

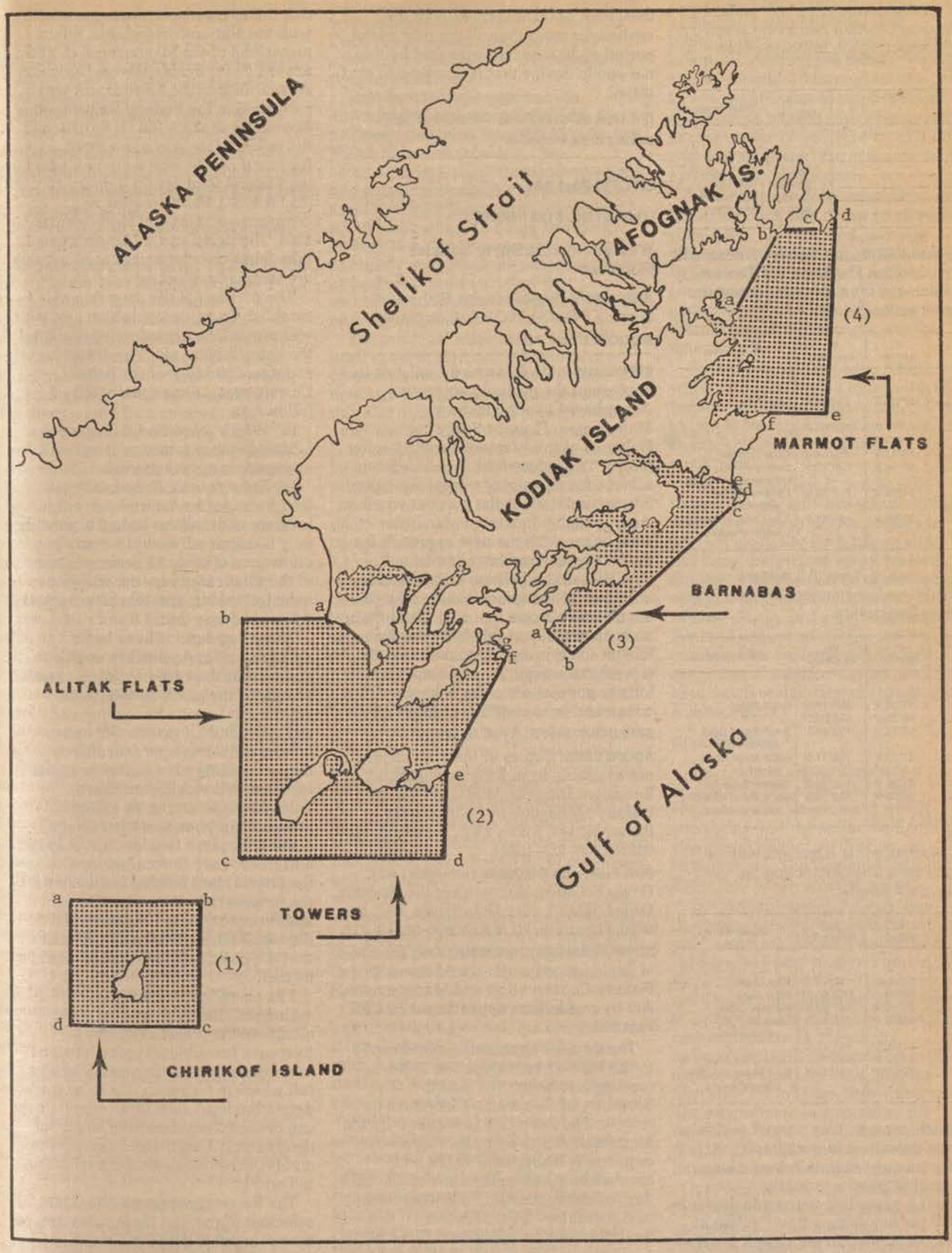


Figure 1. Areas closed to nonpelagic trawling.

(i) *Chirikof Island Area:* All waters surrounding Chirikof Island enclosed by a line connecting the following four points:

	North latitude	West longitude
Point:		
a	56°07.0'	156°00.0'
b	56°07.0'	155°13.0'
c	55°41.0'	155°13.0'
d	55°41.0'	156°00.0' to
a	56°07.0'	156°00.0'.

(ii) *Alitak Flats and Towers Areas:* All waters of Alitak Flats and the Towers areas enclosed by a line connecting the following seven points:

	N. latitude	W. longitude	Place name
Point:			
a	57°00.0'	154°31.0'	Low Cape
b	57°00.0'	155°00.0'	
c	56°17.0'	155°00.0'	
d	56°17.0'	153°52.0'	
e	56°33.5'	153°52.0'	Cape Sitkinak
f	56°54.5'	153°32.5'	East point of Twoheaded Island
g	56°56.0'	153°35.5'	Point on Kodiak Island to
a	57°00.0'	154°31.0'	Low Cape, including inshore waters.

(iii) *Barnabas Area:* All waters enclosed by a line connecting the following five points:

	N. latitude	W. longitude	Place name
Point:			
a	56°58.5'	153°18.0'	Black Point
b	56°56.0'	153°09.0'	
c	57°22.0'	152°18.5'	South tip of Ugak Island
d	57°23.5'	152°17.5'	North tip of Ugak Island
e	57°26.0'	152°19.0'	Narrow Cape to
a	56°58.5'	153°18.0'	Black Point, including inshore waters.

(iv) *Marmot Flats Area:* All waters enclosed by a line connecting the following six points:

	N. latitude	W. longitude	Place name
Point:			
a	57°55.0'	152°19.5'	East Cape
b	58°09.0'	152°.06.0'	Pillar Cape
c	58°10.0'	151°52.0'	Marmot Cape
d	58°15.5'	151°47.0'	Cape St. Hermogenes
e	57°38.0'	151°47.0'	
f	57°37.0'	152°09.1'	Cape Chiniak Light to
a	57°55.0'	152°19.5'	East Cape, including inshore waters.

(2) Each person using a trawl to fish in any area described in paragraph (c)(1) of this section must maintain in working order on that trawl a properly functioning, recording net-sonde device.

(3) No person using a trawl to fish in any area described in paragraph (c)(1) of this section may allow the footrope of that trawl to be in contact with the seabed for more than 10 per cent of the period of any tow, as indicated by the net-sonde device that is attached to that trawl.

[FR Doc. 86-5341 Filed 3-7-86; 2:11 pm]

BILLING CODE 6560-50-M

50 CFR Part 681

[Docket No. 51221-6030]

Western Pacific Spiny Lobster Fisheries

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

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to implement the partially approved Amendment 3 to the Fishery Management Plan for Spiny Lobster Fisheries of the Western Pacific Region (FMP). This rule establishes a different scheme for measuring a legal size spiny lobster and defines the point at which to measure spiny lobsters to facilitate compliance with the new approach for the Northwestern Hawaiian Island (NWHI) lobster fishery. This action is intended (1) to replace a currently unenforceable size limit; (2) to maintain an economically viable NWHI spiny lobster fishery; and (3) to maintain the reproductive capacity of the spiny lobster population in the fishery conservation zone (FCZ) of the NWHI.

EFFECTIVE DATE: April 6, 1986.

ADDRESSES: Copies of the amendment are available from Kitty B. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813 (808-523-1368).

FOR FURTHER INFORMATION CONTACT: Doyle E. Gates, Western Pacific Program Office, NMFS, 2570 Dole Street, P.O. Box 3830, Honolulu, HI 96812 (808-955-8831).

SUPPLEMENTARY INFORMATION: The FMP is implemented under the Magnuson Fishery Conservation and Management Act by regulations appearing at 50 CFR Part 681.

The Council approved Amendment 3 to the FMP at its August 7-8, 1985, meeting and submitted it to the Secretary of Commerce (Secretary for review. The Secretary is required by the Magnuson Act to approve, disapprove, or partially disapprove FMPs and amendments before the close of the 95th day following receipt. Following receipt of Amendment 3, the Director, Southwest Region (Regional Director) immediately commenced a review to determine whether it was consistent with the National Standards, other provisions of the Magnuson Act, and any other applicable law. A Notice of Availability of the amendment was published in the **Federal Register** on November 21, 1985 (50 FR 48108), and the receipt date was announced. Proposed regulations were published in the **Federal Register** on January 10, 1986 (51 FR 1262). Public review and comment were invited until February 5, 1986. The decisions on Amendment 3 take these comments into account; they are summarized below:

The purpose of the amendment is to establish an enforceable size limt which will protect the reproductive potential of the spiny lobster stock and maintain the economic viability of the fishery. Current regulations specify the following:

(a) *Whole lobsters.* Only spiny lobsters with a carapace length of 7.7 cm or greater may be retained.

(b) *Lobster tails.* If the carapace length cannot be determined, only lobsters with tails at least 5.0 cm wide may be retained, except for an allowance of up to 15 percent by number of the total catch per trip, which may have tail widths greater than or equal to 4.5 cm and less than 5.0 cm.

These regulations have been unenforceable. Agents are unable to ensure that they are obtaining a random sample of the catch to determine whether fishermen have observed the size limit and allowance for narrow lobster tails. It is impracticable to inspect an entire load of up to 75,000 lobsters; this would shut down unloading operations. In addition, measurement has sometimes been difficult because lobster meat may curl and freeze over the measuring site, or the lateral shell notches between which the present tail width measurement is made may break off. Inability to enforce the regulations raised a serious concern that the objectives of the FMP would not be met.

The amendment would have addressed this by proposing (1) to eliminate the present 15 percent tolerance for sublegal spiny lobsters; (2) to redefine the site on a spiny lobster tail where measurement is to be made to determine legal size; (3) to eliminate the use of the 7.7-cm carapace length for determining a legal-sized spiny lobster; and (4) to establish a 4.8-cm minimum tail width.

The Secretary supports the Council's selection of the first three measures, but cannot support the fourth measure. A 5.1-cm tail width is equivalent (on

average) to a 7.7-cm carapace length, the nominal minimum size under the existing plan, whereas a 4.8-cm tail width would be equivalent to a smaller, 7.0-cm carapace. The Secretary has concluded that such lowering of protection for the spiny lobster stocks presents too great a risk of allowing overfishing, and therefore would violate National Standard 1, which requires that conservation and management measures prevent overfishing.

Studies by NMFS indicate that, while there is insufficient information to anticipate major biological trouble in the fishery under the Council's proposed Amendment 3, there has been a reduction in the biomass of legal, sublegal, and spawning stocks from 1977 to 1985. The Council's proposed action would provide no relief from this trend, and biologically there is no evidence that there would be a substantial increase in yield by reducing the minimum size. It cannot be stated with certainty that recruitment overfishing is likely, but it is almost certainly safe to say that the risk of recuritment overfishing is higher under the Council's proposed size limit than if a larger minimum size were set. NMFS is particularly concerned about the lag effects that are built into this biological system. The effects of the increased catch and effort in 1981 have not yet been determined; the consequences of the heavy fishing in 1984 and 1985 may not be seen for another three or four years.

Because of this concern, the Secretary has concluded that the increased risk of overfishing is not justified by the uncertain economic benefits that may be generated by the smaller size limit. Therefore, he has disapproved the proposed 4.8-cm tail size and left in the present 5.0-cm tail size.

The partially approved amendment eliminates the 15 percent tolerance, eliminates the use of the carapace length as a size limit, moves the location on the tail where the size is to be measured, and retains the 5.0-cm size for tails. This will facilitate compliance by the fishermen as well as enforcement by NMFS, while protecting the spawning stock.

Changes in the Final Rule From the Proposed Rule

The final rule has been changed from the proposed rule as discussed above because the minimum tail size has not been reduced to the limit proposed.

Public Comments Received

Five written responses on the amendment or proposed rule were received during the comment period. In addition, three written sets of comments were received in the time between the Council's submission of the proposed amendment and NMFS' publication of the proposed rule.

Two commenters opposed the amendment because in their view the proposed new size limit would raise too high a risk of overfishing. One commenter initially expressed questions and concerns about the proposed new size limit, but subsequently expressed satisfaction after receiving additional information. Three commenters expressly supported the proposal. Two commenters indicated that the amendment would not have any impact on their programs.

The principal issue in the view of most commenters making substantive comments was the Council's proposed new size limit. Opponents argued that this size limit would not protect against overfishing. They preferred a straight conversion from the 7.7-cm carapace length size limit, which had been selected to protect the reproductive capacity of the lobster stock, to a tail width which would be equivalent to that carapace length. This would have been 5.1 cm (on average), as had been recommended by the Council's plan development team and Scientific and Statistical Committee. The opponents argued that the 4.8-cm size limit would protect too low a proportion of the egg production capacity of the stock. This could not only deplete the stock in the NWHI; it could adversely affect main Hawaiian Island lobster populations, and in turn fishermen, if main island populations are dependent on spawning success in the NWHI. Also, the opponents pointed out that there is a 3- to 4-year lag between the time of spawning and subsequent recruitment to the fishery. Thus, the effect of continued heavy fishing with a small size limit would not be conclusively established within the Council's proposed one-year test period. They proposed a larger size limit until the effects of the heavy fishing in 1981, 1984, and 1985 could be firmly established.

Proponents of the amendment acknowledged this risk but did not find it unacceptable. They generally agreed with the fishermen that the smaller size limit was necessary to maintain the economic viability of the fishery. It was noted that about 15 percent of the catch consists of lobsters in the size range between 4.8 cm through 5.0 cm tail width. Proponents felt they could not require fishermen to release these lobsters without evidence that the lobster stock was being stressed and that such release would have conservation benefits. The proponents agreed that conclusive data may not be available, but pointed out that preliminary analyses would be available in a year, and that the fishery would be closely monitored throughout the year. One supporter emphasized the need to establish an escape gap requirement to permit escape of sublegal-sized lobsters. Another supported the amendment on enforceability grounds.

NMFS has carefully considered the points on each side of the issue and has concluded, as discussed above in **SUPPLEMENTARY INFORMATION,** that the Council's proposal is not sufficiently conservative to protect the reproductive capacity of the stocks. The Secretary therefore partially disapproves the amendment.

Over the next few years, NMFS will work with the Council to develop a framework amendment to the FMP to permit more rapid responses to future changes in stock or economic conditions.

Further, NMFS will monitor the fishery closely and will complete studies regarding the use of escape gaps to prevent mortality from taking and releasing undersized spiny lobsters. Emphasis will be placed on escape gap size and location combinations that release undersized spiny lobsters with minimal impact on slipper lobster catches. The analysis will include estimates of catch, revenues, and costs associated with different escape gap combinations.

Classification

The Council's amendment is a combined FMP amendment and environmental assessment which concludes that the aciton will not have a significant impact on the human environment. The Regional Director concurred in the determination.

The Administrator, NOAA, has determined that this rule is not a "major rule" requiring the preparation of a regulatory impact analysis under Executive Order 12291. The action will not have a cumulative effect on the economy of $100 million or more. The cost-effectiveness of Federal enforcement will be improved by the shift to a single size limit with no tolerance for lobsters below that size. The amendment incorporated the regulatory impact review and concluded that the Council's proposed rule would have had the following economic effects:

(1) Fishermen would have been able to retain lobsters in the premium price category (4- to 6-ounce tails);

(2) Compliance with the size limit would have been simplified;

(3) Long-term economic productivity of the fishery would have been maintained; and,

(4) Enforcement burdens would have been reduced.

Under the rule implementing the partially approved amendment, there would be two differences in effects. First, fishermen would not be able to retain as many of the smaller lobster tails. If sampled catches in 1985 are representative of future catches, approximately 10 percent of the spiny lobsters which are now retainable under the FMP would have to be released. However, the cumulative effect on the economy will still be far under $100 million. Second, with greater protection of the reproductive capacity of the stocks, the new size limit should enhance the likelihood of the long-term stability of the lobster resource.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. This is because only a slight increase in revenue (expected to be only 2 percent or less) would accrue to fishermen from a change in the point of measurement from the first to the second segment while maintaining a 5.0-cm legal size limit. That potential increase in revenue, however, would be more than offset by the elimination of the 15 percent tolerance for undersize lobsters now in effect. Cost savings could be realized from simplified compliance and enforcement procedures and from a reduction in the sorting of harvests which formerly was necessary with the tolerance allowance. A regulatory flexibility analysis was not prepared.

The Council determined, and the State of Hawaii has concurred, that Amendment 3 is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Hawaii under section 307 of the Coastal Zone Management Act. The coastal zone management programs of Guam and American Samoa are unaffected by this rule.

List of Subjects in 50 CFR Part 681

Fisheries, Reporting and recordkeeping requirements.

Dated: March 7, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

PART 681—WESTERN PACIFIC SPINY LOBSTER FISHERIES

For reasons set out in the preamble, 50 CFR Part 681 is amended as follows:

1. The authority citation for Part 681 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 681.2, the definition of *Tail width* is revised, and figure 2 is replaced, to read as follows:

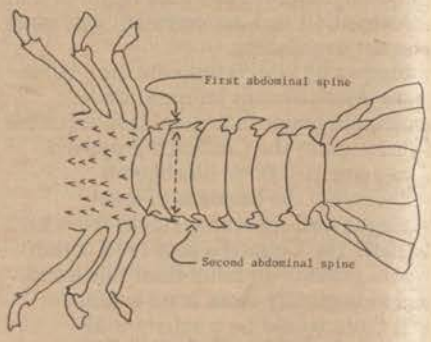
§ 681.2 Definitions.

* * * * *

Tail width means the straight line distance across the tail measured at the widest spot between the first and second abdominal spines (see Figure 2).

* * * * *

FIGURE 2. TAIL WIDTH



3. In § 681.7, in paragraph (b)(2), the comma is changed to a semi-colon and the phrase "except for the tail-width allowance of § 681.21(b);" is removed; and in paragraph (b)(3), the phrase "neither its carapace length nor" is removed and "can" is changed to "cannot".

4. Section 681.21 is revised to read as follows:

§ 681.21 Size restrictions.

Only spiny lobsters with a tail width of 5.0 cm or greater may be retained.

[FR Doc. 86-5404 Filed 3-7-86; 4:30 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 48
Wednesday, March 12, 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 ENERGY

10 CFR Part 762

Proposed Uranium Enrichment Services Criteria

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking, hearing.

SUMMARY: On January 29, 1986, (51 FR 3624), the Department of Energy (DOE) proposed to modify the criteria under which it provides uranium enrichment services. At that time, DOE announced that a public hearing would be held on the proposed criteria on March 18–19, 1986. DOE also announced that written comments must be received by February 28, 1986.

The one day public hearing will take place on March 18 beginning at 9:30 a.m. in the Department of Energy Auditorium, Room GE–086, 1000 Independence Avenue, SW., Washington, DC.

DOE has received requests that it provide additional information and analysis regarding certain aspects of the January 29, 1986 proposed criteria provisions. One of the requests concerns the "enrichment of foreign origin uranium." A second request involves "recovery of prior government costs." These comments were accompanied by requests for an extension of time within which to consider the additional information and an opportunity to submit written comments based on that information. DOE is in the process of considering these requests.

DATE: The public hearing will be held on March 18, beginning at 9:30 a.m.

ADDRESS: Hearing location: U.S. Department of Energy, Forrestal Building, DOE Auditorium, Room GE-086, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: John P. Thereault, Office of Technology Deployment and Strategic Planning, Office of Uranium Enrichment, Room A–172, Germantown, Maryland 20545, (301) 353–4610.

Issued in Washington, DC on March 7, 1986.

James W. Vaughan, Jr.,
Acting Assistant Secretary for Nuclear Energy.

[FR Doc. 86–5443 Filed 3–10–86; 11:28 am]
BILLING CODE 6450–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85–MN–29–AD]

Airworthiness Directives: Short Brothers, Ltd., Model SD3–30 and SD3–60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking: Withdrawal and Reissuance.

SUMMARY: This action withdraws a Notice of Proposed Rulemaking (NPRM) applicable to the Short Brothers Model SD3–30 airplanes that proposed an airworthiness directive (AD) that would have required modification of the fuel contents gauging system. The manufacturer has determined that the modification specified in the NPRM is not satisfactory. The original service bulletin has been revised and a new service bulletin applicable to the Model SD3–60, which describes modification to the fuel gauging systems, has been issued. The Model SD3–60 is included in this NPRM because it is also subject to similar failures of fuel quantity indications.

DATES: Comments must be received on or before May 5, 1986.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–29–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from Shorts Aircraft, 1725 Jefferson Davis Highway, Suite 510, Arlington, Virginia 22202. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–29–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion: The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition that may exist on certain Short Brothers, Ltd., Model SD3–30 and Model SD3–60 airplanes. Moisture ingress in eight co-axial connectors in the fuel quantity indication system, located adjacent to the fuel tanks, may result in the fuel gauges giving inaccurate or erratic readings. To prevent this from occurring, Short Brothers Service Bulletin SD3–28–22, dated September 1984, recommended

that these co-axial connectors be weatherproofed by sealing them with a silicone compound. An NPRM was published in the **Federal Register** on May 3, 1985 (50 FR 18870), which requested comments concerning a proposal to require sealing of the co-axial cables in accordance with the previously mentioned service bulletin. Two comments were received. One comment stated that the proposed action had been tried and did not yield satisfactory results. The manufacturer performed additional tests and concurred that the original issue of the service bulletin cited in the NPRM did not provide a satisfactory solution to the problem. Revision 2 to the service bulletin has been issued, which describes an external sealing of the eight affected co-axial connectors. This method has been proven in service. The second comment stated that the NPRM should be amended to include the Model SD3–60 airplane because the same problem exists on that airplane. The manufacturer has issued Service Bulletin SD360–28–06, Revision 2, which describes a similar action for the Model SD3–60 airplane.

The FAA agrees with the commenters and has determined that the previous NPRM should be withdrawn and a new NPRM issued which would require sealing of the co-axial connectors in accordance with Service Bulletin SD3–28–22, Revision 2, dated July 1985, for the Model SD3–30 airplanes, and Service Bulletin SD360–28–06, Revision 2, dated July 1985, for the Model SD3–60 airplanes.

This airplane model is manufactured in United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require the sealing of the affected co-axial connectors in accordance with service bulletins previously mentioned.

It is estimated that 101 airplanes of U.S. registry would be affected by this AD, that it would take approximately 5 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, that total cost impact of this AD to U.S. operators is estimated to be $20,200.

For the reasons discussed above, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact because of the minimal cost of compliance per airplane ($200.). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation Safety, Aircraft.

The Withdrawal

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, the proposed airworthness directive published in the **Federal Register** on May 3, 1985 (50 FR 18870) is hereby withdrawn.

The Proposed Amendment

PART 39—[AMENDED]

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

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

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

2. By adding the following new airworthiness directive:

Short Brothers, Ltd.: Applies to Model SD3–30 and DS3–60 airplanes listed in Short Brothers, Ltd. Service Bulletins SD3–28–22, Revision 2, dated July 1985 (for Model DS3–30 airplanes), and SD360–28–06, Revision 2, dated July 1985 (for Model SD3–60 airplanes), certificated in any category. Compliance is required within 90 days after the effective date of this AD, unless previously accomplished. To prevent erroneous or erratic fuel quantity indications caused by moisture ingress into the fuel tank gauging system co-axial connectors, accomplish the following:

A. Seal the affected co-axial connectors in accordance with Short Brothers, Ltd., Service Bulletins SD3–28–22, Revision 2, dated July 1985, for Model SD3–30 airplanes, and SD360–28–06, Revision 2, dated July 1985, for Model SD3–60 airplanes.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Shorts Aircraft, 1725 Jefferson Davis Highway, Suite 510, Arlington, Virginia 22202. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on March 5, 1986.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 86–5285 Filed 3–11–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 86–ASO–4]

Proposed Alteration of Transition Area, LaGrange, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to increase the size of the LaGrange, Georgia, transition area to accommodate a new instrument approach procedure which has been developed to serve Callaway Airport. This action will lower the base of controlled airspace, southeast of the airport, from 1,200 to 700 feet above the surface. This additional controlled airspace is required for protection of Instrument Flight Rules (IFR) aeronautical activities.

DATES: Comments must be received on or before: May 1, 1986.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking

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

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) which will alter the LaGrange, Georgia, transition area by designating additional controlled airspace southeast of Callaway Airport. This airspace is required to support IFR aeronautical activities in the LaGrange area. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

The Proposed Amendment

PART 71—[AMENDED]

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

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

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

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

LaGrange, Georgia—[Revised]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Callaway Airport (Lat. 33°00'27" N., Long. 85°04'15" W.); within 1.5 miles each side of the LaGrange VORTAC 110° radial, extending from the 6.5-milek radius area to the VORTAC; within 4.5 miles southwest and 6.5 miles northeast of the Callaway Runway 31 localizer southeast course, extending from the localizer to 12.5 miles southeast of the outer marker, excluding that portion which coincides with the Pine Mountain, Georgia, transition area.

Issued in East Point, Georgia, on March 3, 1986.

James L. Wright,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 86-5419 Filed 3-11-86; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

23 CFR Part 658

[FHWA Docket No. 83-14]

Truck Size and Weight; Lane Widths

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking; request for comments.

SUMMARY: The FHWA is requesting coments on a proposal to delete certain routes from the National Network for commercial motor vehicles established by the final rule on truck size and weight published at 49 FR 23302 on June 5, 1984. Certain routes in the States of Kentucky, New Jersey, North Carolina, South Carolina, and Virginia are proposed for deletion from the National Network. The issues relative to designated routes not on the primary system are the subject of a separate rulemaking issued on November 8, 1985, at 50 FR 46425.

DATE: Written comments on this docket must be received on or before May 12, 1986.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 83-14, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m. ET, Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Richard A. Torbik, Office of Planning, (202) 426-0233, Mr. David C. Oliver, Office of the Chief Counsel, (202) 426-0825, or Mr. John P. Eicher, Office of Motor Carrier Transportation, (202) 426-5370, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION:

Background

Section 416 of the Surface Transportation Assistance Act of 1982 (STAA), 49 U.S.C. 2316, as originally enacted authorized the Secretary of Transportation to designate Federal-aid highways with traffic lanes designed to be a width of 12 feet or more for the operation of 102-inch wide commercial motor vehicles. For system continuity, some highways with lane widths of less than 12 feet were designated. The

Tandem Truck Safety Act of 1984 (TTSA, Pub. L. 98–554, 98 Stat. 2829) amended 49 U.S.C. 2316 by giving authority to the secretary to designate highways on the Federal-Aid Primary System with lane widths less than 12 feet if such designations were determined to be consistent with highway safety.

On April 1, 1985, FHWA published an advanced notice of proposed rulemaking (ANPRM) (50 FR 12825) identifying for reexamination specific routes of the National Network containing sections with lanes less than 12 feet wide in those States which did not permit the operation of 102-inch wide vehicles on the National Network except under Federal authority. Those States were Alabama, Florida, Kentucky, Maryland, Missouri, New Hampshire, New Jersey, New York, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virginia.

The proposed deletions are based on information, data, and comments provided in response to the ANPRM and on an extensive FHWA review of the applicable routes in these States. In making their review, FHWA Region and Division Offices were instructed to rely upon the criteria set forth in 23 CFR 658.9 (except par. (b)(5)) and 658.11(d). In the review, the field offices were to: (1) Determine lane widths, (2) gather other data on related geometrics such as horizontal curvature, width and type of shoulders, etc., (3) analyze accident and traffic data for the segment under review, and (4) consider truck operations and any physical evidence of operational problems. The FHWA field offices were requested to work with the States and to evaluate the characteristics of the routes and, where the potential for the existence of unsafe conditions warranted, to complete an additional examination by use of photologs or on-site reviews.

Docket Response

The FHWA received 24 responses to the Docket: Thirteen from the trucking industry, 5 from State/local transportation agencies, 2 from the manufacturing industry, 1 from the retail industry, 1 from the bus industry, 1 from the Center for Auto Safety (CAS), and 1 from the International Brotherhood of Teamsters. Of this group, one Teamsters Local recommended the banning of 102-inch wide trucks from two route sections, "U.S. 74 into Charlottee, N.C." and "N.C. 49, U.S. 52 at Richfield," in the State of North Carolina. In addition to its general contention that all less than 12-foot lanes were unsafe, the CAS specifically identified five routes in the State of South Carolina (US 15, US 52, US 76, US 123, and US 321) as illustrations of routes which it deemed unsafe for 102-inch wide vehicles. The trucking industry commenters generally requested that the designated system remain intact, with some of the commenters citing specific routes. One trucking company, after conducting an extensive review, identified a number of necessary priority routes and recommended their retention.

Results of State-by-State Review

In the State of Alabama, after thorough consideration of route characteristics and analysis of accident rates for route sections with lane widths of less than 12 feet, FHWA has determined that all of the sections listed in the ANPRM should remain on the designated Network. The factors considered are illustrated by the following two examples: (1) Posted Route Number US 72 between the Mississippi State Line and Jackson County Road 33 near Hollywood, a distance of 180 miles, is, except for approximately 35 miles, a four-lane divided highway in the rural areas and a multilane undivided highway in the urban areas. The 6.5-mile section between Ryland to east of Madison County Road 65 contains two 10-foot lanes in the westbound direction with 10-foot shoulders on both sides, less than 1 percent grades, and less than 2 degree horizontal curves. The 6.2 mile section between the Madison-Jackson County Line to SR 35 contains two 11-foot lanes in the westbound direction with 3-foot shoulders on both sides, less than 2 percent grades, and less than 3 degree horizontal curves. The accident rates on both sections during the period between January 1984 through April 1985 are relatively low with less than 0.74 accidents per million vehicle miles. The percentage of trucks is 12 percent with a 16 percent involvement in the accidents. However, no double trailer accidents have been reported on these sections. Posted Route Number US 72 is a heavily traveled Interstate-type route connecting several large cities. (2) Posted Route Number US 31 between SR 152, Montgomery, and AL 14, north of Prattville, a distance of 10 miles, is a four-lane divided highway containing a section with less than 12-foot lanes. The section from AL 152, Montgomery, to the Alabama River contains two 11-foot lanes on the southbound roadway, a 32-foot median, inside shoulders 5 feet wide and outside shoulders 10 feet wide. The southbound bridge over the Alabama River has two 9-foot travel lanes. Grades are relatively flat, less than 1 percent, and less than 3 degree horizontal curves. The accident rate of 0.49 accidents per million vehicle miles is low. The percentage of trucks is 8 percent, with 8 percent of the reported accidents involving trucks. No double trailer accidents have been reported on these sections. This segment connects the industrial area of Prattville with Montgomery giving access to the remainder of the statewide designated truck network.

In the State of Florida, two routes were identified in the ANPRM as having lane widths of less than 12 feet. In each instance, the lanes were restricted in only one direction of a divided highway, the restricted width being 11 feet. The FHWA Division Office review of videologs indicated that traffic movements, roadway characteristics, and pavement conditions were such that these routes can safely accommodate the STAA vehicles. Therefore, these routes are being retained on the Network.

In the State of Kentucky, the routes listed in the ANPRM were reviewed by the FHWA Kentucky Division Office using the criteria set forth in 23 CFR 658.9. The field office devised a subjective safety rating system ranked on a scale from 0 to 10 to be used in conjunction with the field reviews. Those sections rated at 6 or higher were to remain on the Network, while those falling below that level were recommended for deletion. At the time of the review, it also became apparent that in reporting the less than 12-foot lanes that appeared in the ANPRM for Kentucky, the reported width was based on the width at whole-numbered mileposts. For this review, the pavement width changes are recorded much more accurately, to the nearest one-thousandth of a mile. The review also revealed that several sections had either been reconstructed or overlaid in the past few years providing 12-foot lanes. Based on that review, the following routes are proposed for deletion from the Network: (1) Posted Route Number US 79 from the Tennessee State Line to US 68 at Russellville, which is propsed for deletion because of operational difficulties for STAA vehicles at a railroad underpass in Logan County. This section of the route consists of two 10-foot lanes with a severe "S" curve at the railroad underpass in addition to severely restricted horizontal and vertical clearances. The underpass opening is 25 feet wide and 12 feet 5 inches high. (2) Posted Route Number KY 61 (which was not listed in the ANPRM) from the Tennessee State Line to KY 90 at Burkesville is being proposed for modification by deleting the section between the Tennessee State

Line and Peytonsburg because this 0.3-mile segment of two-lane highway has 8-foot lanes and severe curvature. (3) Posted Route Number US 127 from the Tennessee State Line to US 60 in Frankfort is being proposed for modification by deleting the section between the Tennessee State Line and the US 127 Bypass south of Danville. This section has hills and curves which hinder sight distance thus interfering with the operation of the larger vehicles. The FHWA Kentucky Division Office review revealed that the section from the Tennessee State Line to the Cumberland Parkway consists of 80 percent 10-foot lanes, 6 percent 11-foot lanes, and 14 percent 12-foot lanes. The grades and curves between Jamestown and KY 90 are very severe. There is also a large volume of recreational traffic, particularly in the summer months. The inspection of the portion of US 127 between Cumberland Parkway and the US 127 Bypass south of Danville revealed that the section between KY 80 near Russell Springs and Liberty is the critical section of this portion. There are approximately 7.5 miles of 10-foot lanes and 3.3 miles of 9-foot lanes. The remaining miles to Liberty have 11-foot lanes. Although the portion of US 127 from Liberty to Danville is generally acceptable, there are some sharp curves and several locations with Reduced Speed (40 and 45 mph) Warning Signs. Also, there are three bridges with a curb-to-curb width of 19 feet.

In the State of Maryland, four routes were identified in the ANPRM as having lane widths of less than 12 feet. The FHWA field office review revealed that lanes on MD 301 are 12 feet wide. The lanes on the other three routes are no less than 11 feet and a field review of operations, accidents, and geometric information indicated that the larger vehicles could be accommodated safely. Therefore, all routes in Maryland are being retained on the National Network.

In the State of Missouri, one route, MO 13, was found to have all 12-foot lanes. Over the past 2 years, the FHWA Division Office has been reviewing the safety of the National Network. In addition, Missouri is one of the States cooperating in the national FHWA study, "Monitoring the Operation of Larger Dimensioned Vehicles." The State has upgraded its accident reporting forms, and a review of accident records has not indicated any clusters of truck accidents on the designated network, in general, or on those segments with lanes less than 12 feet, in particular. The most critical lane width situations occur on two Mississippi River bridges and one Missouri River bridge that have 10-foot lanes. These facilities are being monitored. The largest percentage of the less than 12-foot lane segments in Missouri have 11-foot lanes. There are a few locations in Missouri where an old two-lane highway facility has been utilized for traffic in one direction on a four-lane divided freeway or expressway. Therefore, a few of the less than 12-foot lane sections are on locations where one direction of travel has two 10- or 11-foot lanes, while the traffic in the opposite direction has two 12-foot lanes. Based on this review, all Missouri routes are being retained on the National Network.

In the State of New Hampshire, one route was identified as having lanes less than 12 feet wide. This particular route was a traveled way for a section of uncompleted Interstate. A portion of the Interstate section is now complete and the portion of NH 18 from the Vermont State Line to I–93 west of Littleton has been deleted from the National Network via the rulemaking published on November 8, 1985. Therefore, no less than 12-foot lanes remain on the Network in New Hampshire.

In the State of New Jersey, a section of the only route listed in the ANPRM is being proposed for deletion because this section of the New Jersey portion of the Outerbridge Crossing serves no useful purpose since neither the New York portion of the bridge nor the connecting roadway in New York is a part of the National Network. Posted Route Number NJ 440 from I–95 in Edison to the New York State Line at Outerbridge Crossing is, therefore, being proposed for modification by deleting the short section of Outerbridge Crossing in New Jersey. This modification would effectively terminate the designated route at State Street, Perth Amboy, which is the first interchange in New Jersey, and is consistent with the recommendation received from the New Jersey Department of Transportation.

In the State of New York, the field office review found that two of the routes, the Inner Loop in Rochester and NY 254, were erroneously identified as having less than 12-foot lanes when in actuality they have 12-foot lanes. Two remaining routes, NY 104 and US 20, have very short lengths of a half mile or less with lane widths less than 12 feet. STAA vehicles have been operating on these routes. Two additional routes, NY 365 and NY 8 (not listed in the ANPRM), were identified as having very short sections of lanes less than 12 feet wide. A review of lane widths and an evaluation of geometric and accident rates of all routes showed no problems and, therefore, these routes are being retained on the Network.

In the State of North Carolina, the field office review, which examined all routes including those on which the Teamsters Local recommended the banning of the 102-inch wide vehicles, consisted of the following: (1) An examination of data from the State's inventory log to determine lane and shoulder widths for individual segments on the Network. (2) The plotting on county maps of segments with less than 12-foot lanes. (3) Obtaining accident data from the State for all segments with less than 12-foot lanes. (4) An office review of relevant data of all segments by knowledgeable division personnel using county maps. (5) A field review of segments where a review of the county maps did not yield a conclusive opinion and where there were high accident rates. (6) The use of the State's photologs on some segments. (7) A field inspection of selected segments with representatives of the Regional and Washington Offices in conjunction with their review of the FHWA Division Truck Network procedures. (8) The entire Network was reviewed to check on the system classification for the routes. The factors considered are illustrated by the following two examples: (1) Posted Route Number US 401 between the South Carolina State Line and I–40 in Raleigh has less than 12-foot sections. The portion between 0.04 mile south of SR 1726 and Fayetteville City Line in Cumberland County, a distance of 2.09 miles, has six lanes with an overall width of 68 feet with curbs and gutters. The average daily traffic is 14,500 vehicles. The portion between the railroad overpass and Cape Fear River Bridge in Harnett County, a distance of 0.45 mile, has four lanes with an overall width of 53 feet, nine of which are shoulders. The average daily traffic is 14,000 vehicles. The portion between NC 42/55 and 0.46 mile north of SR 1404 in Wake County, a distance of 0.89 mile, has two lanes with an overall width of 32 feet, 10 of which are shoulders. (2) Posted Route Number US 64 between US 70/401 in Raleigh and US 17 in Williamston is a two-lane highway with an overall width of 30 feet, eight of which are shoulders and has one less than 12-foot segment from Rocky Mount City Line to NC 44 in Edgecombe County, a distance of 10.5 miles. Except as noted below, all of those segments with less than 12-foot lanes meet the safety requirements of the June 5, 1984, rule and their retention on the National Network is consistent with highway safety. Based on the review results, modifications to three

routes are being proposed: (1) Posted Route Number US 19 in Cherokee, Macon, and Swain Counties is being proposed for modification by deleting a 21.86-mile segment from 0.23 mile northeast of SR 1391 to 0.26 mile southwest of SR 1123. This segment contains a 20-foot pavement with 4- to 6-foot unpaved shoulders through mountainous terrain. The horizontal and vertical alignments are servere. Only 13 percent of the length of the segment has passing sight distance of 1,500 feet or greater. (2) Posted Route Number US 421 for Kure Beach to I–95 Dunn in being proposed for modification by deleting the section between Kure Beach and Carolina Beach, which traverses built-up beach properties. Designation of this route as an access route by the State (if needed by industry) may be more appropriate. (3) Posted Route Number US 74 from I–277 Charlotte to US 17 near Wilmington is proposed for modification by deleting the section between I–277 Charlotte (Independence Avenue) and NC 24/27. This portion of US 74 contains a 2.8-mile section where the addition of turning lanes at intersections has narrowed the three through lanes in each direction to an average of 9 feet, with the curb lane being 8 feet plus gutter. The traffic flows at 35 to 45 mph between signals. A 35 mph speed limit has been imposed. The FHWA is especially interested in receiving comments and recommendations on mitigation measures that could improve operations on this route. Posted Route Number NC 49 at US 52 near Richfield (identified by the Teamsters Local) has been carefully reviewed, found consistent with highway safety, and is being retained on the Network.

The FHWA Division Office review in Puerto Rico found that few, if any, of the STAA vehicles are operating on the island. Trucks are restricted to major facilities connecting points of commerce. No problems with large vehicles were identified and, therefore, the Network is being retained unchanged.

In the State of South Carolina, the FHWA Division Office as part of a State/Federal team reviewed the routes identified in the ANPRM, including those identified by the CAS, focusing on the following criteria in particular: accident rates, narrow structures, curvature, vertical clearance, no passing zones, steep grades, and adequate turning radii. All routes mentioned by CAS was reviewed. Based on the results of our review, Posted Route Number US 52 from Lake City to Moncks Corner is the only route being proposed for deletion. The reasons for this deletion are: (1) The turn at the intersection with SC 261 and SC 527 is not adequate. Trucks making right turns at the intersection were observed to be encroaching into the adjacent lane in order to have enough room to make the turn. (2) The average accident rate for the last 3 years through Kingstree is higher than the State average for an urban section. (3) Several horizontal curves on the two-lane section from Black River to the Berkeley County Line are sharp and the speed limit has been reduced.

In Tennessee, the State records system permitted an initial review of the accident rates for identified sections with lanes less than 12 feet wide. Those with an accident rate less than the State developed critical accident rate (which is based on a statewide average accident rate for highway type and the vehicle-miles of travel on a specific section) or with a truck accident rate less than the percent of trucks using the facility were recommended for retention. Sections identified as having truck accident rates exceeding either of these two measures were reviewed utilizing photologs or field review. The reviews of geometric, accident, and photolog information indicated the routes could safely accommodate the larger vehicles. Therefore, no deletions are proposed. Tennessee has upgraded its accident record system to specifically identify twin-trailer combinations on accident reporting forms and is taking steps to enter this data into its accident data system which is used to develop the safety improvement program. Typical findings from the review in Tennessee are illustrated in the following two examples: (1) Posted Route Number SR 76 in Carroll County, a distance of 12.96 miles, is a two-lane highway 22 feet wide with 5-foot paved shoulders. It is mostly straight, has good visibility in a rural area, and poses no problems for wider trucks. The total number of accidents on that segment of SR 76 is 47, of which six involved trucks. The percentage of truck accidents is 13 percent, while the percentage of trucks using the segment was 7 percent. A photolog review of the segment did not identify any operational problems for STAA vehicles. (2) Posted Route Number SR 28 in Pickett County, a distance of 6.92 miles, is a two-lane highway 20 feet wide with 2-foot gravel shoulders and is on rolling terrain. The percentage of trucks is 24 percent. The total number of accidents on that segment of SR 28 is 21, of which four involved trucks. The percentage of truck accidents is 19 percent.

In the State of Virginia, the FHWA Virginia Division Office reviewed road inventory/maintenance logs to identify sections with lane widths less than 12 feet, graphic logs to identify any geometrics that could cause potential operating problems, and accident data for 1983, 1984, and (to the extent available) 1985. In addition, field reviews were made by a team including FHWA Headquarters, Region, and Division and State highway agency personnel. Findings are illustrated in the following examples of three sections of Posted Route Number Alternate US 58 between US 19 at Hansonville and US 23 in Norton in Wise County which were shown in the inventory data as having 18-foot wide pavement: (1) The section from Mile Post (M.P.) 0.00 to M.P. 0.36 in Saint Paul consists of a two-lane highway in a built up area with numerous paved entrances to businesses which in effect has resulted in a continuous pavement wider than 18 feet. The speed limit is 25 mph; the 1983/1984 annual average daily traffic is 11,000 with four accidents for the same time period, none of which involved tractor-trailers. No areas were noted that would cause operational problems for STAA vehicles. (2) The section from M.P. 9.50 to M.P. 11.45 in Coeburn consists of a two-lane highway, the surface width of which was measured at five locations and was found to be a minimum of 20 feet at one location and 21 to 22 feet at the other four. The shoulder width is 6 feet; the speed limit is 45 mph; the 1983/1984 average daily traffic is 4,800 with 3.4 percent of that figure consisting of tractor-trailers. For that same time period, there were 10 accidents, none of which involved tractor-trailers. While there are several curves on this segment, observation of several tractor-trailers did not indicate that any operational problems were being experienced. (3) A short section from M.P. 19.43 to M.P. 19.74 in Norton consists of a two-lane highway with 8-foot shoulders. The speed limit varies from 55 mph beyond the town limits to 25 mph within the town limits (there is a Maximum Safe Speed sign of 30 mph posted at a curve outside the town limits); the 1983/1984 average daily traffic was 7–9,000 with 3 percent of that figure consisting of tractor-trailers; there were four accidents for that time period, one of which involved a tractor-trailer. No problems were noted for this section. The following resurfacing projects were completed in mid-1985 on Alternate US 58: (1) from M.P. 9.44 (Route 725) to M.P. 11.91 (Route 1106) which was widened by 1 foot on each side; (2) from M.P. 1.74 (VA 611) to M.P. 3.18 (VA 651); (3) from M.P. 12.60 (North Corporate Limits of Coeburn) to M.P. 14.46 (0.87 mile east of

VA 813). Based on the findings from the review performed in Virginia, all routes are being retained except Posted Route Number VA 57 from US 220 (Bassett Forks) to VA 666 (Bassett) which is proposed for modification by deleting the section between VA 753 and VA 666. Data gathered during the joint FHWA and State review revealed that it is inappropriate for the National Network and is more appropriate as an access route if needed by industry. The STAA commercial vehicles will be permitted to use VA 57 alternate as well as small sections of VA 57 and VA 666 which the State of Virginia has placed on its access system.

The following is a listing of routes identified in the April 1, 1985, ANPRM which were reviewed as part of this evaluation and are being retained on the National Network. (This listing reflects all modifications made as a result of the reviews initiated by the ANPRM, including the deletion of those designated routes not on the primary system addressed in the Final Rule published on November 8, 1985). See the amendments following today's preamble for the exact modifications being proposed.

Posted Route No.	From—	To—
ALABAMA		
US 72	Mississippi St. Line	Jackson County Road 33 near Hollywood.
US 31	AL 152 Montgomery	US 82.
US 31	End of I-65 north of Birmingham.	I-65 north of Kimberly.
US 78	Beginning of four-lane west of AL 5 at Jasper in Walker County.	I-59 Birmingham.
US 80	AL 14 West of Selma	AL 152 Montgomery.
AL 20	US 72 Tuscumbia	US 231 Huntsville.
AL 21	US 431 Anniston	Jacksonville.
US 280	US 31 Mountain Brook	AL 22 at Alexander City.
US 280	I-85 Opelika	Georgia St. Line.
AL 77	I-59 Gadsden	US 431 Attalla.
FLORIDA		
US 27	South Bay	Leesburg.
US 27/US 301.	Belleview	Ocala.
KENTUCKY		
US 25	US 421 S. of Richmond.	KY 876 in Richmond.
US 25E	Virginia St. Line	I-75 N. of Corbin.
US 27	Tennessee St. Line	Ohio St. Line (via KY #4 in Lexington).
US 31W	US 31 W. Bypass in Elizabethtown.	I-264.
US 45	US 45 Bypass north of Mayfield.	US 62 in Paducah.
US 60	US 60 Bypass west of Owensboro.	KY 69 Hawesville.
US 60	KY 144 in Meade County.	US 31 West at Ft Knox.
KY 61	Peytonsburg	KY 90 at Burkesville.
US 62	I-24 at Paducah	Western Kentucky Parkway.
US 68	I-24 in Trigg County	Green River Pkwy at Bowling Green.
US 68	US 27 at Paris	Ohio St. Line at Maysville (via Paris Bypass).
KY 69	US 60 at Hawesville	Indiana St. Line.
KY 79	KY 1051 in Brandenburg.	Indiana St. Line.
US 119	US 23 at Pikeville	KY 1441.
US 127	US 127 Bypass north of Danville.	US 60 in Frankfort (via Lawrenceburg US 127 Bypass).
KY 144	KY 448	US 60.
US 150	US 31E at Bardstown	US 27 N. City Limits of Stanford (via Danville Bypass).
KY 151	US 127 near Lawrenceburg.	I-64 near Graefenburg.
KY 259	Western Kentucky Parkway.	US 62 at Leitchfield.
KY 448	KY 1051 at Brandenburg.	KY 144.
US 641	Tennessee State Line	KY 348 in Benton.
KY 876	I-75 at Richmond	KY 52 East of Richmond.
MARYLAND		
MD 201 (Kenilworth Avenue).	D.C. Line	US 50 Cheverly.
US 48	West Virginia State Line.	MD 639 at Cumberland.
US 50	MD 201 Kenilworth Ave., Cheverly.	US 13 (bypass) Salisbury.
US 301	Virginia St. Line	Delaware St. Line.
MISSOURI		
US 36	Kansas State Line	Illinois State Line.
US 67	Arkansas St. Line	Exit 174 on I-55.
US 61	I-70 St. Charles County	Iowa St. Line.
US 63	Arkansas St. Line	Iowa St. Line.
US 65	Arkansas St. Line	Iowa St. Line.
US 71	Arkansas St. Line	I-435 Kansas City.
US 71	Exit 53 on I-29	US 136 Maryville.
US 136	Nebraska St. Line	Exit 110 on I-29.
US 54	South Junction US BR 54 at Lake Ozark.	Illinois St. Line.
US 60	MO 37 Monett	US 63 Willow Springs.
MO 13	I-44 Springfield	US 24 Lexington.
US 50	Exit 7 I-470 Kansas City.	Exit 247 on I-44.
US 412	Arkansas St. Line	Exit 19 on I-55.
MO 5	Arkansas St. Line	US 60.
MO 171	Kansas St. Line at KS 57.	US 71 at Webb City.
US 60	2 mi. E. of E. Jct. MO 21.	I-55/57 near Sikeston.
US 24	US 61 Taylor	Illinois St. Line.
US 59	Kansas St. Line	I-229 St. Joseph.
NEW HAMPSHIRE		
NH 18	I-93 West of Littleton	Temporary Connection with I-93 East of Littleton.
NEW JERSEY		
NJ 440	I-95 Edison	Outerbridge Crossing.
NEW YORK		
Inner Loop	I-490 Rochester	I-490 Rochester.
NY 254	I-87 Glen Falls	0.3 mile east of US #9.
NY 104	Maplewood Drive Rochester.	Monroe-Wayne County Line.
US 20	NY 75 Mount Vernon	Howard Road Mount Vernon.
NORTH CAROLINA		
US 19	US 64 near Ranger	0.23 mile NE of SR 1391.
US 19	0.26 mile SW of SR 1123.	US 19A near Bryson City.
US 1	US 74 at Rockingham	I-85 near Henderson.
US 15	US 1 Northview	US 64 Pittsboro.
US 401	South Carolina St. Line	I-40 Raleigh.
US 17	SR 1409	Virginia St. Line.
SR 1409 (Truck Rt.).	US 76	US 17.
US 64	US 1/70/401 Raleigh	US 17 Williamston.
US 64	US 29 Lexington	US 15 Pittsboro.
US 258	NC 24 near Richlands	US 64 Tarboro.
US 220	US 74 in Rockingham	Virginia St. Line.
NC 49	I-85 Charlotte	US 52 Richfield.
NC 18	US 64	US 321 near Lenoir.
US 321	South Carolina St. Line	I-85 near Gastonia.
US 52	NC 24/27 Albemarle	Virginia St. Line.
US 158	I-40 Winston-Salem	US 29 Reidsville.
US 158	I-85 Henderson	US 258 Murfreesboro.
US 70A	US 70 near Princeton	US 70 near Smithfield.
I-95 Bus	Kenly	Gold Rock.
US 74	NC 24/27 (Charlotte)	US 17 near Wilmington.
US 23	US 19A Dillsboro	US 441 Franklin.
US 258	US 158 Murfreesboro	Virginia St. Line.
US 521	South Carolina St. Line	I-77.
NC 24	US 74 Charlotte	US 52 Albemarle.
US 29	I-85 Greensboro	Virginia St. Line.
US 264	US 17 Washington	US 64 near Zebulon.
NC 11	US 70 Kinston	US 264 Greenville.
US 70	US 29/601 Salisbury	I-77 Statesville.
US 421	Carolina Beach	I-95 Dunn.
US 421	US 1 Sanford	US 64 Siler City.
NC 24	US 70 Mansfield	US 421 Clinton.
NC 24	I-95 Fayetteville	Spout Springs.
US 70	Beaufort	US 70A near Princeton.
US 19	I-240 Asheville	Jct. US 19/23 near Mars Hill.
NC 49	US 52 at Richfield	US 64 at Asheboro.
PUERTO RICO		
PR 2	PR 22 San Juan	PR 1 Ponce.
SOUTH CAROLINA		
US 123	Georgia St. Line	US 25 Greenville.
US 76	US 52, Florence	SC 576 near Marion.
US 321	I-26 South of Columbia	I-95 near Hardeeville.
US 15	North Carolina St. Line	US 52, Society Hill.
US 52	US 15, Society Hill	Lake City.
US 52	Moncks Corner	US 52/I-26 Connector at Goose Creek.
TENNESSEE		
US 79	Memphis near I-40	Guthrie at US 41 Kentucky St. Line.
US 641	I-40 near Natchez Trace State Park.	Kentucky St. Line near TN 140.
US 231	Alabama St. Line near Fayettville.	Kentucky St. Line near TN 52
US 127	TN 29 in Chattanooga	Static at Kentucky St. Line.
US 27	TN 153 in Chattanooga	Kentucky St. Line.
US 25E	I-81	Cumberland Gap at Virginia St. Line.
US 70	Huntingdon at TN 22	Dickson at TN 96.
US 70S	Murfreesboro at US 231.	Sparta at TN 111.
US 64/41A	Memphis at TN 15	I-24 at Monteagle.
US 64	Cleveland near I-40	Near Belltown at North Carolina St. Line.
TN 96	US 70 in Dickson	I-40 near Dickson.
US 70	TN 155 in Nashville	Sparta.
TN 20	I-40 at Jackson	US 51 at Dyersburg.

Posted Route No.	From—	To—
VIRGINIA		
US 1	Route I-95 (Spotsylvania County).	Route 17 Bypass.
VA 2/US 17 Bus.	Route 17 (New Post)	SCL Fredricksburg.
VA 3	Route 1 By-pass (Fredericksburg).	Route 20 (Wilderness).
VA 7	Route I-81 (Winchester).	0.68 mile W. of W.C.L. Round Hill.
VA 10	E.C.L. Hopewell	0.37 mile W. Route 156 in Hopewell.
VA 10	Route 1 (Chesterfield County).	Route 827 (0.56 mile W. of W.C.L. of Hopewell).
US 11	N. Intersection Rt. 220 Alt. (Botetourt County).	2.15 miles S. of N. Intersection Route 220 Alt.
US 11	Route 100 (Town of Dublin).	Route 643 (Pulaski County).
US 17	Route 134 (York County).	Route I-64 (City of Newport News).
US 17	Route I-95 (Stafford County).	Route 29 (Opal).
US 19	Route I-81 via Routes 11 and 140 (Abingdon).	Temp. Route 460 (Route 720) (Bluefield).
US 23	Tennessee St. Line	Alt. Route 58 (Big Stone Gap).
US 23	0.33 Miles North Route 23 Business.	Kentucky State Line.
US 25	Tennessee State Line	Kentucky State Line.
US 29	North Carolina St. Line	Route I-66 (Gainesville).
US 33	North Carlton Street (Harrisonburg).	Route 340 (Elkton).
US 33	Route I-64 (New Kent County).	Route 30 E. Intersection (West Point).
VA 42	Route 257 (Bridgewater).	Route 290 (Dayton).
US 50	Route 259 (Gore)	Route 37 (Frederick County).
VA 57	Route 220 (Bassett Forks).	VA 753.
US 58	S. Fairy Street (Martinsville).	W.C.L. Emporia.
US 58	0.6 mile E. of ECL Emporia.	S. Int. Route 35.
US 58	N. Int. Route 35 (Courtland).	Routes 13 & I-264 (Bowers Hill).
Alt US 58	Route 19 (Hansonville)	Route 23 (Norton).
Alt US 58	Route 11 (Town of Abingdon).	0.40 Mile West Route 11.
US 60	0.03 mile W. Route 887.	Route 522 West of Powhatan.
VA 86	Route 29 (Danville)	North Carolina St. Line.
VA 114	Route 460 (Town of Christiansburg).	0.09 Mile East Route 750 (Montgomery County).
VA 207	Route I-95 (Carolina County).	0.20 Mile South Route 619.
US 220	North Carolina St. Line	Route I-581 (Roanoke).
US 220	Route I-81 (Botetourt County).	S.C.L. of Fincastle.
Alt US 220	Route I-81 (Botetourt County).	Route 11.
VA 224	Route 460 (City of Lynchburg).	Route 29.
US 258	North Carolina St. Line	Route 58-Franklin By-pass.
VA 277	Route I-81 (Frederick County).	1.60 Miles East of Route I-81.
US 301	Route 301 Bus. (Bowling Green).	Maryland St. Line.
VA 337	(City of Norfolk) Routes 58 EB and 460 EB (St. Paul Blvd.).	Claremount Avenue (Route 58 Interchange).
US 340	Route 7 By-Pass (Berryville).	West Virginia St. Line.
US 340	I-66 (Warren County)	2.85 miles N. of I-66.
US 360	Route I-64 (City of Richmond).	Route 627 (Village).
US 360	Route 58 (South Boston).	Route 150 (Chesterfield County).
US 460	Route 67 at Raven	Route 19 at Claypool Hill.
US 460	Route 720	West Virginia St. Line.
US 460	West Virginia St. Line	Route I-81 at Christiansburg.
US 460	Route I-581 at Roanoke.	0.08 mile East Route 1512.
US 460	Route 224	1 Mile West of Route 24.
US 460	0.64 Mile East of Route 707.	Route 1-85 South of Petersburg (Dinwiddie County).
US 460	Route I-95 (Petersburg).	Route 58 (Suffolk).
US 501	Route 360 S. Int. (Halifax).	Route 58 (South Boston).
US 522	Route 37	1.07 miles N. of Rt. 705 (Frederick County) at Cross Junction.

Regulatory Impact

The FHWA has considered the impacts of this proposal and has determined that it is not a major rulemaking action within the meaning of E.O. 12291 and not a significant rulemaking under the regulatory policies and procedures of the Department of Transportation (DOT). These determinations by the agency are based on the nature of the rulemaking. The FHWA has determined that this rulemaking proposes to technically amend the June 5, 1984, Final Rule by deleting certain highway segments in accordance with statutory provisions. The impacts of the deletions addressed in the proposed rulemaking do not significantly alter the impacts fully considered in the original impact statement accompanying the June 5 rule. These segment deletions represent a very small portion of the National Network with a negligible impact on the prior system. Thus, no revised regulatory evaluation is needed.

For the same reasons and under the criteria of the Regulatory Flexibility Act, FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

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

List of Subjects in 23 CFR Part 658

Grants programs—transportation, Highways and roads, Motor carrier—size and weight.

Issued on March 3, 1986.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

In consideration of the foregoing, the FHWA hereby proposes to amend Chapter I of Title 23, Code of Federal Regulations, by amending Appendix A to Part 658 for the States of Kentucky, New Jersey, North Carolina, South Carolina, and Virginia, to read as set forth below.

PART 658—[AMENDED]

1. The authority citation for 23 CFR Part 658 continues to read as follows:

Authority: Sections 133, 411,413, and 416 of Pub. L. 97–424, 96 Stat. 2097 (23 U.S.C. 127; 49 U.S.C. 2311, 2313, and app. 2316), as amended by Pub. L. 98–17, 97 Stat. 59, and Pub. L. 98–554, 98 Stat. 2829; 23 U.S.C. 315; and 49 CFR 1.48.

Appendix A [Amended]

The Appendix to Part 658 is amended for the State of Kentucky by removing the Posted Route Number entries:

Route	From—	To—
*	* * * *	*
US 79	Tennessee State Line	US 68 at Russellville.
*	* * * *	*
KY 61	Tennessee State Line	KY 90 at Burkesville.
*	* * * *	*
US 127	Tennessee State Line	US 60 in Frankfort (via Danville & Lawrenceburg Bypasses).

and inserting in place of KY 61 and US 127 the following:

KY 61	Peytonsburg	KY 90 at Burkesville.
*	* * * *	*
US 127	US 127 Bypass North of Danville.	US 60 in Frankfort (via Lawrenceburg Bypass).

3. The Appendix to Part 658 is amended for the State of New Jersey by removing Posted Route Number entry:

Route	From—	To—
NJ 440	I-95 Edison	New York State Line at Outerbridge Crossing.

and inserting in its place the following:

NJ 440	I-95 Edison	Outerbridge Crossing.

4. The Appendix to Part 658 is amended for the State of North Carolina by removing Posted Route Number entries.

Route	From—	To—
US 19	US 64 near Ranger	US 19A near Bryson City.
US 74	I-277, Charlotte (Independence Avenue).	US 17 near Wilmington.
US 421	Kure Beach	I-95 Dunn.

and inserting in their respective places the following:

US 19	US 64 near Ranger	0.23 mile NE of SR 1391.
US 19	0.26 mile SW of SR 1123.	US 19A near Bryson City.
US 74	NC 24/27 (Charlotte)	US 17 near Wilmington.
US 421	Carolina Beach	I-95 Dunn.

5. The Appendix to Part 658 is amended for the State of South Carolina by removing Posted Route Number entry:

Route	From—	To—
US 52	US 15, Society Hill	US 52/I-26 Connector at Goose Creek.

and inserting in its place the following:

US 52	US 15, Society Hill	Lake City.
US 52	Moncks Corner	US 52/I-26 Connector at Goose Creek.

6. The Appendix to Part 658 is amended for the State of Virginia by removing Posted Route Number entry:

Route	From—	To—
VA 57	Route 220 (Bassett Forks).	Route 666 (Bassett).

and inserting in its place the following:

VA 57	US 220 (Bassett Forks)	VA 753.

[FR Doc. 86-5129 Filed 3-11-86; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[LR-216-84]

Taxation of Fringe Benefits and Exclusions From Gross Income for Certain Fringe Benefits; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the taxation of fringe benefits.

DATES: The public hearing will be held on Tuesday, April 29, 1986, beginning at 10:00 a.m. If necessary to accommodate all speakers, the public hearing will be reconvened on Wednesday, April 30, 1986, at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Friday, April 11, 1986.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-216-84), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Faye Easley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, telephone 202-566-3935 (not a toll-free call).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 61 and 132 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Monday, December 23, 1985 (50 FR 52333).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Friday, April 11, 1986, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel or the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue:

Paul A. Francis,

Acting Director, Legislation and Regulations Division.

[FR Doc. 86-5425 Filed 3-11-86; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Action MO 1829; A-7-FRL-2982-1]

Approval and Promulgation of State Implementation Plans: Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking (PRM).

SUMMARY: This notice proposes to approve amendments to two regulations as part of the Missouri State Implementation Plan (SIP) for the attainment of the National Ambient Air Quality Standards (NAAQS). The amendments change the exemption level for requiring a bulk gasoline plant to be equipped with a vapor recovery system for controlling volatile organic compounds (VOC). The emission limits on major sources of VOC are required by the Clean Air Act. The amended exemption level does not represent reasonably available control technology (RACT) for certain sources exempt under the State regulation; however, the State has shown that the emissions are within 5 percent of the emissions required by EPA in the control techniques guideline (CTG). Today's notice is published to advise the public of EPA's proposed action and to request comments.

DATE: Public comments must be submitted by April 11, 1986.

ADDRESSES: Comments should be sent to Deann K. Hecht, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101. The State submittal is available for inspection during normal business hours at the above address, and at the Missouri Department of Natural Resources, 1101 Rear Southwest Boulevard, Jefferson City, Missouri 65102.

FOR FURTHER INFORMATION CONTACT: Deann K. Hecht at (913) 236-2893 or FTS 757-2893.

SUPPLEMENTARY INFORMATION: On July 1, 1985, the State of Missouri submitted a request to approve a revision to the Missouri SIP. The revision is an amendment to State rules 10 CSR 10-5.220 for the St. Louis Metropolitan Area, and 10 CSR 10-2.260 for the Kansas City Metropolitan Area, both entitled, "Control of Emissions from Petroleum Liquid Storage, Loading, and Transfer." It was adopted by the Air Conservation Commission on March 21, 1985, after proper public hearing held on February 21, 1985.

The regulations had an exemption level for requiring a bulk gasoline plant to be equipped with a vapor recovery system of 600,000 gallons average monthly throughput of gasoline. In reviewing the Missouri SIP, EPA determined that this exemption level was a deficiency and therefore, the bulk plant rules do not represent RACT. EPA believes that an exemption for bulk plants with a throughput of 4,000 gallons per day or less would be acceptable. The State then proceeded with a change in the exemption from 600,000 gallons average monthly throughput to 120,000 gallons. However, the CTG (Control of Volatile Organic Emissions from Bulk Gasoline Plants, December 1977, EPA–450/2–77–035) refers to 286 working days per year for a bulk plant instead of a 360 day year. Therefore, the CTG recommends an exemption only for sources equal to or less than 96,000 gallons average monthly throughput of gasoline.

The State surveyed bulk gasoline plants in the St. Louis and Kansas City Metropolitan Areas. The survey indicated that there were no bulk plants in Kansas City above a 96,000 gallon monthly throughput of gasoline. Therefore, lowering the exemption level from 120,000 gallons to 96,000 gallons would not affect any of the bulk plants in the Kansas City Metropolitan Areas or result in reduction of VOC emissions in that area.

The survey indicated that three bulk plants in the St. Louis Metropolitan Area would be affected by lowering the exemption level from 120,000 gallons to 96,000 gallons. Instead of changing the exemption level to 96,000 gallons, the State has shown that the change would result in a VOC emission decrease of less than 5 percent. According to EPA policy, deviation from a CTG is acceptable if the emissions from a source category are higher, but no more than 5 percent higher, than the emissions would be if the CTG is followed exactly. The demonstration showed VOC emissions for bulk gasoline plants with the State's exemption level of 120,000 gallons monthly throughput to be 371 kg/day. EPA maintains that the VOC emissions after full implementation of RACT should be 358 kg/day. Thus, the deviation results in emissions which are about 4 percent higher than are obtainable at the CTG exemption level.

Proposed Action

Today's notice proposes to approve the State of Missouri's amendments to the regulations 10 CSR 10–2.260 for the Kansas City Metropolitan Area, and 10 CSR 5.220 for the St. Louis Metropolitan Area, both entitled, "Control of Emissions from Petroleum Liquid Storage, Loading, and Transfer." The amendments change the exemption level in both regulations from 600,000 gallons average monthly throughput of gasoline to 120,000 gallons.

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

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

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7642.

Dated: December 18, 1985.

Morris Kay,

Regional Administrator.

[FR Doc. 86–5292 Filed 3–11–86; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[A–3 FRL–2982–2]

Approval and Promulgation of Implementation Plans; Revision of Allegheny County Portion; Commonwealth of Pennsylvania Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Pennsylvania has submitted a proposed revision to its State Implementation Plan (SIP) to incorporate an amendment, Appendix 22, to the Allegheny County portion of the Pennsylvania SIP. The proposed revision provides the Allegheny County Health Department (ACHD) with the authority to grant, on a case-by-case basis, extensions of the final air pollution compliance dates for surface coating and graphic arts sources in Allegheny County. For each case the extension would be granted only after being specifically approved by EPA.

Such extensions could extend the final compliance date until April 21, 1987. This amendment would make the Allegheny County regulations, as regarding the compliance dates for applicable sources, consistent with those of the Pennsylvania Department of Environmental Resources (PADER) which have been approved by EPA. It has been determined that approval of this revision will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for ozone.

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

ADDRESSES: Copies of the proposed SIP revision and relevant support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, 841 Chestnut Building, Philadelphia, PA 19107, Attn: Denis M. Lohman

Commonwealth of Pennsylvania, Departmentof Environmental Resources, Bureau of Air Quality Control, 200 North Third Street, Harrisburg, PA 17120, Attn: Gary L. Triplett

Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thrity-ninth Street, Pittsburgh, PA 15201, Attn: Roger C. Westman

All comments on the proposed revision submitted on or before April 11, 1986, will be considered and should be sent to Mr. Glenn Hanson, Chief, PA/WV Section (3AM11), Air Management Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107.

FOR FURTHER INFORMATION CONTACT: Mr. Denis M. Lohman (3AM11) at the EPA address above, or telephone (215) 597–8375.

SUPPLEMENTARY INFORMATION: The proposed change to the Pennsylvania SIP was submitted by the Allegheny County Health Department (ACHD) through the Pennsylvania Department of Environmental Resources (PADER). The change is an amendment to section 512.G of Article XX, Rules and Regulations of the Allegheny County Health Department. The Amendment would provide the Bureau of Air Pollution Control (BAPC) with the authority to grant, on a case-by-case basis, extension of the final compliance dates for surface coating and graphic arts sources in Allegheny County. These extensions would be granted through the issuance of a Delayed Compliance Order (DCO). The DCO for each source extension must be approved by EPA in accordance with section 113(d) of the Clean Air Act. The final compliance date could be extended until April 21, 1987, or for up to three years after the original compliance date, whichever comes first.

The provisions of the amended section 512.G. specify that extended compliance dates, for the Surface Coating and Graphic Arts sources, may only be granted if the source demonstrates one or more of the following:

a. That it is physically impossible for the source to comply with the applicable compliance schedule; or

b. That, by allowing an extension of the compliance schedule, innovative technology will be applied which will result in the achievement of emission reductions which are significantly greater than those otherwise required; or

c. That additional time is necessary to allow for the development of low solvent systems when the only alternative is the application of add-on emission control equipment which would cause an undue economic burden.

Furthermore, the DCO must contain a commitment to install add-on emission control equipment if the low solvent development program is not successful.

There are four substantive changes to the current section 512.G. represented by the proposed amendment:

(1) A final compliance date of June 30, 1985, is replaced with the date of April 21, 1987;

(2) The conditions to be satisfied to qualify for a DCO are modified by deleting explicit reference to specific add-on emission control equipment and by deleting the participation in a statewide control prioritization program;

(3) The subsection pertaining to Graphic Arts—Non-Porous Substrates is deleted in entirety;

(4) The required commitment to install add-on control equipment if the low solvent development program fails, currently applicable to the non-porous substrate graphic arts sources, is extended to apply to all surface coating and graphic arts sources.

The rules and regulations of the Commonwealth of Pennsylvania, which pertain to the surface coating and graphic arts sources, are equivalent to the proposed rules for Allegheny County. The revision to section 512.G. Was proposed by the ACHD in order to have equitable treatment of the same classes of sources in and adjacent to Allegheny County.

Proposed Action

EPA is today proposing to approve a revision to the Allegheny County portion of the Pennsylvania SIP. The revision will permit, with sufficient justification, the extension of final compliance dates for certain sources in Allegheny County.

The public is invited to submit, to the EPA address above, comments on whether the proposed change should be approved as a revision to the Pennsylvania SIP. The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the amendment meets the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51.

Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

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

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7642.

Dated: November 8, 1985.

James M. Seif,

Regional Administrator.

[FR Doc. 86–5293 Filed 3–11–86; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 180

[PP 5E3210/P387, FRL–2979–6]

Pesticide Tolerances for Norflurazon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that tolerances be established for the combined residues of the herbicide norflurazon and its metabolite in or on the raw agricultural commodities asparagus and avocados. The proposed regulation to establish maximum permissible levels for residues of norflurazon in or on the commodities was requested in a petition submitted by the Inter-regional Research Project No. 4 (IR–4).

DATE: Comments, identified by the document control number [PP 5E3210/P387], must be received on or before April 11, 1986.

ADDRESS: By mail, submit written comments to: Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20450.

In person, bring comments to: Room 236, CM # 2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Donald Stubbs, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Office location and telephone number: Room 716B, CM # 2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–1806).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Burnswick, NJ 08903, has submitted pesticide petition 5E3210 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project and the Agricultural Experiment Stations of Michigan, Texas, and Washington and the United States Department of Agriculture.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the herbicide norflurazon (4-chloro-5-(methylamino)-2-(alpha, alpha, alpha-trifluoro-*m*-tolyl)-3-(2*H*)-pyridazinone and its desmethyl metabolite 4-chloro-5-(amino)-2-(alpha, alpha, alpha-trifluoro-m-tolyl)-3-(2*H*)-pyridazinone in or on the raw agricultural commodities asparagus at 0.05 part per million (ppm) and avocados at 0.2 ppm. The petitioner proposed that use of the herbicide norflurazon on asparagus be limited to Michigan and Washington and on avocados to Florida only based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the adddress given above.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances include a 6-month

dog feeding study with a no-observed-effect level (NOEL) of 150 ppm (3.75 milligrams (mg)/kilogram (kg)); a 90-day rat feeding study with a NOEL of 500 ppm (25 mg/kg); rat and rabbit teratology studies negative for teratogenic potential at 400 and 60 mg/kg/day (highest dose tested), respectively; a 3-generation rat reproduction study with a NEOL of 375 ppm (18.75 mg/kg); a 2-year rat chronic feeding/oncogenicity study with a NOEL of 375 ppm (18.75 mg/kg) and no observed oncogenic effects at any level tested (2, 125, 275, and 1,025 ppm); a 2-year mouse feeding study with a NOEL of 340 ppm (51 mg/kg) and no observed oncogenic potential at dose levels of 85, 340 and 1,360 ppm. Although pathological alterations (hepatoma/hyperplasia-hypertrophy) were observed in the liver of a statistically significant number of male mice at the 1,360 ppm dose level, the Agency concludes (Registration Standard of December, 1984) that these pathological alternations resulted from a toxic response to the high dose level and do not demonstrate a carcinogenic potential for norflurazon.

The Agency has determined that residues from the proposed tolerance would not result in a siginificant risk to humans. Data considered desirable, but lacking, include a rat metabolism study (female rat) defining tissue retention and the percentage and identity of the major metabolites and additional mutagenicity studies, both of these studies have been submitted and are under review.

The acceptable daily intake (ADI), based on the 6-month dog feeding study with a NOEL of 3.75 mg/kg/day and using a 100-fold safety factor, is calculated to be 0.0375 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 2.25 mg/day. The theoretical maximum residue contribution (TRMC) from existing tolerances for 1.5-kg daily diet is calculated to be 0.0877 mg/day; the current action will increase the TMRC by 0.00020 mg/day (0.2 percent). Published tolerances utilize 3.90 percent of the ADI; the current action will utilize an additional 0.01 percent.

The nature of the residues is adequately understood and an adequate analytical method, gas-liquid chromatography using an electron capture detector, is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical. No secondary residues in meat, milk, poultry or eggs are anticipated since asparagus and avocados are not considered livestock feed commodities. There are presently no actions pending against the continued registration of this chemical.

Based on the information and data considered, the Agency concludes that the proposed tolerances will protect the public health. Therefore, it is proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fugicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 5E3210/P387]. All written comments filed in resposne to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regualtions establishing new tolerances or raising tolerance levels or establishing exemptions for tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 24, 1986.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Part 180 is amended in §180.356 as follows:

§ 180.356 [Amended]

a. By removing the italicized headings "*Specific tolerances.*" and "*Indirect or inadvertent tolerances.*" In the introductory text to the tables in paragraphs (a) and (b) respectively.

b. By adding a new paragraph (c) to read as follows:

§ 180.356 Norflurazon; tolerances for residues.

* * * * *

(c) Tolerances with regional registration are established for the combined residues of the herbicide norflurazon and its desmethyl metabolite in or on the following commodities.

Commodities	Parts per million
Asparagus	0.05
Avocados	0.20

[FR Doc. 86-4908 Filed 3-11-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 418

[FRL-2981-5]

Fertilizer Manufacturing Point Source Category; Effluent Limitations Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability and Request for comments; Notice of Public Hearing.

SUMMARY: On July 25, 1984, EPA proposed to amend the applicability of the best practicable control technology currently available (BPT), the best available technology economically achievable (BAT), and the best conventional pollutant control technology (BCT) guidelines for the phosphate subcategory of the Fertilizer Manufacturing Point Source Category. The proposed amendment would exclude existing phosphate fertilizer manufacturing plants located in Louisiana from the phosphate subcategory. The public comment period on the proposed amendment closed on August 25, 1984.

In response to the public comments on the proposed amendment, EPA has expanded the data base relating to the proposed amendment. EPA announces today the availability for public review of technical and economic data and

supportive documentation developed subsequent to July 25, 1984. EPA requests comments on these supplementary record materials. EPA also announces today that a public hearing on the proposed amendment and on draft National Pollutant Discharge Elimination system (NPDES) permits for the four Louisiana plants affected by the proposed amendment will be held in Baton Rouge, Louisiana on April 10, 1986. EPA Region VI and the Louisiana Department of Environmental Quality are providing a separate notice of the draft NPDES and State permits.

DATES: Comments must be submitted by April 28, 1986. A public hearing will be held on April 12, 1986.

ADDRESSES: Send comments on the proposed amendment and the additional data to Dr. Thomas E. Fielding, Industrial Technology Division (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, Attention: ITD Docket Clerk. The supporting information is available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear), (PM-213) and at the EPA Region VI Office, InterFirst Two, 1201 Elm Street, Dallas, Texas 75270. The comments will be made available as they are received. The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

The public hearing will be held in the Mineral Board Hearing Room in the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, beginning at 1:00 p.m.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas E. Fielding (202) 382-7156 for information regarding the technical data.

SUPPLEMENTARY INFORMATION:

I. Background

On July 25, 1984, EPA proposed to exclude existing Louisiana phosphate fertilizer plants from the effluent limitations guidelines and standards for the phosphate subcategory of the fertilizer manufacturing point source category (49 FR 29977).

In wet-process phosphoric acid manufacturing phosphate rock is mixed with sulfuric acid, producing phosphoric acid and gypsum. Approximately five tons of gypsum are produced for each ton of phosphoric acid manufactured. The effect of the existing effluent limitations guidelines and standards is to require that this gypsum be disposed on land rather than discharged into navigable waters. Land disposal of gypsum is the prevailing practice in the wet-process phosphoric acid manufacturing industry.

There are four wet-process phosphoric acid plants located in Louisiana: Agrico Chemical Company, at Donaldsonville; Arcadian Corporation at Geismar; Beker Industries, at Taft; and Freeport Chemicals, at Uncle Sam. All four plants are located on the Mississippi River between New Orleans and Baton Rouge.

Gyp stack operating experience gained over the past decade at the three Louisiana plants that have been impounding all of their waste gypsum has shown that due to geographic and climatological circumstances, gyp stack management at the Louisiana plants is much more difficult than anticipated. The Agrico and Arcadian plants together have had six gyp stack failures in the past eight years, including two in 1983.

The basic cause of the stack failures is the poor load-carrying capacity of the soft soils in the area. This problem is aggravated by the much higher amount of precipitation over evaporation that exists in Louisiana compared to that experienced at wet-process phosphoric acid plants in other areas of the country.

Impoundment of more gypsum on land will shortly use up all land available to the plants apart from wetlands. At current production rates, and disposing all gypsum on land, it is estimated that all available land will be used up in from two months (at Beker) to ten years (at Arcadian) from December 1985. (Agrico estimates that all available land will be used up in about two years while Freeport estimates that all available land will be used up in about five years.) Under the currently effective effluent limitations guidelines, when the available land is used up, all four plants would have to cease operation. All four plants would have been operating for less than half the life projected when built. Because of the lack of available land due to the poor soil conditions and the high rainfall of the area, and because no economically feasible technology to achieve the no discharge requirement has been identified, the Agency has proposed that the national BPT, BAT and BCT regulation not apply to existing wet-process phosphoric acid plants in Louisiana. Given the geographical and climatological conditions that exist in Louisiana, these effluent guidelines may not establish the appropriate technology based control levels. Accordingly, the Agency proposed to withdraw the applicability of the BPT, BAT and BCT effluent limitations guidelines for the phosphate subcategory of the Fertilizer Manufacturing Point Source category to the Louisiana wet-process phosphoric acid plants.

II. Notice of Availability of Data

EPA is today announcing the availability for public review of new and additional data, and is requesting comments on these supplementary materials. EPA is also announcing today that a joint public hearing on the proposed amendment, the draft NPDES permits prepared by EPA's Region VI office in Dallas, Texas, and the draft state permits prepared by the Louisiana Department of Environmental Quality will be held April 10, 1986 at 1:00 p.m. in the Mineral Board Hearing Room in the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana. EPA Region VI and the Louisiana Department of Environmental Quality are providing a separate notice of the draft NPDES and State permits. A court reporter will be available but for completeness of the record, persons wishing to make comments are urged to provide a written statement.

The record has been supplemented by the addition of more information, as follows:

1. Data acquired in the period 1976-81 for 21 plants which produce wet-process phosphoric acid. These plants are located in Florida, Mississippi, Louisiana, Texas, Illinois, and Idaho. These data demonstrated the general homogeneity of the industry and its gypsum disposal practices after promulgation of the guideline.

2. The Development Document, Economic Analysis, and related information for the Non-Fertilizer Phosphate Segment of the Phosphate Manufacturing Point Source Category, particularly information relating to the Defluorinated Phosphoric Acid Subcategory (40 CFR 422.50-422.57). Defluorinated Phosphoric Acid is produced from wet-process phosphoric acid at, among other plants, the Arcadian Corporation plant at Geismar. Discharges from the Arcadian Corporation's Geismar plant which result from the production of defluorinated phosphoric acid are not included in the proposed amendment to the phosphate subcategory of the Fertilizer Manufacturing Point Source Category (40 CFR Part 418) and those discharges must comply with NPDES permit conditions based on the guideline for Defluorinated Phosphoric Acid. (Such discharges are minimal at Arcadian in any case.) Discharges from Arcadian which result from the production of wet-process phosphoric acid before it is defluorinated are

included in the proposed amendment; this is the bulk of the discharge expected from Arcadian.

3. Data acquired during plant visits by EPA personnel in 1985–86 to IMC, New Wales, Florida; Agrico Chemical Corporation, South Pierce, Florida; Mississippi Chemical Corporation, Pascagoula, Mississippi; and Occidental Agricultural Chemicals Company, White Springs, Florida. These data are in trip reports, and include an update of information previously acquired and current costs for gypsum disposal. (The trip report for the plant visit to the Occidental Agricultural Chemicals Company plant will be available by March 21, 1986.)

4. Data on recent research on possible reuse of gypsum for roads, buildings, or as a source of sulfuric acid for wet-process phosphoric acid plants. Gypsum reuse was not believed to be technically feasible at proposal. However, recent research, much of it sponsored by the Florida Institute of Phosphate Research (FIPR), suggests that reuse of the gypsum for roads, buildings, or as a source of sulfur (for sulfuric acid, used in the production of wet-process phosphoric acid) may be feasible. Considerable additional research is necessary to determine the economic feasibility and the environmental effects of reuse of the gypsum. Five or more years may be necessary for this additional research. Three of the four plants do not have sufficient available land to stack gypsum for more than five years. Therefore these plants cannot continue stacking gypsum while waiting for the results of that research, which may show that gypsum reuse is neither economically feasible nor environmentally sound. The Agency believes, therefore, that gypsum reuse is not an available technology at this time.

5. The effect of withdrawing the effluent guidelines of the Phosphate Subcategory of the Fertilizer Industrial Category would be to place responsibility on the permit writer to develop best professional judgment (BPJ) permits on a case-by-case basis for the four Louisiana facilities.

EPA's Region VI office in Dallas, Texas will conduct the NPDES permit proceedings. The Regional office staff has prepared draft NPDES permits on a case-by-case basis for each of the four plants. The draft permits would establish conditions the permit writers have determined represent BAT for each plant if the guidelines are amended as proposed. In addition, the draft permits contain more stringent conditions necessary to maintain water quality standards and the finished drinking water standards for downstream water supplies. These draft permits were developed based on new data supplied by the industry. These new data, along with the fact sheet for each draft permit, the Region VI environmental analysis of the new data, and the draft permits have been added to the public record for the proposed amendment. EPA Region VI and the Louisiana Department of Enviornmental Quality are providing a separate notice of the draft NPDES and State permits.

Comments on the proposed amendment and the supplemental data should be submitted to Dr. Thomas E. Fielding, Industrial Technology Division (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, Attention: ITD Docket Clerk. Comments on the draft NPDES permits should be sent to Ms. Ellen Caldwell (6W-PS), United States Environmental Protection Agency, InterFirst Two Building, 1201 Elm Street, Dallas, Texas 75270, while comments on the draft state permits should be sent to Ms. Kathy Gordon, Louisiana Department of Environmental Quality, 625 North Fourth Street, P.O. Box 44066, Baton Rouge, Louisiana 70804. All comments must be submitted by April 28, 1986.

Dated: March 5, 1986.

Edwin L. Johnson,

Acting Assistant Administrator, Office of Water.

[FR Doc. 86-5291 Filed 3-11-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF DEFENSE

48 CFR Part 252

Department of Defense Federal Acquisition Regulation Supplement; Debarment and Suspension

Correction

In FR Doc. 86-4888 beginning on page 7837 in the issue of Thursday, March 6, 1986, on page 7838, first column, the first line should read: "it will not knowingly enter into any subcontract."

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 51, No. 48
Wednesday, March 12, 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

Forms Under Review by Office of Management and Budget

March 7, 1986.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Food and Nutrition Service

Child Nutrition Labeling Program
Manufacturers may request as many CN labels as desired
Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations; 5,700 responses; 4,275 hours; not applicable under 3504(h)
Lori Hornfeck, (703) 756–3556

- Soil Conservation Service

Conservation Plan of Operations
SCS–CPA–11, SCS–CPA–11A, SCS–CPA–11B, SCS–CPA–12
Recordkeeping; On occasion; Annually
Individuals or households; Farms; 300,000 responses; 53,750 hours; not applicable under 3504(h)
Bobby E. Rakestraw, (202) 382–1866

New

- Food and Nutrition Service

WIC Administrative Funds Management Study
One time only
State or local governments; Non-profit institutions; 522 responses; 1,036 hours; not applicable under 3504(h)
Julie Kresge, (703) 756–3133

- Soil Conservation Service

RC&D Council Evaluation Worksheet
Worksheet will be completed once
Individuals or households; 192 responses; 768 hours; not applicable under 3504(h)
David J. Post, (202) 447–7533

Revision

- Agricultural Stabilization and Conservation Service Conservation Reserve Program Worksheet, CRP–1 (Appendix), CRP–1A

Addendum, CRP–2, Worksheet and 7 CFR Part 704, Conservation Reserve Program (CRP) Regulations
CRP–1, CRP–1 Appendix, CRP–1A (Addendum), CRP–2 and 7 CFR Part 704
On occasion, Annually
Individuals or households; State or local governments; Farms; 350,000 responses; 54,167 hours; not applicable under 3504(h)
Jack Webb, (202) 447–6825

- Animal and Plant Health Inspection Service

Prohibited and Restricted Importation of Meats, Animals, Animal by Products, Poultry Organisms and Vectors into the U.S.
VS 16–3, VS 16–23
Recordkeeping; On occasion; Quarterly
State or local governments; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations; 3,302 responses; 4,971 hours; not applicable under 3504(h)
Dr. M. Dulin, (301) 436–8499.

Jane A. Benoit,
Departmental Clearance Officer.

[FR Doc. 86–5403 Filed 3–11–86; 8:45 am]
BILLING CODE 3410–01–M

Foreign Agricultural Service

Increase of User Fees for Agricultural Information and Marketing Service (AIMS) to Private Sector

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

SUMMARY: This notice informs the public that the fees have been increased for the newsletter *Export Briefs* and trade lead mail-outs of the Foreign Agricultural Service. These services are available to the pubic for reasonable user fees to cover the cost of computer processing, printing, handling, and mailing. The increase in cost of *Export Briefs* is due to the increase in the number of leads. The increases in fees for trade lead mail-outs is due to the following: (1) The consolidation of commodities from 400 to 250, resulting in the increase in the number of trade leads received by each subscriber, and (2) the higher cost of a new system of electronic reception of trade leads. The new system will provide faster transmisison of joint venture and tender trade leads which generally have short deadline response times

EFFECTIVE DATE: March 12, 1986.

FOR FURTHER INFORMATION CONTACT: James Sayre, Foreign Agricultural Service, U.S. Department of Agriculture, Room 4649-South Building, Washington, D.C. 20250, Telephone: (202) 447–7103.

SUPPLEMENTARY INFORMATION: Pursuant to 31 U.S.C. 9701, the newsletter *Export Briefs*, trade lead mail-outs and INTERNATIONAL MARKETING PROFILES are subject to reasonable user fees to cover the cost of computer time, forms, printing, handling, and mailing. The fees will be as follows:

1. $75 for a yearly subscription to *Export Briefs*. Currently, the fee is $50. This weekly newsletter contains trade leads from overseas received during a one-week period and contains other foreign trade development information.

2. $25 per commodity per year to receive individual foreign trade leads via direct, including electronic mail. Currently, the fee is $15 per commodity. Reduced rates are available for commodity groupings.

3. $50.00 per copy of an International Marketing Profile for a country or product grouping. Each profile contains information on trade activity for agricultural products and lists of foreign buyers of agricultural products.

Thomas O. Kay,

Administrator.

[FR Doc. 86-4600 Filed 3-11-86; 8:45 am]

BILLING CODE 3410-10-M

Forest Service

Cove-Mallard Area Access and Development; Nezperce National Forest, Idaho County, ID; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement to assess the cumulative effects of a transportation system and associated timber sales within the Jersey Creek, Noble Creek, and Big Mallard Creek areas on the Red River Ranger District, Nezperce National Forest. This area includes the previous Jersey-Jack Road assessment area.

The Draft Nezperce National Forest Land and Resource Management Plan has been released, with a Final Plan scheduled for release by mid-1986. The Forest Plan assigns the Cove-Mallard area to multiple use.

A range of alternatives for this proposed action will be considered, including nondevelopment of the area.

Federal, State, and local agencies, potential users, and other individuals or organizations who may be interested in or affected by the decision are invited to participate in the scoping process. This process will include:

1. Identification of potential issues.

2. Identification of issues to be analyzed in depth.

3. Elimination of insiginficant issues or those which have been covered by a previous environmental review.

4. Determination of potential cooperating agencies and assignment of responsibilities.

The Forest Service will request a list of potentially Threatened and Endangered (T&E) species from the U.S. Fish and Wildlife Service. The Forest Service, in consultation with the Idaho Department of Fish and Game and the U.S. Fish and Wildlife Service, will evaluate potential impacts on T&E plants and animals which may exist in the analysis area.

Tom Kovalicky, Forest Supervisor of the Nezperce National Forest in Grangeville, Idaho, is the responsible official. He will hold public meetings in his office in Grangeville, Idaho and at the Red River Ranger Station. The first meeting will be held on April 15, 1986 in Red River and the second meeting will be in Grangeville on April 17, 1986.

The analysis is expected to take approximately 9 months. The Draft Environmental Impact Statement should be available for public review by September, 1986. The Final Environmental Impact Statement is scheduled to be completed by December, 1986.

Written comments and suggestions concerning the analysis should be sent to Jerry Dombrovske, District Ranger, Nezperce National Forest, P.O. 23, Red River Route, Elk City, Idaho 83525.

Questions concerning the proposed action and Environmental Impact Statement should be directed to Jerry W. Berry, Resource Assistant, P.O. Box 23, Red River Route, Elk City, Idaho 83525.

Dated: March 4, 1986.

Tom Kovalicky,

Forest Supervisor.

[FR Doc. 86-5301 Filed 3-11-86; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

[Docket Nos. 5669-01; 5669-02; 5669-03; 5669-04; 5669-06]

Anton Eizar et al.; Second Order Modifying Temporary Denial of Export Privileges

In the matter of: Anton Elzar; Development and Consultant Elzar EDO AB; Helmut Keck; OTC MESS-UND Videoteknik GmbH; MeTab, Mellen Trading AB, Respondents.

By Order of July 11, 1985, 50 FR 29244 (July 18, 1985), MeTab, Mellen Trading AB, Fridkullagatan 19, Goteborg, Sweden was temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (15 CFR Parts 368-399 (1985)),[1] all privileges of participating in any manner or capacity in the export or reexport of U.S.-origin commodities or technical data under the jurisdiction of the U.S. Department of Commerce (Department). An Order of August 23, 1985, 50 FR 35280 (August 30, 1985) subsequently modified the Order of July 11, 1986 be deleting one of the Respondents named therein.

Respondent MeTab, Mellen Trading AB moved to modify the Order of July 11, 1985 further by deleting it also from the Respondents named therein on the ground that it had had no connection with the activities cited in this Order such as to justify its inclusion therein as a Respondent. The Department did not oppose this motion.

Based on the representations made by MeTab, Mellen Trading AB and by the Department, I find that the requested motion is justified, and that granting it will not jeopardize the purposes of the Order of July 11, 1985.

Accordingly, it is hereby ordered that, effective immediately, the Order of July 11, 1985, is amended by deleting MeTab, Mellen Trading AB, Fridkullagatan 19, Goteborg, Sweden, from the Respondents named therein.

A copy of this amendment shall be delivered to MeTab, Mullen Trading AB and shall be published in the **Federal Register.**

Dated: February 28, 1986.

Thomas W. Hoya,

Administrative Law Judge.

[FR Doc. 86-5401 Filed 3-11-86; 8:45 am]

BILLING CODE 3510-DT-M

[1] Revisions of these Regulations have subsequently been published at 50 FR 42666 (October 21, 1985) and at 50 FR 53130 (December 30, 1985)).

[Docket No. 4649-01]

Tencom Corporation; Order Amending Temporary Denial of Export Privileges and Confirming Withdrawal of Charging Letter

By Order of January 17, 1984 (49 FR 2002, January 17, 1984) (the "Order"), Tencom Corporation was temporarily denied all privileges of participating in any manner or capacity in the export of U.S.-origin commodities or technical data pursuant to § 388.19 of the Export Administration Regulations (15 CFR Parts 368-399 (1985)).

Agency counsel has given notice of withdrawal of the charging letter against this named Respondent on the ground that this corporation no longer exists.

Based on said notice it is hereby ordered that, effective immediately, the Order of January 17, 1984, amended by deleting, from the parties named therein the following: Tencom Corporation, 3647 Woodhead Drive, Northbrook, Illinois 60062.

A copy of this Amendment shall be published in the Federal Register.

Dated: March 7, 1986.

Hugh J. Dolan,

Administrative Law Judge.

[FR Doc. 86-5402 Filed 3-11-86; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

[Docket Number 5671-01]

Summagraphics Corporation; Order

On February 4, 1986, the Administrative Law Judge entered an Order adopting and implementing the consent proposal submitted by the parties in the above matter. The Order was referred to me pursuant to section 13(c) of the Export Administration Act of 1979, 50 U.S.C. app. 2401-2420, as amended, for final action.

Having examined the record and based on the facts adduced in this case, I affirm the Order of the Administrative Law Judge. This constitutes the final agency action in this matter.

Dated February 28, 1986.

Paul Freedenberg,

Assistant Secretary for Trade Administration.

Order

In the matter of: Summagraphics Corp. Docket Number 5671-01.

The Office of Export Enforcement, International Trade Administration, United States Department of Commerce (Department), having initiated an administrative proceeding against Summagraphics Corporation (Summagraphics) pursuant to section 11(c) of the Export Administration Act of 1979 (50 U.S.C. app. 2401-2420 (1982), as amended by the Export Administration admendments Act of 1985, Pub. L. 99-64, 99 Stat. 120 (July 12 1985)) (the Act) and Part 386 of the Export Administration Regulations (currently codified at 15 CFR Part 368-399 (1985)) (the Regulations), alleging: (1) That Summagraphics violated § 387.5 and 387.6 of the Regulations in that, between August 1980 and August 1982, Summagraphics exported 47 shipments of U.S.-origin data digitizers and accessories from the United States to France, Holland, Israel, Japan, Norway, Switzerland and West Germany as temporary exports under a GTE license, declaring on the relevant Shipper's Export Declarations that the exports were pursuant to a GTE license when, in fact, the exports were to fulfill existing contracts and were not temporary exports; (2) that Summagraphics violated § 387.6 of the Regulations in that, between September 1981 and July 1982, Summagraphics exported 58 shipments of U.S.-origin data digitizers and accessories from the United States to France, Norway, Switzerland, the United Kingdom and West Germany in excess of the limits allowed in five separate export licenses (separate licenses authorized exports to each named country) which had been issued to Summagraphics; and (3) that Summagraphics violated § 387.6 of the Regulations in that, during October 1984, Summagraphics exported one shipment of U.S.-origin data digitizers and accessories from the United States to an unapproved consignee in Iceland under a distribution license that had been issued to Summagraphics; and

The Department and Summagraphics having entered into a Consent Agreement whereby the parties have agreed to settle this matter: (1) By Summagraphics' paying to the Department a civil penalty of $90,000; (2) by denying Summagraphics' export privileges for a period of 2 years following the date of entry of this Order, and (3) by Summagraphics' undertaking certain corrective measures regarding its future compliance with the Regulations and submitting a report on those corrective measures to the Director, Office of Export Enforcement, within 6 months following the date of entry of this Order.

The terms of the Consent Agreement are hereby approved in complete settlement of the matter.

It is therefore ordered, first, that Summagraphics shall pay to the Department a civil penalty of $90,000 in the following installments: (i) $10,000 on or before June 1, 1986; (ii) $25,000 on or before December 1, 1987; (iii) $25,000 on or before December 1, 1988, and (iv) $30,000 on or before December 1, 1989;

Second, For a period of 2 years following the effective date of this Order, Summagraphics is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving the export of U.S.-origin commodities or technical data, from the United States or abroad. Without limiting the generality of the foregoing paragraph, participation prohibited in any such transaction, either in the United States or abroad, shall include, but not be limited to, participation: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States, and subject to the Regulations, and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations. In addition such denial of export privileges shall extend not to Summagraphics, but also to its agents, employees and successors.

The denial period set forth above is suspended for 2 years pursuant to § 388.16(c) of the Regulations. The denial period will be remitted at the end of the suspension period, provided that Summagraphics commits no further violation of the Act, the Regulations, or this Order;

Third, Summagraphics shall, to the extent it has not already done so, take the measures specified in paragraph 3 of the Consent Agreement, incorporated herein by reference, concerning its future compliance with the Act and the regulations, and submit, within 6 months of the date of this Order, a report to the Director, Office of Export Enforcement, stating the corrective measures it has taken pursuant to the Consent Agreement.

This Order shall become effective upon entry of the Secretary's action in this proceeding, pursuant to section 13(c) of the 1985 Amendments to the Export Administration Act.

Dated: February 4, 1986.

Hugh J. Dolan,

Administrative Law Judge.

[FR Doc. 86-5396 Filed 3-11-86; 8:45 am]

BILLING CODE 3510-DT-M

National Bureau of Standards

[Docket No. 60338-6038]

National Voluntary Laboratory Accreditation Program

AGENCY: National Bureau of Standards, Commerce.

ACTION: Request for comments on need for establishing a laboratory accreditation program.

SUMMARY: The National Bureau of Standards (NBS) has received a request to establish a laboratory accreditation program (LAP) under the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Part 7). In a letter dated February 13, 1986, the General Services Administration/Federal Supply Service (GSA/FSS) requests NBS to establish a LAP to accredit laboratories that provide electrical and safety testing services. A copy of the GSA/FSS letter is appended to this notice. Announcement of this request and of the NBS request for comments with respect to the need for this LAP is being made under § 7.13(d) of the referenced procedures.

ADDRESS: Persons desiring to comment on the need for such a LAP are invited to submit their comments in writing on or before May 12, 1986, to Bob Bearden, GSA/FSS, Item Management Division (FCM), Crystal Mall Building 4, Room 709, Washington, DC 20406. A copy of such comments should be sent to the Director, Office of Product Standards Policy, National Bureau of Standards, ADMIN A603, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Contact Harvey W. Berger, Manager, Laboratory Accreditation, National

Bureau of Standards, ADMIN A531, Gaithersburg, MD 20899; phone (301) 921–3431.

SUPPLEMENTARY INFORMATION:

Scope of LAP

The scope of this LAP will cover electrical and safety testing services. The requestor has identified 78 standards and test methods in the enclosure that is part of the Appendix to this notice, and has indicated that any suggested additional test methods will be considered.

Procedure Following Receipt of Comments

After the 60 day comment period, GSA/FSS will evaluate all comments pertaining to the need for the proposed LAP. Upon completion of that evaluation and further consultation with NBS, interested persons (those who submit comments or request to be placed on the NVLAP, mailing list) will be notified of the decision by the Director of NBS whether NBS will proceed with the development of this LAP. NBS plans to coordinate this matter with GSA/FSS.

Documents in Public Record

All comments in response to this notice will be made part of the public record and will be available for inspection and copying at the NBS Records Inspection Facility, Administration Building, Room E106, Gaithersburg, Maryland.

Dated: March 6, 1986.

Ernest Ambler,

Director, National Bureau of Standards.

Appendix

February 13, 1986.

Dr. Ernest Ambler, Director
National Bureau of Standards, ADMIN A1134,
Gaithersburg, Maryland 20899

Dear Dr. Ambler: As required by the Code of Federal Regulations 41 CFR 101–29, with regard to fire and casualty hazards, products furnished under contract must comply with the standards of nationally recognized technical associations, societies, or laboratories, such as Underwriters Laboratory (UL), or National Fire Protection Association (NFPA). This requirement includes electrical shock protection, explosion protection, and safety and health considerations. GSA purchases millions of dollars worth of electrical and other equipment which are being tested to ensure protection for the user. Consequently, in accordance with section 7.13 of the procedures for National Voluntary Laboratory Accreditation Program (NVLAP), we request that you establish a laboratory accreditation program (LAP) to accredit additional laboratories that have the capability of interpreting and properly testing in accordance with American National Standards Institute (ANSI) and UL standards as required. The scope of this LAP will cover electrical and safety testing services.

Laboratories are to be accredited under this proposed LAP for those standards and test methods identified in the enclosure to this letter. Any suggestions to include additional test methods will be considered.

Need for LAP. In order to expand the number of qualified independent testing laboratories and make convenient services available to our contractors and potential contractors, we propose to have qualified laboratories accredited by NVLAP. The expansion of available testing services should prompt additional potential contractors to bid, thus creating more competition and lowering Government cost. In order to ensure the electrical products are safe, it is essential that the independent laboratories be qualified to properly interpret and perform the required UL and ANSI standards.

National need. Currently there is no national (Government) program accrediting laboratories for UL and ANSI standards. However, once established, a nationally recognized group of laboratories would allow contractors nationwide to conveniently have their products tested for safety at qualified laboratories. Therefore, GSA would like to establish a LAP of national scope to identify competent laboratories that will provide reliable test results.

Number and users of laboratories. There are numerous laboratories in the country capable of testing electrical and other items which must comply with safety regulations. GSA, other Government agencies, and industry would be potential users of laboratories accredited by the NVLAP program.

Development of technical details. We are willing to negotiate the provision of sufficient resources to NBS to ensure establishment of this LAP. We understand that you would provide the overall administrative framework as well as the necessary technical support to operate the LAP.

Please let us know if we can provide any other information. In the meantime, we look forward to an expeditious publication of this request in the Federal Register for public comment. We request that public comments be sent to us, as we will assume responsibility in accordance with § 7.13 of the NVLAP procedure for determining the need for the LAP. Our points of contact are Mary McKiel and James Price on (703) 557–1930. Comments should be addressed to Bob Bearden, GSA/FSS, Item Management Division (FCM), Crystal Mall Building 4, room 709, Washington, DC 20406.

Sincerely,

J.L. DeProspero,

Assistant Commissioner, Office of Commodity Management.

Enclosure.

UNDERWRITERS LABORATORY (U.L.) LISTINGS

UL No.	Title of standard
4	Armored Cable.
8	Foam Fire Extinguishers.
18	Unlined Fire Hoses.

UNDERWRITERS LABORATORY (U.L.) LISTINGS—Continued

UL No.	Title of standard
19	Woven-Jacketed Rubber-Lined Fire Hose.
38	Manually Actuated Signaling Boxes for Use with Fire Protection Signaling Systems.
45	Portable Electric Tools.
50	Electrical Cabinets and Boxes.
55A	Materials for Built-Up Roof Coverings.
55B	Class C Asphalt Organic-Felt Sheet Roofing and Shingles.
57	Electric Lighting Fixtures.
62	Flexible Cord and fixture Wire.
72	Tests for Fire Resistance of Record Protection Equipment.
112	Portable Wood Ladders.
114	Electric Office Appliances and Business Equipment.
122	Electric Photographic Equipment.
147	LP and MPS-Gas Torches.
153	Portable Electric Lamps.
154	Carbon Dioxide Fire Extinguishers.
174	Household Electric Storage Tank Water Heaters.
184	Portable Metal Ladders.
187	X-Ray Equipment.
217	Single and Multiple Station Smoke Detectors.
219	Lined Fire Hose for Interior Standpipes.
299	Dry Chemical Fire Extinguishers.
385	Play Pipes for Water Supply Testing in Fire Protection Service.
401	Portable Spray Hose Nozzles for Fire Protection Service.
430	Electric Waste Disposers.
437	Key Locks.
464	Audible Signal Appliances.
466	Electric Scales.
478	Information-Processing and Business Equipment.
486A	Wire Connectors and Soldering Lugs for Use with Copper Conducters.
489	Molded-Case Circuit Breakers and Circuit-Breaker Enclosures.
496	Edison-Base Lampholders.
498	Electric Attachment Plugs and Receptacles.
510	Insulating Tape.
521	Heat Detectors for Fire Protective Signaling Systems.
542	Lampholders, Starters, and Starter Holders for Flourescent Lamps.
626	2½-Gallon Stored Pressure Water Type Fire Extinguishers.
632	Electrically Actuated Transmitters.
711	Rating and Fire Testing of Fire Extinguishers.
719	Nonmetallic-Sheathed Cables.
746A	Polymeric Materials—Short Term Property Evaluations.
746B	Polymeric Materials—Long Term Property Evaluations.
746C	Polymeric Materials—Use in Electrical Equipment Evaluations.
746D	Polymeric Materials—Fabricated Parts.
768	Combination Locks.
775	Graphic Arts Equipment.
783	Electric Flashlights and Lanterns for Use in Hazardous Locations, Class 1, Groups C and D.
796	Electrical Printed-Wiring Boards.
810	Capacitors.
817	Cord Sets and Power-Supply Cords.
826	Household Electric Clocks.
854	Service-Entrance Cables.
863	Electric Time-Indicating and Recording Appliances.
864	Control Units for Fire-Protective Signaling Systems.
873	Electrical Temperature-Indicating and Regulating Equipment.
924	Emergency Lighting and Power Equipment.
935	Flourescent-Lamp Ballasts.
969	Marking and Labeling Systems.
983	Surveillance Cameras.
987	Stationary and Fixed Electrical Tools.
1012	Power Supplies.
1025	Electric Air Heaters.
1042	Electric Baseboard Heating Equipment.
1093	Halogenated Agent Fire Extinguishers.
1236	Electric Battery Chargers.
1262	Laboratory Equipment.
1283	Electromagnetic-Interference Filters.
1409	Low-Voltage Video Products Without Cathode-Ray-Tube Displays.
1412	Fusing Resistors and Temperature—Limited Resistors for Radio and Television Type Appliances.

UNDERWRITERS LABORATORY (U.L.) LISTINGS—Continued

UL No.	Title of standard
1414	Across-the-Line, Antenna-Coupling and Line-by-Pass Capacitors for Radio and Television Type Appliances.
1418	Implosion Protected Cathode Ray Tubes for Television Type Appliances.
1436	Outlet Circuit Testers and Similar Indicating Devices.
1437	Electric Analog Instruments—Panelboard Types.
1564	Industrial Battery Chargers.
1569	Metal-Clad Cables.
1570	Flourescent Lighting Fixtures.

[FR Doc. 86-5295 Filed 3-11-86; 8:45 am]
BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Receipt of Application for General Permit; Marine Mammals

Notice is hereby given that the following application has been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. Fishery Conservation Zone during 1986 as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

Applicant: Scan Ocean, Inc., 42 Rogers Street, Gloucester, Massachusetts 01930.

Has applied for a Category 1: Towed or Dragged Gear general permit to take up to 20 small cetaceans and 5 harbor seals in the North Atlantic Ocean.

This application is available for review in the following office:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, DC.

Interested parties may submit written comments on this application within thirty (30) days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, DC 20235.

Dated: March 5, 1986.

Richard B. Roe,

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

[FR Doc. 86-5405 Filed 3-11-86; 8:45 am]
BILLING CODE 3510-22-M

Receipt of Application for General Permit; Marine Mammals

Notice is hereby given that the following application has been received to take marine mammals incidental to the pursuit of commerical fishing operations within the U.S. Fishery Conservation Zone during 1986 as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

Applicant: China National Marine Fisheries Corporation, 817 W. 72nd Avenue, Anchorage, Alaska 99502.

Has applied for a Category 1: Towed or Dragged Gear general permit to take up to 65 small cetaceans and 160 pinnipeds in the North Pacific Ocean.

The application is available for review in the following office:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, DC.

Interested parties may submit written comments on this application within thirty (30) days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, DC. 20235.

Dated: March 5, 1986.

Richard B. Roe,

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

[FR Doc. 86-5406 Filed 3-11-86; 8:45 am]
BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Extending Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Republic of Singapore

March 7, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on March 13, 1986. For further information contact Ross Arnold, International Trade Specialist, Office of Textile and Apparel, U.S. Department of Commerce (202) 377-4212.

Background

Pending completion of negotiations leading to a new bilateral agreement, the Governments of the United States and the Republic of Singapore have agreed to further extend their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 21, 1981, as amended and extended, for an additional three months, extending through June 30, 1986. The agreement, as amended and further extended, includes limits for the aggregate and three groups and for individual Categories 301, 331, 333, 334, 335, 336, 337, 338/339, 340, 341, 342, 347/348, 359, 442, 445, 446, 447, 448, 459, 604, 631, 633, 634, 635, 636, 637, 638, 639, 640, 641, 643, 644, 645/646, 647, 648, and 659, produced or manufactured in Singapore and exported during the six-month period which began on January 1, 1986 and extends through June 30, 1986. In the letter published below, the CITA Chairman directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the specifed aggregate, group and individual limits which are in excess of the six-month limits.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

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

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textiles Agreements.

March 7, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 23, 1985 from the Chairman of the Committee for the Implementation of Textile Agreements concerning certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore and exported during the three-month period which began on January 1, 1986 and extends through March 31, 1986.

Effective on March 13, 1986, the directive of December 23, 1985 is hereby amended to adjust the limits established for the following categories, exported during the six-month period which began on January 1, 1986 and extends through June 30, 1986:

Categgry	6-month restraint limit [1]
300-352, 359-369, 400-448, 459-469, 600-652, and 659-669.	177,305,430 square yards equivalent of which not more than 39,799,469 square yards equivalent shall be in Categories 300-320, 360-369, 600-627, and 665-669; no more than 136,206,792 square yards equivalent shall be in Categories 330-352, 359, 630-652 and 659, and not more than 1,843,752 square yards equivalent shall be in Categories 400-448, 459 and 464-469.
301	108,696 pounds.
331	150,000 dozen pairs
333	9,669 dozen
334	25,000 dozen.
335	77,500 dozen.
336	15,453 dozen
337	29,000 dozen.
338/339	369,365 dozen of which not more than 209,928 dozen shall be in Category 338 and not more than 245,941 dozen shall be in Category 339.

[1] The limits have not been adjusted to account for any imports exported after Dec. 31, 1985.

Category	Six restraint limit [2]
340	258,500 dozen.
341	65,000 dozen.
347/348	360,000 dozen of which not more than 225,000 dozen shall be in Category 347 and not more than 175,000 dozen shall be in Category 348.
359	76,087 pounds.
442	2,778 dozen.
447	2,778 dozen.
448	2,778 dozen.
459	25,000 pounds.
631	150,000 dozen pairs.
633	9,669 dozen.
634	79,500 dozen.
635	117,500 dozen.
636	25,000 dozen.
637	32,864 dozen.
640	55,000 dozen.
641	90,000 dozen.
647	125,000 dozen.

[2] See Footnote 1.

Also effective on March 13, 1986, the directive of December 23, 1985 is hereby further amended to include limits for the following categories, produced or manufactured in Singapore and exported during the six-month period which began on January 1, 1986 and extends through June 30, 1986:

Category	Six restraint limit [2]
342	27,500 dozen.
445	3,360 dozen.
446	3,360 dozen.
604	710,000 pounds.
639	1,525,000 dozen.
645/646	55,000 dozen.
648	750,000 dozen.
659 pt. [3]	150,000 pounds.
659 pt. [4]	125,000 pounds.

[2] See footnote 1.
[3] In Category 659, only TSUSA numbers 384.2105, 384.2115, 384.2120, 384.2125, 384.2648, 384.2647, 384.2648, 384.2649, 384.2652, 384.8651, 384.8652, 384.8653, 384.8654, 384.9356, 384.9357, 384.9358, 384.9359, and 384.9365.
[4] In Category 659, all TSUSA numbers in the category except those listed in footnote 3.

In carrying out this directive, entries of textile products in the foregoing categories, except Categories 442, 447, 448, 459, 643/644, 645/646, 647, 648, and 659, which have been exported to the United States on and after January 1, 1985 and extending through December 31, 1985, shall, to the extent of any unfilled balances, be charged against the levels established for such goods during that period. In the event the levels of restraint established for that period have been exhausted by previous entires, such goods shall be subject to the levels set forth in this letter. Textile products in Categories 442, 447, 448, 459, 643/644, 645/646, 647, 648, and 659, exported before January 1, 1986 shall not be subject to this directive.

The six month limits are subject to adjustment in the future on a prorata basis according to the provisions of the bilateral agreement of August 21, 1981, as amended and extended, between the Governments of the United States and the Republic of Singapore, which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific limits may be exceeded by carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textiles Agreements.

[FR Doc. 86-5400 Filed 3-11-86; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Army

Record of Decision; Multi-Purpose Range Complex (MPRC) Fort Polk, LA

AGENCY: Department of the Army, Department of Defense.

ACTION: Availability of Record of Decision.

SUMMARY: This announces the availability of a Record of Decision regarding the site selection, construction and operation of the MPRC at Fort Polk, LA. The MPRC will provide the 5th Infantry Division (Mechanized) and Fort Polk with a modern computerized training facility required to challenge the new Abrams tank and Bradley fighting vehicles. None of the existing ranges at Fort Polk have this capability. The decision was based on the requirements that the selected option must fully meet the operational needs of the 5th Infantry Division (Mechanized) and Fort Polk while minimizing the environmental impact to the extent practicable.

SUPPLEMENTARY INFORMATION: On the December 23, 1985 the Fort Polk Commander approved selection of a site on Fort Polk for construction of the MPRC. Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act (40 CFR 1505.2) direct the preparation of a public Record of Decision concerning decisions reached on actions considered in Environmental Impact Statements. The establishment of the MPRC at Fort Polk and its potential environmental impact have been discussed in the final Environmental Impact Statement (EIS) filed by the Department of the Army with the Environmental Protection Agency, as announced on November 22, 1985 (50 FR 48264). The Record of Decision summarizes alternatives considered in making the decision, basis for selection of the approved siting alternative, and measures which will be undertaken to minimize environmental effects.

The following alternatives were considered in the EIS:

—*No Action:* This alternative was rejected because without this modern range facility the division will not be combat ready.

—*Option 1:* Main facilities to be sited on U.S. Forest Service Limited Use lands around Rustsville Road (approximately one mile south of Lookout Road and about two miles northwest of Fullerton, Louisiana).

—*Option 2:* East of Birds Creek and Whiskey Chitto Roads and north of Holly Springs Road (about eight miles northeast of South Fort Cantonment Area).

—*Option 2A:* Bounded by Whiskey Chitto Creek and Birds Creek on the east and west, respectively (about four miles northwest of Cravens, Louisiana).

—*Option 3:* Tank gunnery Ranges 41 and 42 located on the eastern edge of the reservation and bounded on the east by Louisiana Highway 463 (about seven miles north of Pitkin, Louisiana).

Following careful study of training needs, costs and benefits, land use, and environmental concerns, Option 2 has been selected as the site for the MPRC. The terrain of Option 2 meets the construction and training requirements of an effective MPRC. Option 2 was not the environmentally preferred alternative of the four options; it was intermediate in the potential adverse environmental impacts. Mitigation measures that will be implemented will reduce these adverse impacts to acceptable levels.

Option 1 was rejected due to severe operational limitation of the terrain and adverse impacts to the public from increased off-post noise levels.

Option 2A was rejected for environmental reasons even though it had the greatest training potential of the four options. Construction and operation of the MPRC at Option 2A would have significantly increased off-post noise levels, would have the greatest adverse impact on a rare and endangered species inhabiting that area of the post, would have caused the loss of two significant archeological sites, and would have presented the greatest potential for soil loss and stream siltation.

Option 3 was the environmentally preferred site but was rejected as being operationally unsuitable. The existing tank ranges at Option 3 must be used during the construction period for the MPRC. In addition, these ranges will continue to be used after the MPRC is operational.

All practical means of avoiding or minimizing adverse impacts to the environment have been adopted. Fort Polk will be responsible for the implementation of monitoring and enforcement of mitigation measures as required by Army Regulations (AR 200–2) and the National Environmental Policy Act (40 CFR 1505.3).

Interested individuals or organizations may obtain copies of the Record of Decision for this action by contacting: Mr. Stephen D. Parris, Attn: AFZX–EHC, Fort Polk, Louisiana, 71459–5000, Telephone (318) 535–7008.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 85–5300 Filed 3–11–86; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Veterans' Cost-of-Instruction Payments Program

AGENCY: Department of Education.

ACTION: Application notice for new Awards under the Veterans' Cost-of-Instruction Payments Program for fiscal year 1986.

SUMMARY: Applications for new awards are invited from institutions of higher education under the Veterans' Cost-of-Instruction Payments Program. This program issues awards to institutions or consortia of institutions of higher education to assist them in providing specific services to veterans.

Authority for this program is contained in section 420 of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070e-1)

Closing Date for Transmittal of Applications: Applications for new awards must be mailed or hand delivered by May 9, 1986.

Applications Delivered by Mail: Applications sent by mail must be addressed to the U.S. Department of Education, Office of Postsecondary Education, Division of Higher Education Incentive Programs, Attention: 84.064, Regional Office Building #3, 7th and D Streets SW., Washington, DC 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: Applications that are hand delivered must be taken to the U.S. Department of Education, Division of Higher Education Incentive Programs, Room 3022, Regional Office Building #3, 7th and D Streets SW., Washington, DC.

The Division of Higher Education Incentive Programs will accept hand delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, DC time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted by the Division of Higher Education Incentive Programs after 4:30 p.m. on the closing date.

Program Information: The Veterans' Cost-of-Instruction Payments Program provides funds to institutions of higher education for educational needs of veterans. Institutions use their awards to establish and maintain Offices of Veterans Affairs that engage in outreach and recruitment activities, and provide counseling, tutorial services, and special programs for educationally disadvantaged veterans.

Available Funds: The Department of Education Appropriations Act, 1986, appropriated $3,000,000 for the Veterans' Cost-of-Instruction Payments' Program. Of that amount, only $2,871,000 will be available for obligation in Fiscal Year 1986 pursuant to the reductions required by the Balanced Budget and Emergency Deficit Control Act of 1985, Pub. L. 99–177.

In addition, the President's Fiscal Year 1987 Budget requests a rescission of all Fiscal Year 1986 funds for this program. In accordance with the Impoundment Control Act of 1974, the Congress is allowed 45 calendar days of continuous session to consider all rescission proposals. During this period, no funds proposed for rescission may be obligated by the Department.

Should the Fiscal Year 1986 funds for the Veterans' Cost-of-Instruction Payments Program become available, it is estimated that approximately six hundred grants averaging $4,225 will be awarded. These estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages are expected to be mailed to eligible institutions by March 24, 1986. They may be obtained by writing to the U.S. Department of Education, Division of Higher Education Incentive Programs (VCIP), Room 3022, Regional Office Building #3, 7th and D Streets SW., Washington, DC 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms

included in the program information package. However, the program information package is only intended to aid applicants in applying for assistance. Nothing in the program package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed five pages in length. The Secretary further urges that only information required by the application form be submitted.

The Office of Management and Budget has approved the application form under the Paperwork Reduction Act of 1980 (control number 1840–0054).

Application Regulations: The following regulations apply to this program:

(1) Regulations governing the Veterans' Cost-of-Instruction Payments Program (34 CFR Part 629).

(2) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

FOR FURTHER INFORMATION: For further information contact William J. Craven, Jr., U.S. Department of Education, Office of Postsecondary Education, Division of Higher Education Incentive Programs, Room 3022, Regional Office Building #3, 7th and D Streets SW., Washington, DC. Telephone (202) 245–3253.

(20 U.S.C. 1070e–1)

(Catalog of Federal Domestic Assistance Number 84.064; Veterans' Cost-of-Instruction Payments Program)

Dated: March 7, 1986.

C. Ronald Kimberling,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 86–5379 Filed 3–11–86; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Civilian Radioactive Waste Management; Availability of Information Package for "From Reactor Cask Procurement"

AGENCY: U.S. Department of Energy.

ACTION: Notice.

The Department of Energy's Office of Civilian Radioactive Waste Management (OCRWM) announces the availability of a program specific information package for "From Reactor Cask Program" for review and comment. This information when formally released under the DOE acquisition regulations after the comment period, will solicit requests for proposals to develop the next generation of spent fuel shipping casks. These casks will be used by OCRWM to transoport fuel from reactor to the Monitored Retrievable Storage Facility (if approved by Congress) or the Repository.

The information package includes the statement of work, the performance specifications and interface guidelines, and the instructions to proposers. Solicitation of comments now on the programmatic aspects of this phase of the OCRWM program will allow public input prior to the initiation of the formal procurement cycle expected to begin in June 1986. Copies of the information package can be obtained from the Department of Energy, Public Affairs Office, Room 1E206, (202) 252–5575, 1000 Independence Avenue, S.W., Washington, DC 20585, or Department of Energy, Idaho Operations Office, 785 DOE Place, Idaho Falls, ID 83402, Attn: K. Hastings.

Issued in Washington, DC, March 7, 1986.

J. Roger Hilley,

Associate Director for Storage and Transportation Systems, Office of Civilian Radioactive Waste Management.

[FR Doc. 86–5428 Filed 3–11–86; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[Docket No. ERA–FC–85–017; OFP Case No. 63027–9278–01,02,03,04–12]

Order Granting to the City of Huntsville, AL Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration; DOE.

ACTION: Order Granting to the City of Huntsville, Alabama 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 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 the City of Huntsville, Alabama ("Huntsville" or "the petitioner"). The permanent exemption permits the use of natural gas as the primary energy source for four (4) new package boilers to be located at its Refuse Fired Steam Plant in Huntsville, Alabama, based on the lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. 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 May 12, 1986. The public file containing a copy of the order, other documents, and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E–190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m. except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

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

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

SUPPLEMENTARY INFORMATION: On July 30, 1985, Huntsville petitioned ERA under section 212 of FUA and 10 CFR 503.32 for a permanent exemption to permit the use of natural gas in four (4) new package boilers. The petition for exemption was based on the lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. Title II of FUA prohibits the use of natural gas or petroleum in new MFBIs that consist of a boiler unless an exemption for such use has been granted by ERA. Huntsville filed a petition with ERA requesting a permanent exemption to permit the use of natural gas or No. 5 fuel oil as the primary energy source for its Bankup Package Boiler Steam System proposed for its Refuse Fired Steam Plant in the City of Huntsville, Alabama, in order to consistently supply the United States Missile Command's Redstone Arsenal steam requirements. Granting the requested exemption would permit efficient operation of each unit, reduce maintenance costs, reduce emissions, increase the useful life of the unit, and conserve energy.

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record that shows that in accordance with the requirements of 10 CFR 503.32(b), Huntsville has submitted the following evidence in order to make the demonstration required by that section:

(1) Duly executed certification required under paragraph (a) of that section;

(2) Exhibits containing the basis for certification required under paragraph (a) of that section; (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of those regulations;

(4) Fuels search, as required under § 503.14 of those regulations; and

(5) All data required by § 503.6 (cost calculation) of those regulations necessary for computing the cost calculation formula.

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).

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 503.3(b), ERA published its Notice of Acceptance of Petition and Availability of Certification in the **Federal Register** on October 30, 1985 (50 FR 45145), 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 December 16, 1985; no comments were received and no hearing was requested.

Order Granting Permanent Exemption

Based upon the entire record of this proceeding, ERA has detemined that Huntsville has satisfied the eligibility requirements for the requested permanent exemption, as set forth in 10 CFR 503.32(a). Therefore, pursuant to section 212 of FUA, ERA hereby grants a permanent exemption to Huntsville to permit the use of natural gas as the primary energy source for the four (4) new package boilers at its Refuse Fired Steam Plant in Huntsville, Alabama.

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 March 3, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-5321 Filed 3-11-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA C&E 86-10; OFP Case No. 55393-9247-01-12]

Order Granting to Owens-Illinois Inc. Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration; DOE.

ACTION: Order Granting to Owens-Illinois Inc. Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent 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 Owens-Illinois Inc. (Owens or "the petitioner"). The permanent exemptions permits the use of natural gas as the primary energy source for a package boiler located at its pulp and paper mill in Orange, Texas, based on the lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. 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 May 12, 1986. The public file containing a copy of the order, other documents, and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E-190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

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

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

SUPPLEMENTARY INFORMATION: On October 28, 1985, Owens petitioned ERA under section 212 of FUA and 10 CFR 503.32 for a permanent exemption to permit the use of natural gas in a new boiler to be added to an existing system. The petition for exemption is based on the lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record that shows that in accordance with the requirements of 10 CFR 503.32(b), Owens has submitted the following evidence in order to make the demonstration required by that section:

(1) Duly executed certifications required under paragraph (a) of that section;

(2) Exhibits containing the basis for certifications required under paragraph (a) of that section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of those regulations;

(4) Fuels search, as required under § 503.14 of those regulations; and

(5) All data required by § 503.6 (cost calculation) of those regulations necessary for computing the cost calculation formula.

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).

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 December 9, 1985 (50 FR 50198), 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 January 23, 1986; no comments were received and no hearing was requested.

Order Granting Permanent Exemption

Based upon the entire record of this proceeding, ERA has determined that Owens has satisfied the eligibility requirements for the requested permanent exemption, as set forth in 10 CFR 503.32(b). Therefore, pursuant to section 212 of FUA, ERA hereby grants a permanent exemption to Owens to permit the use of natural gas as the primary energy source for the new package boiler at its Orange, Texas, plant. Pursuant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the **Federal Register**.

Issued in Washington, DC, on March 3, 1986.

Robert L. Davies,

Director, Office of Fuels Program, Economic Regulatory Administration.

[FR Doc. 86-5322 Filed 3-11-86; 8:45 am]

BILLING CODE 6450-01-M

Proposed Consent Order With Crown Central Petroleum Corp.

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of proposed Consent Order and opportunity for public comment.

SUMMARY: The Economic Regulatory Administration (ERA) announces a proposed Consent Order between the Department of Energy (DOE) and Crown Central Petroleum Corporation (Crown). The agreement proposes to resolve matters relating to Crown's compliance with the federal petroleum price and allocation regulations for the period January 1, 1973 through January 27, 1981. ERA has assessed the effects of Crown's alleged regulatory violations resolved by this proposed agreement and has determined that the maximum amount Crown could have overcharged is approximately $10.6 million. This amount, plus an additional amount for interest, represents Crown's maximum liability if the government ultimately were to prevail in litigating all of the issues resolved by this Consent Order. Crown disputes ERA's allegations of regulatory violations and denies any overcharge liability.

ERA is proposing that Crown's possible liability for overcharges and interest be settled for $8.3 million. The settlement reflects the negotiated compromises present in every settlement, including assessments of litigation risks in the significant areas of dispute between ERA and Crown.

Within thirty days of the effective date of the Consent Order, Crown will pay $8.3 million, plus interest from the date the Consent Order was executed by DOE. ERA will then petition the Office of Hearings and Appeals (OHA) to implement a Special Refund Proceeding pursuant to 10 CFR Part 205, Subpart V. In that proceeding, any person who claims to have suffered injury from Crown's alleged overcharges would have the opportunity to submit a claim to OHA.

Pursuant to 10 CFR 205.199J, ERA will receive written comments on the proposed Order for thirty (30) days following publication of this Notice. Comments should be addressed to: Crown Consent Order Comments, RG-30, Economic Regulatory Administration, 1000 Independence Avenue, SW., Washington, DC 20585.

Following this comment period, on April 18, 1986, at 10:00 a.m. at the Department of Energy Auditorium, Room GE-086, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, ERA will conduct a public hearing to provide interested persons an additional opportuity to present comments, information and recommendaitons as to whether the settlement should be finalized by DOE.

Requests to make presentations must be received in writing by 5:00 p.m., April 11, 1986, and should be marked "Requests to Make Oral Comments" and forwarded to the same address indicated for written comments.

The request should identify the person (with address and telephone number) who wishes to make a presentation and the amount of time desired. Presentations should be limited to 15 minutes. Persons wishing to participate in the hearing who have not scheduled time will be allowed to make presentations following those who have been scheduled.

ERA will consider the comments, information and receommendations received from the public in finally evaluating the proposed settlement. This will result in one of the following courses of action: rejection of the settlement; acceptance of the settlement and issuance of a final Order; or renegotiation of the agreement and, if successful, issuance of the modified agreement as a final Order. DOE's Final decision will be published in the **Federal Register**, along with an analysis of and response to the significant written and oral comments, as well as any other considerations that were relevant to the decision.

FOR FURTHER INFORMATION CONTACT: Emily E. Sommers, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-6727.

SUPPLEMENTARY INFORMATION:

I. Introduction
II. Results of the Audit
A. Areas of Dispute
B. Determination of Maximum Overcharge Liability
III. Determinaiton of Reasonable Settlement Amount
IV. Terms and Conditions of the Consent Order
V. Resolution of Litigation Matters

I. Introduction

Crown is a major petroleum refiner subject to the audit jurisdiction of ERA to determine compliance with the federal petroleum price and allocation regulations. During the period covered by this proposed Order (January 1, 1973 through January 27, 1981), Crown engaged in, among other things, the production, importation, refining, and sale of crude oil; the sale of residual fuel oil, motor gasoline, middle distillates, propane and other refined petroleum products; and the extraction, fractionation and sale of natural gas liquids and natural gas liquid products.

ERA has conducted an intensified audit of Crown's compliance with the federal price and allocation regulations, which were terminated by the President on January 28, 1981 (Executive Order 12287). During this audit, ERA identified areas in the pricing and sales of crude oil and refined petroleum products in which it believes that Crown had failed to comply with the requirements of the federal price and allocation regulations. A number of issues arose in which ERA disagreed with Crown's calculation of the maximum lawful prices it could charge for refined products and crude oil.

ERA preliminarily determined that for the issues covered by this proposed settlement, Crown may be liable for a maximum calculated liability of $825,000 in crude oil and a maximum of $9.7 million in refined product overcharges. Crown's potential refund liability, therefore, is believed by ERA to total $10.6 million, plus the interest which could be assessed on that amount.

ERA has preliminarily agreed to the settlement amount after assessing the litigation risks associated with establishing the alleged overcharges, and considering the factual veracity and appropriate settlement compromises related to the many issues.

The settlement calls for Crown to pay $8.3 million (plus interest from the date of execution by DOE) to discharge in full its obligations under the price and allocation regulations, except for those matters excluded from the agreement. Under the terms of the proposed Consent Order, the ERA would petition the OHA to implement a Special Refund Proceeding pursuant to 10 CFR Part 205, Subpart V.

II. Results of the Audit

In the negotiation process which led to this proposed settlement, ERA analyzed the results of the audit, the nature of the alleged regulatory violations, and the "banks" of costs that Crown was entitled to recover in previous months but did not. ERA also considered the extent to which these banks were available to offset alleged cost and recovery violations and thus prevent the occurrence of overcharges on refined products. The alleged crude oil overcharges were separately considered by ERA in its assessment of the total settlement value.

In the enforcement documents filed by the ERA, overcharges for crude and refined products totalling $24.8 million are alleged against Crown. During the settlement negotiations, the company presented information relevant to its calculations of increased costs and selling prices which enabled ERA to make adjustments and corrections accruing both to the detriment and the benefit of Crown. Furthermore, intervening judicial and administrative decisions affected ERA's original overcharge allegations. After analyzing this information for settlement purposes, ERA determined that if it were successful on all of the issues, Crown would be liable for $9.7 million in overcharges on refined products plus interest on that amount. In addition, Crown's maximum calculated liability for crude oil overcharges would be $825,000 plus interest.

A. Areas of Dispute

The two major areas of dispute between ERA and Crown concern alleged errors in Crown's calculations of maximum lawful prices for crude oil produced by the company and alleged errors in Crown's calculations of maximum legal prices for refined products.

1. Crude Oil Overcharge Dispute

The crude oil overcharge disputes which are resolved by the Consent Order include the application of incorrect posted prices, improper aggregation and segregation of properties, improper application of the stripper well exemption, improper computation of base production control levels and other computational errors. These issues are before OHA in a Proposed Remedial Order proceeding in which the alleged overcharges total $1 million exclusive of interest.[1] During the settlement negotiations, ERA examined Crown's possible overcharge liability for crude oil violations and, after factoring into its calculations the effect of intervening OHA decisions and Crown's submission of additional materials, ERA determined that the overcharge allegation in the PRO was reduced to $670,000. In addition, ERA estimated that Crown's overcharge liability for the audited properties in the unaudited time period amounted to approximately $155,000. Thus, Crown's maximum calculated liability for crude oil overcharges is $825,000 plus interest.

2. Refinery Overcharge Disputes

ERA has initiated enforcement proceedings against Crown alleging overcharges for violations of the refinery pricing regulations totalling approximately $23,800,000 exclusive of interest. These claims include alleged failure to establish and maintain appropriate classes of purchaser and May 15, 1973 weighted average selling prices, failure to compute recoveries in accordance with the equal application rule, alleged overstatements of increased costs available for recovery, alleged understatements of costs recovered[2] and failure to use the alternative "vi" factor in calculating increased purchased product costs.[3] Based upon adjustments and corrections to its aduit data, ERA has determined that Crown's maximum liability for these violations would be $9.7 million, as discussed below.

During the negotiation process, Crown provided ERA with extensive information concerning its calculations of maximum lawful prices for refined products. ERA evaluated this information and determined that it was appropriate to take certain of these calculations into account when determining Crown's ultimate overcharge liability for refined products as alleged in PRO No. HRO–0072.

As the basis for settlement discussions, the parties agreed to use the original Refiners' Monthly Cost Allocation Reports (RMCARs) filed by Crown which ERA had audited previously, rather than Crown's unaudited 1981 refiled costs which ERA was challenging.[4] Use of the original cost filings eliminated all of ERA's allegations concerning retroactive reallocations and overstated costs under the H, R, and V factors.

During the administrative litigation proceeding, ERA had agreed that Crown was entitled to certain credits totalling approximately $17 million. However, the calculation which formed the basis for ERA's litigation claim did not factor in these cost credits on a monthly basis, but rather the credits were added to Crown's ending banks of unrecouped costs. When the credits are included in the months in which they accrued, Crown's permissible prices are increased and the amounts of possible overcharges in those months are accordingly reduced. Additionally, ERA had planned to recalculate Crown's correct May 15, 1973 weighted average selling prices and to amend the PRO to reflect this recalculation. Based upon ERA's information and additional data submitted by Crown, ERA performed that recalculation during the negotiation process. Also, ERA corrected the overcharge allegations to adjust for the PRO's application of the deemed recovery rule prior to September 1974.

B. Determination of Maximum Overcharge Liability

The effect of these adjustments, as well as several other smaller audit-related corrections, is to eliminate all of Crown's alleged refinery pricing overcharges, totalling $6.6 million, after 1973–1974. Application of the adjustments and corrections during the 1973–1974 period eliminates all of the gasoline overcharge allegations, totalling $6.3 million dollars, as well as $1 million in distillate overcharge allegations. This leaves $9.7 in potential overcharges during 1973–1974. The effect of the remaining refinery pricing litigation has been considered in arriving at this amount.[5]

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[1] PRO No. HRO–0198. The PRO also put Crown on notice that it may be liable for regulatory violations on non-audited properties and during the post-audit period. The PRO seeks a self-audit of unaudited properties and the post-audit period and a refund of any resulting overcharges.

[2] PRO No. HRO–0072, alleging $23,558,000 in overcharges exclusive of interest. The PRO as originally drafted alleged a higher overcharge amount. The allegation was reduced to $23,558,000 by subsequent amendment.

[3] RO No. 84–2–000, alleging $217,798 in overcharges exclusive of interest

[4] ERA opposed Crown's 1981 refiling before OHA. In a decision issued January 17, 1986 (Case No. HEA–0008), OHA upheld ERA's position that Crown's 1981 refiled costs are without force and effect for use in connection with the petroleum price and allocation regulations.

[5] RO84–2–000 (FERC appeal of DRO–0111). On September 30, 1985, the Federal Energy Regulatory Commission reversed the Remedial Order issued to Crown on October 17, 1983, which had found Crown liable for $217,798 plus interest for improperly

Continued

In addition to the $9.7 million of possible overcharge liability for refined product sales, ERA determined that Crown's maximum calculated overcharge liability for the crude oil pricing issues resolved by the Consent Order is $825,000. Thus, Crown's maximum overcharge liability, excluding interest, for the matters resolved by this Consent Order totals approximately $10.6 million.

III. Determination of a Reasonable Settlement Amount

In determining a reasonable settlement amount, ERA considered its maximum overcharge determinations totalling $10.6 million, as well as the interest which could be assessed on that amount. While this amount reflects appropriate adjustments to the overcharge amounts alleged in ERA's enforcement documents, it does not reflect any compromise of the regulatory issues upon which Crown and ERA disagree. The $10.6 million plus interest is based on audit samples, estimates, projections and extrapolations and represents the maximum recovery that could result if all issues resolved by this settlement were adjudicated in ERA's favor. The inherent risks in litigation make such an outcome unlikely. In determining an appropriate compromise of Crown's maximum overcharge liability, ERA considered the probabilities of success on each of the issues for purposes of proving overcharges.

The necessity for the government to prevail in litigation on all of the significant issues in order to achieve the maximum overcharge recovery from Crown was an important consideration in ERA's preliminary determination that Crown's agreement to pay $8.3 million is in the public interest. Furthermore, that analysis pressupposes that the government will prevail in litigating all other disputes.

In arriving at an overall judgment, in addition to the analysis of litigation risks, ERA took into account such factors as the interest which could be added to possible adjudicated refund amounts, the number and complexity of the legal and factual issues, the time and expense required for the government to fully litigate every issue, as well as the operative principle necessary for a successful settlement between capable adversaries—mutual recognition by the parties of the need to reasonably compromise their respective interests and expectations. Based on all of these considerations, ERA concludes that the resolution of these matters for $8.3 million is an appropriate settlement. In ERA's analysis, approximately 15–20% of the $8.3 million relates to settlement of crude oil overcharge issues; the remainder is for settlement of refiner pricing issues.

utilizing the refiner price rule's alternative "yi" factor in calculating purchased product costs. ERA is presently seeking reconsideration of the FERC decision.

IV. Terms and Conditions of the Consent Order

Within thirty days of the effective date of the Consent Order, Crown will pay the principal amount of $8.3 million, plus interest, to DOE. If the settlement is not made final by July 1, 1986, Crown may withdraw from the proposed agreement. If the Consent Order is made final, ERA will petition OHA to implement a Special Refund Proceeding under the provisions of Subpart V of the regulations. In the proceeding, OHA will develop procedures for the receipt and evaluation of applications for refund in order to distribute the refund amount. To ensure that OHA has sufficient information to evaluate the claims, the proposed Consent Order requires that Crown provide necessary information to OHA.

Unless specifically excluded, Crown and DOE mutually release each other from claims and actions arising under the subject matter covered by the proposed Consent Order. The proposed Order does not affect the right of any other party to take action against Crown, or of Crown or the DOE to take action against any other party.

Several matters are excluded from the settlement. The proposed Order does not resolve:

(a) Any obligation or right to sell entitlements which may be imposed or made available to Crown should the entitlements notice of January 1981 be published or any obligation to buy or sell entitlements which may be imposed on Crown pursuant to the operation of 10 CFR 211.69, including any adjustments made to the entitlements notice for January 1981 or to any notice issued pursuant to 10 CFR 211.69 as a result of the granting of exception relief by the Office of Hearings and Appeals;

(b) Any entitlement obligations or reporting requirements which may be imposed either pursuant to future modification of the requirements of the entitlements program (10 CFR 211.67, *et seq.*) by the DOE on its own initiative, or at the direction of a final judgment of a court of competent jurisdiction;

(c) Crown's rights concerning claims under 10 CFR Part 205, Subpart V, or its claims arising from violations or settlements of alleged violations of the federal petroleum price and allocation regulations by third parties.

Finally, this agreement only resolves certain civil liabilities and makes no attempt to resolve any criminal liability that might be established by the government against Crown.

V. Resolution of Litigation Matters

The proposed settlement resolves a number of enforcement matters that are being litigated by Crown and DOE. This involves administrative and judicial litigation and includes the following cases:[7]

Administration Litigation

Proposed Remedial Orders:
OHA Case No. HRO–0072
OHA Case No. HRO–0198

Remedial Order:
OHA Case No. DRO–0111, FERC Case No: RO84–2–00

ERA Order:
OHA Case No. HEA–0008

Judicial Litigation:
Crown Central Petroleum Corporation v. *DOE*, Civil Action No. H–82–3283 (D. Md.)
Crown Central Petroleum Corporation v. *DOE*, Civil Action No. H–842–3827 (D.D.C.)

Submission of written comments: The proposed Consent Order cannot be made effective until the conclusion of the public review process, of which this Notice is a part.

Interested persons are invited to submit written comments concerning this proposed Consent Order to the address noted above, and to appear at a public hearing, beginning at 10:00 a.m. on April 18, 1986. All comments received by the thirteenth day following publication of this Notice in the **Federal Register**, and all statements made at the hearing, will be considered before determining whether to adopt the proposed Consent Order as a final Order. Any modifications of the proposed Consent Order which significantly alter its terms or impact will be published for additional comment. If, after considering the comments it has received and the comments at the hearing, ERA determines to issue the proposed Consent Order as a final Order, the proposed Order will be made final and effective by publication of a Notice in the **Federal Register**.

[7] The issues in the administrative litigation are as described in detail above. The two judicial litigation cases which would be resolved by the proposed Consent Order involve actions initiated by Crown against DOE under the Freedom of Information Act.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the provisions of 10 CFR 205.91(f).

Issued in Washington, DC, on March 6, 1986.

M. C. Lorenz,

Special Regulatory Administration.

Conset Order With Crown Central Petroleum Corporation

I. Introduction

101. This Consent Order is entered into between Crown Central Petroleum Corporation ("Crown") and the United States Department of Energy ("DOE"). Except as specifically excluded herein, this Consent Order settles and finally resolves all civil and administrative claims and disputes, whether or not heretofore asserted, between the DOE, as hereinafter defined, and Crown, as hereinafter defined, relating to Crown's compliance with the federal petroleum price and allocation regulations, as hereinafter defined, during the period January 1, 1973, through January 27, 1981 (all the matters settled and resolved by this Consent Order are referred to hereafter as "the matters covered by this Consent Order").

II. Jurisdiction, Regulatory Authority and Definitions

201. This Consent Order is entered into by the DOE pursuant to the authority conferred upon it by sections 301 and 503 of the Department of Energy Organization Act ("DOE Act"), 42 U.S.C. 7151 and 7193; Executive Order No. 12009, 42 FR 46267 (1977); Executive Order No. 12038, 43 FR 4957 (1978); and 10 CFR 205.199J.

202. The Economic Regulatory Administration ("ERA") was created by Section 206 of the DOE Act, 42 U.S.C. 7136. In Delegation No. 0204–04, the Secretary of Energy delegated responsibility for the administration of the federal petroleum price and allocation regulations to the Administrator of the ERA. In Delegation No. 0204–4A, the Administrator delegated to the Special Counsel authority to audit the compliance of refiners, including Crown, with the federal petroleum price and allocation regulations and to take appropriate enforcement actions based upon such audits.

203. For purposes of this Consent Order, the phrase "federal petroleum price and allocation regulations" means all statutory requirements and administrative regulations and orders regarding the pricing and allocation of crude oil, refined petroleum products, natural gas liquids, and natural gas liquid products, including the entitlements and mandatory oil imports programs, administered by the DOE. The federal petroleum price and allocation regulations include (without limitation) the pricing, allocation, reporting, certification, and recordkeeping requirements imposed by or under the Economic Stabilization Act of 1970, the Emergency Petroleum Allocation Act of 1973, the Federal Energy Administration Act of 1974, Presidential Proclamation 3279, all applicable DOE regulations codified in 6 CFR Parts 130 and 150 and 10 CFR Parts 205, 210, 211, 212 and 213, and all rules, rulings, guidelines, interpretations, clarifications, manuals, decisions, orders, notices, forms, and subpoenas relating to the pricing and allocation of petroleum products. The provisions of 10 CFR 205.199J and the definitions under the federal petroleum price and allocation regulations shall apply to this Consent Order, except to the extent inconsistent herewith. Reference herein to "DOE" includes, besides the Department of Energy, the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, the Office of Special Counsel (OSC), the Economic Regulatory Administration and all predecessor and successor agencies. References in this Consent Order to "Crown" shall include Crown Central Petroleum Corporation, its subsidiaries and affiliates (but only for the acts of such Companies while they were subsidiaries or affiliates of Crown), its predecessors and successors in interest, and crown's petroleum-related activities as refiner, producer, operator, working interest or royalty interest owner, reseller, retailer, natural gas processor, or otherwise, and (except for references to "Crown" in Article IV, *infra*) directors, officers and employees of crown.

III. Facts

The stipulated facts upon which this Consent Order is based are as follows:

301. During the period covered by this Consent Order, Crown was a "refiner" and a "producer" of crude oil as those terms are defined in the federal petroleum price and allocation regulations, and was subject to the jurisdiction of the DOE. During the period covered by this Consent Order, Crown engaged in, among other things, the production, importation, sale, and refining of crude oil, the sale of residual fuel oil, motor gasoline, middle distillates, propane, and other refined petroleum products, and the extraction, fractionation, and sale of natural gas liquids and natural gas liquid products.

302. In 1973, the DOE began an audit to determine Crown's compliance with the federal petroleum price and allocation regulations. In 1977, pursuant to the mandate of the Secretary of Energy, OSC continued the audit on an intensified basis. The audit encompassed an examination of Crown's policies and procedures pertaining to, and Crown's compliance with, specific federal petroleum price and allocation regulations.

303. As part of its audit, the DOE examined Crown's books and records relating to Crown's compliance with the federal petroleum price and allocation regulations and the reporting requirements incidental to those regulations. In addition, at the DOE's request, Crown prepared and submitted to the auditors a substantial number of specific responses to audit inquiries not necessarily limited to, or readily available from, individual books or records.

304. During the course of the DOE's audit, the enforcement proceedings instituted by the DOE and the negotiations that led to this Consent Order, the DOE raised certain issues with respect to Crown's application of the Federal petroleum price and allocation regulations. The DOE has taken various administrative enforcement actions against Crown, including the issuance of letters, notices of Probable Violation, Proposed Remedial Orders, and a Remedial Order. Crown maintains, however, that it has calculated its costs, determined its prices, sold its crude oil and petroleum products, and operated in all other respects in accordance with the federal petroleum price and allocation regulations. The DOE and Crown disagree in several respects concerning the proper application of the federal petroleum price and allocation regulations to Crown's activities with respect to the matters covered by this Consent Order, and each believes that its respective legal and factual positions on the matters resolved by this Consent Order are meritorious. These positions were emphasized in the intensive review and exchange of information conducted during the negotiation process. However, in order to avoid the expense of protracted, complex litigation and disruption of its orderly business functions, Crown has agreed to enter into this Consent Order. The DOE believes this Consent Order constitutes a satisfactory resolution of the matters covered herein and is in the public interest.

Terms and Conditions

IV. Remedial Provisions.

401. In full and final settlement of all matters covered by this Consent Order and in lieu of all other remedies which might have been sought by the DOE against Crown for such matters under 10 CFR 205.199I or otherwise, Crown shall pay eight million three hundred thousand dollars ($8.3 million), plus interest accruing at the rate specified in paragraph 404 between the date of execution by DOE of this Consent Order and the date of payment, pursuant to paragraph 402, to be disbursed as provided in paragraph 403.

402. Crown agrees to pay eight million three hundred thousand dollars ($8.3 million) plus interest accrued for the period described in paragraph 401, to DOE within thirty (30) days of the effective date of this Consent Order.

403. OSC and Crown agree that OSC will petition DOE's Office of Hearings and Appeals (OHA) to implement special refund procedures pursuant to 10 CFR Part 205, Subpart V to distribute the amount specified in paragraph 402.

404. Interest shall be deemed to be earned from the date of execution by DOE of this Consent Order at an interest rate reflecting the average price bid at the most recent auction of 13-week U.S. Treasury Bills preceding said date of execution. Thereafter, the interest deemed to be earned shall be revised to reflect the average price bid at the auction of 13-week Treasury Bills next following the first day of each calendar quarter, beginning with the calendar quarter next following said date of execution. The revised interest rate will apply on the first day after the relevant auction, and will continue to apply until and including the day of the next relevant auction. Upon each quarterly revision of the interest rate or upon payment to DOE, the interest earned since the date of execution of this Consent Order by DOE in the case of the first such quarterly revision or in the case of payment to DOE before such quarterly revision or since the immediately preceding quarterly revision in all other cases shall be computed and added to the balance at the end of the computation period. The interest for the computation period shall be computed at a rate equal to the annual coupon equivalent for the 13-week U.S. Treasury Bill auction average bid price at the auction governing the interest rate for the computation period times a fraction the numerator of which shall be the number of calendar days in the computation period and the denominator of which shall be 365. Interest shall be deemed earned as of 2:00 P.M. Eastern Standard Time.

V. Issues Resolved

501. All pending and potential civil and administrative claims, whether or not known, demands, liabilities, causes of action or other proceedings by the DOE against Crown regarding Crown's compliance with and obligations under the federal petroleum price and allocation regulations during the period covered by this Consent Order, whether or not heretofore raised by an issue letter, Notice of Probable Violation, Proposed Remedial Order, Remedial Order, action in court or otherwise, are resolved and extinguished as to Crown by this Consent Order, except that this Consent Order does not cover or affect:

(a) Crown's rights in all regards concerning claims under 10 CFR Part 205, Subpart V, or its claims arising from violations or settlements of alleged violations of the federal petroleum price and allocation regulations by third parties;

(b) Any obligation or right to sell entitlements which may be imposed or made available to Crown should the entitlements notice of January, 1981 be published or any obligation to buy or sell entitlements which may be imposed on Crown pursuant to the operation of 10 CFR 211.69, including any adjustments made to the entitlements notice for January 1981 or to any notice issued pursuant to 10 CFR 211.69 as a result of the granting of exception relief by the Office of Hearings and Appeals;

(c) Any entitlements obligations or reporting requirements which may be imposed either pursuant to future modification of the requirements of the entitlements program (10 CFR 211.67 *et seq.*) by the DOE on its own initiative, or at the direction of a final judgment of a court of competent jurisdiction.

502. (a) Except as otherwise provided herein, compliance by Crown with this Consent Order shall be deemed by the DOE to constitute full compliance for administrative and civil purposes with all federal petroleum price and allocation regulations for matters covered by this Consent Order. In consideration for performance as required under this Consent Order by Crown, except as to those matters excluded by paragraph 501, the DOE hereby releases Crown completely and for all purposes from all administrative and civil judicial claims, demands, liabilities or causes of action, including without limitation claims for civil penalties, that the DOE has asserted or may otherwise be able to assert against Crown before or after the date of this Consent Order, for alleged violations of the federal petroleum price and allocation regulations with respect to matters covered by this Consent Order. The DOE will not initiate or prosecute any such administrative or civil matter against Crown or cause or refer any such matter to be initiated or prosecuted, nor will the DOE or its successors directly or indirectly aid in the initiation of any such administrative or civil matter against Crown or participate voluntarily in the prosecution of such actions. The DOE will not assert voluntarily in any administrative or civil judicial proceeding that Crown has violated the federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order, or otherwise take action with respect to Crown in derogation of this Consent Order.

(b) Nothing contained herein shall preclude the DOE from defending the validity of the federal petroleum price and allocation regulations. The DOE also reserves the right to initiate and prosecute enforcement actions against any party other than Crown for noncompliance with the federal petroleum price and allocation regulations, including, for example, suits against operators for overcharges for crude oil when Crown is a working interest or royalty interest owner in such crude oil production. However, if Crown was the operator of a property that produced crude oil for all or part of the period covered by this Consent Order, the DOE shall not initiate or prosecute any enforcement action against any party for non-compliance with the federal petroleum price and allocation regulations during such period relative to such property, except to the extent such party received its interest from such property in kind. Crown and the DOE agree that the amount paid to the DOE pursuant to this Consent Order is not attributable to Crown's activities as a working interest or royalty interest owner or properties on which it is not the operator. Furthermore, Crown and the DOE agree that the Consent Order and the payments hereunder do not resolve, reduce or release the liability of any other party for violations on properties of which (but only for the times during which) Crown is or was a working interest or royalty interest owner (and not the operator) or affect any rights or obligations between Crown and such working interest or royalty interest owners. Except for the matters excluded by this paragraph and paragraph 501, the DOE agrees that this Consent Order settles and finally resolves all aspects of Crown's liability

to the DOE under the federal petroleum price and allocation regulations in its capacity as a producer, including but not limited to its capacity as an operator or working interest or royalty interest owner of a crude oil producing property.

(c) Nothing contained herein may be construed as a bar, an estoppel, or a defense against any criminal action, or against any civil action brought by any purchaser of covered products from Crown, or against any civil action brought by an agency of the United States other than by the DOE under (i) section 210 of the Economic Stabilization Act or (ii) any statute or regulations other than the federal petroleum price and allocation regulations. However, the DOE expressly agrees that it will not seek or recommend any criminal fines or penalties based solely on the information and evidence presently in its possession for the matters covered by this Consent Order; provided that nothing in the Consent Order precludes the DOE form exercising its obligations under law with regard to forwarding information of possible criminal violations of law to the appropriate authorities. Finally, except as herein specifically provided, this Consent Order does not affect or prejudice any private action brought by a third party against Crown, or by Crown against any third parties, including an action for contribution; nor may this Consent Order be used to establish, enlarge, or abridge the rights of third parties seeking contribution from Crown, or the rights of Crown to seek contribution from third parties. Nothing herein shall preclude Crown from asserting any legal or factual position or argument in any action brought against Crown by any third party under Section 210 of the Economic Stabilization Act, the federal petroleum price and allocation regulations or any other statute, rule, regulation or order.

(d) Crown expressly agrees that in consideration for the DOE's performance under the Consent Order, Crown releases the DOE completely and for all purposes from all administrative and civil judicial claims, liabilities or causes of action that Crown has asserted or may otherwise be able to assert against the DOE under the federal petroleum price and allocation regulations, except for matters specifically excluded from this Consent Order.

503. Crown and the DOE agree to stipulate to the dismissal with prejudice of *Crown Central Petroleum Corporation v. DOE,* Civil Action No. 84–3827 (D.D.C.). Within fifteen (15) days after the effective date of this Consent Order, Crown will execute and deliver to the DOE a stipulation in the form attached hereto as Exhibit A.

504. Crown and the DOE agree to stipulate to the dismissal with prejudice of *Crown Central Petroleum Corporation v. DOE,* Civil Action No. H–82–3283 (D. Md.). Within fifteen (15) days after the effective date of this Consent Order, Crown will execute and deliver to the DOE a stipulation in the form attached hereto as Exhibit B.

505. Within thirty (30) days after the effective date of this Consent Order, the DOE and Crown will file or cause to be filed appropriate pleadings to dismiss with prejudice all proceedings against Crown covered by this Consent Order then pending before the DOE's OHA or on appeal from OHA to the Federal Energy Regulatory Commission.

506. Execution of this Consent Order constitutes neither an admission by Crown nor a finding by the DOE of any violation by Crown of any statute or regulation. The DOE has determined that it is not appropriate to seek to impose civil penalties for the matters covered by this Consent Order, and the DOE expressly agrees that it will not seek any such civil penalties. None of the payments or expenditures made by Crown pursuant to this Consent Order are to be considered for any purpose as penalties, fines, or forfeitures or as settlement of any potential liability for penalties, fines or forfeitures. Payments made by Crown pursuant to this Consent Order are attributable only to the matters resolved by this Consent Order which do not include any willful violation of federal petroleum price and allocation regulations.

507. Notwithstanding any other provision herein, with respect to the matters covered by this Consent Order, the DOE reserves the right to initiate an enforcement proceeding or to seek appropriate penalties for any newly discovered regulatory violations committed by Crown, but only if Crown has concealed facts relating to such violations. The DOE and Crown also reserve the right to seek appropriate judicial remedies, other than full rescission of this Consent Order, for any misrepresentation of fact material to this Consent Order during the course of the audit or the negotiations that preceded this Consent Order.

VI. Reporting, Recordkeeping Requirements and Confidentiality

601. Crown shall maintain such records as are necessary to demonstrate compliance with the terms of this Consent Order. To assist DOE in the distribution of the monies paid pursuant to paragraph 402, Crown shall also maintain sales volume data and customers' names and addresses regarding its initial sales of crude oil and refined petroleum products for the transactions covered by this Consent Order. Crown's obligations to maintain records under the preceding sentence shall cease six months after completion of payment to DOE of the amount set forth in paragraph 402, unless DOE notifies Crown in writing that this period is extended, in which case Crown shall maintain such information until the end of the extension. If requested, Crown shall make such information available to DOE. Except as otherwise provided in this paragraph, upon completion of payment to DOE of the amount set forth in paragraph 402 of this Consent Order, Crown is relieved of its obligation to comply with the recordkeeping requirements of the federal petroleum price and allocation regulations relating to the matters settled by this Consent Order, and Crown will not be subject to any report orders, subpoenas, or other administrative discovery by DOE relating to Crown's compliance with the federal petroleum price and allocation regulations relating to the matters settled by this Consent Order for the period covered by this Consent Order; provided, however, that Crown will not invoke this Consent Order as a defense to report orders, subpoenas and other administrative discovery it may receive ragarding other firms subject to DOE's information gathering and reporting authority.

602. The DOE will treat the sensitive commercial and financial information provided by Crown pursuant to negotiations which were conducted with respect to the settlement agreed to in this Consent Order or obtained by DOE in its audit of Crown and related to matters covered by this Consent Order, as confidential and proprietary and will not disclose such information unless required to do so by law, including a request by a duly authorized committee or subcommittee of Congress. If a request or demand for release of any such information is made pursuant to law, the DOE will claim any privilege or exemption reasonably available to it. The DOE will provide Crown with ten (10) days actual notice, if possible, of any pending disclosure of such information, unless prohibited or precluded from doing so by law or request of Congress. The DOE will retain the audit information which it has acquired during its review of Crown's compliance with the federal petroleum price and allocation regulations in

accordance with the DOE's established records retention procedures. Notwithstanding the otherwise confidential treatment afforded such information by the terms of this Consent Order, the DOE will make such information available to the Department of Justice ("DOJ") in response to a request pursuant to the DOJ's statutory authority by a duly authorized representative of the DOJ. If requested by the DOJ, the DOE shall not disclose that such a request has been made. Nothing in this paragraph shall be deemed to waive or prejudice any right Crown may have independent of this Consent Order regarding the disclosure of sensitive commercial and financial information.

VII. Contractual Undertaking

701. It is the understanding and express intention of Crown and the DOE that this Consent Order constitutes a legally enforceable contractual undertaking that is binding on the parties and their successors and assigns. Notwithstanding any other provision herein, Crown (and its successors and assigns) and the DOE each reserves the right to institute a civil action in an appropriate United States district court, if necessary, to secure enforcement of the terms of this Consent Order, and the DOE also reserves the right to seek appropriate penalties and interest for any failure to comply with the terms of this Consent Order. Consistent with its Departmental policy, the DOE will undertake the defense of the Consent Order as finalized, in response to any litigation challenging the Consent Order's validity in which the DOE is named a party. Crown agrees to cooperate with the DOE in the defense of any such challenge.

VIII. Final Order

801. Upon becoming effective, this Consent Order shall be a final order of DOE having the same force and effect as a remedial order issued pursuant to section 503 of the DOE Act, 42 U.S.C. 7139, and 10 CFR 205.199B. Crown hereby waives its right to administrative or judicial review of this Order.

IX. Effective Date

901. This Consent Order shall become effective as a final order of the DOE upon notice to that effect being published in the **Federal Register**. Prior to that date, the DOE will publish notice in the **Federal Register** that it proposes to make this Consent Order final and, in that notice, will provide not less than thirty (30) days for members of the public to submit written comments to DOE and to appear at a public hearing conducted by ERA. The DOE will consider all written comments and the statements made at the hearing to determine whether to adopt the Consent Order as a final order, to withdraw agreement to the Consent Order or to attempt to renegotiate the terms of the Consent Order.

902. Until the effective date, the DOE reserves the right to withdraw consent to this Consent Order by written notice to Crown, in which event this Consent Order shall be null and void. If this Consent Order is not made effective on or before the one hundred twentieth (120th) day following execution by Crown, Crown reserves the right, at any time thereafter until the effective date, to withdraw its agreement to this Consent Order by written notice to the DOE in which event this Consent Order shall be null and void.

I, the undersigned, a duly authorized representative of Crown, hereby agree to and accept on behalf of Crown the foregoing Consent Order.

Dated: March 4, 1986.

Thomas L. Owsley,

Crown Central Petroleum Corporation.

I, the undersigned, a duly authorized representative of DOE, hereby agree to and accept on behalf of the DOE the foregoing Consent Order.

Dated: March 4, 1986.

Milton C. Lorenz,

Special Counsel, Department of Energy.

In the United States District Court for the District of Columbia

In the matter of Crown Central Petroleum Corp., Plaintiff, v. Department of Energy, *et al.*, Defendants; Civil Action No. 84–3827.

Stipulation of Dismissal

Plaintiff, Crown Central Petroleum Corporation ("Crown") and defendants, the Department of Energy, et al. ("DOE"), hereby stipulate as follows:

1. Crown and DOE have entered into a Consent Order, a true copy of which is attached hereto as Exhibit A.

2. The Consent Order has now become final and effective pursuant to law.

3. Pursuant to the terms of the Consent Order and Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Crown and DOE hereby stipulate that the instant action be dismissed with prejudice, each party to bear its own costs.

Crown Central Petroleum Corp.

By: Paul D. Coleman,

Hoppel, Mayer & Coleman, 1000 Connecticut Avenue, NW., Washington, DC 20036, Counsel for Plaintiff.

United States Department of Energy.

By: Robert F.L. Eaton, Jr.,

Assistant United States Attorney, U.S. District Courthouse, Room 2826, 3rd & Constitution Ave., NW., Washington, DC 20001.

Dennis M. Moore,

Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW., Room 6H085, Washington, DC 20585, Counsel for Defendants.

This —— day of ———, 1986, the foregoing Stipulation is approved, and

It is so ordered.

———,

United States District Judge.

In the United States District Court for the District of Maryland

In the matter of Crown Central Petroleum Corporation, Plaintiff, v. Department of Energy, et al., Defendants; Civil Action No. H–82–3283.

Stipulation of dismissal

Plaintiff, Crown Central Petroleum Corporation ("Crown") and the defendants, the Department of Energy, et al. ("DOE"), hereby stipulate as follows:

1. Crown and DOE have entered into a Consent Order, a true copy of which is attached hereto as Exhibit A.

2. The Consent Order has now become final and effective pursuant to law.

3. Pursuant to the terms of the Consent Order and Rule 41(a)(l)(ii) of the Federal Rules of Civil Procedure, Crown and DOE hereby stipulate that, as between Crown and DOE only, the instant action be dismissed with prejudice, each party to bear its own costs.

Crown Central Petroleum Corporation.

By: Thomas L. Crowe,

Cable, McDaniel, Bowie & Bond, 900 Blaustein Building, One North Charles Street, Baltimore, Maryland 21201.

United States Department of Energy.

By: Catherine C. Blake,

Assistant United States Attorney, United States Courthouse, 8th Floor, 101 West Lombard Street, Baltimore, Maryland 21201.

Paul D. Coleman,

Hoppel, Mayer & Coleman, 1000 Connecticut Aveue, NW., Washington, DC 20036, Attorneys for Plaintiff.

Erich T. Schwartz,

Department of Energy, 1000 Indendpendence Avenue, SW., Room 6H034, Washington, DC, 20585, Attorneys for Defendants.

This —— day of ———, 1986, the foregoing Stipulation is approved, and

It is so ordered.

———,

United States District Judge.

[FR Doc. 86-5429 Filed 3-11-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP86-197-001, et al.]

Natural Gas Certificate Filings El Paso Natural Gas Co. et al.

March 6, 1986.

Take notice that the following filings have been made with the Commission:

1. El Paso Natural Gas Company

[Docket No. CP86-197-001]

Take notice that on February 21, 1986, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP86-197-001 pursuant to Section 7(c) of the Natural Gas Act, an amendment to its application pending in Docket No. CP86-197-000, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

El Paso states that since the filing of its application on November 8, 1985, it has continued to evaluate its pending firm transportation proposal. This ongoing evaluation, according to El Paso, has permitted it (i) to address the impact of the Commission's final rule in Docket No. RM85-1-000 (Order No. 436, *et seq.*) on its business activities; (ii) to assess the effect of its election to participate as an open-access non-discriminatory transporter under Order No. 436, *et seq.*, on its pending application herein;[1] (iii) to consider the reaction of its existing firm sales customers regarding existing capacity rights on El Paso's system relating to El Paso's pending application herein; and (iv) to undertake additional studies involving new cases. Based on this evaluation, El Paso amends its application in Docket No. CP86-197-000 (i) to reflect the impact, on El Paso's system and its operation, of El Paso's January 21, 1986, tariff filing implementing as part of El Paso's FERC Gas Tariff the provisions of Order No. 436, *et seq.*; (ii) to set forth a revised base case and two additional cases including a new *Case IV*, which is intended to supplant *Case I* as El Paso's proposal for the construction and operation of additional facilities; (iii) to provide revised exhibits necessary to support the proposed *Case IV*; and (iv) to provide for a new, off-peak firm transportation service under a new proposed Rate Schedule T-4 to be contained in El Paso's FERC Gas Tariff.

El Paso states that on January 31, 1986, in Docket No. RP86-45-000 it filed certain tariff sheets it had revised to be consistent with the requirements of Order No. 436, *et seq.*,[2] and which would serve to establish as part of its FERC Gas Tariff rates, rate schedules and operating terms and conditions applicable to its open-access transportation on interruptible and firm bases, including provisions governing allocation of pipeline capacity. EL Paso stated in its tariff filing that, as measured against existing customer purchase rights, and except to the extent that customers may elect to reduce those purchase rights or to receive firm transportation through the capacity associated with such rights,[3] El Paso presently has no uncommitted capacity available to support new firm transportation services. El Paso also states that it has determined, with the advent of open-access transportation on its system, to recognize its customer's maximum purchase rights rather than market data as the determining factor in assessing its available pipeline capacity, it cannot provide the firm transportation service proposed in its original application in Docket No. CP86-197-000 absent the construction of additional incremental facilities on El Paso's system and/or some modification of existing customer purchase rights.

El Paso states it has developed a revised proposal which now comports with the requirements of Order No. 436, *et seq.*, on El Paso's system and the needs of El Paso's existing customers and prospective shippers requiring transportation service. For the purpose of its amendment, El Paso explains that it has presented engineering studies based on three cases: *Base Case-Revised* reflecting El Paso's existing system operation when fully satisfying El Paso's sales customers' sales entitlements, which for this purpose is assumed to be 1,000,000 Mcf per day for its east-of-California (EOC) customers, 1,750,000 Mcf per day for Southern California Gas Company and 1,140,000 Mcf per day for Pacific Gas and Electric Company; *Case IV* is the proposal which reflects the facilities for which El Paso now seeks specific section 7(c) authorization; [4] and *Case V* presents El Paso's sales customers' sales entitlements being satisfied at the levels described above.

Under *Case IV*, El Paso proposes to construct and operate approximately 16.0 miles of 34-inch O.D. loop pipeline, 110.4 miles of 30-inch mainline pipelines and install two 3,580 horsepower compressor units at the existing Bondad compressor station. In addition, El Paso states it would be required to make certain compressor modifications at its White Rock, Gallup B, Seligman A and B compressor stations; perform station pipeline modifications at its existing Wenden compressor station; and to install additional meter runs and modify certain existing meter runs at its existing Topock meter station. El Paso states that the gas supply to be received by El Paso has been assumed to be delivered to El Paso's system, for design purposes at the Ignacio, Colorado, receipt point in the quantity of 200,000 Mcf per day and a like quantity on the eastern portion of El Paso's system at the NGPL Lea County receipt point. Upon receipt of the 400,000 Mcf per day into its system, El Paso proposes to provide the proposed off-peak firm transportation service. According to El Paso this transportation service would be made available through the use of off-peak purchase capacity not required by its EOC customers and through the construction of the facilities described above.

El Paso states that the EOC customers' utilization of existing capacity on El Paso's system for purchases of natural gas equates to an average day volumes of approximately 700,000 Mcf per day on some 347 days (approximately ninety-five percent of the year). El Paso's EOC customers have required capacity on El Paso's system to receive volumes of natural gas in the range of 990,000 Mcf per day. Further El Paso states that inasmuch as its EOC customers require their total purchase capacity (1,000,000 Mcf per day) in El Paso's system approximately five percent of the year, the flow diagram supporting *Case IV* reflects the utilization by El Paso of this off-peak capacity of 300,000 Mcf per day

[1] It is explained that, on January 17, 1986, El Paso commenced transportation of natural gas under the provisions of the Natural Gas Policy Act of 1978 Section 311 and in accordance with Order No. 436, *et seq.*, for, among others, Texaco Inc. and Shell California Production Inc., for use in California enhanced oil recovery operations. Thereafter, on January 31, 1986, El Paso filed to establish as part of its FERC Gas tariff the rates, rate schedules, operating terms and conditions applicable to transportation service under Order No. 436, *et seq.*

[2] El Paso states it would promptly file its application requesting blanket certificate authorization in order to become an open-access transporter pursuant to Order No. 436, *et seq.*, upon Commission approval of El Paso's January 31, 1986, tariff filing.

[3] Such rights, it is explained, equate to a total capacity of approximately 3,890,000 Mcf per day on El Paso's system, exclusive of required fuel.

[4] *Case I* in the original application is now considered an illustrative case.

(1,000,000 Mcf less 700,000 Mcf) by offering such increment of capacity to any shipper for off-peak firm transportation service through El Paso's system. El Paso explains that on those days that its EOC customers require the use of any of their full purchase capacity, El Paso would make such capacity available to its EOC customers; however, El Paso anticipates that its EOC customers would require their full purchase capacity only approximately five percent of the year. Therefore, El Paso states that the *Case IV* facilities provide El Paso with the necessary additional transportation capacity increment of up to approximately 110,000 Mcf per day which facilitates the delivery of up to the full 400,000 Mcf of gas per day for those shippers desiring this off-peak firm transportation service. The total cost of the *Case IV* facility proposal is approximately $82,659,809, inclusive of overhead, contingency and filing fees, it is stated.

El Paso's proposed off-peak transportation service would be performed by El Paso under the provisions of its proposed Rate Schedule T–4, to be contained in El Paso FERC Gas Tariff, Original Volume No. 1–A,[5] and consistent with the general terms and conditions contained in such tariff and applicable to this service. El Paso claims the off-peak firm transportation service to be provided under the proposed Rate Schedule T–4 is a new and distinct service which is presently unavailable and which does not replace or supplant El Paso's firm transportation service to be rendered under Rate Schedule T–3 filed on January 17, 1986, as part of El Paso's tariff filing implementing non-discriminatory transportation service under Order No. 436, *et seq.*, pursuant to Subpart B of Part 284 of the Commission's Regulations. El Paso states that as proposed herein, off-peak firm transportation service under proposed Rate Schedule T–4 would be made available to any party upon occurence of the following conditions: (i) Approval of El Paso's application in Docket No. CP86–197–000, as amended, and El Paso's acceptance of the certificate granted upon such approval; (ii) completion of construction of the facilities necessary for the provisions of the proposed off-peak firm transportation service, as described herein; (iii) determination by El Paso that it has capacity available to render the off-peak firm transportation and (iv) execution by El Paso and off-peak firm shippers of transportation service agreements in the form contained in El Paso's tariff for off-peak firm transportation service.

Further, El Paso states that off-peak firm capacity would be made available to potential shippers to support new off-peak firm transportation service agreements on a first-come, first-served basis. El Paso indicates that requests for the reservation of off-peak firm transportation capacity would be received and recorded by El Paso commencing on the first business day following the date of the filing of the instant amendment pursuant to § 284.13(a) of the Commission's Regulations. Further, El Paso states that commencing on the effective date of the new Section 21 of El Paso's transportation general terms and conditions relating to proposed Rate Schedule T–4, a *pro forma* copy of which is contained in Exhibit P to the amendment, requests for the reservation of such off-peak firm transportation capacity as may be available at the time would be governed by paragraphs 21.2 and 21.3 of such transportation general terms and conditions.

Comment date: March 27, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. Erie Pipeline System

[Docket No. CP86–329–000]

Take notice that on February 14, 1986, Erie Pipeline System (Applicant), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP86–329–000 an application pursuant to section 7(c) of the Natural Gas Act and Subpart E of Part 157 of the Commission's Regulations, optional certificate and abandonment procedures, for a certificate of public convenience and necessity authorizing the construction and operation of a natural gas pipeline and related facilities and transportation services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant, a partnership between ANR Eastern Pipeline Company, a wholly owned subsidiary of ANR Pipeline Company, and Transwestern Gas Pipeline Company, Inc., a wholly owned subsidiary of Transco Energy Company, requests authorization to construct and operate 379 miles of 30-inch pipeline, 33,000 horsepower of compression and related facilities, through which it would be able to transport up to 425,000 Mcf of natural gas per day from a point in Defiance County, Ohio, to a point of interconnection with Transylvania Gas Pipeline Company, Inc., located in Clinton County, Pennsylvania, at the Liedy storage field once the proposed facilities are operating. The proposed pipeline would traverse eight counties in Ohio (Henry, Wood, Seneca, Huron, Ashland, Wayne, Stark and Columbiana) and eight counties in Pennsylvania (Lawrence, Butler, Armstrong, Clarion, Jefferson, Clearfield, Elk and Cameron). Applicant states that the proposed construction would be done in two phases, first the pipeline construction and then the additional compression. The first phase would have a capacity of 210,000 Mcf of natural gas per day.

It is stated that the cost of the proposed facilities would be approximately $312,900,000. Applicant further states that these facilities would be financed on a conventional basis and would be capitalized with 75 percent debt and 25 percent equity.

It is explained that Applicant proposes to render firm and interruptible transportation service to Transco Gas Services Company, Inc., and others pursuant to Applicant's new proposed Rate Schedules F and I, respectively, in Original Volume No. 1 of its FERC Gas Tariff.

Applicant states that is has concurrently filed in Docket No. CP86–330–000 for a blanket certificate pursuant to Section 284.221 of the Commission's Regulations to perform such services.

Comment date: March 27, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP86–324–000]

Take notice that on February 13, 1986, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP86–324–000, an application pursuant to section 7(b) of the Natural Gas Act for permission to abandon and remove one 165 horsepower compressor unit located in Beaver County, Oklahoma, all as more fully set forth in the application on file with the Commission and open to public inspection.

Northern states that due to declining natural gas production, one 165 horsepower compressor unit is no longer needed at the Beaver County No. 8 gathering station. The present

[5] El Paso states that it would file with the Commission initial Rate Schedule T–4, pursuant to Part 154 of the Commission's Regulations, to effectuate the proposed off-peak firm transportation service, upon receipt of authorization under the amended application.

production can be gathered and compressed by the Beaver County No. 9 gathering station, it is said.

Northern states that it proposes either to use this compressor elsewhere on its system or sell it to a potential buyer. Northern indicated that the estimated cost to remove the compression facilities would be $25,000 with an estimated $15,700 salvage value.

Comment date: March 27, 1986, in accordance with Standard Paragraph F at the end of this notice.

4. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP86–326–000]

Take notice that on February 14, 1986, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP86–326–000, an application pursuant to section 7(b) of the Natural Gas Act for permission to abandon and remove one 152 horsepower compressor unit located in Beaver County, Oklahoma, all as more fully set forth in the application on file with the Commission and open to public inspection.

Northern states that due to declining gas production and the connection of the Beaver County No. 14 system to the Beaver County No. 13 system, one 152 horsepower compressor unit is no longer needed at the Beaver County No. 14 gathering station. The present production can be gathered and compressed by the Beaver County No. 13 gathering station, it is said.

Northern states that it proposes either to use this compressor elsewhere on its system or sell it to a potential buyer. Northern indicated that the estimated cost to remove the compression facilities would be $20,000 with an estimated $7,600 salvage value.

Comment date: March 27, 1986, in accordance with Standard Paragraph F at the end of this notice.

5. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP86–335–000]

Take notice that on February 18, 1986, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP86–335–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon and remove one 395 horsepower compressor unit located at the Texas County No. 4 gathering station in Texas County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the Texas County No. 4 gathering station consists of one 395 horsepower single-stage compressor unit located in Texas County, Oklahoma. Applicant states that this gathering station was installed in 1976 to reduce pressure in the Hugoton field subsystem so that certain well deliverability and dedicated reserves could be attained. Applicant states that by early 1984 gas availability from this subsystem had declined to the point where the existing compressor unit could not operate efficiently. Applicant further states that the most economical way to allow this subsystem to produce at the correct pressure was to connect it to the adjoining Morton County No. 1 subsystem. This was done in 1984, it is stated, since the adjoining gathering system had a compatible operating pressure and the connection allowed the utilization of available capacity at the Morton County No. 1 gathering station.

Applicant states that the compressor is no longer needed and serves no useful purpose and, therefore, would be utilized elsewhere on Applicant's system or sold to a potential buyer. The estimated cost to remove the facilities is $62,000 with salvage value estimated at $31,000, it is stated.

Comment date: March 27, 1986, in accordance with Standard Paragraph F at the end of this notice.

6. Northwest Pipeline Corporation

[Docket No. CP86–177–001]

Take notice that on February 25, 1986, Northwest Pipeline Corporation (Petitioner), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP86–177–001 a petition to amend the Commission's order, issued January 10, 1936, in Docket No. CP86–177–000, pursuant to section 7(c) of the Natural Gas Act so as to authorize an additional delivery point to CPEX Pacific, Inc. (CPEX) and to authorize an increase in quantity of gas transported for CPEX, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it presently transports, on an interruptible basis, up to 10 billion Btu's of natural gas per day to Northwest Natural Gas Company (Northwest Natural) for the CPEX account. Petitioner states that on February 6, 1986, the transportation agreement with CPEX was amended to establish a second delivery point, the Finley fertilizer plant in Benton County, Washington, and to increase the maximum transportation volume from 10 billion Btu's to 25 billion Btu's per day. Petitioner further states that the transportation service as amended would facilitate CPEX's efforts to make economically priced gas supplies available to the Finley plant, which CPEX is in the process of acquiring.

Comment date: March 27, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

7. Northwest Pipeline Corporation

[Docket No. CP86–345–000]

Take notice that on February 25, 1986, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP86–345–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Northwest to provide a limited-term natural gas transportation service for Oregon Steel Mills (Oregon Steel), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Northwest propses to provide an interruptible transportation service of up to 2.5 billion Btu's of natural gas per day for the account of Oregon Steel, for a term of two years, beginning on the date deliveries and transportation of the gas commence, pursuant to a gas transportation agreement (transportation agreement), dated February 17, 1986. Northwest also requests flexible authority to add and delete receipt points under the transportation agreement.

It is said that Oregon Steel has acquired, or intends to acquire, supplies of natural gas for its own use which it would cause to be delivered to Northwest for transportation at the receipt points listed in the transportation agreement. Northwest states that the initial receipt point is located at the junction between Northwest's gathering and transmission facilities at the Opal gasoline plant in Lincoln County, Wyoming. Northwest proposes to accept natural gas for Oregon Steel's account at the agreed upon receipt points and to transport and redeliver thermally equivalent volumes, less fuel, to Northwest Natural Gas Company (Northwest Natural) at Northwest's existing Portland West/Scappoose meter station in Multnomah County, Oregon, for Oregon Steel's account. Northwest Natural then would utilize its existing distribution facilities to transport Oregon Steel's gas to its steel plant in Portland, Oregon.

It is said that for all volumes of gas transported by Northwest under the

transportation agreement, Northwest proposes to charge Oregon Steel at either its incremental on-system transportation rate or replacement on-system transportation rate, as applicable. The currently effective rates as shown on Northwest's Tariff Volume No. 2 are 20.0 cents per million Btu for incremental on-system transportation and 37.97 cents per million Btu for replacement on-system transportation. Oregon Steel, however, would be eligible for a 30.91 cents per million Btu gathering credit towards the replacement on-system transportation rate, it is asserted.

Comment date: March 27, 1986, in accordance with Standard Paragraph F at the end of this notice.

8. Southern Natural Gas Company

[Docket No. CP86-318-000]

Take notice that on February 11, 1986, Southern National Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP86-318-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Southern to transport natural gas for a limited term on behalf of South Carolina Pipeline Corporation (South Carolina), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern proposes to transport up to 80 billion Btu of gas per day on an interruptible basis for South Carolina for a term of two years. It is stated that gas purchased by South Carolina from SNG Trading Inc. would be delivered to Southern at any of 67 existing points of delivery on Southern's pipeline system, and that equivalent quantities of gas would be redelivered by Southern to South Carolina at the Aiken meter station, an existing interconnection between Southern and South Carolina near Aiken, South Carolina.

Southern also requests flexible authority to provide transportation from additional delivery points in the event South Carolina obtains alternative sources of natural gas. Southern states that the flexible authority would not be used to authorize a change in the recipient of the service, the location of the proposed redelivery point or the maximum daily quantity of gas transported by Southern. Southern indicates that it would file periodic reports with the Commission providing information about the addition of any delivery points.

Southern further requests that the Commission authorize the abandonment of the transportation service upon expiration of the proposed two-year term.

It is asserted that Southern would charge South Carolina 48.2 cents per million Btu for the transportation service except that it would charge 77.6 cents per million Btu for the volumes of gas delivered to South Carolina under Southern's OCD rate schedule that exceeded South Carolina's daily contract demand.

It is further stated that Southern would collect a Gas Research Institute surcharge of 1.35 cents per Mcf of gas redelivered to South Carolina.

Southern's application states that all transportation services would be conditioned upon the availability of sufficient capacity for Southern to perform the proposed services without detriment or disadvantage to Southern's obligations to its customers.

Comment date: March 27, 1986, in accordance with Standard Paragraph F at the end of this notice.

9. Texas Gas Transmission Corporation, Union Exploration Partners, Ltd.

[Docket No. CP86-323-000, Docket No. CI86-203-000]

Take notice that on February 13, 1986, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, and Union Exploration Partners, Ltd. (UXP), 4635 Southwest Freeway, Houston, Texas 77027, filed in Docket No. CP86-323-000 and Docket No. CI86-203-000, respectively, a joint application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas proposes to deliver up to 15 billion Btu of gas per month to UXP at the Bayou Pigeon meter station for the purpose of assisting UXP in its gas lift system in the Bayou Pigeon field, Iberia Parish, Louisiana. It is stated that UXP would redeliver equivalent quantities to Texas Gas at a point in the Bayou Pigeon field where Texas Gas purchases gas from UXP, at a point where Texas Gas purchases gas from UXP in the Lake Pagie field, Terrebonne Parish, Louisiana, or at other mutually agreeable points.

The reserves located in the Bayou Pigeon field are in the last stages of depletion and due to mechanical difficulties with UXP's field compression facilities, UXP from time to time needs additional gas to supplement its gas lift system and get its compression facilities back in operation, it is explained. It is stated that the proposed exchange would provide UXP with the gas supplies needed to maximize UXP's recovery of the remaining gas and oil reserves in the Bayou Pigeon Field. No additional facilities are required to make the exchange, it is explained. It is further explained that since the proposed service is an exchange arrangement, no rate would be charged by either party.

Comment date: March 27, 1986, in accordance with Standard Paragraph F at the end of this notice.

10. Transylvania Gas Pipeline Company, Inc.

[Docket No. CP86-333-000

Take notice that on February 14, 1986, Transylvania Gas Pipeline Company, Inc. (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP86-333-000 an application pursuant to section 7(c) of the Natural Gas Act and Subpart E of Part 157 of the Commission's Regulations, optional certificate and abandonment Procedures, for a certificate of public convenience and necessity authorizing the construction and operation of a natural gas pipeline, related facilities in Pennsylvania and New Jersey and transportation services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to loop the existing facilities of Transcontinental Gas Pipe Line Corporation (Transco) by the construction and operation of the following facilities in two phases:

Phase I

(1) 17.00 miles of 36-inch diameter pipeline loop on the Leidy Line between milepost 12.51 and milepost 29.51;

(2) 26.10 miles of 36-inch diameter pipeline loop on the Leidy Line between milepost 0.00 and milepost 26.10;

(3) 8.58 miles of 30-inch diameter pipeline loop on the Leidy Line between milepost 185.48 and milepost 194.06;

(4) 3.44 miles of 24-inch diameter pipeline loop on the Trenton-Woodbury Line between milepost 4.79 and milepost 8.23; and

(5) 4.13 miles of 36-inch diameter pipeline loop on the Caldwell Line between milepost 1812.36 and milepost 1816.49;

Phase II

(1) 21.20 miles of 36-inch diameter pipeline loop on the Leidy Line between milepost 29.51 and milepost 50.71;

(2) 8,800 horsepower of additional compression at the existing Compressor Station 515; and

(3) 8,500 horsepower of additional compression at the existing Compressor Station 520.

These facilities would provide a total capacity of 540,000 Mcf of natural gas per day.

Applicant states that the estimated cost of the proposed facilities is $132,000,000 which would be constructed and operated by Transco. Applicant states that financing would be obtained through short-term loans and funds on hand, with permanent financing arranged as part of Applicant's overall financing program.

Applicant also requests authority to render firm and interruptible transportation services to Transco Gas Services Company, Inc., and others on a non-discriminatory basis for the purpose of bringing new incremental Canadian and Gulf Coast supplies of market gas to market in the eastern United States. It is explained that these volumes would be transported through intermediate pipelines to the proposed Erie Pipeline System for redelivery to Applicant at a proposed interconnection at the Leidy storage field near Tamarack, Pennsylvania.

Applicant proposes to render transportation services in accordance with its new proposed Rate Schedules F and I contained in Original Volume No. 1 of its FERC Gas Tariff.

Applicant has concurrently filed in Docket No. CP86-334-000 for a blanket certificate of public convenience and necessity to transport gas pursuant to § 284.221 of the Commission's Regulations.

Comment date: March 27, 1986, in accordance with Standard Paragraph F at the end of this notice.

11. Utah Gas Service Company

[Docket No. CP86-188-000]

Take notice that on November 1, 1985, as supplemented on February 25, 1986, Utah Gas Service Company ("Utah Gas"), 5031 South Ulster Parkway, Suite 410, Denver, Colorado 80237, filed in Docket No. CP86-188-000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.224 of the Commission's Regulations for a blanket certificate of public convenience and necessity for authorization to transport, sell and assign volumes of natural gas in interstate commerce as if Utah Gas were an intrastate pipeline as defined in Subpart C, D and E of Part 284 of the Commission's Regulations, all as more fully set forth with the Commission and open to public inspection.

Utah Gas states that it is a Hinshaw pipeline operating in the state of Utah and that it is subject to the regulatory jurisdiction of the Utah Public Service Commission. It is stated that during the twelve months ended September 30, 1985, Utah Gas received a total of 15,034 Mcf of gas from Northwest Pipeline Corporation (Northwest), which was exempt from the Commission's jurisdiction under the Natural Gas Act. It is further stated that during the same time period, Utah Gas received a total of 1,203,804 Mcf of gas from all sources, inclusive of the volumes received from Northwest. All of the non-Northwest gas is produced in the state of Utah and delivered from the field directly into the Utah Gas System, it is explained. It is stated that Utah Gas' demand will, for the next several years, be well below the deliverability of these areas. Utah Gas states that its system is situated such that it is the only logical conduit by which gas produced in these areas which is surplus to Utah Gas' need may be moved to supplemental markets (i.e., to or through the Northwest system). Utah Gas states that it expects to provide best-efforts transportation service for the purpose and may itself make Natural Gas Policy Act of 1978 section 311(b)-type surplus gas sales from time to time. Utah Gas states that it has calculated a fair and equitable transportation rate of $0.2247 per Mcf, exclusive of fuel and line loss.

Utah Gas states that it is aware of the requirements imposed on such operations by the Commission's Order Nos. 436 and 436-A, specifically as codified at 18 CFR 284.224, and is willing to comply with all such requirements at such time as it initiates service under its blanket certificate.

Comment date: March 27, 1986, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 395.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless oterwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5000 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-10-20-000 & 001]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

March 6, 1986

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on February 28, 1986, tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1: Twelfth Revised Sheet No. 203; Twenty-second Revised Sheet No. 213.

Algonquin Gas states that such tariff sheets are being filed to reflect in Algonquin Gas' Rate Schedules F-2 and S-IS, changes in the underlying rates of Consolidated Gas Transmission Corporation ("Consolidated"), as reflected in Consolidated's February 14, 1986 filing, proposed to be effective March 1, 1986.

Algonquin Gas requests that the Commission accept Twelfth Revised Sheet No. 203 and Twenty-second Revised Sheet No. 213 to be effective March 1, 1986 to coincide with the proposed effective date of Consolidated's rate change.

Algonquin Gas notes that a copy of this filing is being served upon each

affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 14, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5357 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-37-004, et al.]

ANR Pipeline Co. et al.; Filing of Pipeline Refund Reports and Refund Plans

March 7, 1986.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on or before March 21, 1986. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket no.	Type filing
1-30-86	ANR Pipeline Co.	RP85-37-004	Report.
2-18-86	Eastern Shore Natural Gas Co.	CP85-89-003	Report.
2-27-86	South Georgia Natural Gas Co.	RP77-32-018	Report.

[FR Doc. 86-5358 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-31-000, 001]

Arkla Energy Resources; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

March 6, 1986.

Take notice that on February 28, 1986, Arkla Energy Resources (AER), a division of Arkla, Inc., tendered for filing the following tariff sheets:

Rate Schedule G-2

41st Revised Sheet No. 4
13th Revised Sheet No. 4A

Rate Schedule X-26

40th Revised Sheet No. 185
13th Revised Sheet No. 185A

AER states that the purpose of the above-described tariff sheet is to (1) reflect the average projected cost of purchased gas for the six-month period commencing April 1, 1986; (2) recover or refund accumulated deferred purchased gas costs as of December 31, 1985; (3) set forth the incremental pricing calculation applicable to this PGA period; and, (4) refund the balance of deferred transportation revenue as of December 31, 1985.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1985)). All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5359 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI73-494-000]

Columbia Gas Development Corp.; Informal Conference

March 6, 1986.

Take notice that an informal conference will be held to discuss the "Petition for Waiver of Optional Procedure Pricing Certificate Condition and Petition to Amend Certificate of Public Convenience and Necessity and To Issue Conditional Order of Partial Abandonment" filed by Columbia Gas Development Corporation in the above-captioned proceeding on December 5, 1985.

The conference will be held on March 24, 1986, commencing at 1:30 p.m. in Room 8308, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. All interested persons are invited to attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5360 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA82-1-21-021]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 6, 1986.

Take notice that Columbia Gas Transmission Corporation (Columbia) on February 28, 1986, tendered for the filing following proposed changes to its FERC Gas Tariff, Original Volume No. 1, proposed to be effective April 1, 1986:

One hundred and fifth Revised Sheet No. 16
Forty-first Revised Sheet No. 64
First Revised Sheet No. 88

Columbia states that these Tariff sheets are being filed in accordance with Article VIII of the Stipulation and Agreement (Stipulation), in the referenced proceeding, dated April 4, 1985, as approved by the Commission's Order issued June 14, 1985 and as modified by order issued June 25, 1985.

Therefore, consistent with Article VIII, the above listed tariff sheets reflect the following changes due to the reduced Total Daily Entitlement (TDE) levels; (1) an increase in the non-gas demand rates applicable to non-shielded customers, (2) an increase in the Demand Base Average Rate of Purchased Gas applicable to non-shielded customers, (3) an increase in the Demand Surcharge applicable to non-shielded customers, and (4) an update to the Index of Shielded and Non-Shielded customers. Also, consistent with Article VIII, Columbia filed supporting data with the Commission relative to the TDE reductions to become effective April 1, 1986.

Article VIII of the Stipulation provides that each of Columbia's customers, other than National Fuel, may reduce its TDE level with Columbia by up to a total of 15 percent of the respective customer's TDE level in effect as of March 31, 1985

On April 26, 1985, Columbia made a filing with the Commission, which reflects certain customers' TDE reductions pursuant to the Stipulation,

of up to a maximum of 10 percent of such customer's March 31, 1985 TDE level. The instant filing reflects additional reductions in certain customers' TDE levels which do not exceed 5 percent of the March 31, 1985 level, unless those customers did not participate in the first TDE reductions, and thereby are entitled to receive a 10 percent reduction in the instant filing.

Copies of the filing were served upon the Company's jurisdictional customers, interested state commissions and all parties on the official service list in Docket Nos. TA82-1-21-001, *et al.*

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rule of Practice and Procedure. All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5361 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-54-000]

Florida Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

(March 6, 1986).

Take notice that on February 28, Florida Gas Transmission Company (FGT), P.O. Box 1188, Houston, Texas 77001 tendered for filing the following tariff sheets to its FERC Gas Tariff.

First Revised Volume No. 1

Original Sheet No. 50A
Original Sheet No. 50B

Proposed Changes

The above-referenced tariff sheets propose to revise section 15 (Purchase Gas Adjustment and Incremental Pricing Provision) of the General Terms and Conditions of FGT's FERC Gas Tariff, 1st Revised Volume No. I. The revision is limited solely to the addition of a new § 15.10 (Adjustment to Rates Between Adjustment Dates for Changes in Seller's Average Cost of Gas Purchased for Sale and Company Use) which, if approved, would permit FGT, from time to time and at any time at its sole discretion, to adjust its jurisdictional rates between PGA Adjustment Dates to recognize the cost effect of a change in FGT's average cost of gas purchased for sale and company use from the average cost of gas purchased for sale and company use utilized in the immediately preceding Purchase Gas Adjustment filing.

Such adjustments shall be limited to the Primary Adjustment and may reflect either an increase or decrease in FGT's jurisdictional rates, provided however, that FGT shall be precluded from adjusting its jurisdictional rates, pursuant to the new § 15.10, above the level established in FGT's immediately preceding Purchase Gas Adjustment filing.

The tariff sheets being filed require FGT to file such changes with the FERC at least one (1) day prior to the proposed effective date. Such filing will not be subject to either the posting requirements established by the Commission's Regulations or any filing fees. In addition, the proposed tariff sheets require FGT to demonstrate that its actions were appropriate under the circumstances and that it is entitled to recover the jurisdictional portion of under-recovered purchase gas costs which result from FGT's election to adjust its jurisdictional rates pursuant to the new §15.10. In recognition that FGT is unable to control precisely its average cost of gas, FGT's potential liability and such demonstration of appropriateness will be limited to amounts in excess of three percent (3%) of the jurisdictional portion of the Actual Gas Purchased during and PGA Adjustment Period that FGT elected to adjust its jurisdictional rates pursuant to the proposed tariff sheets.

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 and interested state commissions and is being posted.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 13, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5362 Filed 3-11-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-3-5-000,001]

Midwestern Gas Transmission Co., Rate Filing Pursuant To Tariff Rate Adjustment Provisions

March 6, 1986.

Take notice that on February 27, 1986, Midwestern Gas Transmission Company (Midwestern) filed Seventeenth Revised Sheet No. 5, to Original Volume No. 1 of its FERC Gas Tariff, to be effective on the date of the Commission's order accepting this revised tariff sheet.

Midwestern states that the purpose of the filing is to reflect for its Southern System, PGA rate adjustments based on an increase in purchases directly from Tenngasco and a decrease in purchases from Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 86-5363 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-4-5-000,001]

Midwestern Gas Transmission Co. Tariff Filing and Rate Filing Pursuant to Tariff Rate Adjustment Provisions

March 6, 1986.

Take notice that on February 28, 1986, Midwestern Gas Transmission

Company (Midwestern), tendered for filing ten copies of Nineteenth Revised Sheet No. 6 to Original Volume No. 1 of its FERC Gas Tariff proposed to be effective March 1, 1986, Twentieth Revised Sheet No. 6 and Eleventh Revised Sheet No. 8 to Original Volume No. 1 of its FERC Gas Tariff proposed to be effective April 1, 1986, and the following tariff sheets to its FERC Gas Tariff proposed to be effective January 1, 1986:

Original Volume No. 1

Eighteenth Revised Sheet No. 6
Substitute Third Revised Sheet No. 21
Sixth Revised Sheet No. 84

Original Volume No. 2

Substitute First Revised Sheet Nos. 64D, 68E, 68F

Midwestern also proposes to cancel Original Sheet No. 21A to Volume No. 1 effective January 1, 1986.

Midwestern states that the purposes of this filing are: first, to reflect in Midwestern's Northern System Rates as of March 1, 1986, a decrease in the rates charged to Midwestern by TransCanada Pipelines, Ltd. (TransCanada), the sole supplier of gas to Midwestern's Northern System; second, to implement a regular Purchased Gas Cost Rate Adjustment applicable to Midwestern's Northern System Rate Schedules CR–2, CRL–2, SR–2 and I–2 to be effective April 1, 1986, pursuant to Article XVIII of the General Terms and Conditions (the Northern System PGA clause); and third, to make technical corrections to certain of the tariff sheets submitted with Midwestern's general rate decrease filing of December 30, 1985 in Docket No. RP86–33, including Sheet No. 21 to Original Volume No. 1 and Sheet Nos. 64D, 68E and 68F to Original Volume No. 2, which were rejected in Ordering Paragraphs (C) and (D) of the Commission's Order of January 29, 1986 in Docket No. RP86–33–000.

Midwestern states that the National Energy Board of Canada has granted interim approval of an agreement between Midwestern and TransCanada that provides for a substantial reduction in the rates that TransCanada charges Midwestern for gas for Midwestern's sales customers purchasing gas under Northern System Rate Schedules CR–2, CRL–2, SR–2 and I–2 and for system operating requirements. Midwestern advises that permanent approval of the rate decrease is expected by mid-March, 1986.

Midwestern states that, in order to give Midwestern's customers the benefit of the price reductions obtained from TransCanada in advance of April 1, the date on which the regular Northern System Purchased Gas Cost Rate Adjustment in this filing will become effective pursuant to Section 1.2 of Article XVIII of the General Terms and Conditions, it has filed Nineteenth Revised Sheet No. 6 with a proposed effective date of March 1, 1986. The Current Purchased Gas Cost Rate Adjustment for Rate Schedules CR–2, CRL–2, SR–2 and I–2 reflected on Nineteenth Revised Sheet No. 6 consists of a negative $1.74 per Dkt Unit Demand Rate Change and a negative 73.77 cents per Dkt Unit Gas Rate Change.

In order to permit Ninteenth Revised Sheet No. 6 to become effective March 1, 1986, as proposed, Midwestern requests waiver of Sections 1.2 and 1.3 of Article XVIII of the General Terms and Conditions. § 154.38(d)(4)(iv)(a) of the Commission's Regulations and the 30-day notice provisions of § 154.22 of the Regulations.

Midwestern states that Twentieth Revised Sheet No. 6 includes Midwestern's regular Purchased Gas Cost Rate Adjustment for the Northern System to be effective April 1, 1986, pursuant to Article XVIII of the General Terms and Conditions. Midwestern states further that the Current Purchased Gas Cost Adjustment reflected on this sheet consists of negative $.21 per Dkt Unit Demand Rate Changes for Rate Schedules CR–2, CRL–2, negative 1.73 cents per Dkt for Rate Schedules SR–2 and negative .69 cents per DKt for Rate Schedule I–2, and a negative Unit Gas Rate Change of 30.73 cents per Dkt. Midwestern states that Twentieth Revised Sheet No. 6 also reflects the Surcharge for Amortizing the Unrecovered Gas Cost Account for the Northern System consisting of a Gas Surcharge of 11.24¢ cents per Dkt, and a demand surcharge of $1.31 per Dkt.

Midwestern states that Eleventh Revised Sheet No. 8 reflects zero Estimated Incremental Pricing Surcharges for Midwestern's customers under Rate Schedules CR–2, CRL–2, SR–2 and I–2 in accord wtih Article XXIII of the General Terms and Conditions.

Midwestern states that Ordering Paragraph (C) of the Commission's Order of January 29, 1986, in Docket No. RP86–33–000 rejected Third Revised Sheet Nos. 21 because it included language to flow-through minimum bill charges from Tennessee Gas Pipeline Company, which the Commission subsequently rejected in Docket No. RP86–27. Midwestern states further that Ordering Paragraph (D) of the same order rejected First Revised Sheet Nos. 64D, 68E and 68F or Original Volume No. 2 for failure to conform to dekatherm billing without prejudice to Midwestern's refiling revised tariff sheets.

Midwestern states that Substitute Third Revised Sheet No. 21 includes language changes to Section 3.2 of Rate Schedule CD–1 to reflect dekatherm billing and changes to section 4, the minimum bill provision, to conform the language to Order No. 380. As part of the revision of Section 4 of Rate Schedule CD–1, Midwestern proposes to cancel Original Sheet No. 21A. Midwestern states further that Substitute First Revised Sheet Nos. 64D, 68E and 68F of Original Volume No. 2 restate the affected services on a dekatherm basis and are filed consistent with Ordering Paragraph (D) of the Commission's Order of January 29, 1986 in Docket No. RP86–33–000.

Midwestern explains that Eighteenth Revised Sheet No. 6 and Sixth Revised Sheet No. 84 to Original Volume No. 1 correct Midwestern's filing in Docket No. RP86–33–000 by revising the Rate Schedule CD–2 Minimum Monthly Commodity Charge retroactive to January 1, 1986, to remove the cost of compression service provided by TransCanada. Upon acceptance of Eighteeth Revised Sheet No. 6 and Sixth Revised Sheet No. 84 as proposed, Midwestern states that it will recompute the Rate Schedule CD–2 Minimum Monthly Bill for January and February and make any necessary adjustments.

In order to permit the above tariff sheets to become effective January 1, 1986, as proposed, Midwestern requests waiver of the 30-day notice requirement of § 154.22 of the Commission's Regulations. In addition, Midwestern requests that the Commission grant any other waives it may deem necessary for the acceptance of this filing.

Midwestern states that copies of this filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any persons desiring to be heard or to protect said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5364 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-3-16-002]

National Fuel Gas Supply Corp., Compliance Filing

March 6, 1986.

Take notice that on March 3, 1986, National Fuel Gas Supply Corporation ("National") tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Substitute Sixth Revised Sheet No. 4 to be effective February 1, 1986.

National states that the purpose of Substitute Sixth Revised Sheet No. 4 is to comply with the Commission's Order of January 31, 1986 in this proceeding.

Substitute Sixth Revised Sheet No. 4 to National's FERC Gas Tariff, First Revised Volume No. 1, reflects a net decrease of 34.92¢ per Dth. This change consists of a decrease in current purchase gas cost of 6.58¢ per Dth, a decrease in the purchase gas cost surcharge adjustment of 28.13¢ per Dth and the elimination of the .21¢ surcharge to recover Pennsylvania capital stock tax.

National states that copies of this filing were served upon the company's jurisdictional customers and the regulatory commissions of the States of New York, Ohio, Pennsylvania, Delaware, and New Jersey.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5365 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-193-001]

North Penn Gas Co.; Motion To Place Tariff Sheets Into Effect

March 6, 1986.

Take notice that on 2-28-86, North Penn Gas Company (North Penn) tendered for filing Second Revised Sheet No. 1, Thirty-Eighth Revised Sheet No. 4, Thirty-Ninth Revised Sheet No. 5, Substitute Eightieth Revised Sheet No. PGA-1 and First Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1 with a motion to place these tariff sheets into effect on March 1, 1986.

North Penn respectfully requests waiver of any of the Commission's Rules and Regulations as may be required to permit the revised tariff sheets to become effective March 1, 1986.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5366 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-51-000]

Northwest Pipeline Corp.; Petition for Hearing

March 6, 1986.

Take notice that on February 21, 1986, pursuant to Rule 207,[1] Northwest Pipeline Corporation (Northwest) filed a petition requesting the Commission to institute a proceeding under section 5 and/or section 7 of the Natural Gas Act which would establish a forum for certain Northwest customers to propose revisions to their contract demands with Northwest and would further enable the Commission to consider the appropriate reallocation among customers of fixed cost responsibility attributable to any such contract demand revisions.

[1] 18 CFR 385.207 (1985).

Northwest claims that Article VIII of the contested settlement of Northwest's then pending rate proceeding in Docket No. RP85-13-000, approved by the Commission on May 31, 1985,[2] authorized the institution of such a proceeding, to commence on or after May 1, 1986. According to Northwest, although the settlement does not specify that Northwest should request such proceeding, it is doing so to ensure that the terms of Article VIII are implemented without delay. Northwest requests that the Commission assign the case to an administrative law judge and specifically provide for the establishment of a prehearing conference to facilitate the processing of the proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1985)). All such motions or protests should be filed on or before March 14, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5367 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-5-37-000,001]

Northwest Pipeline Corp.; Proposed Change in FERC Gas Tariff

March 6, 1986.

Take notice that on February 28, 1986, Northwest Pipeline Corporation ("Northwest") submitted for filing, to be a part of its FERC Gas Tariff, First Revised Volume No. 1, Original Volume No. 2, and Original Volume No. 1-A the following tariff sheets:

First Revised Volume No. 1

Fifteenth Revised Sheet No. 10-A

Original Volume No. 2

First Revised Sheet No. 2.2 and Ninth Revised Sheet No. 2-B (Consenting Parties): Second Amended Substitute Original Sheet

[2] Northwest Pipeline Corp., 31 FERC ¶ 61,263 (1985).

No. 2.2 and Second Amended Substitute Seventh Revised Sheet No. 2–B (Non-Consenting Parties).

Original Volume No. 1–A

First Revised Sheet No. 202, and First Revised Sheet No. 418.

Northwest states the purpose of the filing is to reflect a new Fuel Reimbursement Percentage to be effective April 1, 1986, pursuant to the provisions contained in Northwest's FERC Gas Tariff, Volumes 1, 2, and 1–A.

The proposed effective date of the tendered tariff sheets is April 1, 1986.

A copy of this filing has been served on Pacific Interstate Transmission Company, Northwest's jurisdictional customers, and affected state regulatory commissions.

Any persons desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–5368 Filed 3–11–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA86–3–000]

Ozona Gas Processing Plants; Filing of Petition for Review

March 6, 1986.

Take notice that Ozona Gas Processing Plants on March 3, 1986, filed a Petition for Review under 42 U.S.C. 7194(b) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a motion to intervene; however, any such person wishing to be a participant must file a notice of participation on or before March 21, 1986, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a motion to intervene on or before March 21, 1986, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.1005(c)).

A notice of participation or motion to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through the Office of General Counsel, the Assistant General Counsel for Regulatory Litigation, Department of Energy, Room 6H–025, 1000 Independence Avenue, SW., Washington, DC 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 5369 Filed 3–11–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86–2–39–000,001]

Pacific Interstate Transmission Co., Proposed Changes in FERC Gas Tariff Pursuant To Purchased Gas Cost Adjustment Provision

March 6, 1986.

Take notice that Pacific Interstate Transmission Company (Pacific Interstate) on February 28, 1986, tendered for filing as part of its FERC Gas Tariff, original Volume No. 2, the following sheets:

Twenty-Ninth Revised Sheet No. 4
Twelfth Revised Sheet No. 4–A
Twenty-Fourth Revised Sheet No. 5

Pacific Interstate states that these tariff sheets are issued pursuant to Pacific Interstate's Purchased Gas Cost Adjustment (PGCA) Provision and Incremental Pricing Provision as set forth in sections 16 and 17, respectively, of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 2. The proposed effective date of these tendered tariff sheets and the rates thereon is April 1, 1986.

Pacific Interstate also states that the above-tendered tariff sheets reflect a proposed April 1, 1986 Pacific Interstate Rate Schedule S–G–1 commodity rate of 335.65¢ per decatherm, an increase of 13.04¢ per decatherm from the 322.61¢ per decatherm rate effective October 1, 1985, the date of the last S–G–1 commodity rate change, and that such increase reflects a current Gas Cost Adjustment and a change in the Surcharge Adjustment.

Pacific Interstate states that the current Gas Cost Adjustment is based on an annualized gas cost increase of $60,310 and that the Surcharge Adjustment is designed to collect, over a six-month period beginning April 1, 1986 an amount of $22,132.55, which is the amount of Pacific Interstate's Unrecovered Purchased Gas Cost Account at December 31, 1985. Furthermore, Pacific Interstate states that there is no incremental pricing surcharge adjustment applicable to this filing, since its only customer has no surcharge absorption capability.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR. Doc. 86–5370 Filed 3–11–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86–2–62–000, 001]

Pacific Offshore Pipeline Co.; Proposed Changes in FERC Gas Tariff Pursuant To Purchased Gas Cost Adjustment Provision

March 6, 1986.

Take notice that Pacific Offshore Pipeline Company (Pacific Offshore) on February 28, 1986, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following sheets:

Fifth Revised Sheet No. 4
Substitute First Revised Sheet No. 36

Pacific Offshore requests an effective date of these tendered tariff sheets and the rates thereon of April 1, 1986.

Pacific Offshore also states that the above-tendered tariff sheets reflect a proposed April 1, 1986 Pacific Offshore Rate Schedule G–1 commodity rate of $2.019 per decatherm, a decrease of $.294 per decatherm from the $2.313 per

decatherm rate effective October 1, 1985, the date of the last revised commodity rate, and that such decrease reflects a current Gas Cost Adjustment and a change in the Surcharge Adjustment.

Pacific Offshore states that the current Gas Cost Adjustment is based on an annualized gas cost increase of $625,860 and that the Surcharge Adjustment is designed to collect, over a six-month period beginning April 1, 1986, an amount of $310,005.46 which is the amount of Pacific Offshore's Unrecovered Purchased Gas Cost account at December 31, 1985.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Washington, DC 20426, in accordance with § § 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5371 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-28-000]

Panhandle Eastern Pipe Line Co.; Informal Conference

March 6, 1986

Pursuant to the Commission's suspension order issued February 28, 1986, an informal conference will be held to resolve the issues raised in the above-captioned proceeding. The conference will be held on Thursday, March 13, 1986, at 2:00 p.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426.

All interested persons and Staff are permitted to attend. Direct any questions or comments concerning this meeting to:

James Bradford Ramsay, Attorney-Advisor, Officer of Pipeline Rates & Valuation, (202) 357-9123.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5345 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-194-005]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

March 4, 1986.

Take notice that on February 24, 1986 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Third Substitute Fifty-Third Revised Sheet No. 3-A
Third Substitute Thirtieth Revised Sheet No. 3-B
Substitute Twenty-Third Revised Sheet No. 22
Substitute Fifteenth Revised Sheet No. 24-A
Substitute Twenty-Sixth Revised Sheet No. 25
Substitute Seventeenth Revised Sheet No. 26-B
Substitute Seventeenth Revised Sheet No. 26-E

On December 13, 1985 in compliance with Ordering Paragraph (C) of the Commission Order issued September 30, 1985 in the above-referenced docket, Panhandle Eastern Pipe Line Company (Panhandle) filed revised tariff sheets to eliminate variable costs from its minimum bill. On Jaunary 10, 1986, the Commission issued an order "Rejecting Tariff Sheets and Deferring Motion for Partial Summary Disposition" which rejected the revised tariff sheets filed by Panhandle on December 13, 1985 and directed Panhandle to file revised tariff sheets within forty-five days. Therefore, pursuant to the Commission Order dated January 10, 1986, Panhandle submits herewith the attached revised tariff sheets.

In order to comply with the provisions of the Commission's Order of September 30, 1985, December 13, 1985 and January 10, 1086 in this proceeding, Panhandle is submitting herewith the above-described tariff sheets. The 3-A and 3-B tariff sheets reflect the separately stated gas cost and variable cost components, based on the underlying cost of service submitted with Docket No. RP85-194, in compliance with § 154.111(a)(2) of the Commission's Regulations. Workpapers supporting the derivation of these cost components are also submitted herewith. Therefore, Panhandle requests that the Commission accept these tariff sheets, effective October 1, 1985, subject to the outcome of this proceeding. Additionally, Panhandle states that this compliance filing in the instant case would result in a 1.5¢ increase in the commodity minimum bill rate charged those customers whose rate schedules contain a commodity minimum bill.

Panhandle states that in its original filing made August 30, 1985 in Docket No. RP85-194-000, the cost and revenue study therein demonstrates that Panhandle's jurisdictional cost of service is greater than the jurisdictional revenues for the applicable twelve-month period by at least $22.4 million. Panhandle further notes that it could have chosen to seek an increase in its rates by submitting revised tariff sheets designed to recover this jurisdictional revenue deficiency. Panhandle decided not to seek such an increase in any of its currently effective rates and instead chose to maintain its current rate levels, as further described in the August 30, 1985 letter which transmitted the material in Docket No. RP85-194. In the event the Commission chooses to accept these proffered tariff sheets, Panhandle is in the alternate submitting herewith the following alternate revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Alternate Third Substitute Fifty-Third Revised Sheet No. 3-A
Alternate Third Substitute Thirtieth Revised Sheet No. 3-B
Alternate Substitute Twenty-Third Revised Sheet No. 22
Alternate Substitute Fifteenth Revised Sheet No. 24-A
Alternate Substitute Twenty-Sixth Revised Sheet No. 25
Alternate Substitute Seventeenth Revised Sheeet No. 26-B
Alternate Substitute Seventeenth Revised Sheet No. 26-E

Panhandle is submitting these alternate tariff sheets in order to maintain its rate levels which were in effect immediately prior to October 1, 1985, although the cost and revenues submitted with the Docket No. RP85-194 filing would justify an increase in the minimum bill charge, as described above.

The proposed effective date of these revised tariff sheets and alternate revised tariff sheets is October 1, 1985. Therefore, Panhandle respectfully requests waiver of Section 154.22 of the Commission's Regulations.

Supporting computation sheets are enclosed and copies of this leter and enclosures are being served on all intervenors, jurisdicational customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 11, 1986. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5346 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-38-000,001]

Ringwood Gathering Co.; Filing of Revised Tariff Sheet

March 6, 1986.

Take notice that on February 28, 1986, Ringwood Gathering Company tendered for filing Thirty-Seventh Revised Sheet PGA-1. Ringwood Gathering Company states that Thirty-Seventh Revised Sheet PGA-1 will become effective on April 1, 1986, and revise its Base Tariff Rate to reflect the increase in the system cost of purchased gas and recover the balance accumulated in its unrecovered purchased gas cost account.

Ringwood Gathering Company further states that the projected cost of purchased gas, as computed in said filing, is based on the applicable NGPA rates for April 1, 1986.

Ringwood Gathering Company states that copies of this filing were served upon Northwest Central Pipeline Corporation and Westar Transmission Company, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1985). All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5347 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-8-000,001]

South Georgia Natural Gas Co.; Proposed Changes FERC Gas Tariff

March 6, 1986.

Take notice that on February 28, 1986, South Georgia Natural Gas Company (South Georgia) tendered for filing Thirty-Sixth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet and supporting information is being filed with a proposed effective date of April 1, 1986, pursuant to the Purchased Gas Cost Adjustments provisions set out in section 14 of South Georgia's tariff.

South Georgia states that its Thirty-Sixth Revised Sheet No. 4 reflects a decrease of 32.19¢ per MMBtu in the Current Adjustment.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (§§ 385.211, 385.214). All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5348 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-3-7-000, 001]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 6, 1986.

Take notice that Southern Natural Gas Company (Southern) on February 28, 1986, tendered for filing proposed changes to its FERC Gas Tariff, Sixth Revised Volume No. 1, to become effective April 1, 1986. Such filing is pursuant to section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FERC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes reflect a net decrease in Southern's rates of approximately 32.412¢ per Mcf as a result of the following items:

(1) A Current Adjustment pursuant to Section 17.3 of the General Terms and Conditions of Southern's tariff, reflecting an annual decrease in the cost of purchased gas to jurisdictional customers of $106,323,651 or approximately 32.637¢ per Mcf.

(2) A Surcharge Adjustment for unrecovered purchased gas costs of (.226¢) per Mcf, which is an increase of .175¢ per Mcf from the present Surcharge Adjustment.

(3) A Surcharge Adjustment for estimated Demand Charge Credits pursuant to Section 9.6(3) of the General Terms and Conditions of Southern's tariff of (.010¢) per Mcf, which reflects an increase of .050¢ per Mcf from the present DCC Surcharge Adjustment.

Pursuant to § 282.601(a)(1)(ii) of the Commission's Regulations, Southern is also filing Thirteenth Revised Sheet No. 45R with a proposed effective date of April 1, 1986. Such tariff sheet reflects Southern's projected incremental pricing surcharge for the six-month period beginning April 1, 1986, to be zero. In addition, Southern is filing Sixth Revised Sheet No. 45E to reflect its implementation of a revised methodology for the treatment of exchange imbalances as prescribed by the Commission's order of January 19, 1986, in Southern's Docket Nos. TA86-1-7-000 and TA86-1-7-002.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5349 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-9-004]

Tennessee Gas Pipeline Company, A Division of Tenneco, Inc.; Tariff Revisions

March 6, 1986.

Take notice that on February 24, 1986, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee),

tendered for filing the following revised tarrif sheets to First Revised Volume No. 1 of its FERC Gas Tariff to be effective Janaury 1, 1986.

Substitute First Revised Sheet No. 20
Substitute First Revised Sheet No. 21
Substitute First Revised Sheet No. 22

Tennessee states that these tariff sheets are submitted in substitution of revised tariff sheets filed on January 29, 1986 in this proceeding and reflect the purchased gas adjustments accepted in this proceeding on December 31, 1985 and the dekatherm rates required by Opinion Nos. 240 and 240–A.

Tennessee requests that the Commission grant any waivers necessary in order to permit (1) the withdrawal of the tariff sheets submitted in its January 29, 1986 filing and (2) approval of the revised tariff sheets filed February 21, 1986 to be effective January 1, 1986.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protect said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–5350 Filed 3–11–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA86–2–17–002 and TA85–4–17–007]

Texas Eastern Transmission Corp., Proposed Changes in FERC Gas Tariff

March 6, 1986.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on February 28, 1986 tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, six copies each of the following tariff sheets:

Second Substitute Seventy-seventh Revised Sheet No. 14
Substitute Seventy-seventh Revised Sheet No. 14A
Substitute Seventy-seventh Revised Sheet No. 14B
Substitute Seventy-seventh Revised Sheet No. 14C
Substitute Seventy-seventh Revised Sheet No. 14D

The above tariff sheets are being issued in compliance with Ordering Paragraph (F) of the Commission's order issued January 31, 1986 in Docket No. TA86–2–17–000,001 and TA85–4–17–003. The above tariff sheets implement the methodology adopted in the January 31, 1986 order for the treatment of imbalanced concurrent exchanges. The instant impact on rates of adoption of such methodology reflected in the above tariff sheets is an increase of $.0004/dth. In compliance with Ordering Paragraph (G) of the Commission's January 31, 1986 order there were enclosed worksheets including related accounting entries and explanations with respect to the adoption of the methodology.

In addition the above tariff sheets reflect a reduction in cost of gas purchased from one of Texas Eastern's major pipeline suppliers, Texas Gas Transmission Corporation (Texas Gas), below the level included in Texas Eastern's original filing of its February 1, 1986 Semiannual PGA in Docket No. TA86–2–17–000,001. On February 5, 1986, Texas Gas filed reduced rates to be effective February 1, 1986 reflecting their settlement rate reduction in Docket No. RP85–141. Texas Eastern proposes to amend its February 1, 1986 Semiannual PGA filing to reflect the reduced cost of gas from Texas Gas effective February 1, 1986.

The overall impact on rates reflected in the above tariff sheets, including the Texas Gas reduction and the increase due to concurrent exchange gas imbalances, is a net decrease consisting of components as follows: (1) $.243/dth decrease in Demand-1 rates, (2) $.0140/dth increase in Demand-2 rates, and (3) $.0124/dth decrease in the commodity component of sale rates.

The proposed effective date of the above tariff sheets is February 1, 1986.

Texas Eastern respectfully requests waiver of any of the Commission's Regulations deemed necessary to accept the above tariff sheets to be effective on February 1, 1986.

In compliance with Ordering Paragraph (H) of the January 31, 1986 order in Docket No. TA86–2–17–000,001 and TA85–4–17–003 there were enclosed additional supporting materials in order to enable Commission Staff to trace the deferred gas costs and surchage recoveries to the applicable subaccounts of Account No. 191.

Ordering Paragraph (E) of the January 31, 1986 order requires Texas Eastern to file revised tariff language to the extent necessary to conform its tariff to the adopted methodology for treatment of out-of-balance concurrent exchanges. Texas Eastern adopts the methodology required by the Commission for the treatment of imbalanced concurrent exchanged. Texas Eastern submits that its tariff is in conformance with the methodology and no tariff language revisions are necessary.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 14, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 86–5351 Filed 3–11–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA86–4–42–000,001]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 6, 1986.

Take notice that Transwestern Pipeline Company (Transwestern) on February 28, 1986 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

32nd Revised Sheet No. 5
13th Revised Sheet No. 6A

The above tariff sheets are issued pursuant to Transwestern's Purchased Gas Cost adjustment provision set forth in Article 19 of the General Terms and Conditions of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1. The Purchased Gas Cost Adjustment reflected in these sheets is a decrease of $.3552/dth.

The rate change therein consists of:

(1) A decrease in the Cost of Gas Adjustment of $.2073/dth based upon decreases in the projected gas costs; and

(2) A decrease in the Surcharge Adjustment of $.1479/dth due to a decrease in the balance in the Gas Cost Adjustment account as of December 31, 1986.

The proposed effective date of the above tariff sheets is April 1, 1986.

Copies of the filing were served on Transwestern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 13, 1986. Protests will be comsidered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5352 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-53-000]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 6, 1986.

Take notice that Transwestern Pipeline Company (Transwestern) on February 28, 1986 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

1st Revised Sheet No. 76D
Original Sheet No. 76E

Proposed Changes

The above-referenced tariff sheets revise section 19 (Purchase Gas Adjustment) of the General Terms and Conditions of Transwestern's FERC Gas Tariff, Second Revision Volume No. 1. The revision is limited solely to the addition of a new § 19.8 (Adjustment to Rates Between Adjustment Dates for Changes in Seller's Average Cost of Gas Per Unit of Sales) which, if approved, would permit Transwestern, from time to time and at any time at its sole discretion, to adjust its jurisdictional rates between PGA Adjustment Dates to recognize the cost effect of a change in Transwestern's average cost of gas per unit of sales from the average cost of gas per unit of sales utilized in the immediately preceding Purchase Gas Adjustment filing.

Such adjustments shall be limited to the Cost of Gas Adjustment and may reflect either an increase or decrease in Transwestern's jurisdictional rates, provided however, that Transwestern shall be precluded from adjusting its jurisdictional rates, pursuant to the new Section 19.8, above the level established in Transwestern's immediately preceding Purchase Gas Adjustment filing.

The tariff sheets being filed require Transwestern to file such changes with the FERC at least one (1) day prior to the proposed effective date. Such filing will not be subject to either the posting requirements established by the Commission's Regulations or any filing fees. In addition, the proposed tariff sheets require Transwestern to demonstrate that its actions were appropriate under the circumstances and that it is entitled to recover the jurisdictional portion of under-recovered purchased gas costs which result from Transwestern's election to adjust its jurisdictional rates pursuant to the new § 19.8. In recognition that Transwestern is unable to control precisely its average cost of purchased gas, Transwestern's potential liability and such demonstration of appropriateness will be limited to amounts in excess of three percent (3%) of the jurisdictional portion of the Actual Cost of Gas Purchased during any PGA Adjustment Period that Transwestern elected to adjust its jurisdictional rates pursuant to the proposed tariff sheets.

The proposed effective date of the above tariff sheets is April 1, 1986.

Copies of the filing were served on Transwestern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of practice and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-5353 Filed 3-11-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-1-52-002]

Western Gas Interstate Co.; Filing of Substitute Tariff Sheets

March 6, 1986.

Take notice that on March 3, 1986, Western Gas Interstate Company ("Western") submitted for filing, as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets:

Substitute Fourth Revised Sheet No. 10
First Revised Sheet No. 214.
First Revised Sheet No. 215.

The proposed effective date is February 1, 1986. Western refers to these tariff sheets as the "primary tariff sheets."

In the alternative, Western has submitted for filing the following tariff sheet:

Alternate Substitute Fourth Revised Sheet No. 10

The proposed effective date is also February 1, 1986. Western refers to this as the "alternate tariff sheet."

Both sets of tariff sheets affect only Western's rate under Rate schedule G-S.

Western states that its filing is designed to reflect the following events, which occurred after its original PGA filing in Docket No. TA86-1-52-000 was submitted on December 31, 1985: (1) The filing by Western's supplier El Paso Natural Gas Company ("El Paso") of a "standby charge" applicable to Western's purchases under El Paso's Rates Schedule ABD-S; (2) an increase in the GRI surcharge, effective January 1, 1986, as it applies to purchases from El Paso under Rate Schedule ABD-S; (3) El Paso's filing, on February 7, 1986, of tariff sheets to implement the Commission's orders in Docket No. TA86-133-005, with respect to unpaid accruals, the effect of which is to increase the ABD-S rate by 3.0¢ per MMBtu; and (4) imposition by the Commission of an "at risk" condition with respect to Western's purchases of low-priced gas from El Paso Gas Marketing Company ("Gas Marketing").

Western states that, because it is currently unable to recover transportation costs incurred with respect to its sales to Rate Schedule G-S and because its operating margin under Rate Schedule G-S is so small, it must have both the most accurate possible

cost of purchased gas and curent recovery of gas transportation costs. In this connection, Western states that it is currently bound by a recent rate case settlement in Docket No. RP84–77 not to file for an increase in its G–S margin until August 1, 1986 at the earliest. Western therefore states that it is in danger of being unable to recover its entire rate of return and a large portion of its fixed costs unless the Commission allows it to revise its PGA filing effective February 1, 1986 and to implement a temporary mechanism to recover transportation costs related to the purchase of low-priced gas. Western's projected "Temporary Transportation Cost Recovery Mechanism" is therefore proposed to be effective from February 1, 1986 until Western's general system rates are changed pursuant to either section 4 or section 5 of the Natural Gas Act.

Western's alternate tariff sheet, which is proposed only if the Commission is unable to accept the primary tariff sheets, reflects the elimination of any purchase of low-priced gas for sale under Rate Schedule G–S.

The projected rate under the primary tariff sheets is 326.41¢ per MMBtu. The projected rate under the alternate tariff sheet is 338.80¢ per MMBtu.

Western states that copies of this filing were served upon Western's transmission system customers and the interested state regulatory commissions. The filing is on file with the Commission and open to public inspection.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–5354 Filed 3–11–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT86–3–000]

Wyoming Interstate Co., Ltd.; Proposed Changes in FERC Gas Tariff

March 6, 1986.

Take notice that Wyoming Interstate Company, Ltd., (WIC) on February 28, 1986, tendered for filing certain revisions to its FERC Gas Tariff, Original Volume No. 1. WIC states that the purpose of this filing is to make miscellaneous administrative update changes. No substantive changes are proposed. An effective date of April 4, 1986, is requested for the revised tariff sheets.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 214 or Rule 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 14, 1986. Protestes will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filling are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–5355 Filed 3–11–86; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of February 10 Through February 14, 1986

During the week of February 10 through February 14, 1986, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Remedial Order

Merit Petroleum, Inc., 02/12/86; HRO–0174

Merit Petroleum, Inc. objected to a Proposed Remedial Order in which the Economic Regulatory Administration alleged that the firm violated the layering rule at 10 CFR 212.186 and the permissible average markup (PAM) provisions of §§ 212.182 and 212.183. In considering the firm's objections, the DOE first rejected Merit's arguments that the layering regulation was not validly promulgated and that DOE enforcement actions against crude oil resellers were discriminatory. In addition, the DOE found that Merit had not provided a tangible service which facilitated the movement of crude oil from the producer to the refiner or which provided some other function of economic benefit to the crude oil market, as required by the layering rule. The DOE also found that the PAM rule was procedurally and substantially valid and that the firm had failed to comply with the rule. Accordingly, the PRO was issued as a final Remedial Order, directing Merit to remit $46,744,277.99, plus interest, to the DOE.

Motion for Discovery

National Hydrocarbons Group, Inc., HRD–0164; National Hydrocarbons Resources, Inc., HRH–0164; Economic Regulatory Administration, 02/11/86; KRZ–0019

The Office of Hearings and Appeals issued a Decision and Order considering three motions filed in connection with a Statement of Objections to a Proposed Remedial Order issued to National Hydrocarbons Group, Inc. (Group) and National Hydrocarbons Resources Inc. (Resources). The OHA denied the firms' Motion for Discovery, which sought information on the Economic Regulatory Administration's audit of the firm, as well as contemporaneous construction and administrative record material concerning regulations involved in the PRO. The firm's Motion for Evidentiary Hearing was granted in part, permitting presentation of evidence on the relationship between Group and Resources. In addition, the firms were allowed to submit documentation on traditional and historical reseller services that they performed. The OHA also denied an ERA motion to place under seal arguably confidential business data obtained from Shell Pipeline Corporation, finding that ERA had failed to comply with a request to furnish information to support nondisclosure of the documents.

Refund Applications

Aminoil U.S.A., Inc./Dale McFarland D/B/A, Hank's LP Gas and Midstate Propane, 02/14/86; RF139–4

Dale McFarland filed an Application for Refund in which he sought a portion of the fund obtained by the DOE through a consent order entered into with Aminoil U.S.A., Inc. The DOE found that McFarland paid above-market average costs for the natural gas liquid products that he purchased from Aminoil and, using a three-step competitive disadvantage methodology, the DOE determined that McFarland should receive a refund of $182,714, representing $113.797 in principal and $68,917 in accrued interest.

Apco Oil Corporation/ Dave's Apco, et al., 02/12/86; RF83–31, et al.

The DOE issued a Decision and Order concerning six Applications for Refund filed by purchasers of refined petroleum products from Apco Oil Corporation. Each applicant sought a refund of less than $5,000 from the settlement fund obtained by the DOE through a consent order with Apco, and each applied for refunds based upon the small claims procedures outlined in the decision implementing Apco refund procedures. After

examinating the applications, the DOE concluded that each of the six firms should receive a refund, based on its volumetric per gallon refund amount. The total refund granted was $3,641 in principal and $1,240 in interest.

Apco Oil Corporation/Malone Oil Company, U-Pump-It of Kansas, 02/12/86; RF83-51; RF83-141

The DOE issued a Decision and Order concerning two Applications for Refund filed by purchasers of refined petroleum products from Apco Oil Corporation. Each applicant sought a refund of no greater than $5,000 from the fund obtained by the DOE through a consent order with Apco and each applied for refunds based upon the small claims procedures outlined in the decision implementing Apco refund procedures. The total refunds granted was $5,813 in principal and $1,982 in interest.

Farmers Union Central Exchange, Inc., 02/12/86; RF171-33

The DOE issued a Decision and Order concerning a claim for payment of a finally adjudicated entitlements exception relief receive order filed by Farmers Central Union Exchange, Inc. (Cenex). The DOE determined that the claim was meritorious, and directed that an interest-bearing escrow account in the amount of $1,163,603, be established for the purpose of providing restitution to Cenex.

Gulf Oil Corporation/Colvin's Glass Shop, et al., 02/10/86; RF40-00614, et al.

The DOE issued a Decision and Order concerning 14 Applications for Refund filed by retailers that were direct purchasers of Gulf Oil Corporation petroleum products. Each firm applied for a refund based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984), governing the disbursement of settlement funds received from Gulf pursuant to a 1978 consent order. In accordance with those procedures, each applicant demonstrated that it would not have been required to pass through to customers a cost reduction equal to the refund claimed. After examining the applications and supporting documentation submitted by the applicants, the DOE concluded that they should receive a total refund of $18,245 consisting of $15,457 in principal and $2,788 in interest.

Gulf Oil Corporation/Lowe's Gulf Station, et al., 02/14/86; RF40-01807, et al.

The DOE issued a Decision and Order concerning 81 Applications for Refund filed by retailers that were direct purchasers of Gulf Oil Corporation petroleum products. Each firm applied for a refund based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984), governing the disbursement of settlement funds received from Gulf pursuant to a 1978 consent order. In accordance with those procedures, each applicant demonstrated that it would not have been required to pass through to customers a cost reduction equal to the refund claimed. After examining the applications and supporting documentation submitted by the applicants, the DOE concluded that they should receive a total refund of $71,477, consisting of $60,554 in principal and $10,923 in interest.

Gulf Oil Corporation/National Rent-a-Car System, 02/14/86; RF40-1539, RF 40-1540

The DOE issued a Decision and Order concerning two Applications for Refund filed by National Rent-A-Car System, a purchaser of Gulf Oil Corporation petroleum products. National applied for refunds based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984). In accordance with those procedures, resellers were required to demonstrate that they would not have been required to pass through to customers a cost reduction equal to the refund claimed. The DOE determined first that the refueling fees National charged to its car rental customers were resales of covered products. The DOE then found that National did not make the required cemonstration that it would not have been required to pass through a cost reduction to its customers equal to the refund claimed. Accordingly, its applications were denied.

Gulf Oil Corporation/The Pittsburg & Midway Coal Mining Co., 02/14/86; RF40-2654

The DOE issued a Decision and Order concerning an Application for Refund filed by The Pittsburg & Midway Coal Mining Co., claiming a portion of the consent order fund made available by Gulf Oil Corporation. The DOE found that Pittsburg, a wholly owned subsidiary of Gulf during the Gulf consent order period, was subsequently sold to Chevron U.S.A. Inc. The DOE determined that Pittsburg would not be entitled to receive a refund if it were still owned by Gulf, since such a refund would effectively inure to the consent order firm. The DOE concluded that since Gulf had no right to a refund in this proceeding, it had no right to a refund to transfer to Chevron. Accordingly, Pittsburg's refund application was denied.

Little America Refining Company/U.S. Oil Company, Inc., et al., 02/12/86; RF112-35, et al.

The DOE issued a Decision and Order concerning six Applications for Refund from a consent order fund made available by Little America Refining Company (Larco). The applicants were all purchasers of Larco products. Each of the applicants showed evidence of having sizable cost banks during the consent order period. In addition, price data submitted by the firms indicated that each was charged above market prices in its purchases of Larco product. The DOE therefore concluded that the applicants were injured, and granted each firm a refund corresponding to its full volumetric share based on its Larco purchases. The refunds granted in this proceeding total $170,229 in principal and $81,942 in interest.

Standard Oil Company (Indiana)/United Power Association, Arch Minerals Corp., 02/13/86; RF21-12564, RF21-12565, RF21-12566, RF21-12567

The DOE issued a Decision and Order concerning Applications for Refund filed by United Power Association and Arch Minerals Corp., two consumers of Standard Oil Company (Indiana) (Amoco) refined petroleum products. The claimants applied for refunds based on the procedures outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). After examining the evidence and supporting documentation, the DOE concluded that the applicants should receive refunds totaling $5,844, including interest.

VGS Corporation/Miller Transporters, Inc., Defense Fuel Supply Center, 02/11/86; RF191-1, RF191-4

The DOE issued a Decision and Order concerning Applications for Refund filed by Miller Transporters, Inc. and Defense Fuel Supply Center (DFSC), end-users of petroleum products purchased from VGS Corporation/Southland Oil Company. Each applicant applied for a refund based on the procedures outlined in *VGS Corp.*, 13 DOE ¶ 85,165 (1985), governing the disbursement of settlement funds received from VGS pursuant to a 1981 consent order. Those procedures provided that end-users of VGS products need only supply the DOE with a record of their purchases of regulated products from VGS during the consent order period. Each applicant provided either exact gallonage totals or an accurate estimate of its purchases. The DOE therefore concluded that Miller should receive a refund of $11,381, including interest, and that DFSC should receive a refund of $129,489, including interest.

Dismissals

The following submissions were dismissed:

Name and Case No.

Bo's Gulf Service Center; RF40-1493
CPI, Inc.; KRR-0006
Dipietro's Gulf Service Station; RF40-99
ERA/Atlantic Richfield Company; KRS-0170
State of Tennessee; RF40-733

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 6, 1986.

[FR Doc. 86-5430 Filed 3-11-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 4G3145/T507, FRL-2979-5]

Diethatyl-Ethyl; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for residues of the herbicide

diethatyl-ethyl and its metabolites in or on certain raw agricultural commodities.

DATE: These temporary tolerances expire February 1, 1987.

FOR FURTHER INFORMATION CONTACT:

By mail: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Office location and telephone number: Room 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, which was published in the Federal Register of March 27, 1985 (50 FR 12076), announcing the establishment of temporary tolerances for residues of the herbicide diethatyl-ethyl and its metabolites (free and bound) determinable as the *N*-acetyl *N*-(2,6-diethylphenyl) glycine derivative in or on the raw agricultural commodities peppers at 1.0 part per million (ppm); carrots at 0.2 ppm, and celery at 0.1 ppm. These tolerances were issued in response to pesticide petition PP 4G3145, submitted by Nor–Am Chemical Co., 3509 Silverside Rd., P.O. Box 7495, Wilmington, DE 19803.

These temporary tolerances have been extended to permit the continued marketing of the raw agricultural commodities named above when treated in accordance with the provisions of experimental use permit 45639–EUP–25, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136).

The Scientific data reported and other relevant material were evaluated, and it was determined that the extension of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions.

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Nor-Am Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire February 1, 1987. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981, (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: February 24, 1986.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86–4906 Filed 3–11–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067–0031

Title: Federal Crime Insurance Program, Crime Insurance Applications—Proof of Loss

Abstract: Application forms needed to provide Federal Crime Insurance policies, Proof of Loss required before claim can be paid.

Type of Respondents:
Individuals or households
Businesses or other for-profit
Non-profit institutions
Small businesses or organizations

Number of Respondents: 15,600

Burden Hours: 3,100

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646–2624, 500 C Street, SW., Washington, DC 20472.

Comments should be directed to Mike Weinstein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, DC 20503.

Dated: March 5, 1986.

Walter A. Girstantas,

Director, Administrative Support.

[FR Doc. 86–5306 Filed 3–11–86; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–002744–058.

Title: Atlantic & Gulf/West Coast of South America Conference.

Parties:
Compania Chilena de Navigacion Interoceania, S.A.
Compania Peruana de Vapores
Compania Sud Americana de Vapores, S.A.
Lineas Navieras Bolivianas, S.A.M.
Lykes Bros. Steamship Co., Inc.

Synopsis: The proposed amendment provides that any party which fails to post its required security deposit (deposit) within 30 days of its membership or which fails to maintain its deposit shall have its voting rights suspended, and if, after 90 days from the date of suspension, its deposit is still deficient it shall automatically be expelled from membership.

Agreement No.: 221–003368–003.
Title: Palm Beach Terminal Agreement.
Parties:
The Port of Palm Beach (Port)
Eastern Cement Corporation (Eastern)
Synopsis: The proposed amendment extends the time allowed Eastern to submit to the Port construction plans and specifications for a general cargo warehouse and other permitted improvements proposed to be constructed on the "Additional Demised Premises" leased by Eastern.

Agreement No.: 202–008900–033
Title: The "8900" Lines Agreement.
Parties:
Barber Blue Sea
A.P. Moller-Maersk Line
National Shipping Company of Saudi Arabia
Nedlloyd Lijnen, B.V.
Sea-Land Service, Inc.
United States Lines
Waterman Steamship Corporation
United Arab Shipping Company (S.A.G.)

Synopsis: The proposed amendment revises the voting provision (1) to provide that a vote of 2/3 of the parties entitled to vote shall be required for an adoption of any matter by telex, telephone or cable poll; and (2) to eliminate language which provided that a tie vote would be deemed to carry an action. In addition, a provision has been added to provide for confidential treatment of all matters considered by the parties.

Agreement No.: 212–009847–013.
Title: U.S. Atlantic Coast/Brazil Agreement.
Parties:
Companhia de Navegacao Lloyd Brasileiro
Companhia de Navegacao Maritima Netumar
United States Lines (S.A.) Inc.

Synopsis: The proposed amendment would clarify the cargo pooling provision of the agreement to assure that cargo carried by the parties from Atlantic ports to the United States to ports in Brazil, shall be subject to the provision except cargoes loaded in U.S. Atlantic ports as "Alternate Coast Port Service" from and via U.S. Gulf Ports.

Agreement No.: 212–010382–008.
Title: Argentina/U.S. Gulf Ports Agreement.
Parties:
A. Bottacchi S.A. de Navegacion C.F.I.I.
Companhia de Navegacao Lloyd Brasileiro
Companhia Maritima Nacional
Cylanco S.A.
Empresa Lineas Maritimas Argentinas S.A.
Reefer Express Lines Pty., Ltd.
Transportacion Maritima Mexicana S.A.
United States Lines (S.A.) Inc.

Synopsis: The proposed amendment would modify the agreement to (1) clarify the applicability of the pool accounting procedures to ensure that cargoes discharged at U.S. Atlantic Coast ports but carried to "Alternate Coast Service" to and/or via U.S. Gulf ports continue to be accounted for in the Gulf pool, and not the East Coast pool; and (2) provide that containerized pool cargoes freighted as minimum, lump-sum or unit rate shall have a carrying rate of 55% of the container's ocean freight revenue and cargoes transshipped from Uruguayan ports shall have a carrying rate of 95% of that cargoes' ocean freight revenue from November 15th, 1985 through December 31st 1986.

Agreement No.: 212–010320–010.
Title: Brazil/U.S. Gulf Ports Pooling Agreement.
Parties:
Companhia de Navegacao Lloyd Brasileiro
Companhia Maritima Nacional
United States Lines (S.A.) Inc.
Empresa Lineas Maritimas Argentinas S.A.
A. Bottacchi S.A. De Navegacion C.F.I.I.
Transportacion Maritima Mexican, S.A.
Cylanco S.A.

Synopsis: The proposed amendment would (1) clarify the applicability of the pool accounting procedures in order to ensure that intermodal movements of cargo destined for U.S. Gulf ports be included in the Gulf pool and not in the East coast pool; (2) account for the parties' minimum sailing obligation and (3) increase the forfeiture rate of an undercarrier.

Agreement No.: 212–010386–007.
Title: Argentina/U.S. Atlantic Coast Pooling Agreement.
Parties:
A. Bottacchi S.A. de Navegacion C.F.I.I.
Companhia de Navegacao Lloyd Brasileiro
Cylanco S.A.
Empresa Lineas Maritimas Argentinas S.A.
United States Lines (S.A.) Inc.
Van Nievelt Goudriaan & Co.
Reefer Express Lines Pty., Inc.

Synopsis: The proposed amendment is designed to assure that cargoes which are destined to U.S. Gulf ports and which move via intermodal service continue to be accounted for in the separate Gulf pool, and not in the East Coast pool. The agreement modification increases the carrying rate for containerized cargo rated as minimum, lump sum or unit, and for cargoes transshipped from Uruguayan ports.

Agreement No.: 212–010388–005.
Title: U.S. Atlantic Coast/Argentina Agreement.
Parties: A. Bottacchi S.A. de Navegacion C.F.I.I.
Empresa Lineas Maritimas Argentinas S.A.
United States Lines (S.A.) Inc.

Synopsis: The proposed amendment would modify the agreement to (1) clarify the applicability of the pool accounting procedures to ensure that cargoes loaded at U.S. Atlantic Coast ports but carried to "Alternate Coast Service" from and/or via U.S. Gulf ports shall be accounted for in the Gulf pool, and not in the East Coast pool, provided that such cargoes be accounted for in the U.S. Gulf Ports Agreement FMC No. 212–010389–005; and (2) provide that containerized pool cargoes freighted as minimum, lump-sum or unit rate shall have a carrying rate of 55% of the container's ocean freight revenue and cargoes transshipped to Uruguayan ports shall have a carrying rate of 95% of that cargoes' ocean freight. Each of the aforementioned modifications is applicable from the period November 15th, 1985 through December 31st, 1986. The proposed amendment would also make certain nonsubstantive changes to the language of the agreement.

Agreement No.: 212–010389–005.
Title: U.S. Gulf Ports/Argentina Pooling Agreement.
Parties:
United States Lines (S.A.) Inc.
Empresa Lineas Maritimas Argentinas S.A.
A Bottacchi S.A. de Navegacion C.F.I.I.

Synopsis: The proposed amendment would (1) clarify the pool accounting procedures in order to ensure proper accounting of cargoes moving via intermodal service or included in the Gulf pool instead of the East Coast pool; (2) amend Article 15 so that containerized cargo that is rated on a lump sum, minimum or unit basis is not rated on a manifested revenue for basis and (3) increase the carrying rate for containerized cargo rated as lump sum, minimum or unit basis and for cargoes transshipped from Uruguayan ports.

Agreement No.: 221–010895.
Title: Port of Seattle and Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.;

Mitsui-O.S.K. Lines, Ltd.; Nippon Yusen Kaisha, Ltd.; Showa Line, Ltd. and Yamashita-Shinnihon Steamship Company, Ltd. Lease Termination Agreement

Parties:

Port of Seattle
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Mitsui-O.S.K. Lines, Ltd.
Nippon Yusen Kaisha, Ltd.
Yamashita-Shinnihon Steamship Company, Ltd.

Synopsis: The proposed agreement provides the terms and conditions for termination of Agreement Nos. T-3516-33(T) and T-3788 between the Ports of Seattle and Lines, pursuant to which the lines occupy Terminal 37. The parties have requested a shortened review period.

Agreement No.: 224-010896.

Title: Agreement and Lease Between the Maryland Port Administration and Moller Steamship Company, Inc./ Maersk Line.

Parties:

Moller Steamship Company, Inc. (Maersk)
Maryland Port Administration (MPA)

Synopsis: The Agreement and Lease provide Maersk with 22.66 acres at Dundalk Marine Terminal for three years. Maersk will receive an annual tonnage discount based on the achievement of a guaranteed level of cargo through the terminal and will receive application of an Acreage Utilization Program differing from those contained in the MPA Terminal Services Tariff No. 9. The parties have requested a shortened review period.

Dated: March 7, 1986.

By Order of the Federal Maritime Commission.

Tony P. Kominoth,

Assistant Secretary.

[FR Doc. 86-5395 Filed 3-11-86; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License Applicants; Nova Enterprises, Ltd., et al.

Notice is hereby given that the following persons have filed applications for licenses as ocean freight forwarders with the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and 46 CFR Part 510.

Persons knowing of any reason why any of the following persons should not receive a license are requested to contact with Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Nova Enterprises, Ltd., 2234 Landmeier Road, Elk Grove Village, IL 60007
Officers: Lloyd L. Garrod, President; Nancy Dugan, Vice President; Maynard P. Flikkema, Vice President

Alaska Pacific Trading Company dba ALPAC, 600 First Avenue, Seattle, WA 98104,
Officers: Takayuki Someya, Chairman of the Board; Setsuo Kimura, President/Secretary; Hidehiko Tsuru, Vice President

Kathleen Tansey Riggs dba Tansey & Riggs, 22709 Aspan Street, #304-307, El Toro, CA 92630

IMCM (USA), Inc., 2617 Bensen Avenue, Brooklyn, NY 11214
Officers: Kathleen McDowell, Director/President, Joseph Zamalkany, Secretary/Treasurer

Trax Cargo (U.S.C.), Ltd., 76 Main Street, Champlain, NY 12919
Officers: Arthur S. Spiegel, President/ Director; Margaret C. Spiegel, Secretary; Lawrence B. Weiner, Vice President/Director; William Solomon, Vice President/Director

Ramiro Pastor Antequera, 2118 33rd Avenue, Long Island City, NY 11106

By the Federal Maritime Commission.

Dated: March 7, 1986.

John Robert Ewers,

Secretary.

[FR Doc. 86-5339 Filed 3-11-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Apollo Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 3, 1986.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Apollo Bancorp, Inc.*, Apollo, Armstrong County, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Apollo Trust Company, Apollo, Pennsylvania.

2. *Progressive Bancshares, Inc.*, Lexington, Kentucky; to acquire 99.05 percent of the voting shares of The Anderson National Bank of Lawrenceburg, Lawrenceburg, Kentucky.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Piedmont BankGroup Incorporated*, Martinsville, Virginia; to acquire 100 percent of the voting shares of The First National Bank of Stuart, Stuart, Virginia.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Community Group, Inc.* (formerly Marion Bancshares, Inc.), Jasper, Tennessee; to acquire 100 percent of the voting shares of Fentress County Bank, Jamestown, Tennessee.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Central Banc System, Inc.*, Granite City, Illinois; to acquire 100 percent of the voting shares of American Heritage Bank of Granite City, Granite City, Illinois.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Central of Kansas, Inc.*, and its subsidiary *Central of Kansas V., Inc.*, both of Junction City, Kansas; to directly and indirectly acquire 100 percent of the voting shares of The Farmers and Drovers National Bank, Marion, Kansas.

2. *First Bancshares of Muskogee, Inc.*, Muskogee, Oklahoma; to acquire 89 percent of the voting shares of First City Bank, N.A., Tulsa, Oklahoma.

F. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Northwest Crossing Bancshares, Inc.*, Houston, Texas; to become a bank

holding company by acquiring 100 percent of the voting shares of Northwest Crossing National Bank, Houston, Texas.

G. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Bonneville Bancorp Employee Stock Ownership Plan and Trust*, Provo, Utah; to become a bank holding company by acquiring 35.97 percent of the voting shares of Bonneville Bancorp, Provo, Utah.

Board of Governors of the Federal Reserve System, March 6, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-5302 Filed 3-11-86; 8:45 am]

BILLING CODE 6210-01-M

Delaware National Bankshares Corp., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve bank indicated or the offices of the Board of Governors not later than March 30, 1986.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Delaware National Bankshares Corp.*, Georgetown, Delaware; to engage *de novo* through its subsidiary, Delaware National Insurance Agency, Inc., Georgetown, Delaware, in the sale of general insurance, pursuant to § 225.25(b)(8)(ii) of Regulation Y. Company will engage in the business from each of the office locations of Delaware National Bank, Georgetown, Laurel, Rehobeth Beach, Fenwick Island and Ocena View, Delaware.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Cullen/Frost Bankers, Inc.*, San Antonio, Texas; to engage *de novo* through its subsidiary, Cullen/Frost Discount Brokers, Inc., San Antonio, Texas, in providing discount securities brokerage activities restricted to buying and selling securities solely as agent for the account of customers and will not include securities underwriting or dealing or the provision of investment advice or research services, pursuant to § 225.25(b)(15) of Regulation Y.

Board of Governors of the Federal Reserve System, March 6, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-5303 Filed 3-11-86; 8:45 am]

BILLING CODE 6210-01-M

Hamptons Bancshares Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The oganization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 2, 1986.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Hamptons Banchares, Inc.*, East Hampton, New York; to acquire Island Computer Corporation, Bohemia, New York; and thereby engage in the processing of incoming and outgoing cash letters, DDA checking (which includes deposit sorting and posting) and account reconciliation, time deposit accounting, club accounting, and certain cerfificate of deposit accounting, which includes computation and posting of interest, pursuant to § 2255.25(b)(7) of Regulation Y.

Board of Governors of the Federal Reserve System, March 6, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-5304 Filed 3-11-86; 8:45 am]

BILLING CODE 6210-01-M

The Mitsubishi Bank, Ltd.; 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 U.S.C. 1843(c)(8)) and 225.21(a) of Regulation Y (12 CFR § 225.21(a)) to commence or to engage de novo, either directly or

through a subsidiary, in a nonbanking activity that is listed in 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

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 March 26, 1986.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *The Mitsubishi Bank, Ltd.*, Tokyo, Japan; to indirectly engage *de novo* through its subsidiary, Diamond Lease (U.S.A.) Inc., New York, New York, in leasing real property, and acting as agent, broker or adviser in leasing such property, pursuant to § 225.25(b)(5) of Regulation Y.

Board of Governors of the Federal Reserve System, March 6, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-5305 Filed 3-11-86; 8:45 am]

BILLING CODE 6210-01-M

Agency Forms Under Review

March 6, 1986.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

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

ADDRESS: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, D.C. 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Martha Bethea—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3822)

Proposal to approve under OMB delegated authority the extension, without revision, of the following reports.

1. Report title: Government Securities Dealers Reports

Agency form number: FR 2004a, b, c, and d

OMB Docket number: 7100-0003

Frequency: Weekly, Daily, Semi-monthly

Reporters: Primary dealers in U.S. government securities

Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. 248(a) and 248(i)) and is given confidential treatment (5 U.S.C. 552(b)(4)).

This group of reports submitted by Government Securities Dealers are used to collect daily positions, daily transactions, weekly financings and semi-monthly futures, forwards, and options data from the primary dealers in U.S. Treasury Securities.

2. Report title: Notification of Foreign Branch Status

Agency form number: FR 2058

OMB Docket number: 7100-0069

Frequency: event-generated

Reporters: State member banks, Edge and Agreement corporations and bank holding companies

Small businesses are affected.

General description of report: This information collection is mandatory (12 U.S.C. 321, 601, 602, 615 and 1844) and is not given confidential treatment.

This report notifies the Federal Reserve Board of the opening, closing, or relocation of a foreign branch of state member banks, Edge and Agreement corporations, or bank holding companies. This information enables the Board to ensure the safety and soundness of the U.S. banking system.

3. Report title: Report of Broker Carrying Margin Accounts

Agency form number: FR 2240

OMB Docket number: 7100-0001

Frequency: Annually

Reporters: Brokers and Dealers

Small businesses are affected.

General description of report: This information collection is mandatory (15 U.S.C. 78q) and is given confidential treatment (5 U.S.C. 552(b)(4)).

This report is used to insure compliance of brokers and dealers with Federal Reserve Margin Regulations on Security Credit as authorized by section 17 of the Securities Exchange Act of 1934.

Board of Governors of the Federal Reserve System, March 6, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-5337 Filed 3-11-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meeting: The following advisory committee meeting is announced:

Hematology and Pathology Devices Panel

Date, time, and place. April 24 and 25, 9 a.m., Rms. 703A-727A, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public meeting, April 24, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, April 25, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Joseph L. Hackett, Center for Devices and Radiological Health (HFZ-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the committee contact person before April 9 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss:

(1) The role of FDA in regulating generic devices such as monoclonal antibodies, special stains, etc., to identify populations and subpopulations of T and B lymphocytes,

(2) A reclassification petition for automated differential cell counters, and

(3) A reclassification petition for automated heparin analyzers.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

March 5, 1986.

Adam J. Trujillo,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-5298 Filed 3-11-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0066]

CooperVision, Inc.; Premarket Approval of the QwikCare ™ System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by CooperVision, Inc., Mountain View, CA, for premarket approval, under the Medical Device Amendments of 1976, of the QwikCare ™ System for use with soft (hydrophilic) contact lenses. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by April 11, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Lippman, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Geogia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On July 11, 1983, CooperVision, Inc., Mountain View, CA 94039, submitted to CDRH an application for premarket approval of the QwikCare ™ System. The QwikCare ™ System is a 3% hydrogen peroxide system consisting of the

QwikCare TH Disinfecting Solution, the QwikCare TH Rinsing and Neutralizing Solution, and the QwikCase TH lens storage case. The QwikCare TH System is indicated for chemical (not heat) disinfection and storage of extended wear and daily wear soft (hydrophilic) contact lenses.

On July 15, 1985, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On January 31, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Richard E. Lippman (HFZ–460), address above.

The labeling of the OwikCare System states that the system is indicated wear and daily wear soft (hydrophilic) contact lenses. Manufacturers of soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever CDRH publishes a notice in the **Federal Register** of the approval of a new solution for use with an approved soft contact lens, the manufacturer of each lens shall correct its labeling to refer to the new solution at the next printing or at such other time as CDRH prescribes by letter to the applicant. Such labeling new users of soft contact lenses that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to comply with the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.), and regulations thereunder, and with the Federal Trade Commission Act (15 U.S.C. 41–58), as amended.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 ((21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(g), 360j(b))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: March 5, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc 86–5296 Filed 3–11–86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85M–0449]

Ocumed, Inc.; Premarket Approval of Ocu-Disal Salt Tablets

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Ocumed, Inc., Freeport, NY, for premarket approval, under the Medical Device Amendments of 1976, of Ocu-Disal Salt Tablets (250 milligram salt tablets) for use with soft (hydrophilic) contact lenses. Ocu-Disal Salt Tablets are intended for use in the preparation of 27.7 milliliters of normal saline (0.9 percent) solution to be used in heat disinfection of soft (hydrophilic) contact lenses. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by April 11, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Lippman, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7940.

SUPPLEMENTARY INFORMATION: On March 8, 1985, Ocumed, Inc., Freeport, NY 11520, submitted to CDRH an application for premarket approval of Ocu-Disal Salt Tablets (250 mg salt tablets). The device is indicated for use in the heat disinfection of soft (hydrophilic) contact lenses.

On July 15, 1985, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On September 5, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above), and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Richard E. Lippman (HFZ–460), address above.

The labeling of Ocu-Disal Salt Tablets states that the solution prepared from the salt tablets is intended for use in heat disinfection of soft (hydrophilic) contact lenses. Manufacturers of soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever CDRH publishes a notice in the **Federal Register** of CDRH's approval of a new solution for use with an approved soft contact lens, the manufacturer of each lens shall correct its labeling to refer to the new solution at the next printing or at such other time as CDRH prescribes by letter

to the applicant. Such labeling informs new users of soft contact lenses that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to comply with the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.), and regulations thereunder, and with the Federal Trade Commission Act (15 U.S.C. 41–58), as amended.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details

Petitioners may, at any time on or before April 11, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: March 5, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86–5297 Filed 3–11–86; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicaid Program; Hearing Reconsideration of Disapproval of a California State Plan Amendment

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

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on April 23, 1986 in San Francisco, California to reconsider our decision to disapprove California State Plan Amendment 85–8.

DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk by March 27, 1986.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Hearing Staff, Bureau of Eligibility, Reimbursement, and Coverage, 365 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594–8261.

SUPPLEMENTARY INFORMATION:

This notice announces an administrative hearing to reconsider our decision to disapprove a California State Plan Amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter is whether portions of California's plan which would permit use of community property laws in determinations of eligibility for medically needy aged, blind and disabled, and which would permit an income disregard of spousal and child support made under a court order or by agreement with a district attorney in determinations of eligibility for aged, blind and disabled medically needy, violate section 1902(a)(10)(C)(i)(III), 1902(a)(17)(B), 1902(a)(19), and 1902(a)(4) of the Social Security Act.

Community Property Laws

The Medicaid statute at section 1902(a)(10)(C)(i)(III) of the Social Security Act requries that States apply the same methodologies as are applied in the Supplemental Security Income (SSI) program in determining financial eligibility of medically needy aged, blind, or disabled individuals. SSI regulations at 20 CFR 416 specify the methodology which States must apply in determining what is income and how it affects eligibility.

SSI regulations at 20 CFR 416.1102 define income as ". . . anything you receive in cash or in kind that you can use for food, clothing or shelter . . ." SSI by statute is a Federal program with uniform eligibility standards and requirements. It uses nationwide rules to determine what income will be considered as the individual's and what income will be considered as the spouse's. For example, Federal requlations require that benefit payments made under title II of the Act be considered as income to the individual beneficiary, and not be transferred or assigned to any other individual. Medicaid follows SSI rules as required by law. The SSI policy does not provide for any special treatment of income in those States which have in effect community property laws. Since the California plan amendment would apparently consider community property rules in determining attribution of all incomes received by married individuals, without regard to the Federal rules and would count the income of each spouse as his/her interest (one-half) of their own income and one-half of the other spouse's income, it conflicts with SSI policies on counting income for purposes of establishing eligibility. Thus, HCFA has determined the Calfornia proposal violates section 1902(a)(10)(C)(i)(III) of the Act because the State proposes to apply its community property rules in determining ownership of income rather than the required SSI methods.

Section 1902(a)(17)(B) of the Act requires the State plan to provide for taking into account only such income

and resources as are, as determined in accordance with standards prescribed by the Secretary, available to the applicant or recipient (and, with respect to the medically needy, as would not be disregarded in determining the individual's eligibility for the relevant cash assistance program).

Section 1902(a)(17)(B) of the Act has a two-fold purpose. First, it precludes a State from considering any income or resource which is not available. Second, it requires a State to consider as available, all income and resources which are determined, in accordance with the Secretary's regulations, to be available (unless the cash program rules require this income or resource be disregarded). Regulations at 42 CFR 435.831(a)(2) require States covering all SSI recipients to deduct amounts that would be deducted in determining SSI.

HCFA has determined the California amendment violates section 1902(a)(17)(B) of the Act since it would exclude income which the Secretary determines to be available (under SSI rules) to the individual (by considering it to be his spouse's), and which is not disregarded under that program.

Disregard of Support Payments

Under Medicaid statute at section 1902(a)(10)(C)(i)(III) of the Act, States such as California, are required to employ the same methodologies in determining income eligibility for medically needy individuals as are employed in the related cash assistance programs. Thus, with respect to aged, blind and disabled individuals, the State must use the same income disregards and definition of income as used in the Supplemental Security Income (SSI) program.

Under the SSI program, support payments of the type encompassed by California SPA No. 85–8 are not excluded from income. The regulations at 20 CFR 416.1102 define income as ". . . anything you (an individual) receive in cash or in kind that you can use for food, clothing, or shelter. . . ." Moreover, under 20 CFR 416.1123(b)(2), SSI even considers as available income, amounts which are withheld from the individual to make certain payments (e.g., amounts of income withheld because of a garnishment). Thus, income actually received, which is later used to make support payments is certainly considered to be available income and is not excluded elsewhere in the SSI statute or regulations. Accordingly, the Secretary has determined these amounts to be available income and this SSI determination is applicable to the medically needy under sections 1902(a)(10)(C)(i)(III) of the Act. Therefore, HCFA has determined that this provision violates section 1902(a)(10)(C)(i)(III) of the Social Security Act.

Under Medicaid statute at section 1902(a)(17)(B) of the Act, States are precluded from considering any income or resource which is not available and to consider as available all income and resources which are determined in accordance with regulations of the Secretary to be available (unless the cash program rules require this income or resource to be disregarded). Medicaid regulations at 42 CFR 435.831(a)(3) require States covering SSI recipients to deduct amounts that would be deducted under SSI. HCFA has determined California SPA No. 85–8 violates 1902(a)(17)(B) of the Act because it would disregard income which the Secretary determines to be available and which is not disregarded under SSI.

Furthermore, under Federal statute at section 1903(f) of the Act and implementing regulations at 42 CFR 435.1007, Federal financial participation (FFP) is not available to any individual whose income after specified deductions exceeds 133⅓ percent of the highest money payment that would ordinarily be made under the State's AFDC plan to a family of the same size without income or resources. The disregard as proposed in SPA 85–8 is not included as one of the disregards specified under these provisions. The FFP requirements are not a specific State plan requirement. However, by applying an income disregard not permitted under the FFP provisions, the State could provide Medicaid to individuals whose income would otherwise exceed the FFP limitation expressly cited at section 1903(f). In light of this, HCFA has determined approval of the proposed State plan amendment would not be consistent with the "proper and efficient operation of the plan" and would thus violate section 1902(a)(4) of the Act. Further, HCFA has determined such approval would not be "consistent with simplicity of administration" as required under section 1902(a)(19) of the Act.

It should be noted that a recent court decision *Cubanski* v. *Heckler*, No. 85–7123 (9th Cir. Feb. 7, 1986) apparently construes the moratorium provisions of section 2373(c) of Pub. L. No. 98–369 to preclude the Secretary from disapproving State plan amendments which contain an income or resource standard or methodology that is less restrictive than the applicable cash assistance standard or methodology. However, with regard to the community property provision of California State Plan Amendment 85–8, HCFA does not believe that it is precluded from disapproving the amendment based upon the moratorium because the application of community property rules to the medically needy is more restrictive for some individuals and more liberal for other individuals and therefore is not protected by the "less restrictive" language of the moratorium. This is based on *Camacho* v. *Perales*, No. 85–7139, slip op. at 7145 (2nd Cir. Jan. 24, 1986) which concluded that the moratorium does not authorize a State to adopt a procedure which is in some aspects more restrictive and in some aspects more liberal than the relevant cash assistance methodology.

With regard to the disregard of support payments provision of California State Plan Amendment 85–8, apart from disagreeing with the decision, HCFA believes *Cubanski* v. *Heckler* should be limited to its facts. It involved a situation in which the court found that a California State plan amendment which provided for a medically needy income level for families composed of two adults set at 133⅓ percent of the AFDC payment level for a family of three was consistent with an HHS manual issuance and thus could not be disapproved. The court also held that the disapproval was contrary to the moratorium on certain HHS actions imposed by section 2373(c) of Pub. L. No. 98–369 (the Deficit Reduction Act of 1984). Since the court has already decided the issue of the approvability of the amendment by virtue of its construction of the effect of HHS' manuals, its conclusion on the effect of the moratorium was dictum. HCFA believes the court's conclusion on the moratorium is limited to those situations where HHS unrepealed policy issuances would result in the approval of the amendment, because this was the factual context facing the court.

The notice to California announcing an administrative hearing to reconsider our disapproval of its State plan amendment reads as follows:

Kenneth W. Kizer, M.D., M.P.H.,
Director, Department of Health Services, 714/744 P Street, Sacramento, California 95814.

Dear Dr. Kizer: This is to advise you that your request for reconsideration of the decision to disapprove California State Plan Amendment 85–8 was received on February 7, 1986. California State Plan Amendment 85–8 would permit use of community property laws in determinations of eligibility for medically needy aged, blind and disabled and would permit an income disregard of spousal and child support made under a court order or by agreement with a district attorney in determinations of eligibility for aged, blind and disabled medically needy.

You have requested a reconsideration of whether this plan amendment conforms to the requirements for approval under title XIX of the Social Security Act. The issues to be considered are: 1) Whether California's proposal to permit use of community property laws in determinations of eligibility for medically needy aged, blind and disabled, violates section 1902(a)(10)(C)(i)(III) and 1902(a)(17)(B) of the Social Security Act, and 2) whether California's proposal to permit an income disregard of spousal and child support made under a court order or by agreement with a district attorney in determinations of eligibility for aged, blind and disabled medically needy violates sections 1902(a)(10)(C)(i)(III), 1902(a)(17)(b), 1902(a)(4) and 1902(a)(19) of the Social Security Act.

I am scheduling a hearing on your request to be held on April 23, 1986 in the 21st Floor Conference Room, 100 Van Ness Avenue, San Francisco, California. If this date if not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Lawrence Ageloff as the presiding official. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 594–8261.

Sincerely yours,

Henry R. Desmarais, M.D.,

Acting Administrator.

National Institutes of Health

Biotechnology Resources Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biotechnology Resources Review Committee (BRRC), Division of Research Resources (DRR), March 20–22, 1986, 9:00 a.m., Conference Room 7, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on March 20 from 9:00 a.m. to approximately 11:00 a.m. during which time there will be comments by the Director, DRR, a status report on the Biomedical Research Technology Program, and a report on supercomputer activities. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 11:00 a.m. on March 20 until adjournment on March 22 for the review, discussion, and evaluation of individual research grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B–10, National Institutes of Health, Bethesda, MD 20892, (301) 496–5545, will provide a summary of the meeting and a roster of committee members upon request. Dr. Caroline Holloway, Executive Secretary, Biotechnology Resources Review Committee, Division of Research Resources, Bldg. 31, Rm. 5B–41, National Institutes of Health, Bethesda, MD 20892, (301) 496–5411, will furnish substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 13.371, Biotechnology Research, National Institutes of Health)

Dated: February 28, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86–5380 Filed 3–11–86; 8:45 am]

BILLING CODE 4140–01–M

Vision Research Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Vision Research Review Committee, National Eye Institute, April 3–4, 1986, Conference Room 8, Building 31, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on April 3 from 8:30 a.m. to 9:30 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:30 a.m. on April 3 until recess and on April 4 from 8:30 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Kay Valeda, Committee Management Officer, National Eye Institute, Building 31, Room 6A–03, National Institutes of Health, Bethesda, Maryland 20892 (302) 496–4903, will provide summaries of the meeting and rosters of committee members.

Dr. Catherine Henley, Review and Special Projects Officer, Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–06, National Institutes of Health, Bethesda, Maryland 20892 (301) 496–5561, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensor and Motor Disorders of Visual Research; National Institutes of Health)

Dated: February 28, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86–5381 Filed 3–11–86; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Grazing Administration—Exclusive of Alaska; Grazing Fee for the 1986 Grazing Year

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

ACTION: Notice of establishment of grazing fee for the 1986 grazing year.

SUMMARY: The Secretary of the Interior hereby announces that the fee for livestock grazing for the 1986 grazing year is $1.35 per animal unit month on public lands administered by the Bureau of Land Management.

EFFECTIVE DATE: March 1, 1986 through February 28, 1987.

ADDRESS: Any inquiries should be sent to: Director (220), Bureau of Land Management, Room 5626, Main Interior Bldg., 1800 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Billy R. Templton, (202) 653–9193.

SUPPLEMENTARY INFORMATION: Grazing fees for the use of public rangelands are established and collected under the authority of section 3 of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315), and Executive Order 12548 of February 14, 1986. The minimum fee level of $1.35 per animal unit month prescribed in Executive Order 12548 shall be collected in the 1986 grazing year. This action extends the grazing fee established for the 1985 grazing year, the

last year of operation under the grazing fee formula established in the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.). The grazing fee for grazing year 1986 was originally determined by using the formula adopted in the Public Rangelands Improvement Act of 1978 as continued in Executive Order 12548. By using the formula in the Public Rangelands Improvement Act, with its minimum fee of $1.35 per animal unit month as the basis for the grazing fee for the 1986 grazing year, the Department of the Interior is preserving the status quo to maintain stability in the western livestock industry. Therefore, the grazing fee for grazing year 1986 is set at $1.35 per animal unit month.

It is hereby determined that the establishment of this grazing fee does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

J. Steven Griles,

Assistant Secretary of the Interior.

March 5, 1986.

[FR Doc. 86-5299 Filed 3-11-86; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

[I-22265]

Realty Action: Sale of Public Land in Cassia County ID

AGENCY: Bureau of Land Management, Interior Department.

ACTION: Notice of realty action, Sale of Public Land in Cassia County Idaho.

DATE AND ADDRESS: The sale offering will be held on Wednesday, May 21, 1986, at 1:30 p.m. at the Burley District Office, 200 South Oakley Highway, Burley, Idaho, 83318. Should no valid bids be received, the parcel will be offered every Wednesday through October 29, 1986, on which date this sale offering will be suspended.

SUMMARY: The following described lands have been examined and through the public supported land use planning process have been determined to be suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, at no less than fair market value as determined by an appraisal:

Parcel no.	Legal description	Appraised fair market value	Sale type
I-22265	T. 13 S., R. 26 E., B.M., sec. 25: SE¼NW¼ (40 acres).	$4,000	Competitive.

When patented, the lands will be subject to the following reservations:

Ditches and Canals. Oil and Gas, and Geothermal rights will be reserved to the United States Government.

Existing county road right-of-way held by Raft River Highway District and State Highway 81 right-of-way held by Idaho Department of Transportation.

Continued use of the land by valid right-of-way holders is proper subject to the terms and conditions of the grant. Administrative responsibility previously held by the United States will be assumed by the patentee.

The previously described lands are hereby segregated from appropriation under the public land laws including the mining laws for a period of 270 days or until patent is issued, whichever comes first.

Sale Procedures:

The parcel will be sold by competitive bidding procedures as follows: A sealed bid must be submitted in person or by mail prior to the date and time of sale in the Burley District Office located at Route 3, Box 1, 200 South Oakley Highway, Burley, ID 83318. The bid must be sealed in an envelope with the envelope specifying the serial number and the sale date in the lower left hand corner (i.e. "Sealed bid—Public Land Sale I-22265—May 21, 1986"). If two or more valid sealed bids are received for the same amount and are the high bid, a supplemental bidding of the high bidders will be held.

Bids must be submitted for at least fair market values and will constitute an application to purchase that portion of the mineral estate of no known value. A thirty percent (30%) deposit must accompany each bid as well as an additional $50 non-returnable mineral conveyance processing fee. The filing fee and deposit must be paid by certified check, money order, bank draft or cashier's check. Bids will be rejected if accompanied by a personal check.

SUPPLEMENTARY INFORMATION: Detailed information concerning the conditions of the sale can be obtained by contacting Sharon LaBrecque, Snake River Realty Specialist at (208) 678-5514.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, ID 83318. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

Dated: March 4, 1986.

John S. Davis,

District Manager.

[FR Doc. 86-5316 Filed 3-11-86; 8:45 am]

BILLING CODE 4310-GG-M

[CA 17914]

California; Exchange of Public and Private Lands in Riverside County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of issuance of land exchange conveyance document and order opening lands acquired in this exchange.

SUMMARY: The purpose of this exchange was to acquire a portion of the non-Federal lands within the proposed 13,030-acre preserve for the Coachella Valley fringe-toed lizard. The lizard is Federally listed as threatened and State listed as endangered. The bureau of Land Management's goal is to acquire 6,700 acres of the preserve. Other State or Federal agencies will acquire the remaining portion of the preserve. Within the preserve there are habitat and non-habitat areas for the fringe-toed lizards. The land acquired in this exchange is within a non-habitat area and will be used as a source of sand for the lizards' habitat areas. The public interest was well served through completion of this exchange. The land acquired in this exchange will be open to the operation of the public land laws and to the full operation of the United States mining laws and mineral leasing laws.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, California State Office, (916) 978-4815.

The United States issued an exchange conveyance document to The Nature Conservancy on December 27, 1985, for the following described land under the Federal Land Policy Management Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716:

San Bernardino Meridian, California

T. 5 S., R. 6 E.,
Sec. 4, W½NE¼NW¼SW¼, W½NW¼NW¼SW¼, W½NW¼SW¼SW¼, and E½SW¼SE¼SW¼.

Comprising 20.00 acres of public land.

In exchange for these lands, the United States acquired the following described land from the Nature Conservancy:

San Bernardino Meridian, California

T. 3 S., R. 6 E.,
Sec. 36: E½SE¼SW¼ and SE¼.

Containing 180 acres, more or less, of non-Federal land.

Except those portions conveyed to the County of Riverside, for Thousand Palms Canyon road, by Deeds recorded May 15, 1961, as Instrument Nos. 41377, 41378, 41379, 41381 and 41382 of Office Records of Riverside County, California;

Also except from the SW¼SE¼ of said section, 1/16th of all coal, gas, and other mineral deposits, as reserved to the State of California, in Certificate of Purchase recorded July 30, 1926, in Book 26, page 288 of Deeds, Records of Riverside County, California;

Also except from the remainder of said Section, all oil, gas, shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits contained in said lands, and further reserving to the State of California, persons authorized by the State, the right to drill for and extract such deposits of oil and gas, and to prospect for, mine and remove such deposits of other minerals from said lands, and to occupy and use so much of the surface as may be required therefor, upon compliance with the conditions, and subject to the provisions and limitations of Chapter 5, Part 1, Division 6 of Public Resources Code, as reserved in the Patent from the State of California, recorded May 6, 1948, as Instrument No. 653, in Book 906, page 498, of Official Records of Riverside County, California.

T. 4 S., R. 6 E.,
Sec. 1: Lot 1 of NE¼ and Lot 1 of NW¼;

Containing 160 acres, more or less, of non-Federal land.

Except that portion in the 88.00 foot wide strip of land, conveyed to the County of Riverside, for Thousand Palms Canyon Road, by Deed recorded May 15, 1961, as Instrument No. 41383 of Official Records of Riverside County, California.

T. 4 S., R. 7 E.,
Sec. 6: Lot 1 of NE¼, the W½ Lot 2 of NW¼, the NW¼NE¼SE¼, and E½NE¼NW¼SE¼.

Containing 138.02 acres, more or less, of non-Federal land.

Except any portion within the 80.00 foot wide right-of-way, for an aqueduct road; the 50.00 foot wide right-of-way, for a transmission line, and the 80.00 foot wide right-of-way, for an aqueduct road, granted to the Metropolitan Water District of Southern California, by an Act of Congress approved June 18, 1932 (Ch. 270, 47 Stat. 324), as shown on the Maps of definite location thereof, approved by the Secretary of the Interior, May 2, 1933, and December 2, 1933;

Also except all oil and gas, together with the right to prospect for, mine and remove same, as reserved in the Patent from the United States of America, recorded April 8, 1964, as Instrument No. 43480 of Official Records of Riverside County, California.

The values of the public land and non-Federal lands in this exchange are equal.

At 10 a.m. on April 14, 1986, the non-Federal lands described above shall be open to operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 14, 1986, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

At 10 a.m. on April 14, 1986, the non-Federal lands described above shall be open to applications under the United States mining laws and mineral leasing laws.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Dated: March 4, 1986.

Sharon N. Janis,

Chief, Branch of Lands & Minerals Operations.

[FR Doc. 86-5319 Filed 3-11-86; 8:45 am]

BILLING CODE 4310-40-M

Designation of Sand Mountain Recreation Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Designation of Sand Mountain Recreation Area and establishment of supplemental rules at Sand Mountain Recreation Area.

SUMMARY: Pursuant to the authority of 43 CFR Part 8352 and the Nevada Delegation of Authority 1203, I have designated the public lands in the following described area, the Sand Mountain Recreation Area:

LANDS INVOLVED

Township	Range	Meridian	Sec.	Subdivision	Acres
16 N.	32 E.	Mount Diablo	4	Lots 1,2,3,4, inclusive	184.12
				SW¼ of NE¼	40
				S½ of NW¼	80
				N½ of SW¼	80
				SW¼ of SW¼	40
			5	Lots 1,2,3,4, inclusive	184.49
				S½ fo N½	160
17 N.	32 E.	Mount Diablo	15	S½ of S½	160
			16	SE¼ of SE¼	40
			20	SE¼	160
			21	All	640
			22	W½	320
				NE¼	160
			28	All	640
			29	All	640
			32	All	640
			33	All	640
Total acreage					4,808.61

The area aggregates approximately 4808.61 acres, all of which are public lands managed by the Bureau of Land Management in Churchill County, Nevada.

EFFECTIVE DATE: February 4, 1986.

Pursuant to the authority of 43 CFR Part 8365, and the Nevada Delegation of Authority 1203, I am establishing the following supplementary rules in connection with recreational use of the Sand Mountain Recreation Area:

1. Unless otherwise excepted by the authorized officer: All motorized vehicles utilizing the Sand Mountain Recreation Area are required to have a florescent orange "whip flag", a minimum of 25 square inches in size, which extends ten feet above the height of the vehicle, to provide extra visibility and warning to other recreationists. The only exception to this rule is vehicles on improved maintained roads and in camping zones within the management area boundaries.

2. Unless otherwise excepted by the authorized officer: Discharge or use of firearms within the confines of the Sand Mountain Recreation Area is prohibited.

EFFECTIVE DATE: April 1, 1986.

FOR FURTHER INFORMATION CONTACT: Thomas J. Owen, District Manager, Bureau of Land Management, 1535 Hot Springs Road, Suite 300, Carson City, Nevada 89701 (702) 882–1631.

Dated: February 24, 1986.

Thomas J. Owen,

District Manager, Carson City, Nevada.

[FR Doc. 86–5317 Filed 3–11–86; 8:45 am]

BILLING CODE 4310-HC-M

[U-43465-N]

Utah; Proposed Reinstatement of Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97–451), a petition for reinstatement of oil and gas lease U–43465–N for lands in San Juan County, Utah, was timely filed and required rentals and royalties accruing from November 1, 1985, the date of termination, have been paid.

The lessee has agreed to new lease terms for rentals and royalties at rates of $5 per acre and 16⅔ percent, respectively. The $500 administrative fee has been paid and the lessee has reimbursed the Bureau of Land Management for cost of publishing this Notice.

Having met all the requirements for reinstatement of lease U–43465–N as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective November 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Orval L. Hadley,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 86–5327 Filed 3–11–86; 8:45 am]

BILLING CODE 4310-DQ-M

Joint Meeting of Fairbanks and Anchorage District Advisory Councils: Cancellation

The joint meeting of the Advisory Councils of the Fairbanks and Anchorage Districts of the Bureau of Land Management, scheduled to be held in the auditorium of Fairbanks' Noel Wien Memorial Library on Tuesday, March 11 and Wednesday, March 12, 1986 has been cancelled. Major topics of discussion were to cover the organizational structure of the Bureau of Land Management/Alaska and future BLM programs in Alaska.

For additional information contact the Bureau of Land Management, Public Affairs Office, 1541 Gaffney Road, Fairbanks, Alaska 99703, telephone (907) 356–2345.

John R. Barnes,

Acting District Manager, Fairbanks District Office.

[FR Doc. 86–5328 Filed 3–11–86; 8:45 am]

BILLING CODE 4310-JA-M

California and Nevada Research Natural Area; Correction

SUMMARY: The notice published in the Federal Register Vol. 49, No. 213 p. 44026, November 1, 1984, concerning the designation of the Lassen Red Rocks Scenic Area, contained an error in the public land description. The Lassen Red Rocks Scenic Area land description is hereby corrected to read as follows:

Township	Range	Meridian	Sec.	Subdivision	Acres
		LASSEN COUNTY, CALIFORNIA			
24 N.	18 E.	Mount Diablo	30	SE¼, E½ of SW¼	240
				31NE¼, E½ of NW¼	240
				N½ of N½ of SE¼	40
Total					520
		WASHOE COUNTY, NEVADA			
24 N.	18 E.	Mount Diablo	29	W½ of SW¼	80
			30	Lots 3,4 inclusive	36.28
			31	Lots 1, 2, 3 inclusive	42.12
			32	Lot 4 inclusive	45.98
				SW¼ of NW¼	40
				NW¼ of SW¼	40
Total					284.38
Grand total California and Nevada					804.38

The area aggregates approximately 804.38 acres, all of which are public lands managed by the Bureau of Land Management in Lassen County, California and Washoe County, Nevada.

FOR FURTHER INFORMATION CONTACT: Thomas J. Owen, District Manager, Bureau of Land Management, 1535 Hot Springs Road, Suite 300, Carson City, Nevada 89701, (702) 882–1631.

Dated: February 24, 1986.

Thomas J. Owen,

District Manager, Carson City, Nevada.

[FR Doc. 86–5318 Filed 3–11–86; 8:45 am]

BILLING CODE 4310-HC-M

INTERNATIONAL TRADE COMMISSION

Agency Form Submitted for OMB Review

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Commission has submitted a proposal for the collection of information to the Office of Management and Budget for review.

Purpose of Information Collection:

The proposed information collection is for use by the Commission in connection with investigation No. 332–135 for the quarterly preliminary report on U.S. production of selected synthetic organic chemicals, instituted under the authority of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)).

Summary of Proposal

(1) Number of forms submitted: One
(2) Title of form: Preliminary Report on U.S. Production of Selected Synthetic Organic Chemicals (Including Synthetic Plastics and Resins Materials)
(3) Type of request: Extension
(4) Frequency of use: Quarterly
(5) Description of respondents: Firms manufacturing selected synthetic organic chemicals in the United States
(6) Estimated number of respondents: 236

(7) Estimated total number of hours to complete the forms: 944

(8) Information obtained from the form that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

Additional Information or Comment

Copies of the proposed form and supporting documents may be obtained from James A. Emanuel, telephone (202) 523–0334. Comments about the proposal should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Attention: Francine Picoult, Desk Officer for the U.S. International Trade Commission. Any comments should be specific, indicating which part of the questionnaire or study plan is objectionable and describing the problem in detail. If you anticipate commenting on a form but find that time to prepare comments will prevent you from submitting them promptly you should advise OMB on your intent within 2 weeks of the date this notice appears in the Federal Register. Ms. Picoult's telephone number is (202) 395–7231. Copies of any comments should be provided to Charles Ervin (U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436).

Hearing impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724–0002.

Issued: March 7, 1985.

By order of the Commission

Kenneth R. Mason,

Secretary.

[FR Doc. 86–5407 Filed 3–11–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–308 Through 310 (Preliminary)]

Certain Butt-Weld Pipe Fittings From Brazil, Japan, and Taiwan

AGENCY: International Trade Commission

ACTION: Institution of preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigations No. 731–TA–308 through 310 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil, Japan, and Taiwan of carbon steel butt-weld pipe and tube fittings, under 14 inches (inside diameter), provided for in item 610.88 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in these cases by April 10, 1986.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: February 24, 1986.

FOR FURTHER INFORMATION CONTACT: Brian Walters (202–523–0104), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed on February 24, 1986, by the U.S. Butt-Weld Fittings Committee.

Participation in the investigations.—Persons wishing to participate in these investigations are parties must file an entry of appearance with the Secretary to the Commission, as provided in 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list. Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 10:00 a.m. on March 20, 1986, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact Brian Walters (202–523–0104) not later than March 17, 1986, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions.—Any person may submit to the Commission on or before March 24, 1986, a written statement of information pertinent to the subject of the investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary of the Commission in accordance with section 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority

These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: March 3, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–5408 Filed 3–11–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731-TA-282 (Final)]

Candles From the People's Republic of China

AGENCY: International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731-TA-282 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the People's Republic of China of candles of petroleum wax, provided for in item 755.25 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). Unless the investigation is extended, Commerce will make its final LTFV determination on or before April 28, 1986, and the Commission will make its final injury determination by June 18, 1986 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Diane J. Mazur (202-523-7914), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002. Information may also be obtained via electronic mail by accessing the Office of Investigations' remote bulletin board system for personal computers at 202-523-0103.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of Candles from the People's Republic of China are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigation was requested in a petition filed on September 4, 1985, by the National Candle Association, Arlington, Virginia. In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (50 FR 45172, Oct. 30, 1985).

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff report.—A public version of the prehearing staff report in this investigation will be placed in the public record on April 23, 1986, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on May 13, 1986, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on May 6, 1986. All persons desiring to appear at the hearing and make oral presentations should file perhearing briefs and attend a prehearing conference to be held at 9:30 a.m. on April 30, 1986, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is May 6, 1986.

Testimony at the public hearing is governed by section 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written submissions.—All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of section 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on May 16, 1986. In addition, any person who has not entered an appearnace as a part to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 16, 1986.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: March 6, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-5409 Filed 3-11-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-278, 279, and 280 (Final)]

Certain Cast-Iron Pipe Fittings From Brazil, Korea, and Taiwan

AGENCY: International Trade Commission.

ACTION: Clarification of the scope of final antidumping investigations.

EFFECTIVE DATE: January 13, 1986.

FOR FURTHER INFORMATION CONTACT: Martha Mitchell (202-523-6620), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

SUPPLEMENTARY INFORMATION: On February 6, 1986, the Commission published notice in the **Federal Register** of the institution of the subject final antidumping investigations. Subsequently, we have received inquiries as to whether imports of cast-iron pipe fittings that were destined to be threaded, and that were imported under item 610.70 of the Tariff Schedules of the United States (TSUS), were within the scope of our investigations. We wish to clarify that the products covered by these investigations are certain malleable cast-iron pipe fittings, not of alloy cast-iron, whether or not advanced in condition by operations or processes (such as threading) subsequent to the casting process, other than groove-lock, as provided for in TSUS items 610.70 and 610.74. This description of the products covered by our investigations complies with the scope of the investigations being conducted by the Department of Commerce.

Authority

These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: March 7, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-5410 Filed 3-11-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-235]

Certain Human-Powered Vehicles With Combination Steering, Braking, and Propulsion Means; Decision Not to Review an Initial Determination Amending Complaint and Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Amendment of complaint and notice of investigation.

SUMMARY: The U.S. International Trade Commission has determined not to review an initial determination (ID) amending the complaint and notice of investigation in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0079.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 210.53 (19 CFR 210.53).

ON December 30, 1985, complainant Nashville Diversified, Inc., filed a motion (Motion No. 235-1) to amend the complaint and notice of investigation to allege infringement of claims 2, 3, 5, 12, and 35-38 of U.S. Letters' Patent No. 3,663,038. The presiding administrative law judge issued an ID granting the motion on January 29, 1986. No petitions for review of the ID were filed nor were any comments received from Government agencies.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing-impaired individuals are advised that information in this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Issued: March 6, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-5411 Filed 3-11-86; 8:45 am]

BILLING CODE 7020-02-M

[Docket No. Investigation No. 337-TA-225]

Certain Multi-Level Touch Control Lighting Switches; Decision Not to Review Initial Determination Terminating Respondent on the Basis of a Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Nonreview of an initial determination (ID) terminating a respondent on the basis of a settlement agreement.

SUMMARY: The U.S. International Trade Commission has determined not to review an ID terminating respondent Leviton Manufacturing Co., Inc. (Leviton), in the above-captioned investigation. On December 19, 1985, complainant Southwest Laboratories, Inc., and respondent Leviton filed a joint motion (Motion No. 225-8) to terminate Leviton as a respondent in the above-captioned investigation on the basis of a settlement and licensing agreement. The presiding administrative law judge issued an ID (Order No. 12) granting the motion for termination on January 28, 1986.

FOR FURTHER INFORMATION CONTACT: John Kingery, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 523-1638.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 210.53 (19 C.F.R. 210.53). Notice of the ID was published in the **Federal Register** of February 6, 1986 (51 FR 4662). No petitioner for review of the ID were received, nor were any comments received from other Government agencies or the public.

Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Issued: February 28, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-5412 Filed 3-11-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-147]

Certain Papermaking Machine Forming Sections for the Continuous Production of Paper and Components Thereof; Decision To Review Initial Determination and Schedule for Filing of Written Submissions on Violation and on Relief, the Public Interest, and Bonding

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined to review the administrative law judge's initial determination that there is a violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation.

Authority

The authority for the Commission's disposition of this mater is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.53—.56 of the Commission's Rules of Practice and Procedue (19 CFR 210.53—.56).

FOR FURTHER INFORMATION CONTACT: Charles Nalls, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1626.

SUPPLEMENTARY INFORMATION: On May 2, 1983, the U.S. International Trade Commission instituted an investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), upon the complaint of Beloit Corporation, 1 St. Lawrence Avenue, Beloit, Wisconsin 53511. Complainant alleged unfair methods of competition and unfair acts in the importation of certain papermaking machine forming sections for the continuous production of paper and components thereof into the United States, or in their sale, by reason of alleged (1) direct infringement, and (3) induced infringement of claims 1, 2, 3, 4, 7, 8, 10, 11, and 12 of U.S. Letters Patent 3,726,758. Complainant further alleged that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Named as respondents were the following companies: Valmet Oy of Helsinki, Finland and TVW Paper Machines, Inc., of Atlanta, Georgia.

On February 14, 1984, the presiding Commission administraive law judge issued an ID that there is no violation of section 337 of the Tariff Act of 1930 in the unauthorized importation and sale of certain papermaking machine forming sections for the continuous produciton of paper, and components thereof. Complainant and respondents filed petitons for review of various parts of the ID, pursuant to § 210.54(a) of the Commission's rules. Having examined the record in this investigation, including the ID, the petitions for review, and the responses thereto, the Commission on March 15, 1984, determined not to review the ID as to the issue of noninfringement. The Commission took no position as to the other issues in the ID.

On April 2, 1985, the U.S. Court of Appeals for the Federal Circuit issued its mandate reversing the Commission's determination of no violation of § 337 and remanding the case to the Commission for "further appropriate proceedings."

Both complainant and respondents had petitoned for review of various parts of the initial determination pursuant to § 210.54(a) of the Commission's rules. Because the Commission took no position on these matters in its earlier determination, they are now again before the Commission for consideration and decision. After examining the petitions for review and the responses thereto, the Commission has concluded that there are issues that warrant review. Specifically, the Commission will review the following questions:

1. Whether U.S. Letters Patent 3,727,758 (the '758 patent) is invalid by virtue of anticipation within the meaning of 35 U.S.C. 102. Specifically, the Commission is reviewing *only* those portions of the ID concerning anticipating of the '758 patent by U.S. Letters Patent 3,232,625 (Robinson).

2. Whether the '758 patent is invalid as obvious within the meaning of 35 U.S.C. 103.

3. Whether complainant's domestic activities with respect to the '758 patent constitute an "industry, . . . in the United States" within the meaning of section 337. In reviewing this portion of the ID, the Commission is concerned only with those findings of fact and conclusions of law relating to the level of complainant's domestic activity and not with those portions of the ID which concern specific cost allocations or methods thereof. Specifically, the Commission will not review the findings of fact concerning dollar amounts and percentages attributed to complainant's various activities. Further, the Commission has determined not to review the findings of fact which concern complainant's representations on the question of continued commitment to overall domestic operations.

4. Whether the importation or sale of respondent's devices has the tendency to destroy or substantially injure an industry in the United States.

If the Commission finds that a violation of § 377 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) cease and desist orders which could result in one or more respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions which address the form of relief, if any, which should be ordered.

If the Commission concludes that a violation of § 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving written submissions concerning the amount of the bond which should be imposed.

Written submission

While the Commission has determined that no hearing will be held in this investigation, the parties to the investigation and interested Government agencies are encouraged to file written submissions on the legal issues under review and on the issues of relief, the public interest, and bonding. Complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or a proposed cease and desist order for the Commission's consideration. Persons other than the parties and Government agencies may file written submissions addressing the issues of relief, the public interest, and bonding.

Written submissions on the issues under review must be filed within 14 days of the date of publication of this

notice in the Federal Register, and submissions on relief, the public interest, and bonding must be filed no later than 21 days after the publication date. Reply submissions on the issues under review and on relief, the public interest, and bonding must be filed not later than 28 days after the publication date.

Additional Information

Persons submitting written submissions must file the original document and 14 true copies thereof with the office of the Secretary on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment by the administrative law judge. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

Notice of this investigation was published in the Federal Register of May 11, 1983 (48 F. 21213).

Copies of the nonconfidential version of the administrative law judge's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202.–523–0161. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Issued: March 4, 1986.

By order of the Commission.

Kenneth R. Mason.

Secretary.

[FR Doc. 86–5413 Filed 3–11–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–233]

Certain Pharmaceutical Closures; Decision Not To Review Initial Determination Amending Complaint and Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Nonreview of an initial determination amending the complaint and notice of investigation.

SUMMARY: Notice is hereby given that the Commission has determined not to review an initial determination (ID) (Order No. 5) issued by the residing administrative law judge (ALJ) in the above-captioned investigation granting complaint West Company's motion to amend the complaint and notice of investigation to substitute Schubert Seals A/S for Bridana ApS, as a party respondent.

FOR FURTHER INFORMATION CONTACT: Carolyn Galbreath, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

SUPPLEMENTARY INFORMATION: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.53 of the Commission's rules (19 CFR 210.53).

On November 8, 1985, the Commission voted to institute the investigation and named as one of the respondents Bridana ApS., a manufacturer of pharmaceutical closures imported and sold by Tompkins Seals, Inc., and Tompkins Rubber Co., the other named respondents. On December 16, 1985, Schubert Seals A/S, successor to Bridana, responded to the notice of investigation and complaint. On January 10, 1986, complainant West Company filed a motion to amend the complaint and notice of investigation to substitute Schubert Seals A/S as a party respondent for Bridana ApS.

On January 29, 1986, the presiding ALJ issued an ID granting the motion to amend. No petitions for review of the ID or Government agency comments were received.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0471.

Hearing-impaired individuals are advised that information concerning this investigation can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Issued: March 5, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–5414 Filed 3–11–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–231]

Certain Soft Sculpture Dolls, Popularly Known as "Cabbage Patch Kids," Related Literature and Packaging Therefor; Determination Not To Review Initial Determination Finding Four Respondents In Default and Imposing Procedural Sanctions

AGENCY: International Trade Commission.

ACTION: Nonreview of an initial determination (ID) finding four respondents in default.

SUMMARY: The Commission has determined not to review an ID (Order No. 10) of the presiding administrative law judge (ALJ) that finds respondents John and Jane Doe Murrell, d/b/a Murrell Marketing, Japan Instruments Corp., and Household Merchandising, Inc. in default and imposes procedural sanctions.

FOR FURTHER INFORMATION CONTACT: Stephen A. McLaughlin, Esq., Office of the General Counsel, telephone 202–523–0421.

SUPPLEMENTARY INFORMATION: By Order No. 8, the above-named respondents were ordered by the ALJ to show cause why they should not be held in default. None of the respondents in question responded to this order. On January 27, 1986, the ALJ issued an ID (Order No. 10) finding those respondents in default. The ALJ also ordered that those respondents had waived their rights to appear, to be served with documents, and to contest the allegations at issue in the investigation. No petition for review was filed, nor were comments on the ID received from any Government agency.

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW, Washington, DC 20436, telephone 202–523–0161.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Issued: March 3, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–5414 Filed 3–11–86; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-64 (Sub-2A)]

Special Temporary Authority Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Discontinuance of proceeding.

SUMMARY: At 45 FR 37912, June 5, 1980, the Commission proposed to add categories of factual situations to be handled by the special temporary authority procedures adopted in Ex Parte No. MC-64 (Sub-No. 2). These appeared to be recurrent problems where a need for service had consistently been found under 49 U.S.C. 10928. The action was proposed so that the Commission could react to the special situations in a more efficient and timely manner. The Commission has now decided against creating new categories of "emergency" situations in addition to the five that now can be handled under General Temporary Order (GTO) No. 22, adopted in Ex Parte No. MC-64 (Sub-No. 2), 45 FR 40680 (1980). Existing ETA procedures can handle adequately the emergency situations originally addressed in this proceeding.

FOR FURTHER INFORMATION CONTACT:

Paul Grossman, (202) 275-7976

or

Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the full Commission decision which is available for public inspection and copying at the Office of the Secretary, Interstate Commerce Commission, or may be purchased from TS InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, 12th Street and Constitution Avenue, NW., Washington, DC 20423; or call toll free (800) 424-5403, or (202) 289-4357 in the Washington, DC, metropolitan area.

This action will not affect significantly either the quality of the human environment or the conservation of energy resources.

The subjects involved in this proceeding are: Motor Carriers; Temporary Authority.

This notice and accompanying decision are issued pursuant to 49 U.S.C. 10928 and 10321 and 5 U.S.C. 553.

Decided: March 4, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

James H. Bayne,

Secretary.

[FR Doc. 86-5372 Filed 3-11-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

National Cooperative Research Act of 1984; Portland Cement Association

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. 98-462 ("the Act"), the Portland Cement Association ("PCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. Specifically, Miron Inc. resigned from the Association effective January 3, 1986, and Rinker Portland Cement Corporation has resigned from the Association. In addition, C-E Raymond became a "Participating Associate" effective January 9, 1986. Accordingly, at present the members of the PCA are:

Aetna Cement Corporation
Alaska Basic Industries
Ash Grove Cement Company
Ash Grove Cement West, Inc.
Blue Circle Atlantic
Blue Circle Inc.
CalMat Co.
Capitol Aggregates, Inc.
Dragon Products Company
General Portland Inc.
Genstar Cement Company
Hawaiian Cement
Ideal Basic Industries, Cement Division
Canada Cement Lafarge Ltd.
Ciment Quebec, Inc.
Federal White Cement Ltd.
Genstar Cement Ltd.
Independent Cement Corporation
Lake Ontario Cement Limited
Lehigh Portland Cement Company
Lone Star Industries, Inc.
The Monarch Cement Company
Moore McCormack Cement, Inc.
Northwestern States Portland Cement Co.
Rochester Portland Cement Corp.
St. Marys Peerless Cement Co.
St. Marys Wisconsin Cement Inc.
The South Dakota Cement Plant
Southwestern Portland Cement Co.
North Star Cement Limited
St. Lawrence Cement Inc.
St. Marys Cement Limited

In addition, the following equipment suppliers are involved as "Participating Associates," together with PCA members, in the activities of the Manufacturing Process Subcommittee of PCA's General Technical Committee:

C-E Raymond
Holderbank Consulting, Ltd.
Humboldt Wedag Company
Centennial Engineering, Inc.
Allis-Chalmers Corp.
F.L. Smith and Company
Claudius Peters, Inc.
Polysius Corp.
The Fuller Company

The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. The original notification, identifying the original parties to the venture and describing in general terms the area of planned activities of the venture, is published at 50 FR 5015 (1985).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 86-5340 Filed 3-11-86; 8:45 am]

BILLING CODE 4410-01-M

Office of the Attorney General

[Order No. 1129-86]

President's Commission on Organized Crime: Meetings

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of the President's Commission on Organized Crime. This notice also set forth a summary of the agenda for the meeting, together with an explanation of why the meeting will be closed to the public. Notice of this meeting is required by the Federal Advisory Committee Act, 5 U.S.C. App. 1, section 109(a)(2).

DATE: March 24, 1986, 9:00 a.m.—5:00 p.m. (closed meeting).

ADDRESS: President's Commission on Organized Crime, 1425 K Street, NW., Suite 700, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: James D. Harmon, Jr., Executive Director and Chief Counsel, President's Commission on Organized Crime, 1425 K Street, NW., Suite 700, Washington, DC 20005; (202) 786-3500.

SUPPLEMENTARY INFORMATION: The closed meeting will be conducted to discuss several matters. The Commission will be briefed concerning the investigation by the Commission staff of the organized criminal groups whose illegal activities are to be described in the Commission's final

report. This briefing is likely to include repeated references to specific individuals who are confidential sources for the Commission. The physical safety of these individuals could be placed in jeopardy if the identities of the witnesses and the content of the information they made available to the Commission were to be made public. Pursuant to the authority vested in him by section 8 of Pub. L. 98–368, the Chairman of the Commission has determined that these discussions are exempted from the public meeting requirements of the Federal Advisory Committee Act by 5 U.S.C. 552b(c)(5), 552b(c)(7)(C), 552b(c)(7)(D), and 552b(c)(7)(F), which is incorporated by reference into the Federal Advisory Committee Act.

The Commission will also discuss at the closed meeting a number of other issues specifically concerning the Commission's final report. It will discuss, for example, issues relating to certain individuals who have already been, or may be, served with subpoenas by the Commission. Pursuant to the authority vested in him by section 8 of Pub. L. 98–368, the Chairman of the Commission has determined that this discussion is exempted from the public meeting requirements of the Federal Advisory Committee Act by U.S.C. 552b(c)(10), which is incorporated by reference into the Federal Advisory Committee Act.

Dated: March 6, 1986.

Edwin Meese III,

Attorney General.

[FR Doc. 86–5331 Filed 3–11–86; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extension, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Department of Labor, BLS, Steven Newell, Telephone (202) 272–3470. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–1301, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Nancy Wentzler, Telephone 202 395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, Washington, D.C. 20503.

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Bureau of Labor Statistics

Log and Summary of Occupational Injuries and Illnesses/Supplementary Record of Occupational Injuries and Illnesses/A Brief Guide to Recordkeeping Requirements for Occupational Injuries and Illnesses/Recordkeeping Guidelines for Occupational Injuries and Illnesses.

1220–0029: OSHA No. 200; OSHA No. 101; BLS Recordkeeping Guidelines

Recordkeeping

Businesses or others for profit; farms (except those with fewer than 11 employees); non-profit institutions; prenotified small businesses and organizations; and prenotified businesses and organizations in low hazard industries; State and local governments as directed by individual State law.

5,420,000 recorded cases of injuries and illnesses; 479,900 burden hours for entry of cases. Two forms are supplemented by the recordkeeping guidelines: The Log and Summary of Occupational Injuries and Illnesses, OSHA No. 200; and The Supplementary Record of Occupational Injuries and Illnesses, OSHA No. 101.

Submitted for approval are the OSHA Form Nos. 200 and 101, and the revised BLS recordkeeping guidelines for occupational injuries and illnesses. The information contained in the recordkeeping guidelines explains the requirements of the Occupational Safety and Health (OSH) Act of 1970 and 29 CFR Part 1904 for recording and reporting occupational injuries and illnesses. Records of job-related injuries and illnesses are necessary for carrying out the purposes of the OSH Act. They provide a basis for a statistical program which produces estimates of the Nation's injury and illness experience. The estimates are used by the Occupational Safety and Health Administration (OSHA) in directing the agency's efforts and allocating scarce resources, and are helpful to employers, employees, and others in identifying factors which cause workplace injuries and illnesses.

In July, 1984, a draft of the guidelines was submitted to OMB and made available to the public for comment. On July 17, 1985, a revised draft of the guidelines was published in the Federal Register (along with a new abbreviated version for small employers and others on site), 50 FR 29102, with a 90 day public comment period. During this period, BLS participated in a series of meetings involving several hundred representatives of employers, trade associations, unions, and others. Meetings on the guidelines were also held with the impacted Federal agencies and the Bureau's Business and Labor Research Advisory Committees.

Signed at Washington, D.C., this 6th day of March 1986.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 86–5281 Filed 3–11–86; 8:45 am]

BILLING CODE 4510–23–M

Pension and Welfare Benefits Administration

[Application No. D-2834]

Withdrawal of the Proposed Exemption Involving Central States, Southeast and Southwest Areas Pension Fund Located in Chicago, IL

In the **Federal Register** dated December 4, 1981 (46 FR 59334), the Department of Labor published a notice of pendency of a proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1954. The notice of pendency concerned certain transactions relating to the independent management of the assets of the Central States, Southeast and Southwest Areas Pension Fund in Chicago, Illinois.

The applicant has requested that the exemption application be withdrawn.

Accordingly, the notice of pendency is hereby withdrawn.

Signed at Washington, DC, this 3rd day of March, 1986.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations.

[FR Doc 86-5280 Filed 3-11-86; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 86-30; Exemption Application No. D-3613 et al.]

Grant of Individual Exemptions; First Hawaiian Bank et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

First Hawaiian Bank (FHB) Located in Honolulu, Hawaii

[Prohibited Transaction Exemption 86-30; Exemption Application No. D-3613]

Exemption

(I) Effective January 1, 1975, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the past and proposed sale, exchange or transfer between FHB and certain employee benefit plans (the Plans) of multi-family residential and commercial mortgage loans (the Mortgages) or participation interests therein (the Participation Interests) which are originated by FHB provided that:

A. Such sale, exchange or transfer is expressly approved by a fiduciary independent of FHB who has authority to manage or control those Plan assets being invested in Mortgages or Participation Interests;

B. The terms of all transactions between the Plans and FHB involving the Mortgages or Participation Interests are not less favorable to the Plans than the terms generally available in arm's length transactions between unrelated parties;

C. No investment management, advisory, underwriting fee or sales commission or similar compensation is paid to FHB with regard to such sales, exchange or transfer;

D. The decision to invest in a Mortgage or Participation Interest is not part of an arrangement under which a fiduciary of a Plan, acting with the knowledge of FHB, causes a transaction to be make with or for the benefit of a party in interest [as defined in section 3(14) of the Act] with respect to the Plan; and

E. FHB shall maintain for the duration of any Mortgage or Participation Interest which is sold to the Plans pursuant to this exemption, records necessary to determine whether the conditions of this exemption have been met. The records referred to above must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Plans, during normal business hours by: any trustee, investment manager, employer of Plan participants, employee organization whose members are covered by a Plan, participant or beneficiary of a Plan.

(II) Effective January 1, 1975, the restrictions of section 406(a) of the Act and sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to any transactions to which such restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest (including a fiduciary) with respect to the Plan by virtue of providing services to the Plan [or who has a relationship to such service provider described in section 3(14) (F), (G), (H), or (I) of the Act] solely because of the ownership of a Mortgage or Participation Interest by such Plan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 6, 1985 at 50 FR 46193.

Notice to Interested Persons: The applicant has represented that it was unable to comply with the notice to interested persons requirement within the time frame stated in its application. However, the applicant has represented that it notified all interested persons, in the manner agreed upon between the applicant and the Department, by December 12, 1985. Interested persons were informed that they had until January 20, 1986 to comment with

respect to the proposed exemption. No comments were received by the Department.

For Further Information Contact: Ms. Jan Broady of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Roland Land Investment Co., Inc., Money Purchase Pension Plan and Roland Land Investment, Co., Inc. Profit Sharing Plan (the Plans) Located in Encino, California

[Prohibited Transaction Exemption 86–31; Exemption Application Nos. D–4952 and D–4953]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(b)(1) (A) through (E) of the Code, shall not apply to the proposed sale of second deeds of trust to the Plans by Roland Land Company (the Employer), to the guarantee by the Employer to repurchase any second deeds of trust which are in default and the repurchase by the Employer of such second deeds of trust, provided that the terms of the transactions are not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated person.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 30, 1985 at 50 FR 53216.

Temporary Nature of Exemption

The exemption is temporary and will expire 5 years after the date of grant. Should the Employer wish to continue to sell second deeds of trust to the Plans beyond the 5 years period, the Employer may submit another application for exemption. Repurchase of second deeds of trust by the Employer may take place after the 5 year period provided the second deeds of trust were purchased by the Plans during the 5 year period.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

R.A. Gray & Company Retirement Plan (the Plan) Located in Portland, Oregon

[Prohibited Transaction Exemption 86–32; Exemption Application No. D–5297]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the continued leasing beyond June 30, 1984 of certain parcels of real property by the Plan to R.A. Gray & Company, provided all of the terms of the proposed leases are at least as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party.

Effective Date: This exemption is effective July 1, 1984.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 10, 1985 at 50 FR 50362.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

Industrial, Production and Maintenance Health and Welfare Trust Fund (the Plan) Located in Riverside, California

[Prohibited Transaction Exemption 86–33; Exemption Application No. L–6262]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act shall not apply to the cash purchase of a certain unimproved parcel of real property by the Plan from Building Corporation of Laborers' Local 1184, a non-profit corporation solely owned by Laborers' International Union of North America, Local No. 1184, a party in interest with respect to the Plan, provided that the terms and conditions of the purchase are no less favorable to the Plan than those obtainable in a like transaction between unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 17, 1986 at 51 FR 2603.

For Further Information Contact: Mr. C.E. Beaver of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Robert P. Padousis, D.D.S., Constantine Kaminaris, D.D.S., P.A. Defined Benefit Pension Plan and Trust (the Plan) Located in Baltimore, Maryland

[Prohibited Transaction Exemption 86–34; Exemption Application No. D–6328]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of a certain parcel of real property (the Property) by the Plan to Robert P. Padousis, D.D.S., a party in interest with resepct to the Plan, provided that the sale price of the Property is not less than the higher of either the sum of $82,000 or the fair market value of the Property on the date of the sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 30, 1985, at 50 FR 53220.

For Further Information Contact: Mr. C.E. Beaver of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Northeast Georgia Pediatric Group Self-Employed Retirement Plan (the Plan) Located in Gainesville, Georgia

[Prohibited Transaction Exemption 86–35; Exemption Application No. D–6399]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of a parcel of real property (the Property) to Dr. Larry Morris, a disqualified person with respect to the Plan, by this separate account in the Plan for the greater of $50,000 or the fair market value of the Property on the date of the sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 17, 1986 at 51 FR 2607.

For Further Information Contact: Ronald Willett of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Charles G. Rogers, M.D., P.C. Target Benefit Plan and Trust (the Plan) Located in Atlanta, Georgia

[Prohibited Transaction Exemption 86–36; Exemption Application No. D–6468]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed sale by the Plan of 18,562 shares of the common stock of American Folks, Inc. to Charles G. Rogers, M.D., a fiduciary and party in interest with respect to the Plan, for cash in the amount of $35,000, provided that such amount is not less than the fair

market value of the shares on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on January 17, 1986 at 51 FR 2611.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523–8194. (This is not a toll-free number.) National Bank of Alaska (NBA) Located in Anchorge, Alaska

[Prohibited Transaction Exemption 86–37; Exemption Application No. D–6493]

Exemption

(I) Effective January 1, 1975, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to certain transfers of mortgage loans represented by deeds of trust by NBA to the Alaska Carpenters Pension Plan (the Carpenters Plan) and the Alaska Electrical Pension Plan (the Electricians Plan) and to certain executions of certain participation certificates in mortgage loans by NBA in favor of the Carpententers Plan and the Electricians Plan that took place in 1975. The deeds of trusts and participation certificates represent interests in morgage loans secured by multi-family residential or commercial real property. Section I of this exemption is conditioned upon the satisfaction of the following:

A. Such transfer of a mortgage or execution of participation certificate was expressly approved by a fiduciary independent of NBA who has authority to manage or control the assets of the Carpenters or Electrician Plans which were invested in a mortgage or participation certificate.

B. The terms of all transactions between the Carpenters and Electricians Plans and NBA involving the mortgages or participation certificates were not less favorable to those plans than the terms generally available in arm's length transaction between unrelated parties.

C. The Carpenters and Electricians Plans paid no investment management, advisory, underwriting fee or sales commission or similar compensation to NBA with regard to such transfer of mortgages or execution of participation certificates.

D. The decision to invest in a mortgage or participation certificate was not part of an arrangement under which a fiduciary of a plan, acting with the knowledge of NBA, caused a transaction to be made with or for the benefit of a party in interest (as defined in section 3(14) of the Act) with respect to the Carpenters or Electricians Plans.

E. NBA shall maintain for the duration of any mortgage or participation certificate which was transferred to, or executed in favor of, the Carpenters or Electricians Plans records necessary to determine whether the conditions of this exemption have been met. The records referred to above must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Carpenters or Electricians Plans during normal business hours by: any trustee, investment manager, employer of plan participants, employee organization whose members are covered by a plan, participant or beneficiary of a plan.

(II) The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975(c)(1) (A) through (D) of the Code shalll not apply to the proposed sale by the Alaska Teamsters Pension Plan (the Laborers Plan) to NBA of certain mortgages or participation certificates described in the notice of proposed exemption provided the purchase price is equal to the greater of the fair market value or the unpaid principal amount plus accrued interest on the mortgage or participation certificate.

For a more complete statement of the fact and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 2, 1986 at 51 FR 134.

For Further Information Contact: Louis Campagna of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express conditions that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 6th day of March 1986.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations.

[FR Doc. 86–5279 Filed 3–11–86; 8:45 am]

BILLING CODE 4510–29–M

LEGAL SERVICES CORPORATION

Request for Comments on a Proposed Grant Award by the Legal Services Corporation to the National Legal Center for the Medically Dependent and Disabled, Inc.

AGENCY: Legal Services Corporation.

ACTION: The Legal Services Corporation (LSC) announces that it is considering awarding a nine (9) month National Support grant of $315,000 on or about April 1, 1986 to the National Legal Center for the Medically Dependent and Disabled, Inc. of Indianapolis, Indiana, to provide legal support services related to issues of the treatment of critically or terminally ill handicapped and medically dependent persons.

DATE: All comments and recommendations must be received by the Office of Field Services/Program Development and Substantive Support Unit within thirty (30) calendar days of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Legal Services Corporation, Steve Aronson, Coordinator for National and State Support, OFS/PDSS, 400 Virginia Avenue SW., Washington, DC 20024–2751, (202) 863–1837.

SUPPLEMENTARY INFORMATION: The National Legal Center is a not-for-profit public organization which focuses primarily on the medical and legal issues in the treatment of the critically or terminally ill handicapped and

medically dependent persons. Under the direction of established legal experts in this field, the National Legal Center will utilize the combined efforts and skills of legal and medical scholars, members of the bar, and client representatives to provide assistance and training to legal services lawyers in this area.

The National Legal Center offers comprehensive support services to the legal services community that are designed to assist attorneys serving eligible clients in every stage of the litigation process and to keep them abreast of rapidly-changing developments in this complex field. These service include: (1) Technical assistance in the form of legal research, preparation of appellate briefs, consultation on litigation strategy, and the development and maintenance of an expert witness talent bank; and (2) informational assistance in the form of a bimonthly publication, training conferences, and litigation manuals that contain up-to-date materials on recent court rulings and federal and state statutes and regulations.

Interested persons are invited to submit written comments and/or recommendations concerning this intended grant action to Steve Aronson at the address noted above.

Dated: March 6, 1986.

James H. Wentzel,

President, Legal Service Corporation.

[FR Doc. 86-5538 Filed 3-11-86; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Availability of Proposed Records Schedules; Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes a notice at least once monthly of all agency records schedules (requests for records disposition authority) which include records proposed for disposal. The first notice was published on April 1, 1985. Records schedules identify records of continuing value for eventual preservation in the National Archives of the United States and authorize agencies to dispose of records of temporary value. NARA invites public comment on proposed records disposals as required by 44 U.S.C. 3303a(a).

DATE: Comments must be received in writing on or before May 12, 1986.

ADDRESS: Address comments and requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requestors must cite the control number assigned to each schedule when requesting a copy. The control number appears in parenthese immediately after the title of the requesting agency. Copies of the schedules are also available for public inspection during the comment period at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, DC 20408.

SUPPLEMENTARY INFORMATION: Each year U.S. government agencies create billions of records in the form of paper, film, magnetic tape, and other media. In order to control the accumulation of records, Federal agencies prepare records schedules which specify when the agency no longer needs them for current business and what happens to the records after the expiration of this period. Destruction of the records requires the approval of the Archivist of the United States, which is based on a thorough study of their potential value for future use. A few schedules are comprehenive; they list all the records of an agency or one of its major subdivisions. Most schedules cover only one office, or one program, or a few series of records, and many are updates of previously approved schedules.

The monthly public notice identifies the Federal agencies and their appropriate subdivisions requesting disposition authority, includes a control number assigned to each schedule, and briefly identifies the records scheduled for disposal. The complete records schedule contains additional information about the records and their disposition. Additional information about the disposition process will be furnished with each copy of a records schedule requested.

Schedules Pending Approval

1. Department of the Air Force, Directorate of Administration, Records Managment Branch (N1-AFU-86-26). Family services program records.

2. Department of the Air Force, Directorate of Administration, Records Managment Branch (N1-AFU-86-27). Pay management records accumulated at base level offices.

3. Department of the Air Force, Directorate of Administration, Records Management Branch, (N1-AFU-86-28). Records relating to changes in Federal Acquisition Regulations.

4. Department of the Air Force, Directorate of Administration, Records Management Branch (N1-AFU-86-32). Contractor capability records.

5. Department of the Air Force, Directorate of Administration, Records Management Branch (N1-AFU-86-35). Forms and publications relating to the maintenance of radiac equipment and information systems equipment.

6. Departmentr of the Air Force, Directorate of Administration, Records Management Branch (N1-AFU-86-38). Forms used for accountability of drugs and drug paraphernalia used as training aids.

7. Department of the Air Force, Directorate of Administration, Records Management Branch (N1-AFU-86-23). Publications relating to facility energy conservation programs, food management, laundry operations and similar activities.

8. U.S. Arms Control and Disarmament Agency, Multiple Components, (NC1-383-85-1). Administrative records including completed and settled contracts, budget and fiscal files, duplicate copies of arms transfer cases, congressional hearings, foreign language publications, and reference material.

9. Department of the Army, Records Management Operations Office (N1-AU-86-13). Savings bond program records.

10. Department of the Army, Records Management Operations Office (N1-AU-86-14). Contingency fund records.

11. Department of the Army, Records Management Operations Office (N1-AU-86-15). Military pay adjustment records.

12. Department of the Army, Records Management Operations Office (N1-AU-86-16). Currency control records.

13. Department of the Army, Records Management Operations Office (N1-AU-86-17). Military pay certificate accountability records.

14. Department of the Army, Records Management Operations Office (N1-AU-86-18). Indemnity bond records.

15. Department of the Army, Records Management Operations Office (N1-AU-86-19). Audit background records.

16. Department of the Army, Records Management Operations Office (N1-AU-86-20). Non-appropriated fund audit records.

17. Department of the Army, Records Management Operations Office (N1-AU-86-21). Audit records.

18. Department of the Army, Records Management Operations Office (N1-AU-86-22). Cost data concerning civil works projects.

19. General Services Administration (N1–162–86–1). Project files of the Federal Works Agency relating to the Veterans Educational Facilities Program, 1946–48. Includes applications for facilities and equipment, correspondence and agreements regarding the transfer of property, reports, and other related materials.

20. Department of the Interior, Office of Territories (N1–126–86–1). Administrative records of the Island Trading Company, 1946–54, consisting primarily of invoices, receipts, requisitions, orders, and correspondence relating to receipt of supplies and shipments of native products.

21. Department of Justice, Office of Justice Programs (NC1–423–85–1). Civil rights compliance records and public safety officer benefits records.

22. Tennessee Valley Authority, Office of Power and Engineering (N1–142–86–2). Quality assurance records on the procurement of spare parts for equipment at nuclear generating plants.

23. Department of the Treasury, United States Secret Service (N1–87–86–1). Internal employee investigation case files and internal analysis and review project files.

24. Veterans Administration, Department of Veterans Benefits (N1–15–86–1). Systematic Analyses of Operations Reports.

25. Veterans Administration, Department of Veterans Benefits (N1–15–86–2). Subdivision, Condominium and Planned-unit folders.

26. Veterans Administration, Department of Veterans Benefits (N1–15–86–4). Guaranteed and Insured Loan (GIL) ADP listings and printouts.

Dated: March 5, 1986.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 86–5314 Filed 3–11–86; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Date: April 4, 1986.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review computer applications submitted to the Tools category, Reference Materials Program, (and the Editions Category, Texts Program), Division of Research Programs, for projects beginning after July 1, 1986.

Date: April 28–29, 1986.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for the Humanities Projects in Libraries Program, Division of General Programs, for projects beginning after October 1, 1986.

The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on 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 meetings 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 these meetings 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 these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 786–0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 86–5326 Filed 3–11–86; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Ecosystem Studies; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463. The National Science Foundation announces the following meeting:

Name: Advisory Panel for Ecosystem Studies.
Date and time: March 27 & 28, 1986—8:30 a.m. to 5:00 p.m. each day.
Place: Room 1141, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. James R. Gosz, Program Director, Ecosystem Studies (202) 357–9596, Room 1140, National Science Foundation, Washington, D.C. 20550.
Purpose of panel: To provide advice and recommendations concerning support for research in ecosystem studies.
Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

March 7, 1986.

[FR Doc. 86–5416 Filed 3–11–86; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of sections 29 an 182b of the Atomic Energy Act (42 U.SC. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on March 28, 1986, in Rooms 1046 and 1130 at 1717 H Street, NW., Washington, DC. This meeting will consist of discussion among the members and a meeting with the NRC Commissioners to discuss ACRS comments and recommendations regarding proposed implementation of quantitative safety goals to be used in the regulation of nuclear power plants as follows.

8:30 A.M.–9:45 A.M.: (Room 1045–H)—Discussion among ACRS Members (tentative) (Open)—The members will discuss proposed comments and recommendations regarding the nature of and plans for implementation of

proposed NRC quantitative safety goals which are to be discussed during the meeting with the NRC Commissioners.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 2, 1985 (50 FR 191) and apply to this portion of the meeting.

10:00 A.M.–11:30 A.M.: (Room 1130–H)—Meeting with NRC Commissioners (Open)—Discuss items noted above.

In view of the possibility that the schedule for ACRS meetings may be adjusted as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 P.M.

Dated: March 7, 1986

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 86–5391 Filed 3–11–86 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on March 26, 1986, Room 1046, 1717 H Street, NW, Washington, DC.

To the extent practical the meeting will be open to public attendance. However, portions of the meeting may be closed to discuss proprietary infomation related to Westinghouse ECCS codes.

The agenda for the subject meeting shall be as follows:

Wednesday, March 26, 1986—8:30 A.M. until the conclusion of business.

The Subcommittee will: (1) Continue review of the Duke Power Company's request to delete use of the ECCS UHI system at McGuire, and (2) discuss the proposed NRR resolution position for Generic Issue 124, Auxiliary Feedwater System Reliability (tentative).

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Paul Boehnert (telphone 202/634–3267) between 8:15 A.M. and 5:00 P.M. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: March 7, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86–5392 Filed 3–11–86; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Fort St. Vrain; Meeting

The ACRS Subcommitee on Fort St. Vrain will hold a meeting on April 2 and 3, 1986, at the Visitors Center of the Fort St. Vrain Power Plant at 16805 WCR 19½, Platteville, CO.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, April 2, 1986—8:30 A.M. until the conclusion of business.

Thursday, April 3, 1986—8:30 A.M. until the conclusion of business.

The Subcommittee will explore technical problems addressed during the recent extended outage, discuss management changes made as a result of the licensee's independent assessment of management controls, discuss regulatory issues, and review the status of technical development and support available to Fort St. Vrain.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, Public Service Company of Colorado, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. John C. McKinley or to Mr. Richard K. Major (telephone 202/634–1414) between 8:15 A.M. and 5:00 P.M. Persons planning to attend this meeting are urged to contact one of the above named individuals one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: March 6, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 5393 Filed 3–11–86; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Reliability Assurance; Meeting

The ACRS Subcommittee on Reliability Assurance will hold a meeting on April 1, 1986, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, April 1, 1986—8:00 a.m. until the conclusion of business.

The purpose of the meeting will be to discuss the results of EPRI NP–4254, "Improvements in Motor-Operated Valves," dated November 1985. Also to be considered will be NUREG/CR–4380, "Evaluation of the Motor-Operated Valve Analysis and Test System (MOVATS) to Detect Degradation, Incorrect Adjustments, and Other Abnormalities in Motor Operated Valves," and NUREG–CR–4302, "Aging and Service Wear of Plants," both reports were prepared by the Oak Ridge National Laboratory for the Office of Nuclear Regulatory Research. The Subcommittee will also plan the format for a report which will encompass its considerations over the past year.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Richard Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: March 6, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86–5394 Filed 3–11–86; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–320; License No. DPR–73; EA 84–137]

GPU Nuclear Corp. (Three Mile Island, Unit 2); Order Imposing Civil Monetary Penalty

I

General Public Utilities Nuclear Corporation (GPU Nuclear or licensee), Parsippany, New Jersey is the holder of License No. DPR–73 issued by the Nuclear Regulatory Commission (NRC). The license authorizes the licensee to operate the Three Mile Island Nuclear Station, Unit 2 in Middletown, Pennsylvania, in accordance with conditions specified therein. The license was issued on February 8, 1978 and modified by Order on July 20, 1979.

II

During the period between February 23, 1983 and March 24, 1983, Richard D. Parks, a Bechtel employee, was discriminated against for engaging in protected activities in reporting safety concerns to his management, requesting assistance from the NRC, and commencing a proceeding with the U.S. Department of Labor (DOL). The acts of discrimination were described in a DOL investigation (DOL Case 83–ERA–8) that was reviewed during an NRC OI investigation (OI Report H–83–002) and discussed in Section 10 of NUREG–0680, Supplement 5. As a result of the NRC staff's review of these reports, an apparent violation of NRC requirements was identified. Consequently, a written Notice of Violation and Proposed Imposition of Civil Penalty (NOV) was served upon the licensee by letter dated August 12, 1985. The Notice stated the nature of the violation, the NRC requirement that the licensee had violated, and the amount of civil penalty proposed for the violation. An answer dated October 21, 1985 to the Notice of Violation and Proposed Imposition of Civil Penalty was received from the licensee.

III

After consideration of GPU Nuclear's response and the statements of fact, explanation, and denial of the violation contained therein, as set forth in the Appendix to this Order, the Director, Office of Inspection and Enforcement has determined that the Sixty-Four Thousand Dollar ($64,000) penalty proposed for the violation designated in the Notice of Violation and Proposed Imposition of Civil Penalty is proper and should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96–295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay the civil penalty in the amount of Sixty-Four Thousand Dollars ($64,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

V

The licensee may request a hearing within thirty days of the date of this Order. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy of the hearing request also shall be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above and

(b) Whether, on the basis of such violation, this Order should be sustained.

Dated at Bethesda, Maryland, this 4th day of March 1986.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusion

The licensee's October 21, 1985 response to the August 12, 1985 Notice of Violation and Proposed Imposition of Civil Penalty for the Three Mile Island Nuclear Station, Unit 2 (TMI–2) denies that the violation occurred as stated in the Notice. The violation involved acts of discrimination against Richard D. Parks, a Bechtel employee, for raising safety concerns associated with the TMI–2 polar crane refurbishment. A statement of the violation, a summary of the licensee's response, and the NRC evaluation and conclusion are as follows:

Statement of Violation

10 CFR 50.7 prohibits discrimination by a Commission licensee, or a contractor or subcontractor of a licensee, against an employee for engaging in certain protected activities. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The activities protected include but are not limited to providing the NRC information about possible violations of NRC requirements and requests to the NRC to take action against an employer for enforcement of NRC requirements.

Contrary to the above, Richard D. Parks, a Bechtel employee, was discriminated against for engaging in protected activities in reporting safety problems to his management, requesting assistance from the NRC, and commencing a proceeding with the Department of Labor. Parks reported safety concerns to his management on February 17, 1983. Parks contacted the TMI on-site office of the NRC on February 18, 1983 and on March 10, 1983, complaining first that his management was threatening to have him transferred and then that GPU Nuclear management was trying to implicate him in a conflict-of-interests charge because he had reported safety concerns. He also initiated a proceeding pursuant to section 210(b)(1) of the Energy Reorganization Act of 1974, 42 U.S.C. 5851, Pub. L. 93–438, on March 23, 1983. At least partly due to these activities, Mr. Parks, during the period between February 23, 1983 and March 24, 1983 was (1) removed as Alternate Startup and Test Supervisor, (2) subjected to improper and intimidating interrogation, (3) removed as the primary Site Operations Department representative for the Test Working Group, and (4) ultimately placed on leave of absence. These acts of discrimination were described in a U.S. Department of Labor investigation (DOL Case 83–ERA–8) which was reviewed during an NRC OI investigation (OI Report H–83–002), and discussed in Section 10 of NUREG–0680, Supplement 5.

This is a Severity Level II violation (Supplement VII). (Civil Penalty—$64,000)

Summary of Licensee's Response

The licensee denies the allegations in the Notice of Violation. The licensee states that the allegations of discrimination by Richard D. Parks were thoroughly investigated by GPU Nuclear (TMI–2 Report, Management and Safety Allegations, November 16, 1983) and by Bechtel (Report of Bechtel North American Power Corporation Regarding the Allegations of Richard D. Parks, October 1984) (hereinafter the Stier Report and the Bechtel Report, respectively).

Further, the licensee emphasizes that these investigations took place after the DOL investigation and that they were substantially more detailed than the DOL investigation. On the basis of the Stier and Bechtel reports, the licensee believes that none of the acts described in the Notice of Violation constituted reprisal, harassment, or intimidation. Instead, the licensee takes the position that each act was properly motivated by concerns for the proper functioning of the TMI–2 organization. Specifically, the licensee argues that the DOL investigation and the NRC review of that investigation failed to recognize the legitimate motives underlying the organizational changes that affected Parks.

Evaluation of Licensee's Response and Conclusion

The NRC staff has carefully reviewed the licensee's response and has concluded that the licensee has not provided any information that was not already considered in determining that the violation had occurred. The Stier Report, which by the licensee's own admission did not address the questioning of Parks by Bechtel employees or the suspension of Parks, was considered by the staff in preparing the staff's findings regarding this matter in NUREG–0680 Supplement 5. The Bechtel Report, which contained no new information except affidavits taken between September 28 and October 2, 1984 of several Bechtel personnel and a Bechtel synopsis of the case, was reviewed by the staff in October 1984. At that time the staff found that the report contained no information not already considered in determining that the violation had occurred. The information contained in the Bechtel report was again reviewed by the Staff in April 1985 together with information developed by Stier based on his review of the public record and his 1983 report. Again, the staff found no basis to change its conclusions regarding the discrimination against Parks.

The licensee's response simply interprets the information already considered by the staff to justify its position. In several respects the staff disagrees with the licensee's interpretation or characterization of the events. For example, the licensee asserts that the replacement of Parks on February 18, 1983 by Dwight D. Walker as Alternate Startup and Test Supervisor was done because an opportunity presented itself to restore the system of checks and balances and to assure that Site Engineering was properly represented. However, Mr. Walker had been assigned to the TMI site since early January 1983 and it was not until the day after Parks put his safety concerns in writing that the replacement took place. The licensee asserts that the March 14, 1983 interview of Parks by Messrs. Hofmann and Wheeler was conducted in a professional and nonintimidating manner and that the impartial witness at the meeting selected by Parks confirms this fact under oath. Yet the affidavit of the impartial witness states only that Mr. Hofmann from the Bechtel Internal Auditing Group asked his questions in a professional manner and tone of voice. The fact that questions were asked in a professional manner and tone of voice does not offset the obvious intimidating effect caused by conducting this unusual meeting in such close proximity to Parks having raised his safety concerns.

After reviewing the matter once more, the staff still does not believe that the acts described in the Notice of Violation that occurred within a four-week period of time and in close proximity to the time of Parks' complaints to authorities were unrelated management actions taken without regard to Parks having raised safety concerns. Instead, the staff remains convinced that the facts show that Parks' complaints were collectively the common factor which motivated the management actions regarding him. Those actions were acts of discrimination taken in retaliation for Parks having raised his safety concerns. The licensee's assertion that the Notice appears predicated on the assumption that once a safety concern has been voiced any subsequent change affecting the individual who raised the concern

demonstrates retaliatory animus is wrong. Retaliatory action is inferred when a pattern of changes subsequent to the voicing of a safety concern give evidence that a pattern was present here. Therefore, the staff concludes that the violation is correct as stated in the Notice of Violation and the civil penalty should be imposed.

[FR Doc. 86-5385 Filed 3-11-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-143]

Nuclear Fuel Services; Erwin, TN, Plant

Notice is hereby given that the Director, Office of Inspection and Enforcement, has denied a petition under 10 CFR 2.206 filed by Mr. Robert E. Wages on behalf of the Oil, Chemical and Atomic Workers International Union, AFL-CIO (OCAW). This petition relates to the Nuclear Fuel Services fuel fabrication plant in Erwin, Tennessee (NFS-Erwin) and involves two communications to the Chairman of the Nuclear Regulatory Commission: a letter dated September 3, 1985, and a mailgram dated December 13, 1985. The petition requested that the Commission intervene to halt the reduced operations caused by a labor dispute presently being conducted at the Erwin facility, order an investigation of the allegations raised in the letter, require a formal hearing with notice prior to any future request to operate the Erwin facility, hold a public hearing in the Erwin, Tennessee area to establish that operations can be conducted at the facility without affecting the public health, safety or interest, and require the licensee to cease all operations until an investigation has been completed of an incident involving possession of a gun by a driver leaving the plant.

The reasons for denial of the petition are fully described in the "Director's Decision Under 10 CFR 2.206" issued on this date which is available for public inspection in the Commission's Public Document Room located at 1717 H Street, NW., Washington, DC 20555.

A copy of the decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c)

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 3rd day of March 1986.

James M Taylor,

Director, Office of Inspection and Enforcement.

[FR Doc. 86-5384 Filed 3-11-86; 8:45 am]

BILLING CODE 7590-01-M

Nuclear Waste Policy Act; Availability of Final Generic Technical Position in High-Level Waste Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission (NRC) is announcing the availability of the "Generic Technical Position on Borehole and Shaft Sealing of High-Level Nuclear Waste Repositories."

ADDRESSES: This document is available for public inspection and copying at the U.S. Nuclear Regulatory Commission, Public Document Room, 1717 H Street, NW., Washington, DC 20555, telephone 202/634-3273.

FOR FURTHER INFORMATION CONTACT: Dr. Mysore Nataraja, Section Leader, Engineering Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301/427-4319.

SUPPLEMENTARY INFORMATION: The Nuclear Waste Policy Act of 1982 (NWPA) (Pub. L. 97-425) and the Commission regulation 10 CFR Part 60 promote interaction between the Department of Energy (DOE) and NRC prior to submittal of a license application for a geologic repository. These interactions are to fully inform DOE about the level of information that must be provided in a license application to allow a licensing decision to be made by NRC.

The principal mechanism for providing guidance to the DOE is completion by the NRC staff of Site Characterization Analyses (SCA) which document staff reviews of DOE Site Characterization Plans (SCP) submitted according to the NWPA and 10 CFR Part 60. Additional means have been developed to supplement the guidance provided in the SCA's. These include staff technical positions on both generic and site specific issues. Generic Technical Positions (GTP) establish the staff's position on broad technical issues that would be applicable to any site. STP's establish the staff's position on a site specific technical issue. A number of GTP's will be developed by the staff to establish staff positions on generic issues or information requirements for their resolution.

On July 11, 1983, the NRC published for comment a draft version of the "Generic Technical Position on Borehole and Shaft Sealing of High-Level Nuclear Waste Repositories" (48 FR 31761). Public comments on the draft version were received. Changes and clarifications have been made in the final GTP as a result of comments received. Copies of comments may be examined in the U.S. Nuclear Regulatory Commission Public Document Room—1717 H Street, NW., Washington, DC 20555.

The DOE is required by 10 CFR Part 60 to seal boreholes and shafts at permanent closure of a nuclear waste repository. Further, the DOE is required to design the seals so that following permanent closure, they do not become pathways that will compromise the ability of the geologic repository to meet the performance objectives. In addition, the DOE is required to select materials and placement methods for seals to reduce, to the extent practicable (i) the potential for creating a preferential pathway for groundwater; or (ii) radioactive waste migration through existing pathways.

The design of borehole and shaft seals should be based on proven technical knowledge and capabilities, and performance assessments of the sealing system as part of the overall repository system. Changes in the design due to changes in either of the above may occur throughout the timeframe of sealing studies. Sensitivity analyses as well as sound engineering judgment should be utilized in the sealing progam to establish the importance and amount of work necessary in resolving sealing issues at a particular site. However, other work in the sealing progam such as materials studies, equipment development, placement techniques, etc., should not be delayed or eliminated based solely on these sensitivity analyses. These analyses will utilize a data base with high uncertainties and therefore may give an inaccurate indication of the importance of each component in the repository system. Such a determination as to the importance of each subsystem can be made after the Site Characterization Program has been completed when a data base with a higher level of confidence can be utilized.

An adequate program for borehole and shaft seal development should include development of design criteria, laboratory and field testing of materials, equipment, and placement techniques for seals. "verification program of seal performance." quality assurance program for sealing studies, and methods for integration of the sealing program to other activities, such as excavation and construction of the underground openings.

The GIP summarizes guidance which has been given to DOE through technical correspondence, documented technical meetings, and other mechanisms

provided by the NRC/DOE Procedural Agreement (48 FR 38701, Dated August 25, 1983). The Borehole and Shaft Sealing program must be addressed in the SCP's for each site.

Dated at Silver Spring, Maryland, this 28th day of February 1986.

For the Nuclear Regulatory Commission.

John J. Linehan,

Acting Chief, Repository Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 86-5383 Filed 3-11-86; 8:45 am]

BILLING CODE 7590-01-M

Bi-Weekly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (Pub. L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular bi-weekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This bi-weekly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last bi-weekly notice which was published on February 26, 1986 (51 FR 6818), through March 3, 1986.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve 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. The basis for this proposed determination for each amendment is shown below.

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.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

By April 11, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license 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. Requests 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 a 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 immediately 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 before action is taken. 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, N.W., 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 *(Branch Chief):* 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 the attorney for the licensee.

Nontimely filings of petitions of 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 a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local public document room for the particular facility involved.

Arkansas Power & Light Company, Docket Nos. 50–313 and 50–368, Arkansas Nuclear One, Units 1 and 2, Pope County, Arkansas

Date of amendment request: December 20, 1985, as supplemented February 7, 1986.

Description of amendment request: The proposed amendments would revise section 6 (ADMINISTRATIVE CONTROLS) of the Technical Specifications (TS). The licensee's application for amendment for Unit 2 dated December 20, 1985 was noticed in the **Federal Register** on February 5, 1986 (51 FR 4545). The proposed TS changes are:

1. Changes to TS 6.5.2.2 for both units would be made to clarify the responsibility of Safety Review Committee (SRC) appointments and total membership of the committee. In addition, the job titles referenced in the current TS for the committee membership would be replaced with functional descriptions.

2. Editorial changes would be made to TS 6.5.2.8 for both units, and a typographical error for Unit 2, which was made with the issuance of Amendment No. 52 for Unit 2 dated February 1, 1984 would be corrected.

3. Changes to Figures 6.2–1 and 6.2–2 for both units would be made to reflect a reorganization of the Nuclear Operations Department of Arkansas Power & Light Company (AP&L).

4. Changes would be made to reflect title changes and changes in makeup of the Plant Safety Committee (PSC) due to reorganization.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). One of the examples (i) of actions involving no significant hazards considerations is a purely administrative change to TS; for example, a change to achieve consistency throughout the TS, correction of an error, or a change in nomenclature.

The proposed changes identified in item 2 above are purely administrative changes as in example (i) since they involve editorial changes and correction of an error.

The Commission has provided standards for determining whether a significant hazards consideration exists [10 CFR 50.92 (c)]. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (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.

The proposed changes identified in items 1, 3 and 4 above are the result of a recent reorganization of the Nuclear Operations Department of AP&L. The details of the reorganization are described in the licensee's applications dated December 20, 1985, as supplemented by letters dated February 7, 1986. There, the licensee indicates that the reorganization will enhance the effectiveness of the Nuclear Operations Department in responding to safety issues at Arkansas Nuclear One (ANO). In a similar manner, the effectiveness of PSC and SRC will be enhanced by the improved utilization of personnel with experience and expertise in the appropriate technical disciplines necessary to carry out their functions. Based on the above, the NRC staff believes that these proposed changes are administrative improvements and that these changes will not diminish, in any way, current administrative requirements of the ANO–2 TS. The staff therefore, proposes to conclude that the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of an accident of a type different from any previously evaluated, or (3) involve a significant reduction in a margin of safety. On this basis, the staff had made an initial determination that the proposed amendments are not likely to involve a significant hazards consideration.

Local Public Document Room Location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, N.W., Washington, D.C. 20036.

NRC Project Director: George W. Knighton.

Arkansas Power & Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of amendment request: November 20, 1985 as supplemented January 29, 1986.

Description of amendment request: The proposed amendment would revise the Technical Specification (TS) to allow storage of new fuel with a maximum enrichment of 4.1 weight percent U–235 in the new fuel storage racks. The existing TS 5.6.1.2 specifies that the new fuel storage racks are capable of storing new fuel having a maximum enrichment of 3.7 weight percent U–235. As the licensee is using fuel with an enrichment exceeding 3.7 weight percent U–235, an analysis was performed to evaluate the use of the new fuel storage racks with more highly enriched fuel.

Basis for proposed no significant hazards consideration determination: The Commission has provided certain examples (48 Fr 14870) of actions likely to involve no significant hazards consideration. One of the examples (vi) relates to a change which either may result in some increase to the probability and consequences of a

previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP): for example, a change resulting from the application of a small refinement of a previously used calculation model or design method.

The proposed amendment appears to be similar to the above example in that the licensee in its application states that the results of the analysis associated with the proposed change indicate that they are clearly within all acceptable criteria in Section 9.1.1 of the SRP. The analysis was submitted by letter dated January 29, 1986. The NRC staff's preliminary review of the analysis indicates that the worst case k_{eff} associated with the new fuel storage racks would be less than 0.95 under the proposed change. This value is within the SRP acceptance criteria.

Therefore, since the application for amendment involves a proposed change that is similar to an example of actions that are considered not likely to involve significant hazards considerations, the Commission has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room Location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, N.W., Washington, D.C. 20036.

NRC Project Director: George W. Knighton.

Arkansas Power & Light Company, Docket No. 50-368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of Amendment Request: November 27, 1985.

Description of Amendment Request: The proposed amendment would revise the Technical Specification (TS) to add requirements related to radiation monitoring of the HVAC exhaust for the licensee's new Low-Level Radwaste Storage Building (LLRWSB) in accordance with the NRC staff request. The NRC staff indicated to the licensee during the discussion pertaining to the construction and operation of the LLRWSB that since the LLRWSB exhaust may constitute a possible release pathway of low-level radioactivity to the environment, the TS requirements governing radiation monitoring of the HVAC exhaust serving areas for waste processing would be needed.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. One of the examples (ii) relates to changes that constitute additional limitations, restrictions, or control not presently included in the TS: for example, a more stringent surveillance requirement.

The proposed amendment is clearly similar to the above example in that TS requirements governing radiation monitoring of the HVAC exhaust for the LLRWSB would be an added restriction under the proposed changes.

Therefore, since the application for amendment involves a proposed change that is similar to an example of actions that are considered not likely to involve significant hazards considerations, the Commission has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room Location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for Licensee: Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, N.W., Washington, D.C. 20036.

NRC Project Director: George W. Knighton.

Arkansas Power & Light Company, Docket No. 50-368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of Amendment Request: January 24, 1986.

Description of Amendment request: The proposed amendment would revise the Technical Specifications (TS) to delete the tabular listing (Tables 3.7-4 and 3.7-4a) of snubbers in accordance with the NRC staff guidance contained in Generic Letter 84-13 dated May 3, 1984. In addition, the proposed changes would add the criteria contained in Generic Letter 84-13 specifying which snubbers are required to be operable and which snubbers are exempted from this requirement. Deletion of these tables from the ANO-2 TS is expected to eliminate the need for frequent TS amendments to incorporate changes in the snubber listings. These lists of individual snubber location, size, and system affected will be maintained in plant procedures as required by 50.71(c) of 10 CFR Part 50.

Basis for Proposed No Significant Hazards Consideration Determination: The NRC staff has previously evaluated the inclusion of the snubber listings in the TS and has concluded in Generic Letter 84-13 that such listings are not necessary provided the snubber TS is modified to specify which snubbers are required to be operable. The proposed amendment would add specific language to address which snubbers are required to be operable and which are exempted in the above referenced Generic Letter. Furthermore, the ANO-2 TS recordkeeping requirements in TS 4.7.8.h for snubbers would not be altered. These plant records must contain a record of the service life, installation date, etc., of each snubber. Since any change in snubber quantities, types, or locations would be a change to the facility, such changes would be subject to the provisions of 10 CFR 50.59 and these changes would have to be reflected in the records required. On May 3, 1984, the Commission sent a letter to all licensees which indicated the above conclusion regarding inclusion of snubber tables in the TS and indicated that such changes were not required but the licensee could choose to request an amendment to delete the tabular listing of snubbers.

The NRC staff finds that removal of the snubber tables with the added criteria specified in Generic Letter 84-13 would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated because although the proposed changes would delete the snubber tables from the TS, plant records must still be maintained on each snubber; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated because any changes in snubber quantities, types or location would still be subject to the provisions of 10 CFR 50.59, and these changes would have to be reflected in the plant records; or (3) involve a significant reduction in a margin of safety because the proposed change would add additional TS requirements which would specify which snubbers are required to be operable to maintain the designed margin of safety. Having made these findings, the Commission has proposed to determine that the application for amendment does not involve a significant hazards consideration.

Local Public Document Room Location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for Licensee: Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, N.W., Washington, D.C. 20036.

NRC Project Director: George W. Knighton.

Arizona Public Service Company et al., Docket No. STN 50-529 Palo Verde Nuclear Generating Station (PVNGS), Unit No. 2, Maricopa County, Arizona

Date of amendment request: February 14, 1986.

Description of amendment request: The proposed amendment would allow (i) co-owner Public Service Company of New Mexico (PNM) to transfer a portion of its fee interest in PVNGS Unit 2 to equity investors and (ii) the simultaneous transfer by the equity investors back to PNM of a long term (approximately 29½ years) possessory leasehold interest of this share under the terms described in this application. Under the proposed transaction, it is represented that PNM will remain in possession of its present interests in PVNGS Unit 2 under a leasehold rather than by virtue of ownership.

The proposed amendment is similar to a request filed on October 18, 1985, by Arizona Public Service Company (APS) regarding the sale and leaseback transactions by PNM of a portion of PNM's ownership interests in PVNGS Unit 1. See 50 FR 45955 (1985). By Order of December 12, 1985, the Commission approved the proposed sale and leaseback transactions and authorized the amendment of the PVNGS Unit 1 license subject to certain conditions. On December 26, 1985, the PVNGS Unit 1 license was amended and conditioned pursuant to the Commission's order. See 51 FR 1883 (1986).

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment 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.

A discussion of these standards as they relate to the amendment request follows:

Standard 1—Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

No change is involved to any of the design or criteria of the plant. The amendment does not, therefore, significantly increase the probability or consequences of an accident.

Standard 2—Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated

The proposed amendment does not vary or affect any plant operating condition or parameter. For this reason, the NRC staff has determined that the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Standard 3—Involve a Significant Reduction in a Margin of Safety

The requested amendment does not change the design basis for any equipment in the plant. For this reason, the NRC staff has determined that the change does not involve a significant reduction in any margins of safety.

Furthermore, the proposed amendment would maintain PNM in possession of its present interests in PVNGS and PNM would continue to be obligated to pay its share of all costs of construction, maintenance, operation, capital improvements and decommissioning. The equity investors would not have any rights of possession in, absent further license amendment, or control over PVNGS Unit 2. Arizona Public Service Company would continue to be the sole licensee authorized to use and operate the facility.

Based on the above considerations, the Commission proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room Location: Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004.

Attorney for licensees: Mr. Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007.

NRC Project Director: George W. Knighton.

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: October 25, 1985 (partial response).

Description of amendment request: The proposed amendments would change the Unit 1 and Unit 2 Technical Specification (TS) 3.6.5.1, "Hydrogen Analyzers," to allow the use of a containment atmosphere grab sampling capability as a backup to the hydrogen analyzers; and TS 6.9.2, "Special Reports," to incorporate additional reporting requirements.

Consideration of the above changes to the Unit 1 and Unit 2 TS is in partial response to the application dated October 25, 1985; the remaining issues associated with this application will be addressed in future correspondence.

Basis for proposed no significant hazards consideration determination: BG&E has proposed a change to the Calvert Cliffs TS to allow the use of containment atmosphere grab sampling as a back-up means of measuring containment hydrogen concentration. Current TS require plant shutdown within 30 days when one hydrogen analyzer becomes inoperable. The proposed TS change would allow for continued plant operation provided a grab sampling capability is demonstrated.

The prime function of the hydrogen analyzers is to monitor the containment atmosphere for hydrogen following a Loss-of-Coolant Accident (LOCA). The hydrogen analying system is common to both units. The system consists of two hydrogen analyzing subsystems, each consisting of a hydrogen analyzer cabinet, sample select cabinet, hydrogen sequencer panel, and remote hydrogen recorder. Each hydrogen analyzing subsystem can monitor the containment hydrogen concentration at six points, three in each containment structure. These locations have been selected to provide representative samples of the containment atmosphere. The sampling lines are run in groups of three through two separate containment penetrations.

During any period when one analyzer subsystem is out of service, the second subsystem is available to perform all necessary sampling evolutions. In addition, the availability of the hydrogen "grab sampling" capability provides added redundancy. A sample bomb equipped with a septum plug is located on the 45' level of the Auxiliary Building. The Laboratory Analyst can use a syringe to withdraw and subsequently analyze a containment atmosphere sample with the analyzer pump operating and the sequencer lined-up to the appropriate 135' containment elevation sample point. This capability has been demonstrated at Calvert Cliffs and represents a capability that is equivalent to that of the installed analyzers.

The atmospheric grab sample capability incorporates design features, as enhanced by procedural controls, to prevent the uncontrolled release of containment atmosphere during sampling. The sample line from each containment contains two keys (capture) lock actuated valves to prevent inadvertent operation. Down-stream of

the key-lock valves and prior to the sample point, a manual isolation valve is provided which would allow the operator to quickly isolate the sample line in the event of anomalous conditions. Finally, the sample point is provided with a double septum to minimize leakage.

The proposed change to TS 3.6.5.1 would, upon inoperability of one hydrogen analyzer, allow continued plant operation provided that the grab sampling capability is verified within 6 hours or the plant must be shut down. The licensee has also proposed that a special report be submitted within 30 days, ". . . outlining the ACTION taken, the cause for the inoperability, and the plans and schedule for restoring the system to OPERABLE status." This reporting requirement would also be incorporated in TS 6.9.2, "Special Reports," for consistency. The existing TS requirements specify that, in the event that one hydrogen analyzer becomes inoperable, the hydrogen analyzer must be made operable within 30 days or the plant must be shut down within 6 hours.

Since the atmospheric grab sample represents a hydrogen monitoring capability that is equivalent to an installed hydrogen analyzer, the operability of a single hydrogen analyzer with a grab sample backup capability would provide the same degree of redundancy as the operability of two hydrogen analyzers. Thus, there is no reduction in the margin of safety, regarding the post-accident detection of hydrogen, associated with the proposed changes to the the TS. Since the atmospheric grab sample capability contains design features, as enhanced by procedural controls, to prevent an uncontrolled release of containment atmosphere, no accidents of a new or different type will occur and neither the probability or consequences of previously analyzed accidents will be significantly increased.

Accordingly, the Commission proposes to determine that the proposed change to TS 3.6.5.1 to allow the use of an atmospheric grab sample to backup the installed hydrogen analyzers involves no significant hazards considerations.

With regard to the incorporation of the "special report" requirement in TS 3.6.5.1 and 6.9.2, these proposed changes represent additional requirements not previously contained in the TS. On April 6, 1983, the NRC published guidance in the **Federal Register** (48 FR 14870) concerning examples of amendments that are not likely to involve a significant hazards consideration. One example provided in 48 FR 14870 of amendments not likely to involve significant hazards considerations is example (ii) which provides for "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement." Accordingly, the Commission proposes to determine that the proposed change to TS 3.6.5.1 and 6.9.2, to incorporate a "special report" requirement in the TS, involves no significant hazards considerations.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: Jay E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M. Street, NW., Washington, DC. 20036

NRC Project Director: Ashok C. Thadani.

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, La Salle County Station, Units 1 and 2, La Salle County, Illinois

Date of amendment request: February 7, 1986.

Description of amendment request: The proposed amendments to Operating License NPF–11 and Operating License NPF–18 would revise the La Salle Units 1 and 2 Technical Specifications to eliminate the chlorine detectors because of recent surveys indicating that chlorine is not and has not been shipped in bulk quantities by highway, railroad, or river near the La Salle County Station. Regulatory Guide 1.78, "Assumptions for Evaluating the Habitability of a Nuclear Power Plant Control Room during a Postulated Hazardous Chemical Release," establishes chlorine as a hazardous chemical and requires a habitability analysis in case there is an accidental chlorine release from stationary or mobile sources near the plant. In addition, Position 1 of Regulatory Guide 1.78 states that chlorine stored or situated at distances greater than five miles from the control room would not need to be considered in evaluating the habitability of the control room. The closest industries to La Salle County Station where chlorine may be stored are greater than 5 miles away. The three modes of transportation of chemicals for these industries are railroads, highways, and the Illinois River. The railroads and highways transporting these chemicals are greater than 5 miles away, however, the Illinois river is 4.5 miles away. Nonetheless, the licensee indicates that there are no known bulk shipments or storage of chlorine within five miles of the plant. The licensee finds that at the present time the chlorine detectors are a high maintenance item which require significant man hours for surveillance and repair. In addition, these detectors have, on numerous times, accidentally actuated the trip initiating the recirculation mode of the control room and the auxiliary electric equipment room ventilation system; both of these systems are engineering safety features. The licensee believes these challenges to the safety systems are unwarranted. The licensee expects a net improvement in safety with regards to these proposed changes to the La Salle, Units 1 and 2 design as a result of the reduction in challenges to the engineered safety features systems.

Basis for proposed no significant hazards consideration determination. The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences for an accident previously evaluated; (2) create the possibility of a new or different kind of accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined and the NRC staff agrees that the proposed amendment will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the potential hazard which the chlorine detectors were installed to protect against is believed to have been eliminated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because the potential hazard of chlorine gas entering the control room and incapacitating the operators is considered to have been minimized.

(3) Involve a significant reduction in the margin of safety because the accidental release of chlorine is no longer considered to exist as a significant concern.

The likelihood of any chlorine release in the vicinity of La Salle County Station is negligible and the likelihood of any release reaching the control room ventilation is also considered negligible as no known bulk shipments or storage of chlorine exists within a 5 mile radius of La Salle Station.

Accordingly, the Commission proposes that the changes would fall

into the category of a no significant hazards consideration determination.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348.

Attorney for licensee: Isham, Lincoln and Burke, Suite 840, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

NRC Project Director: Elinor G Adensam.

Connecticut Yankee Atomic Power Company, Docket No. 50–213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: January 30, 1986.

Description of amendment request: The requested license amendment would modify the plant Technical Specification by incorporating the following changes:

(1) Reduce the allowable leakage rate of reactor coolant outside containment (Technical Specification 3.14.A.3) from six (6) liters/hr. to three (3) liters/hr.,

(2) Identify additional potential sources of reactor coolant leakage outside of containment as normal makeup, seal injection, and loop fill lines (Technical Specification 3.14.A.3),

(3) Change the valve tag number designations for two check valves in the emergency core cooling system (Technical Specification 3.14.A.6).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (April 6, 1983, 48 FR 14870). Examples of actions not likely to involve significant hazards considerations are example (i) which relates to purely administrative changes and example (ii) which is a change that constitutes an additional limitation, restriction or control not presently included in the technical specifications.

The staff has reviewed the licensee's amendment request to reduce the allowable leakage rate of reactor coolant outside containment and to identify additional potential sources of reactor coolant leakage as normal makeup, seal injection and loop fill lines. We have concluded that it falls within the envelope or example (ii) because the proposed amendment would result in more restrictive conditions for operation than presently included in the Technical Specifications. Additionally, the change of valve tag number designations is an administrative change that falls into the envelope of example (i).

Based on the above, the staff therefore proposes to determine that this amendment request involves no significant safety hazards consideration.

Local Public Document Room location: Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry and Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499.

NRC Project Director: Christopher I. Grimes.

Dairyland Power Cooperative, Docket No. 50–409, La Crosse Boiling Water Reactor, Vernon County, Wisconsin

Date of amendment request: February 4, 1986.

Description of amendment request: The amendment would revise the technical specifications and bases to accommodate an increase in the capability of one of the three 120 VAC Non-Interruptible Instrument and Control Buses and add an alternate power source via the 1C static transfer switch.

Basis for proposed no significant hazards consideration determination: In the February 4, 1986 submittal the licensee states that the proposed change has been reviewed by the LACBWR Committees as prescribed in LACBWR technical specifications and it has been determined not to constitute an unreviewed safety question pursuant to 10 CFR 50.59. This conclusion has been reached because:

The proposed upgrading of the 1C Inverter will not change or increase the probability or consequences of an accident previously evaluated. The new static inverter will add a static transfer switch which the existing static inverter does not have. The static switch will provide an alternate source to the 1C Non-Interruptible Bus in the event the static inverter malfunctions. Current design of the 1C Non-Interruptible Bus would result in a reactor scram if the 1C Static Inverter failed.

The new design would reduce the probability of this challenge occurring to the reactor protection system.

The replacement of the 1C Static Inverter with a 5 KVA capacity unit and static transfer switch will not create a new or different kind of accident from any accident previously evaluated. The new static inverter is instrumented and alarm monitored more extensively than the existing unit. Installing the 1C static transfer switch would reduce the risk of losing the 1C Non-Interruptible Bus due to a 1C Inverter Malfunction.

The proposed amendment will not involve a significant reduction in the margin of safety. In fact, by adding an alternate power source via the 1C static transfer switch, the operational performance and reliability of the 1C Non-Interruptible Bus would increase.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that this action involves no significant hazards consideration.

Local Public Document Room location: La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Attorney for licensee: Roy P. Lessy, Jr.; O. S. Heistand; Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.

NRC Project director: John A. Zwolinski.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: January 14, 1986.

Description of amendment request: The licensee proposed this amendment to change the Technical Specifications to include lag compensation factors in the overtemperature delta T and overpower delta T equations specified in Table 2.2–1. In addition, the overtemperature delta T response time has been revised from 6 seconds to 4 seconds; this change would reflect the assumptions used in the Final Safety Analysis Report (FSAR) analysis. The licensee expects that these adjustments would reduce the number of spurious reactor trip signals.

The requested amendment is responsive to a letter from the staff dated April 22, 1985.

Basis for proposed no significant hazards consideration determination: The proposed change would bring the Technical Specification into conformance with the FSAR, and is just a refinement in some equations and minor modification of existing instruments to improve operation. Therefore, the proposed changes will not increase the likelihood of a malfunction of safety-related equipment, increase the consequences of an accident previously analyzed, or create the possibility of a malfunction different than previously evaluated. Based on the above, we propose to characterize the change as involving no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and

Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Project Director: Lester S. Rubenstein.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: January 15, 1986.

Description of amendment request: The licensee proposed to change the Technical Specifications in three ways:

(1) The index would be editorially changed to reflect the present status of the Technical Specifications,

(2) Titles and positions of employees would be changed to reflect the results of a reorganization, and

(3) Certain administrative procedures, such as time allowed to approve meeting minutes of the Offsite Review Committee, would be changed to reflect new procedures of the new organization.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of these, Example (ii), involving no significant hazards consideration is "A purely administrative change to technical specifications . . . ." All items above match the example and we, therefore, propose to characterize this amendment as involving no significant hazards consideration.

Local Public Document Room location: B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Project Director: Lester S. Rubenstein.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: January 24, 1986.

Description of amendment request: The Licensee requested the Technical Specifications be amended in the following ways:

(1) Clarify the Modes 5 and 6 charging pump surveillance requirements. The intent of surveillance requirement 4.1.2.3.2 is to allow only one operable charging pump when in Modes 5 and 6 to limit the sources of high pressure injection which could overpressurize the RCS during modes of low temperature operation. This is in accordance with the NRC safety evaluation on overpressure protection dated April 4, 1983. The same specification also limits the operability of the low head safety injection (LHSI) pumps. Since the LHSI pumps are physically not capable of posing an overpressure problem, the present limitation on their operability during Modes 5 and 6 is unnecessary.

(2) Mode 4 would be added to Table 4.3–2, Functional Unit 4.e, "Steamline Pressure Rate-High," to provide consistency with the applicable modes specified for this function on Table 3.3–3. This is an editorial change.

(3) Surveillance Requirement 4.4.6.3 would be revised by replacing "operational condition 1" with "Mode 1" to provide consistency with current nomenclature. This is an editorial change.

Basis for proposed no significant hazards consideration determination: Change (1) removes an administrative limitation on the LHSI pumps. As discussed above, the limitation is unnecessary due to physical limitations of the pumps themselves. The change would not result in modification of hardware or operating procedures. Changes (2) and (3) are editorial. Thus the proposed amendment would not increase the probability or consequences of an accident previously evaluated, would not create the possibility of a new or different kind of accident, and would not reduce the margin of safety. Therefore, we propose to determine the requested amendment as involving no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Project Director: Lester S. Rubenstein.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: February 5, 1986.

Description of amendment request: The licensee requested to amend the Beaver Valley Power Station, Unit No. 1 Technical Specifications to revise the reporting requirements on reactor coolant specific activity from "Special Report" to an "Annual Report," in accordance with Generic Letter 85–19.

As part of the continuing effort to delete unnecessary reporting requirements, the NRC has determined that the reporting requirements for iodine spiking can be reduced from a short-term report (Special Report or Licensee Event Report) to an item to be included in the Annual Report. The information proposed for inclusion in the Annual Report is similar to that previously required in the Licensee Event Report but has been changed to more clearly designate inclusion of the specific activity analysis results and to delete the information regarding fuel burnup by core region.

Basis for proposed no significant hazards consideration determination: The requested amendment would not result in any alteration of hardware, operation limits and procedures. In addition, it is submitted in response to the staff's Generic Letter 85–19. We, therefore, conclude that the requested action will not increase the probability of occurrence or the consequences of an accident, will not create an accident or malfunction of a different type than previously evaluated, and will not involve a significant reduction of the margin of safety. Accordingly, we propose to determine this action as involving no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Project Director: Lester S. Rubenstein.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of amendments request: November 21, 1985.

Description of amendments request: The request for amendments responds to NRC Generic Letter 84–13 as related to the deletion of the list of snubbers from the Turkey Point Plant Unit 3 and 4 Technical Specifications (TS). The request also modifies the existing testing requirements for safety-related snubbers to define the snubber type, delete the test acceptance criteria regarding a 50% drag force increase, adds additional acceptance criteria for visual inspection and additional requirements for an engineering evaluation of functional test failures. The Standard Technical Specifications for Westinghouse Pressurized Water Reactors (WSTS) were used as guidance for the format and certain wording changes.

Basis for proposed no significant hazards consideration determination: The proposed changes to the Turkey Point TS are:

Page i

The definition of ACTION has been added to the Table of Contents.

Page v

The Table of Safety Related Snubbers is deleted based on changes discussed below.

Page 1–4

The definition of Action has been added to the Definitions Section of the TS.

Page 3.13–1, Table 3.13–1 Sheets 1, 2, 3, 3a, 3b, 4, 5, 6, 7

The table of Safety Related Snubbers has been deleted. The limiting condition for operation (LCO) has been reformatted to be consistent with the format in the WSTS. No action statements or requirements have been added to or deleted from the current TS.

Page 4.14–1

A statement has been added for clarification of the requirements for the snubber surveillance program. The definition for "type of snubber" has been added for clarity. The reference to TS Table 3.13–1 has been deleted for reasons discussed above. The page along with the rest of this section have been revised to be consistent with the format in the WSTS.

Page 4.14–2

The reference to TS Table 3.13–1 has been removed for reasons discussed above. In Section 4.14.1.c, an additional requirement for visual inspection acceptance criteria has been added. This change adds the requirement to verify that the fasteners for attachment of the snubbers to the component and to the snubber anchorage are secure. The requirement to include the first snubber supporting main reactor coolant system (RCS) piping downstream of the reactor vessel nozzles has been removed because no snubber exist on RCS piping and there are no plans to install any snubbers there in the future.

Page 4.14–3

The functional tests section has been split into two sections with the new section being 4.14.1.e, titled "Functional Test Failure Analysis". No current requirements have been deleted from the TS in this new section. An additional requirement for an engineering evaluation of each function test failure to meet the functional test acceptance criteria to determine the cause of the failure is added. This evaluation is currently being done so addition of this requirement to the TS is not adding any new requirements. The reference to TS Table 3.13–1 has been removed for reasons discussed above. The wording that snubbers "support" components has been changed to "attached". This is because snubbers do not support components but are attached to components.

Page 4.14–4

The first requirement in Section 4.14.4.1.f has been revised to be consistent with the wording in the WSTS. The requirement for the 50% drag force has been removed. This is based on vendor's recommendations and consistent with WSTS. The reference to TS Table 3.13–1 has been removed for reasons discussed above.

Page 6–29

In section m, the reference to TS Table 3.13–1 has been replaced with a reference to TS 3.13. This is consistent with changes discussed above.

The proposed changes described above fall into six categories.

A. Definition of Type (TS Page 4.14–1)

The current Turkey Point TS require increased inspection (both number of tests and frequency of the testing) based upon the number of test failures. The proposed change makes clear that this increased testing is required for snubbers of the type that are failing the tests.

This portion of the TS change is justified in that there are substantial differences in the functional operation and dynamic response of snubbers to load, which are based on manufacturer and design. These differences are irrespective of capacity. To determine generic manufacturing problem caused failure, snubber sample test increases due to visual and/or functional test failures must be selected based on type, i.e., the same design and manufacturer. This is also true in order to determine whether the failure is associated with incorrect application or the failure is related to severe system transients and/or harsh environment.

B. Acceptance Criteria Regarding 50% Drag Force Increase (TS Page 4.14–4)

The current Turkey Point TS contain a requirement that testing verify the drag force has not increased more than 50% since the last surveillance test. Pacific Scientific, the snubber vendor, has issued a clarification on "In-Service" testing of Pacific Scientific shock arrestors (snubbers). The consideration of increasing drag force is not an appropriate requirement in that the acceptance criteria of snubbers is based upon the loading used in the piping seismic analysis.

Pacific Scientific has demonstrated in simulated 40 year tests that increases in snubber drag force do not indicate an imminent snubber failure as long as the drag force is within its design range. The requirement relating to 50% increase in drag force is not included in the WSTS.

C. Removal of Safety-Related Snubber Table (TS Pages v, 3.13–1, Table 3.13–1, 4.14–1, 4.14–2, 4.14–3, 4.14–4, 6–29)

This change was recommended by Generic Letter 84–13. There will be no change in the snubbers tested, merely a relocation of the listing from the Technical Specifications to procedures controlled on the Turkey Point plant site. The Turkey Point TS specify which snubbers are required to be operable and the record-keeping requirements are not altered by removal of the Safety-Related Snubber Table from the T.S.

D. Format and Wording Changes (TS Pages i, 1–4, 3.13–1, 4.14–1, 4.14–3, 4.14–4)

The requested amendments used the WSTS as guidance for format and wording changes to the existing TS. This has been done to clarify the existing TS and make them easier to understand and use. The changes also required inclusion of the WSTS definition of action. The use of WSTS wording results in no deletion of current TS requirements. Therefore, the format and wording were for clarification.

E. Visual Inspection Acceptance Criteria (TS Page 4.14–2)

This part of the amendments includes the addition of a third requirement for the acceptance criteria (i.e., verification that fasteners for attachment of the snubber to the component and to the snubber anchorage are secure). This adds an additional limitation, restriction or control not presently included in the current Turkey Point TS.

F. Functional Test Failure Analysis Section (TS Page 4.14–3)

This portion of this amendment added a new section to separate the analyses performed for functional test results from the functional test section. No existing requirements were deleted. A requirement for an engineering evaluation of each failure to meet functional test acceptance criteria to determine the cause of the failure has been added. This adds an additional limitation, restriction or control not presently included in the TS.

The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences or 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.

The proposed change which results in deletion of the acceptance criteria regarding 50% drag force increase on snubbers (Category B) from the Technical Specifications is based on recent clarification from the snubber vendor, Pacific Scientific. Deletion of the functional test acceptance criterion to verify that the drag force has not increased more than 50% since the last surveillance test will not affect the determination of operability. The vendor has demonstrated that such an increase is not indicative of imminent snubber failure if the snubber drag force is within its design range. Momentary drag forces as high as 5% of rated load for as long as 500 milliseconds as well as average drag loads of 5% of snubber design load are acceptable. Pacific Scientific has demonstrated in simulated 40 year tests that increases in snubber drag force do not indicate imminent snubber failure as long as the drag force is within its design range.

Drag force increase is not a consideration in either seismic or thermal analyses. In seismic analyses, snubbers are modeled as rigid restraints. In thermal analyses, only a maximum (design) drag force is considered.

Based on the above, this portion of the proposed changes will not involve a significant hazards consideration in that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because increases in drag force within the design limits do not affect snubbers during seismic or thermal transients and tests are required to demonstrate the snubbers remain within the design limits; or (2) create the possibility of a new or different kind of accident previously evaluated because neither the staff nor the licensee can identify a new or different accident resulting from an increase in drag force; or (3) involve a significant reduction in a margin of safety because the simulated 40 year tests performed by the vendor demonstrated that increases in drag force do not indicate imminent snubber failure as long as the drag force is within the design range. These proposed amendments will not change the existing test requirements which assure the snubber drag force remains within its design range.

The Commission has provided guidance for the application of the criteria in 10 CFR 50.92 by providing examples of amendments that are considered not likely to involve a significant hazards consideration.

The other proposed changes meet Examples (i) and (ii) of the Examples of Amendments That Are Considered Not Likely to Involve Significant Hazards Considerations are presented in the **Federal Register** Notice of April 6, 1983.

Example (i): "A purely administrative change to the Technical Specifications: For example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature."

The removal of the table of safety-related snubbers (Category C) from the Technical Specifications was done in accordance with the guidance provided in Generic Letter 84–13. As stated in the generic letter, the staff has reassessed the inclusion of snubber listings within the TS and concluded such listings are not necessary. Since an equivalent list will continue to be maintained on the site, this change meets this Example. Deleting the list of safety-related snubbers will not affect the existing operability, surveillance or limiting conditions for operation requirements of the snubbers as defined in the TS. Changes to the list, as specified in the Generic Letter, would be subject to review and evaluation in accordance with the provision of 10 CFR 50.59, "changes, tests, and experiments."

The format and wording changes (Category D) which are in accordance with the WSTS also meet example (i) as discussed above. *Example (ii):* "A change that institutes and additional limitation restriction or control not presently included in the technical specifications: For example, a more stringent surveillance requirement."

The addition of the definition of type (Category A) meets this Example in that it provides a more accurate definition used in the snubber test programs as described above.

The addition of the third visual acceptance criterion and functional test failure engineering analyses (Category E and F) also meet example (ii) as discussed above.

Therefore, since the proposed changes in Category B 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, as discussed above, and the proposed changes in Categories A, C, D, E, and F correspond to examples of changes which the Commission has found not likely to involve significant hazards considerations, the staff proposes to determine that the changes requested in the amendments do not involve a significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzer, P.C., 1615 L Street NW., Washington, D.C. 20036.

NRC Project Director: Lester S. Rubenstein.

GPU Nuclear Corporation, et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: January 3, 1986, as supplemented January 31, 1986.

Description of amendment request: The Three Mile Island Unit 1 (TMI–1) current Technical Specifications (TSs) require submitting a Special Report when Dose Equivalent I–131 is above a specified limit for more than 500 hours in any consecutive six-month period. The TMI–1 TSs also require immediate shutdown if coolant iodine activity levels are above 1.0 microcurie/gram Dose Equivalent I–131 and the cumulative operating time under these circumstances exceeds 800 hours in any consecutive 12-month period. Otherwise the TSs permit power operation to continue for limited time periods with the primary coolant's specific activity greater than 1.0 microcurie/gram Dose Equivalent I–131, but within maximum limits, to accommodate possible iodine spiking phenomenon which may occur following changes in Thermal Power.

The proposed amendment changes the required reporting method from a Special Report to providing a more detailed report in the Annual Report. It also deletes the requirement to immediately shutdown if primary coolant activity levels are above 1.0 microcurie/gram Dose Equivalent I–131 and the cumulative operating time under these circumstances exceeds 800 hours in any consecutive 12-month period.

This amendment requested by the licensee is in response to Generic Letter 85–19 issued by the NRC on September 27, 1985. *Basis for proposed no significant hazards consideration determination:* The proposed amendment changes a reporting requirement from a Special Report to an Annual Report and deletes a requirement to shutdown the plant under certain circumstances. The purpose of the Special Report was to alert the NRC of potential fuel problems before reaching 800 hours of operation with iodine activity above a specified limit. The following criteria forms the basis, as specified in Generic Letter 85–19, for making the proposed change to the Technical Specifications. The quality of nuclear fuel has been greatly improved over the past decade with the result that normal coolant iodine activity (in the absence of iodine spiking) is well below the limit. Other operating limitations as defined in the TSs are not being revised. Therefore appropriate corrective actions would be initiated long before accumulating 800 hours above the iodine activity limit. Additionally, 10 CFR 50.72 would require the NRC to be immediately notified of fuel cladding failures that exceed expected values or are caused by unexpected factors. Therefore the present TS limitations are no longer considered necessary on the basis that proper fuel management by the licensee and other existing reporting requirements should preclude the facility from ever approaching the 800 hour limit.

The proposed amendment does not affect the plant design, operation, or safety analysis. Therefore, it does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in the margin of safety. In accordance with 10 CFR 50.92, the Commission's staff proposes to determine that the application involves no significant hazards considerations.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Attorney for licensee: G. F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Project Director: John F. Stolz.

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: January 30, 1986 (TSCR 133).

Description of amendment request: Requests changes to Section 3.5 of the Appendix A Technical Specifications (TS) pertaining to the limiting conditions for operation (LCO) when one of the two trains of the Standby Gas Treatment System (SBGTS) is declared inoperable. The changes are to the power operation and the refueling reactor operation modes in TS 3.5.B.3.a.1 and 3.5.B.3.b.1, respectively. The same change for both nuclear operation modes would lessen the requirement on when the other SBGTS must be demonstrated operable. The change is from within 2 hours in the current TS to the proposed requirement of within 2 hours unless significant painting, fire, or chemical release has taken place in the building within 12 hours and then within 1 hour of the end of the 12-hour period.

Basis for proposed no significant hazards consideration determination: The licensee has proposed its Technical Specification Change Request (TSCR) 133 to allow a delayed demonstration of the operability of the redundant SBGTS after one of the two SBGTS is declared inoperable. TSCR 133 would allow the delayed demonstration of the operable SBGTS train upon the loss of one train, if significant painting, fire, or chemical release has taken place in the reactor building within the previous 12 hours. Current TS surveillance tests provide adequate assurance that the SBGTS will operate upon demand. The proposed change would enhance plant safety by increasing system availability and avoiding unnecessary degradation of the system from a significant painting, fire, or chemical release.

The current TS for demonstrating the operability of the SBGTS, upon the loss of one train, do not address circumstances where significant painting, fire, or chemical release has taken place in the reactor building within the previous 12 hours. TS 4.5.K.1.a requires certain tests of the SBGTS following significant painting, fire, or chemical release in the reactor building while the SBGTS was in operation. Implementation of the current requirements, under these conditions, could degrade the system unnecessarily and would not enhance the safety of the plant. In addition, demonstrating operability during these events would require subsequent compliance with TS 4.5.K.1.a and would negatively affect system availability.

The function of the SBGTS is to treat and exhaust the atmosphere of the reactor building to the stack during containment isolation conditions with a minimum release of radioactive material from the containments to the environments. Two separate filter trains are provided, each having 100% capacity.

The current Oyster Creek TS require that with one SBGTS train inoperable, the other train must be demonstrated operable within 2 hours. Inspection Report 50–219/84–11 identified the need for a change in the specification based upon Licensee Event Report (LER) 84–7 involving the failure to test an SBGTS train within the required time.

In the inspection report on LER 84–7, it was stated that on April 2, 1984, Diesel Generator No. 1 (DG–1) was declared inoperable as a result of a failure to fast start during the monthly surveillance. This resulted in the associated SBGTS being declared inoperable, since DG–1 is the emergency power supply for SBGTS–1. TS 3.5.B.3.b.1 requires demonstration of the operability of the redundant SBGTS (in this case SBGTS–2) within 2 hours. This test had been performed 23 hours before the failure.

At the time of DG–1 failure, two operations relating to TS requirements for the SBGTS were in process: torus painting and rechanneling fuel assemblies. The torus painting operation was stopped but the SBGTS operability tests were delayed for 10 hours in accordance with station procedures. This delay was to prevent degradation of the charcoal filters due to absorption of paint fumes. An irradiated fuel assembly was moved from its spent fuel pool storage location to the fuel preparation machine for channeling and then back to the storage location during the 10 hours before SBGTS–2 was confirmed operational.

The BWR Standard Technical Specification applicable to Oyster Creek (BWR–STS) require the redundant SBGTS to be tested within 7 days of an SBGTS being declared inoperable for the power operation and refueling modes. The BWR–STS require testing the SBGTS following painting, fire, or chemical release in any ventilation zone communicating with the SBGTS because this may damage the SBGTS to the point it could be inoperable.

Therefore, based on the above, operation of Oyster Creek with this TSCR:

(1) *Does not involve a significant increase in the probability or consequences of a previously evaluated accident because:* The TSCR will not (a) affect a system which is an initiator of

an accident previously evaluated and (b) will provide additional assurance the SBGTS has not been affected by significant painting, fire, or chemical release which could destroy the charcoal absorbers and HEPA filters and prevent the SBGTS from being able to mitigate the consequences of an accident.

(2) *Does not create the possibility of a new or different kind of accident from any accident previously analyzed because:* The TSCR will not affect a system which could be an initiator of an accident. If the redundant SBGTS is inoperable, reactor shutdown shall be initiated and the reactor shall be in cold shutdown within 24 hours.

(3) *Does not involve a significant reduction in a margin of safety because:* The TSCR is within the criteria of the applicable BWR–STS and the staff's Standard Review Plan 6.5.1, ESF Atmosphere Cleanup System. Therefore, because the licensee's request meets the above three criteria in 10 CFR 50.92(c), the staff proposes to determine that the licensee's proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Attorney for licensee: G. F. Trowbridge, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W. Washington, D.C. 20036.

NRC Project Director: John A. Zwolinski.

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: February 3, 1986 (TSCR 139).

Description of amendment request: The Technical Specification Change Request (TSCR) requests approval of changes to Section 1, 2, 3 and 4 of the Appendix B, Environmental Technical Specifications (TS) pertaining to Definitions, Environmental Monitoring, Special Monitoring and Study Activities, and Administrative Controls, respectively. These changes revise or delete the following: (a) revise the table of contents, (b) delete the list of tables and figures, (c) delete the definitions, (d) delete the introducing paragraph in section 2.1, (e) delete Table 2–1 and 2–2, (f) delete section 2.1.1.A, Impingement of Organism, (g) revise section 2.1.1.B, Fish Kill Monitoring Program, (h) delete section 3.1, Woodborer Monitoring Program, (i) delete the second paragraph in section 3.2, Unusual or Important Environmental Events, (j) revise section 4.1, Responsibility, Administrative Controls, and Figure 4–1 for new titles, (k) delete reference to section 4.4.3 in item F and H of section 4.3, Review and Audit, Administrative Controls, (1) revise Section 4.4.1 and delete sections 4.4.2 and 4.4.3, Procedure, (m) revise item 1 of section 4.5.1.A, Routine Reports, and (n) revise the page numbers of the TS.

Basis for proposed no significant hazards consideration determination: The licensee has proposed TSCR 139 to revise the Appendix B Environmental TS to revise or delete certain requirements and revise Section 4, Administrative Controls. These requirements are environmental monitoring requirements on impingement of organism, fish kill monitoring, woodborer monitoring, and reporting. This includes deleting references to limiting conditions for operation (LCO) which have been previously deleted from the Appendix B TS. These requirements are either in other enforceable documents which render the environmental monitoring requirements in the TS unnecessary, the extensive data base which has been developed has addressed the issue fully and it is no longer necessary to require the studies through the TS, or the licensee maintains an Environmental Control Plan which sets forth the policies and objectives for conservation and protection of the environment and it is no longer necessary for sections 4.4.2 and 4.4.3 to remain in the TS.

This TSCR refers to section 316 (a) and (b), Clean Water Act, demonstrations before the State of New Jersey, Department of Environmental Protection (NJDEP) whose objective is to assess the impingement, entrainment and thermal effects associated with station operation. The woodborer monitoring program has a data base developed and presented in 42 quarterly reports submitted to NRC. The licensee maintains an Environmental Control Plan which sets forth the policies and objectives for conservation and protection of the environment. The TSCR also includes administrative changes to achieve consistency throughout the Appendix B TS and to revise titles in the part of the licensee's organization which has responsibility for the implementation of the environmental TS.

This TSCR does not change a requirement with respect to the installation or use of facility equipment located within the restricted area as defined in 10 CFR Part 20 for operation of the station nor does it change the surveillance requirements on such equipment. This TSCR does not change a safety limit nor an LCO of the station or a surveillance requirement based on an LCO. It does not involve a change in the amounts or types of any effluents that may be released offsite and in any individual or cumulative occopational exposure. The TSCR does not affect the operation of the reactor. The TSCR only changes (1) requirements on what is monitored and reorted in the licensee's required Environmental TS and (2) the titles in the licensee's organization.

Therefore, based on the above, operation of Oyster Creek with this TSCR:

(1) *Does not involve a significant increase in the probability or consequences of a previously evaluated accident because:* The TSCR does not change a safety limit, an LCO or a surveillance requirement on equipment within the security fence to operate the station; it does not change the amounts or types of any effluents from the site; and it does not change any individual or cumulative occupational exposure.

(2) *Does not create the possibility of a new or different kind of accident from any accident previously analyzed because:* The TSCR does not change a safety limit, an LCO or a surveillance requirement on equipment within the security fence to operate the station; it does not change the amounts or types of any effluents from the site; and it does not change any individual or cumulative occupational exposure.

(3) *Does not involve a significant reduction in a margin of safety because:* The TSCR does not change a safety limit, an LCO or a surveillance requirement on equipment within the security fence to operate the station; it does not change the amounts or types of any effluents from the site; and it does not change any individual or cumulative occupational exposure.

Therefore, because the licensee's request meets the above three criteria in 10 CFR 50.92(c), the staff proposes to determine that the licensee's proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Attorney for licensee: G.F. Trowbridge, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W. Washington, D.C. 20036.

NRC Project Director: John A. Zwolinski.

Indiana and Michigan Electric Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: January 27, 1986

Description of amendment request: The proposed Technical Specification changes would delete the Reactor Coolant Pump Breaker Position Trip above permissive P–8 and would add Technical Specification provisions for independent testing of the undervoltage and shunt trip attachments during power operation for bypass breakers. Editorial changes are also proposed to delete action statements on Table 3.3–1 that are no longer used.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a no significant hazards consideration determination by providing certain examples (48 FR 14870). One of these examples (ii) is a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications. The change to add independent testing of the undervoltage and shunt trip attachments during power operation for bypass breakers is directly related to this example. The License Amendment 86/72 issued on August 5, 1985 added surveillance requirements for the undervoltage trip attachments and shunt trip attachments, however, the Safety Evaluation for that amendment concluded that technical specifications for the independent testing during power operation for bypass breakers were necessary for the licensee to meet all the provisions of Generic Letter 83–28, Item 4.3 and Generic Letter 85–09. Another example (vi) is a change which either may result in some increase to the probability or consequences of a previously analysed accident or may reduce in someway a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The change to delete the Reactor Coolant Pump Breaker Position Trip above permissive P–8 is directly related to this example. This trip, above the P–8 permissive, is only required for plant operation with one of the four reactor coolant loops not operating (referred to as N–1 loop operation). However, both facility Operating Licenses for Units 1 and 2 have license conditions prohibiting plant operation with less than four loops operating. In the present protective systems configuration, which is designed to accomodate the N–1 loop operation, a failure of a single inverter can produce a reactor trip. Deletion of the Reactor Coolant Pumps Breaker Position Trip above permissive P–8 will prevent these inverter induced reactor trips. Removing this trip may reduce some of the margin of safety, however, the safety analyses for both Units do not give credit for the trip above the P–8 permissive and the safety analyses have been performed with clearly acceptable criteria and all the other related reactor trips to assure safe operation. Another example (i) is a purely administrative change to technical specifications. The proposed change to delete actions in Table 3.3–1 which are no longer used is a purely administrative change and is directly related to this example.

Based on the above consideration, the staff, therefore, proposes to determine that the requested changes do not involve a significant hazards consideration.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnof, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M. Street, N.W. Washington, D.C. 20036.

NRC Project Director: B.J. Youngblood.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: January 8, 1986

Description of amendment request: The proposed amendment would revise the Duane Arnold Energy Center (DAEC) Technical Specifications reflecting the Iowa Electric Light and Power Company's (licensee's) proposal to demonstrate feasibility of Hydrogen Water Chemistry System as a mitigator of Intergranular Stress Corrosion Cracking (IGSCC) of stainless steel piping at the DAEC. The licensee estimates that the addition of hydrogen to the reactor water will result in an approximate one to five-fold increase in the nigrogen (N–16) activity in the steam as a result of conversion of soluble N–16 to a volatile form. The increase in normal operating activity in the Main Steam Line for the duration of the proposed test necessitates a temporary increase in the current Main Steam Line radiation scram and containment isolation setpoints. The licensee has, therefore, proposed to change (a) Main Steam tunnel high radiation scram setpoint, (b) Main Steam Line tunnel high radiation containment isolation setpoint, and (c) the associated bases explaining the rationale for the changes.

The proposed amendment would permit, during a 17-day test, an increase in the calculated radiation background level used to determine setpoints. The main steam line high radiation level setpoint will remain at three times the background radiation level; however, due to the increased N–16 carryover in the steam, the background radiation level used to determine the high radiation setpoint will be increased prior to the test period. The increase in the background level would be based upon the calculated value of the radiation level expected during the tests (approximately a factor of five increase). During controlled power reduction, restoration to pretest setpoints will be done prior to going below 20% of rated power. If due to a recirculation pump trip or other unanticipated power reduction event, the reactor drops below 20% rated power without the setpoint readjustment, control rod withdrawal will be prohibited until the necessary trip setpoint readjustment is made.

The event which takes credit for the above discussed setpoint is the desgin bases control rod drop accident. The licensee states that the control rod drop accident is of concern only below 10% of rated power. The hydrogen injection will be stopped below 20% power and, as stated above, the setpoints will be returned to pretest positions. In addition, the capability to monitor for fuel failures will be maintained through: (1) The continued operability of the main steam radiation monitoring scram and isolation system; (2) routine radiation surveys; (3) the performance of daily primary coolant water analyses; and (4) the continued operability of the Steam Jet-Air Ejector Off-Gas Monitor. Furthermore, radiation protection practices will be followed by the licensee during the course of the test based upon the licensee's pretest radiation (ALARA) review. During the hydrogen injection test, special radiation level surveys will be performed and protective actions will be taken, as appropriate, to control all onsite personnel exposure. Changes in gaseous effluent release rates for hydrogen injection are expected to be negligible due to the short decay times for N–16.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if

operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) invovle a significant reduction in a margin of safety.

We have reviewed the licensee's request which is similar to the request previously reviewed and approved for the Pilgrim, Peach Bottom, and FitzPatrick plants. We find that the proposed amendment:

(1) Does not involve a significant increase in probability and consequences of the control rod drop accident which was previously evaluated to determine the Main Steam Line radiation scram and containment isolation setpoints at the reactor power levels, below 20%, because (1) the licensee proposes to suspend the hydrogen addition below 20% of the rated power, (2) reset the setpoints to pretest values at power levels below 20% of the rated power, (3) continue to monitor for fuel failures, and (4) perform special radiation surveys during hydrogen addition test period.

(2) Does not create a possibility of a new or different kind of accident because the Main Steam Line high radiation scram and containment isolation setpoint changes are intended to mitigate against previously analyzed accident, i.e., control rod drop accident involving fuel failures.

(3) Does not involve a significant reduction of margin of safety, because pretest setpoints will be restored when power drops below 20% of the rated power, the capability to monitor fuel failures will be maintained, and special radiation level surveys will be performed and protective action taken if needed.

Therefore, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036.

NRC Project Director: Daniel R. Muller.

Kansas Gas & Electric Company, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: January 20, 1986 as supplemented by letters dated February 5, 1986, and February 26, 1986.

Description of amendment request: The purpose of this amendment is to revise section 4.6.1.2.d of the Wolf Creek Generating Station Technical Specifications to allow a one time deferment of the 24 month maximum surveillance interval for 10 CFR 50, Appendix J Type C local leak rate tests of eight containment penetrations. The request would defer the testing for a maximum period of three months until July 13, 1986 for eight penetrations containing 15 valves that require leak testing prior to July 13, 1986. This amendment is needed because of 25% extension of surveillance intervals in technical specification 4.0.2 does not apply to surveillance requirements specified in Appendix J. The related exemption to Appendix J is under consideration by the NRC staff.

Basis for proposed no significant hazards consideration determination: 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 in the probability or consequence of an accident previously analyzed. The change only extends the allowed surveillance interval from 24 months to a maximum of 27 months. This change of interval does not significantly extend the length of time between surveillance tests and is within the nominal 25% extension that is permitted for other surveillance requirements by technical specification 4.0.2., or

2. Create the possibility of a new or different kind of accident from any accident previously evaluated. This is based o the fact that the method and manner of plant operating is unchanged during the extension of these surveillance intervals, or

3. Involve a significant reduction in a margin of safety. There is no change in the method of operating or in analyses that establish safety margins. Therefore, all safety margins remain as previously analyzed during the extended period between the type C leak rate tests on these eight penetrations.

Accordinly, the Commission proposes to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room locations: The William Allen White Library, Emporia State University, Emporia, Kansas; and the Washburn University School of Law, Topeka, Kansas.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts, & Towbridge, 1800 M Street NW., Washington, DC 20036

NRC Project Director: B.J. Youngblood.

Louisiana Power and Light Company, Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana.

Date of Amendment Request: December 2, 1985.

Description of Amendment Request: The proposed change will revise Technical Specifications 3.2.1 "Linear Heat Rate"; "DNBR Margin"; 3.2.7 "Axial Shape Index"; and the associated Bases. The proposed change will also add Figure 3.2–1a "Allowable Peak Linear Heat Rate vs Tc for COLSS Out-of-Service"; delete Figure 3.2–2 "DNBR Margin Operating Limit Based on COLSS" and replace it with "DNBR Margin Operaing Limit Based on Core Protection Calculators (COLSS Out-of-Service, CEACs Operational);" Revise Figure 3.2–3 "DNBR Margin Operating Limit Based on Core Protection Caculators (COLSS Out-of-Service, CEACs Inoperable);" and revise action 6.b.1 of Table 3.3–1.

Waterford 3 operators use the Core Operating Limit Supervisory System (COLSS) to help monitor linear heat rate, DNBR margin, and axial shape index as presently required by Technical Specification 3.2.1, 3.2.4 and 3.2.7. However, whenever COLSS is out of Service, the operators must use the Core Protection Calculators (CPC) to perform the same function. Since CPC uses ex-core detectors and is required to take action during certain transients, its uncertainties and margins are more limiting than those of COLSS.

When CPC is being used to help monitor LCOs, the extra conservatisms built into CPC for transient protection are not required and thus can be removed. In order to not affect the CPC's transient protection, these conservatisms will be credited in the "COLSS Out-of-Service" limits of Technical Specifications 3.2.1, 3.2.4, and 3.2.7 rather than removed from the CPC. The COLSS Out-of-Service Margin Improvement Program performed for Waterford 3 Cycle 1 has determined the amount of credit available and the adjustment to these Technical Specifications that would be available to take advantage of this credit.

The proposed Technical Specification changes, as discussed above, result from

taking advantage of conservatisms in the CPC monitoring of linear heat rate and DNBR margin.

The conservatism identified above provide approximately 10 percent linear heat rate and 12 percent DNBR power margin credits. These credits have been translated into COLSS Out-of-Service LCO adjustments in the proposed technical specification changes.

These proposed changes are similar to those changes (NPF–10–52) submitted by the Southern California Edison Company (SCE) on August 7, 1984 in a letter to Mr. H. R. Denton. The changes were approved by the NRC in Amendment Nos. 32 and 21 to the San Onofre Units 2 and 3 operating licenses, which were issued on March 1, 1985.

Basis for Proposed No Significant Hazards Considerations Determination: The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870) of amendments that are considered not likely to involve significant hazards considerations. Example (vi) relates to change which either may result in some increase to the probability or consequence of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptance criteria specified in the Standard Review Plan (SRP).

Revising Technical Specifications 3.2.1, 3.2.4 and 3.2.7, revising Figure 3.2.3 and Action 6.6.1 of Table 3.3.–1, replacing Figure 3.2–2, and revising the associated Bases are clearly within acceptable criteria specified in Sections 4.2, 4.3 and 4.4 of the SRP for acceptable fuel design limits. In addition, SRP Section 7.2 requires that the reactor protective instruments system automatically initiates reactor trip to assure that specified acceptable fuel design limits are not exceeded. Because the proposed change prevents acceptable fuel design limits from being exceeded, it satisfies the noted SRP criteria and, therefore, is similar to example (vi) of 48 FR 14870.

No change is proposed to CPC hardware, conservatisms or setpoints, rather credit is taken in the COLSS technical specification to allow use of the CPC to perform COLSS functions when COLSS is inoperable. Although the changes could result in a slight reduction in safety margin, the result would still be well within accpetable limits.

The proposed Technical Specification change do not affect the CPC transient protection. The conservatisms are not taken from the CPC but rather are credited in the COLSS out-of-service limits of Technical Specification 3.2.1, 3.2.4 and 3.3.7. Therefore, the proposed changes will not involve an increase in the probability or consequence of any accident previously evaluated.

The proposed changes in no way affect the safety functions of the CPC. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes will not affect the margin of safety for fuel damage during transients, because the CPC operation is in no way altered. Plant operators use the COLSS to help monitor linear heat rate, DNBR margin, and axial shape index as required by the Technical Specifications. However, when COLSS is Out-of-Service, the operators must use the CPC to perform the same function. Since the CPC uses ex-core detectors and is required to take action during certain transients, the uncertainties and margins are more limiting than that of COLSS.

When the CPC is used to help monitor LCOs, the extra conservatisms built into the CPC for transient protection are not required and thus can be removed. In order to not affect the CPC transient protection, these conservatisms will be credited in the "COLSS Out-of-Service" limits of Technical Specifications 3.2.1, 3.2.4 and 3.2.7 rather than removed from the CPC. Therefore, the proposed changes will not involve any reduction in a margin of safety during transients.

As the changes requested by the licensee's December 2, 1985 submittal fit the example provided, as well as satisfy the criteria of 50.92, it is concluded that: (1) The proposed change does not constitute a significant hazards consideration as defined by 10 CFR 50.92; (2) there is a resonable assurance that the health and safety of the public will not be endangered by the proposed change; (3) this action will not result in a condition which significantly alters the impact of the station on the environment as descirbed in the NRC Final Environmental Statement.

Local Public Document Room Location: University of New Orelans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Attorney for licensee: Mr. Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M St., N.W., Washington, D.C. 20036

NRC Project Director: George W. Knighton.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: December 10, 1985 and January 13, 1986.

Description of amendment request: The amendment would modify the Technical Specifications (TS) to:

1. Correct an error in the BASES which defines limiting control rod pattern. The BASES would be revised to indicate that operation with a rod pattern which results in an operating limit MCPR (as opposed to a MCPR of 1.07), is a "limiting control rod pattern."

2. Change various administrative controls technical specification sections to reflect title changes (General Manager to President, Assistant General Manager—Nuclear to Vice President—Nuclear, and Reactor Engineer Supervisor to Operations Engineeering Supervisor) and newly created positions Maintenance Manager and Outage and Modifications Manager).

3. Revise the BASES for the turbine stop valve scram. The BASES would be revised to indicate that the scram is bypassed at 25% rated turbine first stage pressure, vice 30% (the Limiting Condition for Operation permits bypass at less than 30%).

4. Revise instrumentation tables to accurately indicate the nomenclature used in the utility's equipment database for those instrumements.

5. Restore previously deleted instruments to an instrument table. The instruments had been inadvertantly deleted in an editorial error during an earlier amendment.

6. Change titles, text and BASES relating to "Jet Pump Flow Mismatch" (the Limiting Condition for Operation applies to recirculation pump flow, not jet pump flow).

7. Revise tables which list penetrations and containment isolation valves to include additional, existing, penetrations and valves which also need be listed to make the tables consistent with 10 CFR 50.54(o).

8. Revise a "Reactor Water Level Indication Correlation" figure to indicate that remote water level indication at Panel 9–3 is provided by a Rosemont instrument. The figure presently indicates that a Yarway instrument provides this indication. The instrument replacement is being made to eliminate electrical noise problems.

Basis for Proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). A proposed

amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment 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.

With the exception of 8 above, the proposed amendment does not change any existing systems, structures or equipment, surveillance tests, or operating procedures. In the case of 8 above, the replacement instrument is of improved design. Based on these facts, the amendment would not affect the probability or consequences of an accident previously evaluated.

The proposed amendment would not alter the present modes of operation or the parameters which bound those modes, or create a new mode of operation. Based on this fact, they would not create the possibility of a new or different kind of accident from those previously evaluated.

The proposed amendment does not change, in a non-conservative manner, any safety system setpoints, limiting conditions for operation, or surveillance intervals. Based on this fact, the amendment would not involve any reduction in a margin of safety.

Since the application for amendment involves proposed changes that are encompassed by the criteria for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Attorney for licensee: Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

NRC Project Director: Daniel R. Mueller.

Northeast Nucler Energy Company, et al., Docket No. 50–245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: January 10, 1986.

Description of amendment request: The proposed amendment would rearrange the index pages to improve the format, change technical specification (TS 3.6.J.1.) to distinguish between (new) replacement resin and regenerated resin for the condensate dimineralizer, add a new limiting condition (TS 3.6.J.3.) for replacement resin, in contrast to reworded TS 3.6.J.2. for regenerated resin, reword the surveillance requirements (TS 4.6.J.2) for regenerated resin, add surveillance requirements (TS 4.6.J.3) for replacement resin and modify the wording in the bases for TS 3.6.J and 4.6.J to achieve consistency with the above changes. These sections specify limits and sampling frequency for condensate demineralizer resin to ensure sufficient reserve salt splitting capacity in the event of a significant condenser tube leak. The full flow condensate demineralizer system maintains the purity of the reactor water. It removes corrosion products picked up by the condensate main and extraction steam, protects the reactor against the effects of condenser tube leaks, and removes impurities which might enter the system in the make up water.

Basis for proposed no significant hazards consideration determination: The proposed additions to the Technical Specifications, TS 3.6.J.3 and 4.6.J.3, would set the limiting conditions and surveillance requirements for replacements resins. The other changes identified in the January 10, 1986 amendment request are for clarification and internal consistency with respect to regenerated and replacement resin. The requirements for regenerated resin remain unchanged.

The licensee states that the proposed change is not precisely enveloped by any of the examples provided by the Commission within the guidance concerning the application of standards in 10 CFR 50.92 (48 FR 14870, April 6, 1983). However, the proposed specification for replacement resins complies with the guidance in Regulatory Guide 1.56, Revision 1, "Maintenance of Water Purity in BWRs" and the technical specifications change does not involve a significant hazards consideration because:

1. The probability of occurrence of malfunction of equipment important to safety previously evaluated in the SAR is not increased since the minimum reserve chloride of the condensate demineralizer is unchanged.

2. The possibility for a new type of accident not previously evaluated has not been created. Fresh resin provides equivalent or better chloride protection than regenerated resin.

3. The margin of safety as defined in the basis for any technical specification is unchanges since the minimum reserve chloride protection ion capacity of the condensate demineralizer is unchanged.

Because the change essentially adds requirements not previously specified for condensate demineralizer replacement resin, which are in accord with NRC Regulatory Guide 1.56, and for the other reasons listed above, the staff proposes to determine that the license amendment request involves no significant hazards considerations.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry, & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499.

NRC Project Director: Christopher I. Grimes.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendment request: November 25, 1984 (Reference LAR 85–14).

Description of amendments request: The proposed amendment would revise the Diablo Canyon combined Technical Specifications for Units 1 and 2 by adding a new program as Technical Specification 6.8.4.f, "Containment Polar and Turbine Building Cranes," in Section 6.8.4, "Procedures and Programs" to ensure that (1) the position of the containment polar crane precludes it from becoming a jet impingement target from a postulated pipe rupture and (2) the operation of the turbine building crane is consistent with the restrictions associated with the Hosgri seismic analysis of the turbine building. The proposed program would include training of personnel and procedures for operation of the polar and turbine building cranes.

Crane operation has been previously reviewed by the NRC staff as reported in the Diablo Canyon Safety Evaluation Report, Supplement Nos. 7, 8, and 9. The staff requested this additional specification as reported in Supplement No. 32, July 1985.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (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.

The licensee has determined that the proposed revision will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the addition of a Technical Specification program requirement to ensure that (a) the position of the containment polar crane precludes it from becoming a jet impingement target from a postulated pipe rupture and (b) the operation of the turbine building cranes is consistent with the restrictions associated with the Hosgri seismic analysis of the turbine building, does not involve a change in plant equipment, and is a change that constitutes an additional procedural restriction that is not presently included in the Technical Specifications.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed change does not necessitate physical alteration of the plant or changes in parameters governing normal plant operation.

(3) Involve a significant reduction in the margin of safety because the proposed change does not incude a change in plant equipment and constitutes an additional procedural restriction that is not presently included in the Technical Specifications.

Accordingly, the licensee has determined that the proposed change to the Technical Specification involves no significant hazards consideration.

The NRC staff has reviewed the proposed amendment and the licensee's determination and finds it acceptable. Therefore, the staff proposes to determine that no significant hazards consideration is involved in the proposed amendment.

Local Public Document Room location: California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407.

Attorneys for Licensee: Philip A. Crane, Esq., Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., Norton, Burke, Berry and French, P.O. Box 10569, Phoenix, Arizona 95064.

NRC Project Directorate: Steven A. Varga.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: January 16, 1986.

Description of amendment request: The proposed amendment would revise the Unit 1 Technical Specifications (TS) to support the operation of Susquehanna Steam Electric Station (SSES), Unit 1 at full rated power during the upcoming Cycle 3. The proposed amendment request, to support this reload, changed the Technical Specifications in the following areas: (1) Establishes operating limits for all fuel types for upcoming Cycle 3 operation; (2) establishes the Average Power Range Monitor setpoints; (3) reflects the replacement of approximately two fifths of the core with Exxon 8 x 8/2.89 w/o U235 (Exxon fuel assemblies fuel type XN–2) for the upcoming Cycle 3 operation (the original core was all GE fuel, the first reload replaced approximately one quarter of the GE fuel with Exxon 8 x 8/2.72 w/o U235 (Exxon fuel type XN–1) for Cycle 2 operation); and (4) modifies the bases section.

To support the license amendment request for operation of Susquehanna Unit 1 during Cycle 3, the licensee submitted as attachments to the application the following:

I. Susquehanna SES Unit 1 Cycle 3 Reload Summary Report.

II. Susquehanna Unit 1 Cycle 3 Reload Analysis (XN-NF-85–132, Rev. 1).

III. Susquehanna Unit 1 Cycle 3 Plant Transient Analysis (XN-NF-85–130, Rev. 1).

IV. Susquehanna SES Unit 1 Cycle 3 Proposed Startup Physics Test Summary Description.

During the second refueling outage, PP&L will be replacing approximately two fifths of the previous Cycle 2 core with fresh XN–2 fuel assemblies. The XN–2 fuel is similar to the XN–1 fuel used in the first reload with the exception of small differences in the enrichment and slight differences in the mechanical design. These differences have been analyzed by Exxon. As a result, several Technical Specification changes have been made to incorporate the additional safety analyses performed for Cycle 3.

Basis for Proposed No Significant Hazards Consideration: The Commission has provided examples of the types of amendments not likely to involve a significant hazards consideration (48 FR 14864). The proposed amendment to the Susequehanna Technical Specifications to support this reload is very similar to Example (iii) provided by the Commission. Example (iii) is an amendment to reflect a core reload where: (1) No fuel assemblies significantly different from those found previously acceptable to the Commission for a previous core at the facility in question are involved; (2) no significant changes are made to the acceptance criteria for the Technical Specifications; (3) the analytical methods used to demonstrate conformance with the Technical Specifications and regulations are not significantly changed; and (4) the NRC has previously found such methods acceptable.

This reload will consist of 764 fuel assemblies, which includes 296 fresh (XN–2) assemblies, 192 once burned (XN–1) assemblies and 276 twice burned GE Type III assemblies. The XN–2 fuel is similar to the XN–1 fuel with the exception of small differences in the enrichment and mechanical design. Although the XN–2 fuel is very similar to the XN–1 fule and the GE fuel, these small differences warranted that a number of reanalyses be performed by Exxon Nuclear Company (ENC). This included reanalyzing for anticipated operational occurances, performing LOCA and MAPLHGR analyses for the XN–2 fuel, and analyzing for the rapid drop of a high worth control rod to assure that excessive energy would not be deposited in the fuel. Analyses for normal operation of the reactor consisted of fuel evaluations in areas of mechnical, thermal-hydraulic, and nuclear design.

The use of the ENC Type XN–2 fuel assemblies and the associated analytical methods used for the Cycle 3 reload analyses have been previously approved by the Commission's staff for use in other boiling water reactors (BWR's). Based on previous experience, the staff had determined that only small differences result between the use of Exxon and GE analytical methods. Additionally, the staff finds that the analytical methods applied to ENC type XN–2 fuel as opposed to ENC type XN–1 fuel also result in only small differences.

The core loading pattern for Cycle 3 is the same as that approved for Cycle 2. The Cycle 3 core will be based on the conventional scatter load principal with the lowest reactivity bundles placed in the periphery region of the core.

Thus, this core reload involves the use of fuel assemblies that are not significantly different from those previously found acceptable to the Commission for a previous core at this facility. This amendment request would change the TS's by providing new operating limits, associated with the Cycle 3 reload. These operating limits are based on the new core physics and are within the acceptance criteria.

In the analyses supporting this reload, there have been no significant changes in acceptance criteria for the Technical Specifications, and those analytical

methods used have previously been found acceptable.

On the bases of the similarity between the proposed amendment and the Commission's Example (iii) and the fact that the analytical methods used have been previously approved by the staff and do not provide results significantly different, the Commission's staff has concluded that operation of the facility in accordance with the proposed reload would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The staff finds that the proposed Cycle 3 operation is virtually the same as the presently acceptable Cycle 2 operation; (2) create the possibility of a new or different kind of accident from any previously evaluated. The proposed Technical Specifications incorporate appropriate controls and safety limits to assure that operation in Cycle 3 is still bounded by the presently approved analysis; or (3) involve a significant reduction in the margin of safety (see 1 above).

Based on the foregoing discussion, the NRC staff proposes to find that the amendment request does not involve a significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street N.W., Washington, D.C. 20036.

NRC Project Directorate: E. Adensam.

Power Authority of the State of New York, Docket No. 50–286, Indian Point Unit No. 3, Westchester County, New York

Date of amendment request: September 18, 1985.

Description of amendment request: The purpose of these changes is to implement Technical Specifications related to containment temperature commensurate with Westinghouse Standard Technical Specifications (*W–STS*). Limiting containment ambient temperature will ensure that the peak containment pressure does not exceed applicable limits during steam break and loss of coolant accidents.

Basis for proposed no significant hazards consideration determination: The Commission has provide guidance concerning the application of standards for determining whether license amendments involve significant hazards considerations by providing certain example (48 FR 14870). Example (ii) involves a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement. The proposed requirements do not currently exist in the Technical Specifications. Therefore, the staff proposes that the changes do not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains New York 10601.

Attoney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Directorate: Steven A. Varga.

Public Service Company of Colorado, Docket No. 50–267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: December 31, 1985.

Description of amendment request: This proposed amendment incorporates the requirements for the licensee's Steam Line Rupture Detection/Isolation System (SLRDIS) at the Fort St. Vrain Nuclear Generating Station. Specifically, this proposed amendment adds new limiting conditions for operation and surveillance requirements to assure that SLRDIS will perform its design function should the reactor require this protective function. Requirements for the existing Steam Pipe Rupture Detection System will be deleted.

Basis for proposed no significant hazards consideration determination: Based upon PSC Safety Analysis Report (EE–EQ–0014), Steam Line Rupture Detection/Isolation System (SLRDIS), it is concluded that the SLRDIS is capable of performing its intended function to detect and isolate major secondary coolant line ruptures of high energy steam pipe lines of the secondary cooling system without operator intervention. The resulting harsh environments for a SLRDIS terminated leak are less severe than the harsh environment previously established on the basis of the operator manually terminating the leak at 4 minutes. These operator-terminated leaks previously established the harsh environments used for Fort St. Vrain equipment qualification.

The SLRDIS replaces the existing steam pipe rupture detection system. SLRDIS is designed to detect steam leaks in either the reactor or turbine buildings and isolate those leaks to preserve or maintain an environment in which electrical equipment is qualified. This change in steam leak detection and automatic action provides more inclusive coverage of potential steam leaks and results in no change in the radiological consequences. For certain steam leaks, the SLRDIS has a slower response than the existing system, but analysis demonstrates that equipment qualification is maintained and access required for manual actions is assured. Thus, the existing steam pipe rupture detection system will no longer be required.

Manual operator intervention for isolating high energy line breaks in the feedwater, condensate extraction steam systems and those line breaks not isolated by SLRDIS is adequate to assure that the resulting temperature profiles are enveloped by that to which the equipment will be qualified.

Consequences of other accidents analyzed in the FSAR were examined for adverse impact as a result of the installation of the SLRDIS. Design Basis Accident No. 2, "Rapid Depressurization/Blowdown Accident", was determined to have one assumption invalidated in that the SLRDIS could prevent initiation of forced circulation cooling at 5 minutes into the accident. (This is because the escaping hot helium gas could trigger SLRDIS, and interrupt steam drive to the operating circulators.) Reanalysis of the accident determined that forced circulation cooling could be delayed for at least 30 minutes without exceeding the conservative FSAR temperature for onset of fuel particle failure of 2900 degrees, a temperature well below that at which rapid fuel deterioration is expected to occur. This is more than ample time for the operator to restore forced circulation cooling.

The potential for the SLRDIS to create new or different types of accidents not previously analyzed was examined. The conclusion was that the SLRDIS could result in interruption of forced circulation cooling through inadvertent trips. It was further concluded that sufficient information is currently available in conjunction with new information available from the SLRDIS for the operator to properly diagnose and recover from the event by re-establishing forced circulation cooling within 30 minutes, an accident previously analyzed in the FSAR.

A review was conducted to determine if any margins of safety defined in the basis for a Technical Specification or in the FSAR were significantly decreased. It was concluded that SLRDIS isolating the secondary coolant system only causes a temporary interruption of forced circulation cooling in both loops. Recovery means exist to re-establish circulation cooling in ample time to mitigate the consequences of a pipe rupture. Thus, it is concluded that the

margin of safety is not significantly reduced.

Based on the above evaluation, it is concluded that operation of Fort St. Vrain in accordance with the proposed changes will 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. Therefore, this change does not involve any significant hazards considerations.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley Colorado.

Attorney for licensee: Bryant O'Donnell, Public Service Company of Colorado, P.O. Box 840, Denver, Colorado 80201.

NRC Project Director: Herbert N. Berkow.

Public Service Electric and Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendments request: October 25, 1985.

Description of amendments request: The proposed amendment would revise the Salem Nuclear Generating Station Units 1 and 2 Technical Specifications to delete the Boron Injection Tank (BIT) and its associated limiting conditions for operation and surveillance requirements. Public Service Electric and Gas Company has requested the elimination of the BIT in order to remove it as a source of operational and maintenance problems at Salem 1 and 2.

Basis for proposed no significant hazards consideration determination: Consistent with the Commission's criteria for determining whether a proposed amendment to an operating license involves no significant hazards considerations, 10 CFR 50.92 (48 FR 14871), the proposed revisions to the Technical Specifications will not involve a significant increase in the probability or consequences of an accident previously evaluated because the licensee's analyses show that for all Final Safety Analysis Report (FSAR) cases, the Departure from Nucleate Boiling Ratio (DNBR) is above the limiting value of 1.30. The removal of the BIT will not create the possibility of a new or different kind of accident previously evaluated because the function of the BIT is to provide a source of concentrated boric acid to provide additional shutdown margin following a main steam line break. No new or different accidents would be involved. The removal of the BIT will not involve a significant reduction in margin of safety because, as stated above, the DNBR will remain above the minimum value of 1.30.

Therefore, the staff proposes to determine that the amendment does not involve a significant hazards determination.

Local Public Document Room location: Salem Free Library, 122 West Broadway, Salem, New Jersey 08079.

Attorney for licensee: Conner and Wetterhann, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, DC 20006.

NRC Project Directorate: Steven A. Varga.

Rochester Gas and Electric Corporation, Docket No. 50–244, R.E. Ginna Nuclear Plant, Wayne County, New York

Date of amendment request: January 22, 1986.

Description of amendment request: The proposed license amendment would clarify the visual surveillance requirement for inspections of outside fire hydrants. These inspections are designed to verify that the outside fire hydrants did not suffer any damage due to freezing during the winter months. This proposal is more restrictive than the current technical specifications.

Basis for proposed no significant hazards consideration determination: The proposed change which clarifies the optimal times to perform inspections to detect damage due to freezing was based on an NRC Safety Evaluation that was previously issued that addressed such surveillance. The Commission has provided guidance for the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870) of actions likely to involve no significant hazards consideration. An example of an action involving no significant hazards consideration is a change that relates to (ii), change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement. Since the application for amendment involves a proposed change that is similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room Location: Rochester Public Library, 115 South Avenue, Rochester, New York 14604.

Attorney for licensee: Harry H. Voigt, Esquire, LeBoeuf, Lamb, Leiby and MacRae, 1333 New Hampshire Avenue, NW., Suite 1100, Washington, DC 20036.

NRC Project Director: George E. Lear.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of Amendment Request: December 10, 1985 and February 4, 1986 (Reference PCN–209).

Description of Amendment Request: The proposed change would revise Technical Specification 3/4.9.6 "Refueling Machine." Technical Specification 3/4.9.6 currently requires that the refueling machine be used for movement of fuel assemblies and control element assemblies (CEA's) within the reactor vessel and specifies operability requirements for the refueling machine, periodic testing to verify operability and actions to be taken when the refueling machine is inoperable.

The purpose of this technical specification is to ensure: (1) That the refueling machine will be used for all movements of fuel assemblies and CEA's in the reactor vessel; (2) that the refueling machine has sufficient load capability to lift a fuel assembly with or without a CEA; and (3) that the core intervals and presssure vessel are protected from excessive lifting force in the event that they are inadvertently engaged during lifting operations. The specified load capacity and overload cutoff requirements ensure that these provisions are met.

An auxiliary hoist is being added to the refueling machine. The proposed change will allow the auxiliary hoist to be used for movements of CEA's within the reactor vessel. The proposed change also revises Technical Specification 3/4.9.6 to add operability requirements for the refueling machine auxiliary hoist and will define surveillance requirements and actions to be taken in the event of auxiliary hoist inoperability. Specifically, Technical Specification 3/4.9.6 will require the auxiliary hoist to have an overload cutoff limit of less than or equal to 1,000 pounds and require demonstration of the operability of this overload cutoff within 72 hours prior to its use. Additionally, if the operability requirements for the auxiliary hoist are not satisfied, operations involving the use of the auxiliary hoist must be suspended.

Basis for Proposed No Significant Hazards Considerations Determination: The NRC staff proposes to determine that the proposed changes does not involve a significant hazards

consideration because it meets the three criteria of 10 CFR 50.92(c). The basis for this proposed finding is given below.

(1) Operation of the facility in accordance with this proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. Specifically, the probability or consequences of an accident are not increased by the proposed change since the refueling machine auxiliary hoist meets all the design criteria for CEA handling equipment specified in the Final Safety Analysis Report (FSAR) for San Onofre Nuclear Generating Station (SONGS) Units 2 and 3 and the requirements of NUREG–0612. Thus, this proposed change will not involve a significant increased in the probability or consequences of an accident previously evaluated.

(2) Operation of the facility in accordance with this proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated. Specifically, the refueling machine auxiliary hoist is equipped with interlocks which prevent the concurrent use of the refueling machine. Additionally, it also has mechanical interlocks to secure the CEA while it is being moved and will therefore not distort or damage such a CEA which it is being move under water. Since the refueling machine auxiliary hoist will not be used to move fuel assemblies, the operation of the facility in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Operation of the facility in accordance with this proposed amendment does not involve a significant reduction in a margin of safety. Specifically, there is no reduction in the margin of safety previously established, since the operation of the refueling machine auxiliary hoist under the proposed LCO condition will not present any increased potential for damage to CEAs, nor will it affect the existing safety analysis and design criteria.

Local Public Document Room Location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for Licensee: Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington & Sutcliffe, Attn.: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111.

NRC Project Director: George W. Knighton.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of Amendment Request: January 24, 1986 (Reference PCN–3).

Description of Amendment Request: The proposed change would revise Technical Specification (TS) 3/4.9.8.1 "Shutdown Cooling and Coolant Circulation—High Water Level," and Technical Specification 3/4.9.8.2 "Shutdown Cooling and Coolant Circulation—Low Water Level." Technical Specifications 3/4.9.8.1 and 3/4.9.8.2 define requirements for the Shutdown Cooling System (SDCS) when the plant is in Mode 6 (refueling). Mode is defined as having reactor vessel head closure bolts not fully tensioned with reactor coolant system (RCS) temperature less than 140 °F. The purpose of TS 3/4.9.8 is to ensure that (1) sufficient cooling capacity is available to remove decay heat and maintain the water in the reactor pressure vessel below 140 °F as required during the refueling mode, and (2) sufficient coolant circulation is maintained through the reactor core to minimize the effects of a boron dilution incident and prevent boron stratification.

Technical Specifications 3/4.9.8.1 and 3/4.9.8.2 define the number of SDCS trains required to be operable or in operation depending on refueling water level, actions to be taken when the operability requirements are not met, and periodic surveillance requirements to verify operability. Specifically, surveillance requirements 4.9.8.1 and 4.9.8.2 require a minimum SDCS flow rate of 4000 gpm while in Mode 6. This high flow rate necessitates maintaining a high water level in the RCS to prevent vortexing in the SDCS suction. Thus, the RCS water level cannot be reduced to mid-loop until entry is made into Mode 5 (i.e., with the reactor vessel head closure bolts fully tensioned), where SDCS flow can be reduced. The high water level necessitates delaying removal of steam generator nozzle dams and reactor coolant pump seal replacement, both activities requiring RCS water level to be lowered to mid-loop, until entry into Mode 5. A reduction in the minimum required Mode 6 shutdown cooling flow rate requirements would allow mid-loop operation in Mode 6 without vortexing and would permit steam generator nozzle dam removal and RCP seal replacement to be carried out concurrently with reactor vessel head installation. The resultant savings in critical path outage time would be approximately five days. The proposed change to Technical Specification 3/4.9.8.2 would reduce to the minimum required SDCS flow to greater than or equal to 2200 gpm. Technical Specification 3/4.9.8.1 is similarly revised for consistency.

Basis for Proposed No Significant Hazards Considerations Determination: The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870) of amendments that are considered not likely to involve significant hazards considerations. Example (vi) relates to a change which either may result in some increase in the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptance criteria with respect to the system or component specified in the Standard Review Plan (SRP).

In this case, the pertinent acceptance criteria are found in SRP sections 5.4.7, "Residual Heat Removal System," and 15.4.6, "Chemical and Volume Control System (CVCS) Malfunctions Resulting in a Decrease in Boron Concentrations in the Reactor Coolant (PWR)." SRP sections 5.4.7 requires, in part, that the residual heat removal system (i.e., the SDCS) provide long-term cooling for the RCS. SRP section 15.4.6 requires that a minimum of 30 minutes be available to credit operator action for mitigation of a boron dilution event in Mode 6. The proposed change reduces the minimum SDCS flow requirements from 4000 gpm to 2200 gpm. Regardless of the minimum SDCS flow requirement, the Mode 6 requirement for maintaining RCS temperature below 140 °F defines the actual SDCS flow rate. Thus at any point in time after shutdown the proposed change will require adequate SDCS flow to remove the decay heat generated to maintain RCS temperature below 140 °F. Therefore the proposed change satisfies the criteria of SRP section 5.4.7. The proposed reduced minimum flow is also sufficient to ensure good mixing in the RCS thereby minimizing the effects of an inadvertent boron dilution event. Good mixing is provided by a high ratio of SDCS flow to charging flow (the charging pumps are the postulated source of demineralized water during a boron dilution even in Mode 6). FSAR section 15.4.6 determines good mixing exists because of the high

ratio of SDCS flow to charging flow. The FSAR analysis to demonstrate good mixing assumes that 3 charging pumps are available. The resultant SDCS/charging flow ratio is 4000 gpm/132 gpm. However, the FSAR boron dilution event analysis assumes only one charging pump (44 gpm) is available. Administrative controls allow only one charging pump to be available in Mode 6. With the proposed change, the actual SDCS/charging flow ratio for the boron dilution event is 2200 gpm/44 gpm which is bounded by the existing FSAR analysis. Therefore, good mixing is maintained and the analyses of the boron dilution event presented in the FSAR remain bounding. These analyses demonstrate that more than 60 minutes are available for operator action, satisfying the 30 minute SRP acceptance criteria. Because the SRP acceptance criteria continue to be satisifed, the proposed change is similar to Example (vi) of 48 FR 14870.

Local Public Document Room Location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington & Sutcliffe, Attn.: David R. Piggott, Esq., 600 Montgomery Street, San Francisco, California 94111.

NRC Project Director: George W. Knighton.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment requests: October 28, 1985.

Description of amendment requests: This amendment would revise section 3.8 and 3.10 of the Technical Specifications by increasing the maximum K-effective allowable during refueling conditions from the current value of 0.90 to 0.95. The proposed change in K-effective would provide greater flexibility during the reload core design process; the 0.95 limit on K-effective is consistent with the limit specified in the Standard Technical Specifications. These amendments would also reduce the sampling frequency for boron concentration during refueling from at least once every eight hours, to at least once every 72 hours.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). An example of an action not likely to involve a significant hazards consideration is Example (vi), which states in part, "A change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the systems or components specified in the Standard Review Plan . . .".

The proposed changes are similar to Example (vi) in that:

(a) A K-effective of 0.95 during refueling conditions will ensure a shutdown margin that will maintain the reactor subcritical, in accordance with General Design Criteria 26, 27, 28, and 29, although the shutdown margin would be less than that provided by a K-effective of 0.90. However, the minimum boron concentration of 2000 ppm will remain the same. Analyses in the facility's Updated Final Safety Analysis Report (UFSAR) shows that for the given initial boron concentration, its concentration must be reduced to approximately 1100 ppm before the reactor will become critical. In the event of either a refueling accident or boron dilution event, the results of the UFSAR analyses remains bounding. Therefore, the change would be within all acceptable criteria.

(b) In order to assure that the minimum boron concentration of 2000 ppm will be maintained, periodic surveillance is required. The decrease in the sample frequency for boron concentration during refueling from a minimum of at least once every 8 hours to at least once every 72 hours reduces the number of verifications for a given time interval. However, this reduced sampling frequency is consistent with the requirements of the Standard Technical Specification (STS) for this application. The eight hour surveillance frequency was originally an administrative constraint established by the staff. However, the staff has since determined that a surveillance frequency of 72 hours was more appropriate, and as such, is not reflected in the STS.

Thus, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Mr. Michael W. Maupin, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Project Director: Lester S. Rubenstein.

Washington Public Power Supply System, Docket No. 50–397, WNP–2, Richland, Washington

Date of Amendment Request: January 17, 1986.

Description of Amendment Request: This proposed amendment, if approved, will modify the WNP–2 Technical Specifications by changing Valve FPC–V–149 from manual to automatic. Valve FPC–V–149 is the interface between the Suppression Pool Cleanup System and the Fuel Pool Cooling (FPC) System. At present it is manually closed and locked during normal power operation. The change was requested in order to provide a motorized isolation valve in the suppression pool cleanup return line so as to allow use of the FPC filter-demineralizers for suppression pool cleanup during reactor operations. The automatic valve will also be used to maintain level in the suppression pool without using an RHR pump, thereby avoiding unnecessary challenges of an ECCS function.

Basis for no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment 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 of different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined, and the staff agrees, that the requested amendment does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the change only enhances the performance of the suppression pool cleanup portion of the FPC system and changes no functional characteristics of the system design; or (2) Create the possibility of a new or different kind of accident from an accident previously evaluated because previous accident analyses encompassed breaks in larger lines following LOCA's and no new or different accident mode or scenario for radiological release is introduced; or (3) Involve a significant reduction in a

margin of safety because the upgraded system will provide a duplicated, automatic isolation function as well as allowing manual valve closure at the valve as before.

Based on our review of the proposed modification, the staff finds that there exists reasonable assurance that this proposed change will have little or no impact on the public health and safety. Accordingly, the Commission proposes to determine that the proposed change to the WNP–2 Technical Specifications involves no significant hazards considerations.

Local Public Document Room: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Attorney for the Licensee: Nicholas Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street NW., Washington, DC 20036.

NRC Project Director: E. Adensam.

Yankee Atomic Electric Company, Docket No. 50–029, Yankee Nuclear Power Station, Franklin County, Massachusetts

Date of amendment request: January 8, 1986.

Description of amendment request: The proposed change updates the licensee's Technical Specifications to reflect modification of the containment isolation boundary. A containment isolation valve has been replaced with a double O-ring sealed blank flange.

Basis for proposed no significant hazards consideration determination: The licensee's current TS require isolation of the fuel chute dewatering pump discharge system with valve CS–CV–216. Current TS also provide for isolation of a line that has an inoperable valve with a blank flange. This identifies a blank flange as providing at least an equivalent level of containment isolation as that provided by an isolation valve. In addition, the following considerations are provided: (1) A change to the Containment Isolation Boundary does not affect the probability of an accident, since containment isolation is necessary only after specific postulate accidents have already occurred; (2) since an equivalent level of isolation is provided by a blank flange, the consequences of an accident would not be affected by the proposed change; (3) since blank flanges are used to isolate other lines through the containment, and since an existing line is being modified, no new or different types of accidents would be created by the proposed change; and (4) since the new isolation boundary will be leak tested, and the Vapor Container Leak Detection System remains operable, the margins to safety are maintained.

Based on this discussion, the staff finds that the proposed change does not (1) involve a significant increase in the probability or consequence of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in the margin of safety.

Based on these findings, the staff proposed to determine that the requested action would not involve a significant hazards consideration.

Local Public Document Room Location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Attorney for licensee: Thomas Dignan, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Project Director: George E. Lear.

Yankee Atomic Electric Company, Docket No. 50–029, Yankee Nuclear Power Station, Franklin County, Massachusetts

Date of amendment request: February 5, 1986.

Description of amendment request: The proposed change would modify the licensee's Technical Specification reporting requirements for: (1) reportable events in accordance with 10 CFR 50.73; and (2) primary coolant iodine spikes.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for making a no significant hazards consideration determination by providing certain examples (April 6, 1983, 48 FR 14870). Example (vii) of actions involving a no significant hazards consideration involves a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. Example (i) of actions involving a no significant hazards consideration involves a purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. The change proposed in item (1) above is necessary to make the licensee's technical specifications conform to the change in 10 CFR 50.73 regarding reporting requirements, or Licensee Event Reports, for reportable events. These changes only affect reporting requirements following a reportable event and do not affect plant operation. As such, the change proposed in item (1) above is encompassed by examples (i) and (vii).

The change proposed in item (2) above proposes changes to the licensee's technical specifications for reporting any spikes noted in primary coolant iodine samples. Sampling requirements for primary coolant iodine remain unchanged, as do the operational action statements associated with the limiting condition for operation for this technical specification. The report of primary coolant iodine spikes is no longer required to be a Licensee Event Report consistent with the change in 10 CFR 50.73, but is to be included in the licensee's annual report. As such, the change proposed in item (2) above is encompassed by examples (i) and (vii).

Based on this discussion, the staff proposes to determine that the requested action would not involve a significant hazards consideration.

Local Public Document Room Location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Attorney for licensee: Thomas Dignan, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Project Director: George E. Lear.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this bi-weekly notice. They are repeated here because the bi-weekly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Duke Power Company, Nos. 50.369 and 50.370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: January 21, 1986.

Description of amendment request: 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.

Date of publication of individual notice in **Federal Register:** February 24, 1986 (51 FR 6475).

Expiration date of individual notice: March 26, 1986.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina, 28223.

Philadelphia Electric Company, Docket No. 50–352, Limerick Generating Station, Unit 1, Montgomery County, Pennsylvania

Date of amendment request: December 18, 1985.

Brief description of amendment request: The amendment would revise Technical Specifications (TS) 4.6.3.4 to allow a one-time-only extension of time to satisfy local leak rate testing requirements on excess flow check valves as listed in the amendment application.

Date of publication of individual notice in **Federal Register:** December 26, 1985 (50 FR 52874).

Expiration date of individual notice: January 26, 1986.

Local Public Document room: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluation and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Director, Division of Licensing.

Baltimore Gas & Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of applications for amendments: September 9, 1985 as supplemented by letter dated October 29, 1985.

Brief description of amendments: The amendments changed the Unit 1 and Unit 2 Technical Specifications (TS) to delete requirements for the post-accident sampling systems (PASS) in TS 3/4.7.13 and the post-accident main vent iodine and particulate monitors in TS Tables 3.3–6, "Radiation Monitoring Instrumentation," and Table 4.3–3, "Radiation Monitoring Instrumentation Surveillance Requirements." A new TS, 6.15, "Post-accident Sampling," addresses the requirements for the PASS and the post-accident main vent iodine and particulate monitors.

Date of issuance: February 19, 1986.

Effective date: February 19, 1986.

Amendment Nos.: 113 and 96.

Facility Operating License Nos. DPR–53 and DPR–69. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 30, 1985 (50 FR 53326 at 53227).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 19, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Baltimore Gas & Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of applications for amendments: April 26, 1985 and June 28, 1985.

Brief description of amendments: The amendments change the Unit 1 and Unit 2 Technical Specifications (TS) 3/4.8.2.3, "D.C. Distribution-Operating" and TS 3.8.2.4, "D.C. Distribution-Shutdown" as follows: (1) the Limiting Condition for Operation (LCO) and associated Actions are changed to reflect use of the station "Reserve Battery", (2) a modification is made to the battery cell voltage and capacity test, and (3) a grammatical error is corrected. Consideration of the above items concludes the actions on the applications dated April 26, 1985 and June 28, 1985.

Date of issuance: February 20, 1986.

Effective date: February 20, 1986.

Amendment Nos.: 114 and 97.

Facility Operating License Nos. DPR–53 and DPR–69. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 30, 1985 (50 FR 53326 at 53227).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 20, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Unit Nos. 1 and 2, Benton County, Illinois

Date of application for amendments: July 12, 1985.

Brief description of amendments: These amendments would raise the enrichment limits to approximately 3.7 w/o for the fuel pool and 4.0 w/o for the new fuel vault.

Date of issuance: February 19, 1986.

Effective date: February 19, 1986.

Amendment Nos.: 94 and 84.

Facility Operating License Nos. DPR–39 and DPR–48. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 11, 1985 (50 FR 37076).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 19, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Zion Benton Library District, 2600 Emmaus Avenue, Zion, Illinois 60099.

Connecticut Yankee Atomic Power Company, Docket No. 50–213, Haddam Neck Plant, Middlesex County, Connecticut

Date of application for amendment: October 31, 1985.

Brief description of amendment: The license amendment revises Technical Specification 1.8, Containment Integrity (definition), and incorporates a new Table 3.11–2, Non-automatic Containment Isolation Valves, to allow for surveillance testing of normally closed, non-automatic containment isolation valves that are part of the Post-Accident Sampling System (PASS).

Date of issuance: February 19, 1986.

Effective date: February 19, 1986.

Amendment No. 72.

Facility Operating License No. DPR–61. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 15, 1986 (51 FR 1873).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 19, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Russell Library, 124 Broad Street, Middletown, Connecticut 06457.

Duke Power Company, Docket No. 50–413, Catawba Nuclear Station, Unit 1, York County, South Carolina

Date of application for amendment: May 7, 1985, as modified November 7, 1985.

Brief description of amendment: The amendment changes Technical Specification 3/4.6.5.3 "Ice Condenser Doors" and its associated bases to limit the allowed time of power operation with the ice condenser inlet doors in a closed and inoperable condition and to clarify the definition of "inoperable."

Date of issuance: February 14, 1986.

Effective date: February 14, 1986.

Amendment No. 4.

Facility Operating License No. NPF–35. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 14, 1985 (50 FR 32793).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 14, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Duke Power Company, et al., Docket No. 50–413, Catawba Nuclear Station, Unit 1, York County, South Carolina

Date of application for amendment: July 13, 1985.

Brief description of amendment: The amendment changes the Technical Specifications to increase the interval for diesel generator cold-start surveillance testing, in response to staff positions in Generic Letter No. 84–15.

Date of issuance: February 14, 1986.

Effective date: February 14, 1986.

Amendment No.: 5.

Facility Operating License No. NPF–35: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 18, 1985 (50 FR 51621).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 14, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Duke Power Company, et al., Docket No. 50–413, Catawba Nuclear Station, Unit 1, York County, South Carolina

Dates of applications for amendments: March 15, August 7, October 30, November 7, December 17, December 20, and December 23, 1985.

Brief description of amendment: The amendment modifies the Technical Specifications by making editorial and format changes to establish a single document that is common for Units 1 and 2 and by adding a new specification to provide the Limiting Condition for operation and Surveillance Requirements found in NUREG–0737 for the Reactor Coolant Systems Vents.

Date of issuance: February 24, 1986.

Effective date: February 24, 1986.

Amendment No.: 6.

Facility Operating License No. NPF–35: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 6, 1986 (51 FR 455).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 24, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: January 26, 1984, as supplemented May 14, and October 4, 1984.

Brief description of amendment: The amendment revises the license to delete the Terrestrial Monitoring requirements and deletes Appendix B as well since the deleted requirement was the only item presently contained in Appendix B.

Date of issuance: February 18, 1986.

Effective date: February 18, 1986.

Amendment No.: 130.

Facility Operating License No. DPR–49: Amendment revised the license.

Date of initial notice in **Federal Register:** March 22, 1984 (49 FR 10736).

The subsequent submittals dated May 14, and October 4, 1984 provided copies of the reports referenced in the original submittal and were intended for clarification purposes only.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 18, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: July 23, 1982, and revised on November 24, 1982.

Brief description of amendment: The amendment provides new reporting requirements on nonradiological, nonaquatic environmental events and deletes the requirement for an Annual Nonradiological Environmental Monitoring and Ecological Studies Program Report.

Date of issuance: February 12, 1986.

Effective date: February 12, 1986.

Amendment No.: 38.

Facility Operating License No. DPR–22: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 6, 1985 (50 FR 46215).

The Commission's related evaluation of the amendment is contained in a

Safety Evaluation dated February 12, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania.

Date of application for amendments: June 13, 1985 as supplemented August 1, October 9, 1985, January 30, 1986.

Brief description of amendments: These amendments allow spent fuel pool storage capacity expansion from 2,608 to 3,819 for each Unit's spent fuel pool. The expansion is to be achieved by reracking with newer higher density racks.

Date of issuance: February 19, 1986.

Effective date: February 19, 1986.

Amendments Nos.: 116 and 120.

Facility Operating Licenses Nos. DPR–44 and DPR–56. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 12, 1985 (50 FR 50873).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 19, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the applications for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commissioner's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commissions's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, a press release seeking public comment as to the proposed no significant hazards consideration determination was used, and the State was consulted by telephone. In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant, a shorter public comment period (less than 30 days) has been offered and the State consulted by telephone whenever possible.

Under it regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By April 11, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license 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. Requests 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.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

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 deliverd to the Commission's Public Document Room, 1717 H. Street, N.W., 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 (*Branch Chief*): 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 the Attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i) 1(v) and 2.74–(d).

Indiana and Michigan Electric Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan.

Date of application for amendments: February 14, 1986.

Brief description of amendments: The amendments revise the Technical Specifications for a period of one year to allow crane travel over the spent fuel in the spent fuel pit with the main hoist deenergized and the load block unloaded.

Date of issuance: February 24, 1986.

Effective date: February 24, 1986.

Amendment Nos.: 93 and 79.

Facility Operating License Nos. DPR–58 and DPR–74. Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

Comments Received: No.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 24, 1986.

Attorney for licensee: General Charnoff, Esquire, Show, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Bethesda, Maryland this 5th day of March 1986.

For the Nuclear Regulatory Commission.

R. Wayne Houston,

Deputy Director, Division of BWR Licensing.

[FR Doc. 86–5386 Filed 3–11–86; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–22967; File No. SR–MSTC–85–9]

Self-Regulatory Organizations; Order Approving Proposed Rule Change of Midwest Securities Trust Company

On December 26, 1985 Midwest Securities Trust Company ("MSTC") filed with the Securities and Exchange Commission a proposed rule change under section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"). Notice of the proposal was published in Securities Exchange Act Release No. 22778 (January 8, 1986), 51 FR 2616 (January 17, 1986). No comments were received. As discussed below, the Commission is approving the proposed rule change.

The proposal enables MSTC to establish a Commercial Paper Division ("Division") to provide a system for recording commercial paper transactions, including book-entry issuance, custody, and presentment of commercial paper. MSTC states in its filing that it has acquired the Short Term Investment Clearing Service ("STICS") from the Chicago Clearing House Association ("CCHA"). STICS, upon which MSTC's system is based, has provided commercial paper processing for CCHA members since 1984. MSTC states that its Division will operate initially as a pilot program with four Division participants who are the CCHA members that presently use STICS.

MSTC's filing includes Division Rules to govern commercial paper processing. Those rules require Division participants to sign a Division Participant's Agreement whereby the participant agrees to be bound by all MSTC Rules and Procedures that apply to Division activity. MSTC's Division Rules set forth qualifications for applicants[1] and enable MSTC to waive standards if appropriate or to deny applications in certain cases.[2] Division Rules establish three categories of participants—Issuing Agent Participants, Custodial Participants, Paying Agent Participant—and set forth the responsibilities of participants and of the Division.

During the pilot phase, money settlement will not occur within the Division's system. The Division's system will process commercial paper transactions that will become negotiable issued securities only after money settlement in same-day ("Fed funds") occurs outside the system. Accordingly, Division participants will not be bound by MSTC's Participant Fund Rules nor be required to make Participant Fund contributions during the pilot program.

[1] An acceptable applicant includes a bank, savings and loan association, or trust company subject to state or federal banking laws or a subsidiary of such entity or of a bank holding company. Those entities also must have fully paid capital in excess of $50,000,000. Alternatively, an applicant must be a registered broker or dealer, or a subsidiary thereof, with net worth of not less than $10,000,000. In conversations with Commission staff, MSTC stated that it will consider broadening acceptable applicants to include corporate commercial paper issuers. MSTC Division Rules also require an applicant to have direct or indirect same-day funds transfer capability.

[2] Division Rules provide that MSTC can deny applications when it determines that the Division is unable at that time to service additional participants. Those applications would be approved as promptly as possible once Division capabilities permit approval.

MSTC states in its filing that if Division services are expanded to include money settlements that may cause financial exposure to MSTC, MSTC will develop and file with the Commission appropriate safeguards.

MSTC believes that the proposal is consistent with the Act and Section 17A of the Act in particular because it will facilitate prompt and accurate clearance of commercial paper transactions. MSTC also believes that the proposal will reduce inefficient procedures and concomitant costs for commercial paper investors and persons facilitating transactions on behalf of investors..

The Commission agrees with MSTC that the proposal is consistent with the Act and should be approved. MSTC's acquisition of STICS enables MSTC to provide commercial paper processing services through an established system already used by the CCHA members that will participate in MSTC Division's pilot program. Moreover, the Commission notes that the proposal represents the first attempt to provide centralized book-entry processing facilities for commercial paper transactions within the National Clearance and Settlement System. Accordingly, the proposal is consistent with the Congressional goals of section 17A of the Act to increase automation and efficiency in the clearance and settlement of securities transactions.

The Commission recognizes the limited nature of the MSTC Division pilot program and that the Division system contemplates broader participation and service than in the pilot phase. Consistent with its obligations to safeguard securities and funds and operational integrity, the Commission expects MSTC to proceed prudently in expanding the program. The Commission notes that MSTC's Division Rules incorporate STIC's rules with only minor modifications. MSTC plans to study Division operations during the pilot phase and modify accordingly the Division Rules to conform to MSTC Division operations and planned system enhancements.

It is therefore ordered, under section 19(b)(2) of the Act, that the proposed rule change be, and hereby is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: March 5, 1986.

John Wheeler,

Secretary.

[FR Doc. 66-5323 Filed 3-11-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22974: File No. SR-NASD-86-3]

Self-Regulatory Organization; National Association of Securities Dealers, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(b)(1), notice is hereby given that on February 20, 1986, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would delete Part VIII, Schedule C of the Corporation's By-Laws regarding Registration of Persons Previously Associated with SECO Program Broker/Dealers and renumber subsequent Parts thereof.

II. Self-Regulatory Organization's Statement Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to delete Part VIII, Schedule C of the Corporation's By-Laws regarding Registration of Persons Previously Associated with SECO Program Broker/Dealers (and renumber subsequent Parts thereof), since the exemptive provisions incorporated in Part VIII, Schedule C are not available to any person whose application for registration is received by the Corporation on or after December 6, 1985.

Part VIII, Schedule C of the by-laws provides that a person previously associated with a SECO program broker-dealer may qualify for certain categories of registration with the Corporation without passing an examination of that person's association with the SECO broker-dealer has not been terminated for two years or more prior to the date the Corporation receives his application for registration. The SECO program terminated on December 6, 1983. Any person previously associated with a SECO broker-dealer who files an application for registration with the Corporation on December 6, 1985 or later cannot qualify for the exemption encompassed in Part VIII, Schedule C of the by-laws since two or more years have elapsed since that person was associated with the SECO broker-dealer. However, individuals may continue to request a waiver of the examination requirement pursuant to section 5, Part VI of Schedule C of the by-laws.

The statutory basis for the proposed rule change is found in section 15A of the Securities Exchange Act of 1934, as amended (the "Act") in that approval of the proposed rule change will serve to further assure that persons seeking registration with the Corporation are qualified to engage in the securities industry in the capacity in which they seek registration.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association believes that the proposed rule change does not impose any burden on competition not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted April 2, 1986.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: March 6, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-5324 Filed 3-11-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

March 5, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Burger King Investors Masters Units, No Par Value (File No. 7-8849)

Duke Realty Investments Inc.
Capital Shares, No Par Value (File No. 7-8850)

Zenith Laboratories, Inc.
Common Stock, $.09 Par Value (File No. 7-8851)

Union Carbide Corporation
Special Dividend Right (File No. 7-8852)

Gulf Canada Corporation
Series 1 Preference Share (File No. 7-8853)

Lorimar Telepictures Corporation
Common Stock, $0.01 Par Value (File No. 7-8854)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 26, 1986, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-5325 Filed 3-11-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

March 5, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock:

Insilco Corporation
Common Stock, $1.00 Par Value (File No. 7-8802)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 26, 1986 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary

[FR Doc. 86-5422 Filed 3-11-86; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5287]

BanCap Corp.; License Surrender

Notice is hereby given that BanCap Corporation, 155 East 42nd Street, New York, New York 10017, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). BanCap Corporation, was licensed by the Small Business Administration on April 30, 1971.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on February 10, 1986, and, accordingly, all rights, privileges, and franchise derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 3, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-5333 Filed 3-11-86; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2231, Amendment No. 1]

California; Declaration of Disaster Loan Area

The above-numbered Declaration (51 FR 7514), issued in accordance with the President's declaration of February 21, 1986, is hereby amended in accordance with an amendment from the Federal Emergency Management Agency, to include the Counties of Glenn, Humboldt and Modoc because of damage from severe storms, landslides, mudslides and flooding beginning on or about February 12, 1986. All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on April 24, 1986, and for

economic injury until the close of business on September 2, 1986.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: February 26, 1986.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 86-5334 Filed 3-11-86; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 04/04-0237]

Leader Capital Corp.; Application for a Small Business Investment Co. License

An application for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661, *et seq.*) has been filed by Leader Capital Corporation (Leader), 158 Madison Avenue, Memphis, Tennessee 38103, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1986).

The officers and directors of the Applicant are as follows:

Name and Position

James E. Pruitt, Jr., 2268 Burlingate Drive, Cordova, Tennessee 38018—President/Director

Edgar H. Bailey, 315 Inkberry, Memphis, Tennessee 38117—Chairman/Director

James L. Ross, 151 Narvik Cove, Cordova, Tennessee 38018—Vice-Chairman/Director

W. Anderson Geater, 7164 Woodridge Lane, Germantown, Tennessee 38138—Secretary-Treasurer/Director

James E. Harwood, 1630 Clanlo, Memphis, Tennessee 38104—Director

Stephen H. Rhea, 4059 Dumaine Way, Memphis, Tennessee 38117—Director.

Leader's parent company will be Leader Services, Inc., a wholly owned subsidiary of Leader Federal Savings and Loan Association, 158 Madison Avenue, Memphis, Tennessee 38103.

The Applicant, Leader, a Delaware Corporation, will begin operations with $1,085,000 paid in capital and paid in surplus. Leader will conduct its activities primarily in the State of Tennessee but will consider investments in businesses in other areas in the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, DC 20416.

A copy of the Notice shall be published in a newspaper of general circulation in Memphis, Tennessee.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 4, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-5335 Filed 3-11-86; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0492]

NatWest USA Capital Corp.; Issuance of a Small Business Investment Co. License

On December 6, 1985, a notice was published in the **Federal Register** (50 FR 50029) stating that an application has been filed by NatWest USA Capital Corporation, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1985)) for a license as a small business investment company.

Interested parties were given until close of business January 6, 1986, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-0492 on February 6, 1986, to NatWest USA Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: March 3, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-5336 Filed 3-11-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/949]

Chairman's Special Ad Hoc Subcommittee of the National Committee of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that the Chairman's Special Ad Hoc Subcommittee of the CCIR National Committee will meet on April 3, 1986 at 9:30 a.m. in Room 1205, Department of State, 2201 C Street NW., Washington, D.C.

During the 93rd meeting of the CCIR National Committee the Chairman established a Special Ad Hoc Subcommittee to facilitate the activities of the Committee. The general purpose of this Subcommittee is to obtain both government and private sector input to advise the Chairman on a wide variety of radio issues related to the CCIR National Committee. In the short term, this Special Ad Hoc Subcommittee will focus on preparations for the XVIth CCIR Plenary Assembly, May 1986, especially those items of a general, nontechnical nature. In the longer term, the work will address general, nontechnical policy issues that encompass multiple study groups.

The primary purpose of the meeting on April 3 will be to complete the preparation of proposed U.S. positions on resolutions and opinions of a general nature for the XVIth CCIR Plenary Assembly. As time permits, there will be a general discussion of available papers related to each of the long-term study areas previously identified.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled. All persons wishing to attend the meeting should contact Warren Richards, Department of State (telephone (202) 647-5841). All attendees must use the C Street entrance to the building.

Dated: March 3, 1986.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee

[FR Doc. 86-5373 Filed 3-11-86; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/948]

Chairman's Ad Hoc Group on Communications Development of the National Committee of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the Chairman's Ad Hoc Group on International Communications Development of the National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on April 3, 1986 at 10:30 a.m. in Room 1406, Department of State, 2201 C Street NW., Washington, DC.

The National Committee assists in the resolution of administrative/procedural problems pertaining to U.S. CCITT activities. The Ad Hoc Group on International Communications Development reviews issues pertaining to the improvement and/or expansion of the communications infrastructure in developing countries.

The agenda of the meeting on April 3 will include the selection of an alternate U.S. Representative to serve on the Advisory Board of the Centre for Telecommunications Development. In addition, the Ad Hoc Group will make recommendations regarding appropriate United States positions on the agenda items to be considered at the April 22–24 meeting of the Centre's Advisory Board in Geneva.

Members of the general public, specifically representatives of the telecommunications industry and those who are concerned with telecommunications development issues in developing countries, are invited to attend the meeting and join in the discussion, subject to the instructions of the Chairman. Atendance will be limited to the seating available. All attendees must use the C Street entrance to the building. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. All persons wishing to attend should call (202) 647–1007.

Requests for further information should be directed to Mr. D. Clark Norton, State Department, Washington, D.C. 20520, telephone 202–647–1007.

Dated: February 26, 1986.

Domenick Iacovo,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 86–5374 Filed 3–11–86; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

[Docket 38978]

Braniff International Airways, Employee Protection Program Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on Marh 18, 1986, at 10:00 a.m. (local time) in Room 5332, Nassif Building, 400 7th Street, SW., Washington, DC 20590, before the undersigned administrative law judge.

Dated at Washington, D.C., March 6, 1986.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 86–5309 Filed 3–11–86; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review; T.F. Green State Airport, RI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Rhode Island Department of Transportation for T.F. Green State Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for T.F. Green State Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before August 30, 1986.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is March 3, 1986. The public comment period ends May 2, 1986.

FOR FURTHER INFORMATION CONTACT: M. Ashraf Jan, Federal Aviation Administration. New England Region, Airports Division, ANE–610, 12 New England Executive Park, Burlington, MA 01803.

Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for T.F. Green State Airport are in compliance with applicable requirements of Part 150, effective March 3, 1986. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before August 30, 1986. This notice also announces the availability of this program for public review and comment.

Under section 103 on Title I of the Aviation Safety and Noise Abatement Act of 1979 (Hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations, Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken, or proposes, for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

Rhode Island Department of Transportation (RI DOT) submitted to the FAA on December 6, 1985 noise exposure maps, descriptions and other documentation which were produced during Airport Noise Compatibility Planning Study at T.F. Green State Airport from September 1981 to September 1984. It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by RI DOT. The specific maps under consideration are the Noise Exposure Map in the Noise Exposure Map Documentation Report cover pocket; Exhibits 2.1 and 2.5 in the Data Report in the submission. The FAA has determined that these maps for T.F.

Green State Airport are in compliance with applicable requirements. This determination is effective on March 3, 1986. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for T.F. Green State Airport, also effective on March 3, 1986. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 30, 1986.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150 § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SE., Room 617, Washington, DC.

Federal Aviation Administration, 12 New England Executive Park, Airports Division, ANE–610, 12 New England Executive Park, Burlington, MA 01803

Mr. Anthony Rosati, Assistant Director of Transportation, Division of Airports, RI DOT, T.F. Green State Airport, Warwick, RI 02886

Questions may be directed to the individual named above under the heading, **"FOR FURTHER INFORMATION CONTACT."**

Issued in Burlington, Massachusetts, March 3, 1986.

Robert E. Whittington,

Director, Federal Aviation Administration, New England Region.

[FR Doc. 86–5282 Filed 3–11–86; 8:45 am]

BILLING CODE 4910–13–M

Advisory Circular 20–124, Water Ingestion Testing for Turbine Powered Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This Notice announces the issuance of Advisory Circular (AC) 20–124, Water Ingestion Testing for Turbine Powered Airplanes. Advisory Circular 20–124 describes a method of demonstrating compliance with the requirements of the Federal Aviation Regulations (FAR) concerning the ingestion of water from the runway/taxiway surface into the airspeed system, the engine, and essential auxiliary power unit air inlet ducts of turbine engine powered airplanes.

DATE: Advisory Circular 20–124 was issued by the Office of Airworthiness in Washington, DC, on September 30, 1985.

How to obtain copies: A copy of AC 20–124 may be obtained by writing to the U.S. Department of Transportation, M–494.3, Subsequent Distribution Unit, Washington, DC 20590.

Issued in Seattle, Washington, on March 4, 1986.

Leroy A. Keith,

Manager, Aircraft Certification Division, Northwest Mountain Region.

[FR Doc. 86–5418 Filed 3–11–86; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. IP86–04; Notice 1]

Sears, Roebuck and Company; Receipt of Petition for Determination of Inconsequential Noncompliance

Sears, Roebuck and Co., of Chicago, Illinois, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This Notice of receipt of a petition is published under Section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S4.3 of Federal Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires*, requires that:

"S4.3 *Labeling Requirements.* Except as provided in S4.3.1 and S4.3.2, each tire shall have permanently molded into both sidewalls, in letters and numerals not less than 0.078 inches high, the information shown in paragraphs S4.3 (a) through (g). . . ."

S4.3(d) requires: "The generic name of each cord material used in the plies (both sidewall and tread area) of the tire;"

The petitioner discovered that its supplier, Michelin Tire Corporation, had manufactured approximately 3,325 tires under its brand name, Sears Roadhandler P195/75R14, between August 2 and September 1, 1985, that were incorrectly labeled. The tread material indicated on one sidewall was "2 polyester plies + 2 fiberglass plies" instead of "2 polyester plies + 2 steel plies." The other sidewall was correctly labeled.

Of the approximate 3,325 tires produced, approximately 2,550 were shipped to Sears outlets and most of them have been sold. The labeling on the remaining 775 has been corrected by Michelin.

Michelin Tire Corporation, Sears' supplier, contends that:

"This noncompliance is inconsequential as it relates to motor vehicle safety. Even if a consumer were to read the incorrect labeling and mix these steel belted tires on a vehicle with tires that actually had fiberglass belt material, an unsafe situation could not be created because the tires would be compatible. Michelin, as well as the rest of the tire industry, does not have any restrictions on mixing radial tires of different materials on a vehicle."

Interested persons are invited to submit written data, views and arguments on the petition of Sears, Roebuck and Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: April 11, 1986.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on March 7, 1986.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86–5310 Filed 3–11–86; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

Notice of Applications for Exemptions; Altus Corp. et al.

AGENCY: Research and Special Programs Administration, D.O.T.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo only aircraft, 5—Passenger-carrying aircraft.

DATE: Comment period closes April 9, 1986.

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9577–N	Altus Corp. San Jose, CA	49 CFR 172.101, 173.106, 173.206, 173.247.	To authorize shipment of reserve-activated lithium/thionyl chloride IRSS battery modules packed in DOT Specification 19A wooden boxes. (Mode 2.)
9578–N	Daniel F. Young, Inc., Miami, FL	49 CFR 172.101 column 6(b)	To authorize shipment of three rocket motors, Class B explosive, exceeding the weight limitations presently authorized for cargo aircraft, (Mode 4.)
9579–N	IRECO Inc., Salt Lake City, UT	49 CFR 173.154,154(a)(18)	To authorize shipment of ammonium nitrate, classed as an oxidizer, containing 15 percent or more water in solution in specially designed non-DOT specification cargo tank. (Mode 1.)
9580–N	McDonnell Douglas Corp., St. Louis, MO.	49 CFR 173.120(b)	To authorize shipment on non-self propelled apparatus without draining their fuel tanks and as essentially non regulated (Mode 1.)
9581–N	RAMP Industries, Inc., Aurora, CO	49 CFR 173.416(e)	To authorize Type B quantities of a radioactive material, solid, in a DOT Specificaton 2R container overpacked in a concrete filled 55 gallon DOT Specification 17C placed inside a 20WC wooden overpack. (Mode 1.)
9582–N	Amoco Oil Co., Chicago, IL	49 CFR 171.2(c), 179.200–17	To authorize use of tank car tanks meeting DOT Specification 111A100W3 except the bottom outlet is equipped with a solid cap. (Mode 2.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on March 4, 1986.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 86–5312 Filed 3–11–86; 8:45 am]

BILLING CODE 4910–60–M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption; U.S. Department of Defense et al.

AGENCY: Research and Special Programs Administration, D.O.T.

ACTION: List of applicants for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transporation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These

applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Comment period closes March 26, 1986.

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
1479-X	U.S. Department of Defense, Falls Church, VA.	1479
1479-X	Allied Chemical, Morristown, NJ	1479
3126-X	Hercules, Incorporated, Wilmington, DE.	3126
3737-X	U.S. Department of Defense, Falls Church, VA.	3737
4453-X	Maynes Explosives Company, Lee's Summit, MO.	4453
4607-X	Armstrong Laboratories, Inc., West Roxbury, MA.	4607
5038-X	Airco, The BOC Group Inc., Murray Hill, NJ (See Footnote 1).	5038
6045-X	Union Carbide Corporation; Danbury, CT.	6045
6064-X	Sandoz Chemicals Corporation, Sodyeco Plant, Charlotte, NC.	6064
6299-X	Minnesota Valley Engineering, Inc., New Prague, MN.	6299
6309-X	General Latex and Chemical Corp. of GA, Dalton, GA.	6309
6309-X	Freeman Chemical Corporation, Port Washington, WI.	6309
6418-X	Great Lakes Chemical Corp., El Dorado, AR.	6418
6418-X	Dow Chemical Co., Midland, MI	6418
6418-X	Wilbur-Ellis Company, Fresno, CA	6418
6611-X	L'Air Liquide, Paris, France	6611
6611-X	Teisan Kabushiki Kaisha, Tokyo, Japan.	6611
6614-X	Steelcrete Company, Novi, MI	6614
6614-X	Guard-Rite, Inc., Long Beach, CA	6614
6651-X	Park Chemical Company, Detroit, MI.	6651
6704-X	Dow Chemical Co., Midland, MI	6704
6765-X	L'Air Liquide, Paris, France, CA	6765
6824-X	Bio-Lab, Incorporated, Conyers, GA (See Footnote 2).	6824
6895-X	GTE Products Corp., Danvers, MA	6895
6984-X	IRECO Incorporated, Salt Lake City, UT.	6984
7024-X	Avondale Mills, Sylacauga, AL	7024
7024-X	B.I. Transportation, Inc., Burlington, NC.	7024
7052-X	Ocean Technology, Inc., Burbank CA.	7052
7052-X	General Motors Corp., Warren, MI	7052
7052-X	Panasonic Industrial Company, Secaucus, NJ.	7052
7052-X	Rayovac Corporation, Madison, WI	7052
7052-X	Matsushita Battery Industrial Company, Osaka, Japan.	7052
7070-X	Lee-Ronal, Inc., Freeport, NY	7070
7070-X	American Chemical & Refining Co., Inc., Waterbury, CT.	7070
7218-X	Structural Composites Industries, Inc., Pomona, CA.	7218
7277-X	Structural Composites Industries, Inc., Pomona, CA.	7277
7558-X	Union Carbide Corporation, Danbury, CT.	7558
7594-X	Bromine Compounds, Limited, Beer Sheva, Israel.	7594
7657-X	Welker Engineering Company, Sugar Land, TX.	7657
7708-X	HTL Industries, Inc., Duarte, CA	7708
7737-X	Parker Hannifin Corporation, Eastlake, OH.	7737
7768-X	Plasti-Drum Corporation, Lockport, IL.	7768
7777-X	Sentry Chemical Company, Greeley, CO.	7777
7811-X	American Burdick & Jackson, Inc., Muskegon, MI.	7811
7811-X	EM Science, Cincinnati, OH	7811
7835-X	Wilson Oxygen and Supply, Inc., Austin, TX.	7835
7835-X	Ashland Chemical, Dublin, OH	7835
7891-X	Fisher Scientific Company, Fair Lawn, NJ.	7891
7909-X	Dow Chemical Co., Midland, MI	7909
7929-X	Austin Power Company, Cleveland, OH.	7929
7998-X	Dow Chemical Co., Midland, MI	7998
8006-X	Esquire Novelty Corp., Amsterdam, NY.	8006
8006-X	Strombecker Corporation, Chicago, IL.	8006
8074-X	Matheson Gas Products, Inc., Secaucus, NJ.	8074
8077-X	Rohm Haas and Company, Philadelphia, PA.	8077
8077-X	Dow Corning Corp., Midland, MI	8077
8091-X	AT&T Technologies, Inc., Greensboro, NC.	8091
8228-X	U.S. Department of Justice, Washington, DC.	8228
8284-X	Allied Chemical, Morristown, NJ	8284
8288-X	Alaska Explosives, Limited, Anchorage, AK.	8288
8303-X	Sandoz Chemicals Corporation, Sodyeco Plant, Charlotte, NC (See Footnote 3).	8303
8362-X	Altus Corporation San Jose, CA	8362
8369-X	Degussa Corporation, Teterboro, NJ.	8369
8388-X	S.W. Norton Manufacturing Co., Inc., Oakland, CA.	8388
8396-X	Catalyst Resources, Inc., Elyria, OH	8396
8408-X	Presvac Systems (Burlington), Limited, Burlington, Ontario, Can.	8408
8410-X	EM Science, Cincinnati, OH	8410
8414-X	SLEMI, Paris, France	8414
8414-X	Arbel Fauvet Rail, Paris, France	8414
8432-X	U.S. Department of Defense, Falls Church, VA.	8432
8445-X	Union Carbide Agricultural Products Company, Inc., Research, Triangle Park, NC.	8445
8445-X	Union Carbide Corporation, Danbury, CT.	8445
8445-X	The Upjohn Company, Kalamazoo, MI.	8445
8445-X	U.S. Department of Defense, Falls Church, VA.	8445
8445-X	Dow Chemical Co., Midland, MI	8445
8453-X	Nelson Brothers, Inc., Parrish, AL	8453
8457-X	Duracell Inc., Bethyl, CT	8457
8556-X	L'Air Liquide Corporation, Paris, France.	8556
8570-X	Snyder Industries, Inc., Lincoln, NE	8570
8582-X	Chicago and Northwestern Transportation Co., Chicago, IL.	8582
8582-X	The Atchison, Topeka and Santa Fe Railway Company, Chicago, IL.	8582
8627-X	Petrolite Corporation, Saint Louis, MO.	8627
8627-X	Chemlink Petroleum, Inc., Sand Springs, OK.	8627
8651-X	Rockwell International Corporation, Canoga Park, CA.	8651
8692-X	Mitsubishi International Corp., New York, NY (See Footnote 4).	8692
8722-X	Northrop Corporation, Hawthorne, CA.	8722
8781-X	Mauser-Werke, GmbH (Mauser Packaging Ltd.) New York, NY.	8781
8786-X	Stabilus, GmBh, Koblenz, West Germany.	8786
8786-X	Gas Spring Corporation, Colmar, PA.	8786
8791-X	Stauffer Chemical Company, Westport, CT.	8791
8795-X	The Marison Company, South Elgin, IL.	9795
8806-X	Natico, Inc., Chicago, IL	8806
8815-X	Nelson Brothers, Inc., Parrish, Al	8815
8839-X	Poly Cal Plastics, Inc., French Camp, CA (See Footnote 5).	8839
8870-X	EM Science, Cincinnati, OH	8870
8923-X	Union Carbide Corporation, Danbury, CT (See Footnote 6).	8923
8942-X	Poly Cal Plastics, Inc., French Camp, CA (See Footnote 7).	8942
9026-X	Continental Fibre Drum, Inc., Lombard, Il (See Footnote 8).	9026
9056-X	Hodgdon Power Co., Inc., Shawnee Mission, KS.	9056
9110-X	KemaNord, Inc., Columbus, MS	9110
9130-X	Bio-Lab, Incorporated, Conyers GA	9130
9157-X	RCA Corporation, Lancaster, PA	9157
9172-X	CECOS International, Inc., Buffalo, NY.	9172
9211-X	Maersk Line, Limited, New York, NY.	9211
9211-X	Saterman Steamship Corporation, New Orleans, LA.	9211
9232-X	U.S. Department of Defense, Falls Church, VA.	9232
9243-X	Abatar, Inc., Winter Park, FL	9243
9341-X	International Chempack Corporation, Hurst, TX (See Footnote 9).	9341

[1] To renew and to authorize carbon tetrachloride and chloroform, classed as ORM-A, as additional commodities.
[2] To authorize bromo-chloro-dimethylhydantoin, classed as an oxidizer, as an additional commodity.
[3] To renew and to allow transportation to an additional site.
[4] To authorize ammonium persulfate, classed as an oxidizer, as an additional commodity and to authorize a smaller 1,100 pound capacity bag.
[5] To authorize an additional classification of blasting agent.
[6] To authorize shipment of a 5 to 10 percent mixture of dichlorosilane with the balance being trichlorosilane.
[7] To authorize an additional classification of blasting agent.
[8] To authorize cargo aircraft only as an additional mode of transportation.
[9] To authorize 55 gallon polyethylene salvage drum to incorporate a 25 inch inside opening in top head.

Application No.	Applicant	Parties to exemption
4453-P	Alaska Explosive Limited, Anchorage, AK.	4453
5403-P	Vann Systems, Division of Halliburton Company, Houston, TX.	5403
5701-P	Mallinckrodt, Inc., Paris, KY	5701
7607-P	The Singer Company, Stamford, CT.	7607
7811-P	American Hospital Supply Corporation, McGaw Park, IL.	7811
7887-P	Model Rectifier Corporation, Edison, NJ.	7887
8111-P	Reuter-Stokes, Inc., Twinsburg, OH	8111
8451-P	The Ensign-Bickford Company, Simsbury, CT.	8451
8554-P	THR Corp., Pennsuco, FL	8554
8582-P	Southern Pacific Transportation Company, San Francisco, CA.	8582
8915-P	Ethyl Corporation, Baton Rouge, LA	8915
9281-P	B.R.J. III, Inc., Mansfield, TX	9281
9416-P	Mobay Corporation, Kansas City, MO.	9416
9467-P	Roadway Express, Inc., Akron, OH	9467
9467-P	Consolidated Freightways, Menlo Park, CA.	9467
9467-P	W. E. Aubuchon Co., Inc., Westminster, MA.	9467
9467-P	Agway, Inc., Syracuse, NY	9467
9505-P	Witcon Corporation, Richmond, CA	9505

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on March 4, 1986.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 86-5313 Filed 3-11-86; 8:45 am]

BILLING CODE 4910-60-M

Grants and Denials of Applications for Exemptions

AGENCY: Research and Special Programs Administration, D.O.T.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in January 1986. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3600-X	DOT-E 3600	U.S. Department of Defense, Falls Church, VA.	49 CFR 172.101, 172.300, 173.87	To authorize shipment of Lance rocket engines in specific configurations which contain Class B and Class C explosives. (Modes 1, 2.)
5704-P	DOT-E 5704	Aerojet General Corporation, Sacramento, CA.	49 CFR 173.62, 173.93(e)	To become a party to Exemption 5704. (Modes 1, 2, 3.)
5749-X	DOT-E 5749	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.315(a)	To authorize use of an insulated nickel-steel DOT Specification MC-331 cargo tank, for transportation of a certain flammable gas. (Mode 1.)
6501-X	DOT-E 6501	GOEX, Inc., Cleburne, TX	49 CFR 173.62	To authorize transport of liquid high explosives in DOT Specification 6D steel drums overpacked with a DOT Specification 2SL liner. (Mode 1.)
6517-X	DOT-E 6517	Coyne Cylinder Company, Huntsville, AL	49 CFR 173.303(a)	To authorize use of non-DOT specification steel cylinders comparable to DOT Specification 4BW for shipment of acetylene. (Modes 1, 2, 3.)
6530-X	DOT-E 6530	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.302(c)	To authorize shipment of hydrogen and mixtures of hydrogen with helium, argon or nitrogen in DOT Specification 3A, 3AA, 3AX or 3AAX steel cylinders. (Modes 1, 2.)
6563-X	DOT-E 6563	Mada Medical Products, Inc., Carlstadt, NJ.	49 CFR 173.302(a)(1), 175.3	To authorize shipment of certain nonflammable gases in non-DOT specification steel cylinders, made in compliance with DOT Specification 3E with certain exceptions (Modes 1, 2, 3, 4, 5.)
6614-X	DOT-E 6614	Hill Brothers Chemical Company, Tucson, AZ.	49 CFR 173.263(a)(28), 173.277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Continental Chemical Company, Sacramento, CA.	49 CFR 173.263(a)(28), 173.277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	GPS Industries, City of Industry, CA	49 CFR 173.263(a)(28), 173.277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6746-X	DOT-E 6746	The Firestone Tire and Rubber Company, Akron, OH.	49 CFR 173.315(a)(1)	To authorize shipment of anhydrous ammonia in portable tanks built, marked and maintained in compliance with the DOT Specification MC-331 cargo tank. (Modes 1, 3.)
6765-X	DOT-E 6765	Union Carbide Corporation, Danbury, CT	49 CFR 173.318(a), 176.76(h)(4)	To authorize use of non-DOT specification containerized portable tanks, for transportation of a flammable and nonflammable gas. (Modes 1, 3.)
6765-X	DOT-E 6765	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.318(a), 176.76(h)(4)	To authorize use of non-DOT specification containerized portable tanks, for transportation of a flammable and nonflammable gas. (Modes 1, 3.)
6908-X	DOT-E-6908	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.302(a)(1), 175.3, 178.65	To authorize certain variances from the specficationss for DOT Specification 39 cylinders, for shipment of certain nonflammable gases. (Modes 1, 2, 3, 4.)
6913-X	DOT-E-6913	Vista Chemical Company, Ponca City, OK.	49 CFR 173.315(a)(1)	To authorize transport of vinyl chloride in an non-DOT sepcification cargo tank. (Mode 1.)
6999-X	DOT-E-6999	U.S. Department of Defense, Falls Church, VA.	49 CFR 176.120(b)	To authorize cargo loading hatches of vessels being loaded with military explosives to remain open overnight under certain conditions. (Mode 3.)
7052-P	DOT-E-7052	Macrodyne, Inc., Schenectady, NY	49 CFR 172.101, 172.420, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4.)
7052-P	DOT-E-7052	Tadiran Electronic Industries, Port Washington, NY.	49 CFR 172.101, 172.420, 175.3	To become a party to Exemption 7072. (Modes 1, 2, 3, 4.)
7052-P	DOT-E-7052	Crompton Parkinson Ltd., Tyne & Wear, England.	49 CFR 172.101, 172.420, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4.)
7052-P	DOT-E-7052	Yardney Corporation, Pawcatuck, CT	49 CFR 172.101, 172.420, 175.3	To beome a party to Exemption 7052. (Modes, 1, 2, 3, 4.)
7087-X	DOT-E-7087	Unitek Corporation, Monrovia, CA	49 CFR 173.296(b), 175.3	To authorize shipment of small quantities of certain hazardous materials in non-DOT specification glass, polyethylene, or other plastic containers. (Modes 1, 2, 3, 4, 5.)
7208-X	DOT-E-7208	National Aeronautics and Space Administration, Washinngton, DC.	49 CFR 172.101, 173.92, 175.3, 175.30(a)(1).	To authorize transport of Class B explosives in quantities exceeding present weight limitations, and in non-DOT specification containers. (Modes 1, 4.)
7255-X	DOT-E-7255	U.S. Department of Defense, Falls Church, VA.	49 CFR 146.29-45(a), 146.29-45(c)	To authorize simultaneous loading of two holds within the same hatch when handling military explosives. (Mode 3.)
7409-X	DOT-E-7409	Sea-Land Service, Inc., Elizabeth, NJ	49 CFR 173.118a, 173.125, 176.340	To authorize use of a modified DOT specification cargo tank, for transportation of flammable or combustible liquids. (Mode 3.)
7438-X	DOT-E-7438	Ethyl Corp., Baton Rouge, LA	48 CFR 173.354(a)(5)	To Authorize use of non-DOT specification cargo tanks, for transportation of a Class B poisonous liquid. (Mode 1.)
7465-X	DOT-E-7465	State of Alaska, Department of Transportation, Juneau, AK.	49 CFR 173.119, 173.304, 176.83, 176.905(j), Part 172, Part 176 Subpart H.	To authorize stowage of transport motor vehicles, gasoline (including camp stove or lantern fuel) and liquefied petroleum gas aboard passenger vessels. (Mode 3.)
7595-X	DOT-E-7595	Rhone-Poulenc Inc., Monmouth Junction, NJ.	49 CFR 173.358, 173.359	To authorize transport of certain poison B liquids in DOT Specification MC-312 cargo tanks. (Mode 1.)
7595-X	DOT-E-7595	American Cyanamid Co., Wayne, NJ	49 CFR 173.358, 173.359	To authorize transport of certain poison B liquids in DOT Specification MC-312 cargo tanks. (Mode 1.)
7607-P	DOT-E-7607	Eisermann Corporation, Crystal Lake, IL	49 CFR 172.101, 175.3	To become a party to Exemption 7607. (Mode 5.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7638-X	DOT-E 7638	Minnesota Valley Engineering, Inc., New Prague, MN.	49 CFR 173.316(a), 175.3	To renew and authorize an additional model cylinder. (Modes 1, 2, 3, 4.)
7694-X	DOT-E 7694	Applied Companies, Woodland Hills, CA	49 CFR 173.302(a)(4), 175.3	To authorize use of non-DOT specification welded, or seamless, nonrefillable cylinders, containing non-liquefied compressed gases. (Modes 1, 2, 4.)
7694-X	DOT-E 7694	Borg-Warner Fluid Controls, Van Nuys, CA.	49 CFR 173.302(a)(4), 175.3	To authorize use of non-DOT specification welded, or seamless, nonrefillable cylinders, containing non-liquefied compressed gases. (Modes 1, 2, 4.)
7753-X	DOT-E 7753	Monsanto Company, Saint Louis, MO	49 CFR 173.190(b)(2)	To authorize shipment of yellow phosphorous in a tight-head 55-gallon DOT Specification 17C drum. (Modes 1, 2, 3.)
7803-X	DOT-E 7803	Plastican, Inc., Leominster, MA	49 CFR 178.19, Part 173, Subpart D, F	To authorize manufacture, marking and sell of non-DOT specification removable head polyethylene drums, for shipment of corrosive liquids and flammable liquids. (Modes 1, 2, 3.)
7887-X	DOT-E 7887	Estes Industries, Inc., Penrose, CO	49 CFR 172.101, 173.111, 175.3, Part 107, Appendix B.	To authorize transport of certain toy propellant devices and igniters, in DOT Specification 15A, 15B, 16A or 19A wooden boxes, or DOT Specification 12B fiberboard boxes. (Modes 1, 2, 3, 4, 5.)
7887-X	DOT-E 7887	Flight Systems, Inc., Burns Flat, OK	49 CFR 172.101, 173.111, 175.3, Part 107, Appendix B.	To authorize transport of certain toy propellant devices and igniters, in DOT Specification 15A, 15B, 16A or 19A wooden boxes, or DOT Specification 12B fiberboard boxes. (Modes 1, 2, 3, 4, 5.)
7887-X	DOT-E 7887	Flight Systems, Inc., Raytown, MO	49 CFR 172.101, 173.111, 175.3, Part 107, Appendix B.	To authorize transport of certain toy propellant devices and igniters, in DOT Specification 15A, 15B, 16A or 19A wooden boxes, or DOT Specification 12B fiberboard boxes. (Modes 1, 2, 3, 4, 5.)
7887-P	DOT-E 7887	Aero Technology Company, Rancho Cordova, CA.	49 CFR 172.101, 173.111, 175.3, Part 107, Appendix B.	To become a party to Exemption 7887. (Modes 1, 2, 3, 4, 5.)
7887-X	DOT-E 7887	Crown Rocket Technology, Mountlake Terrace, WA.	49 CFR 172.101, 173.111, 175.3, Part 107, Appendix B.	To authorize transport of certain toy propellant devices and igniters, in DOT Specification 15A, 15B, 16A or 19A wooden boxes, or DOT Specification 12B fiberboard boxes. (Modes 1, 2, 3, 4, 5.)
7887-X	DOT-E 7887	Centuri Engineering Co., Inc., Penrose, CO.	49 CFR 172.101, 173.111, 175.3, Part 107, Appendix B.	To authorize transport of certain toy propellant devices and igniters, in DOT Specification 15A, 15B, 16A or 19A wooden boxes, or DOT Specification 12B fiberboard boxes. (Modes 1, 2, 3, 4, 5.)
7915-X	DOT-E 7915	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.93(b)	To authorize transport of certain propellant explosives in water in DOT Specification MC-307 or MC-312 cargo tanks. (Mode 1).
7943-X	DOT-E 7943	Hill Brothers Chemical Company, Tucson, AZ.	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	To authorize shipment of corrosive liquids in fiberboard boxes complying with DOT Specification 12B except for handholes in top flaps. (Mode 1.)
7943-X	DOT-E 7943	GPS Industries, City of Industry, CA	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	To authorize shipment of corrosive liquids in fiberboard boxes complying with DOT Specification 12B except for handholes in top flaps. (Mode 1.)
7946-X	DOT-E 7946	Westinghouse Electric Corporation, Horseheads, NY.	49 CFR 173.306(b)(4), 175.3	To authorize use of non-DOT specification nonrefillable containers, for shipment of nonflammable gases. (Modes 1, 2, 3, 4, 5.)
7963-X	DOT-E 7963	Stauffer Chemical Company, Westport, CT.	49 CFR 173.245, 173.356, 173.360(a)(5)	To authorize transport of perchloromethyl mercaptan, thiophosgene and thiophene-2-acetyl chloride, in monel tanks constructed in accordance with DOT Specification 51 with certain exceptions. (Modes 1, 2, 3.)
8006-X	DOT-E 8006	Bland Brothers, Incorporated, Miami, FL	49 CFR 173.400(a), 172.504 Table 2	To authorize transport of unlabeled packages of toy paper or plastic caps complying with the requirements of 173.100(p) and 173.109, in motor vehicles with placards, when the gross weight of the caps is 1000 pounds or more. (Mode 1.)
8037-X	DOT-E 8037	Mauser-Werke G.m.b.H (Mauser Packaging, Ltd.), New York, NY.	49 CFR 173.127, 173.184 173.224	To authorize additional fiber drums of 100 and 130 liters capacity having plywood bottoms and steel tops with inside polyethylene bag for shipment of certain flammable liquids or solids. (Modes 1, 2, 3.)
8081-X	DOT-E 8081	National Aeronautics and Space Administration, Washington, DC.	49 CFR 172.101 Column 6(b), 175.30(a)(1).	To authorize transport of a Class B rocket motor having a gross shipping weight not exceeding 3000 lbs. by cargo-only aircraft. (Mode 4.)
8156-X	DOT-E 8156	Liquid Carbonic Corporation, Chicago, IL	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To authorize transport of certain flammable or nonflammable compressed gases and carbon bisulfide in a DOT Specification 39 steel cylinder up to 225 cubic inches in volume. (Modes 1, 2.)
8156-P	DOT-E 8156	Liquid Air Corporation, Walnut Creek, CA	49 CFR 173.121 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to Exemption 8156. (Modes 1, 2.)
8329-X	DOT-E 8329	Texas Instruments, Inc., Dallas, TX	49 CFR 173.266	To authorize use of DOT Specification 57 portable tanks in less than truckload quantities with other hazardous materials subject to 49 CFR 177.848. (Mode 1.)
8445-P	DOT-E 8445	Dow Consumer Products, Inc., Indianapolis, IN.	49 CFR 173, Subpart D, E, F, & H	To become a party to Exemption 8445. (Mode 1.)
8526-P	DOT-E 8526	Johnson & Bloy Canada Inc., Prescott, Ontario.	49 CFR 173.834(L)(2)(i)	To become a party to Exemption 8526. (Mode 1.)
8526-P	DOT-E 8526	Phelco Inc. Trucking, Hazelwood, MO	49 CFR 177.834(L)(2)(i)	To become a party to Exemption 8526. (Mode 1.)
8556-X	DOT-E 8556	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.318(a), 176.76(h)(4)	To authorize use of non-DOT specification containerized portable tanks, for transportation of a flammable and nonflammable gas. (Modes 1, 3.)
8556-X	DOT-E 8556	Union Carbide Corporation, Danbury, CT	49 CFR 173.318(a), 176.76(h)(4)	To authorize use of non-DOT specification containerized portable tanks, for transportation of a flammable and nonflammable gas. (Modes 1,3.)
8716-X	DOT-E 8716	GTE Products Corp., Waltham, MA	49 CFR 173.28(m)	To authorize multi-trip use of DOT Specfication 17C steel drums, for transportation of lithium metal, ingots, immersed in neutral oil. (Mode 1.)
8732-X	DOT-E 8732	Chemcentral Inc., Chicago, IL	49 CFR 173.245	To authorize use of a DOT Specification MC-303 and MC-306 cargo tanks, made of aluminum or steel for transportation of a corrosive material. (Mode 1.)
8735-X	DOT-E 8735	Letica Corporation, Rochester, MI	49 CFR 178.19, Part 173, Subpart D, F	To renew and authorize certain flammable liquids as an additional hazard class. (Modes 1, 2, 3.)
8837-X	DOT-E 8837	Fabricated Metals, Inc., San Leandro, CA.	49 CFR 173.245(a)(38), 173.256(b)(1), 173.263(a)(8), 173.277(c).	To authorize manufacture, marking and sale of non-DOT specification steel jacketed polyethylene tanks, for transportation of certain corrosive liquids. (Modes 1, 2, 3.)
8871-X	DOT-E 8871	Chase Bag Co., Oak Brook, IL	49 CFR 173.182, 173.217, 173.245(b), 173.366.	To authorize shipment of arsenic trioxide, solid and arsenical flue dust, Class B poisons as additional commodities. (Modes 1, 2, 3.)
8962-X	DOT-E 8962	HTL Industries, Inc., Duarte, CA	49 CFR 173.302(a), 175.3, 178.44	To require flattening test without cracking of ten times wall thickness of the cylinder rather than six. (Modes 1, 2, 4.)
8988-P	DOT-E 8988	Vann Systems, Houston, TX	49 CFR 172.101, 173.110, 173.80, 175.30.	To become a party to Exemption 8988. (Modes 1, 3, 4.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9072-X	DOT-E 9072	Morton Thiokol, Inc., Brigham City, UT	49 CFR 173.92	To authorize shipment of rocket motors, Class B explosive in specially designed non-DOT specification containers. (Mode 1.)
9092-X	DOT-E 9092	West-Tex Equipment Company, Midland, TX.	49 CFR 173.119, 173.245, 178.253	To authorize manufacture, marking and sell non-DOT specification portable tanks manifolded together within a frame and securely mounted on a truck chassis, for transportation of flammable liquids and corrosive liquids. (Mode 1.)
9134-X	DOT-E 9134	I.S.C. Chemicals Limited, Avonmouth, England.	49 CFR 173.264, 178.245	To authorize use of non-DOT specificaton IMO Type 5 portable tanks, for transportation of certain corrosive materials. (Modes 1, 2, 3.)
9136-X	DOT-E 9136	Plasti-Drum Corporation, Lockort, IL	49 CFR 173.119, 173.221, 173.245b(a)(6), 173.271, 173.357(b), 178.19.	To authorize manufacture, marking and sale of DOT Specification 34 drums of up to 30 gallon capacity, for shipment of various poison B liquids, flammable liquids, organic peroxides, oxidizers and corrosive materials. (Modes 1, 2, 3.)
9146-X	DOT-E 9146	Blefa-Felser GmbH, Postfach, West Germany.	49 CFR 171.12(c), 178.116-6(a)	To authorize manufacture, marking and sale of non-DOT specification steel drums of one millimeter thickness, to be used in place of 20/18 guage, 55-gallon capacity, DOT Specification 17E drums. (Modes 1, 2, 3.)
9164-X	DOT-E 9164	Fabricated Metals, Inc., San Leandro, CA.	49 CFR 173.119(b)(6)	To authorize manufacture, marking and sale of a non-DOT specification steel portable tank of 345 gallon capacity, with removable head, for shipment of waste paint and waste paint sludge. (Modes 1, 2.)
9175-X	DOT-E 9175	Marathon Oil Company, Littleton, CO	49 CFR 173.119(b)	To authorize shipment of crude oil, classed as a flammable liquid, in a cylindrical aluminum container, no more than six of which are overpacked in a wood box. (Mode 1.)
9198-X	DOT-E 9198	United States Department of the Interior, Boise, ID.	49 CFR 175.5(a)(2)	To authorize exception from 49 CFR 175.5(a)(2) whereby DOI, and other government agencies under contract to DOI, may use aircraft which are under exclusive direction and control of DOI for periods of less than 90 days. (Mode 4.)
9256-X	DOT-E 9256	U.S. Department of Defense, Falls Church, VA.	49 CFR 146.20-13, 173.86, 175.30, Part 107, Subpart B.	To ship new explosives under a tentative hazard classification to test facilities without marking them as laboratory samples and without being accompanied by a qualified explosives handler. (Modes 1, 2, 3, 4.)
9262-P	DOT-E 9262	Owen Oil Tools Inc., Fort Worth, TX	49 CFR 173.100(v), 175.30	To become a party to Exemption 9262. (Modes 1, 3, 4.)
9262-P	DOT-E 9262	Schlumberger Well Services, Rosharon, TX.	49 CFR 173.100(v), 175.30	To become a party to Exemption 9262. (Modes 1, 3, 4.)
9275-P	DOT-E 9275	Merrell Dow Pharmaceuticals, Inc., Cincinnati, OH.	49 CFR Parts 100-199	To become a party to Exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275-P	DOT-E 9275	The Procter & Gamble Distributing Company, Cincinnati, OH.	49 CFR Parts 100-199	To become a party to Exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275-P	DOT-E 9275	Warner Lambert Company, Morris Plains, NJ.	49 CFR Parts 100-199	To become a party to Exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275-P	DOT-E 9275	McCormick & Company, Inc., Hunt Valley, MD.	49 CFR Parts 100-199	To become a party to Exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275-P	DOT-E 9275	Amway Corporation, Ada, MI	49 CFR Parts 100-199	To become a party to Exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275-P	DOT-E 9275	International Flavors & Fragrances (IFF-US), Hazlet, NJ.	49 CFR Parts 100-199	To become a party to Exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275-P	DOT-E 9275	Ortho Pharmaceutical Corporation, Somerset, NJ.	49 CFR Parts 100-199	To become a party to Exemption 9275. (Modes 1, 2, 3, 4, 5.)
9329-P	DOT-E 9239	Dresser Atlas, Houston, TX	49 CFR 172.101, column 6, 173.110, 173.80, 175.30.	To become a party to Exemption 9329. (Mode 4.)
9355-X	DOT-E-9355	Eastman Kodak Co., Rochester, NY	49 CFR Parts 100-177	To authorize an additional battery composed of lithium manganese dioxide. (Modes 1, 2, 3, 4, 5.)
9364-P	DOT-E-9364	FMC Corporation, Philadelphia, PA	49 CFR 173.359	To become a party to Exemption 9364. (Mode 1.)
9379-P	DOT-E-9379	H.J. Baker & Bro., Inc., New York, NY	49 CFR 172.301, 173.182(b)(6)(ii), 176.410(D).	To become a party to Exemption 9379. (Mode 3.)
9431-X	DOT-E-9431	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.63, 173.65, 173.87, 173.93, 175.3.	To authorize cargo aircraft only as additional mode of transportation. (Modes 1, 2, 4.)
9545-X	DOT-E-9545	Medical Diagnostics, Inc., Columbia, MD	49 CFR 173.118(a)	To renew emergency exemption authorizing a mixture of 0.5% p-toluene sulfonic acid and 99-5% acetone to be shipped under the limited quantity provisions for flammable liquids. (Modes 1, 2.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9393-N	DOT-E 9393	Sexton Can Company, Inc., Everett, MA	49 CFR 173.304(a), 178.65	To authorize manufacture, marking and sell of non-DOT specification steel cylinders in compliance with DOT Specification 39, with certain exceptions for transportation of nonflammable gases. (Mode 1.)
9426-N	DOT-E 9426	Rheem Manufacturing Company, Edison, NJ	49 CFR 178.19, Part 173, Subpart D, F	To authorize manufacture, marking and sell of five-gallon and six-gallon capacity removable head moldeld polyethylene drums for transportation of corrosive liquids and flammable liquids. (Modes 1, 2, 3.)
9440-N	DOT-E 9440	Hoover Group, Inc., Beatrice, NE	49 CFR 173.119, 173.256, 173.266, 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sell of non-DOT specification rotationally molded, cross-linked polyethylene portable tanks enclosed with a protective steel frame, for shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2.)
9449-N	DOT-E 9449	Union Carbide Corporation, Danbury, CT	49 CFR 172.101, 173.21, 173.315(i)(3), 173.346, 173.3a, 178.245.	To authorize use of a non-DOT specification portable tank equivalent to a DOT Specification 51 portable tank for shipment of carbamate pesticide, liquid, toxic, n.o.s. (Modes 1, 3.)
9449-N	DOT-E 9449	Union Carbide, Agricultural Products Company, Inc., Danbury, CT.	49 CFR 172.101, 173.21, 173.315(i)(3), 173.346, 173.3a, 178.245.	To authorize use of a non-DOT specification portable tank equivalent to a DOT Specification 51 portable tank for shipment of carbamate pesticide, liquid, toxic, n.o.s. (Modes 1, 3.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9466-N	DOT-E 9466	Union Carbide Corporation, Danbury, CT	49 CFR 173.365(a)(6)	To authorize shipment of carbamate pesticide, solid, n.o.s., classed as a poison B in paper bags similar to DOT Specification 2D, overpacked in DOT Specification 12C fiberboard box. (Modes 1, 2, 3.)
9466-N	DOT-E 9466	Union Carbide Agricultural Products, Company, Inc., Research Triangle Park, NC.	49 CFR 173.365(a)(6)	To authorize shipment of carbamate pesticide, solid, n.o.s., classed as a poison B in paper bags similar to DOT Specification 2D, overpacked in DOT Specification 12C fiberboard box. (Modes 1, 2, 3.)
9478-N	DOT-E 9478	Systron Donner, Concord, CA	49 CFR 173.304, 175.3, 178.46	To authorize manufacture, marking and sell of non-DOT specification cylinders conforming with DOT Specification 3AL for shape and certain tests for shipment of nonflamamable gases. (Modes 1, 2, 4.)
9501-N	DOT-E 9501	Hughes Aircraft Company, Los Angeles, CA	49 CFR 173.302, 175.3	To authorize transport of a potassium hydroxide solution and hydrogen gas under pressure to be shipped in a non-DOT specification compressed gas cylinder constructed of Inconel. (Modes 1, 3, 4.)
9503-N	DOT-E 9503	Rotational Molding, Inc., Gardena, CA	49 CFR 173.119, 173.125, 173.266, 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sell of non-DOT specification rotationally molded, polyethylene portable tank enclosed in a steel frame, for shipment of corrosive materials, flammable liquids, or an oxidizer. (Modes 1, 2.)
9511-N	DOT-E 9511	Ticar Chemical Company, Inc., Asheville, NC	49 CFR 173.24(a)	To authorize the one time shipment of steel drum, with pinholes, containing caustic soda (solid). (Mode 1.)
9552-N	DOT-E 9552	IRECO Incorporated, Salt Lake City, UT	49 CFR 178.218-11	To authorize testing of DOT Specification 23G cylindrical fiberboard box once a year instead of once every six months. (Mode 1.)
9555-N	DOT-E 9555	E.I. du Pont de Nemours Co., Inc., Wilmington, DE	49 CFR 173.346	To authorize use of DOT Specification MC-330 and MC-331 cargo tanks for shipment of a poison B liquid. (Mode 1.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 9562-N	DOT-E 9562	Tennessee Eastman Company, Kingsport, TN.	49 CFR 173.365	To authorize use of 55 gallon steel drums made in compliance with DOT Specification 37A with exceptions, for shipment of a poisonous solid. (Mode 1.)
EE 9565-N	DOT-E 9565	Embassy of the Arab Republic of Egypt, Washington, DC.	49 CFR 172.101 column 6(b), 173.92(b), 175.3.	To authorize transport of Class A and B explosives aboard cargo aircraft. (Mode 4.)

WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9139-X	W.R. Grace & Co., Baltimore, MD	49 CFR 173.233	To authorize shipment of activated nickel catalyst, in DOT Specification 6D metal drum equipped with spring-loaded type vent. (Mode 1.)

Denials

9149-X: Request by Ethyl Corp., Baton Rouge, LA to authorize shipment motor fuel antiknock compound in non-DOT specification portable tanks in container-on-flat car rail service denied January 31, 1986.

9540-N: Request by Ethyl Corporation, Baton Rouge, LA to authorize shipment of antiknock compound, pyroforic liquids, n.o.s. or methyl bromide in DOT Specification 51 portable tanks in an ISO frame via rail in container-on-flat-car service denied January 31, 1986.

9546-N: Request by The Schawbel Corporation, Cambridge, MA to authorize transport of a hair curling device containing isobutane which permits a slow leakage of the flammable gas to the atmosphere denied January 16, 1986.

Issued in Washington, DC, on February 13, 1986.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 86-5311 Filed 3-11-86; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirement Submitted to OMB for Review

Dated: March 3, 1986.

The Department of Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB No. New

Form No. ATF Reporting Requirement 1500/1

Type of Review: New

Title: Labeling and Advertising Requirements Under the Federal Alcohol Administration Act.
Clearance Officer: Roy J. Betsill, (202) 566–7641, Bureau of Alcohol, Tobacco and Firearms, Room 7202, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Joseph F. Maty,

Departmental Reports Management Office.

[FR Doc. 86–5398 Filed 3–11–86; 8:45 am]

BILLING CODE 4810–25–M

Public Information Collection Requirement Submitted to OMB for Review

Dated: March 5, 1986.

The Department of Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB. 1545–0195
Form N. IRS Form 5213
Type of Review: Extension
Title: Election to Postpone Determination as to Whether the Presumption that an Activity is Engaged in for Profit
Clearance Officer: Garrick Shear, (202) 566–6150, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Robert Neal, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Joseph P. Maty,

Departmental Reports Management Office.

[FR Doc. 86–5397 Filed 3–11–86; 8:45 am]

BILLING CODE 4810–25–M

Fiscal Service

Guard Casualty & Surety Insurance Co.; Surety Companies Acceptable on Federal Bonds; Liquidation

Guard Casualty & Surety Insurance Company, an Indiana Corporation, formerly held a Certificate of Authority as an acceptable surety on Federal bonds and was last listed as such at 49 FR 27254, July 2, 1984. The Company's authority was terminated by the Department of the Treasury effective May 10, 1985. Notice of the termination was published in the **Federal Register** of May 20, 1985, on page 20869.

On November 18, 1985, upon a petition by the Commissioner of Insurance of the State of Indiana, the Marion Circuit Court, for Marion County, issued an Order of Liquidation with respect to Guard Casualty. The Commissioner of Insurance was appointed as the Liquidator of Guard Casualty. All persons having claims against Guard Casualty must file their claims before March 13, 1986, or be barred from sharing in the distribution of assets.

Please note that all liabilities have been fixed as of December 18, 1985. All claims must be filed in writing on an appropriate Proof of Claim Form. It is recommended that claimants asserting priority status under 31 USC 3713 who have not yet filed their claim should do so, in writing, to:

Guard Casualty & Surety Insurance Company in Liquidation, 1317 N. Pennsylvania Street, P.O. Box 449204, Indianapolis, IN 46244

For an appropriate Proof of Claim Form, the Liquidator may be contacted at (317) 638–1833. The Financial Management Service of The Department of the Treasury will be submitting a blanket Proof of Claim Form to cover claims by Federal Agencies who are unable to submit their claims by the March 13, 1986 deadline. However, we recommend that Agencies contact the Liquidator and file their claim as soon as possible.

Government agencies involved in Federal surety bonding operations where third parties such as subcontractors, materialmen, and suppliers who may have a claim against the company are requested to use their best efforts to notify such third parties of the liquidation, assist them in filing claims, inform them of their priority status based on section 3713 of Title 31 of the United States Code and provide them with copies of this **Federal Register** Notice. If priority status is not being granted, please notify the Department of Treasury at the address indicated below.

Questions concerning this notice may be directed to the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, D.C. 20226, telephone (202) 634–2319. This Notice will be distributed by this office to Federal agencies.

Dated: March 4, 1986.

W.E. Douglas,

Commissioner, Financial Management Service.

[FR Doc. 86–5307 Filed 3–11–86; 8:45 am]

BILLING CODE 4810–35–M

[Dept. Circ. 570, 1985 Rev., Supp. No. 14]

Surety Companies Acceptable on Federal Bonds; Termination of Authority; Covenant Mutual Insurance Company

Notice is hereby given that the Certificate of Authority issued by the Treasury to Covenant Mutual Insurance Company, of Hartford, Connecticut, under the United States Code, Title 31, Sections 9304–9308, to qualify as an acceptable surety on Federal bonds is terminated effective this date.

The Company was last listed as an acceptable surety on Federal bonds at 50 FR 27112, July 1, 1985.

With respect to any bonds currently in force with Covenant Mutual Insurance Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, DC 20226, telephone (202) 634–2347.

Dated: February 28, 1986.

W.E. Douglas,

Commissioner, Financial Management Service.

[FR Doc. 86–5308 Filed 3–11–86; 8:45 am]

BILLING CODE 4810–35–M

Internal Revenue Service

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meetings of Art Advisory Panel.

SUMMARY: Closed meetings of the Art Advisory Panel will be held in Washington, D.C.

DATE: The meetings will be held April 8 and 28, 1986.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:AP:V, 1111 Constitution Avenue, NW., Room 2575, Washington D.C., 20224, Telephone No. (202) 566–9259 (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982),

that closed meetings of the Art Advisory Panel will be held on April 8, and 28, 1986 beginning at 9:30 a.m. in Room 3411, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122.)

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 86-5426 Filed 3-11-86; 8:45 am]

BILLING CODE 4830-01-M

Art Advisory Panel of the Commissioner of Internal Revenue

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of determination of necessity for reestablishment of the Art Advisory panel.

SUMMARY: It is in the public interest to continue the existence of the Art Advisory panel.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:AP:V:4, 1111 Constitution Avenue, NW., Room 2575, Washington, DC 20224, Telephone No. (202) 566-9259 (not a toll free number).

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. (1982), the Commissioner of Internal Revenue announces the reestablishment of the following advisory committee:

Title. The Art Advisory Panel of the Commissioner of Internal Revenue.

Purpose. The Panel assists the Internal Revenue Service by reviewing and evaluating the acceptability of property appraisals submitted by taxpayers in support of the fair market value claimed on works of art involved in Federal Income, Estate or Gift taxes in accordance with sections 170, 2031, and 2512 of the Internal Revenue Code of 1954.

Providing this assistance requires Panel records and discussions to include tax return information. Therefore, the Panel meetings will be closed to the public since all portions of the meetings will concern matters that are exempted from disclosure under the provisions of section 552b(c) (3), (4), (6) and (7) of Title 5 of the U.S. Code. This determination, which is in accordance with section 10(d) of the Federal Advisory Committee Act, is necessary to protect the confidentiality of tax returns and return information as required by section 6103 of Title 26 of the U.S. Code.

Statement of Public Interest. It is in the public interest to continue the existence of the Art Advisory Panel. The Secretary of Treasury, with the concurrence of the Office of Management and Budget, and the General Services Administration, has also approved continuation of the Panel. The membership of the Panel is balanced between museum directors and art dealers to afford differing points of view in determining fair market value.

Authority for this Panel will expire two years from the date the charter is approved by the Assistant Secretary of the Treasury for Administration and filed with the appropriate congressional committees unless, prior to the expiration of its charter, the Panel is renewed.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122).

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 86-5427 Filed 3-11-86; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Medical Research Service Merit Review Boards; Charter Renewals

Correction

In FR Doc. 86-3555 appearing on page 6062 in the issue of Wednesday, February 19, 1986, make the following correction: In the third column, first paragraph, last line, "1986" should read "1988".

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 48
Wednesday, March 12, 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).

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1

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, March 17, 1986.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Consideration of office space needs of the Federal Reserve Board.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 7, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-5112 Filed 3-7-86; 4:34 pm]

BILLING CODE 6210-01-M

2

NATIONAL SCIENCE BOARD

DATE AND TIME:

March 21, 1986
8:00-9:00 a.m.—Closed Session
9:00-11:00 a.m.—Open Session

PLACE: National Science Foundation Washington, D.C.

STATUS: Most of this meeting will be open to the public. Part of this meeting will be closed to the public.

MATTERS TO BE CONSIDERED MARCH 21:

Closed Session (8:00-9:00 a.m.)

1. Minutes—January 1986 Meeting
2. Vannevar Bush Award
3. Alan T. Waterman Award
4. Report of the Nominating Committee for Board Officers
5. Grants, Contracts, and Programs—Action Items

Open Session (9:00-11:00 a.m.)

6. Chairman's Report
7. Minutes—January 1986 Meeting
8. Director's Report
9. Proposed NSB Issues
10. Planning Environment Statement
11. Report of the Committee on Leveraging
12. Discussion of Draft Report of the Committee on Undergraduate Science and Engineering Education
13. Other business

Thomas Ubois,

Executive Officer.

[FR Doc. 86-5467 Filed 3-10-86; 1:07 pm]

BILLING CODE 7555-01-M

3

RAILROAD RETIREMENT BOARD

Notice is hereby given that the Railroad Retirement Board will hold a meeting on March 17, 1986, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

(1) Canadian Service

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Com. No. 312-751-4920, FTS No. 387-4920.

Dated: March 6, 1986.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 86-5417 Filed 3-7-86; 4:20 pm]

BILLING CODE 7905-01-M

4

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of March 10, 1986.

A closed meeting will be held on Tuesday, March 11, 1986, at 2:30 p.m. An open meeting will be held on Wednesday, March 12, 1986, at 10:00 a.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Fleischman, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Wednesday, March 5, 1986, at 2:30 p.m., will be:

Institution of injunctive actions.
Settlement of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Wednesday, March 12, 1986, at 10:00 a.m., will be:

1. Consideration of whether to adopt amendments to Rules 2a-7 and 12d3-1 and to adopt Rule 2a41-1 under the Investment Company Act of 1940, which would address the acquisition and valuation of certain put options by registered investment companies. For further information, please contact Jack Murphy at (202) 272-3042.
2. Consideration of whether to propose for public comment amendments to Rules 134, 436, and 482 under the Securities Act of 1933. The rule amendments would facilitate the use of security ratings assigned by nationally recognized statistical rating organizations in the statutory and omitting prospectuses and tombstone advertisements of money market funds. For further information, please contact Jay Gould at (202) 272-2107.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Ida Wurczinger at (202) 272-2014.

Dated: March 7, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-5421 Filed 3-7-86; 4:21 pm]

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federal register

Wednesday
March 12, 1986

Part II

Department of Energy

Bonneville Power Administration

Proposed Policy for Public Involvement; Request for Comment; Notice

DEPARTMENT OF ENERGY

Bonneville Power Administration

Policy for Public Involvement

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Intent and Proposed Policy with Request for Comment. *BPA File No.: PI–1.* BPA requests that all comments submitted in response to this notice contain the file number designation PI–1.

SUMMARY: BPA plans to adopt a Policy for Public Involvement and requests comments on a proposed policy. BPA is taking this action to affirm public involvement practices in which it is currently engaged. Since the existing Procedure for Public Participation was adopted over 4 years ago, BPA has greatly expanded both the number and kinds of opportunities available for the public to participate in its actions. BPA has also identified several ways in which the current procedure can be strengthened. A new Policy for Public Involvement which reflects the full scope of BPA's actual public involvement practices and makes certain procedural improvements will help the public to anticipate and participate in BPA's decisionmaking process and will assist BPA in consistently providing appropriate opportunities for interaction with the public.

Responsible Official: Donna L. Geiger, Public Involvement Manager, is the official responsible for developing the policy.

DATES: Written comments should be received by 5 p.m., April 18, 1986.

Public Information and Comment Forums, at which BPA will discuss this proposed policy and receive oral comments, will be held in the following locations:

March 24, 1986, 7 p.m. Quality Inn, Greenough Room, Missoula, Montana;

March 25, 1986, 7 p.m., Ridpath Motor Inn, Legend Room A, West 515 Sprague, Spokane, Washington;

March 26, 1986, 7 p.m., Center House Conference Center, Room B, Seattle Center, Seattle, Washington;

March 27, 1986, 7 p.m., Ramada Inn Coliseum; 10 North Weidler Street, Portland, Oregon.

Additional informal meetings will also be held upon request.

ADDRESSES: Comments should be submitted to Ms. Donna L. Geiger, Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Teresa M. Cunningham, Public Involvement staff, at the above address or the following telephone numbers (voice/TTY): 503–230–3478 from Portland; 800–452–8429 from Oregon outside of Portland; or 800–547–6048 from California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming. Information may also be obtained from:

Mr. George E. Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503–230–4551.

Mr. Ladd Sutton, Eugene District Manager, U.S. Federal Building, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503–687–6959.

Mr. Terence G. Esvelt, Puget Sound Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130.

Mr. Wayne R. Lee, Upper Columbia Area Manager, U.S. Courthouse, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington, 98801, 509–662–4377.

Mr. Thomas V. Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–522–6225.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

Mr. Frederic D. Rettenmund, Boise District Manager, 550 West Fort Street, Room 376, Boise, Idaho, 83724, 208–334–9137.

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I. Background

The Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Pacific Northwest Power Act) directs BPA to conduct a thorough program to inform and involve the public of the Pacific Northwest in those electric power and conservation issues which concern it. In addition, the National Environmental Policy Act of 1969, as amended, requires that BPA seek and consider public views on environmental impacts of its actions. BPA has moved to meet these mandates through a wide range of activities designed to explain BPA activities and elicit public recommendations. Some of these activities have fallen under the scope of the existing Procedure for Public Participation in Major Regional Power Policies (46 FR 26368, May 12, 1981), while many others have exceeded the requirements of this procedure.

It is BPA's intent to continue to provide appropriate opportunities for the public to participate in BPA's decisionmaking processes.

This commitment to public involvement responds to the fundamental right of all citizens to participate in the decisions of their government. BPA has found that the best interests of both public policy and prudent business practice have been served by directly involving BPA's constituencies in its decisionmaking process.

A. Current BPA Public Involvement Activities

BPA's public involvement activities span a wide range of issues, publics, and processes. In each, the goal is to offer vehicles for public participation that are appropriate to the resources of the interested public, the complexity of the subject, and the impacts of the action involved.

A number of BPA's public involvement programs have been designed to assist BPA in the development of Major Regional Power Policies. The current procedural requirements for these policies are described below. Some policies which have been developed using these procedures are BPA's Billing Credits Policy, Customer Service Policy, Transmission Policy, and the Fish and Wildlife Consultation Procedures.

BPA has also involved the public in many other important issues. These actions include: determinations on significant regional issues; annual planning activities; development of generic contracts; program development; research and development projects; and

the planning, construction, and maintenance of transmission facilities. Some specific examples of these activities are BPA's Direct Service Industries Options Study, Resource Strategy, Load Forecast, Long-Term Conservation Contracts, Model Conservation Standards Implementation Program, and Fall River-Lower Valley Reinforcement Project. Many different public involvement techniques have been used in these actions. Some involved symposiums or town hall meetings. Others used roundtable discussions, workshops, and technical work groups to reach specific publics. In some situations, a more informal approach was appropriate and techniques such as open houses and contacts with landowners were used.

In addition to these public involvement activities, BPA conducts regular consultations with its customers; State, local, and tribal governments; public utility commissions; interest groups; and others. These discussions are informal and may include issues which are in some stage of public involvement at the time of the consultation. As such, these exchanges may be an important part of the public involvement efforts on specific issues.

B. Existing Procedure for Public Participation in Major Regional Power Policies.

The 1981 Procedure for Public Participation in Major Regional Power Policy Formulation focuses on activities related to the development of major regional power policies. According to the existing procedure, a major regional power policy is "an agency statement of future effect and general applicability designed to implement or prescribe policy which the Administrator identifies as involving major regional power issues."

For the development of major regional power policies, the existing procedure requires certain activities. The first of these is public notice, through the **Federal Register** or other appropriate medium, that BPA plans to develop a policy. In this notice, recommendations are solicited for consideration in preparing a proposed policy.

Once the proposed policy has been prepared, it is announced and comments are requested. The notice usually includes the dates and times of Public Information Forums and Public Comment Forums as well. Public Information Forums are meetings in which BPA presents information to the public about the proposed action. These formus may be directed toward technical or general audiences. Public Information Forums are optional. Public Comment Forums are meetings in which the public presents its views to BPA. At least one Public Comment Forum must be held on the proposed policy to enable members of the public to present their views in person. In addition to Public Comment Forums, BPA also accepts written comments on proposed policies.

After all comments have been received, BPA develops the final policy. The first step is preparation of an Evaluation of the Official Record. This document describes the information which has been gathered in the policy development process, evaluates the effects of different policy options, and presents recommendations to the Administrator for the final policy. On the basis of this evaluation, the Administrator makes decisions on the final policy and explains the reasons for these decisions in a Record of Decision. A final policy is then announced. All documents which pertain to the devlopment of the policy are kept in an Official Record, which is available to the public.

For policies which are not major regional power policies, the existing procedure provides for public notice of meetings held to obtain the views of interested persons.

The existing procedure also provides for the implementation of policies in emergency situations. In such cases, BPA may waive the normal public involvement procedures and adopt an interim policy. All procedural requirements must, however, be satisfied within a reasonable period of time after the interim procedure is adopted.

Finally, the existing procedure encourages coordination of public participation activities with those required for preparation of environmental impact statements.

C. Other Procedures for Special Activities

The Pacific Northwest Power Act requires very specific public involvement procedures for the acquisition of major power resources [section 6(c)] and the establishment of rates [section 7(i)]. It also requires consultation with certain publics concerned with fish and wildlife issues [section 4(h)(11)(B)]. No administrative procedures have been established yet for the acquisition of major power resources. BPA has further defined the procedures for establishing rates in its Procedures Governing Bonneville Power Administration Rate Adjustments (47 FR 6240, February 10, 1982) as amended on an interim basis (49 FR 10980, March 23, 1984) and has used these procedures in subsequent rate cases. BPA has published procedures (50 FR 23173, May 31, 1985) for consulting with fish and wildlife agencies, Indian tribes, and hydroelectric project operators on fish and wildlife issues in the management and operation of Federal hydroelectric facilities. All of these procedures are referenced in the proposed Policy for Public Involvement.

II. Proposed Changes to Existing Procedure

The proposed policy contains nearly all of the procedural requirements contained in the existing Procedure for Public Participation in Major Regional Power Policies, with some modifications. In addition, the proposal describes the types of other BPA actions for which the Administrator may conduct public involvement and the factors for determining the appropriate level and type of public involvement.

Only the major changes which are proposed to the current procedures and the reasons for those changes are described below. References to sections and parts correspond to the proposed policy. BPA is interested in receiving comments on these changes and on any other aspects of the policy. Comments are especially requested on the sections of the proposed policy which deal with: scope, notice of policy alternatives, time allowed for public recommendations or comment and for notice of public comment forums and meetings, decision document, procedures for expedited decisionmaking, and public involvement for other BPA actions.

Section I. Purpose

The statement of purpose has been revised to reflect the revised scope of the proposal and to describe the benefits of the policy to both the public and BPA.

Section II. Objectives

This is a new section which outlines how and why BPA intends to involve the public. The extent of and reasons for the flexibility retained by the Administrator are also described.

Section III. Scope

The scope of the proposal is revised to cover other actions in addition to major regional power policies. Alternative or joint coverage of actions by other procedures for public involvement is explained.

Section IV. Definitions

Several definitions have been changed or added. The major changes are noted below.

A. [No change.]

B. [No change.]

C. *Decision Document.* This document combines and replaces the functions of the evaluation of the record and record of decision which are required by the existing procedure. The purpose of this new document is to streamline the presentation of this information by reducing redundancy between the evaluation of the record and the record of decision.

D. [No change.]

E. *Major Regional Power Policy.* This definition has been expanded to cover generic agreements, contracts, or other instruments between BPA and its customer's which, while not policies, nevertheless establish major regional power policy.

F. *Public.* This definition has been added to explain a basic term that is used throughout the proposed policy.

G. *Public Comment Forum.* This is a definition which describes this type of meeting. It also explains when a detailed summary of a public comment forum may be prepared instead of a verbatim transcript.

H. *Public Information Program.* This definition has been added to differentiate a public information program from a public involvement program. In a public information program, the goal is to make information available to the public.

I. *Public Involvement.* This definition has been added to explain a term which is basic to the proposed policy.

J. *Public Involvement Program.* This definition has been added since it is a basic term used in the proposed policy. In a public involvement program, information is provided to the public and opportunities are provided for the public to express its views and recommendations.

K. *Public Meeting.* This term has been added to describe a type of activity which BPA frequently uses in addition to public comment forums.

L. *Public Record.* The name of this record is proposed to be changed from "official record" to "public record" to avoid confusion with official records which are prepared for judicial review. Minor changes have been made to this definition. One change clarifies that a public record is only required for major regional power policies. A second change removes the reference to the public involvement coordinator's responsibility for establishing public records. Finally, the contents of the public record are modified to reflect that summaries of public meetings or workshops may be included and that the proposed decision document will be included in place of the evaluation of the official record and the record of decision.

Current definitions which have been deleted. Several definitions which are included in the current procedure have been deleted in the proposed policy because definition of these terms seemed unnecessary. These definitions are: Area Managers/District Manager, Bonneville Power Administration, Notice, Proposed Policy, Public Involvement Coordinator, and Responsible Official.

Section V. Public Involvement Requirements for Major Regional Power Policies

A. *Decision to Formulate a Policy and Notice of Intent.* The wording of this part has been adjusted to indicate that the decision and notice requirements apply only to major regional power policies. The description of alternate ways that notice may be given has been moved into Part F, Public Notification and Contact.

B. *Notice of Policy Alternatives.* In the development of certain major regional power policies, it may be appropriate for BPA to obtain helpful advice for the preparation of proposed policies by first soliciting comments on alternatives for framing the policy. All policy development processes may not lend themselves to this step.

C. *Notice of Proposed Policy.* This part has been revised slightly to substitute "public meetings or comment forums" for "Public Information Forums of Public Comment Forums" and to delete reference to the Responsible Official.

D. *Combination of Notices.* To reflect the proposed additional stage of notice of policy alternatives, this part notes that the notice of intent may be combined with either the notice of policy alternatives or the notice of proposed policy.

E. *Public Comment Forum.* This part contains essentially the same requirements as are contained in the existing procedure. Suggestions for making notices available by other means have been moved to Part G, Additional Methods of Public Notification and Contact. The requirement that the responsible official must act as or appoint a chairperson for the forum has been deleted. The recommendation that persons wishing to speak at the public comment forum notify the local BPA office at least 3 days before the forum has been changed to request notification some time before the forum. In BPA's experience, a 3-day notification period has not been necessary.

F. *Public Meetings.* This part describes alternative ways that BPA can interact with the public in addition to public comment forums. The existing procedure referred to these types of opportunities under Public Meeting Procedures.

G. *Additional Methods of Public Notification and Contact.* Suggested means for alerting the public to notices by way of written material and personal contact are described in this section. Previously, these suggestions were contained within the parts of each type of notice.

H. *Time Allowed for Public Recommendations or Comments and for Notice of Hearings and Meetings.* This part describes the length of time which BPA will ordinarily allow for written comments and for notice of hearings and meetings. No time limit for written comments is contained in the existing procedure. The 15-day time period for notice of meetings is part of the existing procedure on the Public Information Forum.

I. *Decision Document.* A new document is being proposed to reduce the duplication which currently exists between the evaluation of the official record and the record of decision. As currently used by BPA, both of these documents contain a description of the proposed policy, the comments received on the proposal, and the evaluation of the public comments. Though not required by the proposed policy, BPA may circulate all or parts of the decision document in draft form for public comment. BPA has found that this practice can help to ensure that BPA has fully understood and adequately evaluated comments which have been submitted.

J. *Issuance of Final Policy.* Minor changes have been made to this part which is labeled Promulgation of the Policy in the existing procedure.

K. *Procedures for Expedited Decisionmaking.* Under the existing procedure, BPA can only waive the requirements for major regional power policies when an emergency situation exists. These situations are rare. However, BPA does occasionally encounter opportunities in which decisions must be made quickly in order to capture a unique benefit for the region. In such situations there may not be time to carry out all normal public involvement activities. Under both emergency and other special conditions, the proposed policy would permit the Administrator to issue either an interim or final policy without fulfilling all procedural requirements for major regional power policies. The proposed language would require the Administrator to explain the reasons for such an action and to provide all

practical opportunities for public involvement.

Section VI. Public Involvement for Other Actions

This section has been included in the proposal to reflect the full range of public involvement activities which BPA currently undertakes and which it intends to continue. BPA's practice has been to inform and involve the public on many issues which are not defined as major regional power policies. The section describes the types of actions for which the Administrator may conduct public involvement and the factors for determining the appropriate level and type of public involvement activities which may be most appropriate and effective.

A. *Other BPA Actions for Which the Administrator May Conduct Public Involvement.* The Administrator may also determine that it is appropriate to conduct public involvement on actions other than major regional power policies. Such other actions may include:

1. *Formulation of policies which are not major regional power policies.* Certain policies may affect future BPA actions but may not be identified as major regional power policies. The development of BPA's Conservation Cost-Sharing Principles is an example of how BPA can involve the public in discussion of a policy which is not a major regional power policy.

2. *Planning activities and the development of plans related to areas such as energy conservation, renewable and other generating resources, fish and wildlife resources, and the transmission system.* BPA develops regular plans to guide its decisions. These plans include projections for the power demands which BPA anticipates, the resources which must be acquired to meet these demands, changes or additions which are required to the transmission system, and other activities which occur on a cyclical basis. Information provided by the public may assist BPA in the preparation of these plans.

3. *Development and implementation of programs related to areas such as energy conservation, renewable and other generating resources, fish and wildlife resources, and the transmission system.* Once basic policies and action plans are in place, BPA develops and carries out specific programs. These programs include research and development activities, the acquisition of energy conservation and other energy resources, and construction and maintenance of transmission facilities. These programs affect specific publics and may be improved by information provided by the public.

4. *Other BPA actions related to major regional power issues.* These actions typically involve one-time decisions which have a major impact upon BPA or the region. They are not, however, expressed in a formal policy document which is adopted to guide future actions. Decisions to pursue new marketing opportunities, to explore the feasibility of special programs, and to reach agreements having significant economic impacts are examples of these types of actions.

B. *Factors for Determining the Appropriate Level of Public Involvement.* Once a decision has been made that the public should be involved in a particular issue or action, the specific ways in which the public will be informed and encouraged to participate must be determined. To be most effective, these methods should relate closely to the type of activity concerned and the process which will be followed to reach a final decision. The wide range of actions which are covered in the category of Other BPA Actions precludes definition of a single public involvement process which will suit all situations. For this reason, certain factors which may bear on the selection of appropriate public involvement techniques have been identified.

III. Text of Proposed Policy for Public Involvement

Section I. Purpose

The purpose of this policy is to affirm the Bonneville Power Administration's commitment to insure widespread public involvement in the formulation of regional power policies. The procedures described in the policy will clarify for the public how they can expect to be informed of actions under consideration by BPA and to take part in the deliberations leading to BPA's decisions. The procedures will also guide BPA in consistently providing appropriate opportunities for interaction with the public on such matters.

Section II. Objectives

Through this policy, BPA intends to provide the public with the fullest information practical on BPA policy and program development, to provide early and effective opportunities for the public to express its opinions and concerns, and to consider the views and information presented by the public prior to reaching decisions.

The procedures contained in this policy necessarily reflect the flexibility reserved for the Administrator by law. By preserving this flexibility, it is not the intent of the policy to limit unnecessarily the extent of public involvement, but rather to preserve the Administrator's discretion to act quickly when necessary and to conduct routine business without cumbersome procedural requirements.

Section III. Scope

This policy applies to major regional power policies as described in Section V and to other BPA actions as described in Section VI.

A. The policy does not apply to:

1. Interpretive rulemaking:

2. Rules of internal agency organization, procedure, or practice;

3. Policies for which another exclusive procedure is required by law, or for which the Administrator has established alternative procedures that supersede this policy.

a. BPA ratemaking, Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96–501, section 7(i). This exclusive procedure is set forth in the Procedures Governing Bonneville Power Adminstration Rate Adjustments (47 FR 6240, February 10, 1982; as amended 49 FR 10980, March 23, 1984).

b. Acquisition of a major resource, Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96–501, section 6(c). This statute describes a process that includes public notice and comment, development of a record, and review by the Northwest Power Planning council and appropriate committees of Congress. BPA has not yet developed specific procedures to implement this provision.

B. This policy may apply in addition to the procedures that have been established for special activities, such as the Fish and Wildlife Consultation Procedures (50 FR 23173, May 13, 1985). These procedures describe how BPA will consult with Columbia River Basin fish and wildlife agencies, Indian tribes, and hydroelectric project operators as it fulfills its responsibilities in the management and operation of the Federal Columbia River Power System hydroelectric facilities. The consultation procedures provide for combining and coordinating the Fish and Wildlife Consultation Procedures and the public involvement procedures for developing major regional power policies.

Section IV. Definitions

A. *Administrator.* The Bonneville Power Administrator.

B. *Customer.* A person or entity having a direct relationship with BPA as the result of contractual arrangements for the purchase, transfer, assignment, or sale of electric power and energy,

related services, or transmission capability to, with, or from BPA.

C. *Decision Document.* A document which includes:

1. A description of the proposed action;

2. A summary of the comments received on the proposed action;

3. An evaluation of the proposed action and of other alternatives which have been recommended or identified by the public or BPA;

4. The Administrator's decision and

5. A concise summary of the reasons for the decision.

D. *Interested Person.* Any person, group, or entity with an interest in the proposed action or decision.

E. *Major Regional Power Policy.* An agency statement of future effect and general applicability designed to implement, limit, or prescribe policy which the Administrator identifies as involving major regional power issues. The term major regional power policy does not include the development and execution of particular agreements, contracts, or other instruments between BPA and its customers, except for those generic agreements, contracts, or other instruments which the Administrator identifies as establishing major regional power policy.

F. *Public.* Affected or interested persons, organizations, or groups, including but not limited to BPA customers, officials of local, State, and Indian tribal governments, and officials of other Federal agencies.

G. *Public Comment Forum.* A meeting for which public notice is given and during which oral comments are presented to BPA. A verbatim transcript of these comments is ordinarily prepared and included in the record of the hearing. When a transcript is not prepared, a detailed summary of the hearing is made instead. The record of the public coment forum also includes written comments, documents, and exhibits submitted.

H. *Public Information Program.* A program using a variety of techniques, designed to inform the public of BPA actions, policies, or decisions.

I. *Public Involvement.* Informal as well as systematic opportunities for members of the public to know about and express their opinions on possible BPA decisions or actions. The term "public involvement" is considered to be synonymous with "public participation," and is the term normally used within BPA.

J. *Public Involvement Program.* A program of activities, using a variety of techniques, to inform the public of proposed BPA actions or decisions and to provide opportunities for the public to express opinions and make recommendations which BPA considers before taking actions or making a decision.

K. *Public Meeting.* Opportunities for BPA to exchange information and views with the public in person. These meetings may involve a few or many persons and take such forms as briefings, workshops, symposiums, or roundtable discussions.

L. *Public Record.* Except as otherwise expressly provided by law, the compiled and indexed records which document the development of a major regional power policy.

The public record shall include the following:

1. All **Federal Register** or other notices provided for by these procedures;

2. Any transcript or summary of oral comments taken at public comment forums;

3. Any summaries prepared or oral comment taken at public meetings;

4. Written comments, data, and questions of public record and BPA's replies;

5. The decision document; and

6. Any other information that is determined by the Administrator to be relevant.

The public record shall be available for inspection or copying.

Section V. Public Involvement Procedures for Major Regional Power Policies

A. *Decision to Formulate a Policy and Notice of Intent.* When the Administrator decides to formulate a major regional power policy, the Administrator shall publish in the **Federal Register**, or elsewhere if so decided by the Administrator, a notice of intent to formulate the policy. The purpose of the notice of intent is to offer to interested persons the opportunity to make recommendations on the policy to be developed. Notice shall include the following:

1. The subject of the proposed policy;

2. An explanation of the need for and the probable effect of the policy;

3. The legal authority under which the policy is being developed;

4. An indication of the extent to which other existing policies might be affected by the development of the new policy;

5. A request for written recommendations for BPA's use in formulating or revising the policy;

6. The time limit for the receipt of such recommendations; and

7. The name, address, and telephone number of the BPA official who will receive them.

B. *Notice of Policy Alternatives.* Where determined appropriate, the Administrator may issue in the **Federal Register** or elsewhere a notice describing and requesting comment on possible alternatives for a proposed policy. Information obtained in response to the notice of intent and other information available to BPA may be used to identify these alternatives. Public comment on the alternatives will assist BPA in preparing a proposed policy.

C. *Notice of Proposed Policy.* After the period for receipt of recommendations stated in the notice of intent or for comments on the notice of policy alternatives, the Administrator shall publish in the **Federal Register**, or elsewhere if so decided by the Administrator, a notice of the proposed policy. The notice shall include:

1. The text of the proposed policy;

2. An indication of the probable extent to which other existing policies may be affected by the proposed policy;

3. The dates, times, and locations of scheduled public comment forums and/or public meetings;

4. Information on procedures by which interested persons may participate in public comment forums or meetings;

5. A request for written comments on the Policy;

6. Any time limits for receipt of such comments;

7. The name, address, and telephone number of the BPA official(s) to contact for further information; and

8. Any other information considered necessary.

D. *Combination of Notices.* The Administrator may combine the notice of intent with either the notice of policy alternatives or the notice of proposed policy.

E. *Public Comment Forums.* One or more public comment forums shall be scheduled on the proposed policy so that interested persons may present their views on the proposed policy in person.

The Administrator shall determine the number, dates, locations, and time of day of such forums. Notice of the forums shall be published in the **Federal Register**, or elsewhere if so decided by the Administrator, either as part of the notice of proposed policy or in a separate notice. The notice shall include the name, subject, and purpose of the policy; the date(s), and place(s) for the forums; and information on any available material which discusses the need for the policy and effects which the policy may have. The notice shall also indicate any time period for receipt of comments; and the names, addresses, and telephone numbers of BPA officials from whom additional information can

be obtained. The notice may contain other material which is considered necessary.

BPA shall offer interested persons the opportunity for oral presentation of views, data, and arguments. Persons who wish to speak at public comment forums should, before the forum, notify the BPA Public Involvement Manager or the Area or District Manager of the locality in which the forum will be held. This will permit preparation of a tentative schedule of participants. Time limitations may be established for oral presentations to assure that all interested persons who desire to speak will have an opportunity to do so. Interested persons with similar views, data, and arguments may be required to consolidate their presentations.

Transcripts or summaries of public comment forums shall be available for review at the Area or District office in the locality where the forum is held. Copies of the transcripts or summaries of forums shall also be available for review in BPA's Public Involvement office. The transcript or summary of the forum, as well as any written comments, documents, or exhibits submitted at the forum, shall be placed in the Public Record.

F. *Public Meetings.* The Administrator may determine the need for public meetings in addition to the public forum(s) specified above. Such meetings are at the discretion of the Administrator.

Meeting dates, times, and locations shall be announced, whenever practicable, in the **Federal Register**, or elsewhere if so decided by the Administrator. Meeting notices shall include a statement of the subject and purpose, dates, times, and places for the meetings. Meeting notices may also describe the format of the meeting, and the nature of the participation opportunities which may be offered.

These meetings may serve a number of purposes, including:

1. Providing information regarding the proposed policy or alternatives;

2. Permitting a detailed public review of technical data or methodology;

3. Providing an opportunity for public comment at interim stages in the decisionmaking process; and

4. Other purposes determined by the Administrator to be consistent with this Policy for Public Involvement.

A transcript is ordinarily not prepared for these meetings. A summary may be prepared, and may be mailed to meeting participants with an invitation to comment upon the summary or submit additional comments, documents, or exhibits. The meeting summary, if prepared, and any subsequent comments, documents, and exhibits shall be placed in the Public Record.

G. *Additional Methods of Public Notification and Contact.* In addition to publication of notices in the **Federal Register** or elsewhere, the Administrator may send a written announcement to persons who have previously expressed an interest in the development of a major regional power policy, or to persons who, in the opinion of the Administrator, could reasonably be expected to have such an interest. The Administrator may also direct that an announcement be made in one or more general circulation newspapers in the BPA marketing area or through other effective means of publicity, as necessary or desirable.

In addition to written notice, the Administrator may initiate contact in person or by telephone with interested persons to inform them of opportunities to submit recommendations or comments.

H. *Time Allowed for Public Recommendations or Comment and for Notice of Public Comment Forums and Meetings.* Whenever practicable, the Administrator shall allow at least 30 days for the public to submit written recommendations in response to a notice of intent and to offer comments on a notice of policy alternatives and notice of proposed policy.

Whenever practicable, the Administrator shall allow at least 15 days advance notice of public comment forums and public meetings.

I. *Decision Document.* Following the comment period on a notice of proposed policy, a decision document shall be completed. The decision document shall be signed by the Administrator and made a part of the Public Record.

J. *Issuance of Final Policy.* BPA shall publish in the **Federal Register**, or elsewhere if so decided by the Administrator, a notice of any final policy. The policy shall become effective on the date of the publication of the notice unless otherwise specified.

K. *Procedures for Expedited Decisionmaking.* 1. Any or all procedures provided for in Section V do not apply when the Administrator finds that for good cause shown such notice and public involvements are impractical, unnecessary, or contrary to the public interest. The Administrator shall incorporate such a finding and a brief statement of the reasons for this finding in any policy that is issued.

2. When such a finding is made, the Administrator may choose to adopt an interim policy specifying the period of time for which it will remain in effect.

3. In adopting an interim policy, BPA shall be guided by the following principles:

a. Those procedures which the Administrator determines are practical shall be completed.

b. Wherever possible, alternative means of providing notice, informing the public, and providing opportunities for comment shall be used.

c. If an interim policy is adopted, the applicable procedures shall be followed in adopting the final policy.

Section VI. Public Involvement for Other BPA Actions

A. *Other BPA Actions for Which the Administrator May Conduct Public Involvement.* The Administrator may determine that it is appropriate to conduct public involvement on other selected BPA actions. Such other actions may include:

1. Formulation of policies which are not major regional power policies;

2. Planning activities and the development of plans related to areas such as energy conservation, renewable resources and other generating resources, fish and wildlife resources, and the transmission system;

3. Development and implementation of programs related to areas such as energy conservation, renewable and other generating resources, fish and wildlife resources, and the transmission system; and

4. Other BPA actions related to major regional power issues.

B. *Factors for Determining the Appropriate Level of Public Involvement.* In determining the appropriate level of public involvement as well as the provision of notice and comment for other BPA actions, the Administrator may take into account pertinent factors such as:

1. The precedential nature of the action;

2. Whether and when public support is required for effective implementation of the comtemplated action;

3. The effect on BPA and its customers;

4. The impact of the proposed action on the public;

5. The particular segment(s) of the public which can be expected to be interested in the action;

6. The level of public interest;

7. The time available for public involvement; and

8. The existence of previous or concurrent public involvement activities on similar actions;

Section VII. Relationship to National Environmental Policy Act (NEPA)

To the maximum extent practicable, BPA shall implement the public involvement procedures described in this policy and the procedures required by the National Environmental Policy Act concurrently and in a complementary fashion. In order to minimize the impact on the public's resources, joint notices shall be issued and combined meetings shall be held whenever possible.

Issued in Portland, Oregon, on February 25, 1986.

Peter T. Johnson,

Administrator.

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March 12, 1986

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 93

High Density Traffic Airports; Special Slot Withdrawal and Reallocation Procedures; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 24105, SFAR No. 48]

Special Slot Withdrawal and Reallocation Procedures

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This Special Federal Aviation Regulation (SFAR) establishes a special procedure for a one-time withdrawal of slots used by air carriers at three of the high density airports—LaGuardia, O'Hare, and Washington National Airports. Those slots and any other slots available will be reallocated through a special lottery to new entrants and incumbent carriers with few slots at those airports. This SFAR alleviates an advantage that incumbent carriers have gained under past slot allocation procedures.

DATES: This SFAR becomes effective March 17, 1986 and terminates on January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Deputy Chief Counsel, AGC–2, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 426–3773.

SUPPLEMENTARY INFORMATION:

Background

On December 20, 1985, the Department of Transportation (Department) published a final rule (50 FR 52180) adopting a new Subpart S to Part 93 of the Federal Aviation Regulations (FAR). That subpart prescribes rules applicable to the allocation and withdrawal of IFR operational authority, i.e., takeoff and landing authority (commonly referred to as "slots"), to individual air carriers and commuter operators at the high density airports—LaGuardia and Kennedy Airports in New York, O'Hare Airport in Chicago, and National Airport in Washington. That subpart also prescribes rules governing the transfer of slots and the use of slots once allocated.

Section 93.215 of Subpart S prescribes, in general, that each air carrier and commuter operator holding slots as of the issuance date of the rule shall be allocated those slots subject to withdrawal by the FAA. Under Subpart S, those slots not being used and those slots for which the FAA cannot determine the holder will be made available to other operators in accordance with the provisions of the subpart, which include lotteries of available slots to carriers that desire them. In those lotteries, new entrant carriers will be given preference. The preference consists of giving new entrants the opportunity to select four instead of two slots and guaranteeing new entrants 15 percent of the available slots in the first selection sequence in each lottery.

A number of the commenters to the notices of proposed rulemaking which led to Subpart S (Notice Nos. 84–6 and 84–7, 49 FR 23788 and 49 FR 23806), while not opposed to the buying and selling of slots once allocated, were opposed to allocating all slots initially to incumbent carriers. Several suggested auctioning off all or a portion of the slots and applying the proceeds to improving the aviation system. These suggestions were rejected for a number of reasons, including costs to the industry, the potential for major disruption in air service in the case of auctioning off all, or a substantial portion of all, slots, and a lack of statutory authority.

As a result of the comments received on Notice Nos. 84–6 and 84–7, the Department published a new notice of proposed rulemaking (NPRM) (Notice No. 85–25) contemporaneously with the adoption of Subpart S of Part 93 (50 FR 52198; December 20, 1985) that proposed a special procedure for a one-time withdrawal and reallocation of up to 5 percent of the air carrier and commuter slots at the high density airports. The purpose of the procedure was to diminish the advantage some carriers have gained under past slot allocation procedures. Except as discussed herein, this final rule is based on Notice No. 85–25 and the comments received thereon. Due consideration has been given to all comments received.

Related Rulemaking

In the preamble to the final rule adopting Subpart S, the Department requested interested parties to comment on that subpart.

The Department is currently reviewing all the comments submitted in response to the December 16 rulemaking. Any adjustments to that rule, based upon those comments, will be made in a separate regulatory document, as soon as possible.

Summary of the Rule Being Adopted

The rule applies only to air carrier slots at Chicago's O'Hare, New York's LaGuardia, and Washington National Airports.

Five percent of the air carrier slots will be allocated by lottery to new entrants and limited incumbents (carriers with less than eight slots at the airport).

The 5-percent total will include unallocated slots, slots returned to the FAA, and slots lost by carriers through the use-or-lose provisions of the Buy/Sell Rule. However, FAA expects that the number of these slots may be relatively few. Therefore, to the extent that an insufficient number of slots are available from those sources, slots will be withdrawn from incumbent carriers.

New entrants must have economic and FAA authority to obtain slots in the lottery.

Slots will not be withdrawn from incumbent carriers holding eight or fewer non-international air carrier slots at an airport. No incumbent will lose more than 10 percent of its slots at any airport.

Incumbents will be permitted to designate the slots to be withdrawn provided that they are in appropriate time periods.

Carriers obtaining slots must:

—Begin to use them between 90 and 180 days after the lottery
—Give the incumbent carrier 90 days notice of intent to use them
—Use them only with 56 or more seat airplanes for 90 days
—Use them only in scheduled domestic passenger operations
—Comply with the 65 percent use requirements of the Buy/Sell Rule once slot use begins.

If a carrier obtaining a slot does not use it, it will be returned temporarily to the carrier that gave it up. However, a second lottery will be held before December 15, 1986, to allocate those slots to new entrants and limited incumbents.

Discussion of Comments

In general, the commenters on the NPRM were split between those who believed that a one-time, 5-percent withdrawal and reallocation was inadequate and those who felt that withdrawal was not warranted because there were no past inequities needing correction. Those in the first group argued that a 5-percent withdrawal would not provide a sufficient number of slots for all interested new entrant carriers to begin viable operations at the high density airports. In part, this complaint was aimed at the adequacy of the reallocation procedures' new entrant preference, which would have provided a guaranteed pool of 15 percent of the available slots for new entrant carriers.

Some of these commenters also argued that withdrawals and reallocations should be conducted on a periodic basis, and not just once, as proposed. Otherwise, they contended, future new entrants will be unable to obtain slots at the high density airports except through purchases from other carriers. Several other commenters suggested that a larger number of slots than proposed, perhaps 10 percent, be withdrawn and redistributed by lottery.

These major concerns are addressed below. First, however, several important changes from the proposal should be highlighted.

In the NPRM, the Department invited comments on whether the proposal should not apply to one or more of the air carrier or commuter operator slot pools because of actions taken by some scheduling committees that permitted new entry at the particular airport in the past. The procedures of the commuter scheduling committees for allocating slots to new entrant commuter operators in the past were cited by the commenters as a reason for not initially withdrawing and reallocating commuter slots. The Regional Airline Association (RAA), in its comments, stated, "The regional scheduling committees at the High Density Rule airports have, to a very large degree, accommodated new entrants . . . ." In support of its position, RAA cited the following:

—Since June 1983, at Washington National Airport (DCA), 20 new entrant airlines have been allocated 74 slots out of a total pool of 194. Four continue to serve the airport.
—At LaGuardia Airport (LGA), all new entrants (three) have been accommodated since June 1984.
—At O'Hare Airport, all new entrants that participated in the scheduling committee meetings (five) have been accommodated since July 1984 with 63 slots having been available to accommodate new entrants.
—At JFK, slots continue to be available.

Clearly, the commuters had devised a mechanism to accommodate new entrants, generally at the expense of incumbents. This mechanism had been negotiated by new entrants and incumbent carriers and approved by the government in 1983. It worked successfully for several years, as evidenced by the RAA comments above. However, at DCA the mechanism had reached the end of its usefulness because each large incumbent carrier had surrendered the maximum percentage of slots that had been determined to be the fair and equitable proportion of loss to be borne by incumbents. In addition, no commuter or other commenter filed comments suggesting that the rule should apply to the commuters or, in any way, suggesting that RAA was incorrect in its statements.

It must also be noted that there are slots available for allocation to commuter operators at all four airports. The Regional Scheduling Committee estimates that approximately 5 percent of slots will be available at each of the airports except at DCA where approximately 4 slots remain available.

As a result, this SFAR does not apply to commuter slots. Since new entrant commuters have been given ample opportunity to obtain slots at all the high density airports in the past, there is no reason to hold a special allocation of available commuter slots. Therefore, new entrants and limited incumbents can obtain slots in accordance with 14 CFR 93.225, or by purchasing or leasing slots.

The NPRM also asked whether the proposal should not apply to certain air carrier slot pools. Some commenters pointed out that the Kennedy Airport Air Carrier Scheduling Committee has historically agreed to allocate slots to interested new entrants. In fact, there have been several new entrants at Kennedy within the past 2 years. Further, the Kennedy Air Carrier Scheduling Committee had functioned up until the date of the issuance of the Buy/Sell Rule on December 16.

After reviewing this issue, the Department does not believe that it is appropriate to withdraw and reallocate slots at Kennedy International Airport. This decision is also based, in part, upon the high number of international operations at the airport (in some summer hours the number of international slots is approximately 50 percent of all available slots) which would be exempt from the withdrawal and reallocation provision. For these reasons, Kennedy Airport will not be included in this rule. Instead, vacant air carrier slots at Kennedy will be allocated in accordance with the procedures contained in Subpart S.

As mentioned earlier, some commenters questioned whether any airports had to be included in this rule. Some commenters argued that new entrant carriers have been able to obtain slots, in the past, at each of the high density airports. The success of People Express and New York Air in obtaining slots was cited. In this connection, Eastern Airlines pointed out that 19 percent of LaGuardia slots and 22 percent of Washington National slots currently are allocated to carriers other than certificated air carriers serving those airports prior to enactment of the Airline Deregulation Act. Eastern asserted that this reduction in slots has forced Eastern to discontinue flights between a number of cities.

The Department recognizes that there has been some new entry at each of the airports. However, there has been very little opportunity for new entry by air carriers during the past 2 years at O'Hare, Washington National, or LaGuardia. There have been a number of carriers which have tried to utilize the scheduling committee process during that period of time but have not been able to obtain entry at these airports. Western Airlines, for example, has tried unsuccessfully to obtain four slots at LaGuardia for the past 12 months. The Department also notes that People Express' success at gaining entry at Washington National Airport is attributable to the purchase of slots in 1982, rather than accommodation by the scheduling committee.

The Department has concluded that carriers that have been blocked from obtaining entry at the high density airports because of longstanding deadlocks in the scheduling committee process must be given some opportunity to obtain slots prior to the institution of a mechanism which allows the purchase and sale of slots.

The purpose of the proposal was to give new entrants an opportunity to gain some minimum level of access as the new buy/sell allocation approach becomes effective. In some cases, new entry has been very limited during the past several years. DOT believes that once carriers begin utilizing this market approach, new entrants will have ample opportunity to obtain access. The Department recognizes, however, that some initial, immediate opportunity should be given to these carriers to obtain access at this time. In this connection, we note that Chairman Norman Y. Mineta and Ranking Minority Member John Paul Hammerschmidt of the Committee on Public Works and Transportation, Subcommittee on Aviation, U.S. House of Representatives, in a January 22 letter to the Department, stated, "If more slots were available to new competitors without charge, the new competitors would be able to compete on a more equal footing with incumbents."

With respect to those commenters who argued that a large percentage of slots should be withdrawn from incumbent carriers for reallocation, consideration has to be given to the disruption of service which would result from withdrawal of large numbers of slots. Service to small and mid-sized cities would probably be most affected

by such disruption. Some recognition must also be given to the comments of Eastern Airlines and others that over a long period of time these incumbent carriers have given up large numbers of slots, which has allowed some new entry at each airport. Further, many of these carriers have created markets and service patterns at these airports which could be eliminated if they are to lose large numbers of slots. It is for the above-mentioned reasons that the Department has decided to ensure that the percentage of the air carrier slots at each of the high density airports, except for Kennedy, to be withdrawn and reallocated not exceed 5 percent as proposed.

The primary concern of those in favor of the basic NPRM approach was that the percentage as proposed in the NPRM was too small a number to allow effective new entry. Under the NPRM, although 5 percent of the slots were to be withdrawn, only 15 precent of the 5 percent were guaranteed for new entrants. The Department now recognizes that the resultant figure is too low. As explained later, changes to the proposal have been made and the number of slots available for new entrants will be much larger than that originally proposed, although the 5 percent figure remains the same. To further improve the preference for new entrants, requirements are being adopted to ensure that many of the slots to be provided to new entrants are in prime hours.

As a result, 5 percent of the air carrier slots at LaGuardia, O'Hare and Washington National Airports will be made available to new entrants and limited incumbents (incumbents holding less than eight slots). This will enable several new entrant and limited incumbent carriers at each one of those airports to obtain an initial base of slots from which they can grow through the buy/sell mechanism or to run smaller, competitive operations.

DOT does not agree that the 5-percent allocation is inadequate or that withdrawal and reallocation should be conducted periodically. As can be seen from the rule being adopted, a significant number of slots will be withdrawn for reallocation at each of the high density airports covered by the rule. Those numbers represent 5 percent of the air carrier slots at those airports less those slots that have been returned, lost through the use-or-loss provisions of Subpart S, or are currently unused. At O'Hare, for example, there will be 84 slots available for allocation. That should enable a number of new entrants to obtain immediate, effective access at the airport. It should also enable limited incumbent carriers to grow. It will put a number of operators in a viable, competitive position as the market allocation process is instituted. As mentioned above, slot withdrawals greater than that required by this SFAR would be highly disruptive of existing airline service, with the strong possibility that the service dropped will be that used to serve small and mid-sized communities.

The DOT also disagrees, in general, with the need to hold periodic withdrawals and reallocations. Future new entrant carriers have certainly not been disadvantaged by previous slot allocation practices. Under Subpart S the primary method for obtaining slots in the future is to buy or lease them, and future new entrant carriers can utilize that method along with other operators. Also, Subpart S provides for periodic lotteries of available slots with new entrants receiving a preference and future new entrants can obtain slots in those lotteries. As discussed below, however, a second lottery will be held under this SFAR later this year to ensure that the 5 percent of the slots are fully reallocated.

A number of commenters questioned the need to withdraw slots and redistribute them in a process accessible to all incumbents. United Airlines, in its comments, noted that "the disruption to existing sevice patterns and inconvenience to the public caused by chance redistribution of slots among *all* carriers would serve no purpose and be contrary to the public interest." [emphasis added] The Department agrees. For example, there would be little purpose in taking a slot from a carrier with 100 slots to give it to a carrier with 84 slots or vice versa. Therefore, the only incubments allowed to participate in the lottery are limited incumbents, i.e., those with fewer than eight slots. This also ensures that a large number of slots will be available for new entrants and limited incumbents. Instead of providing only 15 percent of 5 percent of air carrier slots for these carriers, 100 percent of the 5-percent pool will be available. This is an increase of over 500 percent in those slots guaranteed to new entrants and limited incumbents over that proposed. For example, at LaGuardia under the NPRM proposal, new entrants would have been guaranteed only 5 slots. Under the rule, as adopted, new entrants and limited incumbents will get all 36 slots to be reallocated. This should clearly improve the opportunity for increased competition at these three high density airports.

DOT further believes that limited incumbents should be given the same opportunity as new entrants to obtain access at this time. Like new entrants, limited incumbents have had a difficult time in increasing slot holdings at the three high density airports. In fact, at some airports, they have had a more difficult time. Allowing them to obtain some additional slots would also put them in a better competitive position as the new allocation system becomes effective. Thus, this SFAR puts new entrants and limited incumbents in a position to obtain slots in a lottery.

Another important question asked in the NPRM was whether carriers with eight or fewer slots at any airport should be excluded from the withdrawal process. The Air Transport Association of America suggested that carriers with eight or fewer slots should not lose slots. The Department agrees with this position. The number of incumbent carriers with eight or fewer slots at the three airports is very small. For example, at LaGuardia there are very few such carriers. Excluding these carriers from the withdrawal process would have a negligible effect on the risk to the remaining incumbents. In addition, withdrawing slots from carriers of this size could have devastating effect on their ability to serve the particular airport. For these reasons, these carries will be exempted from the withdrawal process. In computing a carrier's slot holdings for this purpose, commuter slots, slots operated in international air service (as defined in 93.217), and slots of less than 5 days a week will not be counted.

Section-by-Section Discussion of the Rule

The following discussion explains the most important provisions of the SFAR and presents a schedule for its implementation. The discussion also touches on some of the other comments raised in the rulemaking.

Section 1. Purpose.

This section explains the purpose of the SFAR.

Section 2. Definitions and Relationship to 14 CFR Part 93, Subparts K and S.

This section makes it clear that the definitions in Subparts K and S apply to the SFAR. It also makes it clear that consistent provisions must be considered in applying this SFAR and that inconsistent provisions in Subparts K and S are superseded by the SFAR. For example, the SFAR contains special reallocation lottery procedures that in some ways differ from the similar

Subpart S procedures. The SFAR provisions prevail in those circumstances. On the other hand, § 93.213(c) contains a common ownership provision that is applicable to the SFAR.

Section 3. Lottery Process—General.

This section explains the basis on which slots will be withdrawn from incumbent carriers and reallocated to new entrants and limited incumbents. Paragraph (a) indicates that the random withdrawal lottery will be conducted within 30 days after the issuance date of the SFAR. The date selected for that lottery is March 26, 1986. The lottery will be held in the FAA Auditorium, 800 Independence Avenue, SW., 3rd Floor, Washington, D.C. It will begin at 9:00 a.m. Paragraph (b) indicates that separate lotteries will be held for air carrier slots at LaGuardia, O'Hare, and Washington National Airports. Paragraph (c) points out that sections 4 (c) and (e) describe the slots to be withdrawn and reallocated.

Paragraph (d) requires that notice of the date and any special mechanical procedures for the lottery shall be published in the **Federal Register** within 15 days after the issuance of this SFAR. That notice is contained in this document. Any changes or special procedures will be announced within the 15-day period.

Certain slots will not be withdrawn. Under section 3(e), slots necessary to provide essential air service (EAS) will not be withdrawn because service to EAS communities should be preserved. The determination of whether slots are necessary to provide EAS operations will be made by the Department on a case-by-case basis. Paragraph (e) also indicates that slots used for international operations, as specified in § 93.217(a)(1), will not be withdrawn because of international policy concerns.

Under paragraph (f), slots of operators holding a total of eight or fewer 5-day-a-week slots (excluding slots used for international air service) will also not be withdrawn because of the disproportionate, adverse impact this would impose on those operators. The number of slots held only applies to air carrier slots. An operator with six commuter slots and four air carrier slots is not considered to have more than eight slots for the purposes of this section. It must also be noted that operators defined in accordance with § 93.213(c) as having common ownership will have their air carrier slot holdings added together to determine eligibility under this section.

Paragraphs (g) and (h) set forth the carriers eligible to participate in the reallocation lottery. The first group of carriers eligible to participate in the lottery are air carriers with fewer than eight slots at the particular airport. Their eligibility is set out in paragraph (g). All commuter, air carrier EAS, and international slots held be the operator at the airport are included in the total. In addition, slots held be jointly held carriers, as described in Section 93.213(c), are included in the totals. Eligibility at each airport is determined separately.

The second type of carrier eligible to participate in the lottery is new entrant carriers not operating at the airport. Their eligibility is set out in paragraph (h). To be included in this category the carrier must have appropriate economic authority under Title IV of the Federal Aviation Act (FAAct) and a Part 121 operating certificate issued by the FAA.

This is a different eligibility requirement than that contained in Subpart S. Under § 93.225(g), carriers which have not obtained their Part 121 certificate but have made substantial progress towards obtaining the certificate may take part in that lottery. That lottery involves unutilized slots, while the lottery under this SFAR involves taking slots away from incumbent carriers. If a slot is taken from an incumbent, the slot should be utilized within a short of time. It should not be taken and not used or be denied to a different new entrant or limited incumbent which is capable and anxious to utilize it. Further, there is an ample number of certificated carriers which would qualify under section 3 for slots and would be prepared to utilize those slots within a reasonable period. Scheduling committee records over the past several years show that most, if not all, of the uncertificated new entrants which obtained slots at scheduling committee sessions never utilized them. It is highly unlikely that a carrier not having a Part 121 certificate at the time of the lottery would be able to operate within the timeframe established by this SFAR.

The primary purpose of this SFAR is to enable carriers which have attempted to obtain entry at high density airports and limited incumbents to achieve immediate access at those airports as the new market allocation approach becomes effective. Braniff Airlines, in its comments, stated that the final rule eliminated the ability of an emerging carrier to grow in a high density market. They added that an emerging carrier needs to develop and maintain market presence. Presidential Airways stated that it may commence service to one, if not all, of the high density airports. They added that new entrants should have some opportunity to develop business at the four high density airports without having to buy slots. Western Airlines, another carrier which has attempted to grow at some high density airports while gaining initial entry at others, supported the NPRM and stated that 5 percent is the minimum concession the FAA can make to the pro-competitive principles of deregulation.

Providing a solid opportunity for carriers such as Western, Presidential, and Braniff to gain immediate access at the high density airports is the primary purpose of this SFAR and would serve the pro-competitive principles of the Airline Deregulation Act.

Enabling some or all of these carriers and other similar ones to establish an immediate base at the three airports covered by this SFAR while, at the same time, providing them and others a market opportunity to improve their position, is the most effective approach to increase competition by existing air carriers and strengthen the competitiveness of small air carriers. This is particulary so when the highly competitive effects of nearby airports are fully considered. For example, the systems developed by New York Air and Presidential at Dulles have certainly had a significant impact on competition in the entire Washington area. When all of these factors, including reallocation of 5 percent of the slots to new entrants, are considered, it is clear that a large number of slots need not be reallocated and a broader definition of new entrant carrier is not required to achieve competition goals.

New entrant carriers which obtain a Part 121 certificate over the next 6 months, may be able to obtain slots in a second set of lotteries under section 7. Morever, carriers which are not eligible for slots under this SFAR because they do not have a Part 121 certificate can still obtain slots under § 93.225 or buy them. It is for the above reasons that carriers without Part 121 certificates will not be eligible to participate in the March 26 lotteries.

To be included in the lottery, an eligible carrier (both limited incumbent and new entrant) must provide the Office of the Chief Counsel a certified statement signed by an officer of the operator indicating that the operator has sufficient aircraft having a certificated maximum passenger seating capacity of 56 or more or has contracted for such aircraft, to be used in operating the slots it will select and that the operator has bona fide plans to use the requested

slots within the timeframe described in section 6. This notification of desire to participate in the lottery must be in writing and must be submitted in duplicate by 5:00 p.m. Eastern Standard Time on March 24, 1986, to the address identified in section 3(g). The FAA may ask for documentation to support any submission under this section. All parties are reminded that any lack of good faith on the part of those requesting inclusion in the lottery could result in criminal enforcement action under Title 18 of the U.S. Code for false certification to the Federal Government (18 U.S.C. 1001).

Section 4. Withdrawal lotteries.

Section 4 contains the procedures for the lotteries to withdraw slots at the three identified high density airports. A separate lottery will be held for each airport.

Under paragraph (a), the name of each air carrier with more than eight non-international air carrier slots (5 days a week or more) at the airport (LaGuardia, O'Hare, or Washington National) will be placed in Individual capsules for inclusion in the lottery. For example, a carrier with six domestic air carrier slots and six international air carrier slots does not have more than eight non-international air carrier slots at the airport and, thus, would not be in the lottery. At the same time, a carrier with 12 commuter slots and 6 air carrier slots does not have more than 8 air carrier slots at the airport and, thus, would not be placed into the lottery. It should be noted that the method for determining eligibility for the section 4 withdrawal lottery is different than for the section 5 reallocation lottery. In the section 4 lottery, only domestic air carrier slots are considered, while in the section 5 lottery, all commuter and air carrier, domestic or international, slots are considered.

A carrier's name will be placed in the lottery drawing a number of times equal to 10 percent of the total number of 5 day/week non-international air carrier slots held at the airport round to the next lowest number, but not less than one.

The following shows how the provision will work. The total number of slots is based on the official FAA March 20 slot base for that airport.

Carrier	Total slots	Capsules
A	84	8.
B	16 air carrier, 42 commuter.	1 (only air carrier slots are considered).
C	18	1.

After all of the capsules are placed in a drum, they will be withdrawn randomly to determine the order of slot withdrawal. Once the order of withdrawal has been determined, carriers will be called upon to designate slots for withdrawal and reallocation. Carrier representatives will be given some time to make decisions prior to being called upon to designate slots.

In accordance with paragraph (c), the first slots designated will be unallocated slots and slots returned to the agency under § 93.227 or lost through the use-or-lose provision in § 93.224. These slots, if they fall in the required hours, will count toward the minimum slot requirements for these hours. After those slots are designated, the remainder of the required slots will be designated by the carriers in the order determined under paragraph (b).

Under paragraph (d), each time a carrier's name is called it will designate two slots to be withdrawn (unless only one is required). This paragraph further requires that the slot be in the carrier's March 20 base. This will ensure that all slots transferred under this SFAR are from a common base. A carrier will have 5 minutes to designate the slots. If the carrier does not respond within the required time, the FAA representative will select the slots to be included in the pool.

In the NPRM, it was proposed to withdraw slots for the lottery within normally scheduled hours of the day but not by hour. Although slots randomly withdrawn might have produced a sufficient number throughout the day to enable carriers to develop reasonable schedules, it would be possible for the slots made available to be in one or a few hours or all in non-prime hours. Such a result might negate the ability of carriers to establish viable schedules at the airport. Therefore, paragraph (e) requires that some slots be available in each controlled hour (see Column C of section 4(e)). The remainder of the slots to be withdrawn can be provided in any of the hourly periods listed in paragraph (e) (see Column B). This paragraph requires that slots be available in hourly (60-minute) periods without distinction to the 30-minute allocation periods set forth in Subpart K. Further, no distinctions are made in the SFAR as to any arrival or departure limitations which may pertain to such slots. At LaGuardia, slots provided will initially retain their current departure and arrival limitations. The agency will consider allowing carriers obtaining the slots to change their arrival/departure designation if not detrimental to air traffic control operations.

Section 4(e) indicates the total number of slots to be reallocated in each lottery. That number equals 5 percent of the total number of slots in existence.

Some commenters suggested that the pool of slots used to establish the 5 percent for withdrawal be reduced by the number of international slots at each airport. Since Kennedy Airport is not covered by this SFAR and there are no international designated slots at Washington National Airport, only LaGuardia and O'Hare are of concern in this regard. In both cases, the number of international slots is minimal. Of those international slots, the vast majority are held by U.S. operators. For these reasons, the Department does not believe that it is appropriate to decrease the size of the slot pool by the number of international operations at the airport.

Paragraph (e) also indicates the hours of the day in which slots will be withdrawn. At LaGuardia and Washington National Airports, the hours in which slots will be withdrawn are limited to the 7:00 a.m. to 9:59 p.m. period since the 6:00 a.m., 10:00 p.m., and 11:00 p.m. hours are generally considered to be undesirable and slots have routinely been available in those hours.

The slots designated by the carriers must be consistent with the timeframes set forth in section 4(e). At Washington National and LaGuardia, that will require a minimum of two slots each hour with the remainder, if any, in any hour, while at O'Hare there shall be a minimum of four in each hour with the remainder in any hour. In one case (Washington National Airport) the total specified (28) is exceeded by the minimum slot/hour requirement (2 x 15 hours). In this instance, slot withdrawal will cease after 28 slots have been specified.

This mechanism will ensure that slots are available throughout the day for selection by new entrants. Allowing carriers to designate slots to be withdrawn as opposed to using a pure mechanical selection of the specific slots to be withdrawn will minimize the disruption to the particular carrier's operations. For example, it will enable a carrier to decide which matching slots or portions of its schedule it will have to adjust to enable it to comply with the rule. This will be much less disruptive than a random selection of slots from throughout the entire day.

One of the primary concerns of many of the commenters was the risk of slot loss faced by incumbent carriers under this withdrawal process. The Air Transportation Association, in its comments, stated that "[O]ur membership is in agreement that, in the event such a withdrawal of slots

becomes necessary, a mechanism should be in place to assure that no single carrier be unduly burdened by FAA's slot withdrawal mechanism. Reliance upon mere chance to provide such protection is both unwise and unwarranted." The Department agrees that there should be some limitation on the number of slots which any one carrier could lose under this mechanism. Although statistically unlikely, it is conceivable that one carrier could lose all of the slots to be redistributed at an airport.

Therefore, paragraph (f) limits a carrier's liability for loss to no more than 10 percent of its total number of non-international air carrier slots (5 days/week) to be in the withdrawal pool at that airport. For example, at O'Hare a carrier with 282 such slots would not lose more than 28 slots. Thus, once that carrier had contributed 28 slots to the pool at O'Hare, it would no longer have to contribute slots to the lottery at O'Hare.

Paragraph (g) indicates that the slot designations of withdrawn slots will remain the same after the slots are reallocated except for a change in the slot holder's name. It is important to note that the § 93.219 slot withdrawal priorities will remain the same after reallocation under this SFAR. However, for 2 years slots reallocated under this SFAR will not be withdrawn for international or EAS operations from the carrier selecting the slot under this SFAR.

Section 5. Reallocation Lotteries.

A random drawing will be held for each airport to establish the order of slot selection. The lotteries will be held within 48 hours after the withdrawal lottery required by section 4. The tentative date for these lotteries is March 27.

Under section 5(c), each carrier will be permitted to select two slots each time it is its turn, but new entrant carriers can select four slots in the first selection sequence. If slots remain after completion of the first selection sequence, the selections will be continued in the same order. Section 5(d) specifies the details of the lottery procedures. Each carrier will be given 5 minutes to select slots when it is its turn to select or it will lose its turn.

Some of the commenters suggested that the number of slots that any carrier could select under this SFAR be limited. The purpose of this SFAR is to allow new entrant and limited incumbent carriers to establish a base of operations at a high density airport as the buy/sell mechanism becomes effective. The Department believes that eight slots is a sufficient slot base to establish a viable schedule of operations upon which to grow. Therefore, carriers will be allowed to obtain up to eight slots under this SFAR. Under paragraph (e), a new entrant carrier could select eight slots while an incumbent carrier could select slots until its total slot holdings at the airport reaches a total of eight slots. For example, and incumbent carrier at Washington National Airport with four air carrier slots or two air carrier slots and two commuter slots could select four more slots for a total of eight slots at the airport.

This limitation will ensure that a number of carriers obtain access at each airport. This should help foster competition.

Under paragraph (f), the reallocation lottery for an airport will end if no eligible carrier decides to select additional slots, if each carrier selects the maximum number of slots it is entitled to select, or if all slots in the slot pool are selected. Any slots remaining after the lottery will be returned temporarily to the carrier placing the slot into the lottery; an unallocated or lost slot will remain available for allocation. These returned slots will subsequently be reallocated under section 7.

Section 6. Slot Use.

This section contains the requirements for use of slots obtained under section 5 and dates to begin use of slots reallocated under the SFAR. Paragraph (a) requires that the use of any slot obtained under section 5 must begin between 90 and 180 days after the date of the section 5 lottery.

Some commenters stated that 30 days would not be enough time for an incumbent carrier to release a slot and adjust schedules. The Department recognizes that it might be difficult for an incumbent carrier to make all of the adjustments necessary to compensate for a number of withdrawn slots. (A carrier at O'Hare, for example, might have to make significant adjustments for the loss of a large number of slots.) Persons with reservations on any cancelled flights would also have to be advised in sufficient time to obtain alternate reservations. Therefore, incumbent carriers will not have to release slots lost under the section 5 lottery for 90 days after the date of that lottery. Of course, incumbent carriers may decide to release slots earlier if they desire.

Service with the withdrawn slot must begin no later than 180 days after the date of the lottery. (Since the lottery will be held in late March, the carrier obtaining the slot would have to commence service before the end of the summer season.) This timetable will give the "new" carrier an entire scheduling season to initiate service with the obtained slot.

Carriers which are not in the position to operate within that timeframe should not participate in this lottery and instead should utilize Subpart S or section 7 to obtain slots. Those carriers would not have been able to utilize the scheduling committee process in any event.

A number of commenters stated that an incumbent carrier should not be required to lose a slot until the new entrant is prepared to utilize the slot. The Department agrees with that comment. No purpose is served by having an incumbent carrier release a slot prior to the start of new service with it. Therefore, paragraph (b) requires the carrier obtaining the slot under section 5 to give the carrier losing the slot under section 4 at least 90-days written notice prior to initiation of service. Also the carrier obtaining the slot must commence operations within 2 weeks of the date specified or it loses the slot. A copy of the notice sent to the carrier losing the slot must also be forwarded to the FAA.

The slots withdrawn under this lottery are all slots utilized for domestic scheduled passenger service. To avoid an inadvertant and unwarranted reallocation of slots from domestic scheduled passenger service to international service or cargo service or charter service, the slots reallocated in this process must be used in domestic scheduled passenger operations (paragraph (e)). The same type of operation (domestic passenger operation) being affected by slot withdrawals is the type of operation which should be continued after reallocation. Furthermore, utilization is limited to passenger service because the prime scheduling hours of the day are not critical to the inauguration of new cargo service. As to international operations, they can be accommodated through Subpart S. Finally, charter operations do not require regular daily slots (5 days/week or more frequently) and as such it would be a less efficient allocation of such slots to assign them for charters. Other mechanisms are being developed to allow charter operators to reserve unused slot times during the week. Finally, slots are available for charter operations at the cities affected by the High Density Rule during non-controlled hours at the high density airports and at other airports serving those cities. Charter operations do not greatly depend on the time of day

of the operation or which city airport is utilized. These same considerations were applied in adopting Subpart S.

Under paragraph (d), a slot withdrawn from an incumbent carrier under section 4 will be temporarily returned to the incumbent carrier if the carrier obtaining the slot under section 5:

1. Fails to give the 90-day notice required by that Section; or

2. Fails to utilize the slot within 2 weeks of the date which it states it will begin to utilize the slot; or

3. Fails to utilize the slot by the 180th day after the lottery; or

4. Loses the slot under the use or lose provisions of § 93.227(a) within 180 days after it initiates service.

Slots will be returned to incumbents under the above conditions on a temporary basis, because they will be made available to new entrants and limited incumbents in a second allocation lottery, under section 7. This provision is consistent with the comments received from a number of parties to the extent that a carrier required to give up a slot should only do so if the slot is fully utilized by the new entrant or limited incumbent. The Department agrees with these comments. A carrier should not have to give up an operation or deprive a community of service for service which either never begins or fails the use-or-lose standard.

The use-or-lose provision of § 93.227(a) (which requires utilization 65 precent of the time over a fixed period or the slot will be recalled by the FAA) applies to slots obtained under section 5. The time period to which the percentage applies begins on the date which the carrier obtaining the slot under section 5 actually initiates service. Paragraph (e) further makes clear that the provisions of § 93.227(b) (which waives the use-or-lose period in certain instances) do not apply to slots allocated under this SFAR.

The following timetable explains this section:

Withdrawal Lotteries	March 26
Reallocation Lotteries	March 27
First date to begin use of reallocated slots	June 27 [90 days after lottery]
Last date slot is available for new carrier to initiate service	September 27 [180 days after lottery.]

Carrier B obtains slot in section 5 lottery.

Carrier A is incumbent carrier with slot.

Carrier B wants to start service on September 1.

In accordance with paragraph (b), Carrier B must notify Carrier A by June 1 that it will initiate service by September 1. Thus, pursuant to paragraph (e) Carrier B's use-or-lose timetable for this slot would start on September 1.

Paragraph (f) limits the transferability of slots allocated under section 5. Such slots may only be traded on a one-for-one basis at the same airport or to obtain more slots for 90 days after the carrier initiates use of that slot. Carriers which obtain slots in this lottery should be required to use them before profiting from their sale.

Finally, paragraph (g) requires that, for at least 90 days after initiating service with any slot obtained under section 5, the carrier utilizing the slot must do so only with aircraft having a certificated passenger seating capacity of 56 or more. This is not totally consistent with Subpart S which allows air carrier slots to be utilized with any size aircraft. The purpose of this SFAR is to allow some new air carriers to obtain entry at the high density airports and limited incumbents to grow. The slots are being withdrawn from air carriers. It would be inconsistent with the provisions of the SFAR to allow a carrier to obtain one of these withdrawn slots and immediately utilize small aircraft (with just a few seats) to hold on to the slots. Such a result would not further competition or meet any of the aforementioned policy objectives. Once a carrier has utilized the slot for a given period of time (90 days), however, the carrier should be able to utilize the slot pursuant to Subpart S. After 90 days, §93.221(c), which allows air carrier slots to be utilized with aircraft of any size, applies to slots obtained under this SFAR.

SFAR's Implementation Schedule

The following schedule shows the time for the SFAR's implementation:

Day 1—Publication date of SFAR.

March 24, 1986—Final date for carriers to notify FAA of desire to participate in reallocation lotteries.

March 26, 1986—Withdrawal Lotteries Held.

March 27, 1986—Allocation Lotteries Held.

June 27, 1986—First Date to Begin Use of Reallocated Slots.

September 27, 1986—Last Date to Begin to Use Reallocated Slots.

Section 7—Secondary Lotteries.

Recognizing that some of the carriers obtaining slots under section 5 may not be able to ever use them or will give them up, thereby returning them to the carrier from which they were withdrawn, a second set of lotteries will be held before December 15, 1986, to reallocate the slots again. Carriers obtaining their Title IV and Part 121 authority by then can participate in those lotteries.

Slots that are available in the second lotteries will be those designated under section 4(e) that are not reallocated under section 5 and any slots that are reallocated under section 5 that were returned under section 6 to the FAA or the carriers from which they were withdrawn. The second set of lotteries will be subject to the provisions in section 1 through 6 of SFAR; however, no new slots will be withdrawn. A notice will be published announcing the time and place of the second set of lotteries and any special procedures that will apply. Carriers which obtain slots under section 5 and fail to use them in accordance with section 6 or who sold them, will not be permitted to participate in the second lotteries, but slots not obtained under this SFAR that are bought and sold under Subpart S will not adversely or positively affect a carrier's eligibility to participate in the lotteries.

Regulatory Evaluation

The Department has determined that this SFAR (1) does not involve a major rule under Executive Order 12291; and (2) is significant under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). I certify that under the criteria of the Regulatory Flexibility Act, this SFAR will not have a significant economic impact on a substantial number of small entities. No small carrier should be affected adversely by this rule since carriers with few slots will not lose any. Some may obtain slots under the SFAR but the benefits they gain should not be great in the context of the overall assets and expenditures necessary to conduct air carrier operations.

The effect on small communities is incalculable. Some gaining service may economically benefit while those that might lose service could be adversely affected. There is no way for this Department to establish beforehand which communities are likely to gain or lose service and even if it could quantification of the economic impacts would be impossible. Common sense would dictate that the overall benefits and losses would balance out.

Similarly, the economic impact on larger communities by this rule should balance out. Some larger communities may lose service and others may gain, with conjectural economic results. Since the number of slots being withdrawn and reallocated under this SFAR are relatively small, the degree of disruption should be minimal, as should the economic impacts on larger communities.

Larger air carriers that lose slots will be losing assets that have been valued between $20,000 and $1,000,000 depending on the airport and time of day of the slot. The Department guesses that the average value of the slots withdrawn will be between $100,000 and $200,000. The number of slots to be withdrawn from any single carrier at any covered airport is also limited thereby reducing the potential impact on any single carrier. The total value of the assets that might be transferred should not exceed $20 to $30 million. For each carrier losing assets, another will gain.

The economic impact on the Department to administer this SFAR should be minimal.

The information collection requirements of this SFAR have been approved by the Office of the Management and Budget under OMB Approval Number 2120–0524.

Effective Date of SFAR 48

Under Part 93, Subpart S, persons will be free to buy, sell, lease, and otherwise transfer high density airport slots beginning April 1, 1986. The SFAR being adopted herein will result in the withdrawal and reallocation of a portion of those slots and doing so after April 1 could result in substantial confusion and uncertainty regarding the value of slots being transferred. Therefore, good cause exists for making this SFAR effective 5 days after its publication date so that the reallocation and withdrawal lotteries can be conducted before April 1.

List of Subjects in 14 CFR Part 93

Aviation safety, Airspace, Air traffic control.

Adoption of the Special Federal Aviation Regulation

PART 93—[AMENDED]

For the reasons set out above, 14 CFR Chapter 1 is amended by adopting a new Special Federal Aviation Regulation to read as follows:

Special Federal Aviation Regulation No. 48 Special Slot Withdrawal and Reallocation Procedures

Section 1. Purpose.

The purpose of this Special Federal Aviation Regulation (SFAR) is to accomplish a special one-time withdrawal of slots that were allocated under Subpart S of Part 93 to incumbent carriers and a reallocation by lottery of those slots and slots otherwise available to new entrant carriers and limited incumbent carriers desiring additional slots at O'Hare, LaGuardia, and Washington National Airports.

Section 2. Definitions and Relationship to 14 CFR Part 93, Subparts S and K.

Terms used in this SFAR have the same meanings as used in Subparts K and S of Part 93. The provisions of those subparts shall be considered when applying this SFAR. However, this SFAR supersedes inconsistent provisions in both subparts.

Section 3. Lottery Process—General.

(a) Utilizing the air carrier slot pools established by the FAA under § 93.223(a)(3), the FAA shall hold lotteries to determine those slots to be withdrawn from incumbent carriers at O'Hare, LaGuardia, and Washington National Airports. The drawings shall be conducted within 30 days after issuance of this SFAR.

(b) Separate drawings shall be conducted for air carrier slots for each of the high density airports identified in paragraph (a).

(c) The slots selected in each drawing shall be determined in accordance with sections 4(c) and (e).

(d) The FAA may issue special procedures to be in effect for the lotteries

(e) None of the slots withdrawn shall be slots used for international operations, as specified in § 93.217(a)(1), or necessary for essential air service.

(f) None of the slots withdrawn shall be from carriers holding eight or fewer non-international air carrier slots at the particular airport.

(g) Each U.S. air carrier operating at the airport with fewer than eight total slots (including all international or domestic, commuter or air carrier slots) shall be included in the lotteries to obtain slots under this SFAR if the carrier notifies the Office of the Chief Counsel, Docket Section, AGC–204, 800 Independence Avenue, SW., Washington, D.C. 20591, that it desires to participate in the reallocation lottery. The notification must be in writing and must be submitted in duplicate by 5:00 p.m. Eastern Standard Time on March 24, 1986. The notification must include a certified statement signed by an officer of the operator indicating that the operator operates or has contracted for sufficient aircraft having a maximum seating capacity of 56 or more to use the slots to be obtained and that the operator has bona fide plans to use all requested slots within the timeframe described in section 6.

(h) Any U.S. new entrant air carrier wishing to initiate scheduled service at the airport, shall be included in the lottery if it: (1) Has appropriate economic authority under Title IV of the Federal Aviation Act of 1958, as amended; (2) has FAA operating authority under Part 121; and (3) notifies the Office of the Chief Counsel, Docket Section, AGC–204, 800 Independence Avenue, SW., Washington, D.C. 20591, that it desires to participate in the lottery. The notification must be in writing and must be submitted in duplicate by 5:00 p.m. Eastern Standard Time on March 24, 1986. The notification must include a certified statement signed by an officer of the operator indicating that the operator operates or has contracted for sufficient aircraft having a maximum certificated passenger seating capacity of 56 or more to use the slots to be obtained and that the operator has bona fide plans to use all requested slots within the timeframe described in section 6.

Section 4. Withdrawal Process.

(a) The name of each air carrier with more than eight non-international air carrier slots (5 days a week or more) at the airport shall be placed in individual capsules for inclusion in a drawing. The name of each such carrier shall be placed in a number of capsules equal to 10 percent of the total number of air carrier slots held by that carrier (5 days a week or more) at that airport in accordance with Part 93, Subpart S, rounded to the next lowest number, but not less than one. The date used to determine slot holdings under this paragraph shall be March 20, 1986.

(b) After each capsule is placed in a drum, a random drawing shall be held to determine the order for the selection of slots to be withdrawn.

(c) Before any carrier is required to designate slots for withrawal, unallocated slots and slots available in accordance with 14 CFR § 93.224 and 93.227 shall be designated for reallocation under section 5 of this SFAR. Those slots shall be used to satisfy the provisions of paragraph (e) of this section.

(d) Each time a carrier's name is called, it shall designate two slots (or one if that is all that is required) to be withdrawn and reallocated from the most current base available to the FAA. A carrier shall have 5 minutes to designate its slots to be withdrawn or the FAA representative will. Any slot designated must be in the carrier's base at least 5 days a week.

(e) Each slot designated must be within hours in which slots are needed consistent with the hourly minimum slot column (Column C) for that airport, as specified below:

Airport	Category	(A) Total number of slots	(B) Hours of the day	(C) Minimum slots in each hour
LaGuardia	Air Carrier	36	0700–2159	2
Washington National	do	28	0700–2159	2
O'Hare	do	84	0645–2114	4

If the required minimum number of slots has been designated in each of the hours of the day (Column B), a carrier required to designate additional slots may do so in any of those hours. If a carrier does not have a slot in a required hour, it may name a slot in any hour listed in Column B. The total number of slots available under paragraph (c) during the hours specified in Column B plus the slots designated by carriers for withrawal pursuant to paragraph (d) shall not exceed the total number of slots specified in Column A for each airport.

(f) No carrier shall be required to designate more than 10 percent of its total of non-international air carrier slots (5 days a week or more) at the particular airport.

(g) Slots designated for withdrawal under this section shall retain the same withdrawal priority numbers as established under

Subpart S of Part 93 when reallocated pursuant to section 5 of this SFAR. However, slots reallocated under section 5 shall not be withdrawn under Subpart S, for EAS or international operations, from the carrier selecting the slot for a period of 2 years after the effective date of this SFAR.

Section 5. Reallocation Lotteries.

(a) Within 48 hours following the withdrawal lottery, a lottery to allocate the slots withdrawn pursuant to section 4 and those otherwise available shall be held on an airport-by-airport basis.

(b) Random drawings shall be held to determine the order of slot selection by the carriers eligible under section 3.

(c) An operator may select up to two slots available at the airport during each selection sequence, except that new entrant carriers may select up to four slots, if available, in the first sequence.

(d) At the lottery, each operator must make its selection within 5 minutes after being called or it shall lose its turn. If capacity still remains after each operator has had an opportunity to select slots, the allocation sequence will be repeated in the same order.

(e) No carrier may select more than eight slots under this SFAR or select any slots that would result in it having a total of more than eight slots at any one airport, less any slots lost under § 93.227(a).

(f) If all eligible carriers decide not to select additional slots or have selected their maximum number of slots, the lottery at that airport will end and the remaining slots will be returned (subject to section 7) to the carriers designating them, if any, in accordance with section 4.

Section 6. Slot Use.

(a) The initiation of operations with slots reallocated pursuant to this SFAR shall be accomplished no earlier than 90 days and no later than 180 days after the lottery is held pursuant to section 5.

(b) Each carrier obtaining a slot under section 5 shall give the carrier losing the slot under section 4, if any, and the FAA, at least 90 days written notice prior to initiation of service. The notice to the FAA must be mailed to the address set forth in section 3(g).

(c) Slots obtained under section 5 shall only be used by the carrier obtaining them for scheduled non-international passenger service.

(d) Slots allocated under section 5 which were withdrawn from an incumbent carrier under section 4 will be temporarily returned to the incumbent carrier and all other slots allocated under section 5 will be returned to the FAA if:

(1) The carrier obtaining the slot under section 5 fails to give the notice required by section 5 or does not utilize the slot within 14 days after the date which it states it will begin to utilize the slot; or

(2) The carrier obtaining the slot loses it under 14 CFR 93.227(a) within 180 days after it initiates service.

(e) The slot "use-or-lose" provisions of § 93.227(a) of the Federal Aviation Regulations shall apply to those slots allocated under this SFAR as of the date the carrier obtaining the slot actually initiates service. The provisions of § 93.227(b) do not apply to the slots allocated under this SFAR.

(f) A slot obtained under section 5 may only be traded on a one-for-one basis or for an increased number of slots at the same airport for 90 days after the carrier obtaining it under section 5 initiates use of that slot. The restrictions of this SFAR apply to any slots obtained in such a trade.

(g) For 90 days after initiation of service with any slot obtained under this section, it must be utilized with aircraft having a certificated maximum passenger seating capacity of 56 or more. After 90 days, the provisions of 14 CFR Subpart S apply as to the kind of aircraft eligible to be utilized with the slot.

Section 7. Secondary Lotteries.

(a) By December 15, 1986, a second set of lotteries to allocate slots under this SFAR shall be held to allocate only:

(1) Those slots designated under section 4(e) for reallocation that were not reallocated under section 5; and

(2) Those slots that were reallocated under section 5 that were returned, under section 6, to the FAA or the carrier from which they were withdrawn.

(b) The second set of lotteries shall be subject to the rules set forth in sections 1 through 6 of this SFAR except: (1) The slots to be allocated are only those specified in paragraph (a) of this section; and (2) carriers which obtained slots under section 5 and failed to use them in accordance with section 6 or sold them shall not be eligible to participate in this lottery. Sales under Subpart S of slots not obtained under this SFAR shall not be deemed to affect a carrier's eligibility to participate in this lottery.

(c) A notice shall be published before the second set of lotteries announcing the time and place of the lotteries and any special procedures that will apply.

Section 8. Effective and Termination Dates.

This SFAR is effective 5 days after its publication in the **Federal Register** and terminates on January 1, 1988.

(49 U.S.C. 1302, 1303, 1348, 1354(a), 1421(a); 49 U.S.C. 106 (Revised Pub. L. 97-449, January 12, 1983))

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

Elizabeth Hanford Dole,

Secretary of Transportation.

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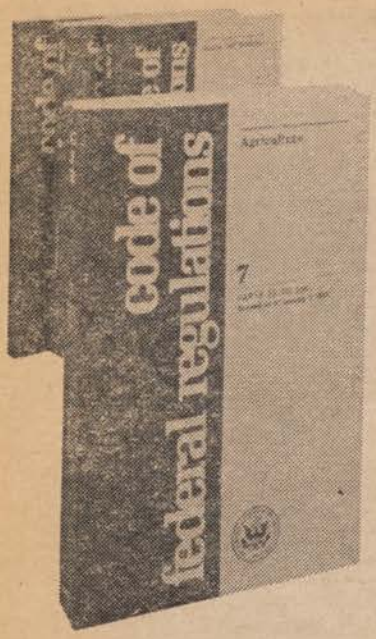
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