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Monday
May 12, 1986

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Presidential Documents

Title 3—

The President

Proclamation 5472 of May 7, 1986

National Barrier Awareness Day, 1986

By the President of the United States of America

A Proclamation

Today some 36 million Americans suffer from some form of handicap. Eighty percent of Americans will experience some disability in their lifetime. That makes it necessary for all of us to understand and appreciate both the barriers they must surmount and the contributions that they can make to our society.

Many disabled people face financial, cultural, and physical barriers because of a lack of public understanding of their needs. We must become more aware of the barriers that prevent or inhibit so many of our fellow Americans from participating fully in the life of our society, and how much more they could contribute if those obstacles were removed.

This can begin with recognizing the outstanding achievements of many disabled citizens. These heroes, often unsung, have done much to enrich their lives and ours. Let us all resolve to act positively toward those who must cope with the challenge of physical handicaps. We all have much to gain if they are able to live up to their full potential.

The Congress, by House Joint Resolution 544, has designated May 7, 1986, as "National Barrier Awareness Day" and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 7, 1986, as National Barrier Awareness Day. I call upon my fellow citizens to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 86-10793
Filed 5-9-86; 10:42 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5473 of May 8, 1986

Naval Aviation Day, 1986

By the President of the United States of America

A Proclamation

May 8 marks the seventy-fifth anniversary of naval aviation in the United States. On that day in 1911, Captain Washington Irving Chambers prepared the requisition for the first aircraft for the United States Navy, thereby initiating a long and glorious tradition. Since that date, naval aviation has played an essential role in our national defense, both in peace and war. Naval aviation also has played a vital role in the development of space exploration and aviation technology.

Naval aviators performed superbly in World Wars I and II, the Korean and Vietnam conflicts, and other operations in support of our national security. Today, naval aviators are deployed in all parts of the world aboard our aircraft carriers, other ships, and shore-based naval aviation squadrons. The courage and professionalism of these dedicated men and women were again demonstrated vividly during the anti-terrorist strikes conducted in Libya a few weeks ago. All Americans owe a great debt of gratitude to the people who fly and maintain naval aircraft.

It is appropriate, therefore, that on the day marking the seventy-fifth anniversary of the founding of naval aviation, the people of the United States, along with our friends and allies throughout the world, should celebrate the remarkable achievements and proud heritage of naval aviation.

The Congress, by House Joint Resolution 569, has designated May 8, 1986, as "Naval Aviation Day" and authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 8, 1986, as Naval Aviation Day, and I call upon the people of the United States to observe this day with appropriate ceremonies and activities to honor the brave men and women who have served their country in naval aviation.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 86-10794
Filed 5-9-86; 10:43 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5474 of May 8, 1986

National Fishing Week, 1986

By the President of the United States of America

A Proclamation

Throughout our history, the Nation's waters have provided a bounty of fish for recreation and food. Every year more than 60 million Americans participate in sport fishing, one of the most wholesome and healthful of outdoor pursuits.

Recreational fishing provides enjoyment and relaxation for citizens of all ages. It brings them into close touch with the beauty, wonders, and abundance of our inland and coastal waters. Sport fishing promotes respect for nature and encourages sound conservation.

In this great land we are particularly blessed. Not only does sport fishing represent an important commitment to conservation and recreation, it sustains a billion-dollar industry. Through the special taxes, licenses, and fees that sport fishermen pay, tens of millions of dollars are made available each year to fund fishery restoration projects throughout the 50 States and the Territories.

Fishing, of course, is also a major industry that provides employment for more than 300,000 Americans each year and lands some six billion pounds of seafood worth about two and a half billion dollars in direct sales.

In recognition of the valuable financial contributions sport fishing makes to fish conservation programs in every State, and in light of the time-honored recreation it means for so many of our citizens, it is fitting that we observe a National Fishing Week. It is proper that we encourage our Nation's sport fishermen to take pride in their sport and in what it does to preserve and enhance America's fishery resources.

The Congress, by Senate Joint Resolution 262, has requested and authorized the President to issue a proclamation designating the week beginning June 2, 1986, through June 8, 1986, as "National Fishing Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of June 2 through 8, 1986, as National Fishing Week. I urge all Americans to join with anglers in appreciating and working to conserve our priceless freshwater, estuarine, and marine resources.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 86-10795
Filed 5-9-86; 10:44 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Monday, May 12, 1986

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR 400

[Doc. No. 3269S]

General Administrative Regulations; Crop Insurance; Debt Management; Delinquent Debts; Credit Reporting Procedures; Collection Procedures

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends 7 CFR Part 400, General Administrative Regulations, by adding a new subpart, Subpart K, Debt Management. This final rule sets forth the procedures under which FCIC will refer information with respect to delinquent debts owed to FCIC to credit reporting agencies and to contract collection agencies. These actions, which are usual and customary in commerce, are being taken as an incentive for delinquent debtors to repay debts owed to FCIC. This action is being taken under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: May 12, 1986.

FOR FURTHER INFORMATION CONTACT: Robert Brammer, Comptroller, Federal Crop Insurance Corporation, Room 4652, South Building, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 447–5183.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is December 1, 1990.

Merritt W. Sprague, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small business, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

FCIC offers crop insurance to eligible producers in the return for the payment of a premium. The premium is due and payable when insurance attaches at the time of seeding or planting. Premium billing is generally made at the time of harvest and the insured is allowed 30 days in which to pay the premium before interest attaches. While FCIC collects a high percentage of premium, some accounts remain unpaid. Those insureds who do not pay their premium within 30 days after the due date specified in the billing statement incur interest charges. As an aid in effective debt management, FCIC will submit information with respect to delinquent debts owed to FCIC to credit reporting agencies and collection agencies. This policy is consistent with customary business practices in the private sector, the Federal Claims Collection Standards (FCCS), 4 CFR 102.5, and Office of Management and Budget (OMB) Circular A–129.

The Debt Collection Act of 1982 (Pub. L. 97–365) (Act), amended Section 3 of the Federal Claims Collection Act (FCCA) (now codified at 31 U.S.C. 3711(f)) authorizes the head of the agency, in attempts to collect delinquent debts owed by an individual, to disclose information relating to such debts to a consumer reporting agency. The Act also amended the Privacy Act of 1974 (5 U.S.C. 552a(b)) to permit such disclosure of information under certain conditions.

This final rule sets forth procedures under which FCIC will refer information with respect to delinquent debts to credit reporting agencies.

In disclosing information with respect to delinquent individual debts, FCIC will follow the requirements set forth in the FCCS. In disclosing information with respect to other delinquent debts to credit reporting agencies, FCIC will afford such debtors notice and due process similar to that provided to indivduals.

Only that information directly related to the identity of the debtor and the history of the claims will be released. Debtor information will consist of the following: the debtor's name, address, taxpayer identification number, and other information necessary to establish the identity of the debtor; the amount, status and history of the claim, and the crop insurance program under which the claim arose.

Any delinquent debt owed to FCIC after the termination date for indebtedness contained in the crop insurance policy, may be referred to a collection agency under contract with the General Services Administration (GSA) in accordance with accepted collection contract procedures.

On March 5, 1986, FCIC published a notice of proposed rulemaking in the **Federal Register** at 51 FR 7576, amending 7 CFR Part 400 by adding a new Subpart K, Debt Management, setting forth procedures under which FCIC will refer information with respect to delinquent debts to credit reporting and contract collection agencies. The public was invited to submit written comments with respect to this rule for a period of 30 days. One comment was received from the Office of Finance and

Management. In general, the comment centered on the proposed rule providing that only delinquent debts be referred when the Department of Agriculture's debt collection initiative requires that all commercial accounts and delinquent accounts be referred to credit agencies.

Although the suggestion has merit, that change would require additional notice and comment. FCIC will prepare an amendment to this subpart after the effective date. The comment also suggested that the reference to a $100 threshold in § 400.116 be deleted since both OMB and the Treasury Department are in the process of revising the GSA collection contracts to collect debts of less than $100. FCIC agrees with this comment and has made the necessary change in this section.

With the exception of the minor language correction outlined above, the proposed rule published at 51 FR 7576, is hereby adopted as a final rule.

Given the Administration's initiative with respect to collection of debts owed to the U.S. Government and FCIC's commitment to that initiative, good cause exists for making this rule effective in less than 30 days.

List of subjects in 7 CFR Part 400

General administrative regulations; Crop insurance; Debt management; Delinquent debts; Credit reporting procedures; Collection procedures.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends 7 CFR Part 400, General Administrative Regulations, by adding a new subpart, Subpart K, Debt Management, to read as follows:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

* * * * *

Subpart K—Debt Management-Regulations for the 1986 and Succeeding Crop Years

Sec.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Subpart K—Debt Management

§ 400.115 Purpose.

This subpart sets forth procedures that will be followed, and the rights afforded to debtors, in connection with the reporting by the Federal Crop Insurance Corporation (FCIC) to credit reporting agencies of information with respect to current and delinquent debts owed to FCIC, and in connection with referral of delinquent debts to contract collection agencies.

§ 400.116 Definitions.

(a) *"Credit reporting agency"* means (1) a reporting agency as defined at 4 CFR 102.5(a), or (2) any entity which has entered into an agreement with USDA concerning the referral of credit information.

(b) *"Collection agency"* means a private debt collection contractor under Federal Supply Schedule contract with the General Services Administration (GSA) for professional debt collection services.

(c) *"Comptroller"* means the employee of FCIC filling that position or the person designated by the Comptroller to perform that function.

(d) *"Debt and claim"* are deemed synonymous and are used interchangeably herein. The debt or claim is an amount of money which has been determined by an appropriate agency official to be owed to FCIC by any individual, organization or entity, except another Federal agency; State, local or foreign government or agencies thereof; Indian tribal governments; or other public institutions.

The debt or claim may have arisen from overpayment, premium non-payment, interest, penalties, reclamations resulting from payments under good faith reliance provisions, or other causes.

(e) *"Delinquent debt"* means (1) any debt owed to FCIC that has not been paid by the termination date specified in the applicable contract of insurance, or other due date for payment contained in any other agreement, or notification of indebtedness, and (2) any overdue amount owed to FCIC by a debtor which is the subject of an installment payment agreement which the debtor has failed to satisfy under the terms of such agreement.

(f) *"System of records"* means a group of any records under the control of FCIC from which information is retrieved by the name of the individual by some identifying number, symbol, or other identification assigned to the individual.

(g) *"Request for review"* means that request submitted to FCIC by a debtor for a review of the facts resulting in the determination of indebtedness to FCIC. FCIC allows 45 days for such request and any request submitted within that period is considered a timely request.

§ 400.117 Determination of delinquency.

Prior to disclosing information about a debt to a credit reporting agency in accordance with this subpart, the FCIC claims official, designated as the Comptroller, FCIC, or the designee of the Comptroller who has jurisdiction over the claim, shall review the claim and determine that the claim is valid and overdue.

§ 400.118 Demand for payment.

The Comptroller who is responsible for carrying out the provisions of this subpart with respect to the debt shall send to the debtor appropriate written demands for payment in terms which inform the debtor of the consequences of failure to make payment, in accordance with guidelines established by the Manager, FCIC, the Federal Claims Collection Standards at 4 CFR 102.2, or the contract between the General Services Administration (GSA) and the collection agency.

§ 400.119 Notice to debtor; credit reporting agency.

(a) In accordance with guidelines established by the Manager, FCIC, the Comptroller who is responsible for disclosure of information with respect to delinquent debts to a credit reporting agency shall send written notice to the delinquent debtors that FCIC intends to disclose credit information to a credit reporting agency on a regular basis. In addition, delinquent debtors are to be informed:

(1) Of the basis for the indebtedness;

(2) That the payment is overdue;

(3) That FCIC intends to disclose to a credit reporting agency that the debtor is responsible for the debt and with respect to an individual, that such disclosure shall be made not less than 60 days after notification to such debtor;

(4) Of the specific information intended to be disclosed to the credit reporting agency;

(5) Of the rights of such debtor to a full explanation of the claim and to dispute any information in the system of records of FCIC concerning the claim;

(6) Of the debtor's right to administrative appeal or review with

respect to the claim and how such review shall be obtained; and

(7) Of the date after which the information will be reported to the credit reporting agency.

(b) The content and standards for demand letters and notices sent under this section shall be consistent with the Federal Claims Collection Standards at 4 CFR 102.2.

§ 400.120 Subsequent disclosure and verification.

(a) FCIC shall promptly notifty each credit reporting agency to which the original disclosure of debt information was made of any substantial change in the condition or amount of the claim. A substantial change in condition may include, but is not limited to, notice of death, cessation of business, or relocation of the debtor. A substantial change in the amount may include, but is not limited to, payments received, additional amounts due, or offsets made with respect to the debt.

(b) FCIC shall promptly verify or correct, as appropriate, information about the claim or request of such credit reporting agency for verification of any or all information so disclosed. The records of the debtor shall reflect any correction resulting from such request.

(c) FCIC shall obtain satisfactory assurances from each reporting agency to which information will be provided that the agency is in compliance with the provisions of all laws and regulations of the United States relating to providing credit information.

§ 400.121 Information disclosure limitations.

FCIC shall limit delinquent debt information disclosed to credit reporting agencies to:

(a) The name, address, taxpayer identification number, and other information necessary to establish the identity of the debtor;

(b) The amount, status, and history of the claim; and

(c) The FCIC program under which the claim arose.

§ 400.122 Attempts to locate debtor.

Before disclosing delinquent debt information to a credit reporting agency, FCIC shall take reasonable action to locate a debtor for whom FCIC does not have a current address in order to send the notification in accordance with § 400.119 of this subpart.

§ 400.123 Request for review of the indebtedness.

(a) Before disclosing delinquent debt information to a credit reporting agency, FCIC shall, upon request of the debtor, provide for a review of the claim, including an opportunity for reconsideration of the initial decision concerning the existence or amount of the claim, in accordance with applicable administrative appeal procedures.

(b) Upon receipt of a timely request for review, FCIC shall suspend its schedule for disclosure of delinquent debt information to a credit reporting agency until such time as a final decision is made on the request.

(c) Upon completion of the review, the reviewing office shall transmit to the debtor a written notification of the decision. If appropriate, notification shall inform the debtor of the scheduled date on or after which information concerning the debt will be provided to the credit reporting agency. The notification shall, if appropriate, also indicate any changes in the information to be disclosed to the extent such information differs from that provided in the initial notification.

§ 400.124 Disclosure to credit reporting agencies.

(a) In accordance with guidelines established by the Manager, FCIC, the Comptroller or designated manager of the systems of records shall disclose to credit reporting agencies the information specified in § 400.121.

(b) Disclosure of information to credit reporting agencies shall be made on or after the date specified in §§ 400.119(a)(3) and 400.125 and shall be comprised of the information set forth in the initial determination or any modification thereof.

(c) This section shall not apply to disclosure of delinquent debts when:

(1) The debtor has agreed to a repayment agreement for such debt and such agreement is still valid; or

(2) The debtor has filed for review of the debt and the reviewing official or designee has not issued a decision on the review.

§ 400.125 Notice to debtor, collection agency.

FCIC shall provide 30 days written notice to the debtor, mailed to the debtor's last known address, of FCIC's intent to forward the debt to a collection agency for further collection action.

§ 400.126 Referral of delinquent debts to contract collection agencies.

(a) FCIC shall use the services of a contract collection agency which has entered into a contract with the General Services Administration to recover debts owed to FCIC.

(b) If FCIC's collection efforts have been unsuccessful on a delinquent debt, and the delinquent debt remains unpaid, FCIC may refer the debt to a contract collection agency for collection.

(c) FCIC shall retain the authority to resolve disputes, compromise claims, suspend or terminate collection action, and refer the matter for litigation.

§ 400.127 OMB control numbers.

OMB control numbers are contained in Subpart H of Part 400, Title 7 CFR.

Done in Washington, DC, on April 25, 1986.

Edward D. Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 86-10607 Filed 5-9-86; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 982

Filberts/Hazelnuts Grown in Oregon and Washington; Revision of Final Free and Restricted Percentages and Inshell Trade Demand for Domestic Filberts/Hazelnuts for the 1985–86 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action revises final marketing percentages and the inshell trade demand for domestic filberts/hazelnuts received by handlers during the 1985–86 marketing year, which began July 1, 1985. The free percentage will be increased from 20 percent to 22 percent, and the restricted percentage will be correspondingly decreased from 80 percent to 78 percent. The inshell trade demand will be increased by 684 tons to 5,684 tons in order to make more filberts available to handlers for 1986–87 early season sales. This action was recommended by the Filbert/Hazelnut Marketing Board which works with the USDA in administering the filbert/hazelnut marketing order program.

EFFECTIVE DATE: June 1, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified as a "non-major" rule.

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

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

It is estimated that approximately 14 handlers of filberts/hazelnuts will be subject to regulation under the marketing order for filberts/hazelnuts grown in Oregon and Washington during the course of the current season and that the great majority of this group may be classified as small entities. While regulations issued during the season may impose some costs on affected handlers, and the number of firms may be substantial, the added burden on small entities, if present at all, is not significant.

It has been determined that a situation exists which warrants publication of this final rule without prior opportunity for public comment because: (1) The percentages and trade demand revised herein for the 1985–86 marketing year apply to all merchantable filberts/hazelnuts handled during that year; (2) handlers are aware of this action and have been conducting their operations in anticipation of its adoption; and (3) this action relieves restrictions on handlers.

On November 25, 1985, a final rule was published in the **Federal Register** (50 FR 48371) establishing the inshell trade demand of 5,000 tons, and on January 31, 1986, a final rule was published in the **Federal Register** (51 FR 3937) establishing the free and restricted percentages of 20 percent and 80 percent, respectively, for the 1985–86 marketing year. This action revises final marketing percentages and the inshell filbert/hazelnut trade demand for the 1985–86 marketing year.

Section 982.40(e) of the marketing order for filberts/hazelnuts grown in Oregon and Washington currently provides that any time prior to February 15 of the marketing year the Board may recommend to the Secretary revisions in the marketing policy for that year.

On February 13, 1986, the Board met to review the free and restricted percentages established for the 1985–86 marketing year and the supply and demand estimates from which those percentages were derived. Pursuant to § 982.40(e) of the order, the Board recommended an increase in the free percentage to 22 percent and a corresponding decrease in the restricted percentage to 78 percent. In arriving at this recommendation, the Board noted that the current estimate of 1985 production has increased 230 tons from its September 12, 1985, estimate of 24,000 tons. The Board has also increased the trade demand 684 tons from the established 5,000 tons. The increase in the trade demand will be used by handlers for carryover requirements into the 1986–87 marketing year for early season sales.

In recommending the current percentages, the Board did not provide for a desirable carryout because it felt that the 5,000 ton trade demand was adequate for the 1985 holiday shipping season. That period is the peak demand period for inshell filberts. Normally, over 80 percent of inshell shipments are made in only two months—October and November. However, the Board agreed to modify its marketing policy later in the season if necessary to make a substantial carryout available. Handlers have been conducting their operations on the basis that this additional amount of trade demand would be released. The release of this additional tonnage is not expected to affect the inshell market since excellent kernel marketing conditions currently exist and are expected to continue through July.

In revising the percentages, the Board considered the following supply and demand information for the 1985–86 marketing year:

	Previous estimate, Sept. 12, 1985 (tons)	Revised estimate, Feb. 13, 1986 (tons)
Inshell supply:		
(1) Total production	24,000	24,230
(2) Less substandard, farm use, etc	2,402	2,068
(3) Merchantable production	21,598	22,162
(4) Plus carryover July 1, 1985, subject to regulation	0	0
(5) Supply subject to regulation (Item 3 plus Item 4)	21,598	22,162
Inshell requirements:		
(6) Trade Demand	5,000	5,684
(7) Less carryover July 1, 1985, not subject to regulation	736	736
(8) Adjusted trade demand	4,264	4,948
Percentages:		
(9) Free percentage (Item 8 divided by Item 5)	[1] 20	[1] 22
(10) Restricted percentage (100 percent minus Item 9)	[1] 80	[1] 78

[1] Percent.

The free percentage prescribes that portion of the total merchantable supply subject to regulation which may be handled as inshell filberts. The restricted percentage prescribes that portion which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Board to be noncompetitive with normal market outlets for inshell filberts.

After consideration of all relevant matter presented, the information and recommendations submitted by the Board, and other available information, it is found that the revision of the free and restricted percentages and inshell trade demand for the 1985–86 marketing year will tend to effectuate the declared policy of the act.

PART 982—[AMENDED]

List of Subjects in 7 CFR Part 982

Marketing agreement and order, Filberts, Hazelnuts, Oregon, and Washington.

1. The authority citation for 7 CFR Part 982 continues to read as follows:

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

2. Paragraphs (a) and (b) are revised in § 982.235 to read as follows: (The following section will not be published in the Code of Federal Regulations).

§ 982.235 Trade demand and free and restricted percentages for the 1985–86 marketing year.

(a) The trade demand for merchantable inshell filberts/hazelnuts for the 1985–86 marketing year shall be 5,684 tons.

(b) The final free and restricted percentages for merchantable filberts/hazelnuts for the 1985–86 marketing year shall be 22 percent and 78 percent, respectively.

Dated: May 5, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division.

[FR Doc. 86–10571 Filed 5–9–86 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Parts 91, 161 and 162

[Docket No. 85–100]

Accreditation of Veterinarians and Origin Health Certificates

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations in 9 CFR Parts 161 and 162 relating to the accreditation of veterinarians by: (1) Requiring that a revocation remain in effect for at least two years; (2) requiring that a veterinarian whose accreditation has been suspended for six months or more

or revoked must pass an examination administered by APHIS as a condition of reaccreditation; and (3) clarifying the regulations to provide that the Veterinarian in Charge shall designate the time and place for the holding of an informal conference, in accordance with certain criteria. This document also amends the regulations in 9 CFR Parts 91 and 161 relating to origin health certificates by allowing an accredited veterinarian to sign an origin health certificate without including test results from a laboratory and by allowing an authorized Veterinary Services veterinarian to include such test results on the origin health certificate, under certain circumstances. It has been determined that these actions are necessary to help ensure that only veterinarians who are qualified and act in compliance with applicable requirements are accredited, and to provide a mechanism to help ensure that completed origin health certificates are available when they are needed by exporters.

EFFECTIVE DATE: June 11, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Robert E. Wagner, Interstate Inspection and Compliance Staff, VS, APHIS, USDA, Room 806, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8684.

SUPPLEMENTARY INFORMATION: A document published in the **Federal Register** on June 28, 1985 (50 FR 26780–26782) proposed various amendments to 9 CFR Parts 91, 161, and 162. These Parts concern accreditation of veterinarians and issuance of origin health certificates. Based on the rationale set forth in the proposal and in this document, the provisions of the proposal have been adopted as a final rule without change.

The document of June 28, 1985, invited the submission of written comments on or before July 29, 1985. A document published in the **Federal Register** on August 8, 1985 (50 FR 32085–32086), reopened the comment period until September 9, 1985.

Sixty-two comments were received in response to the proposed rule. The comments were from accredited veterinarians, representatives of veterinary associations, State departments of agriculture, and other interested persons. All of the comments have been carefully considered and the issues raised by the commenters are discussed below.

Accreditation

Requirements and standards for accredited veterinarians, and provisions concerning the suspension or revocation of such accreditation are set forth in 9 CFR Part 161.

Prior to the effective date of this document, § 161.3 contained provisions authorizing the accreditation of a veterinarian to be suspended for a given period of time or to be revoked based on a finding that the veterinarian had not complied with the standards for accredited veterinarians set forth in § 161.2. The regulations also authorize the issuance of a written notice of warning in lieu of a suspension or revocation under certain circumstances. A suspension or revocation could be imposed only after opportunity for an adjudicatory hearing, with respect to any factual issues, and other procedures under the rules of practice, except that a summary suspension found necessary on an emergency basis in order to adequately protect the public health, interest, or safety might be imposed pending a final determination in an adjudicatory proceeding. With respect to suspensions, except for summary suspensions that were changed to revocations as the result of adjudicatory proceedings, it had been the practice of Veterinary Services to automatically reinstate a veterinarian as an accredited veterinarian after the time period of the suspension had ended. However, a veterinarian whose accreditation had been revoked had to meet the following provisions in § 161.1(b) in order to become reaccredited:

> (b) The Deputy Administrator is hereby authorized to reaccredit a veterinarian whose accreditation has been revoked when he determines, after the order of revocation has been in effect for not less than one year, that such veterinarian: (1) is licensed to practice veterinary medicine in the State in which he wishes to be accredited; (2) has made formal application for accreditation on Form 1–36A, "Application for Veterinary Accreditation"; (3) has been jointly recommended by the State Animal Health Official and the Veterinarian-in-Charge for the State in which the veterinarian is licensed and wishes to be accredited; and (4) such veterinarian has furnished adequate assurance that he will faithfully fulfill the duties of an accredited veterinarian in the future.

It was proposed to make changes in § 161.1(b) to require that a revocation remain in effect for at least two years, and to add a requirement to provide that a veterinarian whose accreditation has been revoked must pass an examination administered by Veterinary Services as a condition of reaccreditation. It was also proposed to amend § 161.1 to set forth the current practice of Veterinary Services with respect to reaccreditation of veterinarians after suspensions, with one change. In this connection, it was proposed to add a new paragraph (c) to § 161.1 to read as follows:

> (c) A veterinarian whose accreditation has been suspended (other than a summary suspension that is changed to a revocation as the result of an adjudicatory proceeding) will be automatically reinstated as an accredited veterinarian upon the completion of the suspension, except that such veterinarian shall be required to pass an examination administered by the Service as a condition of reaccreditation if the suspension was for six months or more.

Seventeen commenters addressed the proposed amendments concerning accreditation. Three of these commenters, without explanation, expressed opposition.

Two commenters stated that they opposed the proposal to provide that revocations of accreditation remain in effect for at least two years, based on the assertion that each case should be evaluated individually and the degree of penalty should always be tailored to the severity of the violation involved. No changes are made based on these comments. The regulations already provide a mechanism for evaluating each case individually and tailoring the penalty to the severity of the violation. Veterinarians who violate the Standards for Accredited Veterinarians would not necessarily have their accreditation revoked. The regulations also allow for suspensions and written notices of warning. Within this framework each case is evaluated individually and penalties are tailored to the severity of the violations.

One commenter opposed the proposed requirement that a veterinarian whose accreditation has been suspended for six months or more must pass an examination administered by APHIS as a condition of reaccreditation. This commenter asserted that "such a requirement is too burdensome in addition to the penalty of suspension." Another commenter favored the proposed amendment.

APHIS agrees that reexamination can be burdensome. However, it has been determined that the proposed amendment should be adopted as proposed. The basis for the proposed amendment, set forth at 50 FR 26780, is as follows:

> [i]t appears reasonable that a veterinarian whose accreditation has been removed for six months or more, and who therefore may have lost familiarity with Veterinary Services programs, should be required to establish competency as a condition of becoming reaccredited by passing an examination. . . .

APHIS affirms this rationale.

Ten commenters opposed the proposed amendments concerning accreditation based on the assertion that the proposed amendments are

incompatible with Federal/State cooperative programs. Another commenter specifically asserted that any two year revocation should be imposed only with the concurrence of State animal health officials and that examinations for reaccreditation should be jointly administered by Federal and State officials.

APHIS cooperates with the States in many programs that involve the use of accredited veterinarians. It is necessary to have cooperation to have successful programs, and it is the practice of APHIS to consult with State officials, insofar as possible, prior to taking federal actions concerning accreditation of veterinarians. However, the final responsibility for such actions is vested in Veterinary Services. Further, if the final responsibility for such actions were to be shared by Federal and State officials, unresolvable conflicts could arise.

Informal Conferences

Supplemental rules of practice governing the revocation or suspension of veterinarians' accreditation are set forth in 9 CFR Part 162. The supplemental rules of practice provide that before formal action can be taken to remove the accreditation of a veterinarian, the veterinarian shall have an opportunity to have an informal conference with the Veterinarian in Charge to discuss the matter. In this connection, prior to the effective date of this document, § 162.12(a) of the rules of practice provided that:

> (a) The Veterinarian in Charge, with the concurrence of the State Animal Health Official and the accredited veterinarian, shall designate the time and place for the holding of an informal conference to review the matter.

It was proposed to amend § 162.12(a) to read as follows:

> The Veterinarian in Charge, after careful consideration of the convenience of the State Animal Health Official and the accredited veterinarian, shall designate the time and place for the holding of an informal conference to review the matter.

Thirty-eight commenters addressed this proposed change. Two commenters were in favor, and the remaining commenters were opposed. All of the negative comments indicated that the proposed change would be contradictory to a cooperative State/Federal program. Some of the commenters specifically indicated that the proposed change could allow Federal Veterinarians in Charge to exclude State animal health officials from attending informal conferences. One commenter stated that this could be done by intentionally setting the informal conference at a time and place which would ensure that the State animal health official could not attend. No changes are made based on these comments.

The final rule does not allow Federal Veterinarians in Charge to schedule informal conferences so as to exclude State animal health officials. In fact, the final rule requires that the Federal Veterinarian in Charge "carefully consider the convenience of the State Animal Health Official" when scheduling an informal conference.

Further, the final rule is necessary to remedy a problem that has arisen. As stated at page 26781 of the proposal:

> In the past, some State animal health officials have attempted to thwart the efforts of Veterinary Services to take action against accredited veterinarians under the supplemental rules of practice by refusing to concur in the designation of the time and place for the holding of informal conferences. Lack of concurrence on the part of State animal health officials has caused confusion as to whether such conferences with veterinarians could be held and whether necessary disciplinary measures could be initiated.

One commenter suggested that the regulations be changed to require specifically that the location of the informal conference be convenient to the State animal health official and that the Veterinarian in Charge "be required to set an option [for the holding of the informal conference] of at least three dates extending over a period of not less than twenty nor more than thirty calendar days." No changes are made based on this comment. Informal conferences are usually held in the office of the Veterinarian in Charge. In most States this location is convenient for the State animal health official, since, in most States, the offices of the Veterinarian in Charge and the State Animal Health Official are in the same city. In those States where these two offices are not in the same city, choosing a convenient location has not presented a problem in the past. Therefore, it does not appear that there is a need to change the regulations in this regard. Further, it does not appear to be necessary to prescribe procedures for scheduling informal conferences. The suggested procedures would limit the flexibility that is needed in scheduling such informal conferences.

Origin Health Certificate

Regulations concerning inspection and handling of animals for exportation are set forth in 9 CFR Part 91. Pursuant to the provisions of § 91.3(a), all animals intended for exportation to a foreign country must be accompanied from the State of origin of the export movement to the port of embarkation or to the border of the United States by an origin health certificate.

The origin health certificate is required, among other things, to individually identify the animals in the shipment; to certify that the animals were inspected within 30 days prior to the movement of the animals for export; and to certify that the animals were found to be sound, healthy, and free from evidence of communicable disease and exposure thereto. In addition, Part 91 provides that for certain animals the origin health certificate is required to specify the types of tests conducted, the date of the tests, and the results of the tests.

Prior to the effective date of this document, origin health certificates were allowed to be issued only if the following occurred:

1. The issuing accredited veterinarian took the test sample from the animal;
2. The issuing accredited veterinarian submitted the test sample to a laboratory;
3. The laboratory performed the test and sent the results of the test to the issuing accredited veterinarian and to the authorized Veterinary Services veterinarian in the State of origin of the export movement;
4. The issuing accredited veterinarian included the results of the test on the certificate, signed the certificate, and forwarded the certificate to the authorized Veterinary Services veterinarian;
5. The authorized Veterinary Services veterinarian endorsed the certificate after taking whatever action was necessary to verify the accuracy of the information on the certificate; and
6. The authorized Veterinary Services veterinarian distributed the certificate.

These procedures were consistent with the provisions in § 161.2(b), which required that an accredited veterinarian not sign such an origin health certificate unless the certificate showed the results of tests that were conducted. Also, the procedures were consistent with the provisions in § 91.3, which provided that the origin health certificate shall be endorsed by an authorized Veterinary Services veterinarian in the State of origin of the export movement.

However, there were instances when there was not enough time for an accredited veterinarian to hold an origin health certification until he or she received the laboratory test results and still have sufficient time for the accredited veterinarian to send the certificate to the authorized Veterinary

Services veterinarian to be verified, endorsed, and distributed before a scheduled shipment.

Accordingly, it was proposed to amend § 161.2 to provide that an accredited veterinarian may sign an origin health certificate without including test results from a laboratory if an authorized Veterinary Services veterinarian has agreed, based on a finding that such action is necessary to save time in order to meet an exportation schedule, to include the test results on the certificate, and if the accredited veterinarian states on the certificate that such test results are to be added by the authorized Veterinary Services veterinarian. It was also proposed to amend § 91.3 to allow an authorized Veterinary Services veterinarian to include such test results on the origin health certificate and to provide that such authorized Veterinary Services veterinarian initial any added test results.

Five comments were received concerning these proposed changes. One of the comments was favorable. The other commenters all stated that adoption of such proposed amendments would generate excessive work for Veterinary Services veterinarians authorized to endorse such certificates. No changes were made based on these comments.

Pursuant to the provisions of the final rule, the alternate procedure for completing the origin health certificate will only be used when the authorized Veterinary Services veterinarian has agreed, based on a finding that such action is necessary to save time in order to meet an exportation schedule. The adoption of the proposed amendments will create additional work for authorized Veterinary Services veterinarians. However, it has been determined that the additional work is slight, and that Veterinary Services veterinarians can absorb it. In addition, the adoption of these amendments will facilitate international trade in United States livestock, and the additional work is justified by the anticipated benefits.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this rule will not have an effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It is anticipated that an insignificant number of accredited veterinarians will be affected by the provisions concerning accreditation, and that an insignificant number of shipments of animals will be affected by the provisions concerning origin health certificates. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V).

Paperwork Reduction Act

In accordance with section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the information collection provisions that are included in this rule have been approved by the Office of Management and Budget (OMB) and have been given the OMB control number 0579–0032 and 0579–0070.

List of Subjects

9 CFR Part 91

Animal diseases, Animal welfare, Exports, Humane animal handling, Livestock and livestock products, Transportation.

9 CFR Part 161

Veterinarians.

9 CFR Part 162

Administrative practice and procedure, Veterinarians.

Acccordingly, the regulations in 9 CFR Parts 91, 161, and 162 are amended as follows:

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

1. The authority citation for Part 91 continues to read as follows:

Authority: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618; 46 U.S.C. 466a, 466b; 49 U.S.C. 1509(d); 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 91.3, paragraph (a) is revised to read as follows:

§ 91.3 General export requirements.

(a) All animals intended for exportation to a foreign country, except animals intended for exportation to Mexico or Canada, shall be accompanied from the State of origin of the export movement to the port of embarkation by an origin health certificate. All animals intended for exportation to Mexico or Canada shall be accompanied from the State of origin of the export movement to the border of the United States by an origin health certificate. The origin health certificate shall certify that the animals were inspected within the 30 days prior to the date of the movement of the animals for export, and were found to be sound, healthy, and free from evidence of communicable disease and exposure thereto. The origin health certificate shall be endorsed by an authorized Veterninary Services veterinarian in the State of origin, and shall include any test results added by such authorized Veterinary Services veterinarian pursuant to § 161.2 (any added test results shall be initialed by such authorized Veterinary Services veterinarian). The origin health certificate shall individually identify the animals in the shipment as to species, breed, sex, and age, and, if applicable, shall also show registration name and number, tattoo markings, or other natural or acquired markings.

* * * * *

PART 161—REQUIREMENTS AND STANDARDS FOR ACCREDITED VETERINARIANS AND SUSPENSION OR REVOCATION OR SUCH ACCREDITATION

3. The authority citation for Part 161 is revised to read as follows:

Authority: 15 U.S.C. 1828; 21 U.S.C. 105, 111–114, 114a, 114a–1, 116, 120, 121, 125, 134b, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

4. In § 161.1, paragraph (b) is revised and a new paragraph (c) is added to read as follows:

§ 161.1 Requirements for accreditation.

* * * * *

(b) The Deputy Administrator is hereby authorized reaccredit a veterinarian whose accreditation has been revoked when the revocation has been in affect for not less than two years and he or she determines that such veterinarian (1) is licensed to practice veterinary medicine in the State in which he or she wishes to be accredited; (2) has made formal application for accrediation of Form I–

36A, "Application for Veterinary Accreditation"; (3) has been jointly recommended by the State Animal Health Official and the Veterinarian-in-Charge for the State in which the veterinarian is licensed and wished to be accredited; (4) has furnished adequate assurance that he or she will faithfully fulfill the duties of an accredited veterinarians in the future; and (5) has passed an examination administered by the Service.

(c) A veterinarian who accreditation has been suspended (other than a summary suspension that is changed to revocation as the result of an adjudicatory proceeding) will be automatically reinstated as an accredited veterinarian upon the completion of the suspension, except that such veterinarian shall be required to pass an examination administered by the Service as a condition of reaccreditation if the suspension was for six months or more.

5. In the first sentence in § 161.2(b), "paragraph (c) of this section" is changed to "paragraph (c) or (l) of this section".

6. A new paragraph (l) is added to § 161.2 to read as follows:

§ 161.2 Standards for accredited veterinarians.

* * * * *

(l) An accredited veterinarian may sign an origin health certificate for us persuant to Part 91 of this Chapter without including test results from a laboratory if an authorized Veterinary Services veterinarian has agreed, based on a finding that such action is necessary to save time in order to meet an exportation schedule, to include the test results o the certificate and if the accredited veterinarian states on the certificate that such test results are to be added by the authorized Veterinary Services veterinarian.

PART 162—RULES OF PRACTICE GOVERNING REVOCATION OR SUSPENSION OF VETERINARIANS' ACCREDITATION

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

Authority: 15 U.S.C. 1828; 21 U.S.C. 105, 111, 114a–1, 115, 116, 120, 121, 125, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

8. In § 162.12, paragraph (a) is revised to read as follows:

§ 162.12 Informal conference.

(a) The Veterinarian in Charge, after careful consideration of the convenience of the State Animal Health Official and the accredited veterinarian, shall designate the time and place for the holding of an informal conference to review the matter.

* * * * *

Done at Washington, DC, this 6th day of May 1986.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86–10603 Filed 5–9–86; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86–CE–12–AD; Amendment 39–5308]

Airworthiness Directives; Cessna Models 208 and 208A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to all Cessna Models 208 and 208A airplanes. It requires installation of warning placards and temporary revision of the emergency procedures in the Pilot's Operating Handbook and Airplane Flight Manual (POH/AFM). Reports have been received of forced landings believed to have been caused by fuel starvation due to attempting to takeoff with both wing fuel tank selectors in the "off" position. The actions required by this AD are interim measures to help preclude fuel starvation during takeoff due to improper positioning of the wing fuel tank selectors.

DATES: *Effective Date:* May 19, 1986.

Compliance: Required within the next 25 hours time-in-service after the effective date of this AD, unless already accomplished.

ADDRESSES: Cessna Caravan Service Bulletin CAB85–15 plus Attachment, and Cessna Owner Advisory CAB85–15A (both dated November 27, 1985) applicable to this AD may be obtained from the Cessna Aircraft Company, Customer Services, Post Office Box 1521, Wichita, Kansas 67201. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Paul O. Pendleton, Aerospace Engineer, Aircraft Certification Office, ACE–140W, FAA, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946–4427.

SUPPLEMENTARY INFORMATION: Reports have been received of engine power loss from fuel starvation with subsequent forced landings involving Cessna Models 208 and 208A airplanes. The fuel starvation is believed to have occurred because takeoff was attempted with both wing fuel tank selectors in the "off" position. With the fuel selectors in this position, the only fuel supply available for use is that contained in the fuel reservoir. Cessna is currently developing a fuel system modification which will preclude this potential fuel mismanagement situation. Cessna has also developed warning placards and revised operational emergency procedures for inadvertent fuel flow interruption. The FAA has determined that these placards and revised procedures are needed as an interim measure until the fuel system modification is available.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring installation of warning placards and temporary revision of the POH/AFM on all Cessna Models 208 and 208A airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, 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 major under Section 8 of 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 regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

List of Subjects in 14 CFR 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

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

PART 39—(AMENDED)

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

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

2. By adding the following new AD:

Cessna: Applies to Models 208 and 208A (all Serial Numbers) airplanes certificated in any category.

Compliance: Required within the next 25 hours time-In-service after the effective date of this AD, unless already accomplished.

To prevent fuel starvation during takeoff due to improper positioning of the wing fuel tank selectors, accomplish the following:

(a) Install Cessna Part Number 2605030-1 placards and revise the Pilot's Operating Handbook and Airplane Flight Manual fuel system emergency procedures in accordance with the instructions in Cessna Caravan Service Bulletin CAB85-15 plus Attachment, and Cessna Owner Advisory CAB85-15A, both dated November 27, 1985, and operate the airplane in accordance with the instructions and warnings in these revised procedures.

(b) An equivalent means of compliance with this AD may be used if approved by the Manager, Aircraft Certification Office, ACE-115W, FAA, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective on May 19, 1986.

Issued in Kansas City, Missouri, on May 2, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-10517 Filed 5-9-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-NM-111-AD; Amdt. 39-5309]

Airworthiness Directives: Boeing Model 757 and Model 767 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD), applicable to Boeing Model 757 and Model 767 airplanes, which requires inspection of cargo compartment smoke detectors to determine whether the wrong lamp has been installed, installation of new lamps, if necessary, and installation of a caution placard to prevent future installation of improper lamps, which would render the detectors ineffective in detecting cargo compartment fires. After the AD was issued, it was reported that the lamps required to be used in the detectors were individually tested by the manufacturer and that other lamps of the same part number may not be satisfactory. This amendment requires installation of correct lamps, which have been reidentified, and installation of placards. This amendment also extends the compliance time.

EFFECTIVE DATE: May 20, 1986.

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

FOR FURTHER INFORMATION CONTACT: Mr. Robert McCracken, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, Seattle Aircraft Certification Office; telephone (206) 431-2947. Mailing address: FAA, Seattle Aircraft Certification Office, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On March 28, 1986, the FAA issued an AD, Amendment 39-5280 (51 FR 11078; April 7, 1986), which requires operators of Boeing Model 757 and Model 767 airplanes to inspect the cargo compartment smoke detectors to determine whether lamps with the wrong voltage rating had been installed, installation of new lamps, if necessary, and installation of a caution placard to prevent future installation of the wrong lamp. Use of the incorrect lamp may prevent detection of smoke in the cargo compartment.

After issuance of the AD, it was determined that the lamp identified in the Autronics (the smoke detector manufacturer) service letter was improperly identified as a "CM 382 14" volt lamp. In actuality, these lamps are individually tested to assure proper operating characteristics, and are, therefore, assigned to a new part number: "CM 382 AS10" or "CM 382 AS15."

Autronics has issued Service Bulletin 2156204-26-01, dated April 14, 1986, which describes replacement of incorrect lamps, installation of a replacement cover gasket, and installation of appropriate placards.

Since this condition may exist on other airplanes of these models, the FAA is amending the existing AD to require replacement of lamps presently installed in the smoke detectors in the cargo compartments of Boeing Model 757 and Model 767 airplanes, with reidentified lamps, and installation of placards in accordance with the Autronics service bulletin previously mentioned. The compliance time is extended to within 30 days after the effective date of this amendment.

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 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 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

PART 39—(AMENDED)

1. The authority citation of Part 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 amending AD 86-07-09, Amendment 39-5280 (51 FR 11708; April 7, 1986), by revising paragraph A. to read as follows:

"A. Replace the lamps in the four Autronics Corporation Model 2156-204 cargo compartment smoke detectors and install placards in accordance with Autronics

Service Bulletin 2156204-26-01, dated April 14, 1986, or later FAA-approved revision."

All persons affected by this AD who have not already received the above specified service bulletin from the manufacturer may obtain copies upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The service bulletin 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 May 20, 1986.

Issued in Seattle, Washington, on May 2, 1986.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 86-10528 Filed 5-9-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR PART 39

[Docket No. 85-NM-123-AD; Amdt. 39-5307]

Airworthiness Directives: Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires structural inspections and repair, as necessary, of the forward lower cargo doorway frames. The AD is prompted by numerous reports of cracking in both vertical frame members at the lower cargo doorway. Continued operation with undetected cracked frames could result in skin cracks and eventual rapid decompression.

EFFECTIVE DATE: Effective June 16, 1986.

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

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspection and repair, as necessary, of the forward lower cargo doorway frames on certain Boeing Model 737 series airplanes was published in the **Federal Register** on December 30, 1985 (50 FR 53157). The comment period for the proposal closed on February 17, 1986.

Interested persons have been afforded an opportunity to participate in the making of this AD and due consideration has been given to all comments received.

The Air Transport Association of America (ATA) responded to the proposed rule in behalf of two affiliate operators.

One operator requested that the initial inspection compliance time be extended from the proposed 90 days to 180 days. The operator indicated that although cracks had been found, all of its affected airplanes have been repaired in accordance with Service Bulletin 737-53-1051, Revision 3. Furthermore, the operator stated that its three repaired airplanes have exceeded the 6,000 flight cycle threshold, and no cracks have been detected in the repaired areas. The FAA finds that service experience of repaired cracks cannot be used to support such an extension, and therefore, the FAA does not concur with the request to extend the compliance time to 180 days.

Another operator recommend that paragraph D. of the proposed rule be revised to recognize alternate repairs accomplished in accordance with the Structural Repair Manual (SRM), Section 51-40-3. The FAA acknowledges that proper repair in accordance with the SRM is an acceptable alternate repair and, therefore, concurs with the recommendation. The final rule has been revised accordingly.

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 proposed rule with the change noted above.

It is estimated that 186 airplanes of U.S. registry will be affected by this AD, that approximately one manhour per airplane will be required to perform the necessary inspections, and that the average labor costs will be $40 per manhour. Based on these figures, the total cost impact of this AD on U.S. operators will be $7,440 per inspection cycle.

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

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

2. By adding the following new airworthiness directive:

Boeing: Applies to all Model 737 series airplanes listed in Boeing Service Bulletin 737-53-1051, Revision 3, dated July 12, 1985, certificated in any category. To prevent rapid loss of cabin pressure resulting from undetected frame cracking, accomplish the following upon the accumulation of 6,000 landings or within 90 days after the effective date of this AD, whichever occurs later, unless previously accomplished:

A. Visually inspect the forward and aft body frames adjacent to the forward lower cargo door for cracks, in accordance with the Flight Safety Inspection Program in Boeing Service Bulletin 737-53-1051, Revision 3, or later FAA-approved revisions. Repeat the inspection at intervals not to exceed 4,000 landings.

B. If cracks are found, prior to further flight, repair in accordance with Part III.A. or Part III.B., as applicable, of Boeing Service Bulletin 737-53-1051, Revision 3, or later FAA-approved revisions.

C. For airplanes that have had cracks repaired in accordance with Part III.A. of Boeing Service Bulletin 737-53-1051, initial release, or later FAA-approved revisions, visually inspect the frames for cracks in the area of the repair upon the accumulation of 25,000 landings after the repair, and repeat at intervals not to exceed 17,000 landings thereafter. Parts found cracked must be repaired prior to further flight in accordance with an FAA-approved repair method.

D. For airplanes that have had cracks repaired in accordance with the Boeing

Model 737 Structural Repair Manual, Section 51–40–3, or with Part III.B. of Boeing Service Bulletin 737–53–1051, Revision 3, or later FAA-approved revisions, visually inspect the frames for cracks in the area of the repair upon the accumulation of 6,000 landings after the repair and repeat at intervals not to exceed 4,000 landings thereafter. Parts found cracked must be repaired prior to further flight in accordance with an FAA-approved repair method.

E. Modification of uncracked frames in accordance with the Preventative Modification of Boeing Service Bulletin 737–53–1051, Revision 3, or later FAA-approved revisions, constitutes terminating action for the requirements of this AD.

F. Airplanes with cracked frames may be flown in accordance with FAR 21.197 and 21.199 to a maintenance base for repairs or replacement required by this AD.

G. An alternate method of compliance or adjustment of the compliance time which provides an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received the appropriate service document from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The document may be examined at 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 June 16, 1986.

Issued in Seattle, Washington, on May 1, 1986.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 86–10527 Filed 5–9–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 86–ASW–2]

Alteration of Transition Area: Ada, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revise the 700-foot transition area at Ada, OK. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to Ada Municipal Airport utilizing the new Ada VOR (ADH) and the new Adoke NDB (DKU) as navigational aids. This amendment is necessary since there will be new SIAP's using the new Ada VOR and the Adoke NDB. Coincident with this action, the existing Ada NDB (AMR) will be decommissioned.

EFFECTIVE DATE: 0901 UTC, August 28, 1986.

FOR FURTHER INFORMATION CONTACT: David J. Souder, Airspace and Procedures Branch (ASW–535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877–2622.

SUPPLEMENTARY INFORMATION:

History

On January 23, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revise the Ada, OK, transition area (51 FR 4610).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation regulations revises the 700-foot transition area to provide additional controlled airspace thereby ensuring the segregation of aircraft utilizing the new SIAP's under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR) while arriving to or departing from the Ada Municipal Airport.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas, etc.

Adoption of the Amendment

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

PART 71—(AMENDED)

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

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

2. § 71.181 is amended as follows:

Ada, OK [Revised]

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Ada Municipal Airport (latitude 34°48'20" N., longitude 96°40'15" W.).

Issued in Fort Worth, TX, on April 25, 1986.

Donald R. Guempel,

Acting Manager, Air Traffic Division Southwest Region.

[FR Doc. 86–10522 Filed 5–9–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 85–AWA–5]

Establishment of Airport Radar Service Areas

Correction

In FR Doc. 86–7686 beginning on page 11886 in the issue of Monday, April 7, 1986, make the following corrections:

1. On page 11891, first column, under "Memphis International Airport, TN", first line, "SAA" should read "SSA".

2. Also, under the same heading, second paragraph, first line, "SAA" should read "SSA".

BILLING CODE 1505–01–M

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14 CFR Part 71

[Airspace Docket No. 86–AWA–11]

Alteration of VOR Federal Airway V–441—FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Federal Airway V–441 so that it is more directly aligned between Lakeland and Melbourne, FL.

EFFECTIVE DATE: 0901 GMT, July 3, 1986.
FOR FURTHER INFORMATION CONTACT: William Davis, Airspace and Air Traffic Rules Branch (ATO–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.
SUPPLEMENTARY INFORMATION:

History

On July 1, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter several airways in the state of Florida because of a planned action to relocate the Fort Myers, FL, navigational aid upon which these airways are based (50 FR 27014). Also included with that proposal was a proposed alteration to VOR Federal Airway V–441 so that it would be more directly aligned between certain navigational aids. Those actions were proposed in Airspace Docket No. 85–ASO–6. The relocation of the Fort Myers navigational aid has been postponed until July 1987; however, there remains a need to alter VOR Federal Airway V–441. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations amends VOR Federal Airway V–441 so that it is more directly aligned between the Lakeland and Melbourne, FL, navigational aids.

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

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal Airways.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

2. section 71.123 is amended as follows:

V–441 [Amended]

By removing the words "Lakeland, FL, 080° radials" and by substituting the words "Lakeland, FL, 081° radials"

Issued in Washington, DC, on May 2, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86–10524 Filed 5–9–86; 8:45 am]
BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 85–AGL–18]

Realignment of Federal Airway V–78

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule.

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

EFFECTIVE DATE: 0901 UTC, July 3, 1986.
FOR FURTHER INFORMATION CONTACT: Peter DiVenere, Airspace and Air Traffic Rules Branch (ATO–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 426–8783.
SUPPLEMENTARY INFORMATION:

History

On February 24, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign Federal Airway V–78 to the north between the Eau Claire, WI, and Gopher, MN, VORTAC facilities (51 FR 6417). This action provides the necessary increased separation between established routes to ensure the safe and expeditious flow of air traffic in the area. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations amends VOR Federal Airway V–78 by realigning the airway to the north between the Eau Claire, WI, and Gopher, MN, VORTAC facilities. This action will provide the necessary increased separation between established routes to ensure the safe and expeditious flow of air traffic in the area.

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

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal Airways.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

2. Section 71.123 is amended as follows:

V–78 [Amended]

By removing the words "Eau Claire, WI;" and substituting the words "INT Gopher 091° and Eau Claire, WI, 290° radials; Eau Claire;"

Issued in Washington, DC, on May 2, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86-10523 Filed 5-9-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 24978; Amdt. No. 1320]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

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

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

For Purchase—Individual SIAP copies may be obtained from:

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

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

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

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

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

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number. This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

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

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

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC, on May 2, 1986.

John S. Kern,

Director of Flight Standards.

Adoption of the Amendment

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

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

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

PART 97—[AMENDED]

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

§ 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . Effective August 28, 1986

Mountain View, AR—Harry E. Wilcox Memorial Field, NDB–A, Orig.

. . . Effective July 3, 1986

Mena, AR—Intermountain Regional, VOR/DME–A, Amdt. 7
Mena, AR—Intermountain Regional, NDB–B, Amdt. 5
Bakersfield, CA—Meadows Field, VOR RWY 12L, Amdt. 3
Bakersfield, CA—Meadows Field, VOR RWY 30R, Amdt. 4
Bakersfield, CA—Meadows Field, LOC BC RWY 12L, Amdt. 7
Bakersfield, CA—Meadows Field, NDB RWY 30R, Amdt. 3
Bakersfield, CA—Meadows Field, ILS RWY 30R, Amdt. 23
Delano, CA—Delano Muni, VOR RWY 32L, Amdt. 4
Porterville, CA—Porterville Muni, VOR RWY 30, Amdt. 4
Akron, CO—Akron-Washington Co., VOR RWY 27, Amdt. 6
Denver, CO—Centennial, ILS RWY 35R, Amdt. 4
Boyne Falls, MI—Boyne Mountain, NDB–A, Amdt. 4
Boyne Falls, MI—Boyne Mountain, RNAV–B, Amdt. 1
Gaylord, MI—Otsego County, VOR RWY 9, Amdt. 6
Gaylord, MI—Otsego County, VOR RWY 27, Amdt. 6
Gaylord, MI—Otsego County, NDB RWY 9, Amdt. 7
New Ulm, MN—New Ulm Muni, NDB RWY 13, Amdt. 3, Cancelled
New Ulm, MN—New Ulm Muni, NDB RWY 15, Orig.
New Ulm, MN—New Ulm Muni, NDB RWY 33, Orig.
Butte, MT—Bert Mooney, LOC/DME RWY 15, Amdt. 5
Butte, MT—Bert Mooney, ILS RWY 15, Amdt. 3
Dillon, MT—Dillon, VOR–A, Amdt. 7
Dillon, MT—Dillon, VOR/DME–B, Amdt. 1
Cozad, NE—Cozad Muni, NDB RWY 13, Amdt. 2, Cancelled
Gothenburg, NE—Quinn Fld, NDB RWY 32, Amdt. 1, Cancelled
Lexington, NE—Lexington Muni, NDB RWY 14, Amdt. 3, Cancelled
Afton, OK—Shangri-La, NDB RWY 35, Amdt. 3
Medford, OR—Medford-Jackson County LOC/DME BC–B, Amdt. 4
Medford, OR—Medford-Jackson County ILS/DME RWY 14, Amdt. 12
Rapid City, SD—Rapid City Regional, VOR/DME or TACAN RWY 14, Amdt. 15
Rapid City, SD—Rapid City Regional, VOR or TACAN RWY 32, Admt. 23
Rapid City, SD—Rapid City Regional, NDB RWY 32, Amdt. 2
Rapid City, SD—Rapid City Regional, ILS RWY 32, Amdt. 16
Hartford, WI—Hartford Muni, VOR–A, Amdt. 4
Hartford, WI—Hartford Muni, NDB RWY 11, Amdt. 3
Kenosha, WI—Kenosha Muni, VOR RWY 14, Amdt. 6
Kenosha, WI—Kenosha Muni, NDB RWY 14, Amdt. 9
Milwaukee, WI—General Mitchell Field, NDB RWY 1L/R, Amdt. 2
Milwaukee, WI—General Mitchell Field, ILS RWY 1L, Amdt. 5
Oshkosh, WI—Wittman Field, VOR RWY 9, Amdt. 7
Oshkosh, WI—Wittman Field, VOR RWY 18, Amdt. 5
Oshkosh, WI—Wittman Field, VOR RWY 27, Amdt. 3
Oshkosh, WI—Wittman Field, VOR RWY 36, Amdt. 15
Oshkosh, WI—Wittman Field, LOC/DME BC RWY 18, Amdt. 4
Oshkosh, WI—Wittman Field, NDB RWY 36, Amdt. 4
Oshkosh, WI—Wittman Field, ILS RWY 36, Amdt. 5
Gillette, WY—Gillette-Campbell County, ILS RWY 34, Amdt. 1

. . . Effective June 5, 1986

Muscle Shoals, AL—Muscle Shoals, VOR RWY 29, Amdt. 25
Muscle Shoals, AL—Muscle Shoals, VOR/DME RWY 11, Amdt. 4
Muscle Shoals, AL—Muscle Shoals, ILS RWY 29, Amdt. 2
Brooksville, FL—Hernando County, NDB RWY 9, Amdt. 4
Key West, FL—Key West INTL, VOR/DME RWY 27, Orig.
Bedford, MA—Laurence G. Hanscom Fld, ILS RWY 29, Amdt. 1
Frederick, MD—Frederick Muni, ILS RWY 23, Amdt. 2
Columbus-West Point-Starkville, MS—Golden Triangle Regional, VOR–D, Amdt. 4
Columbus-West Point-Starkville, MS—Golden Triangle Regional, VOR/DME–E, Amdt. 4
Columbus-West Point-Starkville, MS—Golden Triangle Regional, LOC/DME BC RWY 36, Amdt. 4
Columbus-West Point-Starkville, MS—Golden Triangle Regional, ILS RWY 18, Amdt. 4
Gastonia, NC—Gastonia Muni, NDB RWY 3, Amdt. 5
Lumberton, NC—Lumberton Muni, VOR RWY 5, Amdt. 6
Lumberton, NC—Lumberton Muni, VOR RWY 13, Amdt. 6
Lumberton, NC—Lumberton Muni, NDB RWY 13, Amdt. 7
Maxton, NC—Laurinburg-Maxton, SDF RWY 5, Amdt. 4
Maxton, NC—Laurinburg-Maxton, NDB RWY 5, Amdt. 6
Monroe, NC—Monroe, NDB RWY 23, Amdt. 4
Salisbury, NC—Rowan County, VOR–A, Amdt. 5
Wadesboro, NC—Anson County, NDB RWY 16, Amdt. 1
Anderson, SC—Anderson County, VOR RWY 5, Amdt. 9
Anderson, SC—Anderson County, LOC RWY 5, Amdt. 1
Anderson, SC—Anderson County, NDB RWY 35, Amdt. 1
Anderson, SC—Anderson County, RNAV RWY 23, Amdt. 5
Lancaster, SC—Lancaster County, NDB RWY 24, Amdt. 3
Marion, SC—Marion County, NDB RWY 4, Amdt. 3
Newberry, SC—Newberry Muni, NDB RWY 22, Amdt. 2
Fort Worth, TX—Bourland Field, VOR RWY 35, Orig.
Marble Falls, TX—Horseshoe Bay, NDB RWY 17, Amdt. 2, CANCELLED
San Antonio, TX—San Antonio Intl, VOR RWY 21, Amdt. 1
Blacksburg, VA—Virginia Tech, NDB RWY 8, Amdt. 5, CANCELLED
Blacksburg, VA—Virginia Tech, NDB–A, Orig.
Tangier, VA—Tangier Island, VOR/DME RWY 2, Amdt. 5

. . . Effective April 29, 1986

Los Angeles, CA—Los Angeles Int'l, ILS RWY 25L, Amdt. 1
Los Angeles, CA—Los Angeles Int'l, ILS RWY 25R, Amdt. 4

. . . Effective April 28, 1986

Pocatello, ID—Pacatello Muni, ILS RWY 21, Amdt. 24
Jasper, TX—Jasper County Airport-Bell Field, NDB–A, Amdt. 3

. . . Effective April 23, 1986

Jasper, TX—Jasper County Airport-Bell Field, NDB RWY 18, Amdt. 5

. . . Effective April 17, 1986

Winston Salem, NC—Smith Reynolds, ILS RWY 33, Amdt. 24

[FR Doc. 86–10516 Filed 5–9–86; 8:45 am]
BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33–6641; 34–23204; 35–24085; IC–15087; FR–25; File No. S7–18–85]

Technical Amendment to Rule; Registrant and its Subsidiaries and Affiliates; Consolidated and Combined Financial Statements

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is revising Rule 3A–02 of Regulation S–X (17 CFR 210.3A–02) under the Securities Act of 1933 and the Securities Exchange Act of 1934. The amendment clarifies that the rule is subject to the overriding consideration of accounting for the substance of the particular relationship.

EFFECTIVE DATE: June 11, 1986.

FOR FURTHER INFORMATION CONTACT: Robert J. Kueppers, Office of the Chief Accountant (202–272–2130), or Howard P. Hodges, Division of Corporation

Finance, (202–272–2553), Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission is amending Rule 3A–02 of Regulation S–X, its regulation relating to the form and content of and requirements for financial statements, under the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq.] and the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq.]. Rule 3A–02 provides guidance on the consolidation of financial statements of a registrant and its subsidiaries. It covers all registration statements and periodic reports filed under the Securities Act and the Exchange Act which contain financial statements prepared in accordance with generally accepted accounting principles ("GAAP") and Regulation S–X. The Commission considers this an amendment that will not have a significant impact on present financial statement consolidation practices. The net effect of the amendment is to eliminate from the present rule the words that suggest an absolute prohibition from consolidating "any subsidiary which is not majority owned." This will eliminate any confusion about the overriding requirement of the rule which is that the registrant must adopt a consolidation policy which clearly exhibits the financial position and results of operations of the registrant and its subsidiaries.

I. Background and Introduction

Accounting Research Bulletin ("ARB") No. 51, paragraph 1, provides that "there is a presumption that consolidated statements are more meaningful than separate statements and that they are necessary for a fair presentation when one of the enterprises in the group directly or indirectly has a controlling financial interest in the other enterprises." While the usual condition for a controlling financial interest is ownership of a majority voting interest, the existence of such an interest may be evidenced in other ways, depending on particular facts and circumstances.

The present Rule 3A–02 of Regulation S–X, while stating that the registrant shall follow a consolidation policy which "will clearly exhibit the financial position and results of operations of the registrant and its subsidiaries," also states that a registrant "shall not consolidate any subsidiary which is not majority owned." That rule was written at a time when the Commission was attempting to prevent registrants which did not, in substance, have a controlling financial interest in a "subsidiary" from consolidating that entity and thereby filing financial statements which did not clearly exhibit the financial position and results of operations of the registrant and its subsidiaries.

Notwithstanding releases[1] which have indicated the Commission's view that the requirement to "clearly exhibit the financial position and results of operations of the registrants and its subsidiaries" is the overriding requirement in this rule, some registrants have cited this rule as prohibiting the consolidation of an entity that is, in substance, a subsidiary of the registrant.

Therefore, the Commission proposed to amend the rule in Securities Act Release No. 33–6577, on April 23, 1985 (50 FR 19035), and to reemphasize that, as in all accounting determinations, the substance of the transaction, as opposed to its form, must be considered in preparing financial statements.

II. Consideration of Comments Received

The Commission received 23 comment letters, the majority of which supported the proposed technical amendment. Some commentators believed that the Commission should delay the amendment of Rule 3A–02 until the Financial Accounting Standards Board ("FASB") completes its major project on Consolidations and the Equity Method. Others believed that the amendment would interfere with the FASB project. Several respondents expressed concern that the proposed rule did not specifically provide for an exception to consolidation treatment for finance and other "non-homogeneous" subsidiaries. Still other commentators requested that the Commission provide more definitive guidance in the rule itself or in the form of a staff accounting bulletin.

With respect to the comments referred to above, the Commission wishes to emphasize the following:

A. FASB Consolidations Projects.

The FASB presently has a major project on its agenda on Consolidations and the Equity Method which is dealing with a host of issues in the consolidations area. The amendment of Rule 3A–02 is consistent with present GAAP and does not impact the FASB's major project. The Commission is supportive of the FASB's efforts to address these important issues.

B. Finance and Other "Non-homogeneous" Subsidiaries

The amendment is not intended to alter present practice under GAAP which is embodied in ARB No. 51. Paragraph 3 of ARB No. 51, specifically provides that: "even though a group of companies is heterogeneous in character, it may be better to make a full consolidation than to present a large number of separate statements. On the other hand, separate statements . . . would be preferable for a subsidiary . . . if the presentation of financial information concerning the particular activities of such subsidiaries would be more informative . . . than would inclusion of such subsidiaries in the consolidation." Since ARB No. 51 was issued in 1959, practice pursuant to this paragraph has evolved to the point where many registrants do not consolidate finance and other non-homogeneous subsidiaries. Other registrants do consolidate such subsidiaries. The amendment to Rule 3A–02 is not intended to alter these practices. Indeed, the amended Rule 3A–02 is consistent with paragraph 3 of ARB No. 51 in that both call for the most meaningful financial presentation in the circumstances. In making this determination with respect to nonhomogeneous subsidiaries, ARB No. 51 puts the onus on companies to weigh the trade-off between unnecessary detail and more informative disclosure. Until the FASB promulgates new standards in this area, ARB No. 51 will continue as the applicable authoritative literature.

C. Definitive Guidance

Several commentators stated the belief that registrants should be given additional guidance to aid in determination of when an entity should be consolidated with a registrant. They believed this could be done by setting forth criteria that may be indicative of the need to consolidate or alternatively, by including examples from recent enforcement actions in the adopting release. Some commentators also suggested a companion staff accounting bulletin to provide implementation guidance.

Rule 3A–02, as amended, does not list specific criteria that need to be considered in determining whether an

[1] *In the matter of Atlantic Research*, Securities Act Release No. 4657 (December 6, 1963); *In the Matter of Laventhol & Horwath*, Securities Exchange Act Release No. 13976 (September 21, 1977); *SEC v. Digilog, Inc. and Ronald Moyer*, Litigation Release No. 10448 (July 5, 1984); and, *In the Matter of Coopers & Lybrand and M. Bruce Cohen, CPA*, Securities Exchange Act Release No. 21520 (November 27, 1984).

entity should be consolidated. Rather, it emphasizes the need to consider substance over form to determine appropriate consolidation policy. Such determination requires the use of judgment by registrants and their independent accountants.

The Commission believes it would be difficult to develop an all-inclusive list of criteria because of the variety of possible facts and circumstances encountered in practice. Additionally, development by the Commission of definitive factors would represent a major rulemaking initiative that could directly compete with the FASB's efforts in this area.

The amendment of Rule 3A–02 is being made to bring the language of the rule in line with the way it has been applied by the Commission and by registrants generally. Notwithstanding releases [2] which have indicated the Commission's view that the overriding requirement of the rule is to clearly exhibit the financial position and operating results of a company and its subsidiaries, the wording of the rule prior to amendment was an impediment to an understanding of the Commission's position on consolidations. The intent and scope of this amendment is to remove this impediment and to capture the Commission's position in Regulation S–X. Any further guidance is not deemed necessary at this time.

D. Rescission of Rule 3A–02

Several commentators suggested rescission of Rule 3A–02 on the theory that the Rule, as amended, is duplicative of GAAP. The Commission, however, believes it is preferable to amend the rule. The language of the Rule, while consistent with ARB No. 51, is more explicit than GAAP because it specifically addresses the possible need to consolidate a less than majority owned subsidiary, and it states the possible need to employ the equity method or a valuation allowance to achieve a fair presentation.

III. Synopsis

The amendments indicate that generally, registrants shall not consolidate any subsidiary that is not majority owned and shall consolidate subsidiaries that are majority owned, and that the registrant's accounting policies should be clearly explained in the statement as to principles of consolidation or combination followed as required by Rule 3A–03. The rest of the rule has been reordered and renumbered, but the substance of the Commission's position remains unchanged.

IV. Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act [15 U.S.C. 605(b)] the Chairman of the Commission previously certified that adoption of these amendments will not have a significant impact on a substantial number of small entities. No comments were received on that certification.

V. Certain Findings

Section 23(a) of the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. 78w(a)(2), requires the Commission, in adopting rules under the Exchange Act, to consider the anti-competitive effect of such rules, if any, and to balance any impact against the regulatory benefits gained in terms of furthering the purposes of the Exchange Act. The Commission has considered the amendments to Rule 3A–02 of Regulation S–X in light of the standard cited in Section 23(a)(2) and believes that adoption of these changes will not impose any burden on competition not necessary or appropriate in furtherance of the Exchange Act.

VI. Codification Update

The "Codification of Financial Reporting Policies" announced in Financial Reporting Release No. 1 (April 15, 1982) [47 FR 21028] is updated to:

1. Add a new Section 105, entitled "Consolidated Financial Statements of the Registrant and its Subsidiaries."

2. To include in Section 105 the subparagraphs A, B, C and D of the second paragraph of the section of this release entitled "Consideration of Comments Received".

This Codification is a separate publication issued by the Commission. It will not be published in the Federal Register/Code of Federal Regulations.

List of Subjects in 17 CFR Part 210

Accounting, Reporting and recordkeeping requirement, Securities.

VII. Text of Amendments

The Commission hereby amends Title 17, Chapter II, of the Code of Federal Regulations as follows:

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

Article 3A—Consolidated and Combined Financial Statements (17 CFR Part 210)

1. The authority citation for Part 210 continues to read as follows:

Authority: Sections 6, 7, 8, 10, 19 and Schedule A of the Securities Act of 1933, 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77aa(25) (26); sections 12, 13, 14, 15(d) and 23(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78 *l*, 78m, 78n, 78o(d), 782w(a); sections 5(b), 10(a), 14 and 20(a) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79e(b), 79j(a), 79n, 79t(a); and sections 8, 20, 30, 31, and 38(a) of the Investment Company Act of 1940, 15 U.S.C. 80a–8, 80a–20, 80a–29, 80a–30, 80a–37a, unless otherwise noted.

2. By revising § 210.3A–02 to read as follows:

§ 210.3A–02 Consolidated financial statements of the registrant and its subsidiaries.

In deciding upon consolidation policy, the registrant must consider what financial presentation is most meaningful in the circumstances and should follow in the consolidated financial statements principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the registrant. There is a presumption that consolidated statements are more meaningful than separate statements and that they are usually necessary for a fair presentation when one entity directly or indirectly has a controlling financial interest in another entity. Other particular facts and circumstances may require combined financial statements, an equity method of accounting, or valuation allowances in order to achieve a fair presentation. In any case, the disclosures required by § 210.3A–03 should clearly explain the accounting policies followed by the registrant in this area, including the circumstances involved in any departure from the normal practice of consolidating majority owned subsidiaries and not consolidating entities that are less than majority owned. Among the factors that the registrant should consider in determining the most meaningful presentation are the following:

(a) *Majority ownership:* Generally, registrants shall consolidate entities that are majority owned and shall not consolidate entities that are not majority

[2] *In the matter of Atlantic Research*, Securities Act Release No. 4657 (December 6, 1963); *In the Matter of Laventhol & Horwath*, Securities Exchange Act Release No. 13976 (September 21, 1977); *SEC v. Digilog, Inc. and Ronald Moyer*, Litigation Release No. 10448 (July 5, 1984); and, *In the Matter of Coopers & Lybrand and M. Bruce Cohen, CPA*, Securities Exchange Act Release No. 21520 (November 27, 1984).

owned. The determination of "majority ownership" requires a careful analysis of the facts and circumstances of a particular relationship among entities. In rare situations, consolidation of a majority owned subsidiary may not result in a fair presentation, because the registrant, in substance, does not have a controlling financial interest (for example, when the subsidiary is in legal reorganization or in bankruptcy, or when control is likely to be temporary). In other situations, consolidation of an entity, notwithstanding the lack of technical majority ownership, is necessary to present fairly the financial position and results of operations of the registrant, because of the existence of a parent-subsidiary relationship by means other than record ownership of voting stock.

(b) *Different fiscal periods:* Generally, registrants shall not consolidate any entity whose financial statements are as of a date or for periods substantially different from those of the registrant. Rather, the earnings or losses of such entities should be reflected in the registrant's financial statements on the equity method of accounting. However:

(1) A difference in fiscal periods does not of itself justify the exclusion of an entity from consolidation. It ordinarily is feasible for such entity to prepare, for consolidation purposes, statements for a period which corresponds with or closely approaches the fiscal year of the registrant. Where the difference is not more than 93 days, it is usually acceptable to use, for consolidation purposes, such entity's statements for its fiscal period. Such difference, when it exists, should be disclosed as follows: the closing date of the entity should be expressly indicated, and the necessity for the use of different closing dates should be briefly explained. Furthermore, recognition should be given by disclosure or otherwise to the effect of intervening events which materially affect the financial position or results of operations.

(2) Notwithstanding the 93-day provision specified in (b)(1) above, in connection with the retroactive combination of financial statements of entities following a "pooling of interests," the financial statements of the constituents may be combined even if their respective fiscal periods do not end within 93 days, except that the financial statements for the latest fiscal year shall be recast to dates which do not differ by more than 93 days, if practicable. Disclosure shall be made of the periods combined and of the sales or revenues, net income before extraordinary items and net income of any interim periods excluded from or included more than once in results of operations as a result of such recasting.

(c) *Bank Holding Company Act:* Registrants shall not consolidate any subsidiary or group of subsidiaries of a registrant subject to the Bank Holding Company Act of 1956 as amended as to which (1) a decision requiring divestiture has been made, or (2) there is substantial likelihood that divestiture will be necessary in order to comply with provisions of the Bank Holding Company Act.

(d) *Foreign subsidiaries:* Due consideration shall be given to the propriety of consolidating with domestic corporations foreign subsidiaries which are operated under political, economic or currency restrictions. If consolidated, disclosure should be made as to the effect, insofar as this can reasonably be determined, of foreign exchange restrictions upon the consolidated financial position and operating results of the registrant and its subsidiaries.

By the Commission.

Dated: May 6, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-10635 Filed 5-9-86; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 211

[Release No. SAB-61]

Staff Accounting Bulletin No. 61; Allowance Adjustments

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This Staff Accounting Bulletin expresses the staff's views regarding adjustments of allowances for loan losses in connection with business combinations accounted for by the purchase method.

DATE: May 6, 1986.

FOR FURTHER INFORMATION CONTACT: Wayne G. Pentrack, Office of the Chief Accountant (202-272-2130) or Howard P. Hodges, Jr., Division of Corporation Finance (202-272-2553), Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

List of Subjects in 17 CFR Part 211

Accounting, Securities, Reporting and recordkeeping requirements.

John Wheeler,

Secretary.

May 6, 1986.

PART 211—[AMENDED]

Accordingly, Part 211 of Title 17 of the Code of Federal Regulations is amended by adding Staff Accounting Bulletin No. 61 to the Table found in Subpart B.

Staff Accounting Bulletin No. 61

The staff hereby adds Section A-5 to Topic 2 expressing the staff's views regarding adjustments of allowances for loan losses in connection with business combinations accounted for by the purchase method.

Topic 2: Business Combinations

* * * * *

A. Purchase Method

* * * * *

5. *Adjustments to allowances for loan losses in connection with business combinations.*

Facts: Bank A acquires Bank B in a transaction to be accounted for by the purchase method in accordance with Accounting Principles Board Opinion No. 16.

Question: Are there circumstances in which it is appropriate for Bank A, in assigning acquisition cost to the loan receivables acquired from Bank B, to adjust Bank B's carrying value for those loans not only to reflect appropriate current interest rates, but also to reflect a different estimate of uncollectibility? [1]

Interpretive response: Needed changes in allowances for loan loses are ordinarily to be made through provisions for loan losses rather than through purchase accounting adjustments.

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[1] Under APB Opinion No. 16, the guideline for allocating acquisition cost to receivables is ". . . at present values of amounts to be received determined at appropriate current interest rates, less allowances for uncollectibility and collection costs, if necessary."

Except in the limited circumstances discussed below, where Bank A has plans for ultimate recovery of loans acquired from Bank B that are demonstrably different from plans that had served as the basis for Bank B's estimate of loan losses, purchase accounting adjustments reflecting different estimates of uncollectibility may raise questions from the staff as to: (a) the reasonableness of the preacquisition allowance for loan losses recorded by Bank B, or (b) whether the adjustments will have a distortive effect on current or future period financial statements of Bank A. Similar questions may be raised by the staff regarding significant changes in allowances for loan losses that are recorded by a bank shortly before it is acquired.

Estimation of probable loan losses involves judgment, and Banks A and B may differ in their systematic approaches to such estimation. Nevertheless, assuming that appropriate methodology (i.e., giving due consideration to all relevant facts and circumstances affecting collectibility) is followed by each bank, the staff believes that each bank's estimate of the uncollectible portion of Bank B's loan portfolio should fall within a range of acceptability. That is, the staff believes that the uncollectible portion of Bank B's loans as estimated separately by the two banks ordinarily should not be different by an amount that is material to the financial statements of Bank B and, therefore, an adjustment to the net carrying value of Bank B's loan portfolio at the acquisition date to reflect a different estimate of uncollectibility ordinarily would be unnecessary and inappropriate.

However, a purchase accounting adjustment to reflect a different estimate of uncollectibility may be appropriate where Bank A has plans regarding ultimate recovery of certain acquired loans demonstrably different from the plans that had served as the basis for Bank B's estimation of losses on those loans. [2] In such circumstances, Bank B's estimate of uncollectibility for those certain loans may be largely or entirely irrelevant for purposes of determining the net carrying value at which those loans should be recorded by Bank A. For example, if Bank B had intended to hold certain loans to maturity but Bank A plans to sell them, the acquisition cost allocated to those loans should equal the value that currently could be obtained for them in a sale. [3] In that case, Bank A would report those loans as assets held for sale rather than as part of its loan portfolio, and would report them in postacquisition periods at the lower of cost or market value until sold.

The staff does not intend to suggest that an acquiring bank should record acquired loans at an amount that reflects an unreasonable estimate of uncollectibility. If Bank B's financial statements as of the acquisition date are not fairly stated in accordance with generally accepted accounting principles because of an unreasonable allowance for loan losses, that allowance for loan losses should not serve as a basis for recording the acquired loans. Rather, Bank B's preacquisition financial statements should be restated to reflect an appropriate allowance, with the resultant adjustment being applied to the restated preacquisition income statement of Bank B for the period(s) in which the events or changes in conditions that gave rise to the needed change in the allowance occurred.

[FR Doc. 86-10291 Filed 5-9-86; 8:45 am]

BILLING CODE 8010-01-M

[2] A bank's plans for recovering the net carrying value of certain individual loans or groups of loans may differ from its plans regarding other loans. The plan for recovering the net carrying value of a loan might be, for example, (a) holding the loan to maturity, (b) selling it, or (c) foreclosing on the collateral underlying the loan. The net carrying value of loans should be based on the plan for recovery.

[3] It is not acceptable to recognize losses on loans that are due to concerns as to ultimate collectibility through a purchase accounting adjustment, nor is it acceptable to report such losses as "loss on sale". An excess of carrying value of Bank B's loans over their market value at the acquisition date that is due to concerns as to ultimate collectibility should have been recognized by Bank B through its provision for loan losses.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

[T.D. 86-52]

Customs Regulations Amendments Concerning Convention on Cultural Property Implementation Act

Correction

In FR Doc. 86-4025, beginning on page 6905 in the issue of Thursday, February 27, 1986, make the following correction:

On page 6908, in the first column, in the first line of § 12.104(c)(7)(ii), "statutory" should read "statuary".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulation No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Eligibility; Filing of Applications; Amounts of Benefits; Suspensions and Terminations; Relationship; Prorating SSI Monthly Benefit Payments

Correction

In FR Doc. 86-8826, beginning on page 13489, in the issue of Monday, April 21, 1986, make the following corrections:

1. On page 13492, in the third column, in the tenth line of § 416.211(a)(1), "SST" should read "SSI".

2. On page 13495, in the first column, in § 416.1327(a)(3), the eighth line is corrected to read: "the United States until he or she has returned to and remained in the United States for a period of 30". Also in the ninth line, the word "had" should read "has".

3. On the same page and column, in § 416.1327(b) Example 2, in the sixth line, "absence" should read "absent".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD2 86-13]

Regulated Navigation Area; Lower Cumberland River, KY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a regulated navigation area between Mile 0.0. and Mile 30.6 on the waters of the Cumberland River. The regulated navigation area is intended to reduce river congestion and ensure the safety of vessels operating in this area during the scheduled closure of Kentucky Lock at Mile 22.4, Tennessee River. This lock closure will divert all vessel traffic that normally uses the lower Tennessee River to use the lower Cumberland River via Barkley Lock.

DATES: This regulation becomes effective on June 3, 1986. Comments must be received on or before June 30, 1986.

ADDRESSES: Comments should be mailed to Commander(m), Second Coast Guard District, 1430 Olive Street, St.

Louis, MO 63103–2398. The comments will be available for inspection and copying at the same address. Normal office hours are between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Commander R. E. Luchun, Second Coast Guard District (m), 1430 Olive Street, St Louis, MO 63103—2398, Phone: (314) 425–4655.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. Recommendations from the river industry committee were not received by the Coast Guard until February 20, 1986, and there was not sufficient time remaining to publish a proposal in advance of the event for which the regulation is needed. Likewise, there was not sufficient time to provide for a delayed effective date.

Although this regulation is published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "ADDRESS" in this preamble. Commenters should include their names and addresses, identify the docket number for the regulations (CGD2 86–13), and give reasons for their comments. Based upon comments received, the regulation may be changed.

Drafting Information

The drafters of this notice are CDR R.E. LUCHUN, USCG, Commander (meps), Second Coast Guard District, project officer, and LT R.E. KILROY, USCG, project attorney, Second Coast Guard District Legal Office.

Discussion of Proposed Regulations

During June, July, and August of 1986, Kentucky Lock on the Tennessee River will be closed for repairs. This will close the Tennessee River to navigation traffic, and divert all such traffic to the use of the Cumberland River. The Cumberland River is a narrower, winding course which is seldom used by commercial river traffic when the Tennessee River is available. Consequently, the closure of the Tennessee River will increase the level of traffic on the Cumberland River, and render navigation thereon more hazardous than usual.

In December of 1985, a committee was appointed by the Tennessee-Cumberland Waterways Council and Waterways Industries of Paducah to formulate recommendations from the river industry on methods of dealing with the increased navigational hazard which will result from the increased number of vessels transiting this area of the Cumberland River. The report of that committee was presented to the Corps of Engineers and the Coast Guard on February 20, 1986, at a public meeting near Barkley Dam. That meeting was sponsored by the Corps of Engineers, Nashville District, and was attended by 150 to 200 persons including the press and TV media.

Many of the recommendations of that committee are incorporated in these regulations, most notably a limitation on the size of commercial vessels transiting the area and the designation of two particularly hazardous stretches of the river as one-way traffic areas.

In order to implement the one-way traffic scheme, commercial vessel operators are required to maintain radio contact with other commercial vessels in or approaching the area and the Lockmaster at Barkley Lock, who will direct traffic in the one-way area between Mile 24.0 and Mile 30.6 of the Cumberland River. Commercial vessel operators transiting the one-way area from Mile 0.0 to Mile 10.0 are required to coordinate the timing of such passage among themselves.

These regulations will enhance the safe and efficient movement of vessels on the Cumberland River during this temporary period. The effective period of the proposed regulations will coincide with the programmed closure of Kentucky Lock and Dam, from 0001 on Tuesday, June 3, 1986, through 2400 on Tuesday, September 30, 1986, or until completion of the repairs to Kentucky Lock at Mile 22.4, Tennessee River.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulations and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The purpose of these temporary regulations is to coordinate detoured traffic, resulting from the closure of Kentucky Lock and Dam for repairs, through the alternate route on the Cumberland River. This regulatory package is aimed at ensuring maximum lock efficiency at Barkley Lock and Dam and ensuring the safety of vessels operating on the Cumberland River. It is anticipated that these regulations will reduce the economic impact of the closure of Kentucky Lock, by enhancing traffic flow on the Cumberland River, and by helping to avoid the possibility of collision on that river, which could result in a complete closure of the river for some period of time, as well as extensive damage to vessels and shore structures.

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

List of Subjects in 33 CFR Part 165

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

Final Regulation

PART 165—[AMENDED]

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

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

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 604–6, and 160.5.

2. Section 165.T209, Regulated Navigation Area, Lower Cumberland River, Mile 0.0 through Mile 30.6, is added, to read as follows:

§ 165.T209 Regulated navigation area, Lower Cumberland River, Mile 0.0 through 30.6.

(a) *Location.* The following area is a regulated navigation area: The waters of the Lower Cumberland River between Mile 0.0 and Mile 30.6.

(b) *Applicability.* The regulations in this section apply to all commercial vessels operating within the area described above.

(c) *Regulations.* (1) *Vessel Restrictions.* Vessels with tows shall be limited to a maximum overall length (including the tow) of 1175 feet, and a maximum overall width of 105 feet.

(2) *Traffic Restrictions.* (i) Commercial vessels intending to enter the regulated navigation area shall advise the Lockmaster or his designee at Barkley Lock of their intention to enter the regulated area upon arrival at the following location:

(A) Upbound on the Ohio River at Mile 932.5.

(B) Downbound on the Ohio River at Mile 918.7.

(C) Downbound on the Cumberland River at Mile 41.0.

(D) Downbound on the Tennessee River at Mile 29.1.

(ii) For the duration of these regulations, the arrival points for Barkley Lock will be Mile 24.0, Cumberland River, for upbound commercial vessels, and Mile 32.5, Cumberland River, and Mile 25.4, Tennessee River, for downbound commercial vessels. Lock queue for commercial vessels will be established at these points by the Lockmaster or his designee at Barkley Lock.

(iii) Two-way (opposing) traffic is prohibited in the following areas (hereinafter referred to as the one-way traffic areas):

(A) Between Mile 0.0 and Mile 10.0, Cumberland River.

(B) Between Mile 24.0 and Mile 30.6, Cumberland River.

(iv) Prior to entering the one-way traffic area between Mile 0.0 and Mile 10.0, each commercial vessel operator shall determine, by use of the radio, that there is no opposing commercial vessel traffic already within or preparing to enter the one-way area. Once the operator has so determined that no such traffic exists, the vessel may proceed into the area. If there is opposing traffic preparing to enter the area, the vessel operators shall determine, between or among themselves, which direction of traffic shall be allowed to proceed first.

(v) Prior to entering the one-way traffic area between Mile 24.0 and 30.6, Cumberland River, each commercial vessel operator shall contact the Lockmaster or his designee at Barkley Lock. The instructions of the Lockmaster or his designee at Barkley Lock shall be adhered to.

(vi) Operators of commercial vessels within or approaching either of the one-way traffic areas shall maintain an alert radio watch on both Channel 13 and 16, VHF–FM, for calls related to the one-way traffic scheme. The Lockmaster or his designee at Barkley Lock will monitor these channels. Specific vessel traffic routing instructions will be provided on Channels 12 and 14 VHF–FM for vessels intending to navigate or navigating in the one-way traffic area between Mile 24.0 and Mile 30.6, Cumberland River.

(vii) No commercial vessel shall stop, tie off, or remain in either of the one-way traffic areas unless for the purpose of delivery or receipt of vessels related to its tow or unless there is an emergency. Commercial vessel operators engaging in such activity between Mile 24.0 and Mile 30.6, Cumberland River, shall so inform the Lockmaster or his designee at Barkley Lock and adhere to his instructions. Commercial vessel operators engaging in such activity within either one-way traffic area shall advise other commercial vessels within or approaching that one-way traffic area of their actions. Vessels involved in tow work are not considered opposing traffic to other vessels waiting to enter a one-way traffic area.

(viii) Commercial vessels within the one-way traffic areas shall proceed within those areas so as to prevent any delays to other traffic. Commercial vessel operators shall follow the instructions from Barkley Lock while navigating between Mile 24.0 and Mile 36.6, Cumberland River.

(ix) Commercial vessel operators intending to get underway between Mile 0.0 and Mile 10.0 shall first determine, by use of the radio, that there is no opposing commercial vessel traffic already within or preparing to enter the one-way area. Once the operator has determined that no such traffic exists, the vessel may proceed. Commercial vessel operators intending to get underway between Mile 24.0 and Mile 30.6 shall first obtain the permission of the Lockmaster or his designee at Barkley Lock.

(x) Two-way traffic is authorized between Mile 10.0 and Mile 24.0, Cumberland River; however, vessel operators are reminded to exercise extreme caution when meeting or overtaking other vessels within this area.

(xi) The mariner is cautioned that any information received from the Lockmaster or his designee at Barkley Lock or from other vessels in or approaching the regulated navigation area can be no more accurate than the knowledge of the individuals contacted at that time. These operators may not have full knowledge of all other vessels and hazardous conditions existing in the regulated navigation area. Unreported vessels and hazards may confront the mariner at any time; therefore, the mariner is urged to navigate with due caution, and to use all the aids at his disposal, including repeated use of bridge-to-bridge radiotelephone communications, on Channel 13, VHF–FM, with other vessels within and approaching the regulated navigation area and Channels 12 and 14, VHF–FM with the Lockmaster or his designee at Barkley Lock.

(3) *Emergencies.* In an emergency, any person may deviate from any regulation in this section to the extent necessary to avoid endangering persons, property, or the environment. The operator of a commercial vessel involved in an emergency within the regulated navigation, area, shall contact the Captain of the Port at the earliest opportunity. The operator is to report the nature of the emergency and actions taken that caused him to deviate from these regulations. This report may be made via Coast Guard Group Tennessee River, Paris, TN or Barkley Lock if the Marine Safety Office, Paducah, KY cannot be contacted by radio.

(4) *Waiver.* (i) The District Commander may, upon request, waive any requirement of this regulation, if it is found that the operations proposed in the request of waiver can be done safely. An application for a waiver must be made in writing and must state the need for the waiver and describe the proposed operations.

(ii) Compliance with this regulation is not required to the extent necessary to carry out the following operations:

(A) Law enforcement.

(B) The servicing of aids to navigation or the surveying, maintenance or improvement of waterways in the regulated navigation area.

(5) *Laws and Regulations Not Affected.* Nothing in this regulation is intended to relieve any person from complying with:

(i) The navigation rules for harbors, rivers, and inland waters generally (33 USC 84–90).

(ii) Vessel Bridge-to Bridge Radiotelephone Regulations (33 CFR Part 26).

(iii) Inland Navigation Rules Act of 1980 (33 U.S.C. 2001 et seq.).

Dated: April 17, 1986.

B.F. Hollingsworth,

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

[FR Doc. 86–10592 Filed 5–9–86; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–8–FRL–3014–7]

Approval and Promulgation of State Implementation Plans; Wyoming; Visibility

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: In this action EPA is (1) approving that portion of the Wyoming Air Quality Standards and Regulations (WAQSR) for New Source Review (NSR) for visibility protection and (2) disapproving a revision to the Wyoming

is a result of the rulemaking on October 23, 1984 (49 FR 42670), in which EPA proposed to disapprove SIPs of states which failed to comply with provisions of 40 CFR 51.305 (visibility monitoring) and 51.307 (visibility NSR). With the approval of the Governor of Wyoming, the SIP revision and NSR Regulation for Visibility Protection were submitted on April 12, 1985, by the Wyoming Air Quality Division Administrator.

DATE: This action will be effective June 11, 1986.

ADDRESSES: Copies of the State submittal are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, One Denver Place, Suite 1300, 999 18th Street, Denver, Colorado 80202;
Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460;
The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Lee Hanley, Air Programs Branch, Environmental Protection Agency, One Denver Place, Suite 1300, 999 18th Street, Denver, Colorado 80202, (303) 293–1757.

SUPPLEMENTARY INFORMATION: Section 169A of the Clean Air Act (Act), 42 U.S.C. 7491, requires visibility protection for mandatory Class I Federal areas where EPA has determined that visibility is an important value. ("Mandatory Class I Federal areas" are certain national parks, wilderness areas, and international parks, as described in section 162(a) of the Act, 42 U.S.C. 7472(a), 40 CFR 81.400–81.437.) Section 169A specifically requires EPA to promulgate regulations requiring certain states to amend their State Implementation Plans (SIPs) to provide for visibility protection.

On December 2, 1980, EPA promulgated the required visibility regulations in 45 FR 80084, codified at 40 CFR 51.300 *et seq.* It required the states to submit their revised SIPs to satisfy those provisions by September 2, 1981. (See 45 FR 80091, codified in 40 CFR 51.302(a)(1).) That rulemaking resulted in numerous parties seeking judicial review of the visibility regulations. In March 1981, the Court stayed the litigation pending EPA action on related administrative petitions for reconsideration of the visibility regulations filed with the Agency.

In December 1982, the Environmental Defense Fund (EDF) filed suit in the U.S. District Court for the Northern District of California alleging that EPA failed to perform a nondiscretionary duty under section 110 of the Act to promulgate visibility SIPs. A negotiated settlement agreement between EPA and EDF required EPA to promulgate visibility SIPs on a specific schedule. It required EPA to propose to incorporate Federal regulations in states where SIPs are deficient with respect to the 1980 visibility NSR and monitoring regulations, 40 CFR 51.307 and 51.305, respectively. However, the settlement allows the State an opportunity to avoid Federal promulgation if it submits a SIP by May 6, 1985. Wyoming is one of the states listed in 49 FR 42670 as having an inadequate NSR and monitoring plan for visibility protection.

On April 12, 1985, the Wyoming Air Quality Division Administrator submitted a Visibility SIP which constituted the State's strategy for evaluating visibility in mandatory Class I areas. The submittal also included revisions to the existing Wyoming NSR requirements and regulations for visibility protection. (The NSR requirements are in WAQSR Section 24—"Prevention of Significant Deterioration and in WAQSR Section 21—"Permit Requirements." Both sections 21 and 24 are applicable to any new or modified source locating in the State of Wyoming. The regulations contained in sections 21 and 24 were previously approved in parts in 44 FR 38475, 44 FR 51979, and 48 FR 16682.)

On November 14, 1985, 50 FR 47069, EPA proposed to approve the Wyoming NSR regulations for visibility and disapprove the State's visibility monitoring strategy.

Summary of Action

The April 12, 1985 submittal by the Administrator of the Wyoming Air Quality Division included a Visibility SIP describing the State's monitoring strategy and the revised NSR Regulations for visibility protection. The NSR regulations adequately addressed the requirements of 40 CFR 51.307 and is being approved with this notice. (Reference is made to the October 23, 1984 notice, 49 FR 42670, for additional information on the criteria for visibility NSR.)

The monitoring strategy defined in the Visibility SIP is adequate to comply with the requirements of 40 CFR 51.305. 40 CFR 51.305 specifically requires a State to have a plan to evaluate visibility in any mandatory Class I area, to consider available data and to provide a mechanism for its use in decisions to comply with the remainder of Subpart P, "Protection of Visibility". The Wyoming Visibility SIP appears to have transferred the responsibility of 40 CFR 51.305 to the FLM without a commitment or co-operative agreement with the FLM. Thus, EPA is incorporating § 52.26 into the Wyoming SIP for visibility monitoring. (Section 52.26 was established in the July 12, 1985 notice (50 FR 28544.)

The SIP remains deficient for all the other requirements of Subpart P (except § 51.307) which should be addressed within the proper timeframe after EPA promulgation or rulemaking.

EPA finds good cause exists for making the action taken in this notice immediately effective for the following reasons:

(1) Implementation plan revisions are already in effect under State regulation and EPA approval poses no additional regulatory burden;

(2) EPA has a responsibility under the Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979, or as soon thereafter as possible; and

(3) EPA gave prior notice of its intention to disapprove the plan if the State failed to comply with a condition of approval.

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. Only a few sources will be required to evaluate the potential impact on visibility that are not already required to do so under the existing PSD program.

Under section 307(b)(1) of the Clean Air Act (CAA), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 11, 1986, not be challenged later in proceedings to enforce its requirements (See section 307(b)(2) of the CAA).

Under Executive Order 12991, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons, Incorporation by reference.

Note. Incorporation by reference of the State Implementation Plan for the State of Wyoming was approved by the Director of the Federal Register on July 1, 1982.

Dated: May 5, 1986.

Lee M. Thomas,

Administrator.

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

State Implementation Plan (SIP) for visibility monitoring. This action was previously proposed in 50 FR 47009 and

Subpart ZZ—Wyoming

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.2620 is amended by adding paragraph (c)(16) as follows:

§ 52.2620 Identification of Plan.

* * * * *

(c) * * *

(16) Revisions to the new source permit requirements in sections 21 and 24 of the Wyoming regulation for visibility protection were submitted on April 12, 1985.

(i) Incorporation by reference:

(A) Letter from Randolph Wood, Administrator, Wyoming Air Quality Division, dated April 12, 1985, submitting the Wyoming Visibility SIP and Regulations.

(B)(*1*) Wyoming Air Quality Standards and Regulations (WAQSR), Section 21.n.(1) and (2) adopted on January 22, 1985.

(*2*) WAQSR, Section 24.b.(1)(f) adopted on January 22, 1985.

(*3*) WAQSR, Section 24.b.(6) (a) and (b) revised and adopted on January 22, 1985.

3. Section 52.2632 is added to Subpart ZZ to read as follows:

§ 52.2632 Visibility protection.

(a) The requirements of section 169(A) of the Clean Air Act are not met because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) *Regulations for visibility monitoring.* The provisions of § 52.26 are hereby incorporated and made part of the applicable plan for the State of Wyoming.

[FR Doc. 86–10591 Filed 5–9–86; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Parts 704 and 716

[OPTS–82021A; FRL–3014–6]

P-Tert-Butylbenzoic Acid, P-Tert-Butyltoluene, P-Tert-Butylbenzaldehyde; Final Reporting and Recordkeeping Requirements, and Health and Safety Data Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes reporting and recordkeeping requirements for the following three chemical substances: p-tert-butylbenzoic acid (P–TBBA, CAS No. 98–73–7), p-tert-butyltoluene (P–TBT, CAS No. 98–51–1), and p-tert-butylbenzaldehyde (P–TBB, CAS No. 939–97–9). Based on the data currently available to EPA, the Agency is primarily concerned with the possible human reproductive effects resulting from exposure to these substances. The purpose of these regulatory requirements is to monitor current and future uses of P–TBBA, P–TBT, and P–TBB, and to obtain data necessary to support a more detailed assessment of the potential health and environmental risks posed by these substances.

DATES: In accordance with 40 CFR 23.5 (50 FR 7271), this regulation shall be promulgated for purposes of judicial review at 1 p.m. eastern daylight time on May 26, 1986. This regulation becomes effective on June 25, 1986.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Room E–543, 401 M Street SW., Washington, DC 20460. Toll free: (800–424–9065). In Washington, DC: (554–1404), Outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Applicable Statutory and Regulatory Provisions

EPA is promulgating this rule pursuant to sections 8(a) and 8(d) of TSCA (15 U.S.C. 2601 et seq.).

A. Section 8(A) Reporting Rules

TSCA section 8(a) authorizes EPA to require persons who manufacture, import, or process a chemical substance to submit such reports on that substance as the Agency may reasonably require. The Agency is authorized to obtain a broad range of data under section 8(a), including information on chemical identity and structure, production, use, exposure, disposal, and health and environmental effects. Small manufacturers, importers, and processors, as defined by EPA, are exempt from section 8(a) reporting and recordkeeping requirements, with certain statutory exceptions.

EPA has codified general reporting provisions for chemical-specific section 8(a) rules at 40 CFR Part 704, Subpart A. These general provisions include a small manufacturer definition and exemption. The reporting provisions in Part 704 apply to the section 8(a) reporting requirements of this rule, except as discussed in this preamble and provided in the rule.

B. Section 8(d) Health and Safety Data Reporting

Under the authority of TSCA section 8(d), EPA promulgated the model Health and Safety Data Reporting Rule. This model rule contains standardized requirements for persons to submit copies and lists of health and safety studies for certain designated chemical substances or mixtures. These requirements are codified at 40 CFR Part 716, Subpart A.

Generally, the section 8(d) model rule is applicable to persons who manufacture, import, or process (or propose to manufacture, import, or process) any chemical substance or mixture that is listed in the rule. The reporting requirements of the model rule are applicable as of the date a substance or mixture is listed in the rule, and remain in effect after the listing date. The model rule also is applicable to persons who manufactured, imported, or processed a listed substance or mixture (or proposed to do so) during the 10 years prior to the listing date. Most persons subject to the rule are required to submit two types of data to EPA:

1. Copies of unpublished health and safety studies (for the substances and mixtures listed in the rule) which are in the possession of the manufacturer, importer, or processor.

2. Lists of unpublished health and safety studies which are being conducted by (or for) the manufacturer, importer, or processor, or which are known to but not in the possession of the manufacturer, importer, or processor.

The section 8(d) model rule authorizes EPA to amend the list of substances and mixtures subject to the rule; the Agency may later add substances or mixtures to the rule in order to gather data for chemical risk assessment, as it is doing in this rule.

II. Summary of This Final Rule

1. *Background.* This rule establishes reporting and recordkeeping requirements for the following chemical substances: p-tert-butylbenzoic acid (P-TBBA), also identified as 4-(1,1-dimethylethyl)benzoic acid (CAS No. 98–73–7); p-tert-butyltoluene (P-TBT), also identified as 1-(1,1-dimethylethyl)-4-methylbenzene (CAS No. 98–51–1); and p-tert-butylbenzaldehyde (P–TBB), also identified as 4-(1,1-dimethylethyl)benzaldehyde (CAS No. 939–97–9).

The rule was proposed for public comment in the **Federal Register** of November 7, 1985 (50 FR 46309). The

section 8(a) part of the rule was proposed to be codified as § 704.75, and is being finalized as § 704.33.

EPA received information from two companies in response to the proposed rule. One company voluntarily provided a draft laboratory report with acute toxicity data on P-TBBA; EPA will add the report to the section 8(d) data base that will be established after this rule is promulgated. The other company provided information on an "Ad Hoc [Industry] Committee for the Resolution of the Use of P–TBBA in Vinyl Stabilizers." EPA has determined that the materials submitted by these two companies does not change the Agency's objectives and rationale for this rule. Moreover, EPA did not receive any public comments on the substantive content of the proposed rule; the requirements of the final rule therefore are unchanged from those which were proposed.

The section 8(a) and section 8(d) reporting requirements are the same for all three substances, and are summarized below.

2. *Section 8(a) reporting requirements.* This rule requires all persons who manufactured, imported, or processed any of the three subject chemical substances during their latest complete corporate fiscal year prior to the effective date of this rule to notify EPA of their activities and provide the Agency with general exposure-related data (which are specified in the rule). In addition, all persons who begin manufacturing or importing any of these substances after the effective date of this rule must notify EPA and submit specified exposure-related data. The rule also requires all persons who process P–TBBA, P–TBT, or P–TBB in any way other than as a non-isolated intermediate (as that term is defined in the rule) to provide EPA with data on such processing; this latter requirement applies to persons who are engaging in such processing as of the effective date of this rule and to persons who commence such processing after that date.

The rule describes the specific type, amount, and format of the section 8(a) data to be reported by manufacturers, importers, and processors of P–TBBA, P–TBT, or P–TBB. In addition, the general section 8(a) reporting provisions at 40 CFR Part 704, Subpart A, including the small manufacturer exemption standards, apply to this rule. The rule also exempts small processors from the section 8(a) reporting requirements noted above, as required by TSCA; for purposes of this rule, the standards for defining small processors are the same as for small manufacturers, except that small processors are held to an annual processing volume criterion rather than annual production volume.

Persons subject to the section 8(a) reporting requirements for P-TBBA, P-TBT, and P-TBB are required to submit their data to EPA within 60 days of becoming subject to the rule (i.e., the effective date of the rule).

Any firm submitting section 8(a) data under this rule can, at its discretion, claim such data to be Confidential Business Information (CBI). (EPA's treatment of section 8(d) data as CBI is subject to the restrictions of TSCA section 14(b).) The procedures for submitting a notice with confidential section 8(a) data are set forth at 40 CFR 704.7. Persons submitting claims of confidentiality must attest, among other things, that they have taken measures to protect the confidentiality of the information, that they intend to continue to take such measures, and that the CBI is not and has not been reasonably obtainable by other persons (other than government entities) without the consent of the CBI claimant.

To the extent that the reporting requirements of this rule duplicate requirements of the section 8(a) rule for Partial Updating of the Inventory Data Base, the Inventory reporting requirements will not apply; the Agency will avoid duplicative reporting requirements by means of a special provision in the Update Rule.

This rule also amends the general section 8(a) reporting provisions of 40 CFR Part 704, Subpart A in two ways: (1) By adding definitions of the terms "intermediate," "known to or reasonably ascertainable by," "non-isolated intermediate," and "process for commercial purposes" to the list of generic definitions in 40 CFR 704.3, and (2) By amending two of the generic exemptions in 40 CFR 704.5 (for substances used solely for research and development and for substances produced as byproducts or impurities) to make them applicable to processors. In making these changes to the generic provisions of Part 704, the Agency wishes to ensure that all terms and exemptions that may be applicable to this rule are codified in the CFR. The definitions in this rule are similar or identical to definitions which have been codified elsewhere by EPA (e.g., in 40 CFR Parts 712, 716, 720, and 721).

3. *Section 8(d) reporting requirements.* This rule adds P–TBBA, P–TBT, and P–TBB to the list of chemical substances subject to the section 8(d) model rule. Section 8(d) health and safety data reporting is summarized in Unit I.B of this preamble, and is codified at 40 CFR Part 716.

III. Objectives and Rationale for the Final Rule

In view of the lack of substantive comment on the proposed rule for P–TBBA, P–TBT, and P–TBB, EPA's objectives and rationale for this rule have not changed since the rule was proposed.

EPA wishes to obtain section 8(a) and 8(d) data on these substances primarily because (1) they may cause adverse reproductive effects and other adverse health effects, and (2) the Agency lacks data on the other possible health effects. Section 8(a) data on exposure would enable EPA to better assess the potential risk these substances may pose to human health or the environment, and thereby decide whether further regulatory action is required with regard to any of the three substances. The Agency also seeks to ensure that it has all existing section 8(d) health and safety data before undertaking any in-depth risk assessment and/or further regulatory action, if any. If the data submitted in response to this rule indicate that further regulatory action is necessary with regard to these substances, EPA may take follow-up action under section 4, 5, 6, 7, or 9, as necessary, to gather more information, limit or control the activities in question, or refer the substances to other federal agencies for review.

Persons interested in reading a more detailed discussion of the Agency's objectives and rationale for this rule should refer to the preamble of the proposed rule.

IV. Submission of Additional Data

EPA recognizes that this final rule does not require persons to develop any particular test data before submitting a section 8(d) report to the Agency. Rather, persons subject to the rule are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them.

However, in view of the potential health and environmental risks that may be posed by P–TBBA, P–TBT, and P–TBB (and the uncertainty of those potential risks), EPA encourages respondents to this rule to provide the Agency with any relevant test data they may wish to develop. Generally, test data would improve EPA's ability to conduct a reasoned evaluation of the health and environmental effects of a particular chemical substance or use of that substance. Persons who develop test data voluntarily should provide data that conform with the standards of

TSCA good laboratory practices, which are codified at 40 CFR Part 792. EPA encourages persons who intend to conduct testing of P–TBBA, P–TBT, or P–TBB to consult with the Agency before selecting a testing protocol.

V. Economic Impact

EPA's analysis of the economic impact of this rule is contained in a document entitled "Economic Analysis for Final section 8(a) and 8(d) Rules for P–TBBA, P–TBT, and P–TBB," prepared by the Economics and Technology Division of the EPA Office of Pesticides and Toxic Substances (OPTS). That document is contained in the administrative record for this rule (OPTS–82021). The results of the analysis are minimal; they are the same as for the proposed rule: the cost per section 8(a) report would be between $1,814 and $3,704, and the cost per section 8(d) submission would be approximately $1,667. The preamble of the proposed rule contains a more detailed summary of the economic analysis.

VI. Rulemaking Record

EPA has established an administrative record for this rule-making (docket control number OPTS–82021) which is available for public inspection in the OTS Public Information Office, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The Public Information Office is located in Rm. E–107, 401 M Street SW., Washington, D.C. The record includes basic information considered by the Agency in developing this final rule. The record includes the following items:

1. Chemical Hazard Information Profiles for P–TBBA (May 24, 1982), P–TBT (May 27, 1982), and P–TBB (April 1982), prepared for EPA by the Chemical Effects Information Center, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

2. Economic Analysis for Proposed Section 8(a) and 8(d) Rules for P–TBBA, P–TBT, and P–TBB, prepared by the Economics and Technology Division, OPTS, U.S.E.P.A., 1985.

3. The EPA Chemical Advisory for P–TBBA, P–TBT, and P–TBB, issued in March 1985.

4. The proposed rule (50 FR 46309, November 7, 1985).

5. Information submitted in response to the proposed rule.

6. Other relevant factual information and support documents.

VII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this rule is not a "major" rule because it would not have an impact on the economy of $100 million or more; the rule therefore would not have a significant effect on competition, costs, or prices. While the expense of submitting data to EPA and the uncertainty of possible Agency regulation may discourage some innovation, that impact would be limited because such factors are unlikely to discourage an innovation that has high potential value. Moreover, the rule may encourage respondents to develop new methods for controlling release of and exposure to P–TBBA, P–TBT, and P–TBB.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), EPA certifies that this final rule will not have a significant impact on a substantial number of small businesses. The Agency cannot determine whether parties affected by this rule are likely to be small businesses. However, "small" manufacturers and importers (as defined in 40 CFR 712.25) and "small" processors (as defined in this rule) are exempt from reporting section 8(a) data on these substances. In addition, EPA believes that the number of respondents to this rule will be small; therefore, the number of respondent firms that approach but do not meet the small business exemption standards will be minimal.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this final rule, under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Chemical-specific section 8(a) reporting requirements have been reviewed and approved by OMB and assigned OMB control number 2070–0067. The information collection requirements of the section 8(d) model rule have been reviewed and approved by OMB and assigned OMB control number 2070–0004.

List of Subjects in 40 CFR Parts 704 and 716

Chemicals, Environmental protection, Hazardous substances, Health and safety data, Recordkeeping and reporting requirements.

Dated: May 5, 1986.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR Chapter I is amended as follows:

PART 704—[AMENDED]

1. In Part 704:

a. The authority citation for Part 704 continues to read as follows:

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

b. In § 704.3, by alphabetically adding the following paragraphs:

§ 704.3 Definitions.

* * * * *

"Intermediate" means any chemical substance that is consumed, in whole or in part, in chemical reactions used for the intentional manufacture of other chemical substances or mixtures, or that is intentionally present for the purpose of altering the rates of such chemical reactions.

* * * * *

"Known to or reasonably ascertainable by" means all information in a person's possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know.

* * * * *

"Non-isolated intermediate" means any intermediate that is not intentionally removed from the equipment in which it was manufactured, including the reaction vessel in which it is manufactured, equipment which is ancillary to the reaction vessel, and any equipment through which the substance passes during a continuous flow process, but not including tanks or other vessels in which the substance is stored after its manufacture.

* * * * *

"Process for commercial purposes" means the preparation of a chemical substance or mixture containing the chemical substance, after manufacture of the substance, for distribution in commerce with the purpose of obtaining an immediate or eventual commercial advantage for the processor. Processing of any amount of a chemical substance or mixture is included in this definition. If a chemical substance or mixture containing impurities is processed for

commercial purpose, then the impurities also are processed for commercial purposes.

* * * * *

c. By revising paragraphs (a) and (b) of § 704.5 to read as follows:

§ 704.5 Exemptions.

* * * * *

(a) *Research and development.* Persons who manufacture, import, or process and persons who propose to manufacture, import, or process the specified chemical substance solely for research and development.

(b) *Byproducts and impurities.* Persons who manufacture, import, or process and persons who propose to manufacture, import, or process the specified chemical substance as a byproduct or impurity.

* * * * *

d. By adding § 704.33 and OMB control number 2070–0067 to read as follows:

§ 704.33 P-tert-butylbenzoic acid (P-TBBA), p-tert-butyltoluene (P-TBT) and p-tert-butylbenzaldehyde (P-TBB).

(a) *Definitions.* (1) "P-TBBA" means the substance p-tert-butylbenzoic acid, also identified as 4-(1,1-dimethylethyl)benzoic acid, CAS No. 98–73–7.

(2) "P-TBT" means the substance p-tert-butyltoluene, also identified as 1-(1,1-dimethylethyl)-4-methylbenzene, CAS No. 98–51–1.

(3) "P-TBT" means the substance p-tert-butylbezaldenhyde, also identified as 4-(1,1-dimethylethyl)benzaldehyde, CAS No. 939–97–9.

(4) "Small processor" means a processor that meets either the standard in paragraph (a)(4)(i) of this section or the standard in paragraph (a)(4)(ii) of this section.

(i) *First standard.* A processor of a chemical substance is small if its total annual sales, when combined with those of its parent company, if any, are less than $40 million. However, if the annual processing volume of a particular chemical substance at any individual site owned or controlled by the processor is greater than 45,400 kilograms (100,000 pounds), the processor shall not qualify as small for purposes of reporting on the processing of that chemical substance at that site, unless the processor qualifies as small under paragraph (a)(1)(ii) of this section.

(ii) *Second standard.* A processor of a chemical substance is small if its total annual sales, when combined with those of its parent company (if any), are less than $4 million, regardless of the quantity of the particular chemical substance processed by that company.

(iii) *Inflation index.* EPA shall use the Inflation Index described in the definition of "small manufacturer" that is set forth in § 704.3, for purposes of adjusting the total annual sales values of this small processor definition. EPA shall provide **Federal Register** notification when changing the total annual sales values of this definition.

(b) *Persons who must report.* Except as provided in paragraph (c) of this section, the following persons are subject to the reporting requirements of this rule; a person may become subject to this rule more than once, for more than one substance or under more than one of the criteria listed in this paragraph (b).

(1) Persons who manufactured, imported, or processed P-TBBA, P-TBT, and/or P-TBB for commercial purposes during the person's latest complete corporate fiscal year prior to June 25, 1986. For purposes of this provision, processors of P-TBBA, P-TBT, and/or P-TBB shall include only those persons who processed the substances other than as non-isolated intermediates.

(2) Persons who commence manufacture or importation of P-TBBA, P-TBT, and/or P-TBB for commercial purposes after June 25, 1986. This provision is applicable to persons who cease manufacture or importation of P-TBBA, P-TBT, and/or P-TBB after June 25, 1986 and then subsequently resume manufacture or importation of the substance(s).

(3) Persons who process P-TBBA, P-TBT, and/or P-TBB for commercial purposes in any way other than as a non-isolated intermediate after June 25, 1986.

(c) *Persons not subject to this rule.* In addition to the persons described in § 704.5, small processors, as defined in paragraph (a)(4) of this section, are not subject to this rule.

(d) *Information to report.* Persons subject to this rule as described in paragraph (b) of this section shall report information to EPA as specified in this paragraph (d). Respondents to this rule shall report all information that is known to or reasonably ascertainable by the person reporting. For purposes of importer reporting under this paragraph, a site is the operating unit within the person's organization which is directly responsible for importing the substance and which controls the import transaction. The import site may in some cases be the organization's headquarters office in the United States.

(1) All manufacturers, importers, and processors specified in paragraph (b) of this section shall report their name and headquarters address.

(2) All manufacturers, importers, and processors specified in paragraph (b) of this section shall report the name, address, and office telephone number (including area code) of their principal technical contact.

(3) All manufacturers, importers, and processors specified in paragraph (b) of this section shall report the name and address of each site where P–TBBA, P–TBT, and/or P–TBB is manufactured, imported, or processed.

(4) All manufacturers, importers, and processors specified in paragraph (b)(1) of this section only shall report the information described in this paragraph (d)(4). Respondents to this paragraph (d)(4) shall report separately for each substance that they manufacture, import, or process, and for each site at which they do so. However, if the information to be reported in response to this paragraph (d)(4) is the same for different sites, the respondent need not report separately for each site but need only notify EPA that the information is the same for each site. The information to be reported under this paragraph (d)(4) shall cover the respondent's latest complete corporate fiscal year prior to June 25, 1986. Respondents to this paragraph (d)(4) shall report the following information:

(i) The total quantity (by weight) of P–TBBA, P–TBT, or P–TBB manufactured, imported, or processed for commercial purposes per site.

(ii) A narrative description of the manufacturing, importing, or processing operation(s) involving P–TBBA, P–TBT, or P–TBB at each site.

(iii) A narrative description of worker activities involving P–TBBA, P–TBT, or P–TBB at each site, including the number of workers potentially exposed to each substance and, if applicable, the number of workers potentially exposed to more than one substance.

(iv) The potential routes of worker exposure to P–TBBA, P–TBT, or P–TBB at each site (e.g., inhalation, ingestion, dermal absorption).

(v) Available monitoring data from employee breathing zones with potential exposure to P–TBBA, P–TBT, or P–TBB at each site, including a description of the method of monitoring, the number of samples taken, and the potential number of workers similarly exposed for each worker job category. Respondents to this paragraph (d)(4)(v) shall submit data showing a range of 8-hour time weighted averages (TWAs), provided that the data are available in that form. Respondents also shall submit a calculated geometric mean of these data, with an explanation of the method by which the mean was derived.

However, if the monitoring data are not available in the form of 8-hour TWAs, respondents shall submit raw sample data results and the duration time of sampling for each job category.

(vi) A narrative description of any personal protective equipment and/or engineering controls used to prevent exposure to P–TBBA, P–TBT, or P–TBB at each site.

(vii) A listing of the estimated quantities of P–TBBA, P–TBT, or P–TBB released directly into air, water, or land from each site.

(viii) A narrative description of the times during the manufacturing, importing, or processing operations involving P–TBBA, P–TBT, or P–TBB when environmental release occurs at each site.

(ix) A narrative description of any engineering controls used to prevent environmental release of P–TBBA, P–TBT, or P–TBB at each site.

(x) A narrative description of all known end uses of any P–TBBA, P–TBT, or P–TBB that is manufactured, imported, or processed by the respondent. The narrative need not include customer identity.

(xi) A narrative description of the methods used at each site for disposing of wastes generated during the manufacture, importation, or processing of P–TBBA, P–TBT, or P–TBB, including the quantity and content of such wastes (per site), the method of disposal, and an identification of the disposal site(s).

(5) All manufactureres, importers, and processors specified in paragraph (b) of this section shall report the information described in this paragraph (d)(5). Respondents to this paragraph (d)(5) shall report separately for each substance that they intend to manufacture, import, or process during the first 2 years following the date on which they become subject to this rule. The data reported under this paragraph (d)(5) shall cover that 2-year period. Respondents to this paragraph (d)(5) shall report separately for each site at which they intend to manufacture, import, or process each substance. Respondents need not comply with this paragraph (d)(5) if the information to be reported is identical to that reported by the respondent under paragraph (d)(4) of this section, provided that the respondent makes note of that fact to EPA. Respondents to this paragraph (d)(5) shall report the following information:

(i) An estimate of the total quantity (by weight) of P–TBBA, P–TBT, or P–TBB that the respondent intends to manufacture, import, or process for commercial purposes per site during each of the first 2 years following the date on which the respondent becomes subject to this rule.

(ii) A narrative description of the intended manufacturing, importing, or processing activities involving P–TBBA, P–TBT, or P–TBB at each site during the first 2 years following the date on which the respondent becomes subject to this rule. The description shall include a summary of the intended manufacturing, importing, or processing operation(s); a summary of intended worker activities involving the substances, including an estimate of the number of persons anticipated to be exposed annually to P–TBBA, P–TBT, or P–TBB (per site) during the 2-year period, the anticipated routes of worker exposure to the substances (e.g., inhalation, ingestion, dermal absorption); and a summary of any personal protective equipment and/or engineering controls that the respondent intends to use to prevent exposure to the substances.

(iii) A narrative description of anticipated environmental releases of P–TBBA, P–TBT, or P–TBB at each site from the manufacture, importation, or processing of these substances during the first 2 years following the date on which the respondent becomes subject to this rule. The narrative shall include the anticipated quantities of each substance released directly into air, water, or land, the anticipated routes of environmental release, and any intended engineering controls to be used to prevent environmental release of the substances.

(iv) A narrative description of all anticipated end uses or P–TBBA, P–TBT, or P–TBB resulting from the respondent's manufacture, importation, or processing of the substances during the first 2 years following the date on which the respondent becomes subject to this rule. The summary need not include customer identity.

(v) A narrative summary of the anticipated disposal of wastes generated from the manufacture, importation, or processing of P–TBBA, P–TBT, or P–TBB during the first 2 years following the date on which the respondent becomes subject to this rule. The summary shall include the anticipated quantity and content of such wastes (per site), the intended method of disposal, and an identification of intended disposal site(s).

(e) *When to report.* Persons subject to this rule must submit the requisite information to EPA within 60 days of becoming subject to the rule under the standard set forth in paragraph (b) of this section.

(f) *Certification.* Persons subject to this rule must attach the following statement to any information submitted to EPA in response to this rule: "I hereby certify that, to the best of my knowledge and belief, all of the attached information is complete and accurate." This statement shall be signed and dated by the company's principal technical contact.

(g) *Recordkeeping.* Persons subject to the reporting requirements of this section must retain documentation of information contained in their reports for a period of 5 years from the date of the submission of the report.

(h) *Where to send reports.* Reports must be submitted by certified mail to the United States Environmental Protection Agency, Document Processing Center, P.O. Box 2070, Rockville, MD 20852. ATTN: P–TBBA Notification, P–TBT Notification, and/or P–TBB Notification (as appropriate).

(Approved by the Office of Management and Budget under control number 2070–0067.)

PART 716—[AMENDED]

2. In part 716:

a. The authority citation for Part 716 continues to read as follows:

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

b. By adding paragraph (a)(14) to § 716.17 to read as follows:

§ 716.17 Substances and designated mixtures to which this subpart applies.

(a) * * *

(14) As of June 25, 1986, the following chemical substances are added to this subpart.

Substances	CAS Nos.
p-tert-butylbenzoic acid; also identified as 4-(1,1-dimethylethyl)benzoic acid	98-73-7
p-tert-butyltoluene; also identified as 1-(1,1-dimethylethyl)-4-methylbenzene	98-51-1
p-tert-butylbenzaldehyde; also identified as 4-(1,1-dimethylethyl)benzaldehyde	939-97-9

* * * * *

[FR Doc. 86–10590 Filed 5–9–86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 442

[BERC-352-F]

Medicaid Program; Fire Safety Standards for ICF's/MR

Correction

In FR Doc. 86–8647, beginning on page 13224, in the issue of Friday, April 18, 1986, make the following correction:

§ 442.508 [Corrected]

On page 13227, in the third column in § 442.508(b)(1)(iii), "[publication date of final rules]" is corrected to read "April 18, 1986".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 87

[FCC 86-193]

Amendment of Part 87 of the Rules To Provide a Summary Procedure for Processing Mutually Exclusive Applications in the Aviation Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the rules to provide a simple voluntary procedure for selecting a licensee from among mutually exclusive applications in the aviation radio services. This action was initiated as part of the FCC effort to simplify its rules and procedures. The intended effect is to allow mutually exclusive applicants to elect an expedited and inexpensive alternative to comparative hearings.

EFFECTIVE DATE: April 2, 1986.

FOR FURTHER INFORMATION CONTACT: Robert DeYoung, Special Services Division, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Order

In the matter of Amendment of Part 87 of the rules to provide a summary procedure for processing mutually exclusive applications in the Aviation Services.

Adopted: April 18, 1986.
Released: May 2, 1986.
By the Commission:

1. An aeronautical advisory station (also called a unicom) at a landing area which does not have an airdrome control station (control tower) or FAA flight service station is licensed to provide communications relating to the safe and expeditious operation of private aircraft. Such communications include conditions of runways, types of fuel available, wind conditions, weather information, dispatching or other information.[1]

2. For safety reasons, only one unicom station is licensed at such uncontrolled landing areas.[2] At present, in cases involving mutually exclusive applications a license is granted after a comparative hearing to determine which applicant would provide the public with the better advisory service.[3] Applications for initial licenses may also be granted by a random selection procedure.[4] Comparative hearings tend to be lengthy and expensive for both the applicants and the Commission. While random selection procedures are not, they can only be used in licensing new station applicants and most unicom cases involve a renewal applicant.

3. Applicants for unicom stations are typically owners or operators of airports or general aviation service organizations. They are not professional communicators and frequently proceed without the assistance of counsel. No direct revenues are derived from the operation of a unicom nor is this a common carrier service. Based on our experience we believe that a simple summary procedure would avoid the time and/or expense of a hearing or random selection proceeding. Such a procedure is currently available in the Domestic Public Fixed Services and Public Mobile Service.[5]

4. Consequently, we are adopting a similar procedure in the Aviation Services. This procedure will permit mutually exclusive applicants to waive their rights to a hearing and elect to submit a written case to the Commission. Under this simplified method of proceeding, each applicant will make its best showing on a written record. The licensee will be selected on the basis of that record. This summary procedure is purely voluntary.

5. For the reasons described above, we are amending the rules to provide a voluntary summary procedure for processing mutually exclusive applications in the Aviation Services. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Because these rule amendments involve Commission procedures, the public notice, comment and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, and of § 1.412 of the Commission's rules do not apply.[6]

6. Accordingly, It is ordered, That Part 87 of the Commission's rules is amended as set forth below.

7. For further information regarding matters covered in this document, contact Robert DeYoung at (202) 632-7175.

William J. Tricarico,
Secretary.

Part 87 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 87—AVIATION SERVICES

1. The authority citation for Part 87 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

2. In Subpart A the existing § 87.49 is redesignated as 87.51 and a new § 87.49 is added to read as follows:

§ 87.49 Comparative evaluation of mutually exclusive applications.

(a) In order to expedite action on mutually exclusive applications in the Aviation Services, applicants may request that their applications be considered without a formal hearing or random selection process in accordance with the summary procedure outlined in paragraph (b) of this section if:

(1) The applications are entitled to comparative consideration pursuant to § 87.251(a);

(2) The applications have not been designated for formal evidentiary hearing or random selection; and

(3) The Commission determines that such procedure is appropriate and that there are no substantial and material questions of fact presented (other than those relating to the comparative merits of the applications) which would preclude a grant under this part of the rules.

(b) Applicants may request the Commission to act upon their mutually exclusive applications without a formal hearing or random selection pursuant to the summary procedure outlined below:

(1) To initiate the procedure, each applicant must submit to the Commission a written statement containing:

(i) A waiver of his right to a formal hearing;

(ii) A request that the Commission select from among the mutually exclusive applications the proposal(s) which would best serve the public interest in lieu of a formal hearing; and

[1] *See* 47 CFR 87.257(d)(1).

[2] *See* 47 CFR 87.251(a).

[3] *See* 47 CFR 1.973.

[4] *See* 47 CFR 1.972.

[5] *See* 47 CFR 21.35, 22.35.

[6] *See* 47 CFR 1.412(b)(5).

(iii) The signature of a principal or attorney if so represented.

(2) After receipt of the requests from the applicants, the Commission, if this summary procedure is considered appropriate, will issue a notice designating the comparative criteria upon which the applications are to be evaluated. Each applicant will be requested to submit, within a specified period of time, additional information concerning its proposal relative to the comparative criteria.

(3) Within thirty (30) days following the due date for filing this information, competing applicants, potential customers, and other persons with relevant knowledge may submit concise, factual comments on the proposals to the Commission.

(4) Within fifteen (15) days following the due date for the filing of comments the competing applicants may submit concise, factual replies to these comments to the Commission.

[FR Doc. 86-10549 Filed 5-9-86; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 97

[PR Docket No. 85-22, FCC 86-201]

Amateur Radio Service; Frequency Coordination of Repeaters

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document adopts rules to make amateur stations in repeater or auxiliary operation mutually responsible to resolve any interference between them, unless the operation of one is coordinated and the other is not. In the latter case, the non-coordinated repeater has primary responsibility to resolve the interference. These rules are being adopted in order to significantly reduce the number of repeater interference disputes by encouraging their resolution through voluntary prior coordination.

EFFECTIVE DATE: 0001 UTC July 12, 1986.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Private Radio Bureau (202) 632-4964.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, PR Docket No. 85-22, adopted April 21, 1986 and released May 2, 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, DC. 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, DC 20037.

Summary of Report and Order

1. In a notice of proposed rule making, PR Docket No. 85-22, 50 FR 6219, February 14, 1985, the FCC proposed to amend the rules in the Part 97 Amateur Radio Service to provide that amateur stations in repeater operation would be mutually responsible to resolve interference between them unless one's operation was coordinated and the other's was not. In that case, the non-coordinated repeater would have primary responsibility to resolve the interference. These rules were proposed in order to significantly reduce the number of repeater interference disputes.

2. The Notice also sought comment on a wide variety of issues related to amateur repeater coordination. Most of the commenters supported the proposed rules in some form. Some commenters favored a national coordinator to promote uniformity and to minimize favoritism; more than twice as many opposed a national coordinator and instead supported local coordination with a national umbrella entity as most responsive to local needs.

3. The comments were divided on other related subjects, such as whether to require frequency coordination, use of spectrum-efficient technologies, a national database, FCC recognition of coordination, repeater licensing, open and closed repeaters, and uniform band plans.

4. The Commission decided to adopt the proposed rules with the addition of auxiliary stations, as recommended by several commenters. The Commission decided not to require a national coordinator, but to encourage evolution of a voluntary national coordination umbrella entity and a national repeater data base. No other requirements, such as mandatory coordination, mandatory use of particular technologies, FCC recognition of coordinators, repeater licensing, or uniform band plans were imposed. The Commission indicated that such requirements were premature, and should not be considered unless adoption of the proposed rules does not accomplish the desired objective: to significantly reduce the number of repeater interference disputes.

5. The new rules require that a frequency coordinator be recognized as such by all amateur operators eligible to engage in repeater operation in the coordinated area. This is because a local coordinator's authority is derived from the entire local amateur community. Also, by making non-coordinated repeaters primarily, rather than solely, responsible to resolve interference associated with a coordinated repeater, the Commission continued to make coordinated repeaters secondarily responsible. This permits local coordinators and the FCC to consider technical alternatives, questions of equity, and spectrum efficiency in reaching the most reasonable solution.

6. In accordance with Section 605 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605) we certified in the Notice of Proposed Rule Making, supra, in this proceeding that these rules would not, if promulgated, have a significant economic impact on a substantial number of small entities.

7. The new rules adopted herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

Ordering Clauses

8. Accordingly, it is ordered, that effective 0001 UTC July 12, 1986, Part 97 of the Commission's rules (47 CFR Part 97) is amended as shown in the Appendix attached hereto. The authority for this action is found in sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303.

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

List of Subjects in 47 CFR Part 97

Amateur radio; Repeaters.

William J. Tricarico,
Secretary.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 97—AMATEUR RADIO SERVICE

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

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

2. Paragraphs (k), (r) and (aa) of § 97.3 are revised to read as follows:

§ 97.3 Definitions.

* * * * *

(k) *Coordinated station operation.* The repeater or auxiliary operation of an amateur station for which the transmitting and receiving frequencies have been implemented by the licensee

in accordance with the recommendation of a frequency coordinator.

* * * * *

(r) *Harmful interference.* Interference which seriously degrades, obstructs or repeatedly interrupts the operation of a radiocommunication service.

* * * * *

(aa) *Frequency coordinator.* An individual or organization recognized in a local or regional area by amateur operators whose stations are eligible to engage in repeater or auxiliary operation which recommends frequencies and, where necessary, associated operating and technical parameters for amateur repeater and auxiliary operation in order to avoid or minimize potential interference.

* * * * *

§ 97.67 [Amended]

3. Paragraph (c) of § 97.67, including the table contained therein, is removed and reserved.

4. Paragraph (g) of § 97.85 is revised to read as follows:

§ 98.85 Repeater operation.

* * * * *

(g) Where an amateur radio station in repeater or auxiliary operation causes harmful interference to the repeater or auxiliary operation of another amateur radio station, the two stations are equally and fully responsible for resolving the interference unless one station's operation is coordinated (see § 97.3(k)) and the other's is not. In that case, the station engaged in the non-coordinated operation has primary responsibility to resolve the interference.

* * * * *

APPENDIX 5 TO PART 97—[REMOVED AND RESERVED]

5. Appendix 5 to Part 97 is removed and reserved.

[FR Doc. 86-10551 Filed 5-9-86; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Iliamna corei (Peter's Mountain mallow) To Be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Iliamna corei* (Peter's Mountain mallow) to be an endangered species. This plant, which occurs as a single population in western Virginia, will now be provided the protection of the Endangered Species Act of 1973, as amended. Its continued existence is threatened by the encroachment of competing vegetation, browsing by white-tailed deer, habitat degradation, and low reproductive potential. The population, which occurs on land now partially owned by The Nature Conservancy, was reduced in total area and number of plants by construction of a hiking trail in the early 1970's. Although the trail has now been abandoned, hikers occasionally follow the old path through the colony. Critical habitat is not being determined.

DATE: The effective date of this rule is June 11, 1986.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Service's Regional Office, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

FOR FURTHER INFORMATION CONTACT: Richard W. Dyer at the above address (617/965-5100 or FTS 829-9316).

SUPPLEMENTARY INFORMATION:

Background

Peter's Mountain mallow is a member of the family Malvaceae (mallow family) presently known to exist in only one small population in western Virginia. The population occurs on private land, partially owned by The Nature Conservancy, near the summit of Peter's Mountain in Giles County. The perennial plants are 20 to 36 inches (0.5 to 0.9 meters) tall and resemble small hollyhocks with large rose or light pink flowers 1 to 2 inches (2.5 to 5.0 centimeters) across. The short-stalked, odorless, flowers occur in terminal clusters or in the axils of the upper leaves in late July and August.

When the population was first discovered by Dr. Earl Core in 1927 (Strausbaugh and Core 1932), approximately 50 plants were growing vigorously in the soil-filled pockets and crevices of an exposed sandstone outcrop. The plants were in full sunlight and produced an "abundant supply of seeds." The Peter's Mountain site was visited periodically in ensuing years and "40 clumps, with 1 to 15 plants in each clump" were counted in 1962 (Keener and Hardin 1962). The plants were noted as being scattered through a 30-by-150-foot (9-by-45-meter) area following the ridge contour. Although the interpretation and counting of clumps, stems, or plants has not been uniformly applied over the years, there is little doubt that the population has declined considerably, as only 5 plants and 32 stems were observed in September 1985.

Considerable debate has existed among botanists as to the taxonomic distinction between *Iliamna corei* and a closely related species, *Iliamna remota*, which is also a candidate for Federal listing. Because of the confusion, significant points in the taxonomic history of these two taxa will be summarized. The first collections of *Iliamna remota* were made in 1872, by E.J. Hill, on a gravelly island in the Kankakee River near Altorf, Illinois. The distinct nature of the species was not recognized at that time and the plants were identified as a western species of mallow, *Sphaeralcea acerifolia*, which occurs in the Rocky Mountains from Colorado to British Columbia. In 1899, Dr. Edward L. Greene examined the Illinois plants, recognized differences between them and the widespread western species, and described the Kankakee River plants as *Iliamna remota*. Meritt L. Fernald transferred the Kankakee plants to the related genus *Sphaeralcea* under the name *Sphaeralcea remota* in the seventh edition of *Gray's Manual of Botany* (Fernald 1908). Seeking to clarify the situation for the second edition of *An Illustrated Flora of the United States, Canada and the British Possessions from Newfoundland to the Parallel of the Southern Boundary of Virginia and from the Atlantic Ocean Westward to the 102nd Meridian*, Nathaniel Lord Britton called upon Earl E. Sherff for assistance in obtaining specimens from the Kankakee Island site. Sherff visited the site with the original discoverer, Mr. Hill, in 1912. They found a vigorous colony and obtained several plants for analysis. Dr. Britton then named the species as *Phymosia remota*.

Twenty years then passed before P.D. Strausbaugh and Dr. Earl Core published an account (Strausbaugh and Core 1932) of Dr. Core's discovery of *Phymosia remota* on Peter's Mountain in August of 1927. Dr. Sherff was particularly interested in reading of the discovery because of the remarkable distance between the two populations and the differences in habitat types, i.e., mountain outcrop versus river island. Of equal interest to Sherff was a statement in the article that the Kankakee River population had been destroyed.

Sherff returned to the Kankakee River site in 1945, discovered "hundreds of plants flourishing" on the now abandoned island, and began a detailed study comparing the Illinois and Virginia populations. Dr. Sherff concluded that the Peter's Mountain and the Kankakee River plants appropriately

belonged to the same species, but that the Virginia plants were a different variety, which he named *Iliamna remota* var. *corei* (Sherff 1946). Later he concluded in fact that they were two separate species and in 1949 named the Peter's Mountain plants *iliamna corei* (Sherff 1949). Sherff's work has been the most comprehensive analysis published to date of the two populations. Although Kartesz (Kartesz and Kartesz 1980) synonomized *Iliamna corei* under *Iliamna remota*, there appears to be no definitive and specific work on which to base that conclusion. The most recent work on the two species was conducted by William A. Pusateri, while a graduate student at Miami University. Although he has not yet completed his investigations, he is of the opinion that Sherff's conclusion on the distinctiveness of the two species is correct (Pusateri, personal communication).

Although *Iliamna remota* is also a candidate for Federal listing, sufficient information is not on hand to justify a proposal at this time. At least three wild or perhaps introduced populations of *Iliamna remota* are known to exist, and the literature refers to additional populations being established in home gardens and other "secure places." The original Kankakee River island site is also now protected as a State ecological preserve.

Iliamna corei was designated as a category-1 candidate for Federal listing in the Service's **Federal Register** Notice of Review of plant taxa for listing as endangered or threatened on December 15, 1980 (45 FR 82480). Category-1 taxa are defined as species for which sufficient information is on hand to support the biological appropriateness of proposing to list. The Endangered Species Act Amendments of 1982 required that all petitions pending as of October 13, 1982, be treated as having been newly submitted on that date. The species listed in the December 15, 1980, Notice of Review were treated as if they had been petitioned, and the deadline for making a finding on such species, including *Iliamna corei*, was October 13, 1983. On October 13, 1983, and again on October 12, 1984, the petition finding was made that listing of *Iliamna corei* was warranted, but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act. Such findings require a recycling of the petition pursuant to section 4(b)(3)(C)(i) of the Act. The proposed rule of September 3, 1985 (50 FR 35584), constituted the Service's final positive petition finding on this species.

Summary of Comments and Recommendations

In the September 3, 1985, proposed rule (50 CFR 35584) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. The Virginia Department of Agriculture and Consumer Services, the Giles county government, conservation organizations, and other interested parties were contacted and requested to comment. A notice inviting general public comments was also published in a local newspaper. Three comments were received, all of which supported the proposed rule. The comments are discussed below.

The Virginia Department of Agriculture and Consumer Services is responsible for plant conservation and protection in the state. The Department supported the proposed rule and stated it was also initiating action to list the species as endangered under the Virginia Endangered Plant and Insect Species Act. A "Notice of Intent" has been published in the *Virginia Register* and the Department plans to initiate public hearings on the listing early in 1986.

The Virginia Chapter of The Nature Conservancy also commented in favor of the proposed rule and provided up-to-date information on the status of the species and threats to its continued existence. The Conservancy recently acquired one-quarter interest in the property where the plants occur. This will greatly expedite the implementation of needed management actions including the removal of competing vegetation and control of browsing by white-tailed deer.

A private citizen also commented on the proposed rule expressing his interest in assisting in the development of the species' recovery plan.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Iliamna corei* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (50 CFR Part 424) were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Iliamna corei* (Sherff) Sherff (Peter's Mountain mallow) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Habitat degradation is the primary threat to the continued existence of *Iliamna corei*. The encroachment of competing vegetation and the subsequent reduction of direct sunlight reaching the plants appear to be major factors in the reduced size and reproductive vigor of the population. Historical references indicate that the population on the sandstone outcrop was previously open to a great deal more direct sunlight than is the case today. The growth of the forest canopy has been a factor, but the major threat is competition from an introduced herbaceous species, *Polymnia canadensis* (Canadian leafcup). Previous publications that list the woody and herbaceous plants growing in association with *Iliamna corei* (e.g., Keener and Hardin 1962) make no reference to the leafcup, which now dominates the site. How the leafcup became established is open to speculation, but establishment could have been expedited by the completion of a nearby power transmission line or the construction of a hiking trail. Although the trail has now been abandoned, a number of *Iliamna* plants were destroyed when the trail was built through the colony.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Scientific collecting has been a problem, as many botanists have visited the site since the original discovery in 1927 to collect herbarium specimens. Local professors and students have visited the site for educational purposes.

The population was once more vigorous and larger in numbers and in size, and some collecting might have been tolerated. Any further collecting, however, could be extremely detrimental. There is no known record of commercial collection for horticultural purposes; however, whole plants, fruits, and seeds have been taken for private purposes, particular for home gardens.

C. *Disease or predation.* White-tailed deer have been known to heavily browse the plants and appear to be a significant factor in reducing or suppressing the population.

D. *The inadequacy of existing regulatory mechanisms.* The Commonwealth of Virginia does not presently protect *Iliamna corei* under State law but has initiated action to list the plant. Under the State's Endangered Plant and Insect Species Act it is

unlawful to dig, cut, process or collect, remove, transport, possess, sell, offer for sale, or give away listed plants other than from one's own land. Because the Federal Endangered Species Act does not prohibit the collecting of endangered or threatened plants on non-Federal lands, the listing of *Iliamna corei* under State law could provide an important degree of protection. The authority to list plants under the State law is vested in the Commissioner of the Department of Agriculture with concurrence by an Advisory Board.

E. *Other natural or man made factors affecting its continued existence.* Because of the small size of the only known population, its lack of vigor, and its presently low reproductive potential, a number of chance events such as fire, insect infestation or intensive browsing could become significant factors in the species' continued existence.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Iliamna corei* as endangered. Due to the continuing decline of the only known population and the rapid encroachment of competing vegetation, the plants are particularly vulnerable and in need of protection.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. Due to the extremely small size of the existing population and the documented history of collecting the plant for private cultivation and/or scientific purposes, the publication of detailed habitat description and maps could expose the speices to intensified horticultural collecting, vandalism, or trampling by curiosity seekers. The Service finds that designation of critical habitat is therefore not prudent at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal and State agencies, private conservation organizations, and individuals. The Nature Conservancy recently acquired partial interest in the property on which this species occurs. This acquisition will help protect the site and allow for management activities. Other conservation measures, including required protection efforts by Federal agencies and prohibitions against collecting are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990, June 29, 1983). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are no likely to jeopardize the continued existence of such a species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Currently, however, there is no known Federal action likely to affect the site where Peter's Mountain mallow occurs, and no critical habitat is being designated.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. These prohibitions in part make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course of a commerical activity, sell or offer it for sale in interstate or foreign commerce, or remove it from an area under Federal jurisdiction and reduce it to possession. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. There is no known commercial trade in *Iliamna corei*, and it is not known to occur on Federal land; thus the Service anticipates few, if ahy, requests for such permits. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903).

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Literature Cited

Fernald, M.L. 1908. Gray's Manual of Botany, 7th Edition. American Book Company, New York.

Kartesz, J.T., and R. Kartesz. 1980 A Synonymized Checklist of the Vascular Flora of the United States, Canada, and Greenland. University of North Carolina Press. Chapel Hill, North Carolina.

Keener, C.S. and J.W. Hardin. 1962. *Iliamna corei* Revisited. Castanea 27:176–178.

Sherff, E.E. 1948. Notes on Certain Plants in the Gray's Manual Range. Rhodora 48:89–96.

Sheff. E.E. 1949. Miscellaneous Notes on Dicotyledonous Plants. American Journal of Botany 36.499–511.

Strausbaugh, P.D. and E.L. Core. 1932. *Phymosia remota*. Rhodora 34:142–146.

Author

The author of this rule is Richard W. Dyer, Endangered Species Staff, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158 (617/965–5100 or FTS 829–9316).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

PART 17—[AMENDED]

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

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

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

2. Amend § 17–12(h) by adding the following, in alphabetical order under family Malvaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Malvaceae—Mallow family:						
Iliamna corei	Peter's Mountain mallow	U.S.A. (VA)	E	230	NA	NA

Dated: April 18, 1986.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-10530 Filed 5-9-86; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 60229-6072]

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Final rule.

SUMMARY: NOAA issues this rule to implement revised Amendment 6 to the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries (FMP). The rule establishes quarterly quotas and effort control measures for the Nantucket Shoals Area surf clam fishery, provides for adjustment of New England surf clam quotas between quarterly periods and years, and prohibits more than one surf clam trip during an authorized surf clam fishing period in the Mid-Atlantic Area. The intended effect of the rule is to augment the management program for surf clams on Nantucket Shoals and Georges Bank, and to foreclose opportunities for fishing outside of authorized Mid-Atlantic surf clam fishing periods.

EFFECTIVE DATE: June 6, 1986.

ADDRESSES: Copies of the revised amendment, environmental assessment, and the final regulatory impact review/regulatory flexibility analysis are available from Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, Delaware 19901.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls, 617-281-3600 ext. 263.

SUPPLEMENTARY INFORMATION: Amendment 6 to the FMP was prepared by the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England Fishery Management Council. A notice of availability for Amendment 6 was published in the **Federal Register** on April 25, 1985 (50 FR 16326). A proposed rule with request for comments was published in the **Federal Register** on May 29, 1985 (50 FR 21910). A final rule implementing approved portions of Amendment 6 was published in the **Federal Register** on August 14, 1985 (50 FR 32707). The Council reviewed the reasons for partial disapproval and submitted a revised amendment. The proposed rule was published February 25, 1986 (51 FR 6571). The revised amendment has been approved and this rule implements the revised amendment.

Comments on the revised amendment were received from the Coast Guard, the New England Fishery Management Council, and from one New England surf clam processing venture.

Comment 1: The Georges Bank surf clam quota should be increased and the quarterly allocations altered to provide equal amounts of surf clams in each quarter.

Response: The portions of Amendment 6 dealing with the Georges Bank Area were approved during 1985. The revised amendment does not affect the Georges Bank Area management program. Revisions to that management program can be considered as part of Amendment 7 to the FMP, now in early planning stages.

Comment 2: The 5,000-bushel threshold for adjusting quarterly and annual New England area quota harvest shortfalls is inconsistent with the automatic adjustment of overages. The commenter cannot understand the rationale for the 10 percent of annual quota limit on adjustments.

Response: The criteria established in the revised amendment for quarterly quota adjustments in New England management areas makes those adjustment provisions consistent with those successfully employed in the Mid-Atlantic for the past 8 years. Because harvest volumes vary so greatly in New England, the limiting factor of 10 percent provided for in the revised FMP amendment is necessary to avoid exceeding OY (optimum yield).

Comment 3: The one trip per mid-Atlantic surf clam fishing period limit may encourage vessel overloading and can be easily circumvented unless all landings are monitored by enforcement personnel.

Response: NOAA disagrees. The Council included this measure to foreclose opportunities to fish outside of authorized surf clam fishing periods. The prohibition on more than one trip per authorized fishing period will make enforcement of the fishing time restrictions more direct by limiting the number of contacts required between enforcement agents and vessels. This landing limit does not force fishermen to overload their vessels. Any such action by a vessel captain will be a personal decision not condoned by NMFS nor required by regulations.

This rule divides the annual quota for the Nantucket Shoals Area into quarterly quotas, and allows the Regional Director to impose trip landing limits, after 50 percent of a quarterly harvest quota has been caught, to minimize the possibility of fishery closures. The first and fourth quarters (January–March and October–December) are each allocated 20 percent of the annual quota; the second and third quarters (April–June and July–September) are each allocated 30 percent of the annual quota. The unused portion of any quarterly quota is transferred into the next quarter, except no more than 10 percent of the annual quota may be carried over from one year to the next if it has not been harvested.

This rule continues management of the Mid-Atlantic Area surf clam fishery unchanged, with the exception that §652.7(n) and § 652.22(a)(2)(iii) are revised to add a provision prohibiting vessels from making more than one surf clam trip during an authorized surf clam fishing period in the Mid-Atlantic Area, as discussed above.

The regulatory changes included in the revised amendment required reorganization and subdivision of existing regulatory text in §§ 652.7, 652.21 (b) and (c), and 652.22(b)(2). This reorganization has not resulted in any substantive changes beyond those discussed in this preamble and the revised amendment. Section 652.22(a)(2) is reorganized to make it consistent with other paragraphs without changing its substance.

Classification

The Secretary of Commerce has determined that revised Amendment 6 is necessary for the conservation and management of the Atlantic surf clam and ocean quahog fisheries and that it is consistent with the Magnuson Act and other applicable law.

The Council prepared an environmental assessment for this revised amendment which analyzes the consequences of its action. The NOAA Assistant Administrator for Fisheries concluded that these will be no significant impact on the human environment. A copy of the assessment is available from the Council at the address listed above.

The Administrator of NOAA determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The Council prepared a regulatory impact review which may be obtained from the Council at the address listed above.

The Council prepared a final regulatory flexibility analysis which describes the effects this rule will have on small entities. A copy of this analysis may be obtained from the Council at the address listed above.

This rule does not contain a collection of information requirement subject to the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland. This determination was submitted for review to the responsible State agencies under section 307 of the Coastal Zone Management Act. The State agencies agreed with this determination.

List of Subjects in 50 CFR Part 762

Fisheries, Recordkeeping and reporting requirements.

Dated: May 7, 1986.

William G. Gordon,

Assistant Administrator For Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, NOAA amends 50 CFR Part 652 as set forth below:

PART 652—[AMENDED]

1. The authority citation for 50 CFR Part 652 continues to read as follows:

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

2. Section 652.7 is amended by revising paragraphs (a)(3) and (a)(4), adding a new paragraph (a)(5), and adding a new paragraph (n), to read as follows:

§ 652.7 Prohibitions.

(a) * * *

(3) On days of the week in which fishing for these species is not authorized;

(4) Without having provided the notice required by § 652.5(b)(7); or

(5) In excess of applicable trip landing limits.

* * * * *

(n) No person or vessel may harvest or land surf clams in the Mid-Atlantic Area during or after an authorized surf clam fishing period if they have landed surf clams during that authorized period.

* * * * *

3. In § 652.21, paragraphs (b) and (c) are revised to read as follows:

§ 625.21 Catch quotas.

* * * * *

(b) *Surf Clams: Nantucket Shoals Area.* (1) *Annual quota.* The amount of surf clams which may be harvested in the Nantucket Shoals Area by fishing vessels subject to these regulations will be specified annually within the range of 25,000 to 200,000 bushels, using the procedures and criteria set forth in § 652.21(a) (1), (2), and (4).

(2) *Quarterly quotas.* This annual quota will be divided into quarterly quotas in the following proportions: January 1—March 31, 20 percent; April 1—June 30, 30 percent; July 1—September 30, 30 percent; and October 1—December 31, 20 percent. Each fishing quarter will begin on the first Sunday of the new calendar quarter.

(3) *Adjustments.* If the actual catch of surf clams falls more than 5,000 bushels short of a quarterly quota, the Secretary will add the amount of the shortfall to the succeeding quarterly quota. If the actual catch of surf clams exceeds a quarterly quota, the Secretary will subtract the amount of the excess from the succeeding quarterly quota. Differences from the quota for the last quarterly period would be carried over to the first quarterly period of the next year except that no more than 10 percent of the annual quota may be carried over into the next year.

(c) *Surf Clams: Georges Bank Area.* (1) *Annual quota.* The amount of surf clams which may be harvested in the Georges Bank Area by fishing vessels subject to these regulations will be specified annually within the range of 25,000 to 300,000 bushels, using the procedures and criteria set forth in § 652.21(a) (1), (2), and (4).

(2) *Quarterly quotas.* This annual quota will be divided into quarterly quotas, the quarters and proportion of the quota being January 1—March 31, 10 percent; April 1—June 30, 40 percent; July 1—September 30, 40 percent: and October 1—December 31, 10 percent. Each fishing quarter will begin on the first Sunday of the new calendar quarter.

(3) *Adjustments.* If the actual catch of surf clams falls more than 5,000 bushels short of a quarterly quota, the Secretary will add the amount of the shortfall to the succeeding quarterly quota. If the actual catch of surf clams exceeds a quarterly quota, the Secretary will subtract the amount of the excess from the succeeding quarterly quota. Differences from the quota for the last quarterly period will be carried over to the first quarterly period of the next year, except that no more than 10 percent of the annual quota may be carried over into the next year.

* * * * *

4. In § 652.22, paragraphs (a)(2) and (b)(2) are revised to read as follows:

§ 652.22 Effort restrictions.

(a) * * *

(2) *Hours.* (i) *Selection.* The Regional Director will notify each owner or operator of a fishing vessel engaged in the Mid-Atlantic Area surf clam fishery concerning the allowable combinations of fishing periods for varying levels of allowable fishing time. The vessel owner or operator must send the Regional Director written notice of the owner or operator's selection or cancellation of allowable surf clam fishing periods for that vessel. All selections or cancellations must be provided to the Regional Director no less than 15 days prior to the intended effective date.

(ii) *Letter of authorization.* The Regional Director will send a letter of authorization to each owner or operator, stating the periods during which the vessel is authorized to fish for surf clams. The letter of authorization must be kept aboard the vessel at all times. Fishing may be conducted only during the times and under those conditions authorized by the Regional Director in the letter of authorization.

(iii) *Authorized periods.* Fishing for any part of an authorized period will be counted as one day of fishing. Only one surf clam fishing trip is allowed per authorized fishing period. Fishermen who land surf clams during an authorized period may not continue to harvest or land surf clams during or after that authorized period.

(iv) *Fishing activity.* In this paragraph, "fishing" means the actual or attempted catching of fish, but not activities in preparation for fishing, such as traveling

to or from the fishing grounds. The presence of a vessel's fishing gear in the water at a time which is more than one-half hour before the beginning, or one-half hour after the end, of the vessel's authorized fishing period will be *prima facie* evidence that the vessel is fishing in violation of these regulations.

* * * * *

(b) * * *

(2) *Management measure adjustments.* The Regional Director will monitor the rate of harvest using logbook and other information.

(i) If the Regional Director determines that harvests will remain within the quarterly quotas, no action will be taken.

(ii) When the harvest reaches, or is likely to reach, 50 percent of any quarterly quota, the Regional Director will consult with the Councils to determine the range of trip landing limits to control catch adequately to keep the fishery open for the balance of the quarter. The Secretary may impose trip landing limits, provided those limits are not less than the following:

(A) For vessels between 0 and 50 gross registered tons (Class I), 224 bushels/trip.

(B) For vessels between 51 and 100 gross registered tons (Class II), 416 bushels/trip.

(C) For vessels greater than 101 gross registered tons (Class III), 768 bushels/trip.

(iii) The closure provisions specified in paragraph (d) of this section may be invoked by the Secretary, as required, without consulting the Council.

(iv) Once initial trip limits have been established in consultation with the Councils, the Regional Director will notify the Councils in advance of any proposed action to further specify trip limits or close the fishery.

(v) The Regional Director will consider any comments received from the Councils or the public before implementing any adjustments in the management program.

* * * * *

[FR Doc. 86-10641 Filed 5-8-86; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 91
Monday, May 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Canned White Potatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the voluntary U.S. grade standards for canned white potatoes. This proposed rule was developed by the United States Department of Agriculture (USDA) at the request of a major processor of canned white potatoes. The proposal would: (1) Change the procedure for determining uniformity of size and shape in whole style canned white potatoes; (2) make the acceptance numbers allowed in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products (7 CFR 52.1–52.83) applicable to size designation for whole style canned white potatoes; and (3) change the format to include definitions of terms and easy-to-read tables. Its effect would be to improve the grade standards and encourage uniformity in commercial practices which would facilitate the trading of canned white potatoes.

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

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

FOR FURTHER INFORMATION CONTACT: Leon R. Cary, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–6247.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects 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 Administrator, Agricultural Marketing Service, has certified that this action 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 reflects current marketing practices.

A member of the canned white potato industry has requested the USDA to revise the voluntary U.S. Standards for Grades of Canned White Potatoes so that uniformity of size interpretation is consistent with requirements contained in the U.S. grade standards for canned sweetpotatoes. The U.S. grade standards for canned sweetpotatoes base uniformity of size on the ninety-five percent most uniform sweetpotatoes in the sample unit. The currently effective grade standards for canned white potatoes base uniformity of size and shape determination on the weight of the largest whole potato compared to the weight of the second smallest whole potato present in the sample unit.

This proposal would base uniformity of size and shape on the weight of the largest compared to the weight of the smallest of the ninety percent most uniform whole potatoes in the sample unit. This would allow the ten percent least uniform potatoes, whether large, small or a combination of large and small, to be removed from the sample unit before uniformity of size and shape is determined. This procedure is currently used in determining uniformity of size and shape in canned sweetpotatoes.

The Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products (7 CFR 52.1–52.83) include sample sizes and acceptance numbers that may be applied to scorable factors in the U.S. grade standards. This acceptance number allows an occasional sample unit to fail the intended grade—it is based on an Acceptable Quality Level (AQL) of 6.5—one in six, two in thirteen, etc. The currently effective U.S. grade standards for canned white potatoes do not allow acceptance numbers to be applied to the non-scorable factor of size designation. This proposal would allow acceptance numbers to be applied when determining size designation of the product.

The proposed rule would provide a uniform format consistent with recent revisions of U.S. grade standards. The format has been designed with easy-to-read tables and definitions of terms to provide clarification for the benefit of the users of these standards.

List of Subjects in 7 CFR Part 52

Processed fruits and vegetables, Food grades and standards.

Accordingly, the United States Standards for Grades of Canned White Potatoes (7 CFR 52.1811–52.1826) are proposed to be amended as follows:

PART 52—[AMENDED]

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

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

2. Subpart—United States Standards for Grades of Canned White Potatoes (7 CFR 52.1811–52.1826) would be revised to read as follows:

Subpart—United States Standards for Grades of Canned White Potatoes

Sec.

Subpart—United States Standards for Grades of Canned White Potatoes

§ 52.1811 Product description.

Canned white potatoes is the product as defined in the Standards of Identity for Certain Other Canned Vegetables (21 CFR 155.200) issued under the Federal Food, Drug, and Cosmetic Act.

§ 52.1812 Style.

(a) *Whole* consists of peeled white potatoes that retain the approximate original conformation of the whole potato.

(b) *Slices or sliced* consist of peeled whole white potatoes cut into slices of substantially uniform thickness.

(c) *Dice or diced* consists of peeled whole white potatoes cut into cube-like units of substantially uniform size.

(d) *Shoestring, french style, or julienne* consists of peeled whole white potatoes cut into rectangular units having length measurements which are three (3) or more times the width measurements.

(e) *Pieces* consist of peeled whole white potatoes of random size and/or shape, or potatoes that have been cut into approximate quarters or wedge-shaped units.

(f) Any combination of two (2) of more of the foregoing styles constitutes a style and shall be considered as a mixture of the individual styles that comprise the combination.

§ 52.1813 Definitions of terms.

As used in these U.S. standards, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(a) *Blemished* means units affected by brown or black internal or external discoloration, discolored or unpeeled eyes, hollow heart, scab, or units blemished by other means to such an extent that the appearance or eating quality of the unit is materially affected.

(b) *Seriously blemished* means units affected by brown or black internal or external discoloration, pathological or insect injury or units blemished by other means to such an extent that the appearance or eating quality of the unit is seriously affected.

(c) *Color:*

(1) *Good color* means that the units, exclusive of blemished areas, are practically free from oxidation or light greenish coloration, and have a bright, practically uniform, light color, typical of canned white potatoes processed from potatoes of similar varietal characteristics.

(2) *Reasonably good color* means that the units possess a reasonably good color, and the units individually or collectively may be variable in color, dull, slightly oxidized, or otherwise discolored but not to the extent that the appearance of the product is seriously affected.

(3) *Poor color* means the units fail to meet the requirements for reasonably good color.

(d) *Defects:*

(1) *Practically free from defects* means the defects present do not materially affect the appearance or edibility of the product.

(2) *Reasonably free from defects* means the defects present do not seriously affect the appearance or edibility of the product.

(e) *Diameter:*

(1) Of elongated whole potatoes means the greatest measurement at right angles to the longitudinal axis of the units.

(2) Of round or nearly round whole potatoes means the greatest measurement across the center of the unit.

(3) Of sliced style potatoes means the shortest measurement of the larger cut surface of the slice.

(f) *Extraneous vegetable material (EVM)* means harmless plant material such as leaves, stems, or roots.

(g) *Flavor and odor:*

(1) *Good flavor and odor* means a good, distinctive flavor and odor which is characteristic of properly prepared and properly processed canned white potatoes (including any permitted safe and suitable optional ingredient(s)), that are free from objectionable flavors or odors.

(2) *Reasonably good flavor and odor* means that the canned white potatoes (including any permitted safe and suitable optional ingredient(s)), may be lacking in good flavor and odor but are free from objectionable flavors or odors.

(h) *Mechanical damage* means damage incurred during harvesting or processing such as broken, crushed or cracked units, and units that are excessively trimmed.

(i) *Pathological or insect injury* means damage caused by disease or insects.

(j) *Peel* means the outer layer of the potato that is normally removed during processing.

(k) *Potato unit* means one whole, slice, dice, shoestring, or piece of potato as applicable for the style.

(l) *Sample unit size* means the amount of product to be used for grading. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of two (2) or more containers;

(4) A portion of unpacked product.

(m) *Texture.* The factor of texture refers to the tenderness of the canned white potatoes and to the degree of freedom from sloughing and from hard or objectionably coarse units.

(1) *Good texture* means the texture of the potatoes is practically uniform and is typical of properly prepared and properly processed potatoes and that the potatoes are firm and have a fine and even grain. There may be sloughing to a degree that does not more than slightly affect the appearance of the product.

(2) *Reasonably good texture* means the potatoes are reasonably tender, and may be variable in texture, ranging from somewhat soft to firm, but are not tough, hard or mushy. There may be a moderate amount of sloughing that does not seriously affect the appearance of the product.

(3) *Poor texture* means the potato units fail to meet the requirements for reasonably good texture.

§ 52.1814 Recommended fill of container.

(a) The fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. Each container shall be filled with white potatoes as full as practicable without impairment of quality and the product and packing medium shall occupy not less than 90 percent of the total capacity of the container.

(b) Total capacity of the container means the maximum weight of distilled water, at 68 degrees Fahreheit (20 degrees Celsius), which the sealed container will hold.

§ 52.1815 Recommended minimum drained weights.

(a) *General:*

(1) The minimum drained weight values are given in Table I. They are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The minimum drained weights are based on the weight of the white potatoes after the canned product has been allowed to equalize for 15 or more days after the product has been canned.

(b) *Method of determining drained weight:*

(1) The drained weight of canned white potatoes is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve (or equivalent) of the proper diameter containing 8 meshes to the inch (0.0937-inch (2.4 mm), ±3 percent, square openings) so as to distribute the

product evenly. Without shifting the product, incline the sieve to a 17 to 20 degree angle to facilitate drainage and allow to drain for two (2) minutes.

(2) The drained weight is the weight of the sieve and white potatoes less the weight of the dry sieve. The diameter of the sieve shall be 8 inches (20.3cm), or equivalent, if the water capacity of the container is less than 3 pounds (1.36 kg), or 12 inches (30.5 cm), or equivalent, if such capacity is 3 pounds (1.36 kg) or more.

(c) *Compliance with minimum drained weight values.* Compliance with the minimum drained weight values in Table I is determined by averaging the drained weights from all the containers in the sample which represent a specific lot. Such lot is considered as meeting the minimum drained weight values if the following criteria are met:

(1) The sample average (average of all the containers in the sample) meets the minimum average drained weight value (designated as "X_d" in Table I); and

(2) The number of sample units which fail to meet the minimum drained weight value for individual containers (designated as "LL" in Table I) does not exceed the acceptance number specified in the applicable sample plan for Lot Inspection and Certification of Processed Fruits and Vegetables and Related Products.

TABLE I.—MINIMUM DRAINED WEIGHTS FOR CANNED WHITE POTATOES ENGLISH (AVOIRDUPOIS) SYSTEM

Container designation	Container Dimensions		Styles (weight in ounces)									
	Diameter (inches)	Height (inches)	Whole		Sliced		Diced		Julienne		Pieces	
			X_d[1]	LL[2]	X_d	LL	X_d	LL	X_d	LL	X_d	LL
8Z Tall	2 1/32	3 1/16	5.5	4.8	5.5	5.0	5.6	5.1	5.3	4.8	5.5	4.8
No. 300	3	4 7/16	9.5	8.7	9.7	9.0	10.0	9.5	8.8	8.3	9.5	8.7
No. 303	3 1/16	4 9/16	10.2	9.3	10.2	9.4	10.5	9.8	9.3	8.6	10.2	9.3
No. 2	3 7/16	4 9/16	13.0	11.9	13.3	12.4	13.5	12.7	12.3	11.5	13.0	11.9
No. 2½	4 1/16	4 13/16	19.0	17.7	19.5	18.4	20.0	19.0	18.3	17.3	19.0	17.7
No. 10	6 9/16	7	74.0	71.5	75.0	73.0	76.0	74.2	72.0	70.2	74.0	71.5

[1] "X_d" means the minimum average drained weight from all the containers in the sample.
[2] "LL" means the minimum drained weigth for individual containers.

TABLE IA.—MINIMUM DRAINED WEIGHTS FOR CANNED WHITE POTATOES METRIC SYSTEM (SYSTEME INTERNATIONAL)

Container designation	Container Dimensions		Styles (weight in grams)									
	Diameter (millimeters)	Height (millimeters)	Whole		Sliced		Diced		Julienne		Pieces	
			X_d[1]	LL[2]	X_d	LL	X_d	LL	X_d	LL	X_d	LL
8Z Tall	68.3	82.6	155.9	136.1	155.9	141.7	158.8	144.6	150.3	136.1	155.9	1,36.1
No. 300	76.2	112.7	269.3	246.6	275.0	255.1	283.5	269.3	249.5	235.2	269.3	246.6
No. 303	81.0	111.1	289.2	263.7	289.2	266.5	297.7	277.8	263.7	243.8	289.2	263.7
No. 2	87.3	115.9	368.5	337.4	377.0	351.5	382.7	360.0	348.7	326.0	368.5	337.4
No. 2½	103.2	119.1	538.6	501.8	552.8	521.6	567.0	538.6	518.8	490.4	538.6	501.8
No. 10	157.2	177.8	2097.9	2027.0	2126.2	2069.5	2154.6	2103.5	2041.2	1990.1	2097.9	2027.0

[1] "X_d" means the minimum average drained weight from all the containers in the sample.
[2] "LL" means the minimum drained weight for individual containers.

§ 52.1816 Recommended sample unit sizes.

The requirements for size determination and for quality factors other than the defect defined as extraneous vegetable material are based on a recommended sample unit size of 567 g (20.0 oz) of drained product, or the entire drained contents of a container. The recommended sample unit size for extraneous vegetable material is the entire contents of the container.

§ 52.1817 Size requirements for whole potatoes.

(a) A lot of canned whole potatoes shall be assigned a single size designation if the applicable requirements of Table II are met.

(b) A lot of canned whole potatoes that fails the requirements of Table II for a single size designation shall be declared in terms of individual sample unit size designations.

TABLE II.—SIZE DESIGNATION OF WHOLE POTATOES

Word designation	Number designation	In a 567 g (20.0 oz) sample unit—	One or more sample unit(s) may fall in—
Tiny	Size 1	At least 453.6 g (16.0 oz)—80% are not more than 25 mm (0.98 in) in diameter. 113.4 g (4.0 oz)—20% may have a diameter of more than 25 mm (0.98 in) but not more than 38 mm (1.49 in).	The next larger designation—small (size 2), provided these sample units do not exceed the acceptance number.[1]
Small	Size 2	At least 453.6 g (16.0 oz)—80% have a diameter of more than 25 mm (0.98 in) but not more than 38 mm (1.49 in). 56.7 g (2.0 oz)—10% may have a diameter of 25 mm (0.98 in) or less. 56.7 g (2.0 oz)—10% may have a diameter more than 38 mm (1.49 in) but not more than 51 mm (2.0 in).	The next smaller designation—tiny (size 1), the next larger designation—medium (size 3) or a combination thereof, provided these sample units do not exceed the acceptance number.[1]
Medium	Size 3	At least 453.6 g (16.0 oz)—80% have a diameter of more than 38 mm (1.49 in) but not more than 51 mm (2.0 in). 56.7 g (2.0 oz)—10% may have a diameter of more than 51 mm (2.0 in).	The next smaller designation—small (size 2), the next larger designation—large (size 4) or a combination thereof, provided these sample units do not exceed the acceptance number.[1]

TABLE II.—SIZE DESIGNATION OF WHOLE POTATOES—Continued

Word designation	Number designation	In a 567 g (20.0 oz) sample unit—	One or more sample unit(s) may fail in—
Large	Size 4	At least 510.3 g (18.0 oz)—90% have a diameter of more than 51 mm (2.0 in) 56.7 g (2.0 oz)—10% may have a diameter of more than 38 mm (1.49 in) but not more than 51 mm (2.0 in).	The next smaller designation—medium (size 3), provided these sample units do not exceed the acceptance number.[1]

FOOTNOTE 1

Number of Sample Units	3	6	13	21	29
Acceptance Number	0	1	2	3	4

§ 52.1818 Grades.

(a) *U.S. Grade A* is the quality of canned white potatoes that meets the applicable requirements of Tables III through VII and scores not less than 90 points.

(b) *U.S. Grade B* is the quality of canned white potatoes that meets the applicable requirements of Tables III through VII and scores not less than 80 points.

(c) *Substandard* is the quality of canned white potatoes that fails to meet the requirements for U.S. Grade B.

§ 52.1819 Factors of quality.

The grade of a lot of canned white potatoes is based on the following quality factors:

(a) Color;
(b) Uniformity of size and shape;
(c) Defects;
(d) Texture;
(e) Flavor and odor.

§ 52.1820 Requirements for grades.

TABLE III.—WHOLE STYLE

Quality factors [1]	Grade A [2]	Grade B [3]
Color	Good	Reasonably good.
Score	18–20 points	16–17 points.
Uniformity of size and shape	Practically uniform	Reasonably uniform.
In the 90 percent (by count) most uniform units, the weight of the largest unit is not more than.	3.0 times the weight of the smallest unit	4.0 times the weight of the smallest unit.
Score	18–20 points	16–17 points.
Defects	Practically free	Reasonably free.
Mechanical damage, seriously blemished and blemished. Maximum	113.4 g (4.0 oz)[4]	170.1 g (6.0 oz).[4]
Seriously blemished and blemished. Maximum	56.7 g (2.0 oz)[4]	113.4 g (4.0 oz).[4]
Seriously blemished. Maximum	28.4 g (1.0 oz)[4]	56.7 g (2.0 oz).[4]
Extraneous vegetable material (EVM)	1 piece/1.7 kg (60.0 oz) net wt. (sample average)	3 pieces/1.7 kg (60.0 oz) net wt. (sample average).
Sand, grit or silt	None	Trace.
Score	27–30 points	24–26 points.
Texture	Good	Reasonably good.
Score	27–30 points	24–26 points.
Total score	90–100 points	80–89 points.
Flavor and odor	Good	Reasonably good.

[1] All quality factors except EVM are based on a sample unit size of 567 g (20 oz).
[2] Can be reasonably uniform in size and shape if total score is 90 points or more.
[3] Can fail requirements for reasonably uniform size and shape if total score is 80 points or more.
[4] Or 1 unit provided the lot average does not exceed the prescribed requirements.

TABLE IV.—SLICED STYLE

Quality factors [1]	Grade A [2]	Grade B [3]
Color	Good	Reasonably good.
Score	18–20 points	16–17 points.
Uniformity of size and shape	Practically uniform	Reasonably uniform.
Maximum thickness	19 mm (0.74 in)	25 mm (0.98 in).
The diameter of the largest slice is not more than	1.5 times the diameter of the second smallest slice.	2.0 times the diameter of the second smallest slice.
Score	18–20 points	16–17 points.
Defects	Practically free	Reasonably free.
Mechanical damage, seriously blemished and blemished. Maximum	85g (3.0 oz),	127.6 g (4.5 oz)
Seriously blemished and blemished. Maximum	56.7 g (2.0 oz)	85 g (3.0 oz)
Seriously blemished. Maximum	14.2 g (0.5 oz)	28.4 g (1.0 oz)

TABLE IV.—SLICED STYLE—Continued

Quality factors [1]	Grade A [2]	Grade B [3]
Extraneous vegetable material (EVM)	1 piece/1.7 kg (60.0 oz) net wt. (sample average)	3 pieces/1.7 kg (60.0 oz) net wt. (sample average).
Sand, grit or silt	None	Trace.
Score	27–30 points	24–26 points.
Texture	Good	Reasonably good.
Score	27–30 points	24–26 points.
Total score	90–100 points	80–89 points
Flavor and odor	Good	Reasonably good.

[1] All quality factor except EVM are based on a sample unit size of 567 g (20 oz).
[2] Can be reasonably uniform in size and shape if total score is 90 points or more.
[3] Can fail requirements for reasonably uniform size and shape if total score is 80 points or more.

TABLE V.—DICED STYLE

Quality factors [1]	Grade A [2]	Grade B [3]
Color	Good	Reasonably good.
Score	18–20 points	16–17 points.
Uniformity of size and shape	Practically uniform	Reasonably uniform.
Maximum allowance for irregular shaped units and units that are noticeably larger or smaller than the prevalent cube size.	56.7 g (2.0 oz)	141.8 g (5.0 oz).
Score	18–20 points	16–17 points.
Defects	Practically free	Reasonably free.
Mechanical damage, seriously blemished and blemished. Maximum	56.7 g (2.0 oz)	85 g (3.0 oz).
Seriously blemished and blemished. Maximum	22.7 g (0.8 oz)	34 g (1.2 oz).
Seriously blemished. Maximum	5.7 g (0.2 oz)	11.3 g (0.4 oz).
Extraneous vegetable material (EVM)	1 piece/1.7 kg (60.0 oz) net wt. (sample average)	3 pieces/1.7 kg (60.0 oz) net wt. (sample average).
Sand, grit or silt	None	Trace.
Score	27–30 points	24–26 points.
Texture	Good	Reasonably good.
Score	27–30 points	24–26 points.
Total score	90–100 points	80–89 points
Flavor and odor	Good	Reasonably good.

[1] All quality factor except EVM are based on a sample unit size of 567 g (20 oz).
[2] Can be reasonably uniform in size and shape if total score is 90 points or more.
[3] Can fail requirements for reasonably uniform size and shape if total score is 80 points or more.

TABLE VI.—FRENCH STYLE

Quality factors [1]	Grade A [2]	Grade B [3]
Color	Good	Reasonably good.
Score	18–20 points	16–17 points.
Uniformity of size and shape	Practically uniform	Reasonably uniform.
Allowance for units less than 13 mm (0.51 in) in length	56.7 g (2.0 oz)	141.8 g (5.0 oz).
Score	18–20 points	16–17 points.
Defects	Practically free	Reasonably free.
Mechanical damage, seriously blemished. Maximum	56.7 g (2.0 oz)	85 g (3.0 oz).
Seriously blemished and blemished. Maximum	22.7 g (0.8 oz)	34 g (1.2 oz).
Seriously blemished. Maximum	5.7 g (0.2 oz)	11.3 g (0.4 oz).
Extraneous vegetable material (EVM)	1 piece/1.7 kg (60.0 oz) net wt. (sample average)	3 pieces/1.7 kg (60.0 oz) net wt. (sample average).
Sand, grit, or silt	None	Trace.
Score	27–30 points	24–26 points.
Texture	Good	Reasonably good.
Score	27–30 points	24–26 points
Total score	90–10 points	80–89 points.
Flavor and odor	Good	Reasonably good.

[1] All quality factors except EVM are based on a sample unit size of 567 g (20 oz).
[2] Can be reasonably uniform in size and shape if total score is 90 points or more.
[3] Can fail requirements for reasonably uniform size and shape if total score is 80 points or more.

TABLE VII.—PIECES

Quality factors [1]	Grade A [2]	Grade B [3]
Color	Good	Reasonably good.
Score	18–20 points	16–17 points.
Uniformity of size and shape	Practically uniform	Reasonably uniform.
Maximum allowance for units weighing less than 7.1 g (0.25 oz)	28.4 g (1.0 oz)	56.7 g (2.0 oz).
Of those units weighing 7.1 g (0.25 oz) or more, the weight of the largest unit is not more than.	2.0 times the weight of the second smallest unit	4.0 times the weight of the second smallest unit.
Score	18–20 points	16–17 points.
Defects	Practically free	Reasonably free.
Mechanical damage, seriously blemished and blemished. Maximum	85 g (3.0 oz)	127.6 g (4.5 oz).
Seriously blemished and blemished. Maximum	56.7 g (2.0 oz)	85 g (3.0 oz).
Seriously blemished. Maximum	14.2 g (0.5 oz)	28.4 g (1.0 oz).
Extraneous vegetable material (EVM)	1 piece/1.7 kg (60.0 oz) net wt. (sample average)	3 pieces/1.7 kg (60.0 oz) net wt. (sample average).
Sand, grit, or silt	None	Trace.
Score	27–30 points	24–26 points.
Texture	Good	Reasonably good.
Score	27–30 points	24–26 points
Total score	90–110 points	80–89 points.
Flavor and odor	Good	Reasonably good.

[1] All quality factors except EVM are based on a sample unit size of 567 g (20 oz).
[2] Can be reasonably uniform in size and shape if total score is 90 points or more.
[3] Can fail requirements for reasonably uniform size and shape if total score is 80 points or more.

§ 52.1821 Determining the grade of a lot.

The grade of a lot of canned white potatoes coverd by these standards is determined by the procedures found in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, and Related Products" (7 CFR 52.1 through 52.83).

Done at Washington, DC, on: May 5, 1986.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 86–10333 Filed 5–9–86; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 980

Irish Potatoes; Import Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Withdrawal of proposal.

SUMMARY: This document withdraws a proposal to require that all Irish potatoes imported from Canada into the United States through Maine be made only through the ports of Madawaska, Fort Fairfield, and Houlton. Import provisions of section 8e of the Agricultural Marketing Agreement Act require potatoes to meet minimum quality and size standards. Existing inspection procedures are adequate to insure compliance with these requirements.

DATE: This withdrawal is effective May 12, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone (202) 447–5697.

SUPPLEMENTARY INFORMATION: This document withdraws a proposal published in the **Federal Register** on December 11, 1985 (50 FR 50621) to amend the Potato Import Regulation (§ 980.1).

The proposed amendment to limit the number of points of entry in Maine through which potatoes can pass from Canada was published in the **Federal Register** of December 11 with comments allowed until December 31, 1985. A total of 28 comments were received.

The purpose of the proposed rule was to help ensure that potatoes imported from Canada meet the potato import requirements. By eliminating all but three points of entry along the Maine-Canadian border, the Department would be able to provide better inspection coverage with the limited resources available for the purpose.

However, because of low potato prices, Canadian shippers have tended to export only the better quality potatoes this season. Inspectors currently performing mandatory spot checks report that better quality Canadian potatoes are being imported into the United States through Maine ports; and, therefore, the inspection difficultues of previous years have been alleviated.

In view of the foregoing, restricting the number of border crossing points is not necessary at this time and could have an adverse impact on Canadian potato shippers and on other trade. If problems arise in the future, the need for such a restriction will be reevaluated.

Therefore, it is hereby found that the current potato import regulation, § 980.1, tends to effectuate the declared policy of the act and shall remain in effect. The proposed amendment published in the **Federal Register** on December 11, 1985 (50 FR 50621) is hereby withdrawn.

Dated: May 5, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc. 86–10570 Filed 5–9–86; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 982

[Docket No. F&V AO–205–A–6]

Filberts/Hazelnuts Grown in Oregon and Washington; Decision and Referendum Order on Further Amendment of the Marketing Agreement and Order, Both as Amended

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision proposes an amendment of the filbert/hazelnut marketing agreement and order program (M.O. 982) and provides filbert producers with the opportunity to vote in a referendum on the proposed amendment. The proposed amendment would: (1) Change representation on the Filbert/Hazelnut Marketing Board to eliminate any reference to either cooperative or independent handlers

and to recognize industry composition; (2) provide authority for advertising and promotion programs; (3) provide authority for crediting a handler's assessment for certain kinds of advertisting and promotion; and (4) change the method of establishing the Board's annual marketing policy and volume regulations to allow more flexibility to react to market conditions and provide for market growth. The intent of the proposed changes is to improve the effectiveness of the program.

DATE: The representative period for purposes of the referendum herein ordered is July 1, 1985 to April 1, 1986.

FOR FURTHER INFORMATION CONTACT: James B. Wendland, Acting Chief, Marketing Oder Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, DC 20250. Telephone: (202) 447–5053.

SUPPLEMENTARY INFORMATION: Prior documents in the proceeding: Notice of Hearing issued February 11, 1985, and published February 13, 1985 (50 FR 5995); Notice of Recommended Decision issued October 15, 1985, and published October 21, 1985 (50 FR 42537).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and therefore is not subject to the requirements of Executive Order 12291.

Preliminary Statement

This proposed amendment was formulated on the record of a public hearing held in Portland, Oregon, on February 20–21, 1985. The hearing notice was published in the February 13, 1985, issue of the **Federal Register** (50 FR 5995). That notice contained the proposals submitted by the Filbert/Hazelnut Marketing Board (Board). The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure for formulating marketing agreements and orders (CFR Part 900).

On the basis of evidence introduced at the hearing and the record thereof, the Deputy Administrator of the Agricultural Marketing Service, on October 15, 1985, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision which contained notice of the opportunity to file by November 20, 1985, written exception thereto. One exception was filed by the President of Sun-Diamond Growers of California, which markets filberts for Hazelnut Growers of Oregon, a cooperative handler under the agreement and order.

Small Business

As stated in the notice of hearing, interested persons were invited to present evidence at the hearing on the probable regulatory and informational impacts of the proposed changes on small business. Based on the record evidence, a sizeable majority of the filbert growers and handlers could be considered small businesses for the purposes of the Regulatory Flexibility Act (RFA) (Pub. L. 96–354). In that regard, testimony was presented that the production, harvesting, and preparation of filberts for market were relatively similar for all filber producers, and no clear relationship could be drawn between the size of producers and the corresponding costs.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. The Agricultural Marketing Agreement Act of 1937 (AMAA) requires the application of uniform rules to regulated handlers. Marketing orders, and rules issued thereunder, are unique in that they are normally brought about through group action of essentially small entities for their own benefit. Thus, both statutes have small entity orientation and compatibility. Since the handlers covered under M.O. 982 are predominately small businesses, and the order reflects the views and consensus of such small businesses, the changes proposed in this proceeding would impose no disproportionate regulatory burdens on any group of small entities within the industry.

While the order and the changes proposed herein impose certain regulations on affected businesses and the number of businesses may be substantial, and added burden resulting from these changes should not be significant when compared to the benefits which should accrue to such businesses. All entities, small and large, would be treated equitably as a result of these changes in the order. Furthermore, the record evidence is that there is no practical means of exempting small businesses from the order and the regulations applicable thereto.

Findings and conclusions

The material issues, findings and conclusions, rulings, general findings, and regulatory provisions of the recommended decision published in the October 21, 1985, issue of the **Federal Register** (50 FR 42537) are hereby incorporated herein and made a part thereof subject to the following modifications and corrections and discussion:

Page	Column	Paragraph	Line	Correction
42540	1	6	2	Change "of" to "or".
42541	3	2	29	Change "understanding" to "underestimating".
42542	1	1	10	Change "indusry" to "industry"
42546	3	4	2	Change "palce" to "place".
42546	3	4	5	Change "resignations" to "resignation".
45247	1	1	13 and 14	Delete "average by no more than 25 percent if market conditions justify such".
452477	1	2	24	Change "it" to "in".

The findings and conclusions in material issue (1)(b) of the recommended decision, dealing with the establishment and membership of the Board, are amended by adding a new paragraph after the second paragraph to as follows:

"Section 982.30(e) as contained in the recommended decision should be changed to provide that the Secretary, or the Board with the approval of the Secretary, may revise the handler representation on the Board if it ceases to be representative following substantial changes in the industry. This change is intended to clarify that the Secretary may revise the representation in the absence of a Board recommendation. In such an event, however, the Secretary would implement any necessary changes through the same informal rulemaking procedures the Secretary would follow in establishing changes recommended by the Board."

Material Issue (2), dealing with change in the method of establishing maketing policy and volume regulation, should be amended by the addition of the following three paragraphs to read as follows:

The exception stated that the Board, through its trade demand recommendations, has restricted the supply of inshell filberts to the domestic market resulting in decreased consumption and artifically inflated prices to consumers. It further states that such restriction is not consistent with the Department"s guidelines (i.e., "Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders" issued by the U.S. Department of Agriculture on January 25, 1982).

"The exceptor contended that the proposed marketing policy changes do not correct this problem because the changes do not require the Board to increase the trade demand by the authorized 25 percent and the

calculation of inshell trade demand does not include inshell filbert imports. In the alternative, the exceptor would require the Board to expand trade demand each year by 10 percent (unless market conditions require a reduction), and to make further increases of up to 25 percent (if necessary to meet market needs).

"In response to the exception, the Guidelines require that primary markets have available a quantity equal to 110 percent of recent years' sales in those outlets. The Board has been in compliance with the Guidelines since their implementation. Information for the past 15 years shows that the Board's recommended trade demand has exceeded actual filbert shipments in all of those years. Hence, it appears that the Board has been more liberal than restrictive in allocating inshell filberts to the domestic market.

"The proposed amendment also is quite liberal. It would require the Board to release 100 percent of the computed inshell trade demand plus an additional 15 percent of the average of the preceding three years' trade acquisitions of inshell filberts for desirable carryout for use late in the season. These required releases would make more quantities of inshell filberts available than could be made available under the exceptor's 110 percent proposal. In addition, the recommendation further allows the Board to increase the inshell trade demand by an additional 25 percent, or a maximum of 140 percent of the average of the preceding three year's trade acquisitions. This would provide the Board ample opportunity to meet current market needs and to provide for inshell market growth and still give the Board the flexibility necessary to avoid excessive carryouts and the ensuing depressing effects on grower prices the following season.

"The inclusion of inshell filbert imports in the calculation of inshell trade demand, as suggested by the exceptor, could inflate the quantity available for inshell marketing by all handlers to such a degree as to cause weak marketing conditions. This could result in an excessive carryout at the end of a season and a repeat of the disorderly marketing conditions experienced by the industry in the past when trade demand estimates were overly optimistic. Further, estimates of imports are not reliable, and the annual volume of inshell filbert imports is subject to extreme fluctuations from year to year. For example, imports over the past ten years (1974 through 1984) were: 0; 194; 1,176; 139; 53; 15; 1; 1; 517; and 298 tons. Hence, the inclusion of inshell filbert imports in trade demand calculations would not serve to improve their accuracy or usefulness in balancing supplies with needs. The evidence of record is that the industry's goal is to establish a marketing policy mechanism which balances supplies with needs, for the purpose of expanding markets and stabilizing prices. In view of the foregoing, this exception is denied and the proposed amendments discussed in the recommended decision are adopted herein."

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with the exception, such exception is hereby denied for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereto are two documents entitled, respectively, "Marketing Agreement, as Further Amended, Regulating the Handling of Filberts/Hazelnuts Grown in Oregon and Washington", and "Order Amending the Order, as Amended, Regulating the Handling of Filberts/Hazelnuts Grown in Oregon and Washington," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the **Federal Register.** The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with the decision.

Referendum Order. Is is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*) to determine whether the issuance of the annexed order, as amended and as hereby proposed to be further amended regulating the handling of filberts/hazelnuts grown in Oregon and Washington, is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be July 1, 1985 through April 1, 1986.

The agents of the Secretary to conduct such referendum are hereby designated to be Joseph C. Perrin and Gary D. Olson, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Northwest Marketing Field Office, Green/Wyatt Federal Building, Room 369, 1220 SW. Third, Avenue, Portland, Oregon 97204.

List of Subjects in 7 CFR Part 982

Marketing agreement and orders, Filberts/Hazelnuts, Oregon and Washington.

Signed at Washington, DC, on: May 5, 1986.

Karen K. Darling,

Deputy Assistant Secretary, Marketing & Inspection Service.

Order Amending the Order, as Amended, Regulating the Handling of Filberts/Hazelnuts Grown in Oregon and Washington [1]

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.),* and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of filberts grown in the production area in the same manner as, and is applicable only to persons in the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistent, with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of filberts grown in the production area which makes necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of filberts grown in the production area is in the current of interstate of foreing commerce of directly burdens, obstructs, or effects such commerce.

Order Relative to Handling

It is therefore ordered, That, on and after the effective date hereof, the handling of filberts grown in Oregon and Washington shall be in conformity to and in compliance with the following terms and conditions of the order, as hereby amended.

Except for the previously noted corrections and modifications, the provisions of the proposed marketing agreement and order amending the order contained in the recommended decision, issued by the Deputy Administrator on October 15, 1985, and published in the **Federal Register** on October 21, 1985 (50 FR 42357), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 982—[AMENDED]

1. The authority citation for Part 982 continues to read as follows:

Authority: Agricultural Marketing Agreement Act of 1937, Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 982.9 is removed.

§ 982.9 Cooperative handler. [Removed]

3. Section 982.10 is removed.

§ 982.10 Independent handler. [Removed]

4. Section 982.16 is revised to read as follows:

§ 982.16 Inshell trade acquisitions.

"Inshell trade acquisitions" means the quantity of inshell filberts acquired by the trade from all handlers during a marketing year for distribution in the continental United States.

5. Section 982.17 is revised to read as follows:

§ 982.17 Marketing year.

"Marketing year" means the 12 months from July 1 to the following June 30, both inclusive, or such other period of time as may be recommended by the Board and established by the Secretary.

6. Section 982.30 is revised to read as follows:

§ 982.30 Establishment and membership.

(a) There is hereby established a Filbert/Hazelnut Marketing Board consisting of 10 members, each of whom shall have an alternate member, to administer the terms and provisions of this part. Each member and alternate shall meet the same eligibility qualifications. The 10 member positions shall be allocated as follows:

(b) Four of the members shall represent handlers, as follows:

(1) One member shall be nominated by the handler who handled the largest volume of filberts during the marketing year preceding the marketing year in which nominations are made;

(2) One member shall be nominated by the handler who handled the second largest volume of filberts during the marketing year preceding the marketing year in which nominations are made.

(3) One member shall be nominated by the handler who handled the third largest volume of filberts during the marketing year preceding the marketing year in which nominations are made;

(4) The fourth handler member shall be nominated by and represent all other handlers.

(c) Five members shall represent growers and shall be nominated for the districts designated in or established pursuant to § 982.31. One grower member shall represent each of the five grower districts unless changes are made pursuant to § 982.31(b).

(d) One member shall be a public member who is neither a grower nor a handler.

(e) The Secretary, or the Board with the approval of the Secretary, may revise the handler representation on the Board if the Board ceases to be representative of the industry.

7. Section 982.31 is revised to read as follows:

§ 982.31 Grower districts.

(a) For the purpose of nominating grower members and alternate members, the following districts within the production area are hereby established:

(1) District 1—The State of Washington, and Clackamas and Multnomah Counties in Oregon.

(2) District 2—Marion and Polk Counties in Oregon.

(3) District 3—Linn, Lane, and Benton Counties in Oregon.

(4) District 4—Yamhill County in Oregon.

(5) District 5—All other Oregon counties within the production area.

(b) The Secretary, upon the recommendation of the Board, may reestablish districts within the production area and may reapportion grower membership among the various districts: *Provided,* That in recommending any such changes, the Board shall give consideration to—

(1) The relative importance of production is each district and the number of growers in each district;

(2) The geographic location of districts as they would affect the efficiency of administering this part; and

(3) Other relevant factors.

8. Section 982.32 is revised to read as follows:

§ 982.32 Initial members and nomination of successor members.

(a) Members and alternate members of the Board serving immediately prior to the effective date of this amended subpart, shall serve on the Board as initial members of the Board until their respective successors have been selected.

(b) Nominations for successor handler members and alternate members specified in § 982.30(b) (1) through (3) shall be made by the largest, second largest, and third largest handler determined according to the tonnage of certified merchantable filberts and, when shelled filbert grade and size regulations are in effect, the inshell equivalent of certified shelled filberts (computed to the nearest whole ton) recorded by the Board as handled by each such handler during the marketing year preceding the marketing year in which nominations are made.

(c) Nominations for successor handler member and alternate member positions specified in § 982.30(b)(4) shall be made by the handlers in that category by mail ballot. All votes cast shall be weighted according to the tonnage of certified merchantable filberts and, when shelled filbert grade and size regulations are in effect, the inshell equivalent of certified shelled filberts (computed to the nearest whole ton) recorded by the Board as handled by each handler during the marketing year preceding the marketing year in which nominations are made. If less than one percent is recorded for any such handler, the vote shall be weighted as one ton. The person receiving the highest number of weighted votes shall be the member nominee, and the person

receiving the second highest shall be the alternate member nominee.

(d) For the purposes of nominating and voting for handler members and alternates, the tonnage of filberts shall be credited to the handler responsible under the order for the payment of assessments on those filberts.

(e) Nominees to successor grower member and alternate member positions shall be submitted to the Secretary after the Board conducts balloting of growers, or officers or employees of growers, in the grower districts according to the following procedure: Names of the candidates to be shown on the ballot for a particular district may be submitted to the Board on petitions signed by not less than 10 growers on record with the Board as growers being in that district; each grower may sign only as many petitions as there are persons to be nominated within that district. If such petitions fail to result in submission of at least two names for a district, the Board shall request County Agricultural Extension Agents in that district to recommend one or more eligible growers to be included on the ballot. Ballots, accompanied by the names of all such candidates, with spaces to indicate voters' choices and spaces for write-in candidates, together with voting instructions, shall be mailed to all growers who are on record with the Board. The person receiving the highest number of votes shall be the member nominee for that district, and the person receiving the second highest number of votes shall be the alternate member. The Board shall recommend one candidate in case of a tie vote.

(f) Nominations received in the foregoing manner by the Board for all handler and grower member and alternate member positions shall be certified and sent to the Secretary at least 60 days prior to the beginning of each marketing year, together with all necessary data and other information deemed by the Board to be pertinent or requested by the Secretary. If nominations are not made within the time and manner specified in this subpart, the Secretary may, without regard to nominations, select the Board members and alternates on the basis of the representation provided for in this subpart.

(g) The members of the Board shall nominate the public member and alternate public member at the first meeting following the selection of members for a new term of office.

(h) The Board with the approval of the Secretary shall issue rules and regulations necessary to carry out the provisions of this section or to change the procedures in this section in the event they are no longer practical.

9. Section 982.33 is revised to read as follows:

§ 982.33 Selection and term of office.

(a) *Selection.* Members and their respective alternates shall be selected by the Secretary from nominees submitted by the Board or from among other qualified persons.

(b) *Term of office.* Beginning July 1, 1986, the term of office of Board members and their alternates shall be for a period of one marketing year, but they shall serve until their respective successors are selected and have qualified: *Provided,* That beginning with the 1986–87 marketing year, no member shall serve more than six consecutive terms as member and no alternate member shall serve more than six consecutive terms as alternate.

(c) The members on the Board shall continue to serve until the new members and alternates have been selected and have qualified.

10. Section 982.34 is revised to read as follows:

§ 982.34 Qualification.

(a) Any person prior to selection as a member or an alternate member of the Board shall qualify by filing with the Secretary a written acceptance of willingness to serve on the Board.

(b) Each grower member and alternate shall be, at the time of selection and during the term of office, a grower or an officer, employee, or agent of a grower in the district for which nominated.

(c) Each handler member and alternate shall be, at the time of selection and during the term of office, a handler or an officer, employee, or agent of a handler.

(d) Any member or alternate member who at the time of selection was a member (or employed by or an agent of a member) of the group which nominated that person shall, upon ceasing to be such, become disqualified to serve further and that position shall be deemed vacant. In the event any grower member or alternate member of the Board handles filberts produced by other growers or becomes an employee or agent of a handler, that person shall be disqualified to continue to serve on the Board in that capacity.

(e) No person nominated to serve as a public member or alternate member shall have a financial interest in any filbert growing or hanlding operation.

(f) The Board, with the approval of the Secretary, may issue rules and regulations covering matters of qualifications for members or alternate members.

11. Section 982.36 is revised to read as follows:

§ 982.36 Alternates.

An alternate for a member of the Board shall act in the place of the member during such member's absence or, upon the member's death, removal, resignation, or disqualification, until a successor for that member's term has been selected and has qualified.

12. Paragraphs (a) and (b) of § 982.37 are revised to read as follows:

§ 982.37 Procedure.

(a) Seven members of the Board shall constitute a quorum at an assembled meeting of the Board, and any action of the Board shall require the concurring vote of at least six members. At any assembled meeting, all votes shall be cast in person.

(b) The Board may vote by mail, telephone, telegraph, or other means of communication: *Provided,* That any votes (except mail votes) so cast shall be confirmed in writing. When any proposition is submitted for voting by any such method, its adoption shall require 10 concurring votes.

* * * * *

13. Section 982.40 is revised to read as follows:

§ 982.40 Marketing policy and volume regulation.

(a) *General.* As provided in this section, prior to September 20 of each marketing year, the Board may hold meetings for the purpose of computing its marketing policy for that year and shall do so for the purpose of submitting any recommendations on its policy to the Secretary. The Board may designate one of its employees to compute and announce the preliminary computed free and restricted percentages.

(b) *Inshell trade demand.* If the Board determines that volume regulation would tend to effectuate the declared policy of the act, it shall compute and announce an inshell trade demand for that year prior to September 20. The inshell trade demand shall equal the average of the preceding three years' trade acquisitions of inshell filberts: *Provided,* That the Board may increase such average by no more than 25 percent if market conditions justify such an increase. If the trade acquisitions during any or all of these years were abnormal because of crop or marketing conditions, the Board may use a prior year or years in determining the three-year average.

(c) *Inshell allocation*—(1) *Preliminary computed percentages.* Prior to September 20 of a marketing year, the

Board shall compute and announce preliminary computed free and restricted percentages for that year, to release 80 percent of the inshell trade demand for that year. The preliminary computed free percentage shall be computed by multiplying that trade demand, adjusted by the declared carryin, by 80 percent, and by dividing that amount by the Board's estimate of orchard-run production less the average disappearance during the preceding three years, plus the undeclared carryin. The difference between 100 percent and the preliminary free percentage shall be the preliminary computed restricted percentage. At the same time, the Board may announce the portion of the restricted supply that may be shelled or exported, and the remainder of that supply to be disposed of in outlets approved by the Board pursuant to § 982.52.

(2) *Interim final and final percentages.* On or before November 15, the Board shall meet to recommend to the Secretary the interim final and final free and restricted percentages, including the portion of the restricted supply that may be shelled or exported. The interim final percentages shall release 100 percent of the inshell trade demand previously computed by the Board for the marketing year. The final free and restricted percentages shall release an additional 15 percent of the average of the preceding three years' trade acquisitions of inshell filberts for desirable carryout. If the trade acquisitions during any or all of these years were abnormal, the Board may use a prior year or years in determining this three-year average. The final free and restricted percentages shall become effective 30 days prior to the end of the marketing year, or earlier as may be recommended by the Board and approved by the Secretary. The recommendations to the Secretary shall include the following:

(i) The estimated tonnage of merchantable filberts expected to be produced during the marketing year.

(ii) The estimated tonnage of inshell filberts held by handlers on the first day of the marketing year which may be available for handling as inshell filberts thereafter.

(iii) Any other pertinent factors bearing on the marketing of filberts during the marketing year.

Whenever the Secretary finds, on the basis of the recommendation of the Board or other available information that, to establish the interim final and final free and restricted percentages would tend to effectuate the declared policy of the act, the Secretary shall establish such percentages.

(d) *Grade and size regulations.* Prior to September 20, the Board may consider grade and size regulations in effect and may recommend modifications thereof to the Secretary.

(e) *Revision of marketing policy.* At any time prior to February 15 of the marketing year, the Board may recommend to the Secretary revisions in the marketing policy for that year: *Provided,* That in no event shall any such recommendation provide for free and restricted percentages based on an inshell trade demand which is more than 125 percent of the average of the preceding three years' trade acquisitions computed pursuant to paragraph (b) of this section for that marketing year. At any time during the period December 1 through February 10 at the request of two or more handlers, who during the preceding marketing year handled at least 10 percent of all filberts handled, the Board shall meet to determine whether the marketing policy should be revised.

14. Section 982.41 is revised to read as follows:

§ 982.41 Free and restricted percentages.

The free and restricted percentages computed by the Board or established by the Secretary pursuant to § 982.40 shall apply to all merchantable filberts handled during the current marketing year. Until the preliminary computed free and restricted percentages are computed by the Board for the current marketing year, the percentages in effect at the end of the previous marketing year shall be applicable.

15. Section 982.51 is revised to read as follows:

§ 982.51 Restricted credit for ungraded inshell filberts and for shelled filberts.

(a) A handler may withhold ungraded inshell filberts in lieu of certified merchantable filberts in satisfaction of that handler's restricted obligations, and the weight on which credit may be received shall be the shelled filbert equivalent weight as inspected by the Federal-State Inspection Service multiplied by 2.5 percent. Any lot of ungraded filberts not meeting the moisture requirements for certified merchantable filberts shall not be eligible for credit. All determinations as to the shelled filbert equivalent weight shall be made by the Federal-State Inspection Service at the handler's expense. Filberts so withheld shall be subject to the applicable requirements of § 982.50. The weight of all such lots for which a handler has received credit shall be adjusted by the Board when the lots are handled or disposed of so that the creditable weight is equal to the amount of certified merchantable inshell filberts or certified shelled filberts that are subsequently handled or disposed of from those lots. If this adjustment causes the handler to no longer be in satisfaction of that handler's restricted obligation as required by § 982.50, the deficiency shall be satisfied in the subsequent marketing year. If this adjustment results in a handler disposing of, in restricted outlets, a quantity in excess of that handler's restricted obligation, such excess shall not be credited to such handler's restricted obligation during the subsequent marketing year.

(b) A handler may withhold, in accordance with § 982.50(a), certified shelled filberts in lieu of merchantable filberts in satisfaction of such handler's restricted obligation, subject to such terms and conditions as are recommended by the Board and established by the Secretary. The inshell equivalent of such filberts shall be determined by multiplying the weight of the shelled filberts by 2.5.

(c) The Secretary upon recommendations of the Board and other available data may modify these procedures, change the conversion factors, and specify factors for conversion for different varieties of filberts.

16. Paragraphs (b) and (d) of § 982.52 are revised to read as follows:

§ 982.52 Disposition of restricted filberts.

* * * * *

(b) *Export.* Sales of certified merchantable restricted filberts for shipment to destinations outside the continental United States shall be made only by the Board. Any handler desiring to export any part or all of that handler's certified merchantable restricted filberts shall deliver to the Board the certified merchantable restricted filberts to be exported, but the Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any filberts so delivered for export which the Board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the Board only on execution of an agreement to prevent reimportation into the continental United States. A handler may be permitted to act as agent of the Board, upon such terms and conditions as the Board may specify, in negotiating export sales, and when so acting shall be entitled to receive a selling commission as authorized by the Board. The proceeds of all export sales, after

deducting all expenses actually and necessarily incurred, shall be paid to the handler whose certified merchantable restricted filberts are so sold by the Board.

* * * * *

(d) *Restricted credits.* During any marketing year, handlers who dispose of a quantity of eligible filberts in restricted outlets in excess of their restricted obligations, may transfer such excess credits to another handler or handlers. Upon a handler's written request to the Board during a marketing year, the Board shall transfer any or all of such excess restricted credits to such other handler or handlers that the handler may designate. The Board, with the approval of the Secretary, shall establish rules and regulations for the transfer of excess restricted credits.

17. Paragraphs (a) and (c) of § 982.54 are revised to read as follows:

§ 982.54 Deferment of restricted obligation.

(a) *Bonding.* Compliance by any handler with the requirements of § 982.50 when restricted filberts may be withheld shall be temporarily deferred to any date requested by the handler, but not later than 60 days prior to the end of the marketing year. Such deferment shall be conditioned upon the voluntary execution and delivery by the handler to the Board of a written undertaking before beginning to handle merchantable filberts during the marketing year. Such written undertaking shall be secured by a bond or bonds with a surety or sureties acceptable to the Board that on or prior to such date the handler will have fully satisfied the restricted obligation required by § 982.50, subject to any adjustment pursuant to § 982.51.

* * * * *

(c) *Bonding rate.* Said bonding rate for each pack shall be an amount per pound as established by the Board. Until bonding rates for a marketing year are fixed, the rates in effect for the preceding marketing year shall continue in effect. The Board should make any necessary adjustments once such new rates are fixed.

18. Section 982.57 is revised to read as follows:

§ 982.57 Exemptions.

(a) *General.* The Board, with the approval of the Secretary, may establish such rules, regulations, and safeguards that exempt from any or all requirements pursuant to this part such quantities of filberts or types of shipments as do not interfere with the volume and quality control objectives of this part, and shall require such reports, certifications, or other conditions as are necessary to ensure that such filberts are handled or used only as authorized.

(b) *Sales by growers direct to consumers.* Any filbert grower may sell filberts of such grower's own production free of the regulatory and assessment provisions of this part if such grower sells such filberts in the area of production directly to end users at such grower's ranch or orchard or at roadside stands and farmers' markets. The Board, with the approval of the Secretary, may establish such rules, regulations, and safeguards and require such reports, certifications, and other conditions as are necessary to ensure that such filberts are disposed of only as authorized.

19. Section 982.58 Market development.

A new center heading entitled "MARKET DEVELOPMENT" and a new § 982.58 following that heading are added to read as follows:

Market Development

§ 982.58 Research, promotion, and market development.

(a) *General.* The Board, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, marketing research and development, and marketing promotion, including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption, or efficient production of filberts (hazelnuts). The Board may also provide for crediting the pro rata expense assessment obligations of a handler with such portion of such handler's direct expenditures for such marketing promotion including paid advertising as may be authorized. The expenses of such projects shall be paid from funds collected pursuant to § 982.61 or credited pursuant to paragraph (b) of this section.

(b) *Creditable expenditures.* The Board, with the approval of the Secretary, may provide for crediting all or any portion of a handler's direct expenditures for marketing promotion including paid advertising, that promotes the sale of filberts, filbert products, or their uses. No handler shall receive credit for any allowable direct expenditures that would exceed the total of the handler's assessment obligation which is attributable to that portion of the handler's assessment designated for marketing promotion including paid advertising.

Rules and regulations. Before any projects involving marketing promotion, including paid advertising and the crediting of the pro rata expense assessment obligation of handlers is undertaken pursuant to this section, the Secretary, after recommendation by the Board, shall prescribe appropriate rules and regulations as are necessary to effectively administer such projects.

20. Section 982.61 is amended by revising the third sentence to read as follows:

§ 982.61 Assessments.

* * * Each handler shall pay to the Board on demand, assessments on all such assessable filberts at the rate fixed by the Secretary, less any amounts credited pursuant to § 982.58. * * *

21. A new § 982.64 entitled "Creditable promotion and advertising reports" to be published under the center heading "Records and Reports" is added to read as follows:

§ 982.64 Creditable promotion and advertising reports.

Each handler shall file such reports of creditable promotion including paid advertising conducted pursuant to § 982.58 as recommended by the Board and approved by the Secretary.

22. Section 982.69 is amended by revising the first sentence to read as follows:

§ 982.69 Verification of reports.

For the purpose of checking and verifying reports submitted by handlers, the Secretary and the Board, through its duly authorized agents, shall have access to each handler's premises at any time during reasonable business hours and shall be permitted to inspect any filberts held by such handler and all records of the handler with respect to filberts held or disposed of by such handler and all records of the handler with respect to promotion and advertising activities conducted pursuant to § 982.58. * * *

23. Section 982.71 is amended by revising the first sentence to read as follows:

§ 982.71 Records.

Each handler shall maintain such records of filberts received, held, and disposed of by the handler, and such records detailing such handler's promotion and advertising activities, as may be prescribed by the Board in order to perform its function under this part. * * *

24. Section 982.86 is amended by adding a new paragraph (b)(3) to read as set forth below and redesignating current paragraphs (b) (3) and (4) as (b) (4) and (5), respectively.

§ 982.86 Effective time, termination, or suspension.

* * * * *

(b) * * *

(3) *Referendum.* The Board shall recommend to the Secretary during the first half of every 10-year period starting January 1, 1990, that a referendum be conducted to ascertain whether continuance of this subpart is favored by the producers.

* * * * *

[FR Doc. 86-10572 Filed 5-9-86; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-41]

Public Citizen; Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Receipt of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) requests public comments on this notice of receipt of a petition for rulemaking dated April 15, 1986, that was filed on behalf of Public Citizen by Eric Glitzenstein, Attorney for Public Citizen, and Ken Bossong, Director, Critical Mass Energy Project. The petition was docketed by the Commission on April 17, 1986, and assigned Docket No. PRM-50-41. The petitioner requests that the NRC adopt specific regulations or other Commission guidance setting forth detailed requirements for training and fitness for duty. The petitioner contends that this action is needed to comply with the Nuclear Waste Policy Act of 1982.

DATE: Submit comments by July 11, 1986. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Send comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Obtain a copy of the petition by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

A copy of the petition and of comments on the petition are available for inspection or copying for a fee at the Public Document Room at 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7086 or, Toll Free, 800-368-5642.

SUPPLEMENTARY INFORMATION:

Petitioner's Proposal

The petitioner requests that the NRC immediately undertake rulemaking to comply with the statutory mandate of the NRC Training Authorization statute, Section 306 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. § 10226. Further, the petitioner urges the NRC to take appropriate steps to adopt specific regulations, or other Commission guidance setting forth detailed requirements for training and fitness for duty for nuclear power plant licensee personnel.

Basis of the Proposal

The petitioner bases the proposal on the statutory mandate of Section 306 of the NWPA. This section directs the NRC ". . . to promulgate regulations, or other appropriate Commission regulatory guidance, for the training and qualifications of civilian nuclear powerplant operators, supervisors, technicians and other appropriate operating personnel." Section 306 directs that these regulations or guidance, among other things, establish instructional requirements for civilian nuclear power plant licensee personnel training programs. Section 306 mandated that regulations or guidance be promulgated by NRC by January 7, 1984.

The petitioner contends that the NRC has failed to comply with the statutory mandate of this section and that the statutory deadline for compliance has long since passed.

Reasons for the Proposal

The petitioner contends that the Commission Policy Statement on Training and Qualification of Nuclear Power Plant Personnel (50 FR 11147) that was published March 20, 1985, and the proposal of a Policy Statement on Fitness for Duty of Power Plant Personnel are legally insufficient to fulfill the NWPA Section 306 statutory mandate.

The Training and Qualification Policy Statement, according to the petitioner, does not comply with the statute in three ways.

First, the Policy Statement gives five elements of an acceptable training program that are vague and general and fail to set forth any specific standards against which compliance can be measured or enforced. further, the petitioner thinks that because these five elements do not outline requirements for a training program they do not comport with Congress' intent in enacting section 306.

Second, NRC's simply endorsing the Institute for Nuclear Power Operation (INPO) accreditation programs rather than promulgating NRC training requirements does not comply with the statute. Again, the petitioner thinks, NRC action does not meet the intent of the legislative history of Section 306 in which Senator Weicker specifically noted ". . . the shortcomings of relying only upon INPO or other existing institutions."

In addition, the petitioner thinks that the NRC's endorsement of the INPO accreditation program sacrifices public input into the development of regulations or guidance and public access to documents reflecting the utilities implementation of the regulations or guidance.

Third, the petitioner thinks the policy statement does not provide for adequate evaluation of the effectiveness of a training program in three ways: (1) As mentioned regarding the vagueness of the elements, the five elements provide no standard to measure against; (2) by providing that the NRC monitor only the facilities that achieve INPO accreditation, the NRC is not monitoring plants where the most severe training problems exist; and (3) the NRC has retained no power to ensure, prospectively, that adequate training programs exist at individual facilities or that plants achieve accreditation within a set timeframe.

Since no policy statement has been published with regard to Fitness for Duty of Plant Personnel, the petitioner contends ". . . that the NRC has totally abandoned its responsibilities under section 306."

Conclusion

The petitioner concludes that the NRC has failed to fulfill its statutory obligations under the section 306 Training Authorization of the NWPA. This failure results, according to the petitioner, in increased danger to the health and safety of the public from inadequately trained power plant operators. Therefore, Public Citizen urges the NRC to adopt specific regulations or guidance that set forth detailed requirements for training and fitness for duty.

Dated at Washington, D.C., this 7th day of May 1986.

For the Nuclear Regulatory Commission.
Samuel J. Chilk,
Secretary of the Commission.
[FR Doc. 86-10601 Filed 5-9-86; 8:45 am]
BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 012CE, Notice No. 23-ACE-11A]

Special Conditions; Beech Model 2000 Series Airplanes; Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for the submission of public comments relating to Notice 23-ACE-11 (51 FR 11933, April 8, 1986) which was to close on May 8, 1986. That notice proposed special conditions necessary for type certification of the Beech Model 2000 series airplanes. The extension is in response to a petition from the Air Line Pilots Association (ALPA), who contend that the proposed special conditions are too complex to evaluate within the specified comment period. The FAA has determined that it would be in the public interest to extend the comment period.

DATE: Comments must be received on or before May 23, 1986.

ADDRESSES: Comments on Notice 23-ACE-11 may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 012CE, Room No. 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 012CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Bobby W. Sexton, Aerospace Engineer, Regulations and Policy Office (ACE-110), Aircraft Certification Division, Central Region, Federal Aviation Administration, Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice 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 further rulemaking action on this proposal. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 012CE." The postcard will be date stamped and returned to the commenter. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice and Notice 23-ACE-11 (previously published in the **Federal Register** on April 8, 1986) by submitting a request to the Federal Aviation Administration, Office of Regulations and Policy, ACE-110, Attn: ACE-112, Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, MO 64106, or by calling (816) 374-5688. Communications must identify the notice number of this NPRM.

Background

On February 1, 1984, Beech Aircraft Corporation, Post Office Box 85, Wichita, Kansas 67201, made application to the FAA for a type certificate for the Beech Model 2000 airplane. The Beech Model 2000 is a small, normal category airplane that has a passenger seating configuration, excluding pilot seats, of nine seats or less. The Beech Model 2000 will have a composite-structure airframe, a forward-wing and main wing (tandem wing configuration) with directional control surfaces in wing-mounted vertical surfaces, and twin turboprop engines aft-mounted on the main wing trailing edge, driving pusher propellers.

The proposed type design of the Beech Model 2000 airplane contains a number of novel or unusual design features not envisaged by the applicable Part 23 airworthiness standards. Special conditions are considered necessary because the airworthiness standards of Part 23 do not contain adequate or appropriate safety standards for the novel or unusual design features of the Beech Model 2000 airplane.

On April 23, 1986, ALPA petitioned for a 15-day extension of the comment period for Notice 23-ACE-11. In its petition, ALPA contended that the Beech Model 2000 airplane introduces a number of innovative and possibly complex designs that require a realistic amount of time to evaluate and that the 30-day comment period is insufficient.

The FAA has reviewed this petition and determined that extending the comment period would afford the petitioner, as well as other interested persons, the opportunity to participate in the development of these final rules.

List of Subjects in 14 CFR Parts 21 and 23

Aviation safety, Aircraft, Air transport, Safety.

Extension of Comment Period

In consideration of the ALPA petition, the FAA concludes that extending the comment period for an additional 15 days would serve the public interest. Accordingly, the comment period for Notice 23-ACE-11 is extended. The comment period will close May 23, 1986.

The authority citation for these Special Conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 21.16 and 21.17; and 14 CFR 11.28 and 11.49.

Issued in Kansas City, Missouri, on May 1, 1986.

Edwin S. Harris,
Director, Central Region.
[FR Doc. 86-10520 Filed 5-9-86; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 86-NM-29-AD]

Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes, Fuselage Numbers 1218 Through 1249

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed rulemaking (NPRM).

SUMMARY: This notice proposes a new airwithiness directive (AD) that would require the removal and replacement of four horiziontal stabilizer actuator mounting bolts on McDonnell Douglas Model DC-9-80 series airplanes. This proposal is prompted by reports of over-torqued horizontal stabilizer actuator

mounting bolts. The failure of these bolts could result in the loss of horizontal stabilizer trim effectiveness and control.

DATE: Comments must be received no later than June 30, 1986.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, ANM-7, Attention: Airworthiness Rules Docket No. 86-NM-29-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, 3588 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Michael N. Asahara, Sr., Aerospace Engineer, Airframe Branch, ANM-122L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2824.

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 proposal 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 Rule 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. 86-NM-29-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

It has been reported that four horizontal stabilizer actuator mounting bolts, P/N NAS 628-22 (as identified on McDonnell Douglas DC-9 Drawing 5910962), have been over-torqued during installation of the horizontal stabilizer actuator, resulting in stress corrosion and subsequent failure of the bolts. Subsequent inspection of the horizontal actuator mounting bolts at McDonnell Douglas revealed that 18 airplanes currently in production were affected by over-torqued bolts. Further review of production records also revealed that 32 fuselages (128 mounting bolts) currently in service, are suspected of having this condition. This condition has been attributed to the improper setting on the torque wrench. This condition, if not corrected, could cause stress corrosion and possible failure of bolts and loss of horizontal stabilizer trim control. Replacing the bolts, retainers, washers, and nuts with new like parts, and applying the correct torque, will minimize the potential for stress corrosion to bolts and loss of horizontal stabilizer trim control.

McDonnell Douglas issued Service Bulletin 27-278, dated April 3, 1986, which describes the removal of four existing NAS 628-22 actuator mounting bolts, and the replacement with new NAS 628-22 actuator mounting bolts, torqued to the proper value.

Since this condition is likely to exist or develop on other airplanes of this type design, an airworthiness directive (AD) is proposed to require compliance with the procedures contained in the McDonnell Douglas service bulletin previously mentioned.

It is estimated that 32 airplanes (4 units per airplane) of U.S. registry would be affected by this AD, that it would take approximately 11 manhours per airplane to accomplish the required action, and the aveage labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $14,080.

For these reasons, 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 further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model DC-9 airplanes are operated by small entities. 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 Proposed Amendment

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:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-81 and -82 series airplanes, Fuselage Numbers 1218 through 1249, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent potential stress corrosion failure of the horizontal stabilizer actuator mounting bolts and subsequent damage to adjacent structure, within 1,400 hours time in service, or within 6 months, whichever occurs earlier, after the effective date of this AD, accomplish the following, unless already accomplished:

A. Remove and replace horizontal stabilizer actuator mounting bolts, left and right sides, in accordance with Paragraph 2, Accomplishment Instructions of McDonnell Douglas DC-9 Service Bulletin 27-278, dated April 3, 1986.

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 a base 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 the McDonnel Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

Issued in Seattle, Washington, on May 1, 1986.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-10526 Filed 5-9-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-NM-58-AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes With the Escape Slide Cool Gas Generator Inflation System Installed

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Propose rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspection and replacement, if necessary, of the self-locking nuts used to secure the escape slide inflation and the manual inflation cable to the cool gas generator trigger mechanism on certain Boeing Model 747 airplanes. This action is prompted by several reports of defective (insufficient locking torque) self-locking nuts. This condition, if not corrected could prevent automatic inflation or manual inflation, depending on which nut is loose. If both nuts are sufficiently loose, the slide will not inflate. Failure of the slide to automatically inflate may cause a delay in inflation or the assumption that the slide is not usable, thus delaying and jeopardizing successful emergency evacuation of the airplane.

DATE: Comments must be received on or before June 30, 1986.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, ANM-7, Attention: Airworthiness Rules Docket No. 86-NM-58-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The 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. Roger S. Young, Airframe Branch, ANM-120S; telephone (206) 431-2929. 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 submiting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 86-NM-58-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The manufacturer has reported to the FAA that a number of self-locking nuts were found with insufficient locking torque. It has been determined that these nuts were used to connect the escape slide automatic inflation and manual inflation cables to the cool gas generator trigger mechanism. If the nut securing the manual cable is loose, the escape slide will inflate automatically, but the manual back-up feature may not be available. If the nut securing the automatic cable is loose, the slide may not inflate automatically, but the manual back-up will be available to inflate this slide. Only if both nuts are sufficiently loose will the slide be inoperative.

Failure of the slide to inflate automatically would result in a delay in inflation or a mistaken conclusion that the slide is unusable, thus delaying and possibly jeopardizing an emergency evacuation.

Boeing released Service Bulletin 747-25A2696, Revision 1, dated January 31, 1986, which describes inspection and replacement, if necessary, of the self-locking nuts to ensure the integrity of the inflation system.

Since this condition may exist or develop on other airplanes of the same type design, the proposed AD would require inspection and replacement of defective self-locking nuts in accordance with the procedures in Boeing Service Bulletin 747-25A2696.

It is estimated that 10 airplanes of U.S. operators still have the cool gas generator inflation system installed and would be affected by this AD, that it would take approximately 16 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $6,400.

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 on a substantial number of small entities because a few, if any, Boeing Model 747 airplanes are operated by small entities. 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 Proposed Amendment

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

PART 39—[AMENDED]

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

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

2. By adding the following new airworthiness directive:

Boeing: Applies to all Model 747 airplanes, certificated in any category, listed in Boeing Alert Service Bulletin 747-25A2696, Revision 1, dated January 31, 1986, that are equipped with the cool gas generator inflation systems. To ensure that the escape slide inflation system operates properly, accomplish the following, unless already accomplished:

A. Within three months after the effective date of this AD, inspect the escape slide

inflation system to verify the installation of acceptable self-locking nuts and replace defective nuts, if necessary, in accordance with Boeing Alert Service Bulletin 747-25A2696, Revision 1, dated January 31, 1986, or later FAA-approved revisions.

B. An alternate method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle 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 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 document from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. This document 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.

Issued in Seattle, Washington, on May 1, 1986.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-10525 Filed 5-9-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-ANE-18]

Establishment of the Rangeley, Maine, 700 Foot Transition Area

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to establish the Rangeley, Maine, 700 Foot Transition Area so as to provide protected airspace for aircraft executing a new Nondirectional Radio Beacon Airport (NDB-A) Standard Instrument Approach Procedure (SIAP) to the Rangeley Municipal Airport, Rangeley, Maine.

DATES: Comments must be received on or before July 6, 1986.

ADDRESSES: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 86-ANE-18.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

An informal docket may also be examined during normal business hours in the: Air Traffic Division, ANE-500 Room 304, 12 New England Executive Park, Burlington, MA 01803.

FOR FURTHER INFORMATION CONTACT: Stanley E. Matthews, Operations, Procedures and Airspace, ANE-530, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts; telephone (617) 273-7139.

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, ecomonic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenter 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. 86-ANE-18." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All coments submitted will be available for examination in the Office of the Regional Counsel, ANE-7, 12 New England Executive Park, Burlington, Massachusetts 01803, 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 NPRMs

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8085.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs 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 section 181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the Rangeley, Maine, 700 Foot Transition Area so as to provide protected airspace for instrument flight rules aircraft executing a new Nondirectional Radio Beacon-Airport (NDB-A) standard instrument approach procedure to the Rangeley Municipal Airport, Rangeley, Maine.

Section 181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 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. Therefore, it (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 CFR Part 71

Aviation safety, Transition areas.

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 FAR (14 CFR Part 71) as follows:

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

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

2. By amending § 71.181 as follows:

Rangeley, Maine Transition Area

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center, of the Rangeley Municipal Airport, latitude 44°59'00" N., longitude 70°39'45" W., Rangeley, Maine, and within 3.5 miles each side of the Rangeley NDB, latitude 44°56'02" N., longitude

70°45'03" W., 244 Magnetic (226 True) bearing from the Rangeley NDB, extending from the 6.5 mile radius to 10 miles southwest of the Rangeley NDB.

Issued in Burlington, Massachusetts on April 29, 1986.

James I. Lucas,

Manager, Air Traffic Division, ANE-500.

[FR Doc. 86-10521 Filed 5-9-86; 8:45 am]

BILLING CODE 4910-13-M

POSTAL SERVICE

39 CFR Parts 310 and 320

Restrictions on Private Carriage of Letters; Meeting

AGENCY: Postal Service.

ACTION: Notice of public meeting.

SUMMARY: This document provides notice of a public meeting relating to the initiation of a new rulemaking proceeding concerning the Private Express Statutes and the practice of international remailing. All persons desiring to attend the meeting should notify the Postal Service by May 15, 1986.

DATES: 10:00 A.M., Thursday, May 22, 1986. (If necessary, continued on Friday, May 23, 1986.)

ADDRESS: Conference Room, Room No. 5183, 955 L'Enfant Plaza SW., Washington, DC (The location is subject to change if the number of persons desiring to attend exceeds the capacity of this conference room.)

FOR FURTHER INFORMATION CONTACT: Charles D. Hawley, (202) 268-2970.

SUPPLEMENTARY INFORMATION: The Postal Service intends to hold a public meeting in connection with its undertaking to gather information and develop a factual record in preparation for the initiation of a new rulemaking proceeding concerning the practice of international remailing, as previously announced on March 21, 1986, in the **Federal Register** (51 FR 9852). Discussion will focus on comments submitted by interested persons in response to the March 21, 1986 **Federal Register** notice, the need of the public for international services not met by the Postal Service, and the scope of a proposed suspension of the Private Express Statutes to permit international remailing. However, no decision on the nature or scope of a proposed suspension will be made or announced at this meeting. The meeting is scheduled for May 22, 1986, at 10:00 a.m., and, if necessary, will reconvene on May 23, 1986. All persons desiring to attend the meeting are asked to notify the Postal Service, at the telephone number listed above, by the close of business on May 15, 1986. If the anticipated seating requirements exceed the capacity of the announced meeting room, a change in the room location will be announced on or before May 19, 1986.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 86-10556 Filed 5-9-86; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 86-165; FCC 86-207]

Simplify the Separate Subsidiary Reporting Requirement in the Domestic Public Cellular Radio Telecommunications Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC proposes to amend Part 22 of its rules (which apply to the Public Mobile Services) to simplify the Cellular Separate Subsidiary Reporting Requirement in the Domestic Public Cellular Radio Telecommunications Service (DPCRTS). This rule change is proposed to ease the Administrative burden on the public and to promote more efficient use of Commission resources.

DATES: Comments must be submitted on or before June 24, 1986, and reply comments on or before July 9, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Richard C. Owens, Jr., Common Carrier Bureau, (202) 632-6450.

SUPPLEMENTARY INFORMATION: The collection of information requirement contained in this proposed rule change has been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act. Persons wishing to comment on this collection of information requirement should direct their comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for Federal Communications Commission.

This is a summary of the Commission's notice of proposed rulemaking, adopted April 18, 1986, released April 30, 1986.

The full text of this Commission decision is available for inspection during normal business hours in the FCC dockets branch (room 2300, 1919 M Street NW., Washington, DC. 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 NW., Suite 140, Washington, DC 20037.

Summary of Proposed Rule

1. Section 22.901(c)(3) of the rules requires that a copy of any agreement entered into between Bell separate cellular subsidiaries and the parent Bell company or affiliate be filed with the Commission.

2. Known as the cellular separate subsidiary reporting requirement, the rule was instituted to prevent AT&T and its affiliates (the Bell companies) from inhibiting non-wireline cellular market entry through predatory pricing, cross-subsidization, and denial of equal access to the landline network. The requirement that all agreements between the separate subsidiary and related Bell companies be filed with the Commission was instituted to make detection of anticompetitive conduct easier for the Commission staff.

3. Current experience shows that the reporting requirement is overboard and burdensome. With the exception of landline interconnection agreements, little scrutiny is given to the voluminous filings by the staff or the public. Fears concerning cross-subsidization and predatory pricing have diminished in light of the emergency of competition between non-wireline and wireline cellular operations. Further, the filing requirement consumes staff resource which could be devoted to matters requiring closer attention.

4. Consequently, we propose to amend § 22.901(c)(3) to require filing of only those agreements between the separate subsidiary and the parent Bell company or affiliate which specifically relate to interconnection with the landline network. The separate subsidiary would be required to keep all other agreements available for Commission inspection upon reasonable request. The proposed amendment would not affect the requirement that all transactions between the separate subsidiary and the related Bell company be reduced to writing.

5. This is a non-restricted notice and comment rulemaking proceeding. *See* § 1.1231 of the Commission's rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

6. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that the proposed rule will not, if promulgated, have a significant

economic impact on a substantial number of small entities.

7. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before June 24, 1986, and reply comments on or before July 9, 1986. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

8. Accordingly, it is proposed, that 47 CFR 22.901(c)(3) be amended as set forth below.

List of Subjects in 47 CFR Part 22

Reporting and recordkeeping requirements.

Federal Communications Commission.

William J. Tricarico,

Secretary.

47 CFR Chapter I is amended as follows:

PART 22—PUBLIC MOBILE RADIO SERVICES

9. The authority citation for Part 22 continues to read:

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

10. Section 22.901 is amended by revising paragraph (c)(3) to read as follows:

§ 22.901 Eligibility

* * * * *

(c) * * *

(3) All transactions between the separate corporation and the carrier or its affiliates which involve the transfer, either direct or by accounting or other record entries, of money, personnel, resources, other assets or any thing of value, shall be reduced to writing. A copy of any contract, agreement or other arrangement entered into between such entities with regard to interconnection with landline network exchange and transmission facilities shall be filed with the Commission within thirty days after the contract, agreement or other arrangement is made. A copy of all other contracts, agreements or arrangements between such entities shall be kept available by the separate corporation for inspection upon reasonable request by the Commission. The provision shall not apply to any transaction governed by the provision of an effective state or federal tariff.

* * * * *

[FR Doc. 86-10553 Filed 5-9-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 89-169; RM-5203; FCC 86-216]

Amendment of Part 90 of the Commission's Rules and Regulations to Permit Expanded Use of the 450 MHz 12.5 kHz Offset Channels in the Special Industrial Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to eliminate the secondary restriction and increase the power and antenna height permitted on the 450–470 MHz band 12.5 kHz offset frequencies available exclusively in the Special Industrial Radio Service to 20 watts (ERP) and 100 feet, respectively in order to facilitate more effective use of these channels.

DATES: Comments must be filed on or before June 23, 1986, and reply comments on or before July 8, 1986.

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

FOR FURTHER INFORMATION CONTACT: Herb Zeiler, Private Radio Bureau (202) 634–2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, P.R. Docket 86–169, adopted April 28, 1986, and released May 2, 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, NW. Washington, DC. 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 NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

1. On September 27, 1985, the Special Industrial Radio Service Association (SIRSA) petitioned the Commission to amend Part 90 of the rules to allow Special Industrial Radio Service eligibles to use ten 12.5 kHz offset channel pairs in the 450 MHz band on a primary basis. Under SIRSA's proposal, operations on these offset channels would be limited to a maximum output power of 20 watts and an antenna height above ground of 100 feet. Applications for special industrial frequencies in this band, both for offsets and the primary channels, would have to be at least 20 miles from existing stations operating on a frequency 12.5 kHz removed.

2. In response to the SIRSA petition the Commission proposed to increase the maximum permissible power and antenna height permitted on the 12.5 kHz offsets available exclusively within in the Special Industrial Radio Service to 20 watts ERP and 100 feet, respectively and to eliminate the secondary restriction. The Commission did not propose a minimum mileage separation requirement between stations. It was the Commission's belief that with proper frequency coordination relaxing these restrictions would facilitate more effective use of these channels without significantly increasing the potential for adjacent channel interference.

3. This is a non-restricted notice and comment rule making proceeding. *See* § 1.1231 of the Commission's rules 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

4. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

5. The proposal 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 record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

6. Accordingly, notice is hereby given of rule making to amend Part 90 of the Commission's rules and regulations, in accordance with the proposal set forth below. The proposed amendment to the rules is issued pursuant to authority contained in sections 4(i), 303(b), 303(f), 303(g), and 303(i) of the Communications Act, as amended.

7. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules. 47 CFR 1.415 and 1.419, interested parties may file comments on or before June 23, 1986, and reply comments on or before July 8, 1986. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

List of Subjects in 47 CFR Part 90

Radio, Private land mobile radio services.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Part 90 of the Commission's rules is proposed to be amended as follows:

1. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303 unless otherwise noted.

2. Section 90.267 is amended by revising paragraphs (a)(1) and (a)(2) and adding a new paragraph (a)(6)(iii) to read as follows:

§ 90.267 Assignment and use of 12.5 kHz frequency offsets.

(a) * * *

(1) All stations shall be licensed as mobiles but they may serve the functions of base, fixed, or mobile relay stations. Except in the Special Industrial Radio Service, stations are limited to 2 watts output power. Stations operating on offsets available exclusively in the Special Industrial Radio Service may be authorized up to 20 watts output power.

(2) Except for stations authorized on offsets available exclusively in the Special Industrial Radio Service, all operations shall be on a secondary basis to the primary operations and shall be entitled to no protection from such stations. Stations operating on offsets available exclusively in the Special Industrial Radio Service may be licensed on a primary basis.

* * * * *

(6) * * *

(iii) Stations operating on offsets available exclusively in the Special Industrial Radio Service may be authorized an antenna height up to 35m. (100 ft) above ground.

* * * * *

[FR Doc. 86-10552 Filed 5-9-86; 8:46 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1312

[Ex Parte No. 387]

Railroad Transportation Contracts

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments.

SUMMARY: A notice of proposed rulemaking was published April 3, 1986 (51 FR 11536), and established May 5, 1986 for filing initial comments and May 23, 1986 for filing replies. In a joint petition, the National Grain and Feed Association (NGF) and the Association of American Railroads (AAR) seek an 18-day extension to file comments. Because of the complex issues and the need for NGF and AAR to consult with their members, an extension is warranted. The due date for replies is extended from 18 days to 25 days.

DATES: Initial comments are due May 23, 1986; reply comments are due June 17, 1986.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., (202) 275-7245.

Decided: May 2, 1986.

By the Commission, Heather J. Gradison, Chairman.

James H. Bayne,

Secretary.

[FR Doc. 86-10575 Filed 5-9-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

List of Species Included in Higher Taxon Listings in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and WIldlife Service, Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates trade in certain animal and plant species. Appendices I, II, and III to CITES list those species for which trade is controlled. Appendix III includes species that any Party nation identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade.

Presently both species and higher taxa are listed in 50 CFR Part 23 as being in Appendix III. The CITES Secretariat, in carrying out Resolution Conf. 5.22 passed at the Fifth Meeting of the Conference of the Parties (COP5) in 1985, has provided an updated list of Appendix III species. In accordance with the resolution, the list includes only those species that are native to the country having proposed their inclusion in Appendix III and that are not listed in Appendix I or II.

Consequently, the notice identifies the species listed on Appendix III in place of higher taxa previously listed. Species of the families Estrildidae and Ploceidae understood to be previously covered by the single listing of Ploceidae are listed under their appropriate families. The Fish and Wildlife Service (Service) will review any comments on these species listings. However, the CITES Secretariat does not consider these to be additional listings, and the Service has reviewed supporting information. Therefore, the Service doubts that the United States could enter reservations even if there were reason to do so.

The purpose of this notice is to alert the public of action taken by the CITES Secretariat and to allow the public the opportunity to comment on the need, and the legal basis, for any decision to enter a reservation to the Secretariat's amendments to Appendix III. The Service plans to incorporate these revised listings into the Code of Federal Regulations (50 CFR 23.23) along with other changes presently being considered prior to the next revision of CFR. Such changes would be the subject of a proposed rule to amend the list of species in 50 CFR 23.23.

DATES: The CITES Secretariat declared in the March 5, 1986, notification that inasmuch as these listings "do not reflect new inclusions in Appendix III, but [rather] a new presentation of existing listings, its entry into force may be considered as immediate." All information and comments received by May 28, 1986 will be considered in making these changes.

ADDRESSES: Please send correspondance concerning this notice to the Office of Scientific Authority, Mail stop: Room 527, Matomic Building, U.S. Fish and Wildlife Service, Washington, DC 20240. The full text of the updated Appendix III and notification from the CITES Secretartiat, as well as materials received, will be available for public inspection from 8:00 a.m. to 4:00 p.m. Monday through Friday in Room 537, 1717 H Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane at address given above, or telephone (202) 653-5948.

SUPPLEMENTARY INFORMATION:

Background

At the Fifth Meeting of the Conference of the Parties (COP5) held on April 22-May 3, 1985, in Buenos Aires, Argentina, the Parties passed Resolution Conf. 5.22. This resolution clarified Resolution Conf. 1.5., and recommended that only those species that are native to the country proposing such inclusion be included in Appendix III, and requested the CITES Secretariat to compile an updated list of Appendix III species including only those that are native to the country having proposed their inclusion in Appendix III and that are not listed in Appendix I or II. In accordance with this resolution, the

CITES Secretariat has provided an updated Appendix III. In updating this Appendix, the Secretariat has queried Parties who had higher taxon listings included at their request to identify the species native to those countries. Consequently, the species native to Ghana have been individually listed in Appendix III in lieu of the higher taxa, *Anomalurus* spp., *Idiurus* spp., *Hystrix* spp., Anatidae, Columbidae, Musophagidae, Fringillidae, *Pelusios* and Ploceidae.

The Service understands that prior to Ghana's request to add Ploceidae to Appendix III (added in 1975), as well as prior to the Service listing Ploceidae in 50 CFR Part 23 in 1977, Ghanian legislation included estrildid finches in the family Ploceidae. At the time that Ghana requested these taxa to be added to Appendix III, no standard nomenclature for birds had been adopted by the Parties to CITES. The CITES Secretariat has informed the Service that Ghana intended to include estrildid finches, which were also included by some authors in Ploceidae, in the listing of Ploceidae. This intention is substantiated by the specific mention in Ghana's Wildlife Conservation Regulations of 1971 of common names of groups of species, e.g., waxbills, cordonbleus, and mannikins, under the family Ploceidae. These groups of species represent a major segment of estrildid finches, and are now nomenclaturally included in the family Estrildidae.

A standard nomenclature for birds was adopted by the Parties in 1983. This taxonomy used separate family names for Ploceidae and Estrildidae, but the CITES Secretariat has not previously revised its Appendix III accordingly (even as recently as August 1, 1985) nor has the United States previously revised its list in 50 CFR Part 23. Nevertheless, as the above changes and species listed later in this notice are not intended to reflect new inclusions in Appendix III, but rather a new presentation of existing listings, the Service finds it reasonable to treat their entry into force as immediate. But, if these changes were construed to represent additional listings, the United States would be able to enter reservations within 90 days after the date of the Secretariat's communication providing the updated Appendix III and list of species specifically included in the higher taxon listings originally requested by Ghana. The Secretariat's communication was dated March 5, 1986.

Other changes included synonymy changes which will be addressed as a separate topic in a subsequent **Federal Register** notice for species in all Appendices, and the omission of the species *Quelea quelea* which is native to Ghana and which would have been covered under the higher taxon listing but which was omitted from the species list by the Secretariat in agreement with the Management Authority of Ghana. The Secretariat has also replaced, in the updated Appendix III, the listing of *Tetracentron* spp. with *Tetracentron sinense* at the request of Nepal; this is the only species in the genus.

This notice identifies the species listed in Appendix III in place of higher taxa previously listed. Inasmuch as the Service has previously interpreted Resolution Conf. 1.5 to restrict Appendix III to species native to the country proposing the inclusion of a species in Appendix III, this updated listing does not result in any change on the part of the United States in the number of species covered by CITES except for the removal of *Quelea quelea* from Appendix III provisions.

If the factual basis presented in this notice is in error, the Service will consider public comments on the listings and on possible reservations. The Department of State, as a matter of general policy, does not favor the United States taking reservations under any treaty except in those cases where, absent a reservation, the treaty would conflict with U.S. law or be impossible to implement. The Service has stated in previous **Federal Register** notices relating to amending the Appendices that it would consider recommending the entering of reservations if it could be shown that implementation of the amenedments to the Appendices was contrary to the interests or laws of the United States.

The trade in specimens of species included in Appendix III requires export permits from the nation that has requested the inclusion of the species in Appendix III. The import of specimens of thes species from nations other than the nation that included that species in Appendix III requires prior presentation of a certificate of origin or, in the case of re-export, a certificate from the nation of re-export. For the export or re-export of any Appendix III species from the United States to CITES Party nations, these certificates must be obtained from the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, 1000 North Glebe Road, Room 611, Arlington, Virginia 22201.

List of Species

The following species replace the higher taxon listings shown in parentheses in Appendix III of CITES. These species, whether live or dead, and any readily recognizable part or derivative thereof, accept plant seeds, spores, and tissue cultures (Resolution Conf. 4.24), are covered by the provisions of CITES. In addition, those species that would have been included under the higher taxon listing and are native to the proposing country but that are included separately in either Appendix I or Appendix II are not included in Appendix III. Finally, the species *Quelea quelea*, which would have been included in the revised listing, has been omitted in agreement with the Management Authority of Ghana (as per the CITES Secretariat's notification).

Animal Kingdom

MAMMALIA

RODENTIA

Anomaluridae

(*Anomalurus* spp.) [1]
Anomalurus beecrofti
Anomalurus derbianus
Anomalurus peli
(*Idiurus* spp.)
Idiurus macrotis

Hystricidae

(*Hystrix* spp.)
Hystrix cristata

AVES

ANSERIFORMES

(Anatidae)
Alopochen aegyptiacus
Anas acuta
Anas capensis
Anas clypeata
Anas crecca
Anas penelope
Anas querquedula
Aythya nyroca
Dendrocygna bicolor
Dendrocygna viduata
Nettapus auritus
Plectropterus gambensis
Pteronetta hartlaubii

COLUMBIFORMES

(Columbidae)
Columba guinea
Columba iriditorques
Columba livia
Columba unicincta
Oena capensis
Streptopelia decipiens
Streptopelia roseogrisea
Streptopelia semitorquata
Streptopelia senegalensis
Streptopelia turtur
Streptopelia vinacea

[1] The higher taxon listing that is being replaced is shown in parentheses.

Treron calva
Treron waalia
Turtur abyssinicus
Turtur afer
Turtur brehmeri
Turtur tympanistria

CUCULIFORMES

(Musophagidae)
Corythaeola cristata
Crinifer piscator
Musophaga violacea
Tauraco macrorhynchus

PASSERIFORMES

(*Fringillidae*)
Serinus gularis
Serinus leucopygius
Serinus mozambicus
(*Ploceidae*)
Amblyospiza albifrons
Anomalospiza imberbis
Bubalornis albirostris
Euplectes afer
Euplectes ardens
Euplectes hordeaceus
Euplectes macrourus
Euplectes orix
Malimbus cassini
Malimbus malimbicus
Malimbus nitens
Malimbus rubriceps
Malimbus rubricollis
Malimbus scrutatus
Passer griseus
Petronia dentata
Plocepasser superviliosus
Ploceus albinucha
Ploceus aurantius
Ploceus cucullatus
Ploceus heuglini
Ploceus luteolus
Ploceus melanocephalus
Ploceus nigerrimus
Ploceus nigricollis
Ploceus pelzelni
Ploceus preussi
Ploceus superciliosus
Ploceus tricolor
Ploceus velatus
Quelea erythrops
Sporopipes frontalis
Vidua chalybeata
Vidua interjecta
Vidua larvaticolis
Vidua macroura
Vidua paradisaea
Vidua raricola
Vidua togoensis
Vidua wilsoni
(*Estrildidae*) [2]
Amadina fasciata
Amandava subflava
Estrilda astrild
Estrilda caerulescens
Estrilda melpoda
Estrilda troglodytes
Lagonosticta larvata
Lagonosticta rara
Lagonosticta rubricata
Lagonosticta rufopicta
Lagonosticta senegala
Lonchura bicolor
Lonchura cucullata
Lonchura fringilloides
Lonchura malabarica
Mandingoa nitidula
Nesocharis capistrata
Nigrita bicolor
Nigrita canicapilla
Nigrita fusconota
Nigrita luteifrons
Ortygospiza atricollis
Parmoptila woodhousei
Pholidornis rushiae
Pryenestes ostrinus
Pytilia hypogrammica
Pytilia phoenicoptera
Spermophaga haematina
Uraeginthus bengalus

TESTUDINATA

Pelomedusidae

(*Pelusious* spp.)
Pelusios adansonii
Pelusios castaneus
Pelusios gabonensis
Pelusios niger

Plant Kingdom

Tetracentraceae

(*Tetracentron* spp.)
Tetracentron sinense

This notice was prepared by Dr. Charles W. Dane, Chief, Office of Scientific Authority, under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

List of Subjects in 50 CFR Part 23

Endangered and threatened plants, Endangered and threatened wildlife, Exports, Fish, Imports, Marine mammals, Plants (agriculture), Treaties.

Dated: May 7, 1986.

Susan Reece,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-10676 Filed 5-9-86; 8:45 am]

BILLING CODE 4310-55-M

[2] Original listing of Ploceidae considered to include those species now listed under Estrildidae.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 683

[Docket No. 60583-6083]

Western Pacific Bottomfish and Seamount Groundfish Fisheries

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

ACTION: Proposed rule.

SUMMARY: The Western Pacific Fishery Management Council (Council) has submitted a Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP) to the Secretary of Commerce (Secretary) for review and implementation.

This rule would (1) establish a regulatory framework for future management actions in the fishery conservation zone (FCZ), (2) prohibit the use of bottom trawls and bottom set gill nets to harvest bottomfish and seamount groundfish in the FCZ, (3) prohibit the use of poisons and explosives, (4) establish a moratorium on fishing for seamount groundfish at the Hancock Seamounts, and (5) establish a permit requirement for vessels fishing for bottomfish and seamount groundfish in the FCZ of the Northwestern Hawaiian Islands.

DATE: Written comments on the proposed rules and supporting documents must be received on or before June 20, 1986.

ADDRESSES: Comments on the FMP, the proposed rule or the supporting documents should be sent to E. C. Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731. Copies of the FMP, the environmental assessment (EA) and the regulatory impact review (RIR) 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, (Administrator, Western Pacific Program Office, Southwest Region, NMFS, Honolulu, Hawaii), 808-955-8831; or Svein Fougner (Chief, Fisheries Management and Analysis Branch, Southwest Region, NMFS, Terminal Island, California), 213-548-2518.

SUPPLEMENTARY INFORMATION:

Background

The FMP was prepared by the Council under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. (Magnuson Act). The FMP proposes a series of management measures for the bottomfish and seamount groundfish fisheries in the FCZ off the coasts of Hawaii, American Samoa, and Guam.

The FMP does not propose any management measures for the FCZ around the Commonwealth of the Northern Mariana Islands nor the FCZ around the U.S. island possessions in the western Pacific. This is because of the non-participation of the Commonwealth in the deliberations of the Council and the relatively undeveloped status of the deep-sea bottomfish fishery around the U.S. island possessions.

The FMP was prepared by a team of State and Federal fishery scientists with substantial guidance from the Council's Bottomfish Advisory Subpanel, Scientific and Statistical Committee, and the concerned public. The FMP was combined with an EA and RIR. Public hearings on the FMP were held in Hawaii, American Samoa, and Guam. The FMP was submitted for Secretarial review on April 7, 1986.

Need for the FMP

The Western Pacific bottomfish complex includes 19 commercially or recreationally important species of snappers, groupers, jacks, and emperorfishes. The fishery for these species is important because of growing commercial activity, high fresh fish market prices, strong consumer demand, extensive recreational involvement, and subsistence use in Pacific Island communities. Bottomfish in the FCZ are harvested primarily with vertical hook-and-line gear and to a lesser extent with bottom longlines and traps.

Commercial bottomfish landings and fishing effort are at record high levels in the FCZ off the main Hawaiian Islands and the Northwestern Hawaiian Islands (NWHI). Evidence suggests that some species of the bottomfish complex in the Hawaiian FCZ may be on the verge of overfishing. In American Samoa and Guam fisheries for bottomfish are a more recent development and, though smaller in scale as compared to the Hawaiian bottomfish fishery, have become the mainstay of local fishing industries.

The central problem confronting the bottomfish fisheries of Hawaii, American Samoa, and Guam is that fishing pressure in terms of vessels and fishing power has increased substantially in the past 10 years. Although the scientific evidence of potential overfishing is not complete, the low rate of production and relatively high unexploited standing stock characteristic of many bottomfish species may well preclude their rapid recovery from overfishing. Hawaiian fishermen in particular have clearly voiced their fear that smaller-sized fish and lower catch rates are reaching a danger point where effective fishery management is essential.

In addition to the deep-sea bottomfish complex, the Hancock Seamounts, 1,500 miles northwest of the main Hawaiian Islands, serve as habitat for another deepwater demersal fish fauna, the seamount groundfish complex, which includes the pelagic armorhead, alfonsin, and raftfishes. No U.S. fishermen have commercially harvested the seamount groundfish resource, but foreign trawl harvest of armorhead and alfonsin in the FCZ has occurred since the late 1960s. The drastic reduction in catch rates of armorhead at the Hancock Seamounts and the present inability of foreign vessels to harvest the total allowable level of foreign fishing (TALFF) which had been available under a preliminary fishery management plan since 1977 indicate the need for immediate management of the FCZ seamount groundfish fishery.

Goals and Objectives of theFMP

Bottomfish

In response to the growing threat of overfishing to the bottomfish resources in the FCZ, the FMP was prepared by the Council in an attempt to stay ahead of and resolve the problems which are foreseen for the bottomfish fishery. This preventive strategy is preferable to managing the fishery in reaction to emergency situations. Accordingly, the goal of the FMP is to achieve and maintain bottomfish production at a level that will support a stable and profitable commercial fishery, as well as a rewarding recreational and subsistence fishery, and to provide a consistently available supply of high-quality fishery products.

In order to achieve this overall goal, the FMP identifies the key problems which threaten the fishery and establishes a series of management objectives to address these problems. A brief description of these objectives follows:

1. Protection against overfishing and maintenance of the long-term productivity of bottomfish stocks is clearly the primary objective.

2. The lack of sufficient data required for definitive and timely monitoring of the fishery moved the Council to set a second objective of improving the data base for future management decisionmaking.

3. Recognizing the transboundary nature of the resource and the importance of State and Territorial governments in managing the bottomfish fisheries, the Council also expressed a strong preference for a coordinated State/Federal approach to fishery management rather than unilateral Federal action.

4. Concern for the limited amount of bottomfish habitat available in the western Pacific led to an objective of protecting bottomfish stocks and habitat from environmentally destructive fishing activities.

5. Recognizing the diversity of bottomfish user groups and reflecting a desire for equitable distribution of benefits from the fishery, the FMP estabilshed an objective to maintain existing opportunities for rewarding fishing experiences by small-scale commercial, recreational, and subsistence fishermen, including native Pacific islanders.

6. In order to avoid disruption in the supply of fresh bottomfish to the market, the FMP intends to maintain consistent availability of high-quality products to consumers.

7. The FMP addresses the concern of possible over-capitalization in the NWHI bottomfish fishery with an objective to maintain a balance between harvest capacity and harvestible fishery stocks.

8. Finally, the Council recognized that increased bottomfishing activity in the NWHI carries with it a potential for adverse impacts on protected marine species and their habitat. The FMP, therefore, has an objective of avoiding the take of protected species and minimizing adverse modification to their habitat.

Seamount Groundfish

Available evidence indicates that the seamount groundfish stocks on the Hancock Seamounts are severely depressed. According, the goal of the FMP in managing the seamount groundfish fishery is to help replenish the armorhead and alfonsin stocks as a contribution to a profitable domestic commercial fishery that will furnish high-quality products. The intent of the FMP is to displace traditional foreign fishing on the seamounts by providing an opportunity for U.S. fishermen to enter the fishery. Achievement of such a goal, however, will require a concerted effort to rebuild the stocks and a commitment to pursue a cooperative

international strategy for conserving seamount groundfish stocks within and outside the FCZ.

Management Strategy

The FMP proposes a package of management measures for bottomfish and seamount groundfish fisheries intended to address immediate management needs and to provide a framework process by which future regulations could be promptly enacted as problems in the fishery warrant. Specific regulatory actions proposed for immediate implementation consist of four basis items, and two additional concepts as follows:

Permit Requirement. The FMP will establish a Federal permit requirement for bottomfishing in the FCZ of the NWHI. The permit will allow more accurate monitoring of effort in the fishery, and will enable enforcement agencies to carry out more effective surveillance of the NWHI. In addition, a permit system will enable NMFS and the U.S. Fish and Wildlife Service to advise bottomfish fishermen directly of the sensitivity of the area's wildlife and the laws governing protection of threatened and endangered species.

Gear Restrictions. The FMP will prohibit the use of bottom trawls, bottom set nets, poisons, and explosives to harvest bottomfish in the FCZ. These restrictions are designed to prevent the non-selective harvest of species, protect fishery habitat, and reduce the possibility of incidental mortality to monk seals and sea turtles.

Experimental Fishing Permits. The FMP will authorize the NMFS to issue experimental fishing permits (EFPs) to allow fishing which might otherwise be prohibited by regulations implemented under the FMP. Such fishing would be permitted under a limited and controlled basis for purposes of improving the data base for fishery management.

Fishing moratorium on Hancock Seamounts. The FMP will establish a moratorium on fishing for seamount groundfish at the Hancock Seamounts for an initial period of 6 years. This will allow depleted stocks to recover and will provide fishery scientists with an opportunity to monitor stock recovery through several cycles of recruitment unmolested by commercial fishery activities.

Data collection. The FMP contains reporting requirements that will (1) require participants in the experimental fishery to provide a summary of trip catch and effort data by species to enable NMFS to monitor the impact of the fishery on the resource and (2) require permit holders in the NWHI fishery to report any incidental take or fishing interaction with protected species. Federal requirements for reporting other catch and effort data will be considered only in the event State and Territorial systems prove inadequate. The FMP encourages continued scientific research to generate the basic information on the fishery required for effective monitoring and management action.

Framework process. In addition to these immediate measures the FMP will establish an administrative framework process by which annual or inseason adjustments to regulatory measures can be made without recourse to the lengthy plan amendment process. Such an approach will allow timely management response to changes in the bottomfish fishery and better enable the Council to meet the objectives of the FMP. A framework process is desirable because of the limited information currently available about the management unit species and the uncertainty of future fishery activities under the FMP.

Continued monitoring of the fishery with special attention to heavily fished species will be carried out by a Council-appointed Bottomfish Monitoring Team. The Team will monitor the fishery according to set criteria which will provide an indication of potential problems and serve as a basis for further investigation. If investigations result in recommendations for adjustments in the regulatory program, the FMP establishes a process by which the (Council) and NMFS will be able to take prompt regulatory action. Among the adjustments that could occur are catch limits, size limits, area/season closures, effort limitations, access limitations, permit requirements or data reporting requirements. At a minimum, the Team will be required to prepare an annual report on the status of the fishery with recommendations for possible action by the Council.

The FMP also establishes a process by which State and Territorial management measures established for the territorial sea may be adopted as Federal regulation in the FCZ. This is intended to ensure consistency in managing bottomfish fisheries throughout their range.

The flexibility inherent in the framework process is considered essential to managing a fishery as dynamic and complex as the bottomfish fishery. In the event of an emergency which does not allow for timely management response under the framework procedure, the Council would still have the option of recommending that the Secretary of Commerce take emergency action to manage the fishery while framework measures were being adopted and implemented.

Optimum Yield

The Council has determined that management of the bottomfish fishery according to the measures outlined in the FMP will achieve optimum yield (OY) from the fishery. Notwithstanding the non-numeric definition of OY, the Council has estimated a quantitative optimum yield of bottomfish which is expected to be taken under the FMP based on current stock and economic conditions. Estimated harvests by island area are as follows:

Area	Pounds/year
American Samoa	50,000–70,000
Guam	30,000–70,000
Main Hawaiian Islands	300,000–600,000
Northwestern Hawaiian Islands	300,000–575,000

The OY for seamount groundfish in the FCZ of the Hancock Seamounts initially is set at zero (0) metric tons (mt) per year through 1990. With a moratorium on fishing for seamount groundfish necessary to rebuild the stocks, the Council will consider annually the results of research and experimental fisheries to determine whether the OY should be revised and whether the moratorium on fishing should be continued or abandoned.

The domestic annual harvest (DAH) of bottomfish is estimated to be equivalent to OY, since domestic vessels currently engaged in the fishery have the capacity will take the entire maximum sustainable yield. The total allowable level of foreign fishing (TALFF) is therefore zero. Similarly, a moratorium on the seamount groundfish fishery on the Hancock Seamounts premised on an OY of zero leaves a TALFF of zero.

Classification

Section 304(a)(1)(c)(ii) of the Magnuson Act, as amended, requires the Secretary to publish regulations proposed by a Council within 30 days of receipt of the FMP and regulations. At this time the Secretary has not determined that the FMP is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Council prepared an EA for this FMP and concluded that there will be no significant impact on the environment as a result of this rule. A copy of the EA is available from the Council at the address above.

The Administrator, NOAA, determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. Initially, there will be no major impact from the proposed rule on commercial fishery activities currently underway. The present action will not have a cumulative effect on the economy of $100 million or more nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. However, since the FMP will establish a framework process for promulgating future regulations, the need for a regulatory impact analysis will be assessed each time a new regulation is recommended for implementation. A copy of any such analysis will be available from the Council at the address above.

The Office of General Counsel, Department of Commerce, has determined that the proposed rule, if adopted, will not have a significant impact on a substantial number of small businesses. Specific regulations implemented under the framework procedure established by the FMP, however, could have a significant impact. Accordingly, the analytical requirements of the Regulatory Flexibility Act will be met before each regulation is implemented by NMFS under the framework procedure.

This rule contains a collection of information requirement subject to the Paperwork Reduction Act (PRA). Responses to requests for information will be necessary in applying for fishing permits and EFPs as required by the FMP. A request to collect this information has been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the PRA. Comments should be directed to the desk officer for NOAA, Office of Information and Regulatory Affairs, OMB, Washington, DC 20503, Reporting requirements regarding incidental take and interaction with protected species are approved under OMB control number 0048–0099.

The Council has determined, and the appropriate government offices have found, that the measures and framework process established in the FMP are consistent to the maximum extent practicable with the approved coastal zone management programs of Hawaii and the territories of American Samoa and Guam.

The Council requested a consultation and biological opinion on the FMP under section 7 of the Endangered Species Act (ESA). NMFS issued a biological opinion on February 10, 1986, which concluded that the FMP is not likely to jeopardize any threatened or endangered species within the FMP's geographic scope. The biological opinion makes two conservation recommendations: first, that bottomfish fishermen report to NMFS any incidental take or fishery interaction with protected species; and second, that the Council and NMFS develop an information and education program to ensure that bottomfish fishermen in the NWHI are aware of the latest regulations and information necessary to protect endangered and threatened species.

List of Subjects in 50 CFR Part 683

Fish, fisheries, Reporting requirements.

Dated: May 7, 1986.

William G. Gordon,

Assistant Administration for Fisheries, National Marine Fisheries Service.

50 CFR is proposed to be amended by adding a new Part 683 to read as follows.

PART 683—WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES

Subpart A—General Provisions

Sec.

Subpart B—Management Measures

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

Subpart A—General Provisions

§ 683.1 Purpose and scope.

(a) These regulations implement the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMK) prepared by the Western Pacific Regional Fishery Management Council under the Magnuson Fishery Conservation and Management Act (Magnuson Act).

(b) Regulations governing fishing for bottomfish and seamount groundfish by fishing vessels other than vessels of the United States are published at 50 CFR Part 611.

§ 683.2 Definitions.

In addition to the definitions in the Magnuson Act, the terms used in this part have the following meanings (some definitions in the Magnuson Act have been repeated here to aid understanding of the regulations):

Administrator means the Administrator of the National Oceanic and Atmospheric Administration (NOAA), or a designee.

Authorized officer means:

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any U.S. Coast Guard personnel, accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Bottomfish means the following species managed under the FMP:

Common name	Local name	Scientific name
SNAPPERS:		
Silver jaw jobfish	Lehi (H)	*Aphareus rutilans.*
	Palu-gutusiliva (S)	
Gray jobfish	Uku (H)	*Aprion virescens.*
	ASoama (S)	
Squirrelfish snapper	Ehu (H)	*Etelis carbunculus.*
	Palu-malau (S)	
Longtail snapper	Onaga, ula'ula (H)	*Etelis coruscans.*
	Palu-loa (S)	
Blue stripe snapper	Ta'ape (H)	*Lutjanus kasmira.*
	Savane (S)	
	Funai (G)	
Yellowtail snapper	Palu-i' usama (S)	*Pristipomoides auricilla.*
	Yellowtail kalekale (G)	
Pink snapper	Opakapaka (H)	*Pristipomoides filamentosus.*
	Palu-'ena'ena (S)	
	Gadao (G)	
Yelloweye snapper	Palusina (S)	*Pristipomoides flavipinnus.*
	Yelloweye opakapaka (G)	
Snapper	Kaleksle (H)	*Pristipomoides sieboldii.*
Snapper	Gindai (H,G)	*Pristipomoides zonatus.*
	Palu-sega (S)	

Common name	Local name	Scientific name
JACKS:		
Giant trevally	White ulua (H)	*Caranx ignoblis.*
	Tarakito (G)	
	Sapo-anae (S)	
Black jack	Black ulua (H)	*Caranx lugubris.*
	Tarakito (G)	
	Tafauli (S)	
Thick lipped trevally	Pig ulua (H)	*Pseudocaranx dentex.*
	Butaguchi (H)	
Amer jack	Kahala (H)	*Seriola dumerili.*
GROUPERS:		
Blacktip grouper	Fausi (S)	*Epinephelus fasciatus.*
	Gadau (G)	
Sea bass	Hapu' upu'u (H)	*Epinephelus quernus.*
Lunartail grouper	Papa (S)	*Variola louti.*
EMPEROR FISHES:		
Ambon emperor	Filoa-gutumumu (S)	*Lethrinus amboinensis.*
Redgill emperor	Filoa-pa'o'omumu (S)	*Lethrinus rubrioperculatus.*
	Mafuti (G)	

NOTES.—G—Guam, H—Hawaii, S—American Samoa.

Fishery conservation zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal states to a line each point of which is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishery management area means the FCZ off the coasts of Hawaii, American Samoa, and Guam.

Fishing means:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described above.

This term does not include any scientific research activity which is conducted by a scientific research vessel.

Fishing gear:

(a) *Bottom trawl* means a trawl in which the otter boards or the footrope of the net are in contact with the sea bed.

(b) *Gill net* means a rectangular net with one or more layers of mesh which is set upright in the water.

(c) *Hook-and-line* means one or more hooks attached to one or more lines.

(d) *Set net* means a stationary, buoyed, and anchored gill net.

(e) *Trawl net* means a cone of funnel-shaped net which is towed through the water by one or more vessels.

Fishing trip means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel land fish.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for (a) fishing; or (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Fishing year means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31.

Incidental catch or *incidental species* means species caught while fishing for the primary purpose of catching a different species.

Land or *landing* means to begin offloading any fish, to arrive in port with the intention of offloading any fish, or to cause any fish to be offloaded.

Magnuson Act means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, as amended.

Maximum sustainable yield (MSY) means an average over a reasonable length of time of the largest catch which can be taken continuously from a stock.

Official number means the documentation number issued by the U.S. Coast Guard or the certificate number issued by a State or by the U.S. Coast Guard for undocumented vessels.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by a person described in paragraph (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local or foreign government or any entity of any such government.

Regional Director means the Director, Southwest Region National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, or a designee.

Seamount groundfish means the following species managed by the FMP:

Common name	Scientific name
Armorheads	*Pentaceros richardsoni.*
Alfonsins	*Beryx splendens.*
Raftfishes	*Hyperoglyphe japonica.*

Secretary means the Secretary of Commerce, or a designee.

State means the State of Hawaii, the Territory of American Samoa, and the Territory of Guam.

U.S.-harvested fish means fish caught, taken, or harvested by vessels of the United States within any fishery regulated under the Magnuson Act.

Vessel of the United States means (a) a vessel documented or numbered by the U.S. Coast Guard under U.S. law; or (b) a vessel, under five net tons, which is registered under the laws of any State.

§ 683.3 Relation to State laws.

This part recognizes that any State law which pertains to vessels registered under the laws of that State while in the fishery management area, and which is consistent with the FMP including any State landing law, continues in effect with respect to fishing activities regulated under this part.

§ 683.4 Reporting.

This part recognizes that catch and effort data necessary for implementing the FMP are collected by the State of Hawaii, American Samoa, and Guam under existing State data collection programs. No additional Federal reports are required to fishermen or processors as long as the data collection and reporting systems operated by the State agencies continue to provide the Secretary with statistical information adequate for management.

§ 683.5 Management subareas.

(a) The fishery management area is divided into five subareas for the regulation of bottomfish and seamount groundfish fishing with the following designations and boundaries:

(1) *Main Hawaiian Islands* means the FCZ of the Hawaiian Islands

Archipelago lying to the east of 161°20' W. longitude.

(2) *Northwestern Hawaiian Islands* means the FCZ of the Hawaiian Islands Archipelago lying to the west of 161°20' W. longitude.

(3) *Hancock Seamounts* means that portion of the FCZ in the Northwestern Hawaiian Islands west of 180°00' W. longitude and north of 28°00' N. latitude.

(4) *Guam* means the FCZ of the Territory of Guam.

(5) *American Samoa* means the FCZ of the Territory of American Samoa.

(b) The inner boundary of the fishery management area is a line coterminous with the seaward boundaries of the State of Hawaii, the Territory of American Samoa, and the Territory of Guam (the "3 mile-limit"). Midway Island is a possession of the United States. However, for the purpose of regulations issued under this part and the regulations which apply to the Northwestern Hawaiian Islands, Midway Island will be treated as if it is a part of the State of Hawaii.

(c) The outer boundary of the fishery management area is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, or is coterminous with adjacent international maritime boundaries. The outer boundary of the fishery management area north of Guam will extend to those points which are equidistant between Guam and the island of Rota in the Commonwealth of the Northern Mariana Islands.

§ 683.6 General Prohibitions.

It is unlawful for any person to do the following:

(a) Possess, have custody or control of, ship or transport, offer for sale, sell, purchase, import or export any bottomfish or seamount groundfish taken, retained, or landed in violation of the Magnuson Act, this part, or any other regulation promulgated under the Magnuson Act;

(b) Refuse to allow an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation promulgated under the Magnuson Act;

(c) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any inspection or search described in paragraph (d) of this section;

(d) Resist a lawful arrest for any act prohibited by this part;

(e) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, with the knowledge that such other person has committed any act prohibited by this part;

(f) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search conducted in the process of forcing the Magnuson Act;

(g) Transfer, or attempt to transfer, directly or indirectly, any U.S.-harvested bottomfish or seamount groundfish to any foreign fishing vessel within the FCZ, unless the foreign vessel has been issued a permit which authorizes the receipt of U.S.-harvested fish of the species being transferred;

(h) Fail to comply immediately with enforcement and boarding procedures specific in § 683.7;

(i) Fish for bottomfish or seamount groundfish in violation of any terms of conditions attached to an experimental fishing permit (EFP) issued under § 683.9;

(j) Fish for bottomfish or seamount groundfish using gear prohibited under § 683.22.

(k) Violate any other provision of this part, the Magnuson Act, any notice issued under subpart B of this part, or any other regulation or permit promulgated under the Magnuson Act.

§ 683.7 Enforcement.

(a) *General.* The operator of, or any other person aboard, any fishing vessel subject to this part must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Communications.*

(1) Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) If the size of the vessel and the wind, sea, and visibility conditions allow, loudhailer is the preferred method for communicating between vessels. If use of a loudhailer is not practicable, and for communications with an aircraft, VHF-FM or high frequency radio-telephone will be employed. Hand signals, placards, or voice may be employed by an authorized officer and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. Coast Guard units will normally use the flashing light signal "L" as the signal to stop.

(4) Failure of a vessel's operator to stop his vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes *prima facie* evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel instantly.

(c) *Boarding.* The operator of a vessel directed to stop must—

(1) Guard Channel 16, VHF-FM, if so equipped;

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his party to come aboard;

(3) Except for those vessels with a freeboard of four feet or less, provide a safe ladder, if needed, for the authorized officer and his party to come aboard;

(4) When necessary to facilitate the boarding or when requested by an authorized officer, provide a manrope or safety line, and illumination for the ladder; and

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(d) *Signals.* The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly.

(1) "AA" repeated (.-.-)[1] is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY-CY" (.-. -.— .-. -.—) means "you should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in water.

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[1] Period (.) means a short flash of light. Dash (-) means a long flash of light.

(3) "SQ3" (..-.-...—) means "you should stop or heave to; I am going to board you."

(4) "L" (.-..) means "you should stop your vessel instantly."

§ 683.8 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Magnuson Act, 15 CFR Part 904 (Civil Procedures), and other applicable law.

§ 683.9 Experimental Fishing Permit (EFP).

(a) *General.* The Secretary may authorize, for limited experimental purposes, the direct or incidental harvest of bottomfish or seamount groundfish managed by the FMP which would otherwise be prohibited by this part. No experimental fishing may be conducted unless authorized by an EFP issued by the Secretary in accordance with the criteria and procedures specified in this section. EFPs will be issued without charge.

(b) *Application.* An applicant for an EFP must submit to the Regional Director at least 60 days before the desired effective date of the EFP a written application including, but not limited to, the following information:

(1) The date of the application;

(2) The applicant's name, mailing address, and telephone number;

(3) A statement of the purposes and goals of the experiment for which an EFP is needed, including a general description of the arrangements for disposition of all species harvested under the EFP;

(4) A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals;

(5) For each vessel to be covered by the EFP—

(i) Vessel name;

(ii) Name, address, and telephone number of owner and master;

(iii) U.S. Coast Guard documentation, State license, or registration number;

(iv) Home port;

(v) Length of vessel;

(vi) Net tonnage; and

(vii) Gross tonnage.

(6) A description of the species (directed and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment;

(7) For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used; and

(8) The signature of the applicant.

(c) The Secretary may request from an applicant additional information necessary to make the determinations required under this section. An applicant will be notified of an incomplete application within 10 working days of receipt of the application. An incomplete application will not be considered until completed by the applicant.

(d) *Issuance.* (1) If an application contains all of the required information, the Secretary will publish a notice of receipt of the application in the **Federal Register** with a brief description of the proposal, and will give interested persons an opportunity to comment. The Secretary will also forward copies of the application to the Western Pacific Fishery Management Council, the U.S. Coast Guard, and the fishery management agency of the affected State, accompanied by the following information:

(i) The current utilization of domestic annual harvesting and processing capacity (including existing experimental harvesting, if any) of the directed and incidental species for which an EFP is being requested;

(ii) A citation of the regulation or regulations which, without the EFP, would prohibit the proposed activity; and

(iii) Biological information relevant to the proposal.

(2) At a Western Pacific Fishery Management Council meeting following receipt of a complete application, the Secretary will consult with the Council and the Director of the affected State fishery management agency concerning the permit application. The applicant will be notified in advance of the meeting at which the application will be considered and invited to appear in support of the application if the applicant desires.

(3) Within 5 working days after the consultation in paragraph (c)(2) of this section, or as soon as practicable thereafter, the Secretary will notify the applicant in writing of the decision to grant or deny the EFP, and, if denied, the reasons for the denial. Grounds for denial of an EFP include, but are not limited to, the following:

(i) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his or her application; or

(ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect any species of fish in a significant way; or

(iii) Issuance of the EFP would inequitably allocate fishing privileges among domestic fishermen or would have economic allocation as its sole purpose; or

(iv) Activities to be conducted under the EFP would be inconsistent with the intent of this section or the management objectives of the FMP; or

(v) The applicant has failed to demonstrate a valid justification for the permit; or

(vi) The activity proposed under the EFP would create a significant enforcement problem.

(4) The decision of the Secretary to grant or deny an EFP is final and unappealable. If the permit is granted, the Secretary will publish a notice in the **Federal Register** describing the experimental fishing to be conducted under the EFP. The Secretary may attach terms and conditions to the EFP consistent with the purpose of the experiment including, but not limited to, the following:

(i) The maximum amount of each species which can be harvested and landed during the term of the EFP, including trip limits, where appropriate;

(ii) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the EFP;

(iii) The times and places where experimental fishing may be conducted;

(iv) The type, size, and amount of gear which may be used by each vessel operated under the EFP;

(v) The condition that observers be carried aboard vessels operated under an EFP;

(vi) Data reporting requirements; and

(vii) Such other conditions as may be necessary to assure compliance with the purposes of the EFP consistent with the objectives of the FMP.

(e) *Duration.* Unless otherwise specifed in the EFP or a superseding notice or regulation, an EFP is effective for no longer than one year unless revoked, suspended, or modified. EFP's may be renewed following the application procedures in this section.

(f) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(g) *Transfer.* EFPs issued under this part are not transferable or assignable. EFPs are valid only for the vessels for which they are issued.

(h) *Inspection.* EFPs issued under this part must be carried aboard the vessels for which they are issued. EFPs must be presented for inspection upon request of any authorized officer.

(i) *Sanctions.* Failure of the holder of an EFP to comply with the terms and conditions of an EFP, a notice issued under Subpart B of this part, any other

applicable provision of this part, the Magnuson Act, or any other regulation promulgated thereunder, will be grounds for revocation, suspension, or modification of the EFP with respect to all persons and vessels conducting activities under the EFP. Any action taken to revoke, suspend, or modify an EFP will be governed by 15 CFR Part 904, Subpart D.

Subpart B—Management Measures

§ 683.21 Permit requirement for the Northwestern Hawaiian Islands (NWHI).

(a) *General.* Any vessel of the United States engaged in fishing for bottomfish or seamount groundfish in the NWHI must have a permit issued under this section.

(b) *Applications.* (1) An application for a permit under this section must be submitted to the Regional Director by the vessel owner or operator at least 15 days before the date on which the applicant desires to have the permit made effective.

(2) Each application must be submitted on an appropriate form which may be obtained from the Regional Director. Each application must be signed by the vessel owner or operator and contain the following information:

(i) The applicant's name;

(ii) The owner's name, mailing address, and telephone number;

(iii) The operator's name, mailing address, and telephone number;

(iv) The name of the vessel;

(v) The vessel's official number;

(vi) The radio call sign of the vessel;

(vii) The home port of the vessel;

(viii) Gross registered tons of the vessel;

(ix) Registered length of the vessel;

(x) Beam of the vessel;

(xi) Fuel capacity of the vessel;

(xii) Average cruising speed of the vessel;

(xiii) Maximum range of the vessel;

(xiv) Horsepower of the vessel;

(xv) Purchase price of the vessel;

(xvi) Purchase date of the vessel;

(xvii) Age of the vessel;

(xviii) The vessel's fish hold capacity;

(xix) Type of refrigeration capacity;

(xx) Type and number of fishing gear;

(xxi) Whether the application is for a new permit or a renewal;

(xxii) Number and expiration date of any prior permit for the vessel issued under this part.

(c) *Fees.* No fee is required for a permit issued under this section.

(d) *Change is application information.* Any change in the information specified in paragraph (b) of this section must be reported to the Regional Director ten days before the effective date of the change

(e) *Issuance.* (1) Within 15 days after receipt of a properly completed application, the Regional Director will determine whether to issue a permit.

(2) If an incomplete or improperly completed permit application is filed, the Regional Director will notify the applicant in writing of the deficiency in the application. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be considered abandoned.

(3) Permits issued under this section will be accompanied by an informational package advising the permit holder of the applicable laws and regulations regarding threatened and endangered species in the NWHI. Permit holders are required to report any incidental take or fisheries interaction with protected species on a form provided for that purpose.

(f) *Expiration.* Permits issued under this section expire on June 30 following issuance of the permit.

(g) *Renewal.* An application for renewal of a permit must be submitted to the Regional Director in the same manner as described in paragraph (b) of this section.

(h) *Alteration.* Any permit that has been substantially altered, erased, or mutilated is invalid.

(i) *Replacement.* Permits may be issued to replace lost or mutilated permits. An application for a replacement permit is not considered a new application.

(j) *Transfer.* Permits issued under this section are not transferable or assignable to other persons. A permit is valid only for the vessel for which it is issued.

(k) *Display.* Any permit issued under this section must be on board the vessel at all times while the vessel is still fishing for bottomfish or seamount groundfish in the NWHI. Any permit issued under this section must be displayed for inspection upon request of any Authorized Officer.

(l) *Sanctions.* Procedures governing permit sanctions and denials are found at 15 CFR Part 904, Subpart D.

§ 683.22 Gear restrictions.

(a) *Bottom trawls and bottom set gill nets.* Fishing for bottomfish and seamount groundfish with bottom trawls and bottom set gill nets is prohibited.

(b) *Possession of gear.* Possession of a bottom trawl and bottom set gill net by any vessel fishing for bottomfish and seamount groundfish in the management area is prohibited.

(c) *Poisons and explosives.* The possession or use of any poisons, explosives, or intoxicating substances for the purpose of harvesting bottomfish and seamount groundfish is prohibited.

§ 683.23 Fishing moratorium on Hancock Seamounts.

Fishing for bottomfish and seamount groundfish on the Hancock Seamounts is prohibited until six years after the effective date of these regulations.

§ 683.24 Framework for regulatory adjustments.

(a) *Annual reports.* By March 31 of each year a bottomfish monitoring team appointed by the Council will prepare an annual report on the fishery by area covering the following topics;

(1) Fishery performance data;

(2) Summary of recent research and survey results;

(3) Habitat conditions and recent alterations;

(4) Enforcement activities and problems;

(5) Administrative action (e.g., data collection and reporting, permits);

(6) State and Territorial management actions;

(7) Assessment of need for Council action (including biological, economic, social, enforcement, administrative, and State/Federal needs,problems, and trends). Indications of potential problems warranting further investigation may be signaled by the following indicator criteria:

(i) Mean size of the catch of any species in any area is a pre-reproductive size;

(ii) Ratio of fishing mortality to natural mortality for any species;

(iii) Harvest capacity of the existing fleet and/or annual landings exceed best estimate of MSY in any area;

(iv) Significant decline (50 percent or more) in bottomfish catch per unit of effort from baseline levels;

(v) Substantial decline in ex-vessel revenue relative to baseline levels;

(vi) Significant shift in the relative proportions of gear in any one area;

(vii) Significant change in the frozen/fresh components of the bottomfish catch;

(viii) Entry/exit of fishermen in any area;

(ix) Per-trip costs for bottomfishing exceed per-trip revenues for a significant percentage of trips;

(x) Significant decline or increase in total bottomfish landings in any area;

(xi) Change in species composition of the bottomfish catch in any area;

(xii) Research results;

(xiii) Habitat degradation or environmental problems;

(xiv) Reported interactions between bottomfishing operations and protected species in the NWHI.

(8) Recommendations for Council action; and

(9) Estimated Impacts of recommended action.

(b) *Recommendation of management action.* (1) The team may present management recommendations to the Council at any time. Recommendations may cover actions suggested for Federal regulations, State/territorial action, enforcement or administrative elements, and research and data collection. Recommendations will include an assessment of urgency and the effects of not taking action.

(2) The Council will evaluate the team's reports and recommendations, and the indicators of concern. The Council will assess the need for one or more of the following types of management action:

(i) Catch limits;

(ii) Size limits;

(iii) Closures;

(iv) Effort limitations;

(v) Access limitations (for NWHI only); or

(vi) Other measures.

(3) The Council may recommend management action by either the State-territorial governments or by Federal regulation.

(c) *Federal management action.* (1) If the Council believes that management action should be considered, it will make specific recommendations to the Regional Director after taking the following steps:

(i) Request and consider the views of its Scientific and Statistical Committee and bottomfish advisory panel; and

(ii) Obtain public comments at a public hearing.

(2) The Regional Director will consider the Council's recommendation and accompanying data, and if he concurs with the Council's recommendation will propose regulations to carry out the action. If the Regional Director rejects the Council's proposed action, a written explanation for the denial will be provided to the Council within two weeks of the decision.

(3) The Council may appeal denial by writing to the Assistant Administrator for Fisheries, who must respond in writing within 30 days.

(4) The Regional Director and the Assistant Administrator for Fisheries will make their decisions in accord with the Magnuson Act, other applicable law, and the FMP.

(5) To minimize conflicts between the Federal and State management systems, the Council will use the procedures in this subsection to respond to State/territorial management actions. Council consideration of action would normally begin with a representative of the State or territorial government bringing a potential or actual management conflict or need to the Council's attention.

(d) *Access limitation procedures (limited to NWHI only).* (1) If access limitation is proposed for adoption or subsequent modification through the process described in this subsection, the following requirements must be met:

(i) The bottomfish monitoring team must consider and report to the Council on present participation in the fishery; historical fishing practices in, and dependence on, the fishery; economics of the fishery; capability of fishing vessels used the fishery to engage in other fisheries; cultural and social framework relevant to the fishery; and any other relevant considerations;

(ii) Public hearings held specifically addressing the limited access proposals;

(iii) Creation in the access limitation system of a specific advisory subpanel of persons experienced in the Hawaii fishing industry to advise the Council and the Regional Director on administrative decisions; and

(iv) Council's recommendation to the Regional Director must be approved by a two-thirds majority of the voting members.

(2) If prior participation in the fishery is used as a factor in any access limitation system recommended by the Council, August 7, 1985, is the date selected by the Council as the date to be used.

§ 683.25 Scientific research.

Nothing in this part is intended to inhibit or prevent any scientific research which is conducted in the fishery management area by a scientific research vessel. The Secretary will acknowledge notification of scientific research involving bottomfish and seamount groundfish and conducted by a scientific research vessel by issuing to the operator or master of that vessel a letter of acknowledgement, containing information on the purpose and scope (locations and schedules) of the activities. The Secretary will transmit copies of such letters to the Council and to State and Federal administrative and enforcement agencies to ensure that all concerned parties are aware of the research activities.

[FR Doc. 86-10586 Filed 5-7-86; 2:11 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 91
Monday, May 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

Forest Service

Whiskey Timber Sale; Stikine Area, Tongass National Forest, Petersburg, AK; Intent To Prepare and Environmental Impact Statement

The Department of Agriculture, Forest Service, Will prepare an Environmental Impact Statement for the proposed Whiskey Timber Sale on Woewodski Island on the Petersburg Ranger District.

A range of alternatives, including a "No Action" alternative, for this sale have been considered through an environmental analysis and documented in an Environmental Assessment. The action alternatives considered harvest levels ranging from 23 to 29 MMBF of timber with associated road construction. Alternative locations for a Terminal Transportation Facility (TTF) were considered. This facility will allow equipment to be landed on the island and logs to be transferred from land to saltwater and subsequently towed to a mill.

Extensive scoping and public review has occured over the the past 14 months during IDT analysis of sale alternatives and preparation of an Environmental Assessment.

Federal, State, and local agencies; potential purchasers; and other individuals or organizations who have been, or who may be, interested in, or affected by, the decision will be invited to participate further in the scoping process.

The original analysis indicates that the proposed project will not have a significant effect on the human environment. The decision to prepare and Environmental Impact Statement for the Whiskey Timber Sale is made after considering public comments received through the scoping process.

Additional analysis of the timber sale is expected to take about 3 months. The Draft Environmental Impact Statement should be available for public review by June, 1986. The Final Environmental Impact Statement is scheduled to be completed by September, 1987.

Robert E. Lynn, Forest Supervisor, Stikine Area, Tongass National Forest, Petersburg, Alaska, is the responsible official.

Written comments and suggestions concerning the analysis should be sent to Joseph A. Chiarella, Petersburg District Ranger, Stikine Area, Tongass National Forest, P.O. Box 1328, Petersburg, Alaska 99833, by September 30, 1986.

Questions about the proposed action and Environmental Impact Statement should be directed to Eugene Skrine, Timber Management Assistant, Petersburg Ranger District, Stikine Area, Tongass National Forest, phone 907–772–3871.

Dated: April 30, 1986.

Robert E. Lynn,

Forest Supervisor

[FR Doc. 86–10532 Filed 5–9–86; 8:45 am]

BILLING CODE 3246–19–M

Soil Conservation Service

Loxahatchee Watershed, FL; Intent to Deauthorize Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Intent to Deauthorize Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Loxahatchee Watershed project, Palm Beach County, Florida.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, State Conservationist, Soil Conservation Service, 401 SE First Avenue, Room 248, Gainesville, Florida 32601, telephone (904) 377–0946.

SUPPLEMENTARY INFORMATION: A determination has been made by James W. Mitchell that the proposed works of improvement for the Loxahatchee project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from James W. Mitchell, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the Federal Register.

James W. Mitchell,

State Conservationist.

April 23, 1986.

[FR Doc. 86–10531 Filed 5–9–86; 8:45 am]

BILLING CODE 3410–16–M

Animal and Plant Health Inspection Service

[Docket No. 86–320]

Rangeland Grasshopper Cooperat'ye Management Program Final Environmental Impace Statement, as Supplemented—1986, Decision

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This gives notice that, based on the environmental analysis documented in the Final Environmental Impact Statement (FEIS), as Supplemented—1986, the Animal and Plant Health Inspection Service (APHIS) has decided to implement the Integrated Pest Management (IPM) alternative as identified in the FEIS, as Supplemented—1986. The IPM alternative provides for the control of grasshoppers and Mormon crickets and is environmentally preferable to the other alternatives identified in the FEIS as Supplemented.

FOR FURTHER INFORMATION CONTACT: Charles H. Bare, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, APHIS, USDA, Room 663, Federal Building, 6505 Belcrest Road, Hyattsville, Md 20782, (301) 436–8295.

SUPPLEMENTARY INFORMATION: A notice was published in the Federal Register on January 9, 1986, (51 FR 1000–1001) announcing the availability of and requesting comments on a draft supplement to the Final Environmental Impact Statement (FEIS) on the Rangeland Grasshopper Cooperative Management Program. The official

comment period ended March 3, 1986. However, all comments on the draft supplement received through March 18, 1986, were responded to in the final supplement. The final supplement discusses the environmental impacts of several management alternatives and the rationale for the preferred alternative, Integrated Pest Management (IPM), which includes the use of *Nosema locustae*. A notice was published in the **Federal Register** on April 4, 1986, (51 FR 11603) announcing the availability of the final supplement to the FEIS. The FEIS, as Supplemented, was filed with the U.S. Environmental Protection Agency and made available to the public on April 11, 1986.

In implementing the IPM alternative for the grasshopper and Mormon cricket control program, APHIS will incorporate mitigation measures to minimize environmental impacts of the techniques utilized. The biological and chemical insecticides approved for use in the grasshopper and Mormon cricket control program are registered for thsi purpose pursuant to the Federal Insecticide Fungicide and Rodenticide Act, and will be applied according to label directions. Public involvement, public notification, and utilization of mitigating measures for insecticide treatments will be included in the program. They will be identified and addressed in site-specific environmental analyses.

APHIS will carry out the IPM alternative through technical and financial assistance to cooperating State and Federal agencies. Decisions on granting such assistance will be based on site-specific environmental analyses conducted in accordance with regulations implementing the National Environmental Policy Act (NEPA), APHIS guidelines implementing NEPA, the Endangered Species Act of 1973, and other applicable laws.

The Organic Act of September 21, 1944 (7 U.S.C. 147a), the Act of April 6, 1937, as amended (7 U.S.C. 148–148e), 7 U.S.C. 450, and the Food Security Act of 1985, Section 1773 (7 U.S.C. 148f), authorize APHIS to cooperate with State authorities to control infestations of grasshoppers and Mormon crickets.

Done at Washington, DC, this 8th day of May, 1986.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 86–10741 Filed 5–9–86; 9:19 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Economic Development Administration.

Title: Evaluation of Revolving Loan Funds Administered by State and Local Governments.

Form No.: Agency—NA; OMB—NA.

Type of request: New collection.

Burden: 763 respondents; 763 reporting hours.

Needs and uses: The collected data will provide operators of revolving loan funds with reliable, generalizable data on what organizational designs, policies, and practices among revolving loan funds are most effective in stimulating job creation.

Affected public: State or local governments, businesses or other for-profit institutions, non-profit institutions, small businesses or organizations.

Frequency: One time.

Respondent's obligation: Voluntary.

OMB desk officer: Timothy Sprehe 395–4814.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: May 5, 1986.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 86–10617 Filed 5–9–86; 8:45 am]

BILLING CODE 3510-CW-M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration.

Title: Marine Fisheries Initiative (MARFIN).

Form number: Agency—N/A; OMB—N/A.

Type of request: New collection.

Burden: 100 respondents; 700 reporting hours.

Needs and uses: Congress has authorized a program for fisheries research and development grants. Funding in fiscal year 1986 will be for projects which optimize the use of the U.S. Gulf of Mexico fishery. Information will be used to evaluate technical aspects of proposals and determine appropriateness for funding.

Affected public: Individuals, state or local governments, businesses or other for-profit institutions, federal agencies or employees, non-profit institutions, and small businesses or organizations.

Frequency: Annually, quarterly.

Respondent's obligation: Required to obtain or retain a benefit.

OMB desk officer: Sheri Fox 395–3785.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Sheri Fox, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: May 7, 1986.

Edward Michals,

Departmental Clearance Officer, Information Management Division, Office of Information Resources Management.

[FR Doc. 86–10616 Filed 5–9–86; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

Department of Agriculture; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No. 85–160R. Applicant: U.S. Department of Agriculture, Urbana, IL 61801. Instrument: Oxygen Electrode Unit, Model DWI. Manufacturer: Hansatech Ltd., United Kingdom. Intended use: See notice at 51 FR 6576.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides (1) a small-volume reaction cell (0.5 t 2.5 milliliters), 2 a temperature regulating water jacket, and (3) a self-contained stirring mechanism. The National Institutes of Health advises in its memorandum dated March 20, 1986 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Inportation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Imprt Programs Staff.

[FR Doc. 86-10622 Filed 5-9-86; 8:45 am]

BILLING CODE 3510-DS-M

Environmental Protection Agency; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No. 85-079R. Applicant: U.S. Environmental Protection Agency, Duluth, MN 55804. Instrument: Gas Chromatograph/Mass Spectrometer/Data System, Model 8230. Orignial notice of this resubmitted application was published in the **Federal Register** of February 27, 1985.

Comments: None received.

Decision: Approved. No of instrument equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides (1) a mass resolution up to 50,000, (2) a scanning speed of 0.1 seconds per decade and (3) liquid chromatography interfacing. These capablities are pertient to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-10623 filed 5-9-86; 8:45 am]

BILLING CODE 3510-DS-M

National Aeronautics and Space Administration, Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 85-284. Applicant: National Aeronautics and Space Administration, Moffett Field, CA 94035. Instrument: Microcomputer Controlled Field Reflective Spectrometer System with Accessories. Manufacturer: Barringer Resources, Inc., Canada. Intended use: See notice at 50 FR 41380.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides the capability of in situ infrared reflectance ratioing with a spectral range of 0.45 to 2.45 micrometers. The National Bureau of Standards advises in its memorandum dated March 27, 1986 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-10624 Filed 5-9-86; 8:45 am]

BILLING CODE 3510-DS-M

Purdue University; Decision on Application for Duty—Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

DOCKET No. 86-129. Applicant: Purdue University, Lafayette, IN 47906. Instrument: Kinetics Sample Handling Unit, Model SF-3L/SFL-48. Manufacturer: Hi-tech Scientific Ltd., United Kingdon. Intended use: See notice at 51 FR 8691.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides rapid multimixing of up to four substances and a wide temperature range (-100 to +100 degress centigrade). This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Program Staff.

[FR Doc.86-10625 Filed 5-9-86; 8:45 am)

BILLING CODE 3510-DS-M

Sam Houston State University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No.: 86-111. Applicant: Sam Houston State University, Huntsville, TX 77341. Instrument: Spectrophotometer, Model DA3.25 with Accessories. Manufacturer: Bomem, Inc., Canada. Intended Use: See notice at 51 FR 7844.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides an unapodized resolution of 0.01 cm^{-1}. The capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-10626 Filed 5-9-86; 8:45 am]

BILLING CODE 3510-DS-M

University of California, San Diego; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No. 85-266. Applicant: University of California, San Diego, La Jolla, CA 92093. Instrument: Stopped Flow Apparatus. Manufacturer: Hi-Tech Scientific, United Kingdom. Intended use: See notice at 50 FR 34537.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides rapid multimixing of three substances and a wide temperature range (−100 to +100 degrees centigrade). The National Institutes of Health advises in its memorandum dated March 20, 1986 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-10627 Filed 5-9-86; 8:45 am]

BILLING CODE 3510-DS-M

University of Oklahoma; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No. 85-145R. Applicant: University of Oklahoma, Norman, OK 73019. Instrument: Gas Chromatograph/Mass Spectrometer with Data System, Model ZAB-HS (11/250). Manufacturer: VG Analytical Instruments, Ltd., United Kingdom. Original notice of this resubmitted application was published in the **Federal Register** of May 8, 1985.

Comments: None received:

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides an FAB ion source capability with high resolution (to 100 000; 10 percent valley), and a high mass range (m/z to 5000). The National Institutes of Health advises in its memorandum dated March 20, 1986 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-10628 Filed 5-9-86; 8:45 am]

BILLING CODE 3510-DS-M

Yale University Medical School et al.; Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No. 86-132. Applicant: Yale University Medical School, Department of Physiology, 333 Cedar Street, New Haven, CT 06510. Instrument: Metricell Volumetric System and Data Evaluation Cytonic 12 Microprocessor. Manufacturer: HEKA Electronics, West Germany. Intended use: The instruments are intended to be used for the study of the molecular mechanism of cell volume regulation in human red blood cells. The Metricell Volumetric System will be used to monitor red cell volume and the results should provide fundamental insight into how red cells and cells in other tissues of the human body control their cell volume in health and disease. The educational aspects of this research are directed toward the training of postdoctoral fellows to carry out productive biomedical research in this field. Application received by Commissioner of Customs: February 14, 1986.

Docket No. 86-187. Applicant: Juniata College, 1700 Moore Street, Huntingdon, PA 16652. Instrument: Electron Microscope, Model H-300. Manufacturer: Hitachi, Japan. Intended use: The instrument will be used for educational purposes in the courses Biology 495—Electron Microscopy I and Biology 496—Electron Microscopy II. Application received by Commissioner of Customs: April 16, 1986.

Docket No. 86-188. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Instrument: FTIR Vacuum Spectrometer Accessories. Manufacturer: Bruher Analytische Messtechnik GmbH, West Germany. Intended use: The instruments are accessories to an existing

spectrometer that is used for studies of disordered solids and fast ion conducting glasses. These studies involve solid state absorption and reflectance spectrophotometry from 4000 to 8 cm^{-1}. The method is a probe for a local structural unit when used in the fundamental infrared region. In the far infrared, hopping frequencies and attempt frequencies associated with fast ion transport in solids need to be measured. In addition, these accessories will be used for the study of phase transitions in ABO_4 compounds and for monitoring of the formation of corrosion layers. Other studies will involve reflectivity measurements from metals which provide information on their electronic structure. Application received by Commissioner of Customs: April 17, 1986.

Docket No. 86–189. Applicant: The New York Medical College, Department of Microbiology, Basic Science Building, Room 318, Valhalla, NY 10595. Instrument: Peptide Synthesizer. Manufacturer: Labortec AG, Switzerland. Intended use: The peptide synthesizer will be used to synthesize peptides based on the sequence of complement component C9.

The synthetic peptides will be used to:

1. Generate specific antibodies,
2. Test for inhibitory or enhancing activity in complement mediated cell lysis,
3. Map the three dimensional structure of C9 in poly C9 and
4. Test for effects of peptides in cell mediated cytolysis of tumor cells.

The objective of this study is to understand the mechanism of immune cytolysis on a molecular basis. Application received by Commissioner of Customs: April 17, 1986.

Docket No. 86–191. Applicant: Oregon State University, College of Oceanography, Corvallis, OR 97331. Instrument: Gas Isotope Mass Spectrometer, Model 251 with Accessories. Manufacturer: Finnigan MAT, West Germany. Intended use: The instrument is intended to be used to analyze isotopic ratios of carbon, oxygen, nitrogen, hydrogen and sulfur in natural samples of oceanic and continental waters, atmospheric gases, rocks, sediments and organic matter. A broad range of experiments will be conducted on the isotopic properties of these materials and the cause of natural variations, such as past variations of the carbon cycle in the ocean/atmosphere system. The objective of these experiments is to better understand partitioning of isotopic species within the earth's system, and to establish spatial and temporal variability in the present and geologic past of isotopic values in natural samples as a proxy for environmental parameters such as temperature, oxygen content, productivity and ice volume. Application received by Commissioner of Customs: April 21, 1986.

Docket No. 86–192. Applicant: Mercy Catholic Medical Center of Southeastern Pennsylvania, Lansdowne Avenue & Baily Road, Darby, PA 19023. Instrument: Kidney Lithotripter. Manufacturer: Dornier System GmbH, West Germany. Intended use: The instrument is intended to be used for studies of renal calculous disease. Kidney stones as found in the kidneys and urinary tracts of human subjects will be investigated while conducting experiments in electro shock wave destruction of the stones. In addition, the instrument will be used to provide training in the principles of and "hands-on" application experience with extracorporeal lithotripsy. Application received by Commissioner of Customs: April 22, 1986.

Docket No. 86–193. Applicant: U.S. Army Institute of Dental Research, Walter Reed Army Medical Center, Washington, DC 20307–5300. Instrument: Electron Microscope, Model EM 10 CRSTSE with Accessories. Manufacturer: Carl Zeiss Inc., West Germany. Intended use: The instrument will be used for biomedical research, primarily related to the treatment and management of combat related injuries of the oro-facial tissues. Of primary importance are studies involving the development of implantable biodegradable polymers which may be used as carriers for such substances as antibiotics, anti-inflammatory agents and substances being developed which may stimulate and enhance the new growth of both hard and soft tissues in the wound healing process. Another area of importance involves development of a disinfection test for the hepatitis virus which may eventually also be applicable to AIDS virus. Application received by Commissioner of Customs: April 22, 1986.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–10629 Filed 5–9–86; 8:45 am]

BILLING CODE 3510-DS-M

University of California; Decision on Application For Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No.: 85–093.

Applicant: University of California, Livermore, CA 94550.

Instrument: ICP Mass Spectrometer, Model Plasma Quad with Accessories.

Manufacturer: VG Isotopes Limited, United Kingdom.

Intended Use: See notice at 50 FR 11232.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides an inductively coupled plasma source interfaced with a quadrupole mass spectrometer system capable of both positive and negative ion detection in aqueous samples.

This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–10620 Filed 5–9–86; 8:45 am]

BILLING CODE 3510-DS-M

Centers for Disease Control; Decision of Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 85–052R. Applicant: Centers for Disease Control, Atlanta GA 30333. Instrument: Mass Spectrometer and Data System Models MM7070E and 11/250. Original notice of this resubmitted application was published in the **Federal Register** of January 8, 1985.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (April 23, 1984).

Reasons: The foreign instrument can quantitate tissue levels of dioxin (1, 2, 3, 6, 7, 8–HCDD) from small samples (5 to 50 picograms) with a resolution of 10 000 using selected ion recording mode with lock mass correction. This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–10619 Filed 5–9–86; 8:45 am]

BILLING CODE 35-DS-M

NOAA; Decision of Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 86–124. Applicant: NOAA, Pascagoula, MS 39567. Instrument: Towed Underwater Submersible System. Manufacturer: Sea–I Research Ltd., Canada. Intended use: See notice at 51 FR 7845.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides for precise depth and lateral control at depths to 100 fathoms (600 feet). This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–10621 Filed 5–9–86; 8:45 am]

BILLING CODE 3510-DS-M

[A–533–502]

Antidumping Duty Order; Certain Welded Carbon Steel Standard Pipes and Tubes from India

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: In an investigation concerning certain welded carbon steel standard pipes and tubes (standard pipes and tubes) from India, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that standard pipes and tubes from India are being sold at less than fair value and that sales of standard pipes and tubes from India are materially injuring a United States industry. Additionally, the Department found that "critical circumstances" did not exist with respect to standard pipes and tubes from India. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of standard pipes and tubes from India made on or after December 31, 1985, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on are after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: May 12, 1986.

FOR FURTHER INFORMATION CONTACT: Jess M. Bratton or John Brinkmann, Office of Investigation, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 377–1778 or (202) 377–3965.

SUPPLEMENTARY INFORMATION: The merchandise covered by this order is certain welded carbon steel standard pipes and tubes with an outside diameter of 0.375 inch or more but not over 16 inches, or any wall thickness, currently classifiable in the *Tariff Schedules of the United States Annotated* (TSUSA), under items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258 and 610.4925. These products are commonly referred to in the industry as standard pipes or tubes produced to various ASTM specifications, most notably A–120, A–53 or A–135.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on December 31, 1985, the Department published its preliminary determination that there was reason to believe or suspect that standard pipes and tubes from India were being sold at less than fair value (50 Fed. Reg. 53356). We preliminarily determined that "critical circumstances" existed within the meaning of section 733(e) of the Act (19 U.S.C. 1673(e)) with respect to Tata Iron and Steel Company, Ltd. (TISCO) and did not exist with respect to Gujarat Steel Tubes, Ltd. (Gujarat) or Zenith Steel Pipes and Industries, Ltd. (Zenith). On March 17, 1986, the Department published its final determination that these imports were being sold at less than fair value and that "critical circumstances" did not exist with respect to standard pipes and tubes from India (51 Fed. Reg. 9089).

On April 29, 1986, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that such importations materially injure a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of standard pipes and tubes from India. These antidumping duties will be assessed on all unliquidated entries of standard pipes and tubes entered, or withdrawn from warehouse, for consumption on or after December 31, 1985, the date on which the Department published its "Preliminary Depermination" notice in the Federal Register (50 Fed. Reg. 53356).

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

margins as noted below. Gujarat and Zenith are excluded from this antidumping duty order.

Manufacturers/producers/exporters	Weighted-average (percent)
TISCO	7.08.
Zenith	0 (Excluded).
Gujarat	0 (Excluded).
All others	7.08.

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

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

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

May 5, 1986.

[FR Doc. 86-10618 Filed 5-9-86; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

[Docket No. 50703-6025]

Approval of Federal Information Processing Standard 104-1, American National Standard Codes for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange

AGENCY: National Bureau of Standards, Commerce.

ACTION: The purpose of this notice is to announce that the Secretary of Commerce (Secretary) has approved a new standard, which will be published as FIPS Publication 104-1 (a revision to FIPS 104).

SUMMARY: On August 13, 1985, notice was published in the Federal Register (50 FR 32609) that a Federal Information Processing Standard (FIPS) 104-1 entitled "American National Standard Codes for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange" was being proposed for Federal use.

The written comments submitted by interested parties and other material available to the Department relevant to this standard were reviewed by NBS. On the basis of this review, NBS recommended that the Secretary approve the standard as a Federal Information Processing Standard (FIPS) and prepared a detailed justification document for the Secretary's review in support of that recommendation.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6628, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC 20230.

This approved standard contains two basic sections: (1) An announcement section which provides information concerning the applicability, implementation, and maintenance of the standard, and (2) a specifications section which deals with the technical requirements of the standard. Only the announcement section of the standard is provided in this notice.

ADDRESS: Interested parties may purchase copies of this new standard, including the technical specifications section, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies Section of the announcement section of the standard.

FOR FURTHER INFORMATION CONTACT: Mr. Roy G. Saltman, Center for Programming Science and Technology, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaitherburg, MD 20899, (301) 921-3491.

Dated: May 6, 1986.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication 104-1

1986 Month Day

Announcing the Standard for American National Standard Codes for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Bureau of Standards in accordance with section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15, Code of Federal Regulations.

1. *Name of Standard:* American National Standard Codes for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange.

2. *Category of Standard:* Federal Program Data Standard, Representations and Codes.

A Federal Program Standard is intended for use in a particular program or mission where more than one executive branch department or independent agency is involved with its use. By contrast, a Federal General Standard is intended for use in all Federal-wide programs.

This standard is intended for reporting contract placement to the General Services Administration's Federal Procurement Data Center (FPDC), for use in activities concerned with international trade that do not involve the U.S. Department of State or national defense programs, and for data interchange with international organizations that have adopted ISO 3166, the standard of the International Organization for Standardization (ISO) that specifies codes for representing names of countries.

3. *Explanation:* This Standard implements American National Standard, ANSI Z39.27-1984, Structure for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange. ANSI Z39.27-1984 adopts, with qualifications, the entities, names, and codes prescribed by ISO 3166.

4. *Approving Authority:* The Secretary of Commerce.

5. *Maintenance Agency:* The National Bureau of Standards serves at the maintenance agency for ANSI Z239.27-1984, in coordination with the U.S. Department of State, the U.S. Board on Geographic Names, and the maintenance agency for ISO 3166. Inquiries concerning the technical content of this publication should be addressed to:

Data Standard Program
Institute for Computer Sciences and Technology
National Bureau of Standards
Gaithersburg, MD 20899

Change notices to this FIPS PUB will be issued by the National Bureau of Standards. Users who wish to receive such notices should complete the Change Request Form included in the FIPS PUB and return it to the address indicated.

6. *Cross Index.*

a. International Standard ISO 3166: Codes for the Representation of Names of Countries, Second edition—1981-05-15.

b. American National Standard ANSI Z39.27-1984: Structure for the Representation of Names and Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange.

c. Names of Political Entities of the World (Names Approved by the U.S. Board on Geographic Names as of August 1, 1983), Defense Mapping Agency, Washington, DC 20305; Stock No. GAZGNFORNMPEW1.

d. Federal Information Processing Standards Publication (FIPS PUB) 10-3: Countries, Dependencies, and Areas of Special Sovereignty, and Their Principal Administrative Divisions.

7. *Objectives.* The objectives of this standard are to improve the utilization of data resources of the Federal government and avoid unnecessary duplications and incompatibilities in the collection, processing and dissemination of data.

8. *Applicability.* This implementation of ANSI Z39.27–1984 supersedes National Bureau of Standards FIPS PUB 104 of September, 1983. It is made available for general use, except that it does not supersede or replace FIPS PUB 10–3. That FIPS PUB provides an alternate set of codes maintained by the U.S. Department of State, Office of the Geographer, for in that department and in national defense programs.

9. *Implementation Schedule.* The specifications herein may be used upon publication. Use by Federal agencis is encouraged in applications requiring data interchange with international organizations that have adopted the ISO 3166 codes, and in applications involved with international trade. All agencies will use the two-character code set for reporting contract placement to FPDC. Agencies not involved with international trade, the Department of State, contract placement reporting, or national defense programs should adopt either FIPS 10–3 or this FIPS PUB, whichever is most efficient for data interchange and use of data resources.

10. *Specifications.* Federal Information Processing Standards Publication 104–1 (FIPS PUB 104–1), American National Standard Codes for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange (affixed).

The specifications include a set of two-character alphabetic codes and a set of three-character alphabetic codes. Both sets of codes are included in ISO 3166.

The two-character alphabetic codes are adopted as the Federal Program Standard, and they are recommended by ISO for international interchange.

The three-character alphabetic codes are provided for completeness by the National Bureau of Standards in its capacity as national maintenance agency for ANSI Z39.27–9184.

11. *Where to Obtain Copies.* Copies of this publication are available for sale by the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, Virginia 22161; order desk telephone: (703) 487–4650. When ordering, refer to Federal Information Processing Standards Publication 104–1 (FIPS PUB 104–1) and title. When microfiche is desired, this should be specified. The entity names and corresponding codes are available also on magnetic tape.

Copies of other FIPS PUBS are also available from the National Technical Information Service.

Copies of ANSI Z39.27–1984 and ISO 3166 may be obtained from:

American National Standards Institute, Inc.
1430 Broadway
New York, NY 10018

[FR Doc. 86–10535 Filed 5–9–86; 8:45 am]

BILLING CODE 3510–CN–M

DEPARTMENT OF DEFENSE

Department of the Army

Rocky Mountain Arsenal Containment Cleanup

ACTION: Rocky Mountain Arsenal Contamination Cleanup to conform to National Contingency Plan, decision on remedy to be based on the record; creation and availability of administrative record, projected completion of decisionmaking process.

SUMMARY: The Office of Program Manager, Rocky Mountain Arsenal Contamination Cleanup ("PMO") gives notice that it is following Subpart F of the National Contingency Plan ("NCP") for purposes of developing a remedial action program to respond to hazardous substances at the Rocky Mountain Arsenal ("Arsenal") pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"). The PMO will assemble a record of remedial action decisionmaking which will reflect the decisions leading to the ultimate remedial action determination for the Arsenal. This record is to be publicly available at the Arsenal. The PMO also provides a general timetable for the projected completion of the remedial action decisionmaking process. Comments are welcome.

FOR FURTHER INFORMATION CONTACT: Colonel Wallace N. Quintrell, Deputy Program Manager for the Rocky Mountain Arsenal Contamination Cleanup, ATTN: AMXRM–PM, Aberdeen Proving Ground, Maryland 21010–5401.

SUPPLEMENTARY INFORMATION: The PMO currently coordinating a number of projects which will culminate in the selection of the final response action to be taken at the Arsenal. This remedial action has been conducted in conformity with the NCP and the PMO intends to continue to conform fully with the NCP as most recently revised, 50 FR 47912 (Nov. 20, 1985) (which became effective on February 18, 1986). PMO intends to take action which is consistent with the NCP's requirements for the remedial investigation/feasibility study ("RI/FS"), scoping of response actions, development of alternatives, initial screening of alternatives, detailed and analysis of alternatives, selection of the final remedy and public participation.

Assuming a continuation of the current work schedule, the PMO projects that by the Summer of 1987 the RI/FS process will be completed. Thereafter, the PMO will report on its findings (including the alternative remedies developed during the FS) and will provide an opportunity for public comment which will include one or more public meetings in the vicinity of the Arsenal. Following thorough review of these comments and any appropriate modification of the proposed response action to address these concerns, the Army anticipates announcing in 1988 the selection of the final response action.

Throughout the process of remedial action decisionmaking, the PMO will continue to promote the active involvement of the Environmental Protection Agency, Colorado Department of Health, Shell Oil Company and the general public.

By the Summer of 1986, the PMO will begin to assemble an administrative record. This record will incorporate all the significant facts and decisions developed during the course of the remedial action process, as well as all public comments received and the PMO's response to these comments. The PMO contemplates that it will use this record as the basis for its selection of the final remedial action.

A public release copy of the then existing portions of the record is expected to be available in the Summer of 1986 for public inspection, during normal business hours, at a facility to be located at the Arsenal. This publicly available copy of the record will be updated thereafter on a regular basis.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

May 6, 1986.

[FR Doc. 86–10579 Filed 5–9–86; 8:45 am]

BILLING CODE 3810–01–M

Office of the Secretary

Defense Intelligence Agency Defense Intelligence College; Closed Meeting

AGENCY: Defense Intelligence Agency Defense Intelligence College, DOD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of the DIA Defense Intelligence College has been scheduled as follows.

DATES: Monday— Wednesday, 19–21 May 1986, 9:00 a.m. to 4:00 p.m. 19–20 May; 9:00 to 11:30 a.m., 21 May.

ADDRESS: The DIAC, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Robert L. De Gross, Provost, DIA Defense Intelligence College,

Washington, DC 20301–6111 (202/373–3344).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified informtion as defined in section 552b (c) (1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, as to the successful accomplishment of the mission assigned to the Defense Intelligence College.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

May 6, 1986.

[FR Doc. 86–10576 Filed 5–9–86; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Pacific Command Air Defense; Meeting

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Pacific Command Air Defense will meet in closed session on 5–6 June 1986 in the Pentagon, Arlington, VA.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At the meeting, the Task Force will examine defense capabilities for shore installations in the Pacific Command and assess relevant technology, equipment, and modernization plans.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1)(1982), and that accordingly this meeting will be closed to the public.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86–10577 Filed 5–9–86; 8:45 am]

BILLING CODE 3810–01–M

Establishment of the Defense Information School (DINFOS) Board of Visitors

Under the provisions of Pub. L. 92–463, "Federal Advisory Committee Act," notice is hereby given that the Defense Information School (DINFOS) Board of Visitors has been found to be in the public interest in connection with the performance of duties imposed on the Department by law.

DINFOS is the only Defense level school that trains all armed forces public affairs personnel in the theory and methodology of informing the public about Defense component matters. The DoD wishes to provide for the continued accreditation of DINFOS and to ensure that the training remains consistent with the state-of-the-art, that instructor professionalism is enhanced, and that college credits can be awarded to graduates. Establishing and using this Board will provide for accreditation.

Obtaining advice from a broad range of professionals outside of DoD is also essential to ensure that each of the school's courses reflect the most modern journalism, broadcasting, and public affairs educational content and methods. Membership will be balanced to provide an appropriate pool of professional expertise in these fields

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

May 6, 1986.

[FR Doc. 86–10578 Filed 5–9–86; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection Requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATE: Interested persons are invited to submit comments on or before June 11, 1986.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster, (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal Agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Resources Management Service publishes this notice containing proposed information collection requests prior to the submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of the collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: May 7, 1986.

George P. Sotos,

Director, Information Resources Management Service.

Office of Postsecondary Education

Type of Review: Revision
Title: Performance Reports for the Foreign Language and Area Studies Fellowship Programs
Agency Form Number: ED 7614, 7608, and 7632
Frequency: Annually
Affected Public: Individuals or households; non-profit institutions
Reporting Burden:
  Responses: 972
  Burden Hours: 1822
Recordkeeping Burden:
  Recordkeepers: 122
  Burden Hours: 61

Abstract: These data will enable the Education Department to analyze and determine the need for specified fields of instruction and to identify areas of professional study in response to the Secretary's announced program priorities.

Office of Postsecondary Education

Type of Review: Extension
Title: Application for Foreign Language and Area Studies Projects
Agency Form Number: ED 324
Frequency: Annually
Affected Public: State or local governments; non-profit institutions

Reporting Burden:
Responses: 690
Burden Hours: 25,800
Recordkeeping Burden:
Recordkeeping: 0
Burden Hours: 0

Abstract: The application for Foreign Language and Area Studies projects is reviewed by the Department of Education to evaluate the relative merits of the proposals submitted and to determine the amount of grant funds.

Office of Postsecondary Education

Type of Review: New
Title: Grant Application for the Construction, Reconstruction, and Renovation of Academic Facilities Program
Agency Form Number: E40–14P
Frequency: Annually
Affected Public: Non-profit institutions
Reporting Burden:
Responses: 1000
Burden Hours: 8000
Recordkeeping Burden:
Recordkeeping: 0
Burden Hours: 0

Abstract: The application is needed by eligible applicants to apply for grant funds authorized under Title VII of the Higher Education Act of 1965, as amended. The application information is used to evaluate proposals and obligate grant funds.

[FR Doc. 86–10597 Filed 5–9–86; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangements; European Atomic Energy Community and Sweden

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation between the Government of the United States of America and the Government of Sweden concerning Peaceful Uses of Nuclear Energy, and the Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above-mentioned agreements involve two contractually related transactions which require U.S. consent, neither of which can proceed unless both are approved. These are (1) RTD/SW(EU)–138, for the retransfer of irradiated mixed-oxide fuel elements involving 6,500 kilograms of uranium containing 52 kilograms of U–235 and 280 kilograms of plutonium from the Federal Republic of Germany to Sweden, for intermediate storage in the CLAB facility, and then ultimate disposal within Sweden, and (2) the contractual transfer of title to approximately 428 kilograms of plutonium and 57,000 kilograms of low enriched uranium contained in irradiated power reactor fuel which was sent from Sweden to COGEMA, France, for the purpose of reprocessing. The recovered plutonium is to be fabricated into uranium-plutonium mixed-oxide fuels at the Alkem facility located in Hanau, the Federal Republic of Germany. The mixed-oxide fuels are to be used in light water power reactors in the Federal Republic of Germany. The low enriched uranium is to be re-enriched for use in power reactors in the European Community.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice and after 15 days of continuous session of the Congress, beginning the day after the date on which the reports required by section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: May 6, 1986.

George J. Bradley, Jr.,

Acting Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 86–10581 Filed 5–9–86; 8:45 am]
BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ID–2036–001 et al.]

William J. Alley et al.; Interlocking Directorate Applications

May 6, 1986.

Take notice that the following filings have been made with the Commission:

1. William J. Alley

[Docket No. ID–2036–001]

Take notice that on April 28, 1986, William J. Alley tendered for filing an application to hold the following position:

Position	Name of corporation	Classification
Chairman of the board and director.	SLIC	Authorized by law to underwrite.

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Peter F. O'Malley

[Docket No. ID–2219–000]

Take notice that on April 28, 1986, Peter F. O'Malley filed an application pursuant to section 305 of the Federal Power Act to hold the following positions:

Director, Potomac Electric Power Company
Director, Sovran Financial Corporation.

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–10538 Filed 5–9–86; 8:45 am]
BILLING CODE 6717–01–M

[Docket Nos. CP85–756–001 et al.]

Natural Gas Certificate Filings; Consolidated Gas Transmission Corp. et al.

Take notice that the followings filings have been made with the Commission:

1. Consolidated Gas Transmission Corporation and Columbia Gas Transmission Corporation

[Docket No. CP85–756–001 and Docket No. CP86–454–000]

May 5, 1986.

Take notice that on April 17, 1986, Consolidated Gas Transmission Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, and Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket Nos. CP85–756–001 and CP86–454–000, respectively, pursuant to Section 7(c) of the Natural Gas Act an amendment of the pending application in Docket No. CP85–756–000 wherein Consolidated seeks authorization to render certain sales and transportation services for Washington Gas Light Company (WGL) and Baltimore Gas and Electric Company (BG&E), and for a certificate of public convenience and necessity authorizing Columbia to render related transportation services for WGL and BG&E, all as more fully set forth in the amendment and application which are on file with the Commission and open to public inspection.

Consolidated stated that it filed an application in Docket No. CP85–756–000 seeking certificate authorization covering the sale by it to WGL and BG&E of certain quantities of natural gas, the firm transportation of natural gas for WGL and BG&E, and the construction and operation of certain minor interconnecting, measurement and regulating facilities. It is indicated that Columbia protested Consolidated's application in Docket No. CP85–756–000. Applicants state that in recent weeks, WGL and BG&E have secured the assent of Consolidated and Columbia to an agreement which resolved Columbia's concerns and that the purpose of the joint filing is to revise Consolidated's original proposal to conform with the agreement and to secure certificate authorization for Columbia's participation in the proposals.

Consoldiated amends its application in Docket No. CP85–756–000, so as to reflect the delivery of gas to Columbia, for further transportation to WGL and BG&E, at an existing interconnection between Consolidated and Columbia at Loudoun measuring station, located in Loudoun County, Virginia, instead of delivering the gas to WGL and BG&E off Line No. PL–1 near Dickerson, Maryland, as originally proposed. Consolidated states that, under this revised proposal, it would not be necessary for it to construct or operate the tap, metering, and regulating facilities off Line No. PL–1 at Dickerson, as originally proposed, nor would it be necessary for WGL and BG&E to construct pipeline facilities of their own between Dickerson and their existing distribution systems. In addition, Consolidated states that it has agreed to waive the minimum annual commodity bill provisions of the contracts between it and WGL and BG&E. it is indicated that Consolidated still seeks authorization to render sales and transportation services to WGL and BG&E at the levels originally proposed in Docket No. CP85–756–000.

Applicants state that the Loudoun measuring station is jointly owned by affiliates of Consolidated and Columbia, Consolidated System LNG Company (Consolidated LNG) and Columbia LNG Corporation (Columbia LNG), respectively, with each owning undivided one-half interests in the facilities. Applicants further state that Consolidated and Cosolidated LNG filed a joint amendment in Docket No. CP86–208–001 on April 18, 1986, for authorization to transfer Consolidated LNG's interest in the facilities to Consolidated. It is indicated that Columbia LNG would retain its undivided one-half interest in the facilities.

Columbia seeks authorization in Docket No. CP86–454–000 to render firm transportation service of up to 60,000 dt equivalent of natural gas per day and interruptible transportation service for WGL and BG&E each, commencing April 1, 1987, and continuing for a primary term of twenty years. Columbia states that it would receive the gas from Consolidated, for the account of WGL and BG&E each at an existing pipeline interconnection at Loudoun measuring station, in Loudoun County, Virginia, and would redeliver equivalent quantities, in accordance with mutually agreeable dispatching arrangements at existing points of delivery. Columbia proposes to charge WGL and BG&E rate of 8.5 cents per dt equivalent of gas for the subject service. It is stated that no additional jurisdictional facilities need to be constructed by Consolidated or Columbia in order to provide the proposed service.

Comment date: May 19, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Consolidated System LNG Company and Consolidated Gas Transmission Corporation

[Docket No. CP86–208–001]

May 5, 1986.

Take notice that on April 18, 1986, Consolidated System LNG Company (Consolidated LNG), Four Gateway Center, Pittsburgh, Pennsylvania 15222, and Consolidated Gas Transmission Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP86–208–001 an amendment to their pending application filed in Docket No. CP86–208–000 pursuant to section 7 of the Natural Gas Act so as to include among the facilities proposed to be transferred, Consolidated LNG's undivided one-half interest in the facilities known as Loudoun measuring station, located in Loudoun County, Virginia, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that in the application Consolidated LNG sought authorization to transfer its wholly-owned Line No. PL–1 and related facilities to Consolidated and Consolidated sought authorization to acquire such facilities and operate them in its interstate natural gas business. Consolidated proposed to utilize the facilities to render firm, long-term sale and transportation services for Baltimore Gas and Electric Company (BG&E) and Washington Gas Light Company (WGL), as proposed in its application in Docket No. CP85–756–000.

Applicants now amend their joint application to seek authorization to transfer Consolidated LNG's undivided one-half interest in the measuring, regulating and related and appurtenant facilities at Loudoun measuring station, in Loudoun County, Virginia, in addition to the facilities previously proposed to be transferred. It is explained that Consolidated now plans to make deliveries of natural gas to Columbia Gas Transmission Corporation (Columbia), for the accounts of BG&E and WGL at Loudoun measuring station, and that Columbia would transport and redeliver such gas to BG&E and WGL through existing delivery facilities. Applicants state that utilization of Loudoun measuring station to effect deliveries would eliminate the need to construct additional facilities and would return these facilities to productive use by allowing Consolidated to intergrate them into its interstate natural gas transmission business.

Comment date: May 19, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. Transco Gas Services Company, Inc.

[Docket No. CP86–452–000]

May 6, 1986.

Take notice that on April 17, 1986, Transco Gas Services Company, Inc.

(Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP86–452–000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations (18 CFR 284.221) for a blanket certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of others, 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 accepts and would comply with the conditions in paragraph (c) of § 284.221 of the Commission's Regulations. Applicant further states that it has tendered for filing its proposed transportation rates pursuant to Rate Schedules F and I of its Original Volume No. 1 of its FERC Gas Tariff in Docket No. CP86–455–000.

Comment date: May 23, 1986, in accordance with Standard Paragraph F at the end of this notice.

4. Transco Gas Services Company, Inc.

[Docket No. CP86–455–000]

May 6, 1986.

Take notice that on April 17, 1986, Transco Gas Services, Inc. (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP86–455–000 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 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 tht it would provide transportation services using firm capacity that it has contracted for from its suppliers, Great Lakes Gas Transmission Company (Great Lakes), ANR Pipeline Company (ANR), Erie Pipeline System (Erie), and Transylvania Gas Pipeline Company, Inc. (Transylvania). It is stated that this capacity would enable Applicant to transport up to 420,000 Mcf of natural gas per day on a firm basis from Eunice, Louisiana, and Emerson, Manitoba in Canada, to delivery points on the systems of Transylvania and the Transcontinental Gas Pipe Line Corporation.

Applicant states that it would provide firm and interruptible transportation on a first-come, first-served basis pursuant to its Rate Schedules F and I as shown below:

Rate Schedule F		
Reservation Rate per Mcf of Maximum Daily Quantity per Month:		
Gulf Coast	$16.87	0
Canada	18.16	0
Commodity Rate per Mcf Transported:		
Gulf Coast	31.72	15.33
Canada	51.15	34.63
Rate Schedule I		
Commodity Rate per Mcf Transported:		
Gulf Coast	87.19	15.33
Canada	110.86	34.63
Full Retention		
Gulf Coast	[1] 4.5	
Canada	[1] 3.7	

[1] Percent.

Applicant states these rates are a flow-through of its suppliers maximum charges and as such the rates under these rate schedules would be subject to adjustments on a current basis to reflect any changes in the underlying charges of suppliers. Applicant also states that Rates Schedule F provides for a 15-year term and also proposes that shippers be permitted to transfer their capacity to third parties for a period of one month or longer. In addition, Applicant requests abandonment authority at the termination of sales contracts or if shippers fail to pay for services.

Comment date: May 23, 1986, in accordance with Standard Paragraph F at the end of this notice.

5. Transcontinental Gas Pipe Line Corporation and Transco Gas Services Company, Inc.

[Docket No. CP86–453–000]

May 6, 1986.

Take notice that on April 17, 1986, Transcontinental Gas Pipe Line Corporation (Transco) and Transco Gas Services Company, Inc. (Gas Services), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP86–453–000 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 540,000 Mcf of natural gas per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants have entered into an exchange agreement so that gas from the proposed Erie-Transylvania system can be delivered to east coast customers. Applicants state that pursuant to an exchange agreement dated April 15, 1986, Transco would deliver gas for Gas Services' account to customers of Gas Services upstream of Transco's Station 200 (Transco's existing customers). It is explained that Gas Services would, via its suppliers, deliver equivalent volumes of gas for Transco's account to customers downstream of Station 200 or to the Liedy storage field in Clinton County, Pennsylvania, to fulfill Transco's customers' nominations for storage.

Applicants further state that if an imbalance of gas deliveries occurs, the owing party would deliver such quantities to the other at the Leidy storage field or at Transco's compressor station No. 505 located in Somerset County, New Jersey. In addition, Applicants state that neither would charge a rate for the exchange service or delivery of any imbalance quantities because both Applicants would benefit from the exchange agreement.

Comment date: May 23, 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 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for the applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-10539 Filed 5-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-69-000]

Mid Louisiana Gas Co.; Proposed Change in FERC Gas Tariff

May 5, 1986.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on April 30, 1986, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets:

Seventh Revised Sheet No. 1
Original Sheet No. 1a
Fifty-Fifth Revised Sheet No. 3a
First Revised Sheet No. 12c
First Revised Sheet No. 12d
Original Sheet No. 12e
Original Sheet No. 12f
Original Sheet No. 12g
Original Sheet No. 12h
Original Sheet No. 12i
Original Sheet No. 12j
Original Sheet No. 12k
Original Sheet No. 12l
Original Sheet No. 12m
Original Sheet No. 12n
First Revised Sheet No. 26e
First Revised Sheet No. 26f

Mid Louisiana states that the purpose of this filing is (1) to reflect an increase in rate schedules G-1, SG-1, and I-1 from 329.31¢ per Mcf to 341.11¢ per Mcf based on operations for the twelve months ended December 31, 1985, as adjusted; (2) to establish a minimum rate of 30.59¢ per Mcf and a maximum rate of 51.28¢ per Mcf for firm transportation service; (3) to establish a minimum rate of 23.13¢ per Mcf and a maximum rate of 34.24¢ per Mcf for interruptible transportation service; (4) to establish a rate methodology to be utilized in providing transportation service for special projects; and (5) to establish a rate schedule to provide gathering service. Mid Louisiana requests that the proposed tariff sheets become effective June 1, 1986.

Mid Louisiana states that the principal reason for the proposed increase in rate schedules G-1, SG-1, and I-1 is a decline in total throughput volumes on its system.

Mid Lousisiana further states that the purpose of this filing is to establish transportation rate schedules in compliance with the Commission's Order No. 436 and the requirements set forth by the Commission in Mid Louisiana Gas Company, Docket No. CP86-214, whereby the Commission granted Mid Louisiana a blanket certificate authorizing certain transportation of natural gas.

Copies of the filing have been served on Mid Louisiana's jurisdictional customers and 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). All such motions or protests should be filed on or before May 12, 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 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. 86-10555 Filed 5-9-86; 8:45 am]

BILLIING CODE 6717-01-M

[Docket No. RP86-72-000]

Pacific Interstate Transmission Co.; Change in Rate

May 5, 1986.

Take notice that on April 30, 1986, Pacific Interstate Transmission Company ("Pacific Interstate") tendered for filing a Notice of a Change in Rates for natural gas service rendered to its sole jurisdictional customer, Southern California Gas Company, pursuant to Rate Schedule CQS-1, FERC Gas Tariff Original Volume No. 1. To implement this notice of change, Pacific Interstate tendered for filing and acceptance Second Revised Tariff Sheet No. 9 superseding Substitute First Revised Tariff Sheet No. 9.

Pacific Interstate states that based upon the test period cost of service, Pacific Interstate projects a decrease in annual revenues requirements and therefore files a rate decrease of approximately $34 million per annum. Pacific Interstate states that the reduction is due to a decline in rate base and a requested decrease in rate of return on equity. Pacific Interstate further notes that the decrease calculation includes costs associated with a court judgment concerning the costs of the portions of the Northwest Pipeline Corporation system in which Pacific Interstate owns a 30% interest. Pacific Interstate states that inclusion of judgment costs, however, will not significantly affect the proposed decrease. Pacific Interstate does not propose any other change in its rates.

Pacific Interstate has requested that waiver be granted of all applicable rules and regulations of the Commission as may be necessary to implement the notice of change effective June 1, 1986.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, 20426, in accordance with §§ 385.214 and 385.211 of this Chapter. All such motions or protests should be filed on or before May 12, 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. 86-10541 Filed 5-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP86-16-000]

Phillips Petroleum Co.; Petition To Reopen and Vacate Final Well Category Determination and Request to Withdraw

Issued: May 5, 1986.

State of West Virginia, Department of Mines and Gas, NGPA Section 108 Determination, Phillips Petroleum Company, Marquette A No. 1 Well, FERC No. JD 85-21844

Take notice that on January 29, 1986, Phillips Petroleum Company (Phillips) filed pursuant to § 275.205 of the Commission's regulations a petition to reopen and vacate a continuing qualification stripper well category determination made pursuant to section 108 of the Natural Gas Policy Act of 1978 (NGPA) for the Marquette A No. 1 well, located in Monongalia County, West Virginia and to withdraw the application for the determination. The State of West Virgina made the said stripper well determination because of the well's over production due to temporary pressure build up. The determination became final on April 27, 1985.

Phillips states that while its application for an initial stripper well determination was being processed, it inadvertently filed the continuing qualification application. Phillips states

that during the applicable qualifying period, the well never qualified as a stripper well because the well, producing at its maximum efficient rate, averaged more than 60 Mcf per production day. Phillips states that since the well never initially qualified as a stripper well, it cannot qualify as a continuing qualification stripper well. Phillips states that it never collected the section 108 price for the subject well's gas production.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest in accordance with Rules 214 or 211 of the Commission's rules of practice and procedure. All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, not later than 30 days following publication of this notice in the **Federal Register**. All protest will be considered by the Commission but wil not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of this petition are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-10544 Filed 5-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST86-1038-000, et al.]

Texas Gas Transmission Corp. et al.; Self-Implementing Transactions

May 5, 1986.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Subpart F of Part 157 and Part 284 of the Commission's regulations, and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).[1]

The "Recipeint" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's regulations and section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's regulations.

[1] Notice of transactions does not constitute a determination that service will continue in accordance with Order No. 436, Final Rule and Notice Requesting Supplemental Comments, 50 FR 42372 (Oct. 18, 1985).

A "G(EU)" indicates transportation by an interstate pipeline company on behalf of an end-user pursuant to a blanket certificate issued under § 284.223 of the Commission's regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's regulations.

A "C/F(157)" indicates intrastate pipeline transportation which is incidental to a transportation by an interstate pipeline to an end-user pursuant to a blanket certificate under 18 CFR 157.209. Similarly, a "G/F(157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Any person desiring to be heard or to make any protests with reference to a transaction reflected in this notice should on or before May 23, 1986, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST86-1038	Texas Gas Transmission Corp	Columbia Gas Transmission Corp	03-03-86	G		
ST86-1039	Texas Gas Transmission Corp	Louisville Gas & Electric Co	03-03-86	B		
ST86-1040	Texas Gas Transmission Corp	Cincinnati Gas and Electric Co	03-03-86	B		
ST86-1041	Arkla Energy Resources	Liberty Natural Gas Co	03-03-86	B		
ST86-1042	Arkla Energy Resources	Arkansas Louisiana Gas Co	03-03-86	B		
ST86-1043	Arkla Energy Resources	J-W Operating Co	03-03-86	B		
ST86-1044	Arkla Energy Resources	Arkla Energy Resources, (La Intra. Seg.)	03-03-86	B		
ST86-1045	Arkla Energy Resources	Arkansas Louisiana Gas Co	03-03-86	B		
ST86-1046	Arkla Energy Resources	J-W Operating Co	03-03-86	B		
ST86-1047	Arkla Energy Resources	Arkla Energy Resources, (La Intra. Seg.)	03-03-86	B		
ST86-1048	Valero Transmission Co	El Paso Natural Gas Co	03-03-86	C		
ST86-1049	Valero Transmission Co	Southern California Gas Co	03-03-86	C		
ST86-1050	Arkla Energy Resources, (La Intra. Seg.)	Dayton Power and Light Co	03-05-86	D	08-02-86	101.42
ST86-1051	Llano, Inc	Pacific Gas and Electric Co	02-26-86	D	07-28-86	10.20/31.50
ST86-1052	Michigan Gas Storage Co	Consumers Power Co	03-07-86	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST86-1053	Oasis Pipe Line Co	El Paso Natural Gas Co	03-07-86	C		
ST86-1054	Texas Gas Transmission Corp	Lgs Intrastate, Inc	03-07-86	B		
ST86-1055	Texas Gas Transmission Corp	Louisville Gas & Electric Co	03-07-86	B		
ST86-1056	Trunkline Gas Co	Consumers Power Co	03-07-86	B		
ST86-1057	Trunkline Gas Co	Columbia Gas of Ohio, Inc	03-07-86	B		
ST86-1058	Algonquin Gas Transmission Co	Colonial Natural Gas Co	03-10-86	B		
ST86-1059	Algonquin Gas Transmission Co	Boston Gas Co	03-10-86	B		
ST86-1060	El Paso Natural Gas Co	Intermountain Gas Co	03-10-86	B		
ST86-1061	El Paso Natural Gas Co	Intermountain Gas Co	03-10-86	B		
ST86-1062	Texas Eastern Transmission Corp	Columbia Gas of Ohio, Inc., et al	03-10-86	B		
ST86-1063	Northwest Pipeline Corp	City of Ellensburg, WA	03-11-86	B		
ST86-1064	Acadian Gas Pipeline System	Columbia Gulf Transmission Co	03-11-86	C		
ST86-1065	Panhandle Eastern Pipe Line Co	Alpha Corp	03-12-86	F(157)		
ST86-1066	Freeport Pipeline Co	Freeport Interstate Pipeline Co	03-12-86	C		
ST86-1067	Arkla Energy Resources	Lgs Intrastate, Inc	03-12-86	B		
ST86-1068	Arkla Energy Resources	Arkansas Louisiana Gas Co	03-12-86	B		
ST86-1069	Texas Gas Transmission Corp	Peoples Gas Light & Coke Co	03-12-86	B		
ST86-1070	Texas Gas Transmission Corp	City of Hamilton, OH	03-12-86	B		
ST86-1071	Texas Gas Transmission Corp	Louisville Gas & Electric Co	03-12-86	B		
ST86-1072	Texas Gas Transmission Corp	Niagara Mohawk Power Corp	03-12-86	B		
ST86-1073	Texas Eastern Transmission Corp	Niagara Mohawk Power Corp	03-12-86	B		
ST86-1075	Trunkline Gas Co	Alpha Corp	03-12-86	F(157)		
ST86-1077	Columbia Gulf Transmission Co	Bishop Pipeline Corp	03-17-86	B		
ST86-1078	Arkla Energy Resources	Arkla Energy Resources, (La Intra. Seg.)	03-17-86	B		
ST86-1079	Houston Pipe Line Co	Peoples Gas Light & Coke Co	03-17-86	C		
ST86-1080	Delhi Gas Pipeline Corp	Texas Eastern Transmission Corp	03-17-86	C		
ST86-1081	Panhandle Gas Co	Illinois Power Co	03-17-86	D		
ST86-1082	Panhandle Gas Co	Baltimore Gas and Electric Co	03-17-86	D		
ST86-1083	ONG Transmission Co	Northern Natural Gas Co	03-18-86	C	08-15-86	10.00/12.00
ST86-1084	ONG Transmission Co	Michigan Consolidated Gas Co	03-19-86	C	08-16-86	24.32
ST86-1085	Texas Gas Transmission Corp	Western Kentucky Gas Co	03-19-86	B		
ST86-1086	Texas Gas Transmission Corp	Mississippi Valley Gas Co	03-19-86	B		
ST86-1087	Texas Gas Transmission Corp	Western Kentucky Gas Co	03-19-86	B		
ST86-1088	Texas Gas Transmission Corp	Boonville Natural Gas Corp	03-19-86	B		
ST86-1089	Texas Eastern Transmission Corp	Columbia Gas of Ohio, Inc	03-20-86	B		
ST86-1090	Valero Transmission Co	Transwestern Pipeline Co	03-21-86	C		
ST86-1091	Valero Transmission Co	Trunkline Gas Co	03-21-86	C		
ST86-1092	Valero Transmission Co	Texas Eastern Transmission Corp	03-21-86	C		
ST86-1093	Columbia Gulf Transmission Co	IMC Pipeline Co	03-21-86	B		
ST86-1094	Columbia Gulf Transmission Co	Brandywine Industrial Gas, Inc	03-21-86	B		
ST86-1095	Columbia Gulf Transmission Co	Michigan Consolidated Gas Co., et al	03-21-86	B		
ST86-1096	Panhandle Eastern Pipe Line Co	Rock-Tenn Co	03-21-86	F(157)		
ST86-1097	Panhandle Eastern Pipe Line Co	Teepak, Inc	03-21-86	F(157)		
ST86-1098	Delhi Gas Pipeline Corp	Northern Natural Gas Co	03-24-86	C		
ST86-1099	Delhi Gas Pipeline Corp	Transwestern Pipeline Co	03-24-86	C		
ST86-1100	Delhi Gas Pipeline Corp	Memphis Light, Gas and Water Division	03-24-86	C		
ST86-1101	Oasis Pipe Line Co	Southern California Gas Co	03-24-86	C		
ST86-1102	Houston Pipe Line Co	Columbia Gas of Kentucky, Inc	03-24-86	C		
ST86-1103	Houston Pipe Line Co	Illinois Power Co	03-24-86	C		
ST86-1104	Houston Pipe Line Co	Columbia Gas of Ohio, Inc	03-24-86	C		
ST86-1105	Houston Pipe Line Co	Orange and Rockland Utilities, Inc	03-24-86	C		
ST86-1106	Arkla Energy Resources, (La Intra. Seg.)	Arkla Energy Resources	03-24-86	C		
ST86-1107	Arkla Energy Resources	Arkla Energy Resources, (La Intra. Seg.)	03-24-86	B		
ST86-1108	Delhi Gas Pipeline Corp	United Gas Pipe Line Co	03-25-86	C		
ST86-1109	Delhi Gas Pipeline Corp	United Gas Pipe Line Co	03-25-86	C		
ST86-1110	Delhi Gas Pipeline Corp	United Gas Pipe Line Co	03-25-86	C		
ST86-1111	Texas Gas Transmission Corp	Orange and Rockland Util., Inc., et al	03-25-86	B		
ST86-1112	Texas Gas Transmission Corp	Indiana Gas Co.	03-25-86	B		
ST86-1113	Texas Gas Transmission Corp	Mississippi Valley Gas Co	03-25-86	B		
ST86-1114	Texas Gas Transmission Corp	Indiana Gas Co	03-26-86	B		
ST86-1115	Texas Gas Transmission Corp	Memphis Light, Gas and Water Division	03-26-86	B		
ST86-1116	Texas Gas Transmission Corp	Western Kentucky Gas Co	03-26-86	B		
ST86-1117	Texas Gas Transmission Corp	Western Kentucky Gas Co	03-26-86	B		
ST86-1118	Trunkline Gas Co	Consumers Power Co	03-26-86	B		
ST86-1119	Trunkline Gas Co	Consumers Power Co	03-26-86	B		
ST86-1120	Gas Gathering Corp	Anchor Gasoline Corp	03-26-86	G (EU)		
ST86-1121	Columbia Gas Transmission Corp	Constitution Gas Transport, Inc	03-26-86	B		
ST86-1122	Columbia Gas Transmission Corp	Kane Gas Light and Heating Co	03-26-86	B		
ST86-1123	United Gas Pipe Line Co	Atlanta Gas Light Co	03-27-86	B		
ST86-1124	United Gas Pipe Line Co	Atlanta Gas Light Co	03-27-86	B		
ST86-1125	United Gas Pipe Line Co	Mississippi Valley Gas Co	03-27-86	B		
ST86-1126	United Gas Pipe Line Co	Mississippi Valley Gas Co	03-27-86	B		
ST86-1127	United Gas Pipe Line Co	Southeast Alabama Gas District	03-27-86	B		
ST86-1128	United Gas Pipe Line Co	Mississippi Valley Gas Co	03-27-86	B		
ST86-1129	United Gas Pipe Line Co	Southeast Alabama Gas District	03-27-86	B		
ST86-1130	United Gas Pipe Line Co	Southeast Alabama Gas District	03-27-86	B		
ST86-1131	United Gas Pipe Line Co	Chattanooga Gas Co	03-27-86	B		
ST86-1132	United Gas Pipe Line Co	Chattanooga Gas Co	03-27-86	B		
ST86-1133	United Gas Pipe Line Co	Chattanooga Gas Co	03-27-86	B		
ST86-1134	United Gas Pipe Line Co	Alabama Gas Corp	03-27-86	B		
ST86-1135	United Gas Pipe Line Co	Alabama Gas Corp	03-27-86	B		
ST86-1136	United Gas Pipe Line Co	Alabama Gas Corp	03-27-86	B		
ST86-1137	United Gas Pipe Line Co	Victoria Gas Corp	03-27-86	B		
ST86-1138	United Gas Pipe Line Co	Victoria Gas Corp	03-27-86	B		
ST86-1139	United Gas Pipe Line Co	Reliance Pipeline Co	03-27-86	B		
ST86-1140	United Gas Pipe Line Co	Atlanta Gas Light Co	03-27-86	B		
ST86-1141	United Gas Pipe Line Co	South Carolina Pipeline Corp	03-27-86	B		
ST86-1142	United Gas Pipe Line Co	South Carolina Pipeline Corp	03-27-86	B		
ST86-1143	United Gas Pipe Line Co	South Carolina Pipeline Corp	03-27-86	B		
ST86-1144	MGTC, Inc	Cheyenne Light, Fuel & Power Co	03-28-86	C		
ST86-1145	MIGC, Inc	Cheyenne Light, Fuel & Power Co	03-28-86	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST86-1146	United Texas Transmission Co	Southern Indiana Gas & Electric Co	03-27-86	C		
ST86-1147	Houston Pipe Line Co	Northern Natural Gas Co	03-28-86	C		
ST86-1148	El Paso Natural Gas Co	City of Denver City, TX	03-27-86	B		
ST86-1149	Arkla Energy Resources	Arkansas Louisiana Gas Co	03-31-86	B		
ST86-1150	Mississippi Fuel Co	Tennessee Gas Pipeline Co	03-31-86	C	08-28-86	14.63
ST86-1151	Columbia Gulf Transmission Co	Cincinnati Gas and Electric Co., et al	03-31-86	B		

[1] Notice of Transactions does not constitute a determination that filings comply with Commission regulations in accordance with order No. 436 (final rule and notice requesting supplemental comments, 50 FR 42,372, 10/18/85).
[2] The Intrastate Pipeline has sought Commission approval of its transportation rate pursuant to section 284.123(B)(2) of the Commission's regulations (18 CFR 284.123(B)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 86-10543 Filed 5-9-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA86-3-11-000, 001]

United Gas Pipe Line Co.; Change in Rates

May 5, 1986.

Take notice that on April 29, 1986, United Gas Pipe Line Company ("United") tendered for filing as part of its Federal Energy Regulatory Commission (FERC or Commission) Gas Tariff, First Revised Volume No. 1, the following tariff sheets:

(1) Seventy-Third Revised Sheet No. 4;
(2) substitute Fifth Revised Sheet No. 74-B; and
(3) Substitute Sixth Revised Sheet No. 74-F.

The proposed effective date of Seventy-Third Revised Sheet No. 4 is May 1, 1986. The remaining two tariff sheets are in compliance with a Commission order and will be effective on January 1, 1986.

United States that Seventy-Third Revised Sheet No. 4 reflects an out-of-cycle Purchased Gas Adjustment ("PGA") unit rate adjustment to provide to customers the benefit of lower gas costs attributable to a reduction in the price United will pay to Public Service of Oklahoma, *i.e.*, $2.075 per MMBtu and to Lower Forty-eight States producers, *i.e.*, $1.90 per MMBtu, effective for deliveries beginning May 1, 1986. Also, Sheet No. 4 reflects changes in Canadian contract cost. Exhibit C shows the details of these changes which result in a net rate reduction of 48.87¢ per Mcf.

This PGA filing changes only the current adjustment portion of the rate and is proposed to remain in effect only until July 1, 1986, the effective date of United's next regular PGA filing. The surcharge adjustment as filed on February 6, 1986 and accepted by the Letter Order issued March 28, 1986 in Docket Nos. TA85-2-11-003, *et al.*, remains in effect.

Under the normal operation of United's PGA, the May 1, 1986 price reductions would not effect rates charged to United's customers until July 1, 1986, and cost savings achieved during May and June 1986 would not flow through to United's customers until January 1, 1987. Hence, United files this out-of-cycle PGA to accelerate the flow-through of the rate reductions in order to provide an immediate benefit United's customers and the ultimate consumer.

United requests such waivers of the requirements of section 19 and 23 of its Tariff, § 154.38 of the regulations, 18 CFR 154.38, and FERC Form 542-PGA as may be required to permit it to make this out-of-cycle PGA filing. United further requests waiver of the thirty (30) day notice requirements so that this filing can become effective May 1, 1986. Such action will permit United to reflect the May 1, 1986 gas cost reductions as they occur. United, therefore, submits that good cause has been shown for the requested waiver.

United also submitted for filing Substitute Fifth Revised Sheet No. 74-B and Substitute Sixth Revised Sheet No. 74-F in compliance with the Commission's March 28th Letter Order. The compliance filing revised section 19 of United's PGA tariff to delete the reference to concurrent exchange transactions and section 19.8(1) of the tariff to be consistent with the Commission's adjusted exchange methodology.

A copy of the filing is being mailed to United's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of this chapter. All such motions or protests should be filed on or before May 12, 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. 86-10542 Filed 5-9-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA86-2-56-000,001]

Valero Interstate Transmission Co.; Change in Rates Pursuant To Purchased Gas Cost Adjustment Provisions

May 5, 1986.

Take notice that on May 1, 1986, Valero Interstate Transmission Company ("Vitco") tendered the following tariff sheets for filing containing changes in rates pursuant to purchased gas cost adjustment provisions:

6th Revised Sheet No. 6, Superseding Substitute 5th Revised Sheet No. 6, To FERC Gas Tariff, Original Volume No. 2
1st Revised Sheet No. 14.2, Superseding Substitute Original Sheet No. 14.2, To FERC Gas Tariff, Original Volume No. 1

Vitco states that the rates stated on 6th Revised Sheet No. 6 and 1st Revised Sheet No. 14.2 reflects the change in purchased gas costs based on the six months ended February 28, 1986.

The change in rate to Rate Schedule S-1, FERC Gas Tariff, Original Volume No. 2 includes an increase in purchased gas cost of 16.99¢ per Mcf and a negative surcharge of 20.74¢ per MMBtu. The rate for Rate Schedule S-2 is $1.8044 per MMBtu and does not include an increase or decrease from the prior period because the gas was being sold under other rate schedules on a temporary basis. The rate for Rate Schedule S-3 includes a increase in purchased gas cost of 42.41¢ per MMBtu and a negative surcharge of 54.61¢ per MMBtu. The surcharge in each Rate Schedule is designed to eliminate the balance in the deferred purchased gas cost account.

The proposed effective date for the above filings is June 1, 1986. Vitco requests a waiver of any Commission regulations or orders which would prohibit implementation by June 1, 1986.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 384.211 and 385.214). All such motions or protests should be filed on or before May 12, 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. 86-10546 Filed 5-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-71-000]

Valley Gas Transmission, Inc.; Proposed Changes in FERC Gas Tariff

May 5, 1986.

Take notice that on April 30, 1986, Valley Gas Transmission, Inc. ("Valley") tendered for filing proposed changes in its FERC Gas Tariff, Original Volume Nos. 1 and 2. The proposed changes would increase Valley's non-gas cost jurisdictional revenues by $171,729 on an annual basis. Valley has proposed that the increased rates and tariff sheets become effective June 1, 1986.

Valley states that the requested change in rates is to recover its jurisdictional cost of service for the twelve months ended December 31, 1985, as adjusted for changes through September 30, 1986. Valley notes that the principal reasons for the requested change are (1) a significant decrease in sales volumes, and (2) increased cost of capital. Valley further notes that it is submitting tariff sheets to implement its previously approved blanket transportation certificate.

Valley states that copies of this filing were served on all of the company's jurisdictional customers.

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). All such motions or protests should be filed on or before May 12, 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. 86-10597 Filed 5-9-86; 8:45 am]

BILLING CODE 6717-01-M

Oil Pipeline; Tentative Valuation

May 9, 1986.

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative valuation is under consideration for the common carrier by pipeline listed below:

1983 Annual Report

Valuation Docket No. PV-1452-000—Chase Transportation Company, P.O. Box 2256, Wichita, Kansas 67201.

On or before June 16, 1986, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 214 of the Federal Energy Regulatory Commission's "Rules of Practice and Procedure" (18 CFR 385.214), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the individual company at its address shown above and an appropriate certificate of service must be attached to the petition. Persons specifically designated in section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 86-10536 Filed 5-9-86; 8:45 am]

BILLING CODE 6717-01-M

Oil Pipeline; Tentative Valuation

May 9, 1986.

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to section 19a of the Interstate Commerce Act.

Notice is hereby given that tentative valuations are under consideration for the common carriers by pipeline listed below:

1981, 1982, 1983 Consolidated Reports

Valuation Docket No. PV-1468-000—Enterprise Petrochemical Company, P.O. Box 4324, Houston, Texas 77210.

1982 and 1983 Consolidated Report

No. PV-1469-000—Enterprise Pipeline Company, P.O. Box 4324, Houston, Texas 77210.

No. PV-1470-000—Enterprise Products Company of Mississippi, P.O. Box 4324, Houston, Texas 77210.

On or before June 16, 1986, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in these valuations may file, pursuant to rule 214 of the Federal Energy Regulatory Commission's "Rules of Practice and Procedure" (18 CFR 385.214), an original and three copies of a petition for leave to intervene in these proceedings.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the individual company at its address shown above and an appropriate certificate of service must be attached to the petition. Persons specifically designated in section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 86-10527 Filed 5-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-55-000, and -001]

Mountain Fuel Resources, Inc.; Tariff Filing

May 5, 1986.

Take notice that Mountain Fuel Resources, Inc. (MFR) on May 1, 1986, tendered for filing and acceptance Third Revised Sheet No. 12 and Fourth Revised Sheet No. 14 to its FERC Gas

Tariff, First Revised Volume No. 1, for rates applicable to service rendered under its Rate Schedule CD–1 which is subject to MFR's Purchased Gas Cost Adjustment (PGA) provision. MFR states that it has submitted Second Revised Sheet No. 61 and Third Revised Sheet No. 62 to its FERC Gas Tariff, First Revised Volume No. 1, to reflect new methodology adopted by the Commission with respect to the handling of concurrent exchange imbalances.

MFR states that Third Revised Sheet No. 12 and Fourth Revised Sheet No. 14 are filed pursuant to its PGA provisions and Part 154 of this Commission's Regulations. Third Revised Sheet No. 12 reflects a $0.21989/Dth decrease in MFR's Commodity Base Cost of Purchased Gas as Adjusted and an increase of $0.01237/Dth in its Unrecovered Purchased Gas Cost Adjustment to reflect a new decrease of $0.20752/Dth in the sale-for-resale rates charged under Rate Schedule CD–1. MFR states that there has been no change in the demand charge MFR incurs from its major pipeline suppliers. Fourth Revised Sheet No. 14 reflects $0.00 projected incremental pricing for the June 1, 1986, through November 30, 1986, PGCA period.

Further, MFR has proposed a new section 12.7 (Interim Commodity Gas Cost Adjustment) to its current PGA provision to permit adjustments to its jurisdictional rates to reflect a revised average cost of gas between its regularly schedules PGA adjustment dates. In order to effect this revision, MFR tendered for filing and acceptance First Revised Sheet No. 65 and Original Sheet Nos. 65–A and 65–B to its FERC Gas Tariff, First Revised Volume No. 1.

MFR seeks to effect changes under its out-of-cycle PGA proposal on one day's notice to the Commission, affected customers and state commissions and has asked for waiver of the Commission's 30-day notice requirements under 18 CFR 154.22. MFR states that its out-of-cycle PGA proposal will allow it to pass on known and measurable gas-cost reductions on a timely basis and would limit such changes to a rate no higher than the rate established in MFR's previously effective regular PGA filing.

MFR has requested an effective date of June 1, 1986, for all tendered tariff sheets.

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 May 12, 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.

Kennety F. Plumb,

Secretary.

[FR Doc. 86–10545 Filed 5–9–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RM85–1–000]

Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol, Transcontinental Gas Pipe Line Corp.; Order Dismissing Request for Clarification

Issued: May 5, 1986.

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

On November 27, 1985, Transcontinental Gas Pipe Line Corporation (Transco) filed a request for clarification as to whether an interstate pipeline transporting natural gas in response to an emergency under either Subpart B of Part 284 or § 157.45 of the Commission's emergency transaction regulations would become subject to the non-discriminatory access provisions of §§ 284.8(b) and 284.9(b) of Order No. 436.[1]

On March 12, 1986, the Commission issued Order No. 449 [2] to revise its regulations relating to emergency natural gas transactions. Order No. 449 clarifies when emergency transportation under either Order No. 436 or the emergency regulations, as previously in effect and as revised, will cause a transporter to become subject to the non-discriminatory access conditions of Order No. 436. Therefore, we find that Transco's request for clarification is now moot and dismiss the request. By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–10548 Filed 5–9–86; 8:45 am]

BILLING CODE 6717–01–M

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[1] 33 FERC ¶61,007 (1985), FERC Statutes and Regulations ¶30,665 (1985).

[2] 34 FERC ¶61,324 (1986).

[Docket Nos. ER86–444–000 et al.]

Electric Rate and Corporate Regulation Filings; Citizens Energy Corp. et al.

May 5, 1986.

Take notice that the following filings have been made with the Commission:

1. Citizens Energy Corporation

[Docket No. ER86–444–000]

Take notice that Citizens Energy Corporation ("Citizens") on April 28, 1986, tendered for filing the following agreements:

(1) Electric Power Purchase Agreement for Creation of Special Financial Assistance Fund between Citizens and Utah Municipal Power Agency ("UMPA"), dated as of November 21, 1985;

(2) Citizens-Los Angeles Special Assistance Energy Agreement between Citizens and Department of Water and Power of the City of Los Angeles ("Los Angeles"), dated as of March 27, 1986;

Under the Agreement with UMPA, Citizens shall purchase from UMPA electric energy associated with up to 15 MW of capacity per hour from the Bonanza Unit 1 Generating Station and other electric generating resources available to UMPA for resale at wholesale to Citizens' third party buyer. The rate for power and energy delivered under the UMPA Agreement is to be the actual incremental cost of fuel (expressed in terms of dollars per megawatt-hour) incurred by UMPA at its Bonanza Unit 1 to produce the power and energy delivered thereunder plus $4.00 per megawatt-hour, the sum of which will be increased by 3% for transmission losses from the Bonanza Unit 1 to the point of delivery to Citizens. The Agreement shall continue in effect for three years, commencing on November 21, 1985, and then for additional one year periods unless terminated by either party on at least 90 days prior written notice.

Under its Agreement with Los Angeles, Citizens will sell Los Angeles interruptible economy energy in amounts and at times to be mutually determined. The charges for economy energy transactions under this Agreement will be at a rate to be mutually agreed upon by Citizens and Los Angeles. The Los Angeles Agreement is to continue in effect until terminated by Citizens or Los Angeles on 30 days' prior written notice.

Under the two agreements, all monies in an amount equal to the difference between the amounts paid to Citizens by Los Angeles and Citizens' cost of

acquiring power and energy under its agreement with UMPA, less Citizens' expenses in the amount of $0.001 per kWh, shall be segregated, held and applied to a Special Financial Assistance Fund (the "Fund"). Monies in the Fund shall be used to make or help make payments for electric bills or deposits, if required, or residential electric customers of Los Angeles and Members of UMPA who are unable to pay, in whole or in part, their respective residential electric bills owing to Los Angeles and Members of UMPA because such residential customers either are ineligible for financial assistance under other existing energy assistance programs for the payment of such electric bills or deposits or whose available assistance for such purposes has been exhausted or is otherwise inadequate, all as further described in the agreements which are the subject of this notice.

Copies of the filing were served upon Los Angeles and UMPA.

Citizens requests a waiver of the notice requirements of 18 CFR 35.3 and to make the contracts effective as of May 15, 1986.

Comment date: May 15, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power & Light Company

[Docket No. ER86-446-000]

Take notice that Florida Power & Light Company (FPL) on April 28, 1986, tendered for filing revised Cost Support Schedules C, F and G (together with Cost Support Schedule F Supplement) that support the revised daily capacity charge for sales under Service Schedule B (Short-Term Firm Interchange Service) of FPL's Contracts for Interchange Service with Florida Power Corporation, For Piece Utilities Authority, City of Gainesville, Jacksonville Electric Authority, City of Kissimmee, City of Lakeland, Orlando Utilities Commission, City of St. Cloud, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., City of Starke, Tampa Electric Company, and City of Vero Beach; and revised Cost Support Schedules C-S, F-S, and G-S (together with Cost Support Schedule F-S Supplements) that support the revised daily capacity charge for sales under Service Schedule B-S (Short-Term Firm Interchange Service) of FPL's Supplementary Agreement Number One to the Contract for Interchange Service with Seminole Electric Cooperative, Inc. FPL states that the revised capacity charges have been calculated in accordance with the provisions of Service Schedule B and Service Schedule B-S and represent an updating of the currently effective capacity charges to reflect more current costs.

FPL requests an effective date of May 1, 1986, and therefore requests waiver of the Commission's notice requirements.

According to FPL, a copy of this filing was served upon all of the above named parties and the Florida Public Service Commission.

Comment date: May 15, 1986, in accordance with Standard Paragraph E at the end of this document.

3. Florida Power & Light Company

[Docket No. ER86-447-000]

Take notice that on April 28, 1986, Florida Power & Light Company (FPL) tendered for filing a document entitled Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and The Florida Municipal Power Agency.

FPL states that under the Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and Florida Municipal Power Agency, FPL will transmit power and energy for Florida Municipal Power Agency as is required in the implementation of its interchange agreements with Fort Pierce Utilities Authority; City of Gainesville; City of Homestead; Jacksonville Electric Authority; City of Lake Worth; Utilities Commission, City of New Smyna Beach; Orlando Utilities Commission; Seminole Electric Cooperative, Inc.; City of Starke, Tampa Electric Company and the City of Vero Beach.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Agreement be made effective May 1, 1986. FPL states that copies of the filing were served on Florida Municipal Power Agency.

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Florida Power & Light Company

[Docket No. ER86-451-000]

Take notice that Florida Power & Light Company (FPL) on April 29, 1986, tendered for filing nine (9) revised Exhibits A which provide for the contract demands for Florida Keys Electric Cooperative Association, Inc.; Fort Pierce Utilities Authority; City of Homestead; Lake Worth Utilities Authority; Utilities Commission, City of New Smyrna Beach; City of Starke; City of Vero Beach; City of Jacksonville Beach; and City of Green Cove Springs. The proposed effective date for the contract demands for Florida Keys Electric Cooperative Association, Inc.; Fort Pierce Utilities Authority; City of Homestead; Lake Worth Utilities Authority; Utilities Commission, City of New Smyrna Beach; City of Starke; and City of Vero Beach is May 29, 1986. The proposed effective date for the contract demands for the City of Jacksonville Beach, and the City of Green Cove Springs is May 1, 1986.

Comment date: May 15, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. The Montana Power Company

[Docket No. ER86-454-000]

Take notice that on April 29, 1986, The Montana Power Company (MPC) tendered for filing pursuant to Part 35 of the Federal Energy Regulatory Commission's Regulations under the Federal Power Act its proposed Rate Schedule REC-86, applicable for sales of electricity by MPC for resale to Bighorn County Electric Cooperative, Inc. (MPC Rate Schedule FERC No. 40), and Central Montana Generation and Transmission Cooperative, Inc. (MPC Rate Schedule FERC No. 39).

MPC states that Rate Schedule REC-86 will provide it with an increase in revenues from sales to these customers of $1,588,487 (12.6%) during the year ending June 30, 1987, and is intended to implement the first annual rate increase pursuant to a Settlement Agreement approved in Docket No. ER84-359-000, 31 FERC ¶61,060 (1985).

Comment date: May 15, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. Middle South Energy, Inc.

[Docket No. ER86-424-000]

Take notice that on April 25, 1986, Middle South Energy, Inc. ("MSE") tendered for filing a revised Schedule A of the Billing Format (Supplement No. 1 to MSE Rate Schedule FERC No. 2) appended to the Unit Power Sales Agreement between MSE and Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company and New Orleans Public Service Inc. (MSE Rate Schedule FERC No. 2). The revision extends until December 31, 1986 the period in which MSE may use the units-of-production depreciation method for calculation of depreciation expense of Unit 1 of its Grand Gulf Nuclear Electric Station.

MSE states that pursuant to FERC Opinion No. 234, its permission to use the units-of-production depreciation method is scheduled to expire on June 30, 1986. However, MSE expects to shut down Grand Gulf Unit 1 in September 1986 for its initial fuel re-loading and

certain maintenance work. MSE states that the revision to Schedule A of the Billing Format will permit deferral of payment by its customers for certain depreciation expense until after the refueling and maintenance outage, when the unit will be ready for operation at full capacity.

Comment date: May 15, 1986, in accordance with Standard Paragraph E at the end of this notice.

7. Southern Indiana Gas and Electric Company

[Docket No. ER86-437-000]

Take notice that Southern Indiana Gas and Electric Company (Southern Indiana) on April 29, 1986, tendered for filing, proposed changes in its FPC Electric Service Tariff by Modification No. 5 to its November 27, 1972 Interconnection Agreement with the City of Jasper, Indiana, which Modification No. 5 is proposed to take effect immediately upon acceptance by this Commission; and by Modification No. 6 to its said November 27, 1972 Interconnection Agreement with the City of Jasper, Indiana, which Modification No. 6 is proposed to take effect twelve (12) months subsequent to the effective date of Modification No. 5.

Southern Indiana indicates that the purpose of this filing is to revise Service Schedule A—Contract Power—and Schedule B—Emergency Power—and Schedule C—Maintenance Power. Under Modification No. 5 the Capacity Charge for Contract Power is proposed to be increased from $4.50 to $6.25 per Kw per month of Scheduled and Unscheduled Demand and the Capacity Charge for Emergency Service and Maintenance Power in Service Schedules B and C, is proposed to be increased from $1.05 to $1.45 per Kw per week and/or $0.24 per Kw per day for each day of less than a calendar week. Under Modification No. 6 the Capacity Charge for Contract Power is proposed to be increased from $6.25 to $8.00 per Kw per month of Scheduled and Unscheduled Demand and the Capacity Charge for Emergency Service and Maintenance Power in Service Schedules B and C, is proposed to be increased from $1.45 to $1.85 per Kw per week and/or $0.31 per Kw per day for each day of less than a calendar week. The contract term is extended to ten (10) years from the date of Modification No. 5.

The proposed revisions reflect a desire on the part of both parties to provide for present and anticipated future increases in costs and to attain the maximum benefit from the interconnection of their systems.

Southern Indiana requests waiver of the notice requirements of § 35.3 of the Commission's regulations to permit an effective date for its Modification No. 5 immediately upon filing with the Commission.

Southern Indiana states that copies of the filing were served upon City of Jasper, Indiana who has filed its separate Certificates of Concurrence to Modification No. 5 and Modification No. 6.

Comment date: May 15, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR 86-10540 Filed 5-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-54-000,001]

Louisiana-Nevada Transit Co.; Proposed Changes in FERC Gas Tariff

May 5, 1986.

Take notice that on April 30, 1986, Louisiana-Nevada Transit Company (Louisiana-Nevada) tendered for filing the following tariff sheet to its FERC Gas Tariff, First Revised Volume No. 1:

Eleventh Revised Sheet No. 4
superseding
Tenth Revised Sheet No. 4

The proposed changes reflect a purchased gas cost adjustment under Louisiana-Nevada's Rate Schedules G-1 and X-2. The changes provide for a total adjustment of 60.41 cents per MCF including a deferred gas cost adjustment of 42.60 cents per MCF, to amortize a deferred balance, and a cumulative cost of gas adjustment of 17.81 cents per MCF. An effective date of June 1, 1986 is requested.

Louisiana-Nevada states that copies of this filing were served on its jurisdictional customers and the Arkansas and Louisiana Public Service Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 12, 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. 86-10554 Filed 5-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER86-461-000 et al.]

Arizona Public Service Co. et al.; Electric Rate and Corporate Regulation Filings

May 6, 1986.

Take notice that the following filings have been made with the Commission:

1. Arizona Public Service Company

[Docket No. ER86-461-000]

Take notice that Arizona Public Service Company (APS) on May 1, 1986, tendered for filing the Power Coordination Agreement between Arizona Public Service Company (APS) and San Diego Electric and Gas Compnay (SDG&E), executed December 23, 1985.

The Agreement provides for Economy Energy transactions, Emergency Assistance Service, and Short Term Firm Capacity Service.

It is requested that this Agreement become effective 60 days from the date fof filing with FERC.

Copies of this filing are being served upon SDG&E and the Arizona Corporation Commission.

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power & Light Company

[Docket No. ER86-460-000]

Take notice that on May 1, 1986, Flordia Power & Light Company (FPL),

tendered for filing a document entitled Amendment Number Eleven to Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and Lake Worth Utilities Authority (Lake Worth) (Rate Schedule FERC No. 56).

FPL states that under Amendment Number Eleven, FPL will transmit power and energy for Lake Worth as is required in the implementation of its interchange agreements with Tampa Electric Company.

FPL request that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Amendment be made effective immediately. FPL states that copies of the filing were served on Lake Worth.

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this document.

3. Central Power and Light Company, Public Service Company of Oklahoma, Southwestern Electric Power Company; West Texas Utilities Company

[Docket No. EL79–8–002]

Take notice that on May 1, 1986, Central Power and Light Company ("CPL"), Public Service Company of Oklahoma ("PSO"), Southwestern Electric Power Company ("SWEPCO") and West Texas Utilities Company ("WTU") (collectively, the "CSW Operating Companies") and Houston Lighting & Power Company ("HL&P") petitioned the Commission to modify its earlier orders accepting the offer of settlement filed in this proceeding. In its earlier orders approving the offer of settlement, the Commission, *inter alia*, ordered the CSW Operating Companies and HLP to construct an asynchronous direct current interconnection between Walker County, Texas and the South Texas Nuclear Project (the "South Interconnection"). Petitioners ask the Commission to modify its earlier orders to (a) require establishment of an asynchronous direct current interconnection (the "East Interconnection") between SWEPCO's Welch generating station and Texas Utilities Electric Company's ("TUEC") Monticello generating station, both in Titus County, Texas, and the immediate undertaking of actions required therefor, (b) require the CSW Operating Companies, HL&P and TUEC to interconnect their facilities with each other at the East Interconnection, (c) require such ownership of the East Interconnection by the CSW Operating Companies, HL&P and others, and such wheeling, coordination, commingling, sale and exchange of electric power to, from and over the East Interconnection and within the State of Texas as may facilitate its use, and (d) relieve the CSW Operating Companies and HL&P from their obligation to construct and operate the South Interconnection upon construction of the East Interconnection. The filing Companies expressely reserve the right to withdraw their petition in the event that opposition arises which is not resolved.

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Duke Power Company

[Docket No. ER86–458–000]

Take notice that Duke Power Company (Duke) on May 1, 1986 tendered for filing a revision in Service Schedule C *Sales of Power and Energy* to its Interconnection Agreement dated October 17, 1983 with Yadkin, Inc., which Agreement was accepted for filing by the Commission on February 24, 1984. Service Schedule C provides for interruptible rates with no demand charge for off-peak sales. Based on the 12-month period ending March 31, 1986, Duke estimates that the proposed change in rates will increase annual revenues to Duke from Yadkin by approximately $170,979.

Duke requests an effective date of July 1, 1986.

Copies of this filing were served on the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power Corporation

[Docket No. ER 86–459–000]

Take notice that on May 1, 1986, Florida Power Corporation (Florida Power) tendered for filing a revised agreement with Seminole Electric Cooperative, Inc. providing for supplemental resale service, transmission/distribution service and load following service. The revisions (1) eliminate a surcharge for spent nuclear fuel disposal costs, (2) reduce a billing lag prepayment, (3) identify current delivery points, and (4) designate the pages of the contract with sheet numbers. The revised agreement is submitted for filing as a separate rate schedule which cancels and supersedes Florida Power's Rate Schedule FERC No. 99.

Florida Power requests that the revised agreement be made effective as a rate schedule on May 1, 1986, and therefore, requests waiver of the sixty day notice requirement. Copies of the filing have been served on Seminole Electric Cooperative, Inc. and the Florida Public Service Commission.

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of third notice.

6. Pacific Gas Electric Company

[Docket No. ER86–456–000]

Take notice that on May 1, 1986, Pacific Gas and Electric Company (PGandE) tendered for filing changes to the rate schedules under the "Interconnection Agreement between Pacific Gas and Electric Company and the City of Santa Clara" (Interconnection Agreement).

The Interconnection Agreement provides the City of Santa Clara (Santa Clara) with, among other services, firm transmission service between Points of receipt and Points of Delivery. Santa Clara wishes to include additional Points of Receipt at the NCPA tap line from the NCPA geothermal projects and at PGandE's Lakeville Substation. The new Points of Receipt will allow Santa Clara to take delivery of power and energy from the NCPA #2 and #3 geothermal projects. Since NCPA #3 began operation on November 20, 1985, PGandE has requested a waiver of the Commission's notice requirements to permit the new Points of Receipt to be effective on November 20, 1985.

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this notice.

7. Public Service Company of New Mexico

[Docket No. ER86–438–000]

Take notice that on April 28, 1986, Public Service Company New Mexico (PNM) tendered for filing Notice of Termination of the Precommercial Energy Sale and Purchase letter Agreement between Southern California Edison Company and PNM. PNM is seeking to terminate this Agreement, which expires on its own terms on the date Palo Verde Nuclear Generating Station (PVNGS) Unit 1 of declared in firm operation by the Engineering and Operating Committee of the Arizona Nuclear Power Project declared PVNGS Unit 1 in firm operation on January 27, 1986.

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this notice.

8. Public Service Company of New Mexico

[Docket No. ER86–439–000]

Take notice that on April 28, 1986, San Diego Gas and Electric tendered for filing a notice of Termination of the

Precommercial Energy Sale and Purchase the letter Agreement Between San Diego Gas and Electric Company and Public Service Company of New Mexico (PNM)—FERC Rate Schedule No. 64. PNM said that it seeks to terminate this agreement, which expires on its own terms on the date Palo Verde Nuclear Generation Station Unit 1 is declared in firm operation by the Engineering and Operating Committee of the Arizona Nuclear Power Project. The Engineering and Operating Committee of the Arizona Nuclear Power Project declared PVNGS Unit 1 in firm operation of January 27, 1986.

Comment date: May 19, 1986, in accordance with standard Paragraph E at the end of this notice.

9. Sierra Pacific Power Company

[Docket No. ER86-397-000]

Take notice that on April 28, 1986, Sierra Pacific Power Company (Sierra) tendered for filing a notice of Cancellation effective December 18, 1985. This results from the fourth addendum to the agreement between Mt. Wheeler Power, Inc. (Mt. Wheeler) and Sierra Pacific Power Company (Sierra) dated February 24, 1971 (copy enclosed). The addendum terminates the obligations of Mt. Wheeler to buy and of Sierra to sell power and energy sufficient to meet "all of the electric power requirements of Mt. Wheeler".

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this notice.

10. Southern California Edison

[Docket No. ER86-332-000]

Take notice that on May 1, 1986 Southern California Edison Company tendered for filing additional support data for the rates contained in its March 3, 1986 filing in the above-referenced docket number. This filing contains a breakdown of all components used in developing the levelized fixed charges for each facility.

The listing below indicates the appropriate City, FERC No. and exhibit which additional support data is being provided:

Contract Rate TN	Rate Schedule FERC No. FPC Electric Tariff Original Volume No. 1
City of Riverside	165
City of Anaheim	164

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this notice.

11. Southern California Edison

[Docket No. ER86-334-000]

Take notice that on May 1, 1986, Southern California Edison Company tendered for filing additional support data for the rates contained in its March 3, 1986 filing in the above-referenced docket number. This filing contains a breakdown of all components used in developing the levelized fixed charges for each facility.

The listing below indicates the appropriate City, FERC No. and exhibit which additional support data is being provided:

	Rate Schedule FERC No.	Exhibit
City of Anahaim	130	1
City of Riverside	129	2
City of Vernon	149,172	3
City of Azusa	160	4
City of Banning	159	5
City of Colton	162	6

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this notice.

12. Southern Indiana Gas and Electric Company

[Docket No. ER86-457-000]

Take notice that Southern Indiana Gas and Electric Company ("the Company") on May 1, 1986, tendered for filing proposed changes in its wholesale power service Rate RS which is the basis for FERC Rate Schedule Nos. 34, 35, 36, and 37 under which it sells power for resale to its four wholesale customers. The proposed changes would increase base rate revenues from jurisdictional sales and service by $981,842 based upon the twelve-month period ending June 30, 1985. The increase is requested to become effective on August 1, 1986. The affected customers are the City of Boonville, City of Tell City, City of Huntingburg, and the Town of Ferdinand, Indiana.

Copies of the filing have been served upon the affected wholesale customers named above, and upon the Public Service Commission of Indiana.

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this document.

13. Tampa Electric Company

[Docket No. ER86-243-001]

Take notice that on January 13, 1986, Tampa Electric Company (Tampa Electric) tendered for filing an Agreement to Provide Qualifying Facility Transmission Service between Tampa Electric and Royster Company. The agreement provides for the transmission of power by Tampa Electric from a cogeneration facility owned by Royster to Florida Power & Light Company. On April 30, 1986, Tampa Electric submitted supplemental information with respect to the agreement.

Tampa Electric proposes an effective date of January 1, 1986, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing, as amended, have been served on Royster and the Florida Public Service Commission.

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this notice.

14. Tampa Electric Company

[Docket No. ER86-462-000]

Take notice that on May 1, 1986, Tampa Electric Company (Tampa Electric) tendered for filing cost support schedules showing changes in the Committee Capacity and Short-Term Power Transmission Service rates under Tampa Electric's agreement to provide qualifying facility transmission service for Royster Company (Royster). Tampa Electric states that the revised transmission service rates are based on 1985 Form No. 1 data, and are developed by the same method that was utilized in the cost support schedules accompanying the initial filing of the transmission service agreement.

Tampa Electric proposes that the revised transmission service rates be made effective as of May 1, 1986, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon Royster and the Florida Public Service Commission.

Comment date: May 19, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies

of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-10609 Filed 5-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RI 82-6-000]

ARCO Oil & Gas Co.; Petition for Waiver of Notice Requirements

Issued: May 7, 1986.

On January 21, 1982 ARCO Oil and Gas Company (ARCO) filed with the Commission under § 154.98 [1] of the Commission's regulations a Petition for Waiver of Notice Requirements under section 4(d) of the Natural Gas Act [2] and § 154.94 of the Commission's regulations,[3] and also included four Independent Rate Change filings under § 154.94 of the Commission's regulations.

The petition alleged that ARCO was entitled to charge Northern Natural Gas Company, division of HNG/InterNorth, Inc. (Northern) on a retroactive basis the rates set out in the filings pursuant to a favored nations clause included in an April 26, 1955 gas purchase contract entered into between Houston Oil Company of Texas, predecessor in interest to ARCO, as Seller, and Permian Basin Pipeline Company, predecessor in interest to Northern, as Purchaser. ARCO alleges that on September 16, 1973, Northern began paying a higher price to another producer which under the 1955 contract entitled ARCO to receive that higher price, but that ARCO was precluded from filing for the higher rate because Northern failed to notify it that Northern was paying the higher price. ARCO asserts that it is not petitioning the Commission to establish a retroactive rate but merely to waive the notice requirements to allow collection of the pre-existing rate provided in the contract, a rate not exceeding the area rate prescribed as just and reasonable by Commission Opinion No. 662.[4]

When ARCO filed the petition, ARCO stated that it and Northern were also engaged in court litigation over the same issue and that ARCO was preserving its legal position before all jurisdictional bodies. On January 20, 1983, Northern filed a Motion to Intervene in this proceeding.

On March 24, 1986, ARCO advised that the court litigation had been concluded but that the issue involved in the petition had not been resolved, and that settlement between the parties was not likely. It requested that the Commission proceed with the petition, and that the matter be set for hearing pursuant to Commission Rule 502.[5]

Any person desiring to be heard or to protest ARCO's filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure.[6] All such motions or protests should be filed on or before May 28, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-10612 Filed 5-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-179-001]

Consolidated Gas Transmission Corp.; Semi-Annual Report of Consolidated Gas Transmission Corporation; Direct Billings and Payments of Production-Related Cost Allowances

May 6, 1986.

Take notice that on April 18, 1986, Consolidated Gas Transmission Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No RP85-179-001 a semi-annual report describing its payments of retroactive production-related cost allowances and the direct billings of these amounts to its customers.

This report is being filed in compliance with the order issued September 30, 1985 in Docket No. RP85-179-000, in which Consolidated was authorized to bill customers directly for retroactive production-related cost allowances it has paid to its natural gas suppliers. Consolidated's report consists of two schedules. Consolidated states that the first schedule details its payments of retroactive production-related cost allowances that were paid to its natural gas suppliers. Consolidated states that none of these amounts were in dispute and that workpapers describing the basis for charges paid to producers were previously filed with the Commission in Docket Nos. TA85-2-22-002 and TA84-2-22-008. Consolidated further states that its second schedule summarizes the direct billings made by Consolidated to its jurisdictional customers each month from October 1985 through March, 1986

Consolidated states that it has served a copy of the report on its customers, and other interested parties.

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 May 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. 86-10613 Filed 5-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-59-000, 000]

Northern Natural Gas Co.; Alaskan Gas Transportation System (ANGTS) Semi-Annual Rate Adjustment

May 6, 1986.

Take notice that on April 25, 1986, Northern Natural Gas Company (Northern) tendered for filing with the Federal Energy Regulatory Commission (Commission) its regularly scheduled semi-annual ANGTS rate adjustment to be effective June 27, 1986 pursuant to Northern's F.E.R.C. Gas Tariff.

Since preparation of the last ANGTS transportation rate adjustment, Northern Border Pipeline's estimated transportation costs for 1986 have changed by such an insignificant amount that the impact of Northern's rates would be less than one mill per MCF. Therefore, Northern is not required to change its rates pursuant to Paragraph 21.4 of Northern's F.E.R.C. Gas Tariff, Third Revised Volume No. 1 and Paragraph 4.4 of Northern's F.E.R.C. Gas Tariff, Original Volume No. 2. Accordingly, Northern is proposing to continue to bill and collect, effective June 27, 1986, the currently effective

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[1] 18 CFR 154.98 (1985).

[2] 15 U.S.C. 717(d) (1982).

[3] 18 CFR 154.94 (1985).

[4] 50 FPC 390 (1973).

[5] 18 CFR 385.502 (1985).

[6] 18 CFR 385.214 and 385.211 (1985).

ANGTS rate component as authorized by the Commission in Docket No. TA86–1–59.

The Company states that copies of the filing have been mailed to each of its Gas Utility customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 19, 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. 86–10614 Filed 5–9–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP74–85–010 et al.]

Western Gas Interstate Co. et al.; Filing of Pipeline Refund Reports and Refund Plans May 7, 1986.

May 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, D.C. 20426, on or before May 23, 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
8/16/85	Western Gas Interstate Co	RP74–85–010	Report.
3/25/86	Sea Robin Pipeline Co	RP85–89–003	Btu Refunds.[1]
4/25/86	Southern Natural Gas Co	RP85–153–004	Btu Refunds.[1]
4/25/86	Western Gas Interstate Co	RP74–85–011	Report

[1] Refunds resulting from Btu Measurement Adjustments. Each company will retain its basic docket number and future related filings will receive new sub-docket numbers.

[FR. 86–10615 Filed 5–9–86; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–53079; FRL–3002–1]

Premanufacture Notices; Monthly Status Report for October 1985

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for October 1985.

Nonconfidential portions of the PMNs may be seen in Rm. E-107 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS–53079]" and the specific PMN number should be sent to: Document Control Officer (TS–790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E–201, 401 M Street, SW., Washington, DC 20460, (202) 382–3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–613, 401 M Street, SW., Washington, DC 20460, (202) 382–3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during October; (b) PMNs received previously and still under review at the end of October (c) PMNs for which the notice reveiw period has ended during October; (d) chemical substances for which EPA has received a notice of commencement to manufacture during October and (e) PMNs for which the reivew period has been suspended. Therefore, the October 1985 PMN Status Report is being published.

Dated: April 4, 1986.

Denise Devoe,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report, October 1985

I. 136 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH

PMN No.	Identity/Generic name	FR citation	Expiration date
P 86–1	Generic name: Polyester of unsaturated dicarboxylic acid, diglycol, bisbenzoic acid	50 FR 41580 (41581) (10–11–85)	Dec. 29, 1985.
P 86–2	Generic name: Perfluoroalkyl methacrylate copolymer latex	50 FR 41580 (41581) (10–11–85)	Do.
P 86–3	Generic name: Perfluoroalkyl alkyl acrylate copolymer later	50 FR 41580 (41581) (10–11–85)	Do.
P 86–4	Generic name: N–PMI styrenic terpolymer	50 FR 41580 (41581) (10–11–85)	Do.
P 86–5	Polymer of terephthalic acid, isophthalic acid, adipic acid, trimellitic anhydride, 2,2-dimethyl-1,3-propanediol, ethylene glycol and hexanediol.	50 FR 41580 (41581) (10–11–85)	Do.
P 86–6	Polymer of terephthalic acid, isophthalic acid, adipic acid, trimellitic anhydride, 2,2-dimethyl-1,3-propanediol and ethylene glycol.	50 FR 41580 (41581) (10–11–85)	Do.
P 86–7	Polymer of terephthalic acid, isophthalic acid, adipic acid, trimellitic anhydride, 2,2-dimethyl-1,3-propanediol and ethylene glycol and trimethylolpropane.	50 FR 41580 (41581) (10–11–85)	Do.
P 86–8	Polymer of terephthalic acid, isophthalic acid, adipic acid, 2,2-dimethyl-1,3-propanediol, ethylene glycol and trimethylol-propane.	50 FR 41580 (41581) (10–11–85)	Do.
P 86–9	Copper complex of 1-hydroxy-2-(4'-ethylsulfonyl sulfuric acid ester, potassium salt phenylazo)naphthalene-4-sulfonic acid potassium salt.	50 FR 41580 (41582) (10–11–85)	Do.
P 86–10	[(4'-ethylsulfonyl sulfuric acid ester, sodium salt phenyl sulfonamide) 1,4-(sulfonic acid, sodium salt) 1,6-sulfonamide] of copper phthalocyanine.	50 FR 41580 (41582) (10–11–85)	Do.

I. 136 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No.	Identity/Generic name	FR citation	Expiration date
P 86-11	Generic name: Reaction product of bismaleimide with amino aryl hydrazide	50 FR 41580 (41582) (10-11-85)	Dec. 30, 1985.
P 86-12	Generic name: Reaction product of bismaleimide with amino aryl hydrazide	50 FR 41580 (41582) (10-11-85)	Do.
P 86-13	Generic name: Polyarylether ketone	50 FR 41580 (41582) (10-11-85)	Do.
P 86-14	Generic name: Polyarylether ketone	50 FR 41580 (41582) (10-11-85)	Do.
P 86-15	Generic name: (Dialkylcarbomonocyclic) aminophenol	50 FR 41580 (41582) (10-11-85)	Dec. 31, 1985.
P 86-16	Generic name: [(Dialkylcarbomonocyclic) amino]xanthylium salt	50 FR 41580 (41582) (10-11-85)	Do.
P 86-17	Generic name: [(Dialkylcarbomonocyclic) amino]xanthylium salt, methylheteromonocyclic phenyl-heteromonocyclic, formal polymer.	50 FR 41580 (41582) (10-11-85)	Do.
P 86-18	Generic name: [(Dialkylcarbomonocyclic) amino]xanthylium salt, methylheteromonocyclic formal polymer, alkanoic-sulfamic acid salt.	50 FR 41580 (41582) (10-11-85)	Do.
P 86-19	Generic name: Unsaturated polyester polymer	50 FR 41580 (41582) (10-11-85)	Do.
P 86-20	Generic name: Magnesium borate	50 FR 42773 (10-22-85)	Jan. 1, 1986.
P 86-23	1,2-Dichloroethanol, acetate	50 FR 42773 (10-22-85)	Do.
P 86-24	Generic name: Triazinyl piperidine derivative	50 FR 42773 (10-22-85)	Do.
P 86-25	Generic name: Polyetheramide	50 FR 42773 (10-22-85)	Do.
P 86-26	Generic name: Aromatic quaternary ammonium salts of phosphoric acid esters	50 FR 42773 (10-22-85)	Jan. 4, 1986.
P 86-27	Generic name: Polymeric diphenylmethane diisocyanate prepolymer	50 FR 42773 (10-22-85)	Do.
P 86-28	Generic name: Aliphatic, aromatic copolyester	50 FR 42773 (42774) (10-22-85)	Do.
P 86-29	Generic name: Methyl methacrylate, styrene, ethyl acrylate, polyfunctional monomer polymer	50 FR 42773 (42774) (10-22-85)	Do.
P 86-30	Generic name: Unsaturated polyester	50 FR 42773 (42774) (10-22-85)	Do.
P 86-31	Generic name: Polymethylene polyphenylisocyanate prepolymer	50 FR 42773 (42774) (10-22-85)	Jan. 5, 1986.
P 86-32	Generic name: Triarylphosphite	50 FR 42773 (42774) (10-22-85)	Do.
P 86-33	Generic name: Polyester resin	50 FR 42773 (42774) (10-22-85)	Do.
P 86-34	Generic name: Phosphonate silylated silicate	50 FR 42773 (42774) (10-22-85)	Do.
P 86-35	Generic name: Phosphonate silylated silicate	50 FR 42773 (42774) (10-22-85)	Do.
P 86-36	Generic name: Substituted epoxy resin	50 FR 42773 (42774) (10-22-85)	Do.
P 86-37	Cobalt-aluminum organometallic compound	50 FR 42773 (42774) (10-22-85)	Jan. 6, 1986.
P 86-38	Generic name: Organosilazane	50 FR 42773 (42774) (10-22-85)	Do.
P 86-39	Generic name: Organosilazane	50 FR 42773 (42774) (10-22-85)	Do.
P 86-40	Generic name: Formaldehyde, reaction products with aliphatic carboxylic acid, aromatic amines oxygen	50 FR 42773 (42774) (10-22-85)	Do.
P 86-41	Generic name: Polyalkylene oxide, aliphatic diisocyanate prepolymer	50 FR 42773 (42774) (10-22-85)	Jan. 7, 1986.
P 86-42	Generic name: Acrylic polymer	50 FR 43456 (43457) (10-25-85)	Jan. 9, 1986.
P 86-43	Generic name: Rubber modified epoxy	50 FR 43456 (43457) (10-25-85)	Do.
P 86-44	Generic name: Polyester urethane polymer	50 FR 43456 (43457) (10-25-85)	Do.
P 86-45	Generic name: Adipic acid, polymer with disubstituted alkanol	50 FR 43456 (43457) (10-25-85)	Do.
P 86-46	Generic name: C_{14}-C_{20} alkyl ammonium sulfate quaternary	50 FR 43456 (43457) (10-25-85)	Do.
P 86-47	Generic name: Imide amide resin	50 FR 43456 (43457) (10-25-85)	Do.
P 86-48	Generic name: Imide amide resin	50 FR 43456 (43457) (10-25-85)	Do.
P 86-49	Carboxymethylammonium 4-methylbenzenesulfonate	50 FR 43456 (43457) (10-25-85)	Jan. 12, 1986.
P 86-50	3-Carboxypyridinium-4-methylbenzenesulfonate	50 FR 43456 (43457) (10-25-85)	Do.
P 86-51	Generic name: Blocked isocyanate homopolymer	50 FR 43456 (43457) (10-25-85)	Do.
P 86-52	Generic name: Epoxy amine resin	50 FR 43456 (43457) (10-25-85)	Do.
P 86-53	Polymer of poly(oxy-1,4-butanediyl), alpha-hydro-omega-hydroxy-,1,3-benzene-dicarboxylic acid, polymer with 1,6-hexanediol and nonanedioic acid, carbon black MTFF, 1,1'-biphenyl, 4,4'-diisocyanato-3,3'-dimethyl-, Phenol, 4,4'-(methanetetryldinitrilo)bis(3,5-bis(1-methylethyl))-, 1,4-butanediol, Ethanol, 2,2'-(1,4-phenylenebis(oxy)) bis-1,4-diazabicyclo[2.2.2]octane.	50 FR 43456 (43458) (10-25-85)	Do.
P 86-54	Generic name: Heterocyclic amine salt of an alkyldithiocarbamate	50 FR 43456 (43458) (10-25-85)	Do.
P 86-55	Generic name: Perfluoroalkyl polyether	50 FR 43456 (43458) (10-25-85)	Do.
P 86-56	Generic name: Hydrocarbon resin, hydrogenated	50 FR 43456 (43458) (10-25-85)	Do.
P 86-57	Generic name: Hydrocarbon resin, hydrogenated	50 FR 43456 (43458) (10-25-85)	Do.
P 86-58	Generic name: Melamine formaldehyde, alkylated resin	50 FR 43456 (43458) (10-25-85)	Do.
P 86-59	Generic name: Alkyd resin	50 FR 43456 (43458) (10-25-85)	Do.
P 86-60	Generic name: Mixed ferric salt	50 FR 43456 (43458) (10-25-85)	Jan. 13, 1986.
P 86-61	Generic name: Hydrocarbon resin	50 FR 43456 (43458) (10-25-85)	Do.
P 86-62	Generic name: Polyester urethane polymer	50 FR 43456 (43458) (10-25-85)	Do.
P 86-63	Generic name: Polyester polyurethane polymer	50 FR 43456 (43458) (10-25-85)	Do.
P 86-64	Generic name: Polyester resin	50 FR 43456 (43458) (10-25-85)	Do.
P 86-65	4-methyl-2-phenyl-1*H*-imidazole-5-methanol	50 FR 43456 (43458) (10-25-85)	Do.
P 86-66	Generic name: Substituted triazine isocyanurate	50 FR 43456 (43458) (10-25-85)	Do.
P 86-67	2-Methyl-1*H*-imidazole, adduct with 1,3,5-triazine-2,4,6-(1*H*,3*H*,5*H*)-trione hydrate	50 FR 43456 (43459) (10-25-85)	Do.
P 86-68	2-Phenyl-1*H*-imidazole, adduct with 1,3,5-triazine-2,4,6-(1*H*,3*H*,5*H*) trione	50 FR 43456 (43459) (10-25-86)	Do.
P 86-69	2,4-Diamino-6-[2-ethyl-4-methyl-1*H*-imidazol-1-yl)ethyl]-1,3,5-triazine	50 FR 43456 (43459) (10-25-86)	Do.
P 86-70	Generic name: Phenolic acrylic	50 FR 43456 (43459) (10-25-86)	Jan. 14, 1986.
P 86-71	Generic name: Etherified phenolformaldehyde resole	50 FR 46501 (11-8-86)	Jan. 15, 1986.
P 86-72	Generic name: Etherified phenolformaldehyde resole	50 FR 46501 (11-8-86)	Do.
P 86-73	Methyl glucoside, C_{12+} fatty esters	50 FR 46501 (11-8-86)	Do.
P 86-74	Generic name: Urea compound	50 FR 46501 (11-8-86)	Do.
P 86-75	Generic Name: Cationic polymer	50 FR 46501 (11-8-86)	Jan. 18, 1986.
P 86-76	Generic name: Poly(alkylmethacrylate-*N,N*-dialkylaminoalkyl-methacrylamide)	50 FR 46501 (46502) (11-8-86)	Do.
P 86-77	Generic Name: C_{9-11} linear primary alcohol ethoxysulfate, ammonium salt	50 FR 46501 (46502) (11-8-86)	Do.
P 86-78	Nonyltoluene(methylnonylbenzene)	50 FR 46501 (46502) (11-8-86)	Do.
P 86-79	Generic name: Silane, organo-,reaction product with silica	50 FR 46501 (46502) (11-8-85)	Do.
P 86-80	Generic name: Polyester resin	50 FR 46501 (46502) (11-8-85)	Jan. 19, 1986.
P 86-81	Generic name: Disubstituted sulfoamoyl-carbomonocycle azo substituted naphthalene-sulfonic acid, substituted alkylamine salt.	50 FR 46501 (46502) (11-8-85)	Do.
P 86-82	Generic name: Disubstituted sulfoamoyl-carbomonocycle azo substituted naphthalene-sulfonic acid salt	50 FR 46501 (46502) (11-8-85)	Do.
P 86-83	3-chloro-2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)benzenamine	50 FR 46501 (46502) (11-8-85)	Do.
P 86-84	Generic name: Quaternary ammonium salt	50 FR 46501 (46502) (11-8-85)	Jan. 20, 1986.
P 86-85	Polymer of 3,3,3-trifluoro-2-trifluoromethyl-1-propene, hexafluoroisobutylene (HFB), 1,1-difluoroisoethylene, and vinylidene fluoride (VF_2).	50 FR 46501 (46502) (11-8-85)	Do.
P 86-86	[29H,31H-phthalocyaninetetrasulfonyltetrachloridate(2)-N29, N30,N31,N32]-copper	50 FR 46501 (46502) (11-8-85)	Jan. 21, 1986.
P 86-87	Generic name: Arylalkyl substituted phosphonium salt	50 FR 46501 (46502) (11-8-85)	Do.
P 86-88	Phosphonium, butyltriphenyl-, bromide	50 FR 46501 (46503) (11-8-85)	Do.
P 86-89	Amidoamine epoxy resin adduct	50 FR 46508 (11-8-85)	Jan. 22, 1986.
P 86-90	Generic name: Poly(vinyl ester co-unsaturated dicarboxylic acid ester co-olefin)	50 FR 46508 (11-8-85)	Jan. 21, 1986.
P 86-91	Generic name: Phenolic acrylic	50 FR 46508 (11-8-85)	Jan. 22, 1986.
P 86-92	Generic name: Modified acrylate polymer	50 FR 46508 (11-8-85)	Do.
P 86-93	Generic name: Polyamide resin	50 FR 46508 (11-8-85)	Jan. 25, 1986.
P 86-94	Generic name: Polyamide resin	50 FR 46508 (11-8-85)	Do.
P 86-95	Generic name: Polyamide resin	50 FR 46508 (11-8-85)	Do.
P 86-96	Generic name: Polyamide resin	50 FR 46508 (11-8-85)	Do.
P 86-97	Generic name: Polyamide resin	50 FR 46508 (46509) (11-8-85)	Do.

I. 136 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No.	Identity/Generic name	FR citation	Expiration date
P 86-98	Generic name: Polyamide resin	50 FR 46508 (46509) (11-8-86)	Do.
P 86-99	Generic name: Polyamide resin	50 FR 46508 (46509) (11-8-86)	Do.
P 86-100	Generic name: Polyamide resin	50 FR 46508 (46509) (11-8-86)	Do.
P 86-101	Generic name: Polyamide resin	50 FR 46508 (46509) (11-8-86)	Do.
P 86-102	Generic name: Polyester of aromatic dibasic acids	50 FR 46508 (46509) (11-8-86)	Do.
P 86-103	Generic name: Polyester of aliphatic polyols and aliphatic polyols and aliphatic and aromatic dibasic and monobasic acids.	50 FR 46508 (46509) (11-8-86)	Do.
P 86-104	1-[3'-Chloro-5'-(P-ethylsulfonyl sulfuric ester, sodium salt-phenylamino)-S-triazinylamino]-5-[2"-naphthylazo-1", 5"-disulfonic acid-disodium salt]-6-hydroxy-4-naphthalenesulfonic acid sodium salt.	50 FR 46508 (46509) (11-8-86)	Jan. 26, 1986.
P 86-105	Generic name: Dimer acids, dicarboxylic acid, ethylenediamine, diaminepolyamide resin	50 FR 46508 (46509) (11-8-86)	Do.
P 86-106	Generic name: Aliphatic dibasic acid polymer with aliphatic diols and aliphatic alcohols	50 FR 46508 (46509) (11-8-86)	Do.
P 86-107	Generic name: Alkylaminoaryl ketone	50 FR 46508 (46509) (11-8-86)	Do.
P 86-108	Generic name: Substituted benzothiazole	50 FR 46508 (46509) (11-8-86)	Do.
P 86-109	Generic name: Mixed alkyl phosphonates	50 FR 46508 (46509) (11-8-86)	Do.
P 86-110	Generic name: Alkylamino chalcone	50 FR 46508 (46509) (11-8-86)	Do.
P 86-111	Generic name: Siloxane resin	50 FR 46508 (46509) (11-8-86)	Jan. 28, 1986.
P 86-112	Generic name: Arylalkenylaryl nitrile	50 FR 46508 (46509) (11-8-86)	Do.
P 86-113	Generic name: Polymer of alkyl alcohol, alkyl diol; monocyclic dicarboxylic acid; dimethyl ester; and cyclic ether	50 FR 46508 (46509) (11-8-86)	Do.
Y 86-1	Generic name: Polymer partial ester	50 FR 41583 (41584) (10-11-85)	Oct. 22, 1985.
Y 86-2	Generic name: Polymer partial ester	50 FR 41583 (41584) (10-11-85)	Do.
Y 86-3	Generic name: Epoxy ester	50 FR 41583 (41584) (10-11-85)	Do.
Y 86-4	Generic name: Neutralized reaction product of alkylphenoxypolyethylene oxide and alkenylacetate, alkyl acrylate and unsaturated anhydride terpolymer.	50 FR 41583 (41584) (10-11-85)	Oct. 23, 1985.
Y 86-5	Generic name: Silicone modified alkyd polymer	50 FR 42775 (10-22-85)	Oct. 29, 1985.
Y 86-6	Generic name: Starch grafted sodium polyacrylate	50 FR 42775 (10-22-85)	Oct. 30, 1956.
Y 86-7	Generic name: Phenolic modified rosin ester	50 FR 43459 (10-25-85)	Oct. 31, 1986.
Y 86-8	Generic name: Poly(ether amide)	50 FR 43459 (10-25-85)	Nov. 6, 1985.
Y 86-9	Generic name: Poly(ether ester amide)	50 FR 43459 (10-25-85)	Do.
Y 86-10	Generic name: Poly(ether silicone amide)	50 FR 43459 (10-25-85)	Do.
Y 86-11	Generic name: 2-Butenedioic acid, fatty acid	50 FR 46503 (11-8-85)	Nov. 10, 1985.
Y 86-12	Generic name: Acrylonitrile-acrylic styrene polymer B	50 FR 46503 (11-8-85)	Do.
Y 86-13	Generic name: Acrylonitrile-acrylic styrene polymer A	50 FR 46503 (11-8-85)	Do.
Y 86-14	Generic name: Acrylonitrile-acrylic styrene polymer C	50 FR 46503 (11-8-85)	Do.
Y 86-15	Generic name: Polyethene wax, ester	50 FR 46503 (11-8-85)	Nov. 11, 1985.
Y 86-16	Generic name: Polyethene wax, ester	50 FR 46503 (11-8-85)	Do.
Y 86-17	Generic name: Blocked polyurethane polyether	50 FR 46503 (11-8-85)	Nov. 12, 1985.
Y 86-18	Generic name: Polyester	50 FR 46503 (11-8-85)	Do.
Y 86-19	Generic name: Silicone modified alkyd	50 FR 46512 (11-8-85)	Nov. 19, 1985.
Y 86-20	Generic name: Ethylene oxide-propylene copolymer triol ether	50 FR 46512 (46513) (11-8-85)	Nov. 20, 1985.
Y 86-21	Generic name: Propylene oxide-propylene copolymer triol ether	50 FR 46512 (46513) (11-8-85)	Do.
Y 86-22	Generic name: Polyethylene-propylene glycol	50 FR 46512 (46513) (11-8-85)	Do.
Y 86-23	Generic name: Polypropylene glycol with pentaerythritol	50 FR 46512 (46513) (11-8-85)	Do.
Y 86-24	Generic name: Polypropylene oxide triol ether	50 FR 46512 (46513) (11-8-85)	Do.
Y 86-25	Generic name: Amine containing polyether polyol	50 FR 46512 (46513) (11-8-85)	Do.

II. 112 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH

PMN No.

P 85-1413
P 85-1414
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P 85-1523
P 85-1524

III. 193 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAS BEEN ADDED TO THE INVENTORY.)

PMN No.

P 83-634
P 83-1018
P 84-485
P 84-737
P 84-738
P 84-1128
P 84-1144
P 84-1228
P 84-1229
P 85-198
P 85-458
P 85-612
P 85-648
P 85-660
P 85-680
P 85-693
P 85-703
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IV. 86 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/Generic name	Date of commencement
P 80–286	N(4-Disazo phenyl) morpholine hexafluorophosphate	Oct. 17, 1981.
P 83–279	A polymer of ethene with oleate and vinyl chloride	Nov. 10, 1983.
P 83–445	Generic name: Modified sodium polyacrylate	Oct. 29, 1985.
P 83–1006	2,7-Naphthalenedisulfonic acid, 4-amino-6-[[5-[(5-chloro-2-fluoro-6-methyl-4-pyrimidinyl)amino]-2-sulfophenyl]azo]-3-[(2,5-disulfophenyl)azo]-5-hydroxy-, sodium salt (II), potassium salt (III) and sodium potassium salt (IV).	Sept. 27, 1985.
P 84–18	1(1,1 dimethylethoxy)-propan-2-ol	Sept. 16, 1985.
P 84–63	Generic name: Substituted-phenyl-N-substitutedamino monochlorotriazinyl-amino substituted-sulfophenylazo-benzylidehydrazino sulfobenzoate-copper sulfate, potassium salt.	Oct. 8, 1984.
P 84–115	Generic name: Substituted aromatic polymer	Oct. 3, 1985.
P 84–166	Generic name: Fluorine substituted polydioxolane	Sept. 25, 1985.
P 84–294	1-Cyclopentylidene-4-ethoxycarbonylpiperazine tetrafluoroborate	Sept. 26, 1985.
P 84–295	Generic name: Disubstituted piperazine salt	Oct. 1, 1985.
P 84–296	2-Methyl-3-(3-sulfopropyl)naphtho (2,3-d) thiazolium hydroxide, inner salt	Sept. 26, 1985.
P 84–542	Benzenesulfonic acid, 2,4,6-trimethyl, sodium salt	Aug. 17, 1984.
P 84–935	Generic name: Polyamide	Oct. 7, 1985.
P 84–964	Generic name: Disubstituted hexanamide	Sept. 30, 1985.
P 84–1093	Generic name: Fatty acid, carbomonocyclic ester	June 3, 1985.
P 84–1120	1,2,3-propanetricarboxylic acid, 2-(butoxy)-tri-n-hexyl ester	Oct. 8, 1985.
P 85–22	Polymer of isooctyl acrylate and N-t-octylacrylamide	Sept. 3, 1985.
P 85–175	Generic name: Branched mono-carboxylic fatty acid	Nov. 1, 1985.
P 85–176	Generic name: Branched mono-carboxylic fatty acid	do.
P 85–177	Generic name: Branched mono-carboxylic fatty acid	do.
P 85–178	Generic name: Branched mono-carboxylic fatty acid	do.
P 85–179	Generic name: Branched mono-carboxylic fatty acid	do.
P 85–180	Generic name: Branched mono-carboxylic fatty acid	do.
P 85–251	Generic name: Reaction product of polyalkylene oxide polyol, isocyanate and diol	Oct. 1, 1985.
P 85–304	Generic name: Alkyl diol, toluene diisocyanate, alkene ester, adipic acid resin	Oct. 16, 1985.
P 85–331	Generic name: Arcylic polymer imine reaction product	Sept. 10, 1985.

IV. 86 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Identity/Generic name	Date of commencement
P 85-405	Generic name: Phosphated acrylate	Nov. 25, 1985.
P 85-409	Generic name: Acrylate polymer	Sept. 17, 1985.
P 85-431	Generic name: Copolymer of a substituted alkyl amine and an acrylic diol ester	Sept. 11, 1985.
P 85-488	Generic name: Vinyl acetate copolymer	Oct. 8, 1985.
P 85-489	Generic name: Polyvinyl alcohol	do.
P 85-553	2-propenoic acid, 2-methyl-, 4-hydroxy phenly ester	Sept. 3, 1985.
P 85-554	Benzoic acid, 4-hydroxy-, 2-hydroxy-3-[2-methyl-1-oxo-2-propenyl) oxy]propyl ester	do.
P 85-555	Addition product of 2-propenoic acid, 2-ethyl-2,2[(1-oxo-2-propenyl) oxy-methyl]-1,3-propane diylester and hydrogen sulfide	do.
P 85-557	3H-Indolium, 2,2'2"-[1,3,5-triazine-2,4,6-triyltris(imino-4,1-phenylene-2,1-ethenediyl)]tris(1,3,3-trimethyl)-, salt with 2-hydroxy propanoic acid (1:3)	Sept. 12, 1985.
P 85-649	Generic name: Sulfurized alkly phenol	Oct. 7, 1985.
P 85-715	Generic name: Polycarbodiimide	Aug. 19, 1985.
P 85-731	Generic name: Neutralized acrylic polymer	Dec. 1, 1985.
P 85-794	Generic name: Carboxyphenylcarbonylindole	Sept. 20, 1985.
P 85-795	Generic name: Isobenzofuranone	do.
P 85-851	Generic name: Co-polymer of vinly acetate and olefins	July 23, 1985.
P 85-889	Generic name: Copolymer of acrylic acid esters, vinyl acetate, acrylic acid amide, crotonic acid, and fumaric acid ester	Aug. 23, 1985.
P 85-938	Polymer of acetic acid, 2,2'-azobis (2-methylpropanenitrile), styrene, ethyl chloroacetate, acrylonitrile, butyl acrylate, 2-(dimethylamino) ethyl methacrylate	Oct. 16, 1985.
P 85-939	Polymer of stearic acid, ethylene oxide, propylene oxide, soybean oil, potassium hydroxide	do.
P 85-964	Formaldehyde, polymer with dimethylbenzene, p-tert-butylphenol, p-toluene sulfonic acid	Sept. 28, 1985.
P 85-965	Formaldehyde, polymer with dimethylbenzene, para-cyclohexyl phenol, p-toluene sulfonic acid	do.
P 85-966	3,9-Diethyl tridecan-6-one	Oct. 7, 1985.
P 85-967	3,9-Diethyl 7-tridecen-6-one	do.
P 85-968	5-ethyl heptan-2-one	Sept. 30, 1985.
P 85-969	5-ethyl 3-hepten-2-one	do.
P 85-992	Benzenesulfonic acid, 2-amino-4-acetylamino-5-(4-((2-sulfo-oxy)ethyl)sulfonyl)phenyl)azo-, sodium salt	Oct. 7, 1985.
P 85-997	Generic name: Poly[(azo, oxo, partially hydrogenated aryl) sulfonyloxy] substituted aromatic compound	Oct. 1, 1985.
P 85-1002	Generic name: Aliphatic ester	Sept. 24, 1985.
P 85-1031	Generic name: Alkenoic alkeneamide substituted propane	Oct. 2, 1985.
P 85-1050	Generic name: Modified tall oil fatty acids amidoamine	Sept. 16, 1985.
P 85-1052	Generic name: Perfluoroalkyl, alkyl, carboxysilane	Oct. 28, 1985.
P 85-1058	Generic name: Alkyl ketone dimer	Sept. 10, 1985.
P 85-1061	Generic name: DPD-(2-naphthalene sulfonate)	Oct. 28, 1985.
P 85-1073	Generic name: Substituted xanthene	Sept. 15, 1985.
P 85-1074	Generic name: Substituted xanthane	do.
P 85-1075	Generic name: Substituted phenylcarbonylbenzoic acid	Sept. 27, 1985.
P 85-1076	Generic name: Substituted phenylisobenzofuranone	do.
P 85-1081	Generic name: (Triacyl) silylalkyl ester of a kenoic acid	Oct. 23, 1985.
P 85-1086	Urethane of polymethylene polyphenyl isocyanate and isocetyl alcohol	Sept. 23, 1985.
P 85-1094	[1,1'-biphenyl]-2,2'-disulfonic acid, 4,4'-bis[[1-[[(2,4-dimethylphenyl)amino]carbonyl]-2-oxopropyl]azo]	Sept. 26, 1985.
P 85-1095	Butanamide, 2-[[3,3'-dichloro-4'-[[1-[[(2,4-dimethylphenyl)amino]carbonyl]-2-oxopropyl]azo][1,1']-biphenyl]-4-yl]azo-N-(2-methylphenyl)-3-oxo	Sept. 26, 1985.
P 85-1096	Copper phthalocyanine polysulfonic acid salt with alkylated amine	Oct. 11, 1985.
P 85-1097	1-Naphthalenesulfonic acid, 2-[2-hydroxy-6-sulfo-1-naphthalenyl)azo]-1, calcium salt (1:1)	Sept. 26, 1985.
P 85-1202	Generic name: Polyester resin	Oct. 21, 1985.
P 85-1205	Generic name: Polyester resin	do.
P 85-1206	Generic name: Blocked isocyanate homopolymer	do.
P 85-1221	Generic name: Styrene, acrylic polymer	Oct. 18, 1985.
Y 85-82	Generic name: Ethylene oxide, polymer with propylene oxide, alkyl phenol, formaldehyde and polycarboxylic acid	Sept. 26, 1985.
Y 85-83	Generic name: Ethylene oxide, polymer with propylene oxide, mixed alkyl phenols, formaldehyde and alkyl polycarboxylic acid	Oct. 4, 1985.
Y 85-85	Generic name: Ethylene oxide, polymer with propylene oxide, mixed alkyl phenols, formaldehyde and alkyl polycarboxylic acid	Oct. 1, 1985.
Y 85-86	Generic name: Ethylene oxide, polymer with propylene oxide, mixed alkyl phenols, formaldehyde and alkyl polycarboxylic acid	Sept. 30, 1985.
Y 85-112	Generic name: Ethylene olefin terpolymer	do.
Y 85-132	Generic name: Copolyether esteramide	Oct. 18, 1985.
Y 85-139	Generic name: Polyurethane dispersion	Sept. 17, 1985.
Y 85-142	Generic name: Polyurethane polyester	Oct. 9, 1985.
Y 85-160	Generic name: Acrylate ester ammonium salt of acrylate polymer	Oct. 8, 1985.
Y 85-161	Generic name: Styrene-acrylate random emulsion copolymer	do.
Y 85-162	Generic name: Alkali soluble styrene acrylic polymer	do.
Y 85-163	Generic name: Acrylate terpolymer	do.
Y 85-167	Generic name: Alkyd resin	Oct. 28, 1985.
Y 85-169	Generic name: Polyester of carbomonocyclic ester, alkylene glycol, and alkanedioate	Oct. 23, 1985.

V. 35 Premanufacture Notices for Which the Review Period Has Been Suspended

PMN No.	Identity/Generic name	FR citation	Date suspended
P 84-1219	Generic name: Substituted pyridine	49 FR 39379 (39380) (10-5-84)	Oct. 25, 1985.
P 85-36	Generic name: Substituted pyridine	49 FR 43105 (43106) (10-26-84)	Oct. 18, 1985.
P 85-236	Generic name: Substituted pyridine	49 FR 48801 (48802) (12-14-84)	Do.
P 85-298	Generic name: Amino acrylate monomer	49 FR 49895 (49898) (12-24-84)	Oct. 15, 1985.
P 85-725	Generic name: Polymer of alkyl methacrylates, substituted alkyl methacrylates and styrene	50 FR 14439 (4-12-85)	Oct. 27, 1985.
P 85-1014	Polymer of methacrylic acid; succinic anhydride; phenol, 4,4'-(1-methylethylidene) bis-polymer with (chloromethyl); 2-methylimidazole.	50 FR 24936 (24938) (6-14-85)	Oct. 15, 1985.
P 85-1034	Generic name: Nickel acrylate complex	50 FR 24938 (24939) (6-14-85)	Oct. 1, 1985.
P 85-1087	Generic name: Alkyl amine, compound with (chloromethyl) oxirane, alkenyl ether	50 FR 26837 (26838) (6-28-85)	Oct. 24, 1985.
P 85-1148	Generic name: Phenolic modified epoxy	50 FR 28464 (28465) (7-12-85)	Oct. 2, 1985.
P 85-1176	Polymer of trimethlol propane triacrylate, Jeffamine M600, (polyoxypropylene mono primary amine), maleic anhydride	50 FR 29476 (29477) (7-19-85)	Oct. 4, 1985.
P 85-1180	Generic name: Tert-amyl peroxy alkylene ester	50 FR 29476 (29477) (7-19-85)	Oct. 21, 1985.
P 85-1181	Dinitroethylbenzene	50 FR 29476 (29477) (7-19-85)	Do.
P 85-1182	Diaminoethylbenzene	50 FR 29476 (29477) (7-19-85)	Do.
P 85-1184	Generic name: Substituted pyridine	50 FR 29476 (29477) (7-19-85)	Oct. 28, 1985.
P 85-1210	Benzoic acid, 2-[(3a,4,5,6,7,7a-hexahydro-5 (or 6) methoxy-4,7-methanoindan)-methylidene] amino, methyl ester	50 FR 30513 (30515) (7-26-85)	Oct. 9, 1985.
P 85-1211	Benzoic acid, 2-(3-phenyl, butylidene) amino, methyl ester	50 FR 30513 (30515) (7-16-85)	Do.
P 85-1212	Benzoic acid, 2-[3-(4-methyl, cyclohex-3-enyl) butylidene] amino, methyl ester	50 FR 30513 (30515) (7-26-85)	Do.
P 85-1220	Generic name: Chlorinated fatty acids, polyoxyalkylene esters	50 FR 32290 (32291) (8-9-85)	Oct. 30, 1985.
P 85-1237	Copper complex of [Naphthalene-[1-hydroxy 2-(5'-ethylsulfonyl sulfuric acid ester potassium salt 2'-methoxy benzeneazo)6-(1"-hydroxy 8"-acetylamino-3", 6"-disulfonic acid dipotassium salt-2"-napthaylazo) 3-sulfonic acid potassium salt)].	50 FR 32290 (32292) (8-9-85)	Oct. 15, 1985.
P 85-1239	Generic name: Polyamine adduct	50 FR 32290 (32293) (8-9-85)	Oct. 19, 1985.
P 85-1240	Generic name: Polyamine adduct	50 FR 32290 (32293) (8-9-85)	Do.

V. 35 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No.	Identity/Generic name	FR citation	Date suspended
P 85-1243	1-propanaminium, 2-hydroxy-N,N-dimethyl-N-octyl-3-sulfo-, hydroxide, inner salt	50 FR 32290 (32293) (8-9-85)	Oct. 20, 1985.
P 85-1246	Generic name: Methacrylated liquid rubber	50 FR 32290 (32293) (8-9-85)	Oct. 7, 1985.
P 85-1264	1-(4'-sulfophenyl sodium salt)-3-methyl-4-(2"-methoxy-5"-methyl-4"-ethylsulfonyl sulfonic acid ester sodium salt phenylazo)-5-pyrazolone.	50 FR 32302 (32306) (8-9-85)	Oct. 24, 1985.
P 85-1265	2-Acetylamino-7-(4'-ethyl sulfonyl sulfuric acid ester potassium salt phenylazo)-8-hydroxy naphthalene-6-sulfonic acid potassium salt.	50 FR 32303 (32306) (8-9-85)	Do.
P 85-1266	1-Acetylamino-8-hydroxy-7-(3'ethyl sulfonyl sulfuric acid ester potassium salt-6'-methoxy phenylazo) naphthalene 3,6-disulfonic acid dipotassium salt.	50 FR 32302 (32306) (8-9-85)	Do.
P 85-1270	1-(4'-sulfophenyl potassium salt)-3-methyl-4-(2",5"-dimethoxy-4"-ethyl sulfonyl sulfuric acid ester potassium salt phenylazo)-5-pyrazolone.	50 FR 32302 (32306) (8-9-85)	Do.
P 85-1272	Copper complex of naphthalene 1-hydroxy 2-(5'-ethyl sulfonyl sulfuric acid ester potassium salt 2'-methoxy benzenazo) 6-(1"-hydroxy 8"-acetylamino 3",6"-disulfonic acid dipotassium salt 2"-naphthylazo)-3-sulfonic acid potassium salt.	50 FR 32302 (32306) (8-9-85)	Do.
P 85-1273	Copper complex of 1-acetylamino-8-hydroxy 7-(2',5'-dimethoxy-4'-ethyl sulfo phenyl sulfuric acid ester potassium salt phenylazo)-3,6-disulfonic acid dipotassium salt.	50 FR 32302 (32306) 8-9-85)	Do.
P 85-1274	Copper complex of 2-(2'-methoxy-5'-ethyl sulfonyl sulfuric acid ester potassium salt phenylazo)-6-(4",8"-disulfonic acid potassium salt naphthylazo) 1,3-dihydroxy benzene.	50 FR 32302 (32306) 8-9-85)	Do.
P 85-1283	Generic name: Polymer of an acrylate ester and mixed methacrylate esters	50 FR 32302 (32306) (8-9-85)	Oct. 27, 1985.
P 85-1293	1,2-Dibromooctadecane	50 FR 32302 (32306) (8-9-85)	Oct. 18, 1985.
P 85-1296	Generic name: Saturated and unsaturated alkylcarboxylic acid diethanolamine/triethanolamine salt	50 FR 32302 (32306) (8-9-85)	Do.
P 86-21	Generic name: Polymer of methacrylic acid and mixed alkyl methacrylate esters and amidoamines	50 FR 41580 (41582) (10-11-85)	Oct. 11, 1985.
P 86-22	Generic name: Polymer of methacrylic acid and mixed alkyl methacrylate esters and amidoamines	50 FR 41580 (41582) (10-11-85)	Do.

[FR Doc. 86-8507 Filed 5-9-86; 8:45 am]

BILLING CODE 6560-50-M

[SAB FRL-3014-5]

Science Advisory Board; Environmental Effects, Transport and Fate Committee; Municipal Waste Combustion Subcommittee, Open Meeting—May 29, 1986

Under Pub. L. 92-463, notice is hereby given of a meeting of the Municipal Waste Combustion Subcommittee of the Environmental Effects, Transport and Fate Committee of the Science Advisory Board on May 29, 1986. The meeting will be held at the College of William and Mary Alumni House, Main Room, 500 Richmond Road, Williamsburg, Virginia. The meeting will begin at 9:00 a.m. and will adjourn at approximately 4:30 p.m.

This is the second meeting of the Subcommittee. The purpose of the meeting is to enable the Subcommittee to receive additional briefings on the range of municipal combustion technologies currently in use, and their performance and operation characteristics. The Subcommittee will also receive briefings on pollution control technologies retrofitted on municipal combustors.

The meeting is open to the public. Any member of the public wishing to attend, obtain informtion, or submit written comments should contact Dr. Terry F. Yosie, Director, Science Advisory Board or Mrs. Joanna Foellmer located at 401 M Street, SW. Washington, DC 20460 or call (202) 382-4126 by close of business May 22, 1986.

Dated: May 6, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86-10589 Filed 5-9-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. 86-468]

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and Opportunity for Hearing

Dated: May 5, 1986.

The Philadelphia Stock Exchange has filed on February 19, 1986, pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1, an application with the Federal Home Loan Bank Board ("Board") for unlisted trading privileges in the following securities:

MeraBank, a Federal Savings Bank
(FHLBB No. 6877)
Common Stock, $.01 Par Value
Western Savings and Loan Association
(FHLBB No. 1920)
Permanent Reserve Guarantee Stock

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Any interested person may inspect the application at the Board and, on or before May 27, 1986, submit to the Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552, written data, views and arguments bearing upon whether the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors. Following this opportunity for hearing, the Board will issue an order granting the application after the date mentioned above if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application are consistent with the maintenance of fair and orderly markets and the protection of investors.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 86-10558 Filed 5-9-86; 8:45 am]

BILLING CODE 6720-01-M

Sun Belt Federal Bank, F.S.B.; Lake Providence, LA; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Sun Belt Federal Bank, F.S.B., Lake Providence, Louisiana, on May 2, 1986.

Dated: May 7, 1986.

Jeff Sconyers,

Secretary.

[FR Doc. 86-10557 Filed 5-9-86; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-478]

Mid-Hudson Savings Bank, FSB, Fishkill, NY; Final Action Approval of Conversion Application

Dated: May 1, 1986.

Notice is hereby given that on April 28, 1986, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Mid-Hudson Savings Bank, FSB, Fishkill, New York, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York 10048.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 86-10560 Filed 5-9-86; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-477]

Railroad Savings and Loan Association Newton, KS; Final Action Approval of Conversion Application

Dated: May 1, 1986.

Notice is hereby given that on April 25, 1986, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Railroad Savings and Loan Association, Newton, Kansas for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Topeka, Post Office Box 176, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 86-10559 Filed 5-9-86; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Partrederiet Norske Cruise
A/S Norske Cruise
Helge Naarstad A/S
(d/b/a Sea Goddess Cruises Limited)
5805 Blue Lagoon Dr., Suite 360
Miami, FL 33126

Dated: May 7, 1986.

John Robert Ewers,

Secretary.

[FR Doc. 86-10582 Filed 5-9-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

May 6, 1986.

Background

Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Martha Bethea—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822)

OMB Desk Officer—Robert Neal—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-6880)

Proposal to approve under OMB delegated authority the extension, without revision, of the following reports

1. Report title: Government Securities Dealers Reports
Agency form number: FR 2004 a, 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 from 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 from 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, May 6, 1986

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-10514 Filed 5-9-86; 8:45 am]

BILLING CODE 6210-01-M

The Chase Manhattan 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 June 2, 1986.

A. Federal Rserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Chase Manhattan Corporation*, New York, New York, Chase Manhattan National Corporation, New York, New York, and Chase Manhattan National Holding Corporation, Newark, Delaware, to engage *de novo* through their subsidiary Western Hemisphere Life Insurance Company, Newark, Delaware, in underwriting credit life insurance and credit accident and health insurance that is directly related to extensions of credit by the applicants and their subsidiaries purusant to § 225.25(b)(8) of the Board's Regulation Y. These activities will be conducted in Arizona, California, Colorado, Connecticut, Georgia, Maryland, Minnesota, Oklahoma, Texas, Utah, Massachusetts, Illinois, New Jersey, Pennsylvania, Indiana, Louisiana, Missouri, North Carolina, Oregon, Tennessee, Virginia, and Washington.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First Bank System, Inc.*, Minneapolis, Minnesota; to engage *de novo* through its subsidiary FBS Credit Services, Inc., Minneapolis, Minnesota, in acquiring classified and low quality assets in connection with the sale of some of Applicant's subsidiary banks, and will include administration, management, collection, and liquidation of transferred assets pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted in Minnesota, Montana, North Dakota, and South Dakota.

Board of Governors of the Federal Reserve System, May 6, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-10513 Filed 5-9-86; 8:45 am]

BILLING CODE 6210-01-M

Penn Rock Financial Services, 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 June 2, 1986.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Penn Rock Financial Services, Inc.*, Blue Ball, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Blue Ball National Bank, Blue Ball, Pennsylvania, a *de novo* bank. Comments on this application must be received not later than June 4, 1986.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *American Fletcher Corporation*, Indianapolis, Indiana; to acquire 94.8 percent of the voting shares of Carmel Bank and Trust Company, Carmel, Indiana.

2. *Rock River Bancorporation, Inc.*, Oregon, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of United Bank of Ogle County, National Association, Oregon, Illinois. Comments on this application must be received not later than June 4, 1986.

C. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Liberty County Bancshares, Inc.*, Houston, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank, Liberty, Texas.

2. *Western Bancshares of Clovis, Inc.*, Clovis, New Mexico; to become a bank holding company by acquiring 80 percent of the voting shares of Western Bank of Clovis, Clovis, New Mexico.

Board of Governors of the Federal Reserve System, May 6, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-10512 Filed 5-9-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Statement of Organization, Functions, and Delegations of Authority

Summary

This notice amends Part D of the statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (OHDS) published in the **Federal Register** April 24, 1984 (49 FR 17585) to: (1) Combine the functions of the Office of Program Development (OPD) and the Office of Policy and Legislation (OPL), into a new Office of Policy, Planning, and Legislation, (2)

abolish the Administrative and Planning Staff, OPL, and move the functions to the Office of the Director, Office of Policy, Planning and Legislation, (3) change the name of the Office of Private Sector Initiatives to the Private Sector Initiatives Staff, and move the functions to the Office of the Director, as a staff office, (4) combine the functions of the Division of Policy and the Legislative Support Staff, and change the name to the Division of Policy and Legislation, and (5) move the functions of the Emergency Preparedness Staff to the Division of Planning, and change the name to Emergency Preparedness Planning Branch.

The changes are as follows:

1. Part D, Chapter DE "The Office of Policy and Legislation" and Chapter DU "The Office of Program Development" as published in the **Federal Register** on April 24, 1984 (49 FR 17585), is to be deleted in its entirety and replaced by the following:

Chapter DE

DE.00 *Mission. The Office of Policy, Planning, and Legislation (OPPL)* is a staff office for the Assistant Secretary for Human Development Services (ASHDS), responsible for managing the policy, planning, legislation, research, evaluation, program systems, statistical analysis and reporting activities, and special programs within the Office of Human Development Services (HDS).

Plans, develops and monitors strategies for promoting HDS program and management directions; manages agency-wide planning systems for determining organizational goals and objectives and for setting priorities.

Recommends to and advises the ASHDS on all matters of policy in HDS. Proposes and manages private sector and other policy initiatives on behalf of ASHDS. Ensures consistency with overall Administration, Departmental, and HDS policies for all HDS programs, including discretionary activities. Identifies, analyzes and recommends solutions to policy issues affecting HDS programs. Reviews and clears all policy relevant material. Develops and implements policies to administer the Social Services Block Grant.

Serves as the principal manager for Congressional and legislative activities affecting HDS.

Manages all activities necessary to carry out HDS responsibilities for emergency preparedness programs.

Recommends HDS programmatic activities and formulates crosscutting HDS initiatives; establishes and implements a management review and decision-making system for monitoring progress on priority activities; and establishes strategies for HDS planning system needs; coordinates HDS plans with other Federal agencies; analyzes information produced by State agencies and other sources and provides information to assist program offices in better planning.

Oversees the planning and management of all HDS program discretionary resources; manages all phases of the Coordinated Discretionary Program (for research, demonstration, evaluation, training and technical assistance funds); advises the ASHDS on research and demonstration issues; coordinates the development of priority areas for funding; reviews all unsolicited proposals; oversees the awards process; disseminates project results; develops and monitors compliance with the annual HDS procurement plan; reviews all 8–15 consultant services contracts for procurement policy compliance; coordinates international interests with HDS programs.

Provides broad HDS statistical, economic, operations research and system analyses; promotes grantee management systems improvements; develops discretionary funds program priorities for management systems improvements; assists State and local providers to improve their human services management information and evaluation systems, forecasting models, data bases, statistical activities, and approves State and local systems efforts using Federal funds.

In coordination with program units, plans, develops, and submits the HDS Information Collection Budget (ICB) to the Department and OMB and controls the ICB passback and burden hour ceiling allocations; develops the HDS evaluation plan based on ASPE guidance; coordinates HDS evaluation activities with HHS and other Federal agencies; monitors program systems and evaluation activities; with the HDS Senior Staff, develops the scope of analysis activities and manages such activities after implementation decisions.

DE.10 *Organization. The Office of Policy, Planning, and Legislation* is headed by a Director, who reports directly to the Assistant Secretary for Human Development Services (ASHDS), and consists of:

Office of the Director
Private Sector Initiatives Staff
Division of Policy and Legislation
Division of Planning
Division of Research and Demonstrations
Division of Program Analysis and Evaluation

DE.20 *Functions.* A. *Office of the Director* provides direction and executive leadership to OPPL in the administration of its responsibilities.

Is the principal advisor to the ASHDS on all policy-related matters in HDS. Serves as the focal point for legislative activities affecting HDS, develops and coordinates program policies, policy analysis and control, private sector initiatives and emergency preparedness planning.

Provides advice to the ASHDS and HDS Senior Staff on all matters related to agency-wide planning, research, evaluations, demonstration systems, and statistics; performs special projects and analysis in support of the ASHDS.

Reviews the policy implications of all discretionary grant priority statements, grant announcements, preapplications and applications, and makes recommendations on funding decisions.

Serves as representative of ASHDS to outside groups on all matters related to the OPPL mission.

Responsible for the preparation of proposed organizational structures, functional statements, delegations of authority, position descriptions and various reporting and planning documents for OPPL.

Prepares S&E budget estimates and justifications for submission to the Office of Management Services (OMS). Certifies availability of funds, approves travel vouchers and expenditures for supplies, etc., and manages S&E budget accounts.

Develops and monitors implementation of procedures and instructions designed to improve responsiveness and efficiency within OPPL. Provides liaison with the HDS Executive Secretariat in receiving, assigning and controlling OPPL correspondence and assignments. Provides liaison with OMS in meeting training plan and reporting requirements.

Manages activities related to planning and developing the OPPL operating plan; identifies and assists in identifying appropriate objectives and initiatives and measureable indicators for each; monitors progress in the implementation of the plan; analyses progress reports from OPPL components; spearheads planning for quarterly management reviews within OPPL and with the ASHDS and prepares quarterly reports on plan implementation for the ASHDS.

Prepares and processes personnel actions assuring compliance with ceiling, funding, staffing plan and regulatory/policy limitations; makes manpower utilization recommendations; manages the merit pay and the

employee performance management systems and the systems of wards for OPPL.

Provides liaison with the HDS Office of Equal Opportunity and Civil Rights in meeting EEO reporting requirements and implementing affirmative action initiatives; and provides counseling on staff problems to resolve EEO concerns prior to formal complaints.

Insures the provision of a variety of administrative services related to travel, space allocation, communications, equipment, procurement, supplies and other staff requirements.

b. *Private Sector Initiatives Staff* serves as the principal HDS resource for information and expertise on the private sector initiative within HDS. Increases the participation of private sector organizations and individual volunteers or volunteer agencies in meeting human service needs within their communities by working to strengthen communications and successful partnerships between private sector leaders to identify and prioritize community needs. Stimulates new and expanded private sector and volunteer resources and projects by publicizing and promoting models and examples of successful public/private partnerships.

Provides technical assistance, training, guidance, and leadership in the administration and management of the private sector initiative. In cooperation with HDS central and regional office units, develops strategies and plans to mobilize private sector staff and resources to support human service programs which encourage and foster individual self-reliance and economic independence.

When HDS target populations and programs are affected, maintains liaison and participates with the Office of the Secretary, other Federal agencies, State and community agencies, service providers, private sector organizations, and volunteers in the implementation of public/private sector initiative activities.

Reviews HDS discretionary fund applications for private sector implications. Recommends candidates for employee volunteer awards and recommends profit, non-profit, individual, and group awards for community private sector projects within the HDS program areas.

Represents within HDS such concerns as volunteer development, consumer affairs, and other areas of special emphasis related to the private sector initiative; provides leadership and direction to HDS regional offices in the implementation of State and local activities designed to address these concerns; responds to inquiries on the goals, objectives, and activities of the HDS private sector initiative; prepares or provides input to reports or reporting requirements.

C. *Division of Policy and Legislation* serves as the focal point for developing HDS policy and for reviewing and ensuring consistency of policies among program administrations and staff offices; implements HDS policy responsibilities for the Social Services Block Grant (SSBG); proposes and manages major policy initiatives; and acts as representative of ASHDS in conducting liaison duties relating to the functions of this office.

Serves as the principal manager of Congressional liaison and legislative development activities in HDS; counsels and advises ASHDS and Program Commissioners on various aspects of Congressional relations and legislative policy, and provides technical assistance and support to HDS program and staff offices; represents HDS in Departmental legislative development activities; manages legislative planning cycle for HDS, including the development of HDS legislative options; manages the preparation of testimony and backup material on HDS programs, policies, and legislative proposals for presentation before the Congress; monitors hearings and other Congressional activities which affect HDS, and initiates legislative policy development. Manages requests for information generated in Congressional hearings.

D. *Division of Planning* develops and oversees HDS-wide planning systems and priorities aimed at improving coordinated use of Federal resources; conducts special investigations and analyses on cross-cutting planning and programmatic issues of special concern to the ASHDS; identifies and proposes new or revised planning options or priorities; identifies and proposes new or revised long-term objectives and crosscutting initiatives for HDS; develops alternative strategies for achieving these objectives; represents HDS in identifying, developing, or recommending program development and/or planning strategies for inter- and intra-departmental initiatives. As requested, represents HDS in negotiations with the Department or other Federal agencies regarding these issues.

Develops, recommends and implements an HDS-wide comprehensive and coordinated planning system for use by HDS, including strategic and operational planning for HDS program and management activities and accommodating key milestones related to programmatic, budgetary, and legislative planning, discretionary funding and other operational planning requirements; develops draft annual planning guidance for the ASHDS.

Provides guidance and technical assistance to HDS in developing operational plans, particularly in developing measurable objectives and indicators reflecting program and organizational performance.

Develops, recommends and implements a management review system for the purpose of assessing organizational progress in implementing priorities and encouraging appropriate action by managers at all levels; provides analysis of individual organizations and HDS-wide progress; identifies problems and issues for action by the ASHDS and Senior Staff; suggests alternatives for resolving issues where progress is unsatisfactory and provides the ASHDS with recommendations to facilitate decision-making.

Identifies and recommends strategies aimed at promoting improved practices in State and local government planning and priority setting systems; initiates transfer of exemplary State/local planning strategies, system and models; interacts with national planning organizations and other relevant bodies to promote the development of innovative and effective planning systems and creative use of resources; manages discretionary funds projects with significant planning implications, analyzes results and disseminates findings within HDS and to outside planning networks; coordinates activities among HDS programs and other Federal agencies to promote and strengthen cooperative planning for the improved use of Federal human services resources in priority areas of interest to HDS; represents HDS interest and negotiates with planning staff and program managers of other Federal agencies on behalf of HDS and its agenda.

In cooperation with related Federal Departments, manages and directs activities relating to the internal planning, coordination and implementation of the Emergency Preparedness program. Serves as the focal point to the ASHDS for staff work to the Principal Working Group on Social Services, a component of the Emergency Mobilization Preparedness Board, and manages the ongoing responsibilities of that Principal Working Group. In coordination with related Departments, raises issues and develops and recommends plans of action that provide the President options

for meeting Federal requirements during natural disasters and other national emergencies. Develops policies and procedures for use in responding to the emergency welfare needs of persons that are currently considered dependent and those that are temporarily dependent due to the emergency. In cooperation with HDS program offices, designs and coordinates the Emergency Preparedness response to Executive Order 11490 for National Emergencies through HHS Emergency Coordinators Offices. Develops plans for approval and manages emergency teams required to support the Department's response procedures.

E. *Division of Research and Demonstrations* manages the HDS Coordinated Discretionary Program and provides guidance and oversight to other HDS programs in the conduct of categorical discretionary programs; provides advice to the ASHDS, Program Administrations and grantees on R&D issues and methodologies; identifies major human services issues which may require R&D intervention. In cooperation with program offices, develops the R&D and discretionary funds planning guidance to be used by those offices in developing their discretionary plans; reviews and recommends approval of R&D and discretionary plans prepared by the Program Administrations; prepares the annual HDS discretionary funds plan; with OMS, reviews and clears all HDS discretionary program announcements for compliance with the discretionary funds plan; develops for publication in the **Federal Register**, the annual program announcement for the HDS Coordinated Discretionary Program; reviews, approves and tracks all contracts requiring 8–15 clearance; reviews and recommends action on all unsolicited proposals received within HDS; manages the process for receipt, review, and selection of applications for funding under the HDS Coordinated Discretionary Program; insures the compliance of all grant awards with the Discretionary Plan; track overall progress of projects funded under the HDS Coordinated Discretionary Program.

Provides Government Project Offices for R&D projects of special interest to the ASHDS; insures that products of R&D projects are disseminated to human service providers.

Develops management systems to improve the efficiency and quality of HDS Discretionary programs. Directs the HDS International Affairs Programs to: transfer knowledge through research and demonstration; promote the exchange of experts (U.S. and International); and coordinate HHS involvement in international organizations and meetings. Insures that all international activities supported by HDS addresss the ASHDS' goals and objectives.

F. *Division of Program Analysis and Evalution* provides national leadership and expertise for the human services field through the development, formulation and application of advanced analytical techniques to complex statistical and programmatic data bases incorporating analysis of these data against national HDS policies and related U.S. economic variables; directs and manages the HDS national program systems and evaluation activities. Formulates national decision analyses, applying quantitative and evaluative methods to a wide range of policy success indicators, including socio-demographic characteristics, social service allocations, client population targeting and program cost-effectiveness; conducts research to discover the economic impact of HDS programs on localities and to study HDS policy in relation to economic trends.

Develops and manages major economic studies which generate statistical socio-economic population data for all HDS programs and interprets the results of these studies in terms of economic theory; creates an integrated data base management system, provides national statisitcal expertise in the analyses of crosscutting HDS programs, furnishes technical support to HDS staff, regions and States, and advises HDS personnel on the economic implications of their particular programs; considers both the economic well-being of HDS services recipients and the related aspects of the development of the U.S. economy; evaluates HDS programs and provides input for budget recommendations; conducts research on the relationship of HDS programs and socio-economic dependency within the context of national economic policy in those program areas.

Develops broad HDS program systems strategy/policy; manages national systems conferences/workshops and evaluation guidelines; reviews and manages the State and local program systems development requests for Federal financial participation and coordinates efforts with OS, HCFA, SSA, PHS, and program bureaus; manages award process for selected areas including systems and evaluation grants and consults on grants managed by others.

Chairs the HDS Statistical Coordination Group and participates in inter and intra-agency statistical conferences and committees involving national and State levels as well as the Federal agencies of OMB and Census Bureau; directs and manages the HDS Statistical Budget process including justifications and coordination of all requirements for HDS programs.

Serves as the primary HDS control point with the Department and OMB for all matters pertaining to OMB reports clearance functions and Pub. L. 96–511, the Paperwork Reduction Act; maintains national leadership with outside groups for human services statistical reporting matters and economic analyses; insures HDS representation at Departmental/Agency meetings including ASPE and ASMB regarding statistical, microsimulation, evaluation and information systems matters.

Dated: May 1, 1986.

Otis R. Bowen, MD,

Secretary.

[FR Doc. 86–10598 Filed 5–9–86; 8:45 am]

BILLING CODE 4130–01–M

Centers for Disease Control

Acquired Immunodeficiency Syndrome (AIDS) Surveillance and Associated Epidemiologic Investigations; Program Announcement and Notice of Availability of Funds for Fiscal Year 1986

The Centers for Disease Control (CDC) announces that competitive Cooperative Agreement applications are being accepted for acquired immunodeficiency syndrome (AIDS) active surveillance and associated epidemiologic investigations. The Catalog of Federal Domestic Assistance number is 13.118.

Program Objective

The objective of these cooperative agreements is to assist State and local health departments in designing and implementing active surveillance for AIDS and associated epidemiologic investigations to determine incidence trends of AIDS, identify risk groups and risk factors, and provide opportunities for epidemiologic and laboratory studies of AIDS and related disorders.

Authority

This program is authorized under section 301(a) of the Public Health Service Act, as amended.

Eligibility Requirements

Eligible applicants are the official health departments of any State or local government, including the District of

Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, which have either:

A. Reported at least 50 AIDS cases that meet the CDC surveillance case definition for national reporting:

1. Presence of reliably diagnosed disease at least moderately indicative of underlying cellular immunodeficiency; and

2. Absence of all known underlying causes of cellular immunodeficiency (other than HTLV-III/LAV infection) and absence of all other causes of reduced resistance reported to be associated with the disease; or

B. Documented at least 50 patients with well-characterized symptoms of the AIDS-related complex (ARC), which may represent mild or early AIDS (i.e., prolonged and unexplained generalized lymphadenopathy, thrombocytopenia, thrush, etc.).

Eligible State and local health agencies are strongly encouraged to coordinate their request for assistance, ideally in a single application, to ensure the most efficient use of federal, State, and local resources. Applicants must demonstrate that AIDS surveillance and associated epidemiologic investigations cooperative agreement funds will be used for activities to improve the identification and reporting of AIDS cases, conduct epidemiologic investigations of selected cases, and establish a central registry of cases in the official public health department.

Availability of Funds

Approximately $3,859,235 is available in Fiscal Year 1986 for this program. Of this amount, approximately $300,000 remains available to fund up to three (3) new surveillance project awards ranging from $75,000–$125,000 each. Seventeen awards totaling $2,867,235 have already been made and an additional $692,000 has been set aside for 7 non-competing continuation applications. The new projects will be funded with 12-month annual budget periods with a 3-year project period. Continuation awards within the project period will be made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. The funding estimate outlined above may vary and is subject to change, depending upon the availability of funds.

Type of Assistance

Awards resulting from this announcement will be Cooperative Agreements. The collaborative and programmatic involvement of CDC and recipients of funds is as follows:

1. Recipient Agency Activities

a. Design and conduct surveillance activities directed to improving the reporting of all AIDS cases (including pediatric and suspected cases) diagnosed in the public health agency's geographic jurisdiction.

b. Establish systems with physicians, hospitals or clinics, cancer registries, laboratories, and other public health agencies for identifying and reporting cases.

c. Develop and maintain a central registry of all reported cases which includes epidemiologic and clinical information for individual cases, and which allows for rapid, uniform updates and retrieval of case information for regular and special tabulations of data for analysis.

d. Evaluate the effectiveness of surveillance approaches.

e. Conduct epidemiologic investigations of cases that have no identifiable risk factors including possible blood transfusion-related cases and their donors.

f. In consultation with CDC, analyze, present, and publish the results of surveillance activities and epidemiologic investigations.

2. Centers for Disease Control Activities

a. Collaborate in the design, development, and implementation of surveillance and associated epidemiologic investigations including specific approaches to AIDS surveillance and epidemiologic investigations, methods for establishing and maintaining a central registry of cases, and publication of findings.

b. Provide criteria for the surveillance definition of AIDS cases and case report forms.

c. Assist State and local public health agencies in analyzing data from reported cases including incidence trends and groups at risk.

d. Provide on-site technical assistance in planning, operating, and evaluating surveillance activities.

e. Assist State and local public health agencies in conducting epidemiologic investigations of selected AIDS cases including those with no indentifiable risk factors.

Applications

1. Copies—Place of Submission

The original and two copies of the application should be submitted on Form PHS 5161–1 (revised 3–79) on or before July 18, 1986: Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, Room 321, 255 East Paces Ferry Road, Atlanta, Georgia 30305. Application forms should be available in the institution's business office or from the above address.

2. Deadlines

Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date, or

b. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants should request a legibly-dated U.S. Postal Service postmark or obtain a legibly-dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

3. Late Applications

Applications which do not meet the criteria in either paragraph 2a or b immediately above are considered late applications and will not be considered in the current competiton and will be returned to the applicant.

4. Reviews

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs, but are subject to review under regulations (42 CFR Part 122, as amended, and Part 123) implementing the National Health Planning and Resources Development Act of 1974.

5. Content

Applications must include a narrative which details the following:

a. The background and need for project support including information that relates to factors by which the applications will be evaluated.

b. The objectives of the proposed project which are consistent with the purpose of the cooperative agreement and which are measurable and time-phased.

c. The methods that will be used to accomplish the objectives of active surveillance and epidemiologic investigations of selected cases including those with no identifiable risk factors.

d. The methods that will be used to evaluate the success of active surveillance and epidemiologic investigations.

e. Fiscal information pursuant to utilization of awarded funds in a manner consistent with the purpose and objectives of the project.

f. Any other information that will support the request for assistance. Cooperative agreement funds may be used to support personnel and to purchase supplies, services, and

computer equipment directly related to AIDS surveillance and epidemiologic investigation activities. Funds may be used to supplant funds supporting existing AIDS activities provided by the health department or to support construction costs.

Review Criteria

1. Initial and competing continuation applications will be reviewed and evaluated based on the evidence submitted which specifically describes the applicant's ability to meet the following criteria:

a. The total number of AIDS cases reported since June 1981 that meet the CDC surveillance case definition.

b. The total number of patients with well-characterized symptoms which may represent mild or early AIDS.

c. The applicant's understanding of the AIDS problem and the purpose of the cooperative agreement.

d. The qualifications and time allocation of the proposed staff and a description of how the project will be administered.

e. A proposed schedule for accomplishing the activities of the cooperative agreement, including time frames.

f. The applicant's activities in AIDS surveillance and research including relationships to other AIDS investigators in the area.

g. How the applicant will develop and implement a surveillance system for AIDS in hospitals and among physicians, including establishing and maintaining a central registry of cases, and how epidemiologic investigations of selected cases (e.g., cases associated with blood transfusions) will be conducted.

h. Demonstration of close collaboration and working relationships between the public health department and those medical institutions diagnosing and treating patients with AIDS and related illnesses.

2. Continuation awards within the project period will be made on the basis of the following criteria:

a. The accomplishments of the current budget period show that the applicant is meeting its objectives;

b. The objectives for the new budget period are realistic, specific, and measurable;

c. The methods described will clearly lead to achievement of these objectives;

d. The evaluation plan will allow management to monitor whether the methods are effective; and

e. The budget requested is clearly explained, adequately justified, reasonable, and consistent with the intended use of cooperative agreement funds.

Information

Information on application procedures, copies of application forms, and other material may be obtained from Nancy Bridger, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 321, Atlanta, Georgia 30305, or by calling (404) 262-6575 or FTS 236-6575.

Technical assistance may be obtained from Lawrence D. Zyla, AIDS Program, CID, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 329-3651, FTS: 236-3651.

Dated: May 5, 1986.

William E. Muldoon,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 86-10569 Filed 5-9-86; 8:45 am]

BILLING CODE 4160-18-M

Public Health Service

Alcohol, Drug Abuse, and Mental Health Administration; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HM, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (39 FR 1654, January 11, 1974, as amended to reflect the reorganization of the Office of the Administrator, ADAMHA. The reorganization accomplishes the following: (1) Clarifies the mission and functional statement of ADAMHA; (2) revises the functional statement of the Office of the Administrator, transferring international affairs to the Office of Prevention and communications and public affairs to the Office of Policy Coordination; (3) changes the name of the Office of Planning, Policy Analysis, and Legislation to the Office of Policy Coordination, and revises the functions of the Office; (4) abolishes the Office of Extramural Programs and transfers it functions to the Office of Science; (5) establishes 2 new offices, the Office of Science and the Office of Prevention; and (6) makes a minor change in the functional statement of the Office of Management, transferring the executive secretariat from this Office to the Office of Policy Coordination.

ADAMHA is publishing in the **Federal Register** all functional statements through the third echelon organization components. Fourth level echelons in ADAMHA are deleted.

Section HM-A, MISSION, is amended as follows:

Add the following at the end of the last paragraph in the mission statement:

"ADAMHA also administers the Alcohol and Drug Abuse and Mental Health Services Block Grant program."

Section HM-B, Organization and Functions, is amended as follows:

(1) In the functional statement for the *Alcohol, Drug Abuse and Mental Health Administration (HM),* revise item (5) by inserting the following at the beginning of the item: "(5) administers the Alcohol and Drug Abuse and Mental Health Services Block Grant program and"

. . . .

(2) Under *Office of the Administrator (HMA),* (3), place a semicolon after "equal employment opportunity activities;" and delete the following: "international activities and communications and public affairs."

(3) Delete the functional statements for the *Office of Planning, Policy Analysis, and Legislation (HMA2),* the *Division of Planning and Policy Analysis (HMA 25),* the *Division of Legislation (HMA26),* and the *Office of Extramural Programs (HMA8)* and substitute the following:

Office of Policy Coordination (HMA2) (1) Provides leadership and guidance for the coordination and review of policy development, planning, and evaluation activities of the agency; (2) provides executive coordination and support services to the Administrator, overseeing and operating an executive secretariat to manage a system of correspondence review, clearance, and quality control; (3) directs the agencywide annual short- and long-term program planning processes, and conducts analyses and supports nonresearch planning activities; (4) identifies, coordinates, and performs analyses, program assessments or special studies of key issues relative to policy direction and having agencywide implications; (5) coordinates the development, review, and execution of the agency's 1% evaluation plan; (6) analyzes legislative issues, developing policy and position papers and recommendations; (7) maintains liaison with Congressional committees; (8) coordinates public affairs aspects of agency programs and communications projects and activities, reviewing and clearing publications and press releases, and coordinating agencywide Freedom of Information Act activities; and (9) provides staff support for the Alcohol and Drug Abuse and Mental Health Advisory Board.

Office of Prevention (HMA3) (1) Develops, implements, and reviews disease prevention and health promotion policy related to alcohol and drug abuse and mental illness, analyzing impact of Federal activities on State, local Government and private program activities; (2) provides coordination, guidance, and leadership for disease prevention and health promotion programs across the three Insitutes; (3) coordinates the agency's international activities; (4) provides consultation and liaison with other Federal agencies and programs, international and national organizations, State, local, public and private organizations which are involved in all aspects of disease prevention and health promotion activities related to alcohol and drug abuse and mental illness; (5) administers the ADM Services Block Grant Program, including consultant and technical assistance to States, and compliance reviews; (6) establishes, implements, and analyzes data policy decisions and activities as they relate to the accumulation, management, evaluation, and dissemination of data pertinent to the functions of the agency, obtaining necessary clearances for agency statistical data activities.

Office of Science (HMA5) (1) Provides leadership, advice, and coordination for the development of science policy for extramural and intramural research and research training programs; (2) coordinates planning of crosscutting research intiatives; (3) maintains liaison with other Government science agencies and the scientific community; (4) coordinates and conducts studies and analyses relating to science policy, planning, and evaluation of research and research training programs, extramural program policys, and alcohol, drug abuse and mental health care reimbursement and financing issues; (5) develops and coordinates implementation of policies concerning the operation of extramural programs, peer review, and ethical issues in research; (6) performs centralized grant application receipt and referral; and (7) develops policies and provides coordination for committee management.

(4) Under the *Office of Management* (HMA7), delete item (2); renumber item (3) as item (2) and item (4) as item (3).

Dated: April 26, 1986.

Otis R. Bowen,

Secretary.

[FR Doc. 86-10505 Filed 5-9-86; 8:45 am]

BILLING CODE 4160-20-M

Health Resources and Services Administration; Delegation of Authority Under Title III of the Public Health Service Act

Notice is hereby given that in furtherance of the authorities vested in the Administrator, Health Resources and Services Administration (HRSA), by the Secretary of Health and Human Services' Reorganization Order of September 1, 1982, the Administrator, HRSA, has delegated the following authorities under Title III of the Public Health Service Act, as amended:

Authority	To whom delegated	Area of responsibility
Authority under section 301 (42 U.S.C. 241) relative to research, investigation, and functions	HRSA Bureau Directors	Their respective bureaus.
Authority under section 311 (42 U.S.C. 243) concerning Federal-State cooperation	HRSA Bureau Directors	Their respective bureaus.
Authority under section 320 (42 U.S.C. 255) relative to the Hansen's Disease Program	Director, BHCDA	BHCDA
Authority under section 321 (42 U.S.C. 248) relative to hospitals	Directors, BHCDA & IHS	Their respective bureaus.
Authority under section 322 (42 U.S.C. 249) relative to the care and treatment of persons under quarantine and other persons, except the authority to provide mental health care for the Haitian/Cuban Initiative which is the functional responsibility of the Alcohol, Drug Abuse, and Mental Health Administration.	Directors, BHCDA & IHS	Their respective bureaus.
Authority under section 323 (42 U.S.C. 250) concerning the care and treatment of Federal prisoners	Director, BHCDA	BHCDA
Authority under section 324 (42 U.S.C. 251) concerning the examination and treatment of Federal employees, excluding those authorities delegated to PHS Regional Health Administrators (RHAs).	Director, BHCDA	BHCDA
Authority under section 324 (42 U.S.C. 251) and the authorities of the Secretary under 5 U.S.C. 7901 pertaining to the FEOH program, including the authority to enter into interagency or intra-agency agreements, but excluding agreements that are national or multiregional in scope. Also included is the authority for the day-to-day operation of FEOH units in accordance with the terms of the interagency agreements.	Director, BHCDA	BHCDA.
Authority under section 324(b) (42 U.S.C. 251b) concerning medical care for Federal employees and their dependents at remote facilities of IHS.	Director, IHS	IHS.
Authority under section 325 (42 U.S.C. 252) concerning the examination of aliens	Directors, BHCDA & IHS	Their respective bureaus.
Authority under section 326 (42 U.S.C. 253) concerning services to Coast Guard, Coast and Geodetic Survey, and Public Health Service.	Director, BHCDA	BHCDA.
Authority under section 327 (42 U.S.C. 254) concerning interdepartmental work	HRSA Bureau Directors	Their respective bureaus.
Authority under section 327A (42 U.S.C. 254a) as it pertains to the sharing of medical care facilities and resources under the jurisdiction of the Administrator, Health Resources and Services Administration.	HRSA Bureau Directors	Their respective bureaus.
Authority under section 328 (42 U.S.C. 254a-1) relative to hospital affiliated primary care centers, excluding those authorities delegated to RHAs.	Director, BHCDA	BHCDA.
Authority under section 328 (42 U.S.C. 254a-1) to award grants to community hospitals to support demonstration projects in the planning, development, and operation of hospital-affiliated primary care centers other than grants that are national or multiregional in scope.	RHAs	Their respective regions.
Authority under section 329 (42 U.S.C. 247d) relative to Migrant Health Centers, excluding those authorities delegated to RHAs.	Director, BHCDA	BHCDA.
Authority under section 329 (42 U.S.C. 247d) to award grants for migrant health centers, excluding grants that are national or multiregional in scope.	RHAs	Their respective regions.
Authority under section 330 (42 U.S.C. 254c) relative to Community Health Centers, excluding those authorities delegated to RHAs.	Director, BHCDA	BHCDA.
Authority under section 330 (42 U.S.C. 254c) to award grants for community health centers, excluding grants that are national or multiregional in scope.	RHAs	Their respective regions.
Authority under section 331 (42 U.S.C. 254d) relative to the National Health Service Corps, excluding the authority delegated to RHAs.	Director, BHCDA	BHCDA.
Authority under section 331(c) (42 U.S.C. 254d) relative to reimbursement for travel of a National Health Service Corps member to site.	RHAs	Their respective regions.
Authority under section 332 (42 U.S.C. 254e) relative to the designation of health manpower shortage areas, excluding section 332h(h) (42 U.S.C. 254e(h)).	Director, BHPr	BHPr.
Authority under section 332(h) (42 U.S.C. 254e(h)) relative to information programs pertinent to the designation of health manpower shortage areas.	Director, BHCDA	BHCDA.
Authority under section 333 (42 U.S.C. 254f) relative to the assignment of Corps personnel to provide health services in or to a health manpower shortage area.	Director, BHCDA	BHCDA.
Authority under section 334 (42 U.S.C. 254g) relative to cost sharing factors regarding the National Health Service Corps Program, excluding the authority delegated to RHAs.	Director, BHCDA	BHCDA.
Authority under section 334b (42 U.S.C. 254g(b)) relative to the waiver authority for entities, excluding the waiver of loans approved under section 335(c).	RHAs	Their respective regions.
Authority under section 335 (42 U.S.C. 254h) as it pertains to the provision of health services by Corps members, excluding those authorities delegated to RHAs.	Director, BHCDA	BHCDA.
Authority under section 335(c) (42 U.S.C. 254h(c)) to negotiate and award loans to entities	RHAs	Their respective regions.

Authority	To whom delegated	Area of responsibility
Authority under section 336 (42 U.S.C. 254a(h)) relative to the preparation for practice under the NHSC Scholarship Program.	Director, BHCDA	BHCDA.
Authority under section 338A (42 U.S.C. 254(1) relative to the National Health Service Corps Scholarship Program	Director, BHCDA	BHCDA.
Authority under section 338B (42 U.S.C. 254m) concerning obligated service of an individual as a member of the National Health Service Corps.	Director, BHCDA	BHCDA.
Authority under section 338C (42 U.S.C. 254n) concerning release from Corps service obligation to enter into private practice, excluding the authorities delegated to RHAs.	Director, BHCDA	BHCDA.
Authority under section 338C(a) (42 U.S.C. 254n) to release an individual to enter into private practice	RHAs	Their respective regions.
Authority under section 338C(d) (42 U.S.C. 254n) to pay travel expenses for an individual, family, and possessions to site of private practice.	RHAs	Their respective regions.
Authority under section 338C(e)(1) (42 U.S.C. 254n) to negotiate and award loans to NHSC scholarship recipients for establishing private practices.	RHAs	Their respective regions.
Authority under section 338(g) (42 U.S.C. 254n) to provide technical assistance to an individual for assisting in fulfilling the written agreement.	RHAs	Their respective regions.
Authority under section 338D (42 U.S.C. 254o) to take action relative to an individual's breach of Corps scholarship contract, including the waiver authority pertaining to the Indian Health Scholarship Program.	Director, BHCDA	BHCDA.
Authority under section 338E (42 U.S.C. 254p) concerning special loans for former Corps members to enter private practice, excluding the authorities delegated to RHAs.	Director, BHCDA	BHCDA.
Authority under section 338E (42 U.S.C. 254p) to negotiate and award loans to assist NHSC scholarship recipients in meeting the costs of establishing their private practices.	RHAs	Their respective regions.
Authority under section 338G (42 U.S.C. 254r) concerning the Indian Health Scholarship Program, excluding the waiver authority under section 338D as it pertains to the Indian Health Scholarship Program..	Director, IHS	IHS.
Authority under section 339 (42 U.S.C. 255) relative to the Home Health Services, excluding the authorities delegated to RHAs.	Director, BHCDA	BHCDA.
Authority under section 339(a) (42 U.S.C. 255) to make grants to public and nonprofit private entities and loans to proprietary entities to meet the initial costs of establishing and operating home health programs, excluding grants that are national or multiregional in scope.	RHAs	Their respective regions.
Authority under section 339(b) (42 U.S.C. 255) to make grants to public and private entities to assist them in developing appropriate training programs for paraprofessionals (including homemaker home health aides) to provide home health services, other than grants that are national or multiregional in scope.	RHAs	Their respective regions.
Authority under section 340 (42 U.S.C. 256) relative to Primary Care Research and Demonstration Projects subject to the limitations set forth in section 340(c)(1) and section 340(g)(4) of the Public Health Service Act, excluding the authorities delegated to RHAs.	Director, BHCDA	BHCDA.
Authority under section 340 (42 U.S.C. 256) to administer grants for primary care research and demonstration projects, subject to the limitations set forth in section 340(c)(1) and section 340(g)(4), excluding grants that are national or multiregional in scope.	RHAs	Their respective regions.
Authority under section 340A (42 U.S.C. 256a) concerning Technical Assistance Demonstration Grants and Contracts, excluding the authorities delegated to RHAs.	Director, BHCDA	BHCDA.
Authority under section 340A (42 U.S.C. 256a) to administer technical assistance demonstration grants to public and private entities to assist such entities in meeting their costs of providing technical assistance to entities engaged in the planning, development, or operation (or any combination of such activities) of migrant health centers under section 329, community health centers under section 330, or any other centers for the delivery of primary health care.	RHAs	Their respective regions.
Authority under Part H (Sections 371-376) (42 U.S.C. 273 et seq.) relative to organ transplants	Director, Office of Organ Transplantation.	Office of Organ Transplanation.

These authorities may be redelegated.

All previous delegations have been superseded. Provision was made for all previous redelegations to continue in effect pending further redelegation.

This delegation was effective upon date of signature.

Dated: May 1, 1986.

John H. Kelso,

Acting Administrator, Health Resources and Services Administration.

[FR Doc. 86-10534 Filed 5-9-86; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Realty Action; Exchange of Public and Private Lands in Riverside County, CA

Correction

In FR Doc. 86-4434 appearing on page 7340, in the issue of Monday, March 3, 1986, make the following corrections: In the first column, in the **SUMMARY,** the line now reading "T. 36, R. 5 E.," should read "T. 3 S, R. 5 E.,"; and in the second line under Sec. 30, "NW¼ (42.93" should read "NW¼SW¼ (42. 93".

BILLING CODE 1505-01-M

Fish and Wildlife Service

Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-706069

Applicant: New York Zoological Society, Bronx, New York.

The applicant requests a permit to export up to 2 eggs, up to 2 chicks and up to 2 adult hooded cranes (*Grus monacha*) to Dr. Svetislov Priklonski, Oka State Nature Reserve, Lakash, Ryazan District, U.S.S.R. for the purpose of enhancement of propagation of the species.

PRT-706673

Applicant: Gary R. Ingersoll, Houston, TX.

The applicant requests a permit to import the personal sport-hunted trophy of a bontebok (*Damaliscus dorcas dorcas*), culled from the captive herd of Mr. Francis Bowker in Grahamstown, Republic of South Africa, for the purpose of enhancement of propagation.

PRT-706717

Applicant: Albert B. McMillian Wabash, IN.

The applicant requests a permit to purchase one pair of captive born Hawaiian (=nene) geese (*Nesochen (=Branta) sandvicensis*) from Mr. Charles Nugent of Kimbolton, Ohio, for the purpose of enhancement of propagation.

PRT-706721

Applicant: John M. Nugent, Jr., McLean, VA.

The applicant requests a permit to import one male captive born Nile crocodile (*Crocodylus niloticus*) skeleton from JOF Products (PTY) Ltd., Republic of Bophuthatswana, Southern Africa, for the purpose of enhancement of propagation.

PRT-706206

Applicant: George Carden Circus Int'l., Inc., Willard, MO.

The applicant requests a permit to export and reimport four female Asian elephants (*Elephas maximus*) for the purpose of enhancement of propagation.

PRT-704652

Applicant: Tracy Aviary, Salt Lake City, UT.

The applicant requests a permit to import a pair of Cabot's tragopan

pheasants (*Tragopan caboti*) from Mr. K. & G. Howe, Aylmer, Ontario, Canada for the purpose of enhancement of propagation.

PRT-703869

Applicant: V.H. Wanamaker, Burbank, CA.

The applicant requests a permit to import the personal sport-hunted trophy of a bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd of V. Pringle, Bedford, Cape Province, Republic of South Africa for the purpose of enhancement of propagation.

PRT-704949

Applicant: Michael Worley, DVM, San Diego, CA.

The applicant requests a permit to import blood and/or tissue from wild-caught cheetahs (*Acinonyx jubatus*) for purposes of determining disease prevalence and exposure to infectious organisms. This replaces the notice published May 1986 for the Zoological Society of San Diego, PRT 704949, to import blood and/or tissue from wild-caught endangered felids.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 611, 1000 North Glebe Road, Arlington, Virginia 22201, or by writing to the Director, U.S. Fish and Wildlife Service of the above address.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 86-10630 Filed 5-9-86; 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30819]

Ossipee Aggregates, Inc. and New Hampshire Northcoast Corp., Acquisition and Operation Exemption, Boston and Main Corp.

Ossipee Aggregates, Inc. (AO) and New Hampshire Northcoast Corporation (NHN) have filed a notice of exemption for OA to acquire and for NHN to operate a line of the Boston and Maine Corporation (B&M) between milepost B 80.3 at Rochester and milepost B 111 at Ossipee, NH. In conjunction with the sale, B&M has granted incidental trackage rights to OA and NHN, the intended operator, over approximately 11.87 miles of B&M's line extending (1) from milepost 80.3 at Rochester to milepost 73.37 at Somersworth, NH; (2) from milepost 2.72 at Somersworth to milepost 0.00 at Rollinsford, NH; and (3) from milepost 69.59 at Rollinsford to milepost 67.37 at Dover, NH. Comments must be filed with the Commission and served on: R. Lawrence McCaffrey, Jr., Weiner, McCaffrey, Brodsky & Kaplan, P.C., Suite 800, 1350 New York Avenue NW, Washington, D.C. 20005-4797, (202) 628-2000.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: May 1, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86-10574 Filed 5-9-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention; Meeting

The second quarterly meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention will be held in Washington, DC, on Wednesday, June 18, 1986. The meeting will take place in the Thirteen Floor Conference Room, the Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., from 9:30 a.m. to 12 noon. The public is welcome to attend.

The agenda will include matters related to the coordination of the Federal effort in the area of juvenile justice and delinquency prevention.

For further information, please contact Roberta Dorn, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, D.C. 20531, (202) 724-7655.

Dated: May 7, 1986.

Approved:

Alfred S. Regnery,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 86-10595 Filed 5-9-86; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289(CH) (ASLBP No. 85-514-02-OT)]

General Public Utilities Nuclear Corp.

In the Matter of General Public Utilities Nuclear (Three Mile Island Nuclear Station, Unit No. 1).

Before Administrative Law Judge Morton B Margulies.

Order

(Final Prehearing Conference)

The date of the final prehearing conference, at the request of the parties, is changed from May 12 to May 20, 1986. The conference will commence at 9:30 a.m., local time, in the Commonwealth Court, Courtroom No. 2, 5th floor, South Office Building, Commonwealth Avenue, Harrisburg, Pennsylvania.

Parties to the proceeding or their counsel are directed to appear at the final prehearing conference. The conference will be reported verbatim.

Matters to be considered are those that are customarily discussed at a final prehearing conference. A listing is contained in 10 CFR 2.752, consisting of:

(1) Simplification, clarification, and specification of the issues:

(2) The necessity or desirability of amending the pleadings;

(3) The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;

(4) Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

(5) The setting of a hearing schedule; and

(6) Such other matters as may aid in the orderly disposition of the proceeding.

Other matters to be considered are those procedural issues that were not resolved at the initial prehearing conference held on February 19, 1986. They involve the order in which the parties will present their cases, the manner in which they will participate and the use to be made in this proceeding of the prior record.

It is so *Ordered.*

Dated at Bethesda, Maryland this 6th day of May 1986.

Morton B. Margulies,

Administrative Law Judge.

[FR Doc. 86-10602 Filed 5-9-86; 8:45 am]

BILLING CODE 7590-01-M

[License No. STA-583]

Environmental Statements; Kerr-McGee Chemical Corp., West Chicago, IL; Finding of No Significant Impact

[Docket No.40-2061]

The U.S. Nuclear Regulatory Commission (the Commission) is considering the amendment of Source Material License No. STA-583 to authorize the receipt and storage at the Kerr-McGee (KM) Facility in West Chicago, Illinois, of thorium-bearing materials which are being removed from the Sewage Treatment Plant.

Summary of Environmental Assessment

Identification of the Proposed Action

The proposed action would allow Kerr-McGee to receive and store at the West Chicago Facility those thorium-bearing soils which are being removed from the Sewage Treatment Plant located in West Chicago, Illinois.

The Need for the Proposed Action

Ongoing construction to expand and modernize the Sewage Treatment Plant has necessitated the removal of the thorium-bearing material. Some of the contaminated soils are in areas where construction is either currently ongoing or planned. The material will have to be moved regardless of where it is stored.

Environmental Impacts of the Proposed Action

Currently, the contaminated soils are located in several areas of the Sewage Treatment Plant grounds, removal of the soils would result in the consolidation of material, thereby improving control.

KM will excavate the materials in accordance with approved procedures. Waters sprays and/or dust control measure will be used as needed to control airborne particulate emissions during excavation, transportation, loading/unloading, and storage activities. Air samples will be collected during all work activities to determine the airborne particulate concentrations in work areas.

The diposal site at the KM Facility is a restricted area so that unauthorized people will not be able to gain access to the contaminated material. The material will be stored separately from the byproduct material currently onsite.

Transportation accidents could result in the spillage of the contaminated soils. However, spilled soils can be readily cleaned up, and the short-term effect of dust dispersion at an accident site would be insignificant.

A residential thorium removal program resulted in the receipt and storage of approximately 35,000 cubic yards of thorium-bearing soil. The storage of this material has not caused any adverse environmental impact. The perimeter air samples do not show any significant change in activity. The amount of material from the Sewage Treatment Plant that is to be stored at the site is approximately 12,000 cubic yards, this is about one third of that from the residential program.

The storage of this amount of material should not cause any offsite environmental impact. KM is required to use water sprays or other dust control measures to ensure that material does not disperse offsite. KM's existing environmental monitoring program will be continued to confirm that the material is not dispersing offsite.

Conclusion

The staff believes that receipt and storage of the material can be accomplished in an environmentally safe manner and that the operation is expected to have an insignificant environmental impact. Therefore, the staff concludes there will be no significant impacts associated with the proposed action.

Alternatives to the Proposed Action

One alternative to the proposal is to leave the material where it is now. This alternative is not feasible because of the construction.

Another alternative would be to move the material to another location on the Sewage Treatment Plant grounds. Because future expansion plans might require removal of the material to yet another location, offsite removal is perferred to limit the number of times this material must be handled.

Any location to which the material is ultimately moved will have to be restricted to control access to the material. Measures would also have to be taken to prevent the spread of contaminated material. Any location chosen would have to be dedicated to that purpose and would become unavailable for other activities.

Because the material originated from the Rare Earths Facility and the disposal site is already restricted, storage at the KM West Chicago Facility would appear to be the best solution.

Agencies and Persons Consulted

The Commission's staff reviewed the applicant's request of January 28, 1986, and did not consult other agencies or persons.

Findings of No Significant Impact

The Commission's Division of Fuel Cycle and Material Safety has prepared an Environmental Assessment related to the amendment of Source Material License No STA-583. On the basis of this assessment, the Commission has concluded that the environmental impact created by the proposed licensing action would not be significant and does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate. The Environmental Assessment and the above document are available for public inspection and copying at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC, and at the Local Public Document Room located at the West Chicago Public Library, 332 E. Washington Street, West Chicago, Illinois. Copies of the Environmental Assessment may be obtained by calling (303) 427-4510 or by writing to the Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Silver Spring, Maryland, this 5th day of May 1986.

W.T. Crow,

Acting Chief, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 86-10639 Filed 5-9-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority to the State of New York; (James A. FitzPatrick Nuclear Power Plant); Exemption

I

The Power Authority of the State of New York (PASNY/the licensee) is the holder of Facility Operating License No. DPR-59 which authorities licensee to operate the James A. FitzPatrick Nuclear Power Plant (the facility) at power levels not in excess of 2436 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Oswego County, New York. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section III.G. of Appendix R to 10 CFR 50 requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

a. Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having

a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide a fire resistance equivalent to that required of the barrier;

b. Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area, and;

c. Enclosure of cables and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

If these conditions are not met, Section III.G.3 requires an alternative shutdown capability independent of the fire area of concern. It also requires that a fixed suppression system be installed in the fire area of concern if it contains a large concentration of cables or other combustibles. These alternative requirements are not deemed to be equivalent. Howver, they provide equivalent protection for those configurations in which they are accepted.

Because it is not possible to predict the specific conditions under which fires may occur and propagate, the design basis protective features are specified in the rule rather than the design basis fire. Plant spectific features may require protection different than the measures specified in Section III.G. In such a case, the licensee must demonstrate, by means of a detailed fire hazards analysis, that existing protection or existing protection in conjunction with proposed modifications will provide a level of safety equivalent to the technical requirements of Section III.G of Appendix R.

In summary, Section III.G is related to fire protection features for ensuring that systems and associated circuits used to achieve and maintain safe shutdown are free of fire damage. Fire protection configurations must either meet the specific requirements of Section III.G, or an alternative fire protection configuration must be justified by a fire hazard analysis.

Our general criteria for accepting an alternative fire protection configuration are the following:

• The alternative assures that one train of equipment necessary to achieve hot shutdown from either the control room or emergency control stations is free of fire damage.

• The alternative assures that fire damage to at least one train of equipment necessary to achieve cold shutdown is limited such that it can be repaired within a reasonable time (minor repairs with components stored on-site).

• Modifications required to meet Section III.G would not enhance fire protection safety above that provided by either existing or proposed alternatives.

• Modifications required to meet Section III.G would be detrimental to overall facility safety.

By letter dated April 12, 1985, the licensee requested approval for an exemption from the technical requirement of Section III.G.2 of Apendix R to 10 CFR 50 that ventilation penetrations in fire barriers separating redundant shutdown-related systems be provided with fire dampers. Specifically, the dampers to which this Exemption applies are three dampers (73FD–1, 73FD–2, 73FD–3) located in the floor/ceiling assembly between the screenwell house and safety-related pump houses. The licensee's basis for concluding that these dampers are not required is that the fire-related barriers in which they would be installed have been derated because of low combustible fire loading and resulting low fire severity.

We have evaluated the licensee's requested exemption. Since the fire hazard in the screenwell house and both pump houses is minimal because of low combustible loadings, we find that the installation of a damper in each ventilation opening in the associated fire barriers is not necessary to satisfy our fire protection guidelines. A potential concern we considered in our evaluation was the propagation of smoke and hot gases, beyond the room where the fire originates, to redundant shutdown-related systems in the adjoining rooms. For a fire originating in the screenwell house, it would be necessary, under this scenario, for the fire to propagate vertically downward. Because smoke and heat from a fire tend to rise and spread laterally, we would not expect this to occur. Also, if a fire were to occur in the screenwell house, shutdown could be achieved using systems in either pump house. In addition, due to the absence of fire dampers in the floor/ceiling assembly between each of the pump houses and the screenwell house, products of combustion from a fire originating in either pump house might spread upward into the screenwell house. However, in this case safe shutdown could be achieved using undamaged systems in the redundant pump house which shares no unprotected common boundaries. On these bases, we conclude that fire dampers are not necessary in the floor/ceiling assemblies and that the licensee's alternate fire protection configuration achieves an acceptable level of safety, equivalent to that attained by compliance with Section III.G. Therefore, we find the exemption from the requirement for installing three fire dampers in the floor/ceiling assembly between the screenwell house and safety-related pump rooms to be justified and acceptable.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption, namely that application of the regulation in the particular circumstances would not serve the underlying purpose of the rule and is not necessary to achieve the underlying purpose of the rule—to ensure the ability to effect safe shutdown of the plant. Safe shutdown could be effected if a fire occurred in the screenwell house or either pump house because a single fire in any one of these areas would not render redundant shutdown systems located in the remaining areas inoperable.

Accordingly, the Commission hereby grants an exemption as described in Section II above from Section III.G.2 of Appendix R to 10 CFR 50 to the extent that the installation of three fire dampers (73FD–1, 73FD–2, 73FD–3) in vntilation penetrations in the floor/ceiling assembly between the screenwell house and safety-related pump houses are not required.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment. (April 29, 1986, 51 FR 15982)

This Exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 30th day of April 1986.

Robert M. Bernero,

Director, Division of BWR Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 86–10638 Filed 5–9–86; 8:45 am]

BILLING CODE 7590–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Resident Fish Substitutions Advisory Committee; Meeting

AGENCY: The Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Resident Fish Substitutions Advisory Committee to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

- Resident fish substitutions amendment applications consultation.
- Resident fish substitution issue presentation.
- Other.
- Public comment.

DATE: May 20, 1986; 9:30 a.m.

ADDRESS: The meeting will be held at the Airport Ramada Inn, Spokane, Washington.

FOR FURTHER INFORMATION CONTACT: John Marsh, 503–222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 86–10533 Filed 5–9–86; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–23195; File No. SR–AMEX–86–12]

Self-Regulatory Organization's; Proposed Rule Change by the American Stock Exchange, Inc., Relating to the AUTO–EX Pilot Program

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 25, 1986, the American Stock Exchange, 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 American Stock Exchange, Inc. ("Amex" or "Exchange") proposes to amend the requirements for marketmakers participating in the AUTO–EX pilot program.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule 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 summarizes, 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

In October 1985, the Exchange filed a proposed rule change with the Commission, which set forth certain requirements and obligations for marketmakers participating in the AUTO–EX pilot program (see SR–AMEX–85–29, Amendment No. 1). The Exchange has reviewed those requirements in light of the last four highly successful months of the pilot program, and has determined that the requirements may be eased.

Specifically, it is proposed that the minimum net capital requirement be reduced from $100,000 to $50,000. Secondly, the Exchange has found that the trading volume requirement is unnecessary and proposes to delete it. (Pursuant to that requirement, AUTO–EX participants were required to have traded at leat 3,000 XMI contracts in the calendar month prior to their participation.) Instead of the trading volume requirement, to demonstrate a commitment to XMI options, marketmakers signing on the AUTO–EX system would be required to be in the XMI trading crowd during the majority of the business day any day they have signed on the system. Finally, it is proposed that the current, minimum one-week participation requirement be substantially reduced. Instead of a weekly commitment, marketmakers would be permitted to participate on a daily basis. However, any marketmaker participating any day during the expiration week would be required to sign on the system on expiration Friday. Failure to fulfill this requirement would result ina prohibition from participation in the pilot for the entire next expiration month.

The proposed change is consistent with the requirements of the Securities Exchange Act of 1934 ("1934 Act") and the rules and regulations thereunder applicable to the Exchange by broadening the opportunity for marketmakers to participate in the AUTO–EX pilot program, while continuing to protect the adequacy of the program. Therefore, the proposed rule change is consistent with section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public.

B. Self-Regulatory Organization's Statement on Burden of Competition

The Amex believes that the proposed rule change will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The proposed rule change was approved by the AUTO–EX Committee composed of Floor Governors, marketmakers and the XMI specialist.

No written comments were either solicited or 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 2, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 2, 1986.

John Wheeler,

Secretary

[FR Doc. 86-10562 Filed 5-9-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23193; File No. SR-CBOE-86-08]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc. Order Approving Proposed Rule Change

On March 10, 1986, the Chicago Board Options Exchange, Inc. ("CBOE"), submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] a proposed rule change that would permit the CBOE to issue 50 one-year trading rights that will provide access to CBOE's foreign currency options market.[3]

The proposed rule change was noticed in Securities Exchange Act Release No. 23052 (March 24, 1986), 51 FR 11123. No comments were received on the proposed rule change.

Under CBOE's currency options trading rights ("FCO Rights") proposal, members and non-members would be able to purchase rights for a $500 registration fee. Rights holders will be able to effect transactions only in currency options as principal or ageny on the CBOE's trading floor for one-year period. The rights will not convey any other benefit to the holders.[4] In addition, all rights holders would be subject to all CBOE rules, policies and procedures that regular members are subject to including customer protection rules, business conduct standards and, unless waived, to dues, fees and other charges. Non-member applicants for currency options rights must go through the CBOE's usual application process. If there are more than 50 applicants, the CBOE's Membership Committee will select the most qualified applicants.

Under CBOE's existing foreign currency options access plan, instituted at the start-up of its foreign currency options market, 22 one-year permits, renewable for a total of 3 years, have been issued. CBOE has stated that, if the rights proposal is approved, the 22 existing permits will become free permits and the $10,000 first year fee will be refunded.

In its filing, the CBOE has stated that the purpose of the currency options trading rights program is to attract additional market makers to the currency options trading crowd through inexpensive access. CBOE believes that the additon of market makers available to trade currency options will increase competition among market makers and will provide increased capacity for trading currency options with public customers and firm proprietary accounts.

As an initial matter, the Commission believes that the $500 registration fee for the FCO Rights and the imposition of other fees are consistent with section 6(b)(4) of the Act, which requires that exchange rules provide for equitable allocation of reasonable dues, fees, and other charges among its members and persons using its facilities.

In addition, the Commission believes that the CBOE has attempted through its plan to facilitate increased participation in its recently launched foreign currency options market by permitting non-member, in addition to member, access to its market and by providing relatively inexpensive access that might encourage greater participation in a product that has, to now, not attracted substantial market maker or other floor participation. The Commission believes that, consistent with sections 6(b)(2), 6(b)(5), and 6(b)(8) of the Act, CBOE is seeking to implement a start-up program for a new product designed to allow access to qualified persons, to remove impediments to a free and open market and to foster competition among a wide variety of market participants.

For these reasons, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6 [5] and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[6] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Dated: May 2, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-10631 Filed 5-9-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Incorporated

May 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:

Allied Supermarkets, Inc.
Common Stock, $0.10 Par Value (File No. 7-8944)

American General Corporation
Common Stock, $0.50 Par Value (File No. 7-8945)

Gleason Corporation
Common Stock, $1.00 Par Value (File No. 7-8946)

Mercantile Stores Company, Inc.
Common Stock, $0.36 ⅔ Par Value (File No. 7-8947)

Metropolitan Financial Corporation
Common Stock, $0.01 Par Value (File No. 7-8948)

Morgan Stanley Group, Inc.

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[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1985).

[3] The CBOE's Board of Directors approved the currency options trading rights proposal on March 12, 1986. The proposal was also approved by a membership vote: *See* letter from Anne Taylor, Associate General Counsel, CBOE, to Sharon Lawson, Attorney, Division of Market Regulation, SEC, dated March 21, 1986.

[4] For example, rights holders would have no right to vote, petition or serve on any committee except as a non-member of the CBOE. In addition unlike regular members, rights holders would not acquire any equity interest in exchange property or assets. Of course, a rights holder who does not give up his regular membership seat would retain these rights pursuant to his position as a regular member. CBOE has indicated, however, that it is likely that such a rights holder would probably, at the least, lease out his regular membership seat because of the fees involved.

[5] 15 U.S.C. 78f (1982).

[6] 15 U.S.C. 78 s(b)(2) (1982).

[7] 17 U.S.C. 200.30-3(a)(12) (1985).

Common Stock, $1.00 Par Value (File No. 7–8949)
Navistar International Corporation
Common Stock, No Par Value (File No. 7–8950)
Triton Energy Corporation
Common Stock, $1.00 Par Value (File No. 7–8951)
Zenith Laboratories, Inc.
Common Stock, $0.09 Par Value (File No. 7–8952)

These securities are listed and registered on one or more other national securties exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 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. 86–10564 Filed 5–9–86; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–15086 (File No. 812–6369)]

First Boston Asset Management Corp. and The First Boston Corp. Filing of Application for a Permanent Order and Issuance of a Temporary Order

May 5, 1986.

Notice is Hereby given that First Boston Asset Management Corporation, Tower Forty-Nine, 12 East 49th Street, New York, New York 10017 ("Asset Management") and The first Boston Corporation, Park Avenue Plaza, New York, New York 10055 ("First Boston") filed an application on May 5, 1986 pursuant to section 9(c) of the Investment Company act of 1940 (the "Act") for an order exempting Asset Management and First Boston permanently from the provisions of section 9(a) of the Act in respect of the facts and circumstances described therein and for an order of temporary exemption from section 9(a) for Asset Management and First Boston pending the determination of the Commission on its application for permanent exemption. Asset Management and First Boston are some times collectively referred to herein as the "Applicants."

Asset Management states that it is a New York corporation and is registered as an investment adviser under the Investment Advisers Act of 1940 (the "Advisers Act"). Asset Management states that pursuant to a Portfolio Manager Agreement dated February 21, 1986, Asset Management serves as investment adviser of the U.S. Government Series of First Trust Fund. At present, the U.S. Government Series is the sole series of such Fund. Asset Management states that it makes this Application in order that it may continue to act as investment adviser for First Trust Fund. According to the Application, Asset Management is not currently an investment adviser to any other investment company registered under the Act but it proposes to act as investment adviser to additional such investment companies in the future. In particular, asset Management states that it has been involved in the preparation for registration of, and expects to be investment adviser for, two investment companies, subject to the granting of the relief requested by this application. In addition, subject to the granting of the relief requested by this application, Asset Management states that its long-range plans include the possibility of advising additional registered investment companies.

First Boston states that it is a Massachusetts corporation, and that it is registered as a broker-dealer under section 15 of the Securities Exchange Act of 1934 (the "1934 Act") and as an investment adviser under the Advisers Act. According to the Application, First Boston engages in the investment banking business and buys and sells securities for its own account and the accounts of others.

Each of Asset Management and First Boston states that it is a wholly-owned subsidiary of First Boston, Inc., a Delaware corporation and a publicly held holding company. Accordingly, each of Asset Managment, First Boston and First Boston, Inc. are "affiliated persons" as defined in the act.

According to the Application, on May 5, 1986, the Commission filed a Complaint in the United States District Court for the Southern District of New York in a civil action entitled *Securities and Exchange Commission* v. *The First Boston Corporation* (the "SEC Action"). the Applicants state that on the same day, First Boston entered into, and the parties filed in the SEC Action, a related Consent and Undertaking, in which First Boston neither admitted nor denied any of the allegations in the Commission's Complaint except as to jurisdiction, and pursuant to which Consent and Undertaking the District Court entered a Final Judgment of Permanent Injunction and Other Relief against First Boston (the "Final Judgment"). According to the Application, among other provisions, the Final Judgment enjoins First Boston from engaging in transactions, acts, practices or courses of business which constitute or would constitute violations of section 10(b) of the Exchange Act and Rule 10b–5 thereunder. The Final Judgment also requires that First Boston conduct a review of its "Restricted List" and Chinese Wall" procedures and submit a written report of such review to the Commission.

According to the Application, the SEC Action involved certain transactions by First Boston, acting for its own account, in the common stock and options thereon of CIGNA Corporation ("CIGNA") on January 30, 1986. The Applicants state that the Complaint alleged that such transactions had been effected in violation of Section 10(b) of the Exchange Act and of Rule 10b–5 thereunder, in that they were allegedly effected on the basis of material nonpublic information which First Boston's Corporate Finance Department had received from CIGAN's management in connection with certain investment banking advice and services CIGNA had sought from First Boston.

Sections 9(a)(2) and 9(a)(3) of the Act provide, in pertinent part, that it is unlawful for any person to serve or act in the capacity of investment adviser or depositor of any registered investment company, or principal underwriter for any registered open-end investment company, if such person, or any company affiliated with such person, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase of sale of any security.

Section 9(c) provides that upon application, the Commission shall by order grant an exemption from the provisions of section 9(a), either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of section 9(a), as applied to the applicant, are unduly or disproportionately severe, or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

The Applicants now submit pursuant to section 9(c) that the prohibitions of

section 9(a) of the Act, to the extent applicable by virtue of the Final Judgment entered on consent in the SEC Action, would be unduly and disproportionately severe as applied to the Applicants and that the conduct of First Boston has been such as not to make it against the public interest or protection of investors to grant this Application.

The Applicants state that they base their Application on the following grounds:

1. The facts and circumstances to which the Final Judgment relate do not in any way involve any activities of Asset Management, whether relating to First Trust Fund or otherwise, or of either of the Applicants acting as investment adviser or distributor for any registered investment company.

2. The transactions alleged in the Complaint, which involved a single set of transactions occurring on a single day, were effected by officers and employees of First Boston in violation of First Boston's internal policies, and were not condoned by First Boston's senior management. Moreover, as part of the ancillary relief consented to, First Boston will review, evaluate and, if appropriate, modify, its "Restricted List" and "Chinese Wall" procedures and submit a report of such review to the Commission within 60 days of the date of entry of the Final Judgment. In its review, First Boston will consider possible procedures to be used should it act as investment adviser to a registered investment company which invests in equity securities.

3. The equity traders, analysts and investment banker referred to in the Complaint have had no involvement with Asset Management and such persons, because of their current fields of specialization, are not expected to be involved in the future management of any registered investment company or the future distribution of any registered open-end investment company by either of the Applicants.

4. Denial of the requested order could result in detriment to investors in First Trust Fund since those investors would no longer have the services of their investment adviser.

5. Denial of the requested order could result in further harm to investors in First Trust Fund because of the uncertainty caused by Asset Management being prohibited from serving the Fund, which might bring about multiple redemptions of the shares of such Fund.

6. The prohibition of section 9(a) would be unduly and disproportionately severe as applied to the Applicants, given the circumstances underlying the SEC Action and First Boston's record of 50 years without any prior Commission enforcement proceeding.

7. The Applicants believe that Asset Management's ability to serve as portfolio manager to First Trust Fund and the ability of each of the Applicants to act as an investment adviser or distributor for any other registered investment company and to comply with the requirements of the Act should not be impaired by the existence of the Final Judgment.

8. Neither of the Applicants has previously filed an application for relief pursuant to section 9(c) of the Act, except that in 1982, First Boston applied for, and was granted, a permanent exemption pursuant to section 9(c) of the Act (Release No. 12928; December 27, 1982) in connection with a consent judgment entered against Swiss Credit Bank in 1975, prior to the time that First Boston and Swiss Credit Bank became "affiliated persons" as defined in the Act. First Boston was not a party to, and did not participate in any of the conduct alleged to have constituted such violations in, the proceeding which resulted in such consent judgment being entered against Swiss Credit Bank.

9. In making its Application, each of the Applicants acknowledges, understands and agrees that its Application and any temporary exemption issued by the Commission to the Applicants shall be without prejudice to the Commission's consideration of any application for exemptions from statutory requirements, including the consideration of the Application of the Applicants for a permanent exemption pursuant to section 9(c) from the provisions of section 9(a) of the Act or the revocation or removal of any temporary exemption granted in connection with this Application.

The Commission has considerd the matter and finds that:

1. The prohibitions of section 9(a) may be unduly or disproportionately severe as applied to the Applicants and that the conduct of First Boston has been such as not to make it against the public interest or protection of investors to grant the application of the Applicants for a temporary exemption for section 9(a) pending determination of the application; and

2. In order not to interrupt the investment advisory services being rendered to First Trust Fund and to be rendered to the funds Asset Management proposes to advise, it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order be issued forthwith.

Accordingly, It Is Ordered, pursuant to section 9(c) of the Act, that the Applicants are hereby temporarily exempted from any of the provisions of section 9(a) of the Act operative as a result of the entry of the Final Judgment against First Boston in *Securities and Exchange Commission.* v. *The First Boston Corporation*, pending final determination by the Commission of the application of the Applicants for an order exempting the Appliants from any of the provisions of section 9(a) operative as a result of the entry of such Final Judgment.

Notice Is Further Given than any interested person may, not later than July 21, 1986, at 5:30 p.m., submit to the Commission, in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request shall be served personally or by mail upon each of the Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

John Wheeler,

Secretary.

[FR Doc. 86–10580 Filed 5–9–86; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34-23133; File No. SR-NSCC-86-05]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the National Securities Clearing Corporation

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 3, 1986, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission a proposed rule change concerning NSCC's Mutual Fund Settlement, Entry and Registration Verification Service (the "Fund/Serv Service"). NSCC's proposal, among other things, would establish the Fund/Serv Service on a permanent basis.[1] The Commission is publishing this notice to solicit public comment on the proposal.

NSCC's proposal, among other things, would: (1) Establish the Fund/Serv Service as a permanent program; (2) revise the entrance and continuance standards for mutual fund agents participating in the Fund/Serv Service ("Fund Agents"); (3) establish the format for a Fund Agent questionnaire and quarterly report; (4) amend NSCC rules to clarify, among other things, use of the Fund/Serv Service shall have no effect on underlying rights or obligations, for example, under the Investment Company Act of 1940, in respect to transactions submitted to NSCC for processing; and (5) revise NSCC's fees for use of Fund/Serv Services.

The proposal would amend NSCC Rules 15 and 51 to specify Fund/Serv Members' entrance and continuance standards and NSCC Rule 52 to establish, on a permanent basis, the Fund/Serv Service and enable settling members to submit mutual fund purchases and redemption orders to NSCC.[2] The proposal also would amend many of NSCC's existing rules to accomodate the new service and to set forth Fund/Serv Members' rights and obligations.

NSCC's proposal would modify the entrance and continuance standards for Fund Agent Members as initially established during the pilot program. The proposal would reduce required assets under management from $500 million to $100 million. NSCC, however, would impose a new net worth requirement of at lease one million dollars and require the Fund Agent and its Investment Advisor to have an established business history of three years, or personnel with equivalent experience.[3] In addition, NSCC would impose new surveillance standards and require each Fund/Serv Member to fill out an initial questionnaire and to submit periodic reports.

The proposal would allow NSCC to place a Fund/Serv Member on surveillance status for any of the following: (1) a 50% increase in average daily net settlement debits (calculated weekly) over the average daily net settlement debits for the previous week; (2) a decrease in net assets under management by 15% over the previous month, 25% over the previous two months, or 30% over the previous three months; or (3) any condition which could materially affect the operational and financial viability of the Fund/Serv Member which would increase or potentially increase NSCC's financial exposure. A Fund/Serv Member placed on surveillance would be required to submit to NSCC weekly reports regarding the member's total average weekly net redemptions (including redemption orders placed outside the Fund/Serv Service). The proposal would allow NSCC to require from a Fund/Serv Member placed on surveillance any other assurances concerning the member's financial responsibility NCSS deemed necessary.

The proposal also would amend Rule 52 to grant NSCC the authority to permit broker/dealers and Fund Agents to pass money only charges through the Fund/Serv Service. While the operational aspects of passing money only charges through the system has not been completed at this time, NSCC plans to introduce this enhancement in the near future.

NSCC's proposal also would modify the Fund/Serv fee structure. Currently, NSCC charges $.35 per side per transaction, based on confirmed orders. NSCC proposes to impose this charge on settled, as opposed to confirmed, transactions.

NSCC believes that the proposal is consistent with the Act in general and with Section 17A of the Act in particular, because it facilitates the prompt and accurate clearance and settlement of mutual fund transactions. In addition, NSCC believes the expansion of the Fund/Serv Service, to all eligible participants would enable these participants to process orders on a more efficient basis and, therefore, permit them to more easily accomodate the unprecedented growth in mutual fund transactions.

Copies of all documents relating to the proposal, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. Section 552, may be inspected and copied at the Commission's Public Reference Room, 450 fifth Street NW., Washington, DC and at NSCC's principal office.

To assist the Commission in determining whether to approve the proposal or to institute disapproval proceedings, the Commission invites public comment on the proposal. Comments should refer to File No. SR-NSCC-86-05. Please file six copies of comments with the Secretary of the Commission, 450 Fifth Street NW., Washington, DC 20549, by June 2, 1986.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-10632 Filed 5-9-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23202; File No. SR-NYSE-77-6]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval to Proposed Rule Change Relating to Procedures for Competing Specialists

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended, notice is hereby given that on February 24, 1977, the New York Stock Exchange, Inc. ("NYSE") filed with the Securities and Exchange Commission a proposed rule change relating to competing NYSE specialists.[1] On October 27, 1977, the

[1] On February 20, 1986, the Commission approved NSCC's proposal to establish the Fund/Serv Service on a pilot basis. Securities Exchange Act Release No. 22928 (February 20, 1986), 51 FR 6954 (February 27, 1986).

[2] For more detailed discussion of NSCC's Fund/Serv Service, *see* Securities Exchange Act Release No. 22928 (February 20, 1986), 51 FR 6954 (February 27, 1986).

[3] The proposal would authorize NSCC to admit Fund/Serv applicants with less business experience if they have been examined by the SEC or a designated examining authority.

[1] Notice of proposed rule change was provided in Securities Exchange Act Release No. 13319 (March 1, 1977), 42 FR 13176 (March 9, 1977). In view of the length of time that the proposed rule change has been pending before the Commission without action, the Commission is considering the proposed rule change as though prior notice of the proposal had not been given; however, as discussed below, the Commission has determined that there is good cause for approving the proposal on an accelerated basis. The Commission notes that the NYSE has requested that the proposed rule change, as amended, be approved without delays, and that the procedures under the proposal will be effective for 6 months. *See* letters from Santo Framularo, Assistant Vice President, NYSE, to Richard Ketchum, Director, Division of Market Regulation, dated May 2, 1986.

NYSE filed Amendment No. 1 to the proposed rule change. The proposed rule change, as amended, is as follows:

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange's Board of Directors has endorsed a system of competing specialists on the Floor of the Exchange, and the proposed Procedures for Competing Specialists summarize the qualifications required to become an Exchange specialist and the procedures which will apply regarding applications to compete. The text of the proposed procedures is attached as Exhibit I to the amended proposed rule change filed with the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

On May 13, 1976, the Exchange's Board of Directors endorsed a system of competition between Exchange specialists by reaffirming the ability of Exchange members to register and act as specialists in stocks which are also assigned to other specialists. The proposed "Procedures for Competing Specialists" are designed to provide Exchange members with a clear statement of the qualifications required to become a specialist and the procedures to be followed. They are also designed to guide the Exchange's Market Performance Committee in its consideration and approval of applications to compete.

Procedures numbered 1, 2, 8, and 9 are "housekeeping" in nature and merely establish the manner in which applications to compete will be received and processed. They do not constitute any subtantive statement of rule or policy. Similarly, procedure number 10 is designed to clarify the Exchange's surveillance efforts with regard to any competitive situation and to advise members of reporting requirements which will normally be imposed.

Procedures numbered 3 and 5 serve to summarize exiting Exchange requirements for registration as a specialist. Procedure number 3 clarifies the uniform application of the specialist capital requirement currently contained in Exchange Rule 104.20 to all existing or newly created specialist organizations. Procedure number 5 states that no member may act as a specialist unless registered as a specialist with the Exchange; and that before registration as a specialist, a member is required to pass to Specialist's Examination prescribed by the Exchange. These requirements are set forth in Exchange Rules 103 and 103.10 respectively. Procedures 3 and 5 as described above do not constitute any change in the established interpretations and applications of Exchange Rules 103, 103.10 and 104.20. They are designed merely to summarize and clarify, for the benefit of members, the requirements for registration as a specialist.

Procedure number 4 serves to remind members that competing specialists are required to fulfill the responsibilities of a specialist that are set forth in Exchange Rule 104.10 regarding the maintenance of fair and orderly markets. In this regard, procedure 4 provides that any specialist organization which applies to compete with another organization must have manpower which will enable it to fulfill its specialist responsibilities in all registered stocks. Absence, on the part of an applicant, of manpower which would enable the applicant under normally expected circumstances to maintain continous fair and orderly markets in all registered stocks would be viewed as a failure to qualify to act as competing specialist. This procedure is designed to insure the quality and continuity of Exchange markets by requiring that commitment of capital by a competing specialist as required by Exchange rule is accompanied by a corresponding commitment of manpower.

Procedure number 11 provides an appropriate method for specialist organizations to withdraw from competitive situations. The procedure is designed to allow members to withdraw from competition with relative ease without unduly prejudicing their future ability to compete; and, at the same time, to enable the Exchange to insure the efficiency, stability and continuity of its marketplace. Members may freely withdraw from competition so long as they provide the Exchange's Market Performance Committee with notice prior to the desired effective date of withdrawal. The Market Performance Committee will approve withdrawals as soon as necessary arragements are made to avoid any interruptions in the quality and continuity in the markets of the stocks involved. In addition, specialist organizations which withdraw from a competitive situation may apply to compete in other stocks without restriction but they will normally be barred from applying to re-enter into competition in the same stocks for a period of three months following withdrawal. In the case of extenuating circumstances, the Market Performance Committee may waive this three month restriction at the time of withdrawal where imposition of the restriction would be inappropriate and would work to weaken rather than strengthen Exchange markets. Upon approval of an application to compete, the Exchange is committed to providing adequate Floor facilities for the new competitor. This commitment is reflected in item number 9 of the proposed procedures. In many cases this may require significant alterations to the physical and electronic facilities on the trading Floor. In addition, the Exchange must establish appropriate procedures for the routing of Designated Order Turnaround (DOT) System orders and odd-lot orders to the competing specialists, and member organizations must be advised of those procedures. The Exchange endorses the concept of competing specialists and wishes to impose as few restrictions as possible upon the free entry and withdrawal of competitors. However, the Exchange also recognizes the need to make some provision for the efficient and orderly operation of its marketplace. In view of the significant effort required to "setup" a competing specialist facility, the Exchange does not think it unreasonable, and feels it will contribute to the orderly handling of competing situations, to require of a competing specialist wishing to withdraw from competition that his request not be based upon the transient events of the day but rather that it be based upon his knowledge that he will be restricted from re-entry for a three-month period. Thus, the Exchange feels that the three-month re-entry restriction does not unduly restrict competition but rather provides for a more efficient and orderly competitive environment.

Procedures numbered 6, 7 and 12 provide for fair proceedings. Procedure 6 allows an applicant to request an appearance before the Market Performance Committee if desired. Procedure 7 reaffirms the Market Performance Committee's obligation to approve applications to compete unless it can show lack of qualifications. Procedure 12 reminds members that decisions of the Market Performance Committee are reviewed by the Exchange's Quality of Markets Committee, and that Article III, Section 1 of the Exchange Constitution provides for a member to appeal to the Board of Directors any decision of the Market Performance Committee.

(2) Basis Under the Act for Proposed Rule Change

The proposed "Procedures for Competing Specialists" are designed to facilitate and enable the implementation of a system of competing specialists; and they are, therefore, based on section 11(b) of the Securities Exchange Act of 1934 which provides for exchange rules to permit members to be registered as specialists; and section 11A(a)(1)(C) which states the Congress finds that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure fair competition among brokers and dealers among exchange markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed "Procedures for Competing Specialists" were developed to facilitate the implementation of a system of competing specialists on the Exchange Floor; thus, they do not impose any burden on competition but rather provide for increased competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has not solicited comments on the proposed "Procedures for Competing Specialists."

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Section. Copies of the filing will also be available for inspection and copying at the NYSE. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 2, 1986.

IV. Findings and Order Granting Accelerated Approval

The proposed procedures for competing specialists provide, among other things, that NYSE members who wish to compete as specialists in stocks assigned to other NYSE specialists (1) must satisfy capital requirements as set forth in NYSE Rule 104.20; (2) must have sufficient manpower to permit them to fulfill the specialist function set forth in Rule 104.10 in all stocks in which the competing specialist will be registered; and (3) must be registered with the NYSE as specialists. The procedures provide further that the NYSE's Market Performance Committee ("MPC") will grant approval of applications to compete unless lack of qualifications are shown. The MPC recently granted, effective May 2, 1986, the application of a specialist unit to be registered as specialist in stocks already assigned to and traded by another NYSE specialist unit.

While the Commission views as appropriate the procedures set forth in the proposed rule change for approving competing specialist posts, the Commission believes that the NYSE, during the 6 month effectiveness of the proposed rule change, should assess the adequacy of current NYSE rules as applied to competing specialists, and, during that period, should develop and file with the Commission pursuant to Rule 19b-4 under the Act, appropriate amendments to its rules to accommodate competing specialist activity. Specifically, the Commission believes the Exchange's review should include procedures relating to the following: (1) The proper location on the floor of competing specialist units (*e.g.*, whether they should be adjacent); (2) the routing of orders through the DOT system to the competing specialists; (3) opening prices and order imbalances at the opening; (4) method for determining order imbalance trading halts; (5) trade and quote reporting and the display of quotes through the Intermarket Trading System; (6) the execution of limit orders in the same stocks held on each competing specialist's book, and application of the rules of priority, parity, and precedence under NYSE Rule 72 to the execution of such orders; (7) the participation of each competing specialist in block order executions under NYSE Rule 127; (8) the execution of various types of orders such as percentage orders and stop orders; and (9) application of the specialist functions under NYSE Rule 104 to each competing specialist, including with respect to each specialist's affirmative and negative obligations. The Commission anticipates that other rules and procedures than those enumerated above may require amendments as the Exchange monitors the activities of competing specialists during the next 6 months.[2]

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that exigent circumstances have caused the NYSE to approve the registration of a specialist unit to compete with another unit beginning May 2, 1986 and it is necessary for the NYSE to have Commission-approved procedures in place to accommodate such registration. In addition, the NYSE has indicated to the Commission staff that it has applied the procedures enumerated in the proposed rule change to the applicant competing specialist, and, further, that it has developed procedures for handling a number of regulatory issues arising from the execution of orders by competing specialists. The Commission notes that the NYSE also has implemented specific surveillance procedures with respect to the competing specialists currently trading. The Commission, therefore, believes that accelerated approval of the proposed rule change for 6 months is necessary and appropriate in furtherance of the purposes of the Act.

The Commission, therefore, finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and 11A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved, effective *nunc pro tunc* at the opening of business on May 2, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 5, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-10633 Filed 5-9-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23192; File No. S7-11-86]

Program for Allocation of Regulatory Responsibility Pursuant to Rule 17d-2.; New York Stock Exchange, Inc.

AGENCY: Securities and Exchange Commission.

ACTION: Notice of filing of amended NYSE/Amex, NYSE/BSE, NYSE/CSE,

[2] The Commission notes that the NYSE, in its filing and in its letter of May 2, 1986, from Santo Famularo to Richard Ketchum, note 1 *supra*, has stated that the proposed rule changes do not directly or indirectly affect the application of other Exchange rules. In addition, in its letter of May 2, the Exchange states that no other rule changes are necessary to accommodate competing specialist situations. For the reasons noted above, the Commission disagrees with these statements.

NYSE/MSE, NYSE/PSE and NYSE/Phlx plans.

SUMMARY: The New York Stock Exchange, Inc. ("NYSE"), in conjunction with six other exchanges, has filed with the Securities and Exchange Commission amended plans which would allocate certain regulatory responsibilites to the NYSE with respect to a broker-dealer which is a member of the NYSE and one or more of the other exchanges. The amended plans would reduce regulatory duplication for such firms and would represent a more effective and efficient utilization of the available resources of each self-regulatory organization.

DATE: Comments must be received on or before June 30, 1986.

ADDRESS: Persons wishing to submit written views, data and comments should file six (6) copies thereof with John Wheeler, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. All comments should refer to File No. S7–11–86. Copies of the submissions and of all written data, views and comments will be available for public inspection at the Commission's Public Reference Room, 450 5th Street NW., Washington, DC

FOR FURTHER INFORMATION CONTACT: France Maca at (202) 272–2807, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street NW., Washington, DC. 20549.

SUPPLEMENTARY INFORMATION: Pursuant to Rule 17d–2(c) of the Securities Exchange Act of 1934 (the "Act"), 17 CFR 240.17d–2(c), the Securities and Exchange Commission ("the Commission") is publishing notice that the NYSE, in conjuction with six other exchanges, has filed with the Commission amended plans for the allocation of regulatory responsibilities pursuant to Rule 17d–2.

I. Introduction

Section 19(g)(1) of the Act, among other things, requires every national securites exchange and registered securities association ("SRO") to examine for and enforce compliance by its members and persons associated with its members with the Act, the rules and regulations thereunder and the SRO's own rules unless the SRO is relieved of this responsibility pursuant to section 17(d) or 19(g)(2) of the Act. For a broker or dealer that maintains membership in more than one SRO ("common member"), the statutory obligation of the individual SROs, without this relief, could result in a patterrn of multiple examinations of a common member. This would create unnecessary regulatory duplication and added expenses for a firm and the SROs.

Section 17(d)(1) of the Act was intended, in part, to eliminate overlaps and gaps in the regulatory pattern.[1] With respect to a common member, section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules and regulations, or to perform other specified regulatory functions.

Rule 17d-1 under the Act, 17 CFR 240.17d–1, was adopted by the Commission on April 20, 1976.[2] The rule authorizes the Commission to name a single SRO as the designated examining authority ("DEA") to examine common members that are members of the securities Investor Protection Corporation for compliance with the Act and Commission and SRO rules and regulations relating to financial responsibility. When an SRO has been named as a common members's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with applicable financial responsibility rules.

On its face, Rule 17d–1 deals with financial responsibility compliance and no other aspect of an SRO's responsibilities. Thus, every SRO continues to be obligated, Whether or not it is the DEA for the common member, to examine a common member for compliance with its own rules and provisions of the Act and rules and regulations thereunder governing matters other than financial responsibility. Such matters include sales practices and trading activities and practices.

On October 28, 1976, the Commission adopted Rule 17d-2 under the Act.[3] The rule permits SROs to join in proposing plans for allocating the regulatory responsibilities imposed by the act with respect to common members. Under Rule 17d–2(c), the Commission may declare such plan effective if, after providing for notice and comment, it determines that the plan is neccessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among the SROs, to remove impediments to and foster the development of a national market system and a national clearance and settlement system and informity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d-2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Plan

The NYSE, in conjunction with six other exchanges, filed with the Commission amended plans for the allocation of regulatory responsibilities pursuant to Rule 17d-2. The following exchanges have joined with the NYSE in submitting amended plans: The American Stock Exchange, Inc. ("Amex"); the Boston Stock Exchange, Inc. ("BSE"); the Cincinnati Stock Exchange, Inc. ("CSE"); the Midwest Stock Exchange, Inc. ("MSE"); the Pacific Stock Exchange, Inc. ("PSE"); and the Philadelphia Stock Exchange, Inc., ("Phlx").[4] The plans which are presently under consideration are amended versions of the plans which were previously submitted to the Commission.[5] On September 26, 1978, the Commission announced the Temporary approval of additional plans reflecting agreements reached between the National Association of Securities Dealers, Inc. ("NASD") and the BSE, CSE, MSE and PSE.[6] In the Order, the Commission noted several areas to be corrected prior to final approval of the plans. Among other things, the Order required the parties to the plan to submit an attachment listing all the rules of each exchange and designating which party or parties would be responsible for enforcing compliance with the rules. Because portions of the Order were applicable to every self-regulatory organization which executed an allocation plan, the NYSE and each of the six other exchanges submitted an amendment to their original plans.[7] The

[1] Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session. 32 (1975).

[2] Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18809 (1976).

[3] Securities Exchange Act Release No. 12935 (October 28, 1976), FR 49093 (November 8, 1976).

[4] The exchanges which are parties to these arrangements, other than the NYSE, will hereinafter be referred to as the "other exchange(s)".

[5] The Commission published notice of the terms of the original plans in the following Securities Exchange Act Releases: No. 13326 (March 3, 1977), 42 FR 13878 (March 14, 1977) (NYSE/Amex); No. 13536 (May 12, 1977), 42 FR 26264 (May 23, 1977) (NYSE/BSE); No. 14152 (November 9, 1977), 42 FR 59339 (November 16, 1977) (NYSE/CSE); No. 13535 (May 12, 1977, 42 FR 26269 (May 23, 1977) NYSE/MSE); No. 13531 (May 12, 1977), 42 FR 26273 (May 23, 1977) NYE/PSE); and No. 14093 (October 25, 1977), 42 FR 57199 (November 1, 1977) (NYSE/Phlx).

[6] Securities Exchange Act Release No. 15191 (September 26, 1978), 43 FR 46093 (October 5, 1978).

[7] The amended plans were filed with the Commission on the following dates: NYSE/Amex—

Continued

amendments clarify the exchanges' respective responsibilities and eliminate gaps in regulatory oversight. Included in each amended plan is an attachment which fully and clearly delineates regulatory responsibilities with respect to the rules of the other exchanges. The attachments to the amendment plans list every rule of the other exchange and indicate which exchange shall be responsible for oversight and enforcement of that rule, or whether the two exchanges will share that responsibility.

The proposed amended plans are intended to reduce regulatory duplication for firms that are members of the NYSE and one of the other exchanges ("dual members"). The plans shall be applicable to those dual members for which the NYSE has been appointed the designated examining authority (the "DEA") pursuant to Rule 17d–1. A brief description of the general operation of the plans follows.[8]

A. Examination and Disciplinary Proceeding

The NYSE will be responsible for examining for,[9] and enforcing compliance with the provisions of the Act, the rules and regulations thereunder, its own rules and comparable rules of the other exchanges ("comparable rules").[10] Each exchange will retain responsibility for marketplace surveillance. The NYSE, however, will examine for compliance with, but not enforce, certain designated rules of other exchanges which are not comparable to its own rules ("unique rules") and certain designated marketplace surveillance rules of the other exchanges.[11]

Disciplinary investigations and proceedings involving dual members' and/or their associated persons' compliance with the provisions of the Act, the rules and regulations thereunder, the rules of the NYSE and comparable rules of the other exchanges will be the responsibility of the NYSE. The other exchanges will retain responsibility for conducting disciplinary investigations and proceedings relating to unique rules and to situations related solely or primarily to circumstances involving a security listed on the other exchanges or to any trades executed or other activities on the other exchanges.[12] The NYSE shall report to the other exchanges any apparent violation by a dual member and/or its associate persons of other exchanges' unique rules or any situation related solely or primarily to circumstances involving a security listed on the other exchanges or to any trades executed or other activities on the other exchanges.

B. Membership Services

The NYSE will be responsible for processing and approving or disapproving applications submitted by dual members on behalf of persons requiring approval by the rules of the NYSE and other exchanges. The NYSE will be responsible for conducting appropriate examinations of a person subject to a statutory disqualification and for taking any action required. The NYSE will be responsible for processing and, if required, acting upon all requests for the opening, address changes, and termination of branch offices of dual members and any other applications required of dual members under the rules of the exchanges. However, applications to become a member of the other exchange will continue to be the responsibility of, filed with and processed by, the other exchange.

The NYSE will be responsible for conducting appropriate investigations, and taking appropriate action, regarding the termination of associated persons for cause unless the termination relates to activities involving a security listed on the other exchange or to any trades executed or other activities on the other exchange in which case the other exchange will be responsible for handling the matter.

The NYSE will be responsible for reviewing advertisements, market letters, research reports, sales literature and other instances of public communication by dual members. The NYSE will also be responsible for taking appropriate action with respect to all inquiries and complaints involving dual members, except for those inquiries or complaints related solely or primarily to circumstances involving a security listed on the other exchanges or to trades executed and other activities on such other exchange.

C. Exchanges Based Examinations

The NYSE will be responsible for reviewing and subsequent action on dual members' Financial Operations Combined Uniform Single (FOCUS) Reports and any other generally applicable financial reporting requirements imposed by the Commission, the NYSE or the other exchanges. The NYSE will be responsible for the review, approval and retention of partnership agreements, corporate certificates and by-laws, subordinated loan agreements and clearance arrangements.

D. Administration of the Plan

Each exchange agrees to provide to the other party to the plan access to its files regarding dual members. Each exchange will give prompt notice to the other party to the plan when an adoption or amendment to the Constitution, rules or policies of that exchange or interpretation thereof becomes effective which will affect the plan. No reimbursement of costs shall be required in the ordinary course of discharging allocated responsibilities under the plan.

Neither exchange assumes any liability to the other party to the plan or to any third party for any loss or damage resulting from any delays, inaccuracies, errors or omissions with respect to the provision of regulatory functions provided in the plan, except in instances where the loss or damage is

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March 6, 1981; NYSE/BSE—February 3, 1981; NYSE/CSE—November 4, 1981; NYSE/MSE—June 1, 1981; NYSE/PSE—June 2, 1981; and NYSE/Phlx—August 17, 1982.

[8] The full texts of the plans are available for inspection at the Commission's Public Reference Room.

[9] The NYSE is responsible for conducting routine and special on-site examinations, but the other exchanges reserve the right to participate in special examinations.

[10] The plans between the NYSE and the Amex, MSE, PSE and Phlx generally provide that allocation of regulatory responsibilities concerning options-related sales practice matters for dual members will be subject to the provisions of any plan regarding options matters in which the Amex, MSE, PSE or Phlx participate and which is declared effective under Rule 17d–2. On September 8, 1983, the Commission issued an order approving a plan for the allocation of regulatory responsibilities pertaining to options-related sales practice matters filed by the Amex, Chicago Board Options Exchange, Inc., MSE, NASD, NYSE, PSE and Phlx pursuant to Rule 17d–2. *See* Securities Exchange Act Release No. 20158 (September 8, 1983), 48 FR 41265 (September 14, 1983).

[11] Because the attachments which delineate the regulatory responsibilities with respect to the other exchanges require updating, the NYSE and the other exchanges have agreed to expeditiously update them. Until the attachments are updated, the NYSE will only examine and enforce compliance with the provisions of the Act, the rules and regulations thereunder, its own rules and those rules of the other exchanges that are comparable to its rules. After that updating is completed, the parties will specifically indicate responsibility for unique rules of other exchanges.

[12] The provision that the other exchanges retain responsibility for conducting disciplinary investigations and proceedings for situations related solely or primarily to circumstances involving a security listed on the other exchanges appears in some of the plans. This provision apparently does not distinguish cases where a security is dually listed on a regional exchange and the NYSE. Comment is requested as to whether, in the case of a dually listed security, the other exchanges should be responsible only for investigations and proceedings regarding trades effected or other activities on their floors or through their trading system.

the result of willful misconduct.[13] The parties disclaim all warranties regarding performance of their respective responsibilities under the plans.

Disputes under the plan between the parties will be settled through binding arbitration. Termination of the plan will occur only after prior written notification to the other party to the plan and upon the Commission relieving the parties of the responsibilities allocated to them under the plan.

III. Request for Comment

In order to assist the Commission in determining whether to approve these plans and to relieve the other exchanges of responsibilities designated to the NYSE, interested persons are invited to submit written data, views and comments concerning the submissions by June 30, 1986. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, 450 5th Street NW., Washington, DC 20549. Reference should be made to File No. S7–11–86.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

John Wheeler,

Secretary.

May 1, 1986.

[FR Doc. 86–10561 Filed 5–9–86; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–23196; File No. SR–Phlx–86–7]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc., Order Approving Proposed Rule Change

On February 25, 1986, the Philadelphia Stock Exchange, Inc. ("Phlx") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to eliminate closing rotations in expiring foreign currency options.

The proposed rule change was noticed in Securities Exchange Act Release No. 22990 (March 7, 1986), 51 FR 9566. No comments were received on the proposed rule change.

Phlx is proposing to eliminate the use of closing rotations in expiring series of foreign currency options because their experience has shown that there is no interest in a closing rotation in such options at expiration. In this regard, Phlx states that closing rotations in expiring foreign currency options are not necessary because positions are routinely closed out during free trading. In addition, Phlx notes that because currencies, unlike stocks, are traded continuously, there is no need to adjust a position to the closing price of the underlying vehicle.

In reviewing the proposal, we note that the Chicago Board Options Exchange, Inc. ("CBOE") currently employs a closing rotation for its European-style foreign currency options. Nevertheless, the Commission does not believe there is any regulatory reason to impose similar rules on the two exchanges concerning closing rotations for expiring foreign currency options. Because of the differences between the underlying foreign currency market and the stock market, the Commission believes the elimination of closing rotations is justified and does not present any regulatory concerns. We also note that the Commission previously took similar action in eliminating closing rotations for index options traded on the American Stock Exchange, Inc. ("Amex") and the CBOE.[3]

For these reasons, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6[4] and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Dated: May 2, 1986.

John Wheeler,

Secretary.

[FR Doc. 86–10634 Filed 5–9–86; 8:45 am]

BILLING CODE 8010–01–M

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[13] Comment is requested on the appropriateness of any exculpatory provision which may impact on the rights of third parties under the federal securities laws.

[1] 15 U.S.C. 78s(b)(1)(1982).

[2] 17 CFR 240.19b–4 (1985).

[3] *See* Securities Exchange Act Release No. 20169, (September 9, 1983), 48 FR 41545, and Securities Exchange Act Release No. 21479 (November 13, 1984) 49 FR 45687.

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78 s(b)(2)(1982).

[6] 17 CFR 200.30–3(a)(12)(1985).

[Release No. 34–23194; File No. SR–PHLX–86–13]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Accelerated Approval of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 18, 1986, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") proposes to amend Exchange Rules 101 and 1101A to extend trading hours in National Over-the-Counter ("XOC") Index options until 4:15 P.M., and to amend Rule 1042A to similarly extend the cut-off time for exercising XOC options.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule 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 is 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

Purpose

Under current Exchange rules, Value Line ("XVL") Index options trade until 4:15 P.M. because the XVL futures contract, which is traded on the Kansas City Board of Trade ("KCBT"), trades until 4:15 P.M.

With respect to National Over-the-Counter ("XOC") Index options, such options trade until 4:10 P.M. every day. In comparison, the XOC futures contract is traded on the Philadelphia Board of

Trade ("PBOT") until 4:15 P.M. every day. Market participants may assume positions in the XOC futures contracts to hedge their positions in XOC options and conversely, hedge their options contracts with futures contracts.

To coordinate the daily close of trading in the PHLX's XOC options with the close of trading in the PBOT's XOC futures contract, the Exchange proposes that Exchange Rules 101 and 1101A be amended to extend trading hours in XOC options until 4:15 P.M. At present, market participants who assume positions in both XOC futures and options contracts are unable to adjust their positions in the XOC options in response to price movement in the XOC futures during the last five minutes of futures trading.

The Exchange also proposes to amend the corresponding exercise requirements for XOC options. Exchange Rule 1042A currently requires member and members organizations to prepare and time-stamp XOC options exercise instructions by 4:10 P.M. The Rule also requires that "exercise advices" be delivered to the Exchange trading floor by 4:10 P.M. when 25 or more XOC option contracts in the same series are to be exercised for an account. The 4:10 P.M. cut-off time was established to prevent option holders from having an unfair advantage of deciding whether to exercise their options based on news disseminated after the close of trading. Since it is proposed that XOC options trade until 4:15 P.M., a similar cut-off time needs to be established for persons who wish to exercise such options.

Statutory Basis

The proposed changes are consistent with the requirements of the Securities Exchange Act of 1934 ("1934 Act") and the rules and regulations thereunder applicable to the Exchange by providing investors with additional trading opportunities in XOC options. Therefore, the proposed rule changes are consistent with section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date for Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act. The Exchange states that its proposed extension of the close in XOC options is consistent with proposed rule changes filed previously by the Phlx (regarding Value Line Index ("XVL") options), the Chicago Board Options Exchange, Incorporated ("CBOE"), the American ("Amex") and the New York Stock Exchanges, Inc. ("NYSE") which similarly sought to extend the closing and expiration cut-off times for indexes traded on those exchanges. These proposals were recently approved by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the 1934 Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because the proposed rule change is substantially identical to the CBOE, Amex, NYSE and Phlx proposals which were noticed and approved by the Commission.[1] No comments were received with respect to those proposals. The Commission believes that extending the trading hours of XOC index options to coordinate with the hours of trading of the similar XOC futures index will provide participants in XOC index options trading an additional opportunity to adjust their options positions to reflect price changes in the corresponding XOC futures index.

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 5th 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 5th Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 2, 1986.

It is therefore ordered, pursuant to section 19(b)(2) of the Act that the proposed rule change referenced above be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 2, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-10563 Filed 5-9-86; 8:45 am]

BILLING CODE 8010-01-M

[1] See Securities Exchange Act Release Nos. 22957 and 22982, Feruary 27, and March 7, 1986, respectively.

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

May 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:

Lorimar-Telepictures Corporation

Common Stock, $0.01 Par Value (File No. 7-8943)

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 May 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. 86-10565 Filed 5-9-86; 8:45 am]
BILLING CODE 8010-01-M

[Release No. IC-15083; (File No. 812-6297)]

Rand Capital Corporation, et al.; Application for an Order to Permit an Affiliated Transaction

May 2, 1986.

Notice is hereby given that Rand Capital Corporation ("Rand"), Rand SBIC, Inc. ("SBIC"), each at 1300 Rand Building, Buffalo, N.Y. 14203, and Morris Himmel ("Himmel"), 1500 Hertzel Avenue, Buffalo, NY. 14216 (Himmel, Rand and SBIC, "Applicants"), filed an application on February 3, 1986, and an amendment thereto on April 18, 1986, for an order pursuant to sections 17(b) and 17(d) of the Investment Company Act of 1940 ("Act"), and Rule 17d-1 thereunder, permitting Applicants to effect the affiliated transaction described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable provisions.

Applicants state that Rand is a closed-end, non-diversified, internally managed investment company, and that it operates as a venture capital company investing in securities of newly-organized companies principally engaged in the development or exploitation of inventions, technological improvements and new products and services. Applicants further state that SBIC, also a closed-end, non-diversified, internally managed investment company, was organized as wholly-owned subsidiary of Rand to operate as a small business investment company licensed as such under the Small Business Investment Company Act of 1958. Under a prior order of the Commission (Investment Company Act Release No. 9017, November 5, 1975) Rand was permitted to own all the outstanding capital stock of SBIC, and Rand and SBIC, were permitted to participate in certain joint transactions involving Rand, SBIC and other participants unaffiliated with either of them.

Applicants now seek an order to permit Himmel, a director of Rand and SBIC and thus, an affiliated person of each, to engage in a transaction with Rand and SBIC whereby Applicants would effect a venture capital investment in Datarex Systems Inc. ("Datarex"), a previously unaffiliated New York corporation that commenced operations in May, 1983, as a wholesaler of computer and word processing supplies. According to the application, Himmel acted as a consultant to another company (unaffiliated with Rand, SBIC or Datarex) that proposed to merge with Datarex as a means of providing Datarex with additional financing. The merger discussions were discontinued because Datarex and the other company could not reach an agreement. Applicant state that Himmel, who has made a number of venture capital investments, considered Datarex an attractive company in which to invest on his own, but was not prepared to provide Datarex with the full amount of financing it required. Thus, he approached Donald A. Ross ("Ross"), President and Chief Executive Officer of Rand and SBIC, and asked Ross to consider whether Rand or SBIC would be willing to participate with Himmel in making a venture capital investment in Datarex. Ross agreed to meet with Himmel and representatives of Datarex in order to determine whether an investment in Datarex would be desirable for Rand and SBIC.

Applicants state that Ross and Himmel agreed, subject to the concurrence of Datarex and the Executive Committee of Rand and SBIC ("Executive Committee"), that Himmel would participate to the extent of 20% of the total financing package in exchange for 20% of the total cost to Rand and SBIC. However, because Himmel is a director of Rand and SBIC and, hence, an affiliate of each, his participation with Rand and SBIC in the proposed financing might be deemed to constitute a "joint enterprise, joint arrangement or profit sharing plan" among affiliates in contravention of section 17(d) of the Act, unless approved by the Commission under Rule 17d-1. In light of Datarex's need to have a very prompt closing of the transaction, Ross and Himmel agreed that any transaction to be presented for the approval of the Executive Committee would provide for an initial investment by Rand and SBIC in Datarex to the full extent of the financing, and the resale by Rand and SBIC of 20% of their total investment to Himmel for 20% of their cost. Such resale transaction, however, would constitute a purchase of securities by Himmel from Rand and SBIC in violation of section 17(a)(2) of the Act unless exempted by an order pursuant to section 17(b) of the Act.

According to the application, the negotiations concluded on October 31, 1985, with a proposed financing package ("Financing Agreement"), subject to the approval of the Executive Committee (and the understanding that Himmel would participate to the extent of 20%), pursuant to which (i) SBIC loaned Datarex $300,000 evidenced by an 8-year promissory note bearing interest at the rate of 12% per annum; (ii) Rand purchased 2,500 shares of Datarex's common stock for $200,000; and (iii) Datarex issued to Rand a warrant to acquire 550 shares of Datarex at the exercise price of $136.36 per share, subject to adjustment to prevent dilution. In addition, Datarex has agreed that it will not issue any additional shares of capital stock (or any rights, options or securities convertible into capital stock) without granting to Rand the right to acquire sufficient shares to maintain its percentage ownership of Datarex, with certain exceptions. Applicants represent that Himmel did not paricipate in the direct negotiations of the terms of the proposed transaction. Applicants further represent that the Executive Committee approved the proposed investment in Datarex, including Himmel's participation on November 27, 1985, and the full Board of Directors of Rand and SBIC ratified the Executive Committee's approval on January 15, 1986.

Applicants state that as a result of Rand's acquisition of Datarex shares Rand now owns 27.2% of Datarex shares outstanding (if Rand exercises its warrant, its ownership would increase to 33.3%). The remaining shareholders of Datarex are its President, who owns 24.8% of the outstanding shares, and two Vice Presidents, who each own 24.0%.

Applicants assert that because the members of the Executive Committee, other than Himmel, beneficially own, together with members of their families, an aggregate of 63.8% of Rand's stock and have each served as directors of Rand for 17 years (Himmel owns 3.2% of Rand's stock and has served for three years as a director of Rand), Himmel has no undue economic or other influence over the Executive Committee. Applicants state that Himmel is not and has not been a co-participant or co-venturer with any other members of the Executive Committee or Rand or SBIC's Board of Directors in any business transactions. Applicants represent that prior to the transaction with Datarex, none of Rand or SBIC's affiliated persons, including Himmel, were

affiliated persons or interested persons of Datarex or its affiliated persons.

Applicants note that Himmel's proposed 20% participation in the financing package is at a cost to Himmel ($100,000) that is 20% of the aggregate cost to Rand and SBIC ($500,000). According to the application, Himmel's interest in the Financing Agreement would be evidenced by a participation certificate granting him a 20% interest in the Datarex promissory note, 20% of Rand's shareholdings in Datarex (500 shares) and 20% of Rand's warrant. Rand, however, would have exclusive authority to enforce the provisions of the Financing Agreement, including the selection and exercise of remedies. Further, Rand would have the Himmel's participation in the financing would not be on a basis more advantageous than that of Rand or SBIC. According to the application, Rand and SBIC have participated with other investors in a number of venture capital investments in order to reduce their risk while permitting them to participate in investment opportunities that might otherwise be unavailable to them due to the size of the total financing required. Applicants state that Himmel's participation allows Rand and SBIC to reduce their risk by $100,000 without reducing any of the prerogatives that they could demand by providing the full investment needed by Datarex.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 27, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of the interest, the reasons for the request, and the specific issues, if any, of fact or law thatare disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant(s) at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-10567 Filed 5-9-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-15082; 812-6253]

Trust Southwest Tax Exempt Income Trust and Rotan Mosle Inc.; Application To Permit Certain Exchange Offers

May 2, 1986.

Notice is hereby given that Trust Southwest Tax Exempt Income Trust ("Trust") and Rotan Mosle Inc. ("Sponsor") (collectively, "Applicants"), each at 4100 Republic Bank Center, P.O. Box 3226, Houston, TX 77253-3226, filed an application on August 15, 1985, and amendments thereto on March 4 and April 21, 1986, for an order of the Commission, pursuant to section 11 of the Investment Company Act of 1940 ("Act"), approving certain offers of exchange ("Exchange Option") for the Trusts and any future trusts that will be sponsored by the Sponsor ("Future Trusts") and approving an offer of exchange that will be offered to holders of units in any registered unit investment trust with a minimum sales charge of 3%, exclusive of available sales charge discounts, such as volume discounts, employee discounts and exchange option discounts ("Conversion Option"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and to the Act and the rules thereunder for the applicable provisions thereof.

Applicants state that each Trust is a separate unit investment trust and that each Trust will have an investment objective of obtaining interest income which is exempt from Federal income taxation and conservation of capital through investment in a fixed portfolio of interest-bearing municipal bonds. Applicants also state that purchasers of units of any of the Trusts ("Certificateholders") will receive interest and principal distributions on a monthly or semi-annual basis, such distributions representing their proportionate share of interest and principal received in the respective Trust net of expenses and amounts required for redemptions of units.

Applicants represent that the Future Trusts will also be registered unit investment trusts under the Act, and that the Future Trusts will be structured and will function in substantially the same manner as the Trusts, however, the investment objectives of Future Trusts may differ from one another. With respect to the prospective relief sought on behalf of the Future Trusts, Applicants undertake to limit their activities, as they relate the Exchange Option and Conversion Option, to the terms and conditions represented in the application.

According to the application, although the composition of a particular Trust and a particular series thereof differ in various respects depending on the nature of the underlying portfolios, their structures are substantially the same. The Sponsor acquires a portfolio of securities that it believes satisfies the standards applicable to the investment objectives of the particular series. These securities are then deposited in trust with the Trustee in exchange for certificates representing units of undivided interest in the deposited portfolio ("Units"). The Units are then offered to the public at a public offering price that is based upon the offering prices of the underlying securities plus a sales load of up to 4.50% of the public offering price. The sales load applicable to the Trusts and Future Trusts may be varied by the Sponsor.

Applicants represent that under the Exchange Option, Certificateholders may exchange Units held in any one of the Trusts for Units of other series of the same Trusts or of any of the other Trusts that the Sponsor has repurchased and has not tendered for redemption. Applicants state that the proposed Exchange Option will have the effect of providing Certificateholders a means of effecting a change in investment goals as their investment requirements change.

Although the Sponsor is not legally obligated to do so, the Sponsor intends to maintain a market for Units of the Trusts and to continuously offer to purchase Units at prices based upon the market value determined in the manner set forth in the prospectus. Applicants state that the Exchange Option would apply only to Units of Trust series for which a primary or secondary market is being maintained by the Sponsor. Upon notifying the Sponsor of a desire to exercise the Exchange Option, a Certificateholder will be delivered a current prospectus for one or more Trust series for which the Certificateholder has indicated an interest and for which the Sponsor has Units available to offer in exchange for the Units being tendered.

Applicants state that the Exchange Option will operate in a manner essentially identical to any secondary market transaction, except that the Sponsor intends to impose a reduced sales charge on certain exchanges. Pursuant to the Exchange Option, the Sponsor will sell Units of the Trusts at the net asset value per Unit (the "Unit Offering Price"), plus a fixed sales charge of $15 per Unit received or per

1,000 Units received for a series whose Units cost approximately $1.00 (the "Reduced Sales Charge"). Applicants represent that the Reduced Sales Charge can be expected to approximate 1.5% of the Unit Offering Price. In cases where Units of a series cost significantly less than $1.00 (i.e. discount or zero-coupon trusts), the sales charge pursuant to the Exchange Option will be 1.5% of the Unit Offering Price, rather than a fixed charge of $15 per 1,000 Units, which would result in a sales Charge greater than 1.5% of the Unit Offering Price.

Applicants represent that a Certificateholder who purchased Units of a series and paid a per Unit or per 1,000 Unit sales charge that was less than the per Unit or per 1,000 Unit sales charge of the series of the Trusts for which such Certificate desires to exchange into, will be allowed to exercise the Exchange Option at the Unit Offering Price plus a fixes sales charge of $15 per unit, provided that the Certificateholder held the Units for at least five months. Any such Certificateholder who has not held the Units to be exchanged for the five-month period will be required to exchange them at the Unit Offering Price plus a sales charge based on the greater of $15 per unit or per 1,000 units for a series the Units of which cost approximately $1.00, or an amount which, together with the initial sales charge paid in connection with the acquisition of the Units being exchanged, equals the sales charge of the series of the Trusts for which the Certificateholder desires to exchange into, determined as of the date of the exchange.

Under the Exchange Option, Certificateholders will be further permitted to tender cash to make up any difference between the value of the Units being submitted for exchange and the value of the Units being acquired up to the next highest number of whole Units. Applicants assert that permitting Certificateholders to round up to the next highest number of Units does not create any significant potential for abuse or unfairness in pricing.

In addition to the Exchange Option, Applicants request an order to permit the Trusts to offer, on terms substantially the same as those applicable to the Exchange Option (including the ability to round up to the next highest number of whole Units), Units in exchange for beneficial interests in any and all registered unit investment trusts initially offered to the public at a minimum sales charge of 3%, exclusive of sales charge discounts, such as volume discounts, employee discounts or exchange option discounts (the "Conversion Trust"). Applicants submit that the minimum sales load condition applied to Conversion Option as well as the five-month period, diminishes the potential for unfairness or price discrimination and discourages Certificateholders from converting Units merely to pay a lower aggregate sales charge.

Applicants represent that unit investment trusts promoted by the Sponsor, but not included among the Trusts, may nonetheless be Conversion Trusts. All holders of Conversion Trusts will be eligible to participate in the Conversion Option regardless of whether they are or were the Sponsor's retail customers, and regardless of whether the Sponsor participated as an underwriter or dealer in the initial public offering of any of the Conversion Trusts. While holders of Conversion Trusts interest will, in general, be eligible to acquire Units of a series of the Exchange Trusts based on the Reduced Sales Charge, Applicants represent that in the future, and as a condition to the granting of the order requested, the Sponsor will not charge more than five dollars per Unit more for exercise of the Conversion Option than the corresponding fee being charged for exercise of the Exchange Option. The Sponsor intends to hold the Exchange and Conversion Options open under most circumstances, but reserves the right to modify, suspend or terminate them subject to the terms and conditions of Rule 22d–1 under the Act.

Applicants submit that the Reduced Sales Charge is a reasonable and justifiable expense to be allocated to the professional assistance and operational expenses contemplated in connection with the Exchange and Conversion Options. Applicants also submit that the Reduced Sales Charge will be beneficial to all Certificateholders. The Sponsor represents that it will not solicit Certificateholders with respect to the Exchange or Conversion Options with a view to churning Certificateholders' accounts and that the proposed transactions will be done for the benefit of Certificateholders and in accordance with their investment objectives.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 27, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of the intertes, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant(s) at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86–10568 Filed 5–9–86; 8:45 am]

BILLING CODE 8010–01–M

[File No. 500–1]

Hy-Poll Technology, Inc.; Order of Suspension of Trading

May 7, 1986.

It appears to the Securities and Exchange Commission that there is a lack of adequate current information concerning the affairs of Hy-Poll Technology, Inc.

Therefore, it is Ordered, pursuant to section 12(k) of the Exchange Act of 1934, that trading in Hy-Poll Technology, Inc., over-the-counter or otherwise, is suspended for the period from 11:00 AM (EDT) May 7, 1986 through midnight (EDT) on May 16, 1986.

By the Commission.

John Wheeler,

Secretary.

[FR Doc. 86–10636 Filed 5–9–86; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Agreements Filed During the Week Ending May 2, 1986

Answers may be filed within 21 days from the date of filing.

Date filed	Docket No.	Parties	Subject	Proposed Effective date
May 2, 1986	44002 R-1—R-14	Members of International Air Transport Association	South Atlantic-Europe/Middle East Resolutions	June 15, 1986/ Nov. 1, 1986.

Date filed	Docket No.	Parties	Subject	Proposed Effective date
May 2, 1986	44003	Members of International Air Transport Association	Specific Commodity rate between Funchal and New York City as proposed by Tap Air Portugal.	Apr. 30, 1986.

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 86–10599 Filed 5–9–86; 8:45 am]
BILLING CODE 4910–62–M

Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Filed Week Ending May 2, 1986

Supart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See 14 CFR 302.1710 et seq.)

Date filed	Docket No.	Description
Apr. 28, 1986	43992	Aerolineas Mundo, S.A./TA, c/o Virginia L. Deardorff, 16924 Flickerwood Road, Parkton, Maryland 21120.. Application of Aerolineas Mundo, D.A./TA pursuant to Section 402 of the Act and Subpart Q of the Regulations requests a Foreign Air Carrier Permit authorizing scheduled and nonscheduled service between the Dominican Republic, West Indies, and the three co-terminal points of St. Thomas, U.S.V.I., San Juan, Puerto Rico, and Miami, Florida; and for authority to conduct chartered services to and from the United States under Part 212 of the Act and/or the charter regulations of the Department of Transportation. Answers may be filed by May 27, 1986.
Apr. 29 1986	43996	Toronto Airways Limited d/b/a Torontair, c/o Thomas W. McLaughlin, Pierson Semmes and Finley, Canal Square, 1054—31st Street, NW., Washington, DC 20007. Application of Totonto Airways Limited d/b/a/ Torontair pursuant to section 402 of the Act and Subpart Q of the Regulations requests a foreign air carrier permit authorizing it to provide charter foreign air transportation of persons and property with large aircraft between points in Canada and points in the United States. Answers may be filed by May 27, 1986.
Apr. 30, 1986	43997	Air North Charter & Training Ltd., c/o Joseph T. Sparling, P.O. Box 4998, Whitehorse, Yukon, Canada Y1A 4S2. Application of Air North Charter & Training Ltd. pursuant to section 402 of the Act and Subpart Q of the Regulations, requests authority to provide scheduled air service between Canada and the United States as follows: Whitehorse, Yukon, Canada and Juneau, Alaska, and between Whitehorse, Yukon, Canada, and Fairbanks, Alaska. Answers may be filed by May 28, 1986.
May 1, 1986	44000	People Express Airlines, Inc., c/o Robert E. Cohn, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, DC 20036. Application of People Express Airlines, Inc., pursuant to section 401 of the Act and Subpart Q of the Regulations for an amendment to its certification of public convenience and necessity so as to authorize it to transport mail in interstate and overseas transportation. Conforming Applications, Motions to Modify Scope and Answers may be filed by May 29, 1986.
May 2, 1986	43086	Aerolineas Dominicanas, D.A., c/o Peter R. Lopez, 28 West Flagler Street, Suite 202, Miami, Florida 33130. Second Amendment to the Application of Aerolineas Dominicanas, S.A. requests that the use of the name "Dominair" be granted to identify aircrafts as may be operated by the company on regular schedules or charter flights. Answers may be filed by May 30, 1986.

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 86–10600 Filed 5–9–86; 8:45 am]
BILLING CODE 4910–62–M

Federal Aviation Administration

Proposed Advisory Circular; Transport Category Airplane Electronic Display Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed advisory circular and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) which provides guidance for acceptance of cathode ray tube (CRT) based electronic display systems for transport category airplanes.

DATE: Comments must be received on or before September 10, 1986.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Northwest Mountain Region, Attention: Transport Standards Staff, ANM–110, 17900 Pacific Highway South, C–68966, Seattle, Washington, 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Patricia Siegrist, Transport Standards Staff, at the above address, telephone (206) 431–2126.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the proposed AC may be obtained by contacting the person named above under **"FOR FURTHER INFORMATION CONTACT."** Interested persons are invited to comment on the proposed AC by submitting such written data, view, or arguments as they may desire. Commenters must identify the title of the AC and submit comments in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Discussion

When electronic display systems were initially introduced into transport category airplanes, a Special Certification Review Team was formed by the FAA in an attempt to insure uniform certification standards for these systems. Experience gained by the participation of this team in various

Electronic Flight Instrument System (EFIS) certification programs, and information gathered during an FAA/industry workshop were used to generate a draft advisory circular on electronic displays. The purpose of this advisory circular is to provide guidance to flight test pilots and certification engineers for acceptance of cathode ray tube display systems used in transport category airplanes. It addresses the functions, characteristics, location, and criticality of flight, navigation, engine, alerting, and systems information presentations. The information contained in this AC reflects the policy used and the experience gained in previous certification programs.

Issued in Seattle, Washington, on April 29, 1986.

Leroy A. Keith,

Manager, Aircraft Certification Division, Northwest Mountain Region.

[FR Doc. 86-10515 Filed 5-9-86; 8:45 am]

BILLING CODE 4910-13-M

Proposed Advisory Circular 25.1523, Minimum Flightcrew

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability of Proposed Advisory Circular (AC) 25.1523 and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) which provides a method of compliance with the requirements of § 25.1523 of the Federal Aviation Regulations (FAR) which contain the certification requirements for minimum flightcrew on transport category airplanes. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

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

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Transport Standard Staff, ANM-110, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jan Thor, Transport Standards Staff, at the address above, telephone (206) 431-2127.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under **"FOR FURTHER INFORMATION CONTACT."** Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 25.1523 and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Background

Early in 1981, the President established a task force on airplane crew complement which was directed to make "its recommendation whether operation of the new generation of commercial jet transport airplanes by two-person crews is safe and certification of such airplanes is consistent with the Secretary's duty under the certification provisions of the Federal Aviation Act of 1958 to promote flight safety." As a result, several recommendations were made in the Report of the President's Task Force on Aircraft Crew Complement, dated July 2, 1981, including one that suggested that the agency complete and keep current Section 187 (Minimum Flightcrew) of FAA Order 8110.8, Engineering Flight Test Guide for Transport Category Airplanes. The agency decided to upgrade the entire contents of the Order into advisory circulars to make such material officially available to the general public. Advisory Circular 25.1523 is one of the AC's developed as a result of this decision.

Issued in Seattle, Washington, on April 30, 1986.

Leroy A. Keith

Manager, Aircraft Certification Division, ANM-100.

[FR Doc. 86-10518 Filed 5-9-86; 8:45 am]

BILLING CODE 4910-13-M

Proposed Advisory Circular; Flammability Requirements for Aircraft Seat Cushions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed advisory circular and request for comments.

SUMMARY: This notice announces the availability of the requests comments on a proposed advisory circular (AC) which provides guidance material for demonstrating compliance with the Federal Aviation Regulations (FAR) pertaining to flammability of aircraft seat cushions. This proposed AC also defines certain terms used in the FAR, in the context of these requirements.

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

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention Transport Standards Staff, ANM-110, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Patricia Siegrist, Transport Standards Staff, at the above address, telephone (206) 431-2126.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the proposed AC may be obtained by contacting the person named above under **"FOR FURTHER INFORMATION CONTACT."** Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters must identify the subject of the AC and submit comments to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Discussion

Following public rulemaking, the FAA issued Amendments 25-59, 29-23, and 121-184 (49 FR 43188; October 26, 1984) which established new flammability requirements for aircraft seat cushions. The standards include the use of a 2-gallon/hour kerosene burner operating at temperature and heat flux levels representative of a cabin fire. Compliance is required by November 26, 1987, for Part 121 and Part 135 operators. Due to the relative complexity of the test method and the amount of public inquiry regarding acceptable means of compliance, the FAA is publishing an advisory circular. The advisory circular provides guidance for conducting tests, fabricating test specimens, and gaining approval of parts. The advisory circular also defines certain terms used in the regulation.

Issued in Seattle, Washington, on April 30, 1986.

Leroy A. Keith,

Manager, Aircraft Certification Division, Northwest Mountain Region.

[FR Doc. 86-10519 Filed 5-9-86; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

Hazardous Materials; Applications for Renewal or Modification of Exemption or Applications to Become a Party to an Exemption

AGENCY: Research and Special Program Administration, DOT.

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 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. 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 number with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closed May 29, 1986.

ADDRESSESS: 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.

Application No.	Applicant	Renewal of exemption
970-X	U.S. Department of Defense, Falls Church, VA.	970
970-X	Callery Chemical Co., Pittsburgh, PA	970
1479-X	U.S. Department of the Army, Falls Church, VA (See Footnote 1).	1479
2462-X	E.I. du Pont de Nemours & Co., Inc., Wilmington, DE.	2462
3004-X	Union Carbide Corporation, Danbury, CT.	3004
3004-X	Airco Industrial Gases, Murray Hill, NJ	3004
3004-X	Big Three Industries, Inc., Houston, TX.	3004
3216-X	E.I. du Pont de Nemours & Co., Inc., Wilmington, DE.	3216
3216-X	Pennwalt Corporation, Philadelphia, PA.	3216
3330-X	Teledyne Wah Chang Albany, Albany, OR.	3330
3941-X	Pacific Engineering & Production Company of Nevada, Henderson, NV.	3941
5232-X	E.I. du Pont de Nemours & Co., Inc., Wilmington, DE.	5232
5493-X	Transportation Supervisor, Billings, MT.	5493
5704-X	Trojan Corporation, Spanish Fork, UT	5704
5704-X	Hercules, Incorporated, Wilmington, DE.	5704
5704-X	IRECO Incorporated, Salt Lake City, UT.	5704
5704-X	U.S. Department of Defense, Falls Church, VA.	5704
5704-X	Atlas Powder Company, Dallas, TX	5704
6121-X	E.I du Pont de Nemours & Co., Inc., Wilmington, DE.	6121
6263-X	Amtrol, Incorporated, West Warwick, RI.	6263
6453-X	General Motors Corp., Warren, MI	6453
6530-X	Big Three Industries, Inc., Houston, TX.	6530
6538-X	Pan Products Inc., Macedonia, OH	6538
6611-X	Air Products and Chemicals, Inc., Allentown, PA.	6611
6670-X	E.I du Pont de Nemours & Co., Inc., Wilmington, DE.	6670
6670-X	Airco, The BOC Group, Inc., Murray Hill, NJ.	6670
6772-X	Thomas Gray & Associates, Inc., Orange, CA.	6772
6828-X	American Home Products Corporation, New York, NY.	6828
6890-X	U.S. Department of Defense, Falls Church, VA.	6890
6927-X	Bromine Compounds, Limited, Beer Sheva, Israel.	6927
6927-X	Great Lakes Chemical Corp., El Dorado, AR.	6927
6960-X	Pepsi-Cola Company, Purchase, NY	6960
7052-X	Eaton Corporation, Westlake Village, CA.	7052
7052-X	Leigh Instruments Limited Carleton Place, Ontario, VA.	7052
7052-X	Allen-Bradley Company, Milwaukee, WI.	7052
7052-X	EG&G Environmental Equipment, Catalumet, MA.	7052
7060-X	Central Skyport Inc., Columbus, OH	7060
7076-X	LaMotte Chemical Products Company, Chestertown, MD.	7076
7096-X	Fike Metal Products Corporation, Blue Springs, MO.	7096
7218-X	Structural Composites Industries, Inc., Pomona, CA (See Footnote 2).	7218
7227-X	Richmond Lox Equipment Company, Livermore, CA (See Footnote 3).	7227
7259-X	FMC Corporation, Philadelphia, PA	7259
7275-X	Express Airways, Inc., Sanford, FL	7275
7277-X	Structural Composites Industries, Inc., Pomona, CA (See Footnote 4).	7277
7544-X	Eastman Kodak Company, Rochester, NY.	7544
7573-X	U.S. Department of Defense, Falls Church, VA.	7573
7640-X	Mauser Packaging, Ltd., New York, NY.	7640
7770-X	Parlefer S.A.R.L., Paris, France	7770
7777-X	Lang Engineering Co., Inc., Rochester, WI.	7777
7802-X	Bennett Industries, Peotone, IL	7802
7887-X	Vulcan Systems Inc., Colorado Springs, CO.	7887
7891-X	Reliance Electric Company, Cleveland, OH.	7891
7971-X	Walter Kidde, Wilson, NC	7971
7991-X	Union Pacific Railroad Company, Omaha, NE.	7991
8013-X	Union Carbide Corporation, Danbury, CT.	8013
8037-X	Mauser Packaging Ltd., New York, NY.	8037
8125-X	Arbel-Fauvet-Girel, Paris, France	8125
8127-X	Societe Nationale Des Poudres et Explosifs, Bergerac, France.	8127
8127-X	Hercules, Incorporated, Wilmington, DE.	8127
8162-X	Structural Composites Industries, Inc., Pomona, CA (See Footnote 5).	8162
8299-X	HTL Industries, Inc., Duarte, CA (See Footnote 6).	8299
8387-X	FMC Corporation, Philadelphia, PA	8387
8391-X	EFI Corporation, San Jose, CA	8391
8397-X	Mauser Packaging, Ltd., New York, NY.	8397
8445-X	Thomas Gray & Associates, Inc., Orange, CA.	8445
8445-X	SET Liquid Waste Systems, Inc., Wheeling, IL.	8445
8445-X	Owens-Corning Fiberglass Corporation, Granville, OH.	8445
8509-X	American Hoechst Corporation, Somerville, NJ.	8509
8582-X	Louisiana & Arkansas Railway Company, Kansas City, MO.	8582
8582-X	The Kansas City Southern Railway Company, Kansas City, MO.	8582
8644-X	Richmond Lox Equipment Company, Livermore, CA.	8644
8656-X	Texas Nuclear Corporation, Austin, TX.	8656
8718-X	Structural Composite Industries, Inc., Pomona, CA (See Footnote 7).	8718
8814-X	Structural Composite Industries, Inc., Pomona, CA (See Footnote 8).	8814
8816-X	Beatrice Grocery Group, Inc., Fullerton, CA.	8816
8820-X	SLEMI, Paris, France	8820
8820-X	Arbel-Fauvet-Girel, St Laurent Blangy, France.	8820
8840-X	Walter Kidde, Mebane, NC	8840
8850-X	Hoover Group, Inc., Beatrice, NE	8850
8854-X	Compagnie des Containers Reservoris (CCR), Paris, France.	8854
8854-X	Arbel-Fauvet-Girel, Neuilly-Sur-Seine, France.	8854
8873-X	Stauffer Chemical Company, Westport, CT (See Footnote 9).	8873
8893-X	Trojan Corporation, Salt Lake City, UT	8893
8957-X	Saber Aviation, Inc., Charlotte, NC	8957
8976-X	Diamond Shamrock Corporation, Irving, TX.	8976
9002-X	PepsiCo, Inc., Purchase, NY	9002
9024-X	Logemafer S.A., Paris, France	9024
9176-X	Minnesota Valley Engineering, New Prague, MN (See Footnote 10).	9176
9201-X	Cyanamid Canada, Inc., East Willowdale, Canada (See Footnote 11).	9201
9213-X	Bulk-Pack, Inc., West Monroe, LA	9213
9221-X	Applied Companies, San Francisco, CA.	9221
9262-X	GOEX, Inc., Cleburne, TX	9262
9279-X	Keystone Steel & Wire Co., Peoria, IL	9279
9287-X	Shell Pipe Line Corporation, Houston, TX (See Footnote 12).	9287
9316-X	Fluoroware, Inc., Chaska, MN (See Footnote 13).	9316
9401-X	Arbel-Fauvet-Girel, St. Laurent-Blangy, France (See Footnote 14).	9401
9419-X	FIBA Compressed Gas Equipment, Westboro, MA (See Footnote 15).	9419
9430-X	Bondico, Inc., Jacksonville, FL (See Footnote 16).	9430
9440-X	Hoover Group, Inc., Beatrice, NE (See Footnote 17).	9440
9449-X	Union Carbide Corporation, Danbury, CT (See Footnote 18).	9449

[1] To change proper shipping name to Fluorine, refrigerated liquid.

[2] To authorize use of an aluminum foil label as an alternate marking method of retest dates on cylinders.

[3] To authorize an additional modal portable tank of 3,126 gallon capacity for shipment of nitrogen refrigerated liquid.

[4] To authorize use of an aluminum foil label as an alternate marking method of retest dates on cylinders.
[5] To authorize use of an aluminum foil label as an alternate marking method of retest dates on cylinders.
[6] Request reduction in size of cylinder, to increase service pressure and to modify provisions on test, marking, reporting and service life of cylinders.
[7] To authorize use of an aluminum foil label as an alternate marking method of retest dates on cylinders.
[8] To authorize use of an aluminum foil labels as an alternate marking method of retest date on cylinders.
[9] To authorize shipment of waste carbon disulfice solution.
[10] To authorize construction with all stainless steel exterior plumbing and add a new design pressure control valve.
[11] To authorize an alternate wirebound, pressed wood box as an overpack.
[12] To renew and authorize pipes on meter prover to range in size from 2.375 inches to 14 inches outside diameter with an internal volume varying from 10 to 420 gallons.
[13] To authorize concentrations of nitric acid up to 71%.
[14] To authorize 23 additional portable tanks of a smaller capacity with modified safety relief devices.
[15] Request modification authorizing retesting by acoustic emission on cylinders owned by others in quantities not to exceed 100 per month and to revise the criteria for the "Qualified tester."
[16] To authorize use of polyethylene gaskets and to use a optional inverted lid configuration on salvage drums.
[17] To authorize cargo vessel as additional mode of transportation.
[18] To decrease commodity weight of portable tanks from 51,097 to 50,197 and to increase tare weight from 16,100 to 17,000 for shipment of a pesticide.

Application No.	Applicant	Parties to exemption
6325-P	Empire Energy, Inc., dba MSI Service Company, Jasper, AL.	6325
6626-P	Brown Industries, Inc., Salina, KS.	6626
7891-P	Spectrum Chemical Manufacturing Corporation, Gardena, CA.	7891
7909-P	Standard Oil Engineered Materials Company, Niagara Falls, NY.	7909
7991-P	Missouri Pacific Railroad Company, Omaha, NE.	7991
7991-P	The Western Pacific Railroad Company, Omaha, NE.	7991
8006-P	Bethany Sales Co., Inc., Bethany, IL.	8006
8451-P	ICI Americas Inc., Valley Forge, PA.	8451
8453-P	Energy Ventures Corp. dba Columbus Powder Company, Columbus, IN.	8453
8691-P	Welland Chemical Ltd., Sarnia, Ontario, Canada.	8691
9130-P	Chem-Tab Chemical Corp., Carson, CA.	9130
9181-P	U.S. Department of Energy, Washington, DC.	9181
9275-P	Avon Products, Inc., New York, NY.	9275
9275-P	Universal Fragrance Corporation, So. Plainfield, NJ.	9275
9346-P	Witco Corporation, Bradford, PA.	9346
9467-P	ServiceMaster Manufacturing Company, Downers Grove, IL.	9467
9481-P	Atlas Powder Company, Dallas, TX.	9481
9552-P	Atlas Powder Company, Dallas, TX.	9552
9571-P	The Central Intelligence Agency, Washington, DC.	9571

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 May 6, 1986.

Suzanne Hedgepeth,

Acting Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 86-10610 Filed 5-9-86; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials; Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

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.

DATES: Comment period closes June 13, 1986.

ADDRESSES: 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
9608-N	Suburban Propane Gas Corporation, Morristown, NJ.	49 CFR 178.337-11(c)(6)	To authorize use of DOT Specification MC-331 cargo tanks equipped with remote shut off value located in rear of truck, until retrofitted, for shipment of propane, liquefied petroleum gas, classed a flammable gas. (Mode 1.)
9609-N	Applied Companies, San Fernando, CA	49 CFR 173.302(a), 175.3, 178.65	To manufacture, mark and sell non-DOT specification cylinders similar to DOT Specification 39 for shipment of certain non-flammable compressed gases. (Modes 1, 2, 4.)
9610-N	Hercules Incorporated, Wilmington, DE	49 CFR Part 107, Appendix B, Parts 171-189	To authorize transportation of empty drums which last contained smokeles powder to be shipped as a nonregulated item in truckload quantities. (Modes 1, 2.)
9611-N	Buco Budenbender GMbH & Co., Niederndorf, West Germany.	49 CFR 178.116	To manufacture, mark and sell non-DOT specification metal drums of all 19 gauge construction for shipment of all hazardous materials authorized in a DOT Specification 17E drum. (Modes 1, 2, 3.)
9612-N	PPG Industries, Inc., Pittsburgh, PA	49 CFR 173.288(f)	To authorize shipment of ethyl and methyl chloroformates in DOT Spcification 105A500W tank cars. (Mode 2.)
9613-N	Pressed Steel Tank Co., Inc., Milwaukee, WI	49 CFR 173.302, 178.51	To manufacture, mark and sell non-DOT specification welded steel cylinders, built to DOT specification 4BA with certain exceptions for shipment of certain nonflammable compressed gases. (Modes 1, 2.)
9614-N	Snelson's Welding Service, Norman, OK	49 CFR 173.119, 173.245, 178.253	To manufacture, mark and sell 60 gallon capacity DOT Specification 57 portable tanks with up to 6 tanks mounted on the chassis of a motor vehicle for shipment of certain flammable and corrosive liquids. (Mode 1.)
9615-N	National Aeronautics and Space Administration, Washington, DC.	49 CFR 172.101, 173.21	To authorize shipment of terafluorohydrazine, which is a nonflammable compressed gas, in DOT Specification 3AA carbon-steel cylinders. (Modes 1, 2.)
9616-N	James Russell Engineering Works, Inc., Boston (Dorchester), MA.	49 CFR 173.215(a), 175.3	To manufacture, mark and sell non-DOT specification portable tanks of 11,000 gallon capacity for shipment of helium refrigerated liquid, classed as nonflammable gas. (Modes 1, 2, 3, 4.)
9617-N	E.I. du Pont de Nemour & Co., Inc., Wilmington, DE.	49 CFR 177.848(f)	To authorize shipment of detonating cord Class C explosive be highway with Class A and C explosive detonators. (Mode 1.)
9618-N	Bondico, Inc., Jacksonville, FL	49 CFR 173.3(c)	To manufacture, mark and sell non-DOT specification polyethylene containers of 90-gallon capacity for overpacking various damaged or leaking packages of hazardous materials for repacking or disposal. (Modes 1, 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 May 6, 1986.

J. Suzanne Hedgepeth,

Acting Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 86-10611 Filed 5-9-86; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: May 6, 1986.

The Department of Treasury has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections 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 Number: 1512-0042
Form Number: ATFF 7 (5310.12)
Type of Review: Extension
Title: Application for License Under 18 USC, Ch. 44, Firearms

OMB Number: 1512-0083
Form Number: ATF F 5130.6 (1582.B)
Type of Review: Extension
Title: Drawback on Beer Exported

OMB Number: 1512-0100
Form Number: ATF F 1740.1 and ATF F 1740.2
Type of Review: Extension
Title: Environmental Information

OMB Number: 1512-0141
Form Number: ATF F 2635 (5620.8)
Type of Review: Extension
Title: Claim—Alcohol and Tobacco Taxes

OMB Number: 1512-0337
Form Number: ATF REC 5150/1
Type of Review: Extension
Title: Usual and Customary Business Records Relating to Denatured Spirits

Clearance Officer: Robert G. Masarsky (202) 566-70777, Bureau of Alcohol, Tobacco and Firearms, Room 7202, Federal Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20226

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

U.S. Customs Service

OMB Number: 1515-0147
Form Number: None
Type of Review: Extension
Title: Convention on Cultural Property Implementation Act

Clearance Officer: Vince Olive (202) 566-9181, U.S. Custom Service, Room 6321, 1301 Constitution Avenue, NW., Washington, DC 20229

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Internal Revenue Service

OMB Number: 1545-0144
Form Number: IRS Form 2438
Type of Review: Extension
Title: Regulated Investment Company Undistributed Capital Gains Tax Return

OMB Number: 1545-0751
Form Number: LR-243-81 Final Regulations
Type of Review: Extension
Title: Income Tax; Designation of Principal Campaign Committee

OMB Number: 1545-0754
Form Number: IRS Forms 1040, 1040-A, 1040-EZ, and 1120
Type of Review: Extension
Title: Substantiation of Charitable Contributions—LR-255-81, Final Regulations

Clearance Officer: Garrick Shear (202) 566-6150, Internal Revenue Service, 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 F. Maty,

Departmental Reports Management Office.

[FR Doc. 86-10640 Filed 5-9-86; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition

Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation of Authority of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the Chicago International Philatelic Exhibition (included in the list [1] filed as a part of this determination) imported from Israel for the temporary exhibition without profit within the United States are of cultural significance. I also determine that the temporary exhibition or display of the listed exhibit objects at the O'Hare Exhibition Center in Rosemont, Illinois, beginning on or about May 22, 1986, to on or about June 2, 1986, is in the national interest. The grant of immunity resulting from these determinations and this notice does not imply any view of the United States concerning the ownership of the exhibit objects. Further, it is not based upon and does not represent any change in the position of the United States regarding the status of Jerusalem or the territories occupied by Israel since 1967. *See* Letter of September 22, 1978, of President Jimmy Carter, attached to the Camp David Accords, *reprinted in* 78 *Dept. of State Bulletin* 11 (October 1978); Statement of September 1, 1982, of President Ronald Regan, *reprinted in* 82 *Dept. of State Bulletin* 23 (September 1982).

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: May 6, 1986

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 86-10587 Filed 5-9-86; 8:45 am]

BILLING CODE 8230-01-M

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held May 13, 1986, in Room 600, 301 4th Street, SW., Washington, DC at 10:00 a.m.

[1] An itemized list of Israeli objects included in the exhibit is filed as part of the original document. A copy of this list may be obtained by contacting Mr. John Lindburg of the Office of the General Counsel of USIA. The telephone number is 202-485-7976, and the address is Room 700, 301 4th Street, SW., Washington, D.C. 20547.

The commission will meet with Mr. Henry Hockeimer, Deputy Director of USIA's Television and Film Service, to discuss trends in world telecommunications.

Please call Gloria Kalamets, (202) 485–2468, if you are interested in attending the meeting since space is limited and entrance to the building is controlled.

Dated: May 6, 1986.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 86–10573 Filed 5–9–86; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 91
Monday, May 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).

CONTENTS

1

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 51 FR 16607.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., May 14, 1986.

CHANGES IN THE MEETING: The meeting is cancelled.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

[FR Doc. 86-10737 Filed 5-8-86; 3:55am]

BILLING CODE 6351-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Wednesday, May 14, 1986.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, DC

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Election of Vice Chairman

The Commission will elect a vice chairman for the term beginning June 1, 1986 and ending May 31, 1987.

2. Asbestos in Consumer Products: Options

The staff will brief the Commission on Options to reduce consumer exposure to asbestos in selected products.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301-492-6800.

Dated: May 8, 1986.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 86-10709 Filed 5-8-86; 1:17 pm]

BILLING CODE 6355-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: 10:00 a.m., Thursday, May 15, 1986.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

1. Enforcement Matter OS# 2132

The staff will brief the Commission on issues related to OS# 2132.

2. Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

FOR A RECORDED MESSAGE CONTAINING THE LASTEST AGENDA INFORMATION, CALL: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301-492-6800.

Dated: May 8, 1986.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 86-10710 Filed 5-8-86; 1:18 pm]

BILLING CODE 6355-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION

May 7, 1986.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552B:

TIME AND DATE: 10:00 a.m., May 14, 1986.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

*Note.—Items listed on the agenda may be deleted without further notice.

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

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda, 835th Meeting—May 14, 1986, Regular Meeting (10:00 a.m.)

CAP-1.
Project No. 6902-004, city of New Martinsville, West Virginia
CAP-2.
Project No. 9572-001, Skookumchuck Creek Associates
CAP-3.
Project No. 3074-003, city of Spokane, Washington
CAP-4.
Project No. 7610-001, city of Rome, New York
Project No. 8303-000, Power Authority of the State of New York
CAP-5.
Project No. 9231-001, Scott Paper Company
CAP-6.
Project No. 8042-001, Rubi Hydro Partners
CAP-7.
Project No. 9610-001, Puget Sound Power and Light Company
CAP-8.
Project No. 9273-001, Upstate Hydro Associates
CAP-9.
Project No. 7041-002, Potter Township, Pennsylvania
CAP-10.
Project No. 9248-001, Town of Telluride, Colorado
CAP-11.
Project No. 9074-001, Adirondack Hydro Development Corporation
CAP-12.
Project No. 7395-002, W.M. Lewis & Associates, Inc.
CAP-13.
Project No. 7129-002, Wilfred and Rory Poulin
CAP-14.
Project No. 5090-004, city of Idaho Falls, Idaho
CAP-15.
Omitted
CAP-16.
Project No. 3161-001, John M. Jordan
CAP-17.
Project No. 8201-001, F and T Energy Corporation
Project No. 8139-000, Schneider Hydropower Company
CAP-18.
Docket No. ER86-380-000, Florida Power Corporation
CAP-19.
Docket No. ER86-368-000, El Paso Electric Company
CAP-20.
Docket No. ER86-354-000, Niagara Mohawk Power Corporation

CAP–21.
Docket No. ER86–361–000, Upper Peninsula Power Company
CAP–22.
Docket Nos. ER86–258–002 ER85–461–007 and ER85–521–003, Kansas Gas & Electric Company
CAP–23.
Docket No. ER86–262–003, New York State Electric and Gas Corporation
CAP–24.
Docket Nos. ER85–728–001, 002 and 003, Arizona Public Service Company
CAP–25.
Docket No. ER86–103–001, Southern Company Services, Inc.
CAP–26.
Docket No. QF86–115–000, Third Imperial Geothermal Company
CAP–27.
Docket No. EC82–4–000, Illinois Power Company
CAP–28.
Docket No. EL86–11–000, cities of Newark, New Castle and Milford, Delaware and town of Smyrna, Delaware v. Delmarva Power and Light Company
CAP–29.
Docket No. RE80–29–001, Power Authority of the State of New York
CAP–30.
Docket No. RE80–43–001, Portland General Electric Company
CAP–31.
Omitted

Consent Miscellaneous Agenda

CAM–1.
Docket No. FA84–13–001, Canal Electric Company
CAM–2.
Docket No. RM86–8–000, Reconsideration of certain initial decision—Continuation of Rule 717
CAM–3.
Docket No. RM85–1–000, (Parts A–D), regulation of natural gas pipelines after partial wellhead decontrol (Endevco, Inc., Vessels Oil and Gas Company, Santo Resources, Inc. and Petro-Energy Exploration, Inc., Standard Gas Marketing Company, Kaiser-Francis Oil Company, Essex Exploration, Company, Quintana Petroleum Company, Panda Resources, Inc., Trinity Pipeline Company, Moody Gas Gathering System, Tejas Power Corporation, TXO Production Corp., Creole Gas Pipeline Corporation and Texas Gas Exploration Corporation
CAM–4.
Docket No. RM85–1–000 (Parts A–D), regulation of natural gas pipelines after partial wellhead decontrol (North Central Public Service Company)
CAM–5.
Docket No. RM85–1–000 (Parts A–D), regulation of natural gas pipelines after partial wellhead decontrol (Freeport Sulphur Company)
CAM–6.
Docket No. RM85–1–000 (Parts A–D), Regulation of natural gas pipelines after partial wellhead decontrol (Archer-Daniels-Midland Company)
CAM–7.
Docket No. RM85–1–000 (Parts A–D), regulation of natural gas pipelines after partial wellhead decontrol (French Petroleum Corporation)
CAM–8.
Docket No. RM85–1–000 (Parts A–D), regulation of natural gas pipeline after partial wellhead decontrol (Osborn Heirs Company)
CAM–9.
Omitted
CAM–10.
Docket No. RM85–1–000 (Parts A–D), regulation of natural gas pipeline after partial wellhead decontrol (Transok, Inc.)
CAM–11.
Docket No. RM79–76–090 (Texas-9 Addition 11), high-cost gas produced from tight formations
CAM–12.
Docket No. GP84–39–000, State of Kansas, Section 108 determination, Northern Pump Company, Danner No. A1 well, Kansas Docket No. NGPA K–79–0515, FERC No. JD80–55203
CAM–13.
Docket Nos. GP80–43–018 through 023 (Phase I), Northern Natural Gas Company
CAM–14.
Omitted
CAM–15.
Docket Nos. RM85–1–172 and 173 ()arts A–D), regulation of natural gas pipelines after partial wellhead decontrol (Clarco Gas Company, Inc.)
CAM–16.
Docket No. RM85–1–000 (Parts A–D), regulation of natural gas pipelines after Partial wellhead decontrol (Texas Eastern Transmission Corporation)

Consent Gas Agenda

CAG–1.
Docket Nos. TA86–7–51–000 and 001, Great Lakes Gas Transmission Company
CAG–2.
Docket No. RP86–68–000, Northwest Central Pipeline Corporation
CAG–3.
Docket No. TA86–3–32–002, Colorado Interstate Gas Company
CAG–4.
Docket Nos. TA86–3–33–000, 002, 003, 004, TA85–2–33–003 and 004, El Paso Natural Gas Company
CAG–5.
Docket Nos. RP86–53–002 and 003, Transwestern Pipeline Company
CAG–6.
Docket Nos. RP86–54–002 and 003, Florida Gas Transmission Company
CAG–7.
Docket No. RP85–39–005, Wyoming Interstate Company, Ltd.
CAG–8.
Docket No. CP85–711–001, Tennessee Gas Pipeline Company, A division of Tenneco Inc. v. Columbia Gas Transmission Corporation
CAG–9.
Docket No. TA86–1–60–002, Locust Ridge Gas Company
CAG–10.
Docket No. RP86–34–001, Western Transmission Corporation
CAG–11.
Docket No. TA86–1–7–000, Southern Natural Gas Company
CAG–12.
Docket Nos. RP85–208–000 and CP80–274–011, Mountain Fuel Resources, Inc.
CAG–13.
Docket No. RP86–3–000, West Texas Gas, Inc.
CAG–14.
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Kenneth F. Plumb,

Secretary.

[FR Doc. 86–10738 Filed 5–8–86; 3:57 pm]

BILLING CODE 6717–01–M

5

FEDERAL HOME LOAN MORTGAGE CORPORATION

DATE AND TIME: Monday, May 12, 1986, 2:00 p.m.

PLACE: 1776 G Street, NW., Washington, DC Conference Room 8C.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION: Alan B. Hausman, 1776 G Street, NW., P.O. Box 37248, Washington, DC 20013 (202) 789–5097.

MATTERS TO BE CONSIDERED:

Closed—Minutes of March 19, 1986, Board of Directors' Meeting

Closed—President's Report

Closed—Financial Report

Date sent to Federal Register: May 7, 1986.

Maud Mater,

Secretary.

[FR Doc. 86–10718 Filed 5–8–86; 3:56 pm]

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[2] No amendments to this volume were promulgated during the period Apr. 1, 1984 to March 31, 1985. The CFR volume issued as of Apr. 1, 1984, should be retained.

[3] No amendments to this volume were promulgated during the period July 1, 1984 to June 30, 1985. The CFR volume issued as of July 1, 1984, should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[6] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.