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Federal Register

Thursday
May 22, 1986

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Equal Employment Opportunity Commission

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Aviation Safety
Federal Aviation Administration

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Selected Subjects

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CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Proclamation 5483 of May 20, 1986

Just Say No To Drugs Week, 1986

By the President of the United States of America

A Proclamation

People all across America are becoming increasingly aware of the terrible dangers of drug abuse. Permissive attitudes about drug use have been replaced by deepening concern and—what is more important—action. People of all ages and from all walks of life are rallying against this terrible scourge. Many young people are taking a leading role in the effort to help other young people from "getting hooked," and in assisting addicts to break the chains of their addiction.

Although young people are exposed to far too many opportunities to experiment with drugs, an ever-increasing number are saying no to drugs and to alcohol. They are joining together to learn how, and to make it stick. They are forming "JUST SAY NO" clubs to help them resist temptation and to encourage their peers to stay drug-free. On May 22, many thousands of children and teenagers will Walk Against Drugs to encourage others to join them in saying "No" to drugs.

These young people of America are demonstrating that healthy and productive lives are possible when you "Just Say No." Many other children of the world share this commitment to put a stop to drug abuse; in Great Britain, Canada, Ireland, Costa Rica, and Sweden, children are actively pursuing this same idea—JUST SAY NO!

We, as adults, owe a debt of gratitude to our children for setting such a fine example; for leading the way to a better future for future generations. I congratulate our young people for their courage and zeal in this crusade. I challenge the adults of the world to encourage and support them, and to follow their lead in saying "No" to drugs. I am confident that, working together, we will conquer drug abuse.

To recognize those American young people who are publicly fighting drug abuse by saying "No" to drugs and thereby contributing to the end of this plague in America, the Congress, by Senate Joint Resolution 337, has designated the week beginning May 18, 1986, as "Just Say No To Drugs Week" and 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 the week of May 18 through May 24, 1986, as Just Say No To Drugs Week. I ask each person to make a personal commitment to saying "No" to drug and alcohol abuse; and I call on all Americans to join me in observing this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th 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. 86-11657
Filed 5-20-86; 3:08 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks of May 20 on signing Proclamation 5483, see the *Weekly Compilation of Presidential Documents* (vol. 22, no. 21).

Presidential Documents

Proclamation 5484 of May 20, 1986

Andrei Sakharov Day

By the President of the United States of America

A Proclamation

May 21, 1986, is the 65th birthday of Andrei Sakharov. At this time, let us recall and acclaim the courage and dedication of this giant of the twentieth century. Let us rededicate ourselves to the values of peace and justice and human dignity he has come to symbolize for all who love freedom throughout the world.

Since we last honored this brave man, we are pleased that Dr. Sakharov's wife, Yelena Bonner, has been allowed to travel here to see her family and to obtain needed medical care. We welcome the fact that several separated husbands and wives were at last given permission to join their spouses in the United States. We welcome the release of Anatoly Shcharansky.

Unfortunately, these positive developments only serve to underscore the overall grim human rights situation that continues to prevail in the Soviet Union. For his efforts on behalf of human rights and world peace, Dr. Sakharov himself remains isolated in Gorky, deprived of contact with friends and family, and barred from carrying out scientific research. The Soviet authorities have succeeded in eliminating the main vehicle for human rights activism, the Helsinki Monitors. Yury Orlov and many other monitors are now serving long terms of imprisonment or exile. Religious groups continue to be major targets of persecution: Orthodox believers, Baptists, Roman Catholics, Ukrainian rite Catholics, Uniates, Pentecostalists, and other groups have been subjected to arrest and harassment. The crackdown on Hebrew teachers and cultural activists continues. Emigration remains at low levels. Many more families remain separated. The basic freedoms of speech, assembly, and press are systematically denied, yet, as Sakharov has recognized, these are the essential means by which people can ensure that their own governments act peacefully and in the people's interests.

In October 1977, in an appeal to the Parliaments of all Helsinki-signatory states, Dr. Sakharov wrote:

> "We are living through a period of history in which decisive support of the principles of freedom of conscience, an open society and the rights of man is an absolute necessity. The alternative is surrender to totalitarianism, the loss of all precious freedom and political, economic and moral degradation. The West, its political and moral leaders, its free and decent peoples, must not allow this."

I believe we can best honor Dr. Sakharov on his 65th birthday by taking his message to heart and by continuing our own vigorous efforts in pursuit of a just peace, including respect for human rights. We must act on his behalf to ensure that his message of hope, freedom, justice, and the inviolability of the human conscience will not be silenced.

The Congress, by Senate Joint Resolution 323, has designated May 21, 1986, as "Andrei Sakharov Day" and 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 21, 1986, as Andrei Sakharov Day. I call upon the people of the United States and Federal, State, and local government

officials to observe this day with appropriate programs, ceremonies, and activities designed to honor this hero of humanity.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th 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. 86-11771
Filed 5-21-86; 11:27 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5485 of May 20, 1986

National Maritime Day, 1986

By the President of the United States of America

A Proclamation

From the very beginning, America has been a seafaring Nation. In fact, the discovery of our continent was the result of one of the most daring seafaring adventures in human history. Even before the founding of the Republic, our people looked to the sea—for peaceful trade and to ensure prosperity.

The sea-lanes were the pathways to new beginnings in a new world for millions who came to our shores and helped to build a country already rich in trading and seafaring traditions.

American maritime leadership was also reflected in ship design. The fabled "Yankee Clippers" of the early 19th century represented the first major innovation in wind-powered craft since the 15th century. They dashed across the seas at unprecedented speeds, making them the ultimate in merchant sail. And when steam-powered vessels began to eclipse sailing ships in the latter part of the 19th century, it was largely the result of pioneering work by two Americans, John Fitch and Robert Fulton.

Since America fronted on the world's two largest oceans, it was fitting that an American naval officer, Alfred Thayer Mahan, should have been the author of the first major historical study of the influence of sea power in geopolitics. Theodore Roosevelt, who as a young man was the first to review Mahan's book, later, as President, took the lead in providing the United States with its first world-class navy. From this rich heritage, America emerged as the greatest trading Nation on earth.

All of us today owe a debt of gratitude to the civilian merchant mariners who have braved the perils of the sea and the assaults of enemies who threatened our way of life. Through the centuries, untold numbers sacrificed their lives to preserve American freedom. In World War II alone, nearly 6,000 U.S. merchant seamen aboard 733 American ships were lost in enemy attacks. But our sea-lane lifelines remained open.

It is appropriate that we pause to pay tribute to those civilian sailors, past and present, in our commercial fleet and to all other Americans who support them and guard the lifelines of the sea that sustain us all.

In recognition of the importance of the American merchant marine, the Congress, by joint resolution approved May 20, 1933, designated May 22 of each year as "National Maritime Day" and authorized and requested the President to issue annually a proclamation calling for its appropriate observance. This date was chosen to commemorate the day in 1819 when the SS SAVANNAH departed Savannah, Georgia, on the first transatlantic steamship voyage.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 22, 1986, as National Maritime Day, and I urge the people of the United States to observe this day by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth 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. 86-11772
Filed 5-21-86; 11:28 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12559 of May 20, 1986

Exclusions From the Federal Labor-Management Relations Program

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7103(b) of Title 5 of the United States Code, and in order to exempt certain agencies or subdivisions thereof from coverage of the Federal Labor-Management Relations Program, it is hereby ordered as follows: Executive Order No. 12171, as amended, is further amended by deleting Section 1–209 and inserting in its place:

Section 1–209. Agencies or subdivisions of the Department of Justice:

a. The Office of Enforcement and the Office of Intelligence, including all domestic field offices and intelligence units, of the Drug Enforcement Administration.

b. The Office of Special Operations, the Threat Analysis Group, the Enforcement Operations Division, the Witness Security Division and the Court Security Division in the Office of the Director and the Enforcement Division in Offices of the United States Marshals in the United States Marshals Service.

Ronald Reagan

THE WHITE HOUSE,
May 20, 1986.

[FR Doc. 86–11773
Filed 5–21–86; 11:29 am]
Billing code 3195–01–M

Rules and Regulations

Federal Register
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Thursday, May 22, 1986

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 2054

Election of County Committee Members

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration (FmHA) adds a regulation which provides for the election of County Committee Members. This action is needed to comply with section 1311 of the Food Security Act of 1985 (Pub. L. 99–198). The intended effect of this action is to give farmers an opportunity to choose two persons from their area as County Committee Members.

DATES: Interim rule effective May 22, 1986; comments must be received on or before June 23, 1986.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250. All written comments made pursuant to this publication will be available for public inspection at the above address during regular office hours.

FOR FURTHER INFORMATION CONTACT: Robert A. Miller, Chief, Personnel Programs and Evaluation Branch, Personnel Division, Farmers Home Administration, U.S. Department of Agriculture, Room 6440, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250; telephone (202) 382–1061.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA Procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291, and has been determined to be nonmajor because it will not result in: (1) An annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Discussion of Interim Rule

FmHA is implementing this interim rule immediately with a 30 day comment period. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rule making because FmHA intends to implement immediately the procedures whereby County Committee Members can be elected in accordance with Pub. L. 99–198.

Environmental Statement

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

Intergovernmental Consultation Statement

This action affects the following Catalog of Federal Domestic Assistance numbers and programs:

10.404 Emergency Loans
10.405 Farm Labor Housing Loans and Grants
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.416 Soil and Water Loans
10.421 Indian Tribes and Tribal Corporation Loans.

For the reasons set forth in the final rule related Notice to 7 CFR Part 3015, Subpart V, this program/activity is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Any delay in implementing this rule would be contrary to the public interest. The FmHA County Committee process is integral to the Agency's farm loan programs. Terms for County Committee Members will be expiring at the end of June. If the election procedures are not in place in time for this transition, the Agency will be faced with over 2,000 vacancies needed to be filled. With the expectation of receiving many more farm loans to process this year than last year, work of the County Committees will be greatly increased. Filling the County Committee's with temporary committee members will mean a lack of continuity in the process and possible unacceptable delays in dealing with the increased workload. Should this occur, it would place a significant hardship on the farm communities. In addition, the expiration of terms for County Committee Members is set to take place after farmers have completed spring planting. A delay in the election process would push the elections into a time period that would be disruptive to normal farm activities. A delay in the first year's elections would also result in disruption to future election cycles. Furthermore, pursuant to the Administrative Procedure Act, 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.**

Discussion of Action

County committee members assist local FmHA offices by determining the eligibility of applicants for Farmer Program (FP) loans. Currently, the members of these committees are appointed by FmHA officials. Section 1311 of Pub. L. 99–198, however, requires two of the three members to ". . . be elected, from among their number, by farmers deriving the principal part of their income from farming who reside within the county or area . . ." FmHA hereby issues regulations for the nomination, election, appointment, pay

and functions of county and/or area committee members.

Paperwork Reduction Action

The paperwork requirements in this regulation have been approved by the Office of Management and Budget (OMB) and assigned OMB No. 0575–0117.

List of Subjects in 7 CFR Part 2054

Agriculture, County committee members.

Therefore, Chapter XVIII, Title 7 of the Code of Federal Regulations is amended by adding Part 2054 as follows:

PART 2054—EMPLOYMENT

Subparts A-V—[Reserved]

Sec.

Subpart W—Employment, Pay, and Functions of County and/or Area Committees

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subparts A-V—[Reserved]

§§ 2054.1–2054.1100 [Reserved]

Subpart W—Employment, Pay, and Functions of County and/or Area Committees

§ 2054.1101 General.

This subpart provides instructions for selection of county committee members. Discrimination on the basis of race, color, sex, religion, national origin, age, political affiliation, marital status, and/or handicap is prohibited.

§ 2054.1102 Establishment and composition of county and/or area committees.

(a) *General.* In each county or area in which FmHA activities are carried out, there shall be a county or area committee composed of three members:

(1) Two members shall be elected, by farmers deriving the principal part of their income from farming and have their principal farming operation within the county or area. "Principal part of their income" means more than 50 percent of their gross income must come from agricultural production. One member, who shall reside within the county or area, shall be designated by the State Director. Designations also may be made for alternates for each member of the county committee and will be subject to all other requirements contained in this subpart.

(2) In selecting the designated member of the county committee, care should be taken to ensure, to the greatest extent practicable, that the committee is fairly representative of the farmers in the county or area. Designated committee members must be in sympathy and accord with the family farm concept, be familiar with the problems of farmers and residents of rural communities, and be in general agreement with the objectives of FmHA. Designated members and alternates may be nonfarmers engaged in local business or professional work who reside in the county or area in which activities of the county committee are carried out. Eligible minorities and females will be designated, wherever possible, on county and/or area committees. Efforts will be made to obtain recommendations from civil and women's rights organizations. Some minority representation is expected where minorities comprise 20 percent or more of the rural or farm operator population, whichever is greater.

(b) *Area committees.* A county committee will normally be established in each county. Area committees may be established by State Directors to serve a part of a county, parts of two or more counties, or a combination of two or more counties when:

(1) Topography and communications make it impractical to establish county committees according to county boundaries;

(2) The workload in an individual county is extremely low; or

(3) More than one county office is necessary to service the workload in an individual county.

For the first election and all subsequent elections when a State Director establishes an area committee, he or she must issue a State supplement designating the boundaries that the committee will serve. The State Director shall give public notice of boundary changes to county or area committees in official county newspapers or publications serving the area at least 30 days before a county committee election takes place.

(c) *Temporary absence of committee members.* When committee members are not available to attend meetings, the County Supervisor can call alternates to become acting members of the committee with the same duties and authorities as regular members. A quorum of at least two members or alternates is needed to have a county committee meeting.

(d) *Permanent vacancies.* In cases of permanent vacancies, alternates may be used to complete the unexpired terms of either elected or designated members. Alternates should be designated in order to succession; e.g., first alternate, second alternate, and third alternate. Alternates succeeding to members' unexpired terms will serve out the remainder of the term. If an alternate is not available to fill county committee vacancy, the State Director will review the prevailing circumstances and determine the best course of action as follows:

(1) Continue with existing members until the next regular election.

(2) Designate additional alternates.

(3) Call a special election to fill vacancies.

(e) *Special elections.* The State Director may set the date for special elections that might be necessary in filling permanent vacancies, or vacancies caused by inability to complete a slate of nominees during a regular election. Vacancies created by the inability to complete a slate of nominees to fill an expired term of an elected member must be filled through special elections held not later than 120 days after the regular elections.

§ 2054.1103 Functions of the county committee.

(a) The major functions to be performed by FmHA County Committees, which are more specifically set out in the FmHA regulations relating to various program activities, consist of:

(1) Determining the eligibility of applicants for certain types of loans, including farmer program loans, irrigation and drainage loans and loans to grazing associations;

(2) Making recommendations on resolving problem cases;

(3) Conferring with the County Supervisor on the servicing of FmHA loans and with respect to borrowers who should be referred to other credit sources, including graduation;

(4) Making recommendations regarding applications for compromise, adjustment or cancellation of debts owed to FmHA;

(5) When requested by the County Supervisor, advising the County Supervisor, debtors and their creditors in connection with voluntary debt adjustment; and

(6) Attending appeal hearings authorized under Subpart B of Part 1900 of this chapter.

(b) Members will not be assigned to perform service as individuals and will be paid for service only when requested to attend county committee meetings, make certain field visits with the County Supervisor, and will attend appeal hearings and training meetings in accordance with FmHA regulations. This will not prohibit a county committee member from making inquiries concerning applicants and borrowers during the normal contacts in his or her county or area.

(c) The County Supervisor is authorized to convene the county committee subject to the limitations specified in paragraph 2054.1127(a)(1) of this subpart. Form FmHA 2006–9, "Notice of Visit or Meeting," may be used to notify county committee members of meetings. The County Supervisor serves without extra compensation as Executive Secretary of the county committee.

(d) The County Supervisor will prepare Form FmHA 2054–7, "Record of County Committee Meetings," and maintain such files and records as may be required to reflect actions taken by the committee. The County Supervisor may designate the Assistant County Supervisor to represent him or her at county committee meetings, when it is not possible for the County Supervisor to attend. Such designations may be made orally. In these instances, the Assistant County Supervisor will prepare and sign minutes of the meeting as Executive Secretary and other records necessary to reflect actions taken by the committee.

§ 2054.1104 Eligibility to hold office.

Elected committee members must be persons who have their principal farming operation within the county or area in which activities of the county committee are carried out, and derive the principal part of their income from farming (as defined in § 2054.1102(a)(1) of this subpart). Criteria for selection of the designated member and alternate are found in § 2054.1102(a)(2) of this subpart. In addition, the elected and/or designated members and alternates must meet all of the following requirements to hold office as a county committee member:

(a) Be a citizen of the United States, or an alien lawfully admitted to the United States for permanent residence.

(b) Not have been removed for cause from any public office, or have been convicted of fraud, larceny, embezzlement, or any felony.

(c) Not have been dishonorably discharged from any branch of the armed services.

(d) Not be an officer or employee of a political party, or be active in the management or affairs of any political club, organization, or committee. Committee members are also subject to the prohibitions contained in several Executive Orders and the policy of the U.S. Department of Agriculture (USDA) with respect to holding public office. The general rules are contained in § 2045.1410 of FmHA Instruction 2045–CC (available in any FmHA office). Employees of FmHA, Agricultural Stabilization and Conservation Service, Soil Conservation Service, Extension Service or agents, or members of advisory boards or committees for these agencies are ineligible for appointment as FmHA county committee members.

(e) Not have served on other committees which make recommendations for approval of Federal Land Bank or Production Credit Association loans since FmHA may be involved in participation loans with such Farm Credit System loans. If serving on such other committees, county committee members may serve the remainder of their term on those committees provided they do not participate in any county committee actions which require a certification or recommendation on FmHA loan to applicants who are also obtaining Farm Credit System loans.

(f) Not be an individual (or spouse or dependent child of such an individual), stockholder of a corporation, member of a cooperative, joint operator of a joint operation, or partner in a partnership with an outstanding loan insured or guaranteed by FmHA, except as provided in FmHA Instruction 2045–BB (available in any FmHA office).

(g) Not perform any of the following functions for an FmHA-financed association or organization if he or she will continue such services after appointment:

(1) Serve as an official; or

(2) Perform administrative or employee functions, including performing clerical services, maintaining financial or other records, preparing financial reports, or developing operating budgets.

(h) Meet the legal or regulatory requirements for appointment to Federal employment. (See §§ 2054.1125 and 2054.1126 of this subpart.) This determination will be made subsequent to nomination but prior to the committee member taking office.

§ 2054.1105 Election requirements.

(a) *Election dates.* All regular elections of county committee members shall be held in those years that an elected member's term expires. This date must be in June but not either a Saturday or Sunday or a federally or State-recognized holiday. It shall be selected by the State Director and announced to the public.

(b) *Length of terms.* At the first election of county committee members, one member shall be elected for a term of one year and one member shall be elected for a term of two years. The individual receiving the highest votes will serve the two year term. Thereafter, elected and designated members of the county committee shall serve for a term of three years.

(c) *Beginning dates of terms.* County committee members begin their terms as follows:

(1) For regular elections, no later than July 31.

(2) For special elections, no later than 30 days after the election was held.

(d) *Notice to the public.* Information concerning county committee elections shall be made available to the general public through the use of official county newspapers or publications in general circulation serving the area, through notices prominently posted in FmHA offices within the area, and, if possible, through public service announcements on radio and/or television stations serving the area.

§ 2054.1106 Voting eligibility.

An individual farmer is entitled to one vote. A "Farmer" who is a legal entity such as a corporation, partnership, cooperative, joint operation, association or other legal entity is entitled to one vote by its duly authorized representative. A farmer may vote in only one county or area election. In order to vote in the election of a county committee member, voters must:

(a) Be farmers.

(b) Derive the principal part of their income from farming (as defined in § 2054.1102(a)(1) of this subpart).

(c) Have their principal farming operation within the county or area for which the election is being held.

§ 2054.1107-2054.1110 [Reserved]

§ 2054.1111 Conducting elections.

(a) *Election calendar (Exhibit C of this subpart,* available in any FmHA office).

(1) Election calendar provides a schedule of events for conducting the election.

(2) If the final date for any event is a nonworkday, it is, however, automatically extended to the next workday.

(b) *Developing slates of nominees.* Nomination by petition shall be the method used for developing slates of nominees.

(1) The period for nominating by petition should begin 45 days and end 20 days before the election date.

(2) The opportunity to nominate by petition shall be announced in official county newspapers or other publications in general circulation serving county or area and, if possible, through public service announcements on radio and television stations serving the area. In addition, notices shall be posted in all FmHA offices within the area. The Notice Of Right To Nominate By Petition shall be completed by the County Supervisor and read as set forth in Exhibit A of this subpart (available in any FmHA office).

(3) The minimum number of eligible nominees for a slate is one per vacant elected committee member position. The State Director or designated staff may solicit nominations to complete the slate.

(4) At least three eligible voters (including the nominee) within the county or area must sign a nominating petition in order for it to be valid. No one may sign more than one nominating petition.

(5) All eligible nominees nominated by valid petition shall be included on the slate for county committee.

(c) *Approval and processing of nominations by public petitions.* The County Supervisor shall review all petitions and verify their validity, including the eligibility of the nominee to hold office. In order to be valid, petitions must be:

(1) Limited to one nominee each.

(2) Signed by the nominee certifying that he or she is willing to serve if elected.

(3) Received in the County Office no later than 20 days before the election date, whether delivered in person or by mail.

(4) Accompanied by a signed statement from the nominee certifying that he or she meets the criteria to hold office.

(d) *Action to complete slate of nominees.* The State Director or designated staff may solicit nominations for enough candidates to complete the slate.

(1) The petitions will be returned to the County Office for execution of Form FmHA 2054–5, "Nominating Petition."

(2) The completed Form FmHA 2054–5 must be in the County Office no later than 20 days before the election. Attach all petitions and other documents as applicable.

(3) County Supervisor will send a letter to all eligible nominees explaining the duties of county committee member. See FmHA Guide Letter No. 2054–1 (available in any FmHA office).

(4) If less than the required minimum number of valid nominations are made by petition, the State Director will designate the necessary number of pro tem county committee members to have a full committee. These pro tem designees must meet all the requirements of this subpart concerning designated members and may serve only until a special election can be held. In no case will a pro tem appointment be made for more than 120 days.

§§ 2054.1112-2054.1114 [Reserved]

§ 2054.1115 Prohibition of employee participation in committee elections.

FmHA employees shall not campaign for or against any county committee candidate or nominee, or actively participate in the election except as necessary to:

(a) Perform their official duties.

(b) Vote, if eligible.

§ 2054.1116 Ballots.

Ballots shall be published at the time an election is announced in official county newspapers or publications serving the area. The Notice of Election, which contains the ballot, shall be completed by the County Supervisor and read as set forth in Exhibit B to this subpart (available in any FmHA office). Each State will supplement this section if additional notices are needed. The announcement must be made a least 10 days prior to the date of the election. There shall be a statement in the announcement as to where and when the ballots should be returned. Ballots shall also be available at the county office. Ballots should be mailed to any person who requests one even though the person's eligibility has not been determined. The names of voters who vote in person will be verified against an ASCS voter list and checked off from that list. The ASCS voter list will be used by FmHA only as an indicator that the prospective voter is a farmer. Presence or absence of an individual from the ASCS list does not automatically qualify or disqualify an individual. If a prospective voters' name is found on the ASCS list, and the individual submits a ballot, the prospective voter has self certified that he or she meets the criteria, and the ballot should be counted. If the prospective voter is not on the voter list, but can provide information that shows he or she is otherwise eligible, the voter's name should be added to the voter list and he or she permitted to vote.

§ 2054.1117 Absentee ballots.

Persons who do not plan to vote in person may request that a ballot be mailed to them. The ballot should be enclosed in an envelope along with voting instructions, a return envelope with the county office address, and a plain white envelope stamped ballot enclosed. The voter must pay the postage on the return envelope. The name of the voter will be verified against a ASCS voter list and checked off that list. If the prospective voter is not on the ASCS voter list, the County Supervisor will hold the ballot in abeyance and write the individual advising that he or she must either bring documentation in person to the county office or provide written evidence that he or she meets the voter criteria. Individuals must be given 5 working days to respond. If the prospective voter does not respond within the time frame permitted, or does not provide sufficient information for the County Supervisor to make a determination, the vote will not be counted, and the ballot will be destroyed. All verified mailed ballots will be placed unopened in the ballot box by the county staff.

§ 2054.1118 Ballot boxes and safekeeping of returned ballots.

Each county office holding an election will provide a ballot box in the county office. The boxes must:

(a) Be of sufficient size.

(b) Be constructed so ballots cannot be read or removed.

(c) Be sealed so that tampering with the box would be visible.

(d) Be identified as the ballot box for the county or area in which it is used.

§ 2054.1119 Basic requirements for ballot count.

Ballot counting by county office staff:

(a) Ballots shall be counted within 7 days after the election.

(b) The counting process should be public. This can be done by counting it in the county office during regular work hours.

§ 2054.1120 Counting ballots and announcing results.

The county office staff shall:

(a) Announce the beginning of the count, if witnesses are present.

(b) Open the ballot box in the presence of witnesses.

(c) Examine the ballots and determine whether each meets the election requirements.

(d) Separate the valid from the invalid ballots. Invalid ballots will not be counted and will be destroyed as specified in § 2054.1124 of this subpart.

(e) Call out the votes shown on the ballots.

(f) Review the final vote count and determine the candidates elected.

(g) Settle all two-way ties by coin toss, if necessary. Ties involving more than two will be settled by drawing lots.

§§ 2054.1121–2054.1122 [Reserved]

§ 2054.1123 Notifying candidates of election results.

The County Supervisor will promptly notify candidates of election results in writing. See FmHA Guide Letter No. 2054–2.

§ 2054.1124 Safekeeping and disposition of election records.

(a) Ballots for each County Office should be placed in a sealed container.

(b) Contents of containers should be retained for 30 days after the elections and then destroyed if no complaint or investigation is received.

(c) Voter lists, and other election documents should be retained in the county office files and disposed of after a period of 3 years.

§ 2054.1125 [Reserved]

§ 2054.1126 Appointment.

(a) *Employment conditions.* County committee members both elected and designated are given Federal appointments on an intermittent basis under "Schedule A, § 213.3113(e)(2)" of Civil Service Rules and Regulations. They are not required to take an Office of Personnel Management (OPM) examination and are not selected from OPM registers. They do not acquire competitive status through their appointment, but such service is creditable toward retention and retirement in connection with other Federal employment. Neither Retirement nor Social Security deductions are made from their pay, nor do they earn annual or sick leave. County committee members are not eligible for life insurance or health benefits coverage.

(b) A person may be appointed and paid as a county committee member while also holding another Federal appointment in an agency on a part-time or intermittent basis, subject to the exclusions found in § 2054.1104(d) of this subpart. In such cases, the member may not receive pay under both appointments for more than 40 hours in any one calendar week.

(1) A full-time Federal employee may be appointed only on a "Without Compensation" (WOC) basis.

(2) A full-time or part-time State government employee (not disqualified under § 2054.1104 of this subpart) may be appointed. If acceptance of Federal salary would violate a State law, while acceptance of the appointment itself would not be prohibited by the State Constitution or laws, it may be made on a WOC basis.

(3) A retired civilian employee of the Federal Government may be appointed only on a WOC basis.

(4) Dual compensation restrictions do not apply to persons receiving retired pay for enlisted military service, provided they are not receiving other payments from the Federal Government which would constitute violation of such restrictions.

(5) Dual compensation restrictions apply for persons receiving retired pay for *service as a commissioned officer.* The State Director will make the necessary determinations in such cases in accordance with FPM Chapter 550, Subchapter 6, "Reduction-in-Retired Pay Provision of the Dual Pay Status."

(c) *Appointment procedures.* The following procedures are to be followed:

(1) The County Supervisor will have the prospective county committee members including alternates complete Standard Form 171, "Application for Federal Employment," in an original only, which will be forwarded to the State Director by the County Supervisor with Form FmHA 2054–6, "Mileage Certification for County Committee Members," in an original completed by the County Supervisor. On Standard Form 171, in connection with the answers to questions on veteran's preference, the nominee should be told that he/she does not need to submit proof of military service.

(2) *Care should be taken that all Federal, territorial, State, county, or local offices held by a nominee for county committee appointment are specified on Standard Form 171,* in the space showing experience, so that the State Director may determine eligibility under the applicable restrictions.

(3) The State Director will review Standard Form 171 for completeness and conformity with requirements and will process Form AD–350A, "Personnel Action Input." The State Director will send a copy of Forms AD–350A, AD–349, "Declaration Sheet," with Part A completed, Treasury Form W–4, "Employee's Withholding Exemption Certificate," and State Income tax withholding form, where applicable, to the County Supervisor. The copy of Form AD–350A will be retained in the county office committee file. FmHA Instruction 2045–BB and the USDA Employee Handbook entitled, "You and Your Job," and Appendix 1, "Employee Responsibilities & Conduct," will be sent to the County Supervisor with other forms for distribution to the new committee member.

(4) The County Supervisor will instruct the committee member in completing the Form AD–349, Treasury Form W–4, and State withholding form, when used, and will return these forms to the State Director for review. The date of Appointment Affidavit should be recorded on Form AD–321–3, "Time and Attendance Report," before Form AD–349 is forwarded to the State Director. Failure to enter the date of Appointment Affidavit on the Time and Attendance Report will delay the county committee member's pay. Form AD–349 must be executed in its entirety, including the continuation of Part C on the reverse. The State Director will forward the "Employee Copy" of Standard Form 50B printout produced by National Finance Center (NFC) to the County Supervisor for delivery to the county committee member.

(5) The terms of committee members and alternates begin on the effective date of the Schedule A Appointment.

§ 2054.1127 Compensation.

(a) *Computing time.* Service performed by regular and alternate county committee members will be computed in units of whole days. Alternate county committee members who, at the request of County Supervisors, attend county committee meetings for training purposes are entitled to compensation even if all three regular county committee members are present. The fact that alternates cannot take any official part in county committee functions under such circumstances does not preclude entitlement to compensation.

(1) *Service time limits.* County committee members are limited to a maximum of 20 days of service in any one calendar month. Avoid short or unnecessary meetings.

(2) *Compensation restrictions.* Payment of salary for county committee services (as distinguished from the allowance "in lieu of travel and subsistence") may be prohibited in some

cases as outlined in § 2054.1126(b) (3) and (4).

(b) *Rates of pay and allowance.* For county committee services performed in connection with the FmHA program, members will be paid at the basic daily rate of $21.00 plus an allowance in lieu of travel and subsistence on a sliding scale based on the distance from the county committee member's residence to the county office or other place where county committee meetings are normally held, as provided below:

One-way mileage from residence to meeting place	Salary	Allowance	Total
25 or less	$21.00	$6.00	$27.00
25–50	21.00	9.00	30.00
51 and over	21.00	12.00	33.00

(1) The allowance in lieu of travel and subsistence for each county committee member will be established by the State Director at the time of appointment. The rate will be based upon certification from the County Supervisor as to the mileage between the county committee member's residence and the place where meetings are normally held, by way of the most commonly traveled route. This rate will remain fixed after initially established, unless there is a change in the residence or the place where meetings are normally held, so as to place the member in a lower or higher allowance zone. The change in allowance is effective the first of the month which is not less than 30 calendar days after the change in residence or the first meeting at the new regular location. Changes in the allowance in lieu of travel and subsistence will not be made for attendance at training meetings, appeal hearings or for occasional county committee meetings not held at the regular location.

(2) County Supervisors will certify on Form FmHA 2054–6, for each person appointed. The certification will be submitted to the State Director at the time other documents required by § 2054.1126(a) of this subpart are submitted.

(3) A revised certification on Form FmHA 2054–6 will be submitted for a county committee member as required. This certification will be submitted as soon as possible after the county committee member's residence has changed, or after the first county committee meeting at the new location.

(4) If the County Supervisor has positive knowledge of the proper mileage zone, he or she may make the required certification without taking speedometer readings. Otherwise, the certification will be based on actual speedometer readings.

(5) The speedometer readings will be taken to the nearest full mile, with five tenths of a mile counted as the next highest mile (for example: 20.4 = 20; 20.5 = 21; 20.7 = 21). All certification will be prepared in duplicate, with a copy retained in the county office.

§ 2054.1128 Certification of services.

The County Supervisor will certify bi-weekly on Form AD–321–3, all services for which county committee members are to be paid. These forms should be completed and submitted promptly to NFC according to the Management of Objectives with Dollars through Employees (MODE) Time and Attendance Report Handbook.

§ 2054.1129 Termination of services.

If a county committee member is terminated prior to expiration of the appointment, the State Director will process Form AD–350A. The Employee's Copy will then be forwarded to the County Supervisor for delivery, using Form FmHA 2054–4, "Separation Notice to the County Area Committee members," or other suitable letter from the State Director to the committee member. If other than the form letter is used, a copy should be provided for the county committee file. If the form letter is used, no copy is needed.

(a) *Resignation.* The resignation of a county committee member may not be coerced by the County Supervisor or any other person. Members wishing to resign, however, should be urged to do so in writing so that the resignation may be accepted by official action. Resignations will be sent by the County Supervisor to the State Director, accompanied by a recommendation for replacement, if possible.

(b) *Other separations.* (1) The County Supervisors will inform members that they no longer meet eligibility requirements when they enter military service or move from the area and will also notify the State Director. If a resignation is not submitted promptly, termination of the appointment will be processed by the State Director.

(2) When a committee member accepts public office or engages in political activity in violation of the restrictions outlined in § 2054.1104 of this subpart, it is the State Director's responsibility on receipt of such information to make a full report to the Administrator. Upon receipt of a decision or guidance from the Administrator, the State Director will handle the case and direct the processing of any necessary personnel action.

(3) The County Supervisor will notify the State Director if a member dies so that the appropriate action may be processed.

(4) If the County Supervisor or other FmHA officials have information concerning personal conduct of a county committee member which adversely affects FmHA and the USDA, such information should be sent in a confidential letter to the State Director who will forward a report with recommendations to the Administrator. Upon receipt of a decision or guidance from the Administrator, the State Director will handle the case and direct the processing of any necessary personnel action.

(5) Where termination is due to the expiration of the term of appointment, a termination action is not necessary. NFC will automatically drop the county committee member from FmHA rolls. A letter of appreciation will be sent to the county committee member by the State Director.

§§ 2054.1130–2054.1149 [Reserved]

§ 2054.1150 OMB control number.

The collection of information requirements in this regulation have been approved by the Office of Management and Budget and assigned OMB control number 0575–0117.

Dated: April 7, 1986.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 86–11508 Filed 5–21–86; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

Documentary Requirements; Nonimmigrants, Waivers, Admission of Certain Inadmissible Aliens; Parole

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of countries for which transit without visa privileges are unavailable to include Libya. This action is necessitated by the increase in Libyan sponsored terrorism.

EFFECTIVE DATE: May 22, 1986.

FOR FURTHER INFORMATION CONTACT:

For General Information:

Loretta J. Shogren, Director, Policy Directives and Instructions,

Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-3048.

For General Information:
Dennis M. McCloskey, Assistant Chief Inspector, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-2680.

SUPPLEMENTARY INFORMATION: Recent state-sponsored activities by Libyan terrorists directed at American citizens, and in particular at airport facilities and air passengers have necessitated increased airport security measures. Libyans seeking admission into the United States undergo stringent visa application procedures prior to visa issuance and subsequent application for admission into the United States. 8 CFR 212.1(e) allows citizens and nationals of certain countries to transit through the United States without a formal visa application or issuance. In some instances, the individuals apply for admission into the United States and, if admitted, are allowed to access airport facilities to complete the necessary transfer to effect departure to a foreign destination. At certain locations within the United States, these individuals do not apply for admission into the United States, but remain sequestered in sterile transit lounge facilities until the onward flight to a foreign destination is ready for the boarding of passengers. In light of recent developments, the availability of this means of access into the United States without a formal visa application and review process by the Department of State is prejudicial to the safety and national welfare of the United States. Paragraph three (3) of 8 CFR 212.1(e) list the countries for which transit privileges are unavailable. Historically, this list has been amended to reflect changes brought on by a substantial abuse of transit privileges. This form of abuse primarily has been noncompliance with the conditions of administrative transit agreements.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this rule is related to foreign affairs functions of the United States.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule, if promulgated, does not have a significant economic impact on a substantial number of small entities. This rule is not a rule within the definition of section 1 (a) of E.O. 12291 as it relates to the foreign affairs function of the United States

List of Subjects in 8 CFR Part 212

Documentary requirements, Nonimmigrant visas, Transit conditions, Waivers, Parole of aliens.

Accordingly, Chapter 1 of Title 8 of the Code of Federal Regulations is amended as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. The authority citation for Part 212 continues to read as follows:

Authority: Secs. 101, 103, 212, 214, 235, 236, 238, 242, 66 Stat. 166, 173, 182, as amended, 189, 198, 200, 202, 208, as amended, 8 U.S.C. 1101, 1103, 1182, 1184, 1225, 1226, 1228, 1252, 1182b, 1182c, unless otherwise noted.

§ 212.1 [Amended]

2. Section 212.1(e)(3) is amended by adding the country Libya, after the country Iraq.

Dated: May 13, 1986.

Concurred by:

Alan C. Nelson,

Commissioner, Immigration and Naturalization Service.

Concurred by:

Joan M. Clark,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 86-11608 Filed 5-21-86; 8:45 am]

BILLING CODE 4410-10-M

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8 CFR Part 238

Contracts with Transportation Lines; Addition of Air BC

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of transportation lines which have entered into agreements with the Service for the preinspection of their passengers and crew at locations outside the United States by adding the name of AirBC.

EFFECTIVE DATE: May 14, 1986.

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

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with AirBC to provide for the preinspection of their passengers and crew as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crew upon arrival at a U.S. port of entry and is a convenience to the travelling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds transportation lines' names to the present listing and is editorial in nature.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Aliens, Common carriers, Government contracts, Inspections, Transportation lines.

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

PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The authority citation for Part 238 continues to read as follows:

Authority: Secs. 103 and 238 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103 and 1228).

§ 238.4 [Amended]

2. In § 238.4 Preinspection outside the United States, the listing of transportation lines is amended by adding the name "AirBC", in alphabetical order, under the column "at Vancouver."

* * * * *

Dated: May 15, 1986.

Harriet B. Marple,

Acting Associate Commissioner, Examinations, Immigration and Naturalization Sevice.

[FR Doc. 86-11514 Filed 5-21-86; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 16

[Docket No. 86-12]

Securities Offering Disclosure Rules; Technical Amendments

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency ("Office") is publishing technical amendments to its Securities Offering Disclosure Rules codified at 12

CFR Part 16. The technical amendments involve changes in references to provisions of the Office's Securities Exchange Act Disclosure Rules codified at 12 CFR Part 11. This action is necessary because a major recent amendment to Part 11 included a change in the format of that regulation. As a result, certain Part 16 references to sections in Part 11 are inaccurate. The intended effect of this final rule is to make Part 16 refer to appropriate sections in Part 11.

EFFECTIVE DATE: May 22, 1986.

FOR FURTHER INFORMATION CONTACT: Michael C. Dugas, Attorney, Securities and Corporate Practices Division, telephone (202) 447–1954, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The Office is publishing this final rule which makes technical changes to its Securities Offering Disclosure Rules, 12 CFR Part 16. This final rule changes obsolete references to provisions of the Office's Securities Exchange Act Disclosure Rules (Part 11). On Wednesday, October 30, 1985, the Office published in the **Federal Register** (50 FR 45272) a final rule revising and restructuring Part 11. As a result of that final rule, several references in Part 16 to provisions of Part 11 are now inaccurate.

A. Regulatory Impact Analysis

Pursuant to Executive Order 12291 the Office has determined that this final rule does not constitute a major rule. Therefore, a regulatory impact analysis is not required.

B. Regulatory Flexibility Act

The Comptroller of the Currency has certified that this final rule will not have a significant impact on a substantial number of small banks or other small entities.

C. Adoption Without Notice and Comment

The Office has found that notice and comment procedures concerning this rulemaking are unnecessary. This rulemaking merely makes technical changes intended to eliminate confusion. There is no substantive effect.

D. Reason for Immediate Effective Date

This final rule is technical in nature, will have no substantive impact, and will eliminate confusion caused by references to obsolete provisions of Part 11. Therefore, an immediate effective date is in the public interest.

List of Subjects in 12 CFR Part 16

National banks, Securities, Disclosure.

Authority and Issuance:

For the reasons set out in the preamble, Part 16, of Chapter I of Title 12 of the Code of Federal Regulations is amended as follows:

PART 16—[AMENDED]

1. The authority citation for Part 16 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.*

§ 16.2 [Amended]

2. Section 16.2(g) is amended by changing the reference from "12 CFR 11.4(g)" to "12 CFR 11.403(a)–(d)."

§ 16.4 [Amended]

3. Section 16.4(b) is amended by changing the references from "12 CFR 11.5 and 11.51" to "12 CFR 11.501–11.512 and 11.590."

4. Section 16.4(f) is amended by changing the reference from "Item 7(a), including Instructions 1 and 2; Item 7(d); and Item 7(e) of 12 CFR 11.51" to "12 CFR 11.842(a) and 11.844(a) and (c)."

§ 16.6 [Amended]

5. Section 16.6(b), Item 13 is amended by changing the reference from "Item 7 of 12 CFR 11.51" to "12 CFR 11.842 and 11.844(a) and (c)."

Dated: May 14, 1986.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 86–11597 Filed 5–21–86; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-163-AD; Amdt. 39-5320]

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 inspection and modification, as necessary, of the horizontal stabilizer center section rear spar upper chord on certain Boeing 737 airplanes. An existing AD requires similar inspection and modifications on airplanes, line numbers 1 through 208, because of a history of cracking. Later airplanes are of a similar design and may also be subject to cracking. Such cracking, if undetected, could lead to failure of the horizontal stablizer.

DATE: Effective June 30, 1986.

ADDRESS: 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: 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 horizontal stabilizer center section rear spar upper chord on certain Boeing Model 737 series airplanes was published in the **Federal Register** on February 4, 1986 (51 FR 4383). The comment period for the proposal closed on March 28, 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), on behalf of its affiliates, commented that Boeing Service Bulletin 737–58–1034, dated April 12, 1985, refers to modification of uncracked chords only. Therefore, paragraph B. of the proposed AD, which prescribes corrective action for cracked parts, should delete any reference to modification. The FAA concurs with the recommendation and the reference to the modification has been relocated to a more appropriate position in the final rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule with the change as previously mentioned.

It is estimated that 218 airplanes of U.S. registry will be affected by this AD, that approximately 8 manhours per airplane will be required to accomplish the necessary inspections, and that the average labor cost will be $40 per manhour. Based on these estimates, the total cost to the U.S. operators will be $69,760 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

PART 39—[AMENDED]

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

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

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

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes, certificated in any category, as listed in Boeing Service Bulletin 737-55-1034, dated April 12, 1985.

To detect cracking in the horizontal stabilizer center section rear spar upper chord, accomplish the following prior to the accumulation of 50,000 landings; or prior to the accumulation of 50,000 landings after chord replacement; or prior to the accumulation of 35,000 landings after modification in accordance with Boeing Service Bulletin 737-55-1034, Part II, dated April 12, 1985; or within 500 landings after the effective date of this AD; whichever occurs latest, unless accomplished within the last 4,000 landings:

A. Eddy current inspect the horizontal stabilizer center section rear spar upper chord for cracks in the areas of each beam gusset plate in accordance with the Flight Safety Inspection Program in Boeing Service Bulletin 737-55-1034, dated April 12, 1985, or later FAA-approved revisions. Repeat the inspections at intervals not to exceed 4,500 landings.

B. If cracks are found in the horizontal stabilizer center section rear spar upper chord, repair in accordance with Part II, or replace in accordance with Part III, of the Accomplishment Instructions in Boeing Service Bulletin 737-55-1034, dated April 12, 1985, or later FAA-approved revisions. Resume the inspections required by paragraph A., above, no later than 9,000 landings after repair, or 50,000 landings after replacement, as appropriate.

C. For purposes of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time in service by the operator's fleet average time for takeoff to landing for the airplane type.

D. 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.

E. An alternate means of compliance or adjustment of the compliance time, which provide 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 bulletin from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. 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.

This amendment becomes effective June 30, 1986.

Issued in Seattle, Washington, on May 15, 1986.

David E. Jones,

Acting Manager, Northwest Mountain Region.

[FR Doc. 86-11474 Filed 5-21-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-162-AD; Amdt. 39-5321]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FFA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to certain Boeing Model 737 airplanes which requires inspection and replacement, if necessary, of the horizontal stabilizer center section rear spar upper chord attach lugs. An existing AD requires similar inspections on earlier airplanes of this model because of a history of cracking. Later airplanes are of a similar design and may also be subject to cracking. Cracks, if undetected, could lead to loss of the horizontal stabilizer.

DATE: Effective June 30, 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, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspection and replacement, if necessary, of the horizontal stabilizer center section rear spar upper chord attach lugs on certain Boeing Model 737 series airplanes was published in the **Federal Register** on February 4, 1986 (51 FR 4384). The comment period for the proposal closed on March 28, 1986.

Interested parties 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) in behalf of one affiliate operator, commented that Boeing Service Bulletin 737-55-1033, dated April 12, 1985, provides for modification of uncracked lugs. This modification procedure includes replacement of lug bushings. The operator recommended that the final rule be revised to extend the compliance time for airplanes modified in accordance with this procedure. The FAA concurs with this recommendation and the final rule has been amended accordingly.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule with the change mentioned previously.

It is estimated that 219 airplanes of U.S. registry will be affected by this AD, and that approximately 4 manhours per airplane will be required to perform the necessary inspections. Based on an average labor cost of $40 per manhour, the total cost to the U.S. operators will be $35,040 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 of significant

under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Boeing Model 737 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has ben placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes listed in Boeing Service Bulletin 737-55-1033, dated April 12, 1985, certificated in any category. To detect cracking in the horizontal stabilizer center section rear spar upper chord attach lugs, accomplish the following prior to the accumulation of 40,000 landings; or prior to the accumulation of 40,000 landings after a chord replacement or modification in accordance with Boeing Service Bulletin 737-55-1033, Option I, dated April 12, 1985; or within 200 landings after the effective date of this AD; whichever occurs latest, unless accomplished within the last 5,500 landings.

A. Eddy current inspect the horizontal stabilizer center section rear spar upper chord attach lug for cracks in accordance with the Flight Safety Inspection Program specified in Boeing Service Bulletin 737-55-1033, dated April 12, 1985, or later FAA-approved revisions. Repeat at intervals not to exceed 5,700 landings.

B. If cracks are found, replace the horizontal stabilizer center section rear spar upper chord in accordance with Boeing Service Bulletin 737-55-1033, dated April 12, 1985, or later FAA-approved revisions. Resume the inspections required by paragraph A., above, prior to the accumulation of 40,000 landings after the chord replacement, or modification in accordance with Boeing Service Bulletin 737-55-1033, Option I, dated April 12, 1985.

C. For purposes of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time in service by the operator's fleet average time from takeoff to landing for the airplane type.

D. 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.

E. An alternate means of compliance or adjustment of the compliance time, which provide 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 bulletin from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at 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 30, 1986.

Issued in Seattle, Washington, on May 15, 1986.

David E. Jones,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-11475 Filed 5-21-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 86-ASO-6]

Alteration of Transition Area, Orlando, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment increases the size of the Orlando, Florida, transition area to accommodate changes in an instrument approach procedure which serves Orlando Executive Airport. This alteration will lower the floor of controlled airspace in an area northwest of the airport from 1,200 to 700 feet above the surface.

EFFECTIVE DATE: 0901 UTC, August 28, 1986.

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

SUPPLEMENTARY INFORMATION:

History

On Wednesday, March 26, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by altering the Orlando, Florida, transition area to designate additional controlled airspace northwest of Orlando Executive Airport. This airspace is required to support Instrument Flight Rule (IFR) aeronautical activities in the Orlando area (51 FR 10409). 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. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations increases the size of the Orlando, Florida, transition area to accommodate revised instrument approach procedures serving Orlando Executive Airport.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as amended (51 FR 5988), is further amended, as follows:

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

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

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Orlando, FL—[Amended]

Following . . . long. 81°19'59"W.); . . . insert the following words: "within three miles each side of Orlando VORTAC 317° radial, extending from the 8.5-mile radius area to 14 miles northwest of the VORTAC."

Issued in East Point, Georgia, on May 12, 1986.

James L. Wright,

Acting Manager, Air Traffic Division Southern Region.

[FR Doc. 86-11478 Filed 5-21-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-ASO-7]

Alteration of Transition Area, Prentiss, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates the Prentiss, Mississippi, transition area to accommodate Instrument Flight Rule (IFR) operations at Prentiss-Jefferson Davis County Airport. This action will lower the base of controlled airspace from 1,200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure, based on the proposed Prentiss Non-direction Radio Beacon (RBN), has been developed to serve the airport and the controlled airspace is required for protection of IFR aeronautical activities.

EFFECTIVE DATE: 0901 UTC, July 3, 1986.

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

SUPPLEMENTARY INFORMATION:

History

On Thursday, April 3, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by designating the Prentiss, Mississippi, transition area. This action will provide controlled airspace for aircraft executing a new instrument approach procedure to Prentiss-Jefferson Davis County Airport. The operating status of the airport is changed to IFR (51 FR 11455). 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. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Prentiss, Mississippi, transition area and lowers the base of controlled airspace in the vicinity of Prentiss-Jefferson Davis County Airport from 1,200 to 700 feet above the surface.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

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

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Prentiss, MS—[New]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Prentiss-Jefferson Davis County Airport (Lat. 31°35'47"N., Long. 89°54'24"W.); within three miles each side of the 129° bearing from the Prentiss RBN (Lat. 31°35'46"N., Long. 89°54'18"W.), extending from the 6.5-mile radius area to 6.5 miles southeast of the RBN.

Issued in East Point, Georgia, on May 12, 1986.

James L. Wright,

Acting Manager, Air Traffic Division Southern Region.

[FR Doc. 86-11477 Filed 5-21-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 370 and 373

[Docket No. 51068-6047]

Export Controls on the Republic of South Africa

AGENCY: Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The special licensing procedures outlined in Part 373 of the Export Administration Regulations allow persons or firms to make multiple shipments of designated classes of goods, and in some cases technical data to approved consignees. This rule prohibits the use of those licenses for goods that are to be used in a nuclear production or utilization facility in the Republic of South Africa or Namibia pursuant to Executive Order 12532 of September 9, 1985, which specifies that the procedures shall be effective on October 11, 1985.

This rule limits the use of all outstanding and future special licenses in the manner described above.

EFFECTIVE DATE: October 11, 1985.

FOR FURTHER INFORMATION CONTACT: Joan Sitnik, Strategic Policy & Planning Division, Export Administration, Department of Commerce, Washington, DC (Telephone: (202) 377-3160.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, Export Administration has determined that:

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

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those

requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign affairs function of the United States. Further, no other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Written comments (6 copies) should be submitted to Betty Ferrell, Office of Technology & Policy Analysis, Export Administration, Department of Commerce, Washington DC 20230.

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

4. This rule does not contain a collection of information requirement under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects

15 CFR Part 370

Administrative Practices and Procedures.

15 CFR Part 373

Exports.

Accordingly, Parts 370 and 373 of the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

1.(a) The authority citation for 15 CFR Part 370 continues to read as follows:

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

(b) The authority citation for 15 CFR Part 373 continues to read as follows:

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

2. Section 370.2 is amended by adding two new terms in alphabetical order as set forth below:

§ 370.2 Definition of terms.

* * * * *

Production Facility. As defined by 10 CFR 110.2 of the Nuclear Regulatory Commission Regulations, production facility means any nuclear reactor or plant specially designed or used to produce special nuclear material through the irradiation of source material or special nuclear material, the separation of isotopes or the chemical reprocessing or irradiated source or special nuclear material.

* * * * *

Utilization Facility. As defined by 10 CFR 110.2 of the Nuclear Regulatory Commission Regulations, utilization facility means any nuclear reactor, other than one that is a production facility, and the following major components of a nuclear reactor:

Pressure vessels designed to contain the core of a nuclear reactor;

Primary coolant pumps;

Fuel charging or discharging machines; and Control rods.

A utilization facility does not include the steam turbine generator portion of a nuclear power plant.

* * * * *

3. In § 373.1, paragraph (a)(1) is amended by adding a paragraph (iv) as follows:

§ 373.1 Introduction.

* * * * *

(a) Special Limitations.

(1) * * *

(i) * * *

(ii) * * *

(iii) * * *

(iv) Export or reexport any commodity to a nuclear production or utilization facility (as defined in section 370.2 of the EAR) in the Republic of South Africa or Namibia.

* * * * *

Dated: May 19, 1986.

Walter J. Olson,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 86–11506 Filed 5–21–86; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 85F-0109]

Indirect Food Additives; Polymers

Correction

In FR Doc. 86–10167, beginning on page 16827, in the issue of Wednesday, May 7, 1986, make the following corrections:

1. On page 16828, first column, second line of "Dates", "June 7, 1986", should read "June 6, 1986".

2. On the same page, third column, second paragraph, third line, "June 7, 1986" should read "June 6, 1986".

BILLING CODE 1505-01-M

21 CFR Parts 182 and 186

[Docket No. 78N-0032]

Tall Oil; Affirmation of GRAS Status as Indirect Human Food Ingredient

Correction

In FR Doc. 86–10168, beginning on page 16829, in the issue of Wednesday, May 7, 1986, make the following corrections:

1. On page 16829, second column, in the "Effective Date" line, "June 7, 1986" should read "June 6, 1986".

2. On page, 16830, first column, first line of amendatory instruction 1, after "for" insert "21".

BILLING CODE 1505-01-M

DEPARTMENT OF STATE

22 CFR Part 41

[Department Regulation 108.850]

Withdrawal of Nonimmigrant Visa Documentary Waivers

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This final rule amends 22 CFR 41.6(e) to withdraw the privilege of transiting the United States without visas (TWOV) from citizens of Libya. The TWOV privilege normally facilitates passage through the United States of aliens in transit to third countries. Withdrawal of the privilege will require Libyan citizens to be in possession of visas and valid passports in order to transit the United States upon the effective date of this rule.

EFFECTIVE DATE: May 22, 1986.

ADDRESS: Stephen K. Fischel, Chief, Legislation and Regulations Division, Visa Services, Washington, DC 20520 (202) 632–1900.

FOR FURTHER INFORMATION CONTACT: Guida Evans-Magher, Legislation and Regulations Division, Visa Services, (202) 632–2907.

SUPPLEMENTARY INFORMATION: Under present regulations citizens of Libya who desire to travel through the United

States in transit from one country to another without the need of obtaining a visa may do so under the visa waiver provisions of § 41.6(e). Pursuant to paragraph (g) of Executive Order 12543, of January 7, 1986, (51 FR 875), which directed U.S. Government agencies to take appropriate measures to carry out the provisions of that Order, and given the nature and seriousness of Libyan sponsored terrorism against U.S. citizens and property, the Department has determined that it is in the national interest to withdraw the privilege to transit without a visa from citizens of Libya. Upon the effective date of this rule, all Libyans entering the United States for any purpose will be required to be in possession of valid visas and passports. The Immigration and Naturalization Service has also amended its regulations at 8 CFR 212.1(e) to withdraw this privilege from citizens of Libya. Because of the threat to United States national interests, the Department and the Immigration and Naturalization Service, acting jointly, amend the regulations to withdraw the transit without visa privilege as it applies to citizens of Libya and add its name to the list of countries whose nationals are precluded from transiting through the United States without a visa.

Due to the emergency nature of these actions relating to foreign affair functions the provisions of the Administrative Procedure Act, 5 U.S.C. 553, relative to notice of proposed rulemaking are impracticable and contrary to the public interest in this instance. In addition, this final rule is exempt from the requirements of Executive Order 12291 on the same basis. This rule is not considered to be a major rule for purposes of E.O. 12291 nor is it expected to have a significant impact on a substantial number of small entities.

List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Visas, Waivers.

In view of the foregoing, Part 41 is amended to read:

PART 41—PASSPORTS AND VISAS NOT REQUIRED FOR CERTAIN NONIMMIGRANTS

1. The authority citation for Part 41 is revised to read as follows:

Authority: Sec. 101, 84 Stat. 116, 8 U.S.C. 1101; 109(b), 91 Stat. 847; 104, 66 Stat. 174, 8 U.S.C. 1104.

2. The second sentence in § 41.6(e)(1) is revised to read:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

* * * * *

(e) *Aliens in immediate transit—(1) Aliens in bonded transit.* * * * This waiver of visa and passport requirement is not available to an alien who is a citizen of Afghanistan, Bangladesh, Cuba, India, Iran, Iraq, Libya, Pakistan or Sri Lanka. * * *

* * * * *

Dated: May 19, 1986.

Joan M. Clark,

Assistant Secretary for Consular Affairs.

[FR Doc. 86-11609 Filed 5-21-86; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8089]

Income Taxes; Investment Credit Limitation in Regulated Companies; Synchronization of Interest

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the limitation on the investment credit in the case of certain regulated companies. Questions have arisen concerning the permissibility of "synchronization of interest" and the "zero-cost capital" method under the ratable flow-through method of accounting for the investment credit with respect to public utility property. The regulations provide guidance on these issues and affect regulated companies that use the ratable flow-through method of accounting for the investment credit with respect to public utility property.

DATE: The regulations are generally effective with respect to public utility property constructed or acquired by the taxpayer after August 15, 1971.

FOR FURTHER INFORMATION CONTACT: Paulette Chernyshev of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, Attention: CC:LR:T, 202-566-3288, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On June 26, 1985, proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 46(f) of the Internal Revenue Code were published in the **Federal Register** (50 FR 26385). The amendments were proposed to clarify the manner in which the limitation imposed by section 46(f) applies in the case of regulated companies that use the ratable flow-through method of accounting for the investment credit with respect to public utility property.

Many written comments were received with respect to the proposed amendments, and a public hearing on the amendments was held on August 28, 1985. After consideration of all comments and testimony received on the proposed amendments, the amendments are adopted as revised by this Treasury decision.

Interest Synchronization

Section 46(f)(2) permits the use of a ratable flow-through method of accounting for the investment credit with respect to public utility property. Under this method of accounting, the taxpayer's cost of service for ratemaking purposes may be reduced by a ratable portion of the investment credit. The credit is disallowed, however, if the taxpayer's cost of service is reduced by more than a ratable portion of the credit or if the base to which the taxpayer's rate of return for ratemaking purposes is applied ("rate base") is reduced by any portion of the credit.

In determining whether a credit has been used to reduce rate base, § 1.46-6(b)(3) of the regulations requires reference to "any accounting treatment that affects the permitted return on investment by treating the credit in any way other than as though it were capital supplied by common shareholders to which a 'cost of capital' rate is assigned that is not less than the taxpayer's overall cost of capital rate." This requirement appears only in the definition of rate base and it is unclear whether the credit also must be treated as capital provided by common shareholders in determining cost of service. As a result, the Service has received a number of ruling requests asking whether a portion of the return on the rate base attributable to the credit may be characterized as interest expense and taken into account in computing Federal income tax expense for ratemaking purposes ("interest synchronization" or "synchronization of interest").

This issue is addressed, either directly or indirectly, in several cases reviewing rate orders. Although the permissibility of synchronization of interest was an issue in these reviews, the Internal Revenue Service was not a party to the

cases and the decisions did not determine the actual tax liability of the regulated companies. Two Federal Courts of Appeal have determined that interest synchronization does not violate section 46(f)(2) or the existing regulations. *Union Electric* v. *FERC*, 668 F.2d 389 (8th Cir. 1981); *Nepco Municipal Rate Commission* v. *FERC*, 688 F.2d 1327 (D.C. Cir. 1981); *Public Service of New Mexico* v. *FERC*, 653 F.2d 681 (D.C. Cir. 1981). In addition, several state courts have approved the use of interest synchronization in ratemaking proceedings. *See, e.g., Narragansett Electric Company* v. *Burke*, 475 A.2d 1379 (R.I. 1984); *New England Telephone & Telegraph Company* v. *Public Utilities Commission*, 448 A.2d 272 (Me. 1982). Other courts, however, have concluded that synchronization of interest is not permitted under section 46(f)(2) and the existing regulations. *See, e.g., Utilities Commission* v. *Carolina Telephone & Telegraph*, 300 S.E. 2d 395 (Ct. App. N.C. 1983).

The proposed regulations provided that interest synchronization would not constitute a reduction in cost of service for purposes of section 46(f)(2), thus generally permitting interest synchronization for purposes of the ratable flow-through method of accounting for the investment credit. The preamble of the notice of proposed rulemaking set forth two reasons for this provision. The first was the Service's conclusion that synchronization of interest does not result in a reduction of cost of service that is attributable to the credit. This conclusion is consistent with financial market realities since, in the absence of the credit, the additional capital needed to finance the investment property generally would be obtained from a similar proportion of debt and equity as in the existing capital structure of the utility. Synchronization of interest properly takes account of the additional interest expense that would have been incurred in those circumstances.

In addition, the Service believed that synchronization of interest under section 46(f)(2) would result in an appropriate accounting for the credit in establishing rates. The basis for this conclusion may be illustrated by a comparison of the rates that would be established without synchronization of interest with the rates that would be established if the credit were unavailable. Under certain factual circumstances (e.g., long-lived assets with respect to which the credit was allowed), the rates that would be established without synchronization of interest may actually exceed in one or more service years the rates that would be established if the credit were unavailable. In contrast, the rates that would be established with synchronization of interest cannot exceed in any year the rates that would be established if the credit were unavailable.

The Service received a number of comments from public service commissions and other regulatory authorities generally supporting the position in the proposed regulations. On the other hand, the Service also received many comments from regulated public utilities and their representatives, which, with some exceptions, opposed interest synchronization on the ground that it constitutes an impermissible reduction in cost of service under section 46(f)(2). After careful consideration of all comments received, the Service has concluded that interest synchronization should be permitted for the reasons stated in the preamble of the notice of proposed rulemaking. Accordingly, the final regulations clarify that interest synchronization is permitted under a ratable flow-through method of accounting.

Zero-Cost Capital

Another issue addressed by the public comments concerned the effect of "zero-cost capital" on the rate of return assigned to the credit. The issue arises if, for example, the reserve for deferred taxes established under sections 167 and 168 is included in rate base as no-cost capital, as permitted under section 1,167(e) of the regulations. The issue may similarly arise, for example, if non-interest-bearing liabilities such as customer deposits are included in a taxpayer's rate base. In such situations, a ratemaking commission may reduce the overall rate of return on account of the zero-cost capital (*e.g.*, deferred taxes or non-interest-bearing liabilities) included in rate base. The issue raised by the public comments is whether the rate of return assigned to the credit under section 46(f)(2)(B) may also be reduced on account of such zero-cost capital.

The proposed regulations provided that the cost of capital assigned to the credit must be at least equal to the overall cost of the capital, determined on the basis of a weighted average, that would have been provided by common and preferred shareholders and long-term creditors if the credit were unavailable. Under the proposed regulations, the composition of such capital depended, generally, on all the relevant facts and circumstances; however, a safe-harbor provision permitted determinations that additional capital would have been provided in the same proportions and at the same rates of return as the capital actually provided by shareholders and long-term creditors. Neither the general rule nor the safe-harbor provision of the proposed regulations would have permitted any reduction in the rate of return assigned to the investment credit on account of zero-cost capital. This position was based on the assumption that items of zero-cost capital would not increase if the credit were unavailable.

After consideration of the comments the Service has concluded that, although this assumption regarding zero-cost capital is generally true, it is not strictly correct in certain situations. For example, if the basis of a utility's property has been reduced under section 48(q), the additional capital provided if the credit were unavailable would include not only equity and long-term debt, but also deferred taxes. This occurs because the utility's basis in the property would increase if the credit were unavailable, eventually resulting in a greater amount of deferred taxes. Accordingly, the final regulations permit zero-cost capital to be taken into account for purposes of determining the cost of capital assigned to the credit, but only to the extent that additional amounts of such capital would be provided if the credit were unavailable. In the case of a utility that has a basis reduction under section 48(q), for example, the amount of capital provided in the form of deferred taxes will, as explained above, generally be less in each period than the amount of deferred taxes that would be provided if the credit were unavailable. For any period, the difference between these two amounts is the amount of additional deferred taxes that would be provided if the credit were unavailable. The regulations provide that only the amount of additional deferred taxes for a period may be taken into account in determining the rate of return assigned to the credit for that period. Thus, the deferred taxes actually included in the utility's rate base may not be taken into account for this purpose. Under the regulations, any amount of additional zero-cost capital must also be taken into account for purposes of determining the amount of additional interest that the taxpayer would pay or accrue if the credit were unavailable, thus reducing the amount subject to interest synchronization.

The Service continues to believe that additional capital typically would be provided primarily in the form of equity and long-term debt if the credit were unavailable. Accordingly, the safe-

harbor provision of the proposed regulations is generally unchanged, except to clarify that the safe harbor applies only if it is used to determine both the cost of capital assigned to the credit and the amount subject to interest synchronization.

Hypothetical Capital Structure

An additional issue raised by the public comments concerned the effect of using a hypothetical capital structure to determine a utility's overall rate of return. A hypothetical capital structure may be used if, for example, a regulatory commission determines that the actual capital structure of a utility does not include sufficient debt and imputes debt of a parent holding company to the utility. The issue in such cases is whether the composition of the capital that would be provided if the credit were unavailable is determined by reference to the change that would occur in the actual capital structure of the utility or, instead, by reference to the change in the hypothetical capital structure used by the ratemaking commission. The final regulations clarify that it is the change in the hypothetical capital structure that is taken into account for this purpose.

Transitional Rule

The Service received a number of inquiries requesting clarification of the transitional rule in § 1.46–6(b)(iii) of the proposed regulations. In general, this rule (as revised by this Treasury decision) provides that rate orders put into effect before June 23, 1986 do not violate section 46(f) if they satisfy the requirements of either the amended regulations or the regulations in effect before the amendment. This is significant because the regulations in effect before the amendment provided that the overall cost of capital rate depends on the practice of the regulatory body. The Internal Revenue Service is aware that certain ratemaking commissions, relying on this language, have required utilities to use zero-cost capital in determining the earnings rate to be assigned to the credit in a manner inconsistent with the amended regulations. The use of zero-cost capital in such cases will not be treated as a violation of section 46(f)(2) under the regulations in effect before the amendments.

Amendments Not Covered by These Proposed Regulations

The amendments do not reflect amendments made to section 46 after the enactment of the Revenue Act of 1971, other than the redesignation of section 46(e) as section 46(f) by the Tax Reduction Act of 1975. In addition, the regulations do not reflect the amendment made to section 167(l) (2) (C) by section 209(d)(3) of the Economic Recovery Tax Act of 1981 (Pub. L. 97–34; 95 Stat. 227). That amendment has the effect of eliminating the special rule for immediate flow-through under section 46(f)(3) for property placed in service after December 31, 1980.

Regulatory Flexibility Act; Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis therefore is not required. Although a notice of proposed rulemaking that solicited public comment was issued, the Internal Revenue Service concluded when the notice was issued that the regulations are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, the final regulations are not subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Drafting Information

The principal author of these regulations is Paulette Chernyshev of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects in 26 CFR Parts 1.0–1—1.58–8

Income taxes, Tax liability, Tax rates, Credits.

Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

PART 1—[AMENDED]

Income Tax Regulations

Paragraph 1. The authority for Part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805. * * * Section 1.46–6 also issued under 26 U.S.C. 46(f)(7).

Par. 2. Section 1.46-6 is amended by revising paragraph (b)(2)(i), (3), and (4)(ii) to read as follows:

§ 1.46-6 Limitation in case of certain regulated companies.

* * * * *

(b) *Definitions.* * * *

(2) *Cost of service.* (i) (A) For purposes of this section, "cost of service" is the amount required by a taxpayer to provide regulated goods or services. Cost of service includes operating expenses (including salaries, cost of materials, etc.) maintenance expenses, depreciation expenses, tax expenses, and interest expenses. For purposes of this section, any effect on a taxpayer's permitted return on investment that results from a reduction in the taxpayer's rate base does not constitute a reduction in cost of service, even though, as a technical ratemaking term, "cost of service" ordinarily includes a permitted return on investment. In addition, taking into account a deduction for the additional interest that the taxpayer would pay or accrue if the credit were unavailable in determining Federal income tax expense ("synchronization of interest") does not constitute a reduction in cost of service for purposes of section 46(f)(2). This adjustment to Federal income tax expense may be taken into account in determining cost of service for the regulated accounting period or periods that include the taxable year to which the adjustment relates or for any subsequent regulated accounting period.

(B) See paragraph (b)(3)(ii)(B) of this section for rules relating to the amount of additional interest that the taxpayer would pay or accrue if the credit were unavailable.

* * * * *

(3) *Rate base.* (i) For purposes of this section, "rate base" is the monetary amount that is multiplied by a rate of return to determine the permitted return on investment.

(ii)(A) In determining whether, or to what extent, a credit has been used to reduce rate base, reference shall be made to any accounting treatment that affects rate base. In addition, in those cases in which the rate of return is based on the taxpayer's cost of capital, reference shall be made to any accounting treatment that reduces the permitted return on investment by treating the credit less favorably than the capital that would have been provided if the credit were unavailable. Thus, the credit may not be assigned a "cost of capital" rate that is less than the overall cost of capital rate, determined on the basis of a weighted average, for the capital that would have been provided if the credit were unavailable.

(B) For purposes of determining the cost of capital rate assigned to the credit and the amount of additional interest that the taxpayer would pay or accrue, the composition of the capital that would have been provided if the credit were unavailable may be determined—

(*1*) On the basis of all the relevant facts and circumstances; or

(*2*) By assuming for both such

purposes that such capital would be provided solely by common shareholders, preferred shareholders, and long-term creditors in the same proportions and at the same rates of return as the capital actually provided to the taxpayer by such shareholders and creditors.

For purposes of this section, capital provided by long-term creditors does not include deferred taxes as described in section 167(e)(3)(G) or 168(e)(3)(B)(ii).

(C) If a taxpayer's overall rate of return is based on a deemed or hypothetical capital structure, paragraph (b)(3)(ii)(B) of this section shall be applied by treating the deemed or hypothetical capital as if it were the capital actually provided to the taxpayer and determining the composition of the capital that would have been provided if the credit were unavailable in a manner consistent with such treatment.

(iii) Whether, or to what extent, a credit has been used to reduce rate base for any period to which pre-June 23, 1986 rates apply will be determined under 26 CFR 1.46-6(b) (3) and (4) (revised as of April 1, 1985) if such a determination avoids disallowance of a credit that would be disallowed under paragraph (b)(3)(ii) or (4)(ii) of this section. For this purpose, a period of which pre-June 23, 1986 rates apply is any period for which the effect of the credit on rate base for ratemaking purposes is established under a determination put into effect (within the meaning of paragraph (f) of this section) before June 23, 1986.

(4) *Indirect reductions to cost of service or rate base.* * * *

(ii) One type of such indirect reduction is any ratemaking decision in which the credit is treated as operating income (subject to ratemaking regulation) or is treated less favorably than the capital that would have been provided if the credit were unavailable. For example, if the credit is accounted for as nonoperating income on a company's regulated books of account but a ratemaking decision has the effect of treating the credit as operating income in determining rate of return to common shareholders, then cost of service has been indirectly reduced by reason of the credit.

* * * * *

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: May 5, 1986.

J. Roger Mentz,

Assistant Secretary of the Treasury.

[FR Doc. 86-11596 Filed 5-21-86; 8:45 am]

BILLING CODE 4830-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Final Procedural Regulation

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission is amending its procedural regulations to reflect a change in delegations of authority for issuance of administrative determinations on charges brought under Title VII of the Civil Rights Act of 1964, as amended.

EFFECTIVE DATE: May 22, 1986.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, DC 20507 (202) 634-6592.

SUPPLEMENTARY INFORMATION: Authority for issuing letters of determination on charges filed under Title VII of the Civil Rights Act generally has been delegated to Commission field offices. In the past the delegation in 29 CFR 1601.21(d) has included authority to issue determinations where previously issued Commission decisions or guidelines serve as precedent for the determination. In order to more effectively address issues of concern to the Commission, the Commission is amending its delegation of authority to issue letters of determination. The Commission will no longer use the criterion of existing decision or guideline precedent to determine when field offices are delegated authority to issue determinations on charges. Rather, the Commission periodically will identify issues which it wants to review and will delegate authority to issue determinations in all cases except those that contain such an issue. Those issues will be contained in Appendix A of Section 603 of Volume II of the EEOC Compliance Manual. Consistent with the change in delegation of authority in 29 CFR 1601.21(d), the Commission is amending 29 CFR 1601.77, to explain that the Commission will individually review charges closed by 706 agencies that contain an issue designated by the Commission for review.

This regulation has been reviewed in accordance with Executive Order 12291. It is not a major rule and does not require a regulatory impact analysis under section 3 of that Order. Similarly, the Commission certifies under 5 U.S.C. 3605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this rule will not result in a significant impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required.

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Inter-governmental Relations.

By virtue of the authority vested in the Commission under section 713(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-12(a), the Equal Employment Opportunity Commission hereby publishes the amendment to § 1601.21 and § 1601.77 of its procedural regulations.

For the Commission.

Clarence Thomas,

Chairman.

Accordingly, EEOC amends 29 CFR Part 1601 as follows:

1. The authority citation for Part 1601 continues to read as follows:

Authority: Sec. 713(a), Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-12(a), otherwise noted.

§ 1601.21 [Amended]

2. Section 1601.21(d) introductory text is amended by removing the clause "in those cases in which previously issued Commission Decisions serve as precedent for the determination and in those cases in which the Commission's Guidelines provide a statement of policy which serves as authority for the determination" and replacing it with the clause "except in those cases involving issues currently designated by the Commission for priority review."

§1601.77 [Amended]

3. Section 1601.77 is amended by removing the clause "or where no previously issued Commission decision serves as precedent for the determination in the charge" and replacing it with the clause "or where the charge involves an issue currently designated by the Commission for priority review."

[FR Doc. 86-11370 Filed 5-21-86; 8:45 am]

BILLING CODE 6570-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 732

Nonnaval Medical and Dental Care

AGENCY: Naval Medical Command, Navy, DOD.

ACTION: Final rule.

SUMMARY: The Naval Medical Command promulgated this regulation to disseminate the authority and policies involved in obtaining and having the Navy pay for nonnaval medical and dental care of active duty naval personnel and outpatient care from nonnaval sources for active duty members of North Atlantic Treaty Organization nations. Regulation also sets forth Third Party Liability Program recoupment for benefits received and collection action for subsistence furnished while such members are hospitalized in nonnaval facilities.

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: Herbert L. Pelham, Program Analyst, Naval Medical Command, Washington, DC 20372–5120, (202) 653–1179.

SUPPLEMENTARY INFORMATION: This revision relates to internal naval management and personnel practices and largely reflects nonsubstantive changes adopted in NAVMEDCOMINST 6320.1. It was determined that invitation of public comment on these changes prior to adoption would be impracticable and is therefore not required under public rulemaking provisions of Parts 296 and 701 of 32 CFR.

List of Subjects in 32 CFR Part 732

Dental health, Health care, Military personnel.

Dated: May 15, 1986.

William F. Roos, Jr.,

Lt, JAGC, USNR Federal Register Liaison Officer.

Accordingly, 32 CFR Part 732 is revised to read as follows:

PART 732—NONNAVAL MEDICAL AND DENTAL CARE

Subpart A—General

Sec.

Subpart B—Medical and Dental Care From Nonnaval Sources

Authority: 5 U.S.C. 301; 10 U.S.C. 1071–1088, 5031, 6148, 6201–6203, and 8140; and 32 CFR 700.1202.

Subpart A—General

§ 732.1 Purpose.

To delineate and promulgate the authority and policies concerning inpatient and outpatient medical and dental care obtained from nonnaval sources by active duty Navy and Marine Corps members and outpatient care from nonnaval sources for active duty members of North Atlantic Treaty Organization (NATO) nations. Provides the conditions under which the costs of such care may be borne by the Navy.

§ 732.2 Scope.

The provisions of this part are applicable for:

(a) Both inpatient and outpatient medical and dental care of U.S. Navy and Marine Corps personnel who incur disease or injury while on active duty. Reservists are entitled to care under the provisions of this part for conditions occurring during active duty for training and inactive duty training (drill), including travel to and from training sites.

(b) The outpatient care of naval members of NATO Status of Forces Agreement (SOFA) nations (Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom) who are stationed in or passing through the United States in connection with their official duties.

§ 732.3 Background.

(a) The special authority of the Manual of the Medical Department (MANMED), article 11–7(3)(b), applicable to patients under the jurisdiction of commanding officers of naval hospitals, remains in effect and is to be used for nonnaval medical and dental care of such patients. Guidelines concerning care for other eligible beneficiaries, not authorized care by this part, are contained in BUMED INST 6320.58 and Part 728 of this chapter. Subpart B provides guidelines and procedures whereby naval commands may:

(1) Arrange for appropriate care in other than naval facilities for authorized members under their jurisdiction.

(2) Assist in those instances when authorized personnel obtain civilian medical or dental care for themselves and seek reimbursement from the Navy.

(3) Authorize payment directly to providers of care when payment has not been made by the member or by someone acting on behalf of the member.

(4) Assist active duty Navy and Marine Corps maternity patients in obtaining care in civilian facilities, when appropriate, and arranging for payment of charges for the member and the routine care of the newborn in accordance with the Assistant Secretary of Defense for Health Affairs memo of 16 May 1979, Inpatient routine newborn care: Active duty female maternity episode, and Assistant Secretary of Defense for Health Affairs memo of 18 July 1979, Active duty female maternity episode.

(b) Subpart B also delineates areas over which geographic naval medical commands have responsibilities for administration of nonnaval medical and dental care program functions. Program management is vested in the Commander, Naval Medical Command, Washington, DC (MEDCOM–333).

(c) The Assistant Secretary of Defense (Comptroller) memo of 12 March 1981, Reimbursement for inpatient medical care provided foreign military and diplomatic personnel of their dependents in military hospitals in the United States, outlines the provisions of Pub. L. 96–527. This memo provides that inpatient care of foreign military members in the United States shall not be rendered at the expense of the United States Government. Accordingly, only the cost of outpatient care shall be paid under the provisions of this part for active duty members of NATO nations who are stationed in or passing through the United States in connection with their official duties.

§ 732.4 Action.

All commands shall ensure that personnel under their cognizance are made aware of the contents of this part. Failure to comply with the prescribed requirements could result in the Navy's denial of financial responsibility for the expenses of medical or dental care obtained.

Subpart B—Medical and Dental Care From Nonnaval Sources

§ 732.11 Definitions.

Unless otherwise qualified herein, the following terms when used throughout this part are defined as follows:

(a) *Active Duty.* Full-time duty in the active military service of the United States. This includes duty on the active list; full-time training duty; annual training duty; and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned.

(b) *Active Duty for Training.* A period of duty performed in the active military service by a member of a reserve component under orders by competent authority for a specified period which provides for automatic reversion to inactive duty when the specified period of active duty is completed. Includes not only the period of time from reporting to the time of release but also the time of travel to and from the duty station, not in excess of the allowable constructive travel time (see SECNAVINST 1770.3 and DOD Military Pay and Allowances Entitlements Manual (DODPM) paragraphs 10242 and 10243).

(c) *Constructive Return.* For purposes of medical and dental care, return of an unauthorized absentee to military control may be accomplished through notification of appropriate military authorities (§ 732.13(e) amplifies).

(d) *Designated Uniformed Services Treatment Facilities (Designated USTFs).* In accordance with Pub. L. 97–99, the following former U.S. Public Health Service (USPHS) facilities are now "designated USTFs" for the purpose of rendering medical and dental care to all categories of individuals entitled to care under the provisions of this part.

(1) *Hospitals.* (i) Wyman Park Health Systems, 3100 Wyman Park Drive, Baltimore, MD 21211, Telephone (301) 338–3000.

(ii) Allston-Brighton Aid and Health Group, 77 Warren Street, Boston, MA 02135, Telephone (617) 782–3400.

(iii) Hospital of St. John, 2050 Space Park Drive, Nassau Bay, TX 77058, Telephone (713) 757–7430.

(iv) Seattle Public Health Hospital, 1131 14th Avenue South, Seattle, WA 98144, Telephone (206) 324–7650.

(v) Bayley Seton Hospital, Bay Street and Vanderbilt Avenue, Staten Island, NY 10304, Telephone (212) 447–3010.

(2) *Clinics.* (i) Coastal Health Service, 331 Veranda Street, Portland, ME 04103, Telephone (207) 780–3210.

(ii) Lutheran Medical Center, Downtown Health Care Services, New Post Office Bldg., W. 3rd Street and Prospect Avenue, Cleveland, OH 44113, Telephone (216) 522–4524.

(iii) St. Mary's Hospital, 440 Avenue North, Galveston, TX 77550, Telephone (713) 757–7430.

(iv) St. Joseph Ambulatory Care Center, 204 U.S. Customs Bldg., 701 San Jacinto Street, Houston, TX 77002, Telephone (713) 757–7430.

(v) Family Practice Center, Port Arthur, TX 77640, Telephone (713) 757–7430.

(e) *Duty Status.* The performance category of the claimant at the time medical or dental care is received, either active duty or nonactive duty. Members, including reservists, on leave or liberty are considered in a duty status. Reservists, when performing active duty for training or inactive duty for training, are considered in a duty status, including their allowable constructive travel time to and from training.

(f) *Emergency.* A situation where the need or apparent need for medical or dental attention is such that time does not permit obtaining prior approval for civilian medical care.

(g) *Inactive Duty Training (Drill).* Includes that period between muster, dismissal, and allowable constructive travel time to and from such drills (see DODPM paragraphs 10242 and 10243).

(h) *Maternity Emergency.* A condition commencing or exacerbating during pregnancy in a manner such that a delay caused by referral to a USMTF or designated USTF would jeopardize the welfare of the mother or her unborn child.

(i) *Medical Management.* When an active duty member presents for treatment at a naval MTF, that patient is considered under the medical management of a naval physician when a naval physician exercises primary and continuing decision authority regarding diagnosis and treatment, regardless of whether the patient is actually treated by that physician.

(j) *Non-Federal Care.* Medical or dental care provided by civilian sources (includes State, local, and foreign MTFs).

(k) *Nonnaval Care.* Medical or dental care provided by other than naval MTFs. Includes care in other USMTFs, VA facilities, as well as from civilian sources.

(l) *Office of Medical Affairs (OMA) or Office of Dental Affairs (ODA).* Designated offices, under the program management control of COMNAVMEDCOM (MEDCOM–333) and the direct control of regional medical commands, responsible for the continued administration of the requirements of this part.

(m) *Prior Approval.* Permission granted to an individual for a specific episode of necessary but nonemergent maternity, medical, or dental care.

(n) *Reservist.* A member of the Naval or Marine Corps Reserve.

(o) *Supplemental Care.* When an active duty member is under the medical management (see § 732.11(i)) of a naval MTF physician and required care is not available at that facility, any additional materials or professional and personal services ordered by qualified naval MTF providers and obtained for the care of that patient are supplemental. This includes necessary referrals to civilian sources. Costs are chargeable to the operation and maintenance funds available for operation of the facility requesting care or services. For the exception to this policy, see § 732.18(c)(4).

(p) *Unauthorized Absence.* Absence without authority from a member's command or departure without authority from the assigned place of duty.

(q) *Uniformed Services Medical Treatment Facilities (USMTF).* Health care facilities of the Army, Air Force, Coast Guard, Navy, and the former U.S. Public Health Service facilities listed in § 732.11(d) that have been designated as USTFs in accordance with DOD and Department of Health and Human Services directives.

§ 732.12 Program management.

(a) *In the 48 Contiguous United States and Alaska.* Under program management control of COMNAVMEDCOM (MEDCOM–333) and direct control of regional medical commands, OMAs and the ODA listed in § 732.18(f)(1) shall:

(1) Exercise coordination over this program within their areas of responsibility including:

(i) Granting or denying approval for the procurement of nonemergency care from civilian sources.

(ii) Adjudicating medical and dental care claims.

(iii) Notifying COMNAVMEDCOM (MEDCOM–333, Autovon 294–1127 or Commercial 202–653–1127) in a situational report (MED 6320–30) when it appears that an episode of non-Federal care will extend beyond 15 days or will cost more than $25,000. Before calling, be prepared to furnish the following concerning the patient:

(A) Name, grade or rate, and social security number.

(B) Name of non-Federal medical facility rendering treatment.

(C) Date admitted.

(D) Reason patient cannot be or has not been moved to a Federal facility.

(E) Expected duration of non-Federal treatment.

(F) Expected total cost of non-Federal care.

(iv) Determining the need for medical boards subsequent to completion of nonnaval medical care and notifying COMNAVMEDCOM (MEDCOM–25), via the regional medical command, of the determination (see § 732.19 for further amplification).

(v) Issuing letters, upon written request, to recruiting offices far removed from USMTFs and designated USTFs granting blanket approval for civilian medical care of active duty recruiting office personnel. With a full realization that such blanket approval is an authorization to obligate the Government without individual prior approval, OMAs and the ODA shall ensure that:

(A) Each letter specifies a maximum dollar amount allowable in each instance of care.

(B) The location of each recruiting office authorized to obligate is clearly delineated.

(C) Travel distance and time required to reach the nearest USMTF, designated USTF, or VA facility have been considered.

(D) Certain conditions are specifically excluded, e.g., psychiatric care and elective surgical procedures. These conditions will continue to require individual prior approval.

(E) All requests for blanket authorization from other than recruiting offices are forwarded to COMNAVMEDCOM (MEDCOM–333), via the chain of command, for concurrence.

(F) COMNAVMEDCOM (MEDCOM–333) is made an information addressee on each letter of authorization.

(2) Furnish a monthly letter report (MED 6320–23) to COMNAVMEDCOM (MEDCOM–333), with a copy of the dental portion to MEDCOM–32, to reach the Command no later than the 15th day of the month following the month being reported. The report shall reflect the total cost of claims adjudicated and:

(i) The number of:

(A) Claims approved.

(B) Hospital days and dollar value of each.

(C) Outpatient visits and dollar value of each.

(D) Dental visits and dollar value of each.

(E) Ambulance trips and dollar value of each.

(F) Unadjudicated claims on hand at both the beginning and end of month.

(G) Claims on hand more than 30 days.

(H) Inpatient days, outpatient visits, and dollar value of each category of care provided by designated USTFs.

(I) Inpatient hospital days and dollar value of care provided by designated USTFs.

(J) Pharmacy, laboratory, and X-ray services (paid separately from care in § 732.12(a)(2)(i) (B) and (D)). Include the average cost of each and the total cost of all.

(K) Maternity episodes and average cost.

(ii) Name, grade or rate, social security number, and disposition (date and type) of each patient for whom notification is required in accordance with § 732.12(a)(1)(iii).

(iii) Amount of returned checks and overpayments submitted to OMA or ODA and fiscal year to which funds are being credited.

(iv) Personnel changes in OMA or ODA for the month.

(3) Coordinate, with each member and each member's command, convalescent leave granted in accordance with the Naval Military Personnel Manual (MILPERSMAN) and Marine Corps Order P1050.3E.

(4) Assume medical cognizance responsibility for members hospitalized in nonnaval facilities within the OMA's geographical area of responsibility.

(b) *Outside the 48 Contiguous United States and Alaska.* (1) In areas outside the 48 contiguous United States and Alaska, individual commanding officers are authorized to obtain required non-Federal care for members under their command when there are no Federal or NATO SOFA facilities available, or if available, are unable to render required care. If the commanding officer considers it in the best interest of the United States, immediate payment may be effected for such services. When payment is made out of any funds other than those specified for non-Federal medical or dental care, the commanding officer shall apply for reimbursement in accordance with the provisions of this part.

(2) The adjudicating authority at activities listed in § 732.18(f)(2) shall:

(i) Exercise coordination and technical control over this program outside the 48 contiguous United States and Alaska, including the coordination and cognizance responsibilities listed in § 732.12(a) (3) and (4), as appropriate.

(ii) Adjudicate medical and dental care claims.

(iii) Report non-Federal care expenditures as delineated in § 732.12(a)(1)(iii) and § 732.12(a)(2).

§ 732.13 General.

If medical or dental care is required and there are no naval facilities available, initial application shall always be made to other available Federal medical or dental facilities.

(FEDERAL FACILITIES: NAVY, ARMY, AIR FORCE, VETERANS ADMINISTRATION, AND DESIGNATED FORMER U.S. PUBLIC HEALTH SERVICE FACILITIES listed in § 732.11(d).)

Additionally, members shall obtain emergency and nonemergency care from military facilities of the host country, or if applicable, from civilian sources under the NATO SOFA when U.S. facilities are not available and the member is stationed in or passing through a NATO SOFA nation. When either emergency or nonemergency care is required and there are no Federal or NATO SOFA facilities available, care may be obtained from civilian sources under the following conditions:

(a) *Emergency Care.*—(1) *Maternity Emergency.* When a condition commences or exacerbates during pregnancy in a manner that a delay, caused by referral to a uniformed services or designated uniformed services medical treatment facility, would jeopardize the welfare of the mother or her unborn child, the following constitutes indications for admission to a non-Federal facility:

(i) Medical or surgical conditions which would constitute an emergency in the nonpregnant state.

(ii) Obstetric conditions:

(A) Spontaneous abortion, with first trimester hemorrhage.

(B) Premature term labor with delivery.

(C) Severe pre-eclampsia.

(D) Hemorrhage, second and third trimester.

(E) Ectopic pregnancy with cardiovascular instability.

(F) Premature rupture of membranes with prolapse of the umbilical cord.

(G) Obstetric sepsis.

(H) Any other obstetrical condition that, by definition, constitutes an emergent circumstance.

(2) *Medical or Dental.* A situation where the need or apparent need for medical or dental attention is such that time does not permit obtaining authority in advance.

(3) *Authority to Adjudicate.* Only in such a defined emergency shall medical, dental, or maternity services be obtained under this part by or on behalf of eligible personnel without the prior authority covered below. As soon as possible after obtaining such care, the

appropriate OMA or ODA listed in § 732.18(f) shall be provided the following information. This information will be used to make arrangements for transfer of the member and, if appropriate, newborn infant(s), to a Federal facility or for such other action as is appropriate. For the purpose of this part, this information shall be provided to the OMA or ODA in addition to the requirements of article 4210100 of MILPERSMAN or Marine Corps Order 6320.3B

(i) Name, grade or rate, and social security number of patient.

(ii) Name of non-Federal medical or dental facility rendering treatment.

(iii) Date(s) of such treatment.

(iv) Nature and extent of treatment or care already furnished.

(v) Need or apparent need for further treatment (for maternity patients, need or apparent need for further care of infant(s) also).

(vi) Earliest date on which transfer to a Federal facility can be effected.

(b) *Nonemergency Care.* The health benefits advisor (HBA) serving the regional medical command assigned responsibility for the OMA or ODA function shall:

(1) Receive information to complete sections I and III of NAVMED 6320/10's for coordination of requests for prior or after the fact approval of nonemergent medical or dental care and requests for approval of nonemergency maternity care (§ 732.13(f)).

(2) By endorsement, forward the request to the appropriate chief of service explaining non-Federal care regulations as they pertain to the request. The chief of service shall respond to the request within 24 hours.

(3) Upon return by the chief of service of an approved or disapproved NAVMED 6320/10 request for prior approval of nonemergency medical, dental, or maternity care, the HBA shall forward the original form to the member, a copy to the OMA or ODA, and retain a copy on file.

(c) *Eligibility.*—(1) *Regular Members.* To be eligible for non-Federal medical, dental, or emergency maternity care at Government expense. Regular active duty naval members must be in a duty status at the time care is provided.

(2) *Reservists.* Reservists on active duty for training and inactive duty training (drill), including leave and liberty therefrom, are considered to be in a duty status while participating in such training and while en route to and from such training. Accordingly, they are entitled to care for illnesses and injuries occurring while in such a status.

(3) *Absent Without Authority.* Naval members absent without authority during an entire episode of treatment are not eligible. The only exception occurs when the member's illness or injury is determined to have been the direct cause of the unauthorized absentee status. In such an instance eligibility shall be determined to have existed from the day and hour of such injury or illness, provided the member was not in an unauthorized absentee status prior to the initiation of treatment and the member is directly returned to military control.

(4) *Constructive Return.* When constructive return is effected in accordance with § 732.13(e), entitlement will be determined to have existed from 0001 of the day constructive return was accomplished, not necessarily the day and hour care was initiated.

(d) *Notification of Illness or Injury.* If able, members must notify or cause their parent command or the nearest naval activity to be notified of the circumstances requiring medical or dental attention in a non-Federal facility. The member's exact location shall be conveyed to facilitate movement, if appropriate, to a Federal facility. Transfer to a Federal facility shall be accomplished as soon as possible to ensure that disability benefits are not jeopardized. Should movement be delayed due to actions of the member of the member's family, payment may be denied for all care received after provision of written notification by the OMA or ODA. Denial shall be for care received after the member's condition has stabilized and after the cognizant OMA or ODA has made a request to the attending physician and hospital administration for the member's release from the civilian facility. This notification must specify the date and time the Navy will terminate its responsibility for payment. Care rendered subsequent to receipt of the written notification shall be at the expense of the member.

(1) When it becomes known that a member intends to seek medical care (inpatient or outpatient) from a non-Federal source and prior approval has not been granted for the use of the Nonnaval Medical and Dental Care Program, the member must be counseled by, or in the presence of, a Medical Department officer. The member should be requested to sign a statement on a Standard Form 600, Chronological Record of Medical Care, for inclusion in the member's Health Record, that counseling has been accomplished and that the member understands the significance of receiving civilian care which is unauthorized. This must be accomplished when either personal funds or third party payor (insurance) funds are intended to be used to defray the cost of care. Counseling shall include:

(i) Availability of care from a Federal source.

(ii) The requirement for prior approval if the Government may be expected to defray any of the cost of such care.

(iii) Information regarding the possible compromise of disability benefits should a therapeutic misadventure occur.

(iv) Notification that should hospitalization become necessary, or other time is lost from the member's place of duty, such lost time will be chargeable as "ordinary leave".

(v) Notification that the Government cannot be responsible for out-of-pocket expenses which may be required by the insurance carrier of when the member does not have insurance which covers the cost of contemplated care.

(vi) Direction to report to a uniformed services medical officer (preferably Navy) upon completion of treatment for determination of member's fitness for duty.

(2) When it becomes known that a member has already had non-Federal medical care without prior authorization, the member must be referred to a uniformed services medical officer (preferably Navy) to determine fitness for duty. At this time, the counseling measures delineated in § 732.13(d)(1) (iii), (iv), and (v) must be taken.

(e) *Constructive Return.* See § 732.11(c) for definition.

(1) For members in an unauthorized absentee status, constructive return to military control for the purpose of providing medical or dental care at Navy expense is effected when one of the following has occurred:

(i) A naval activity informs a civilian provider of medical or dental care, orally or in writing, that the Navy accepts responsibility for a naval member's care. The naval activity that provides this information shall also provide documentation of such notification to the appropriate OMA or ODA.

(ii) A member has been apprehended by civil authorities at the specific request of naval authorities and naval authorities have been notified that the member can be released to military custody.

(iii) A naval member has been arrested by civil authorities for a civil offense and naval authorities have been notified that the member can be released to military control.

(2) When a naval member has been arrested for a civil offense while in an unauthorized absentee status and the

offense does not allow release to military control, constructive return is not accomplished. The individual is thus responsible for medical or dental care required prior to arrest and the incarcerating jurisdiction is responsible for care required after arrest.

(f) *Maternity Care.* (1) All pregnant active duty members who reside outside the Military Health Services System (MHSS) catchment areas of uniformed services facilities with inpatient capability are permitted to choose whether to deliver in a closer civilian hospital or travel to a uniformed services facility. If the Government is to assume financial responsibility for non-Federal maternity care of any member regardless of where she resides, the member shall obtain authorization in accordance with §§ 732.13(b)(1) and 732.16. OMA officials shall not approve requests for care in non-Federal facilities for members residing within an MHSS catchment area unless:

(i) Capability does not (did not) exist at the uniformed services or other Federal MTF.

(ii) An emergency situation (as outlined in § 732.13(a)(1)) necessitated delivery or other treatment in a non-Federal facility.

(2) Inasmuch as confinement and delivery are foreseeable, prior approval shall be obtained for delivery in a non-Federal facility at Government expense. This approval shall be obtained from the HBA serving the OMA delineated in § 732.18(f) for the area where the duty station of the member is located. The provisions of this subpart do not apply to maternity emergency situations.

(i) Requests for prior approval shall be disapproved when members (residing in an MHSS catchment area) have been granted annual leave to commence just prior to the expected delivery date and to end after the expected delivery date. Requests for after-the-fact approval shall likewise not be honored in instances of normal delivery.

(ii) Members requiring maternity care while in a travel status in the execution of permanent change of station (PCS) orders shall be granted either prior or retroactive approval as the situation warrants.

(3) Normal delivery at or near the expected delivery date shall not be considered an emergency for members residing within an MHSS catchment area wherein delivery was expected to have occurred and, unless provided for in this part, shall not be reason for delivery in a civilian facility at Government expense.

(4) In a maternity emergency, the provisions of § 732.13(a)(3), relative to arrangements for transfer of the member, also apply to the newborn infant(s).

§ 732.14 Authorized care.

(a) *Medical.* Consultation and treatment provided by physicians or at medical facilities, as well as procedures not involving treatment when directed by COMNAVMED COM are authorized. Such care includes, but is not limited to: treatment by physicians, hospital inpatient and outpatient care, surgery, nursing, medicine, laboratory and x-ray services, physical therapy, eye examinations, etc.

(b) *Maternity Episode.* If an active duty Navy of Marine Corps member qualifies for care under the provisions of § 732.13(f) and delivers in a civilian hospital, routine newborn care (i.e., nursery, newborn examination, PKU test, etc.) is a part of the mother's admission expenses. Regardless of the circumstances which necessitated delivery in a civilian facility or the way in which the charges are separated on the bill, the charges shall be paid from funds available for the care of the mother. Should the infant become a patient in his or her own right—either through an extension of the birthing hospital stay because of complications, transfer to another facility, or subsequent admission—BUMEDINST 6320.56 or Part 728 of this chapter are applicable.

(c) *Dental.* (1) Includes:

(i) All types of treatment rendered (including operative, restorative, and oral surgical) to relieve pain and abort infection.

(ii) Prosthetic treatment rendered to restore extensive loss of masticatory function or the replacement of anterior teeth for esthetic reasons.

(iii) Repair of an existing dental prosthesis when neglect of the repair would result in unservice ability of the prosthesis.

(iv) Any type of treatment rendered as an adjunct to medical or surgical care.

(v) All x-rays, drugs, etc., required to accomplish treatment or care in § 732.14(c)(1)(i) through 732.14(c)(1)(iv).

(2) In emergencies (no prior approval), excluded are all measures except those appropriate to relieve pain or abort infection.

(d) *Eye Refractions and Spectacles.* Includes refractions of eyes by physicians and optometrists and the furnishing and repair of spectacles.

(1) *Refractions.* A refraction may be obtained from a civilian source only when Federal facilities are not available and no suitable prescription is in the member's Health Record.

(2) *Spectacles.* When a member has no suitable spectacles and the lack thereof, combined with the delay resulting from obtaining them from a Federal source, would prevent the performance of duty; repair, replacement, or procurement from a civilian source may be authorized upon initiation of a request in accordance with § 732.16. Otherwise, the prescription from the refractionist, with proper facial measurements, must be sent for fabrication to the appropriate dispensing activity set forth in BUMED INST 6810.4G.

(3) *Contact Lenses.* Neither examination for nor procurement of contact lenses is authorized by this part.

§ 732.15 Unauthorized care.

The following are not authorized by this part:

(a) Chiropractic services.

(b) Vasectomies.

(c) Tubal ligations.

(d) Breast augmentations or reductions.

(e) Psychiatric care, beyond the initial evaluation.

(f) Court ordered care.

(g) Other elective procedures.

§ 732.16 Authorizations.

Requests for prior or after the fact authorization shall be made on NAVMED 6320/10 and shall be submitted to the cognizant HBA after completion of sections I and III. The HAB will take the action indicated in § 732.13(b).

§ 732.17 NAVMED 6320/10, Statement of Civilian Medical/Dental Care.

In addition to its use as an authorization document (§ 732.16), a NAVMED 6320/10 is required in connection with payment for each instance of sickness, injury, or maternity care (except for the waiver outlined in § 732.18(b)) when treatment is received from a non-Federal source.

(a) *Preparation.* In preparation of claims for payment of nonnaval medical or dental care expenses, NAVMED 6320/10 shall be prepared in triplicate by a naval medical or dental officer, when practicable, by the senior officer present where a naval medical or dental officer is not on duty, or by the individual concerned when on detached duty where a senior officer is not present. The diagnosis shall be included and if prior approval was not obtained for the use of non-Federal facilities, the circumstances which necessitated their use shall also be stated.

(b) *Signing.* Signature by the certifying officer on the NAVMED 6320/10 will be considered certification that documentation has been entered in the

member's Health Record as directed in MANMED article 16–24. This responsibility is incumbent on the certifying officer for each episode of nonnaval medical or dental care. Signature by the member requesting reimbursement or payment implies agreement for release of information to the OMA or ODA receiving the claim for processing.

§ 732.18 Claims.

(a) *Preparation.* Claims shall be prepared using NAVMED 6320/10 and shall be submitted to the appropriate OMA or ODA. If a request has been made for prior or after the fact authorization in accordance with § 732.16, the NAVMED 6320/10 containing the approval shall be completed and submitted with the claim. Additionally, each claim shall include:

(1) Itemized bills submitted in quadruplicate to show:

(i) Dates on or between which services were rendered or supplies furnished.

(ii) Nature of and charges for each item.

(iii) Diagnosis.

(2) Acknowledgement of receipt of the services or supplies on the face of the bill, by separate certificate of the person receiving treatment or services, or by an officer having cognizance of the circumstances. This acknowledgement must include the statement "Services were received and were satisfactory."

(3) Separate bills for providers of care who charge on a "fee for service" basis unless the bill which includes such services is accompanied by:

(i) Receipts showing that the expenses have been defrayed by the physician, dentist, or other source of care submitting the bill.

(ii) A statement that the individual charging on a "fee for service" basis is a full-time employee of the payee.

(4) The complete address to which the check is to be mailed and the amount to be paid. This shall be indicated in sections IV and V of the NAVMED 6320/10.

(5) Paid receipts as well as itemized bills when expenses have already been paid by an individual, including a service member. In lieu of submission of paid receipts or itemized bills, the member may sign the face of the NAV COMPT Form 2160 as required by NAVCOMPT Manual 046393–1. Standard Form 1164, prepared in accordance with NAVCOMPT Manual 046377–2a and b, may be used to fill the requirement for a signed claim. Paid invoices supporting a claim for reimbursement on a Standard Form 1164 do not require certification. OMAs and the ODA shall certify the Standard Form 1164 and insert appropriate accounting classification thereon.

(b) *Processing.* Itemized bills, claims, or other documentary evidence of care received from non-Federal sources should be processed for payment by the cognizant OMA or ODA within 30 days of receipt. Advice on unusual or questionable instances of care may be requested from COM NAVMEDCOM (MEDCOM–333). When OMAs or the ODA already have information from messages of other correspondence which supports payment of a claim, the requirement for a NAVMED 6320/10 may be waived and the claim adjudicated. Claimants shall be advised by the OMA or ODA of any delay experienced in processing claims.

(c) *Adjudication of Claims.* When required documents have been received by the OMA or ODA, a determination shall be made whether:

(1) Claimant is entitled to benefits (i.e., was on active duty, active duty for training, inactive duty training (drill), was not an unauthorized absentee, etc.)

(2) Medical or dental care was rendered due to a bona fide emergency. Where questions arise as to the emergent nature of the care, the claim and all documentation shall be forwarded to the appropriate clinical specialist at the nearest naval hospital for review.

(3) Prior approval had been granted for the medical or dental care if a bona fide emergency did not exist. If prior approval was not obtained and the condition treated is determined to have been nonemergent, the claim shall be denied.

(4) Claimed medical or dental benefits resulted from a referral by a USMTF. Should it be determined that the member was an inpatient or an outpatient in a USMTF immediately prior to being referred to a civilian source of care, the care is supplemental and is the responsibility of the referring USMTF. EXCEPTION: the local USMTF will not assume financial responsibility (i) when the civilian health care *is not* supplemental to continuing health care that was being provided by the local USMTF, and (ii) when the local USMTF is not organized nor authorized to provide the needed health care services (e.g., a patient needing inpatient care is diagnosed at a clinic without inpatient capability). Under the latter two circumstances, the civilian care is payable under the provisions of this part. Saturation of USMTF services or facilities does not fall within this exception.

(5) Medical or dental care is payable under the provisions of this part. If a determination is made to disapprove a claim, the member (and provider of care, when applicable) shall be provided a prompt and courteous letter stating the reason for the denial. The appropriate avenues of appeal (§ 732.22) will be included in the denial letter.

(d) *Disbursing Activity.* Upon receipt of an approved claim, disbursing activities will forward a check to the appropriate payee and furnish the Authorization Accounting Activity (AAA) servicing COMNAVMEDCOM (i.e., NAVMEDCOM, National Capital Region, Bethesda, MD 20814) with copies of the NAVMED 6320/10 and with accounting data. OMAs, the ODA, and disbursing activities shall take precautions against duplicate payments in accordance with NAVCOMPT Manual 046073. For completion of the appropriate accounting classification data on the NAVMED 6320/10, the following are applicable:

Accounting Classification Code. This code shall include accounting data in the following sequence:

1	2	3	4	5	6	7	8	9
17*1804	1880	000	00018	0	000168	2D	000000	Cost Code **

* "For the third digit in coding element 1, enter the *last digit of the fiscal year current at the time claim is approved for payment,* e.g., a claim approved in November 1983 for care rendered in December 1982 would have the number "4" as the third digit in coding element 1, i.e., "1741804" wherein the third digit is the last digit of fiscal year 1984.

** This cost code, coding element 9, is a 12 digit coding element constructed as follows:

Digits	Data entry
1 thru 5	"99002" will always be entered.
6	"O" if the services were inpatient, outpatient, or dental, and "E" if for ambulance service.
7	"1" if the patient was active duty Navy. "2" if the patient was active duty Marine Corps.

Digits	Data entry
	"3" if the patient was Navy, Reservist.
	"4" if the patient was Marine Corps, Reservist.
	"5" for all others.
8***	"1" for inpatient care; "2" for outpatient care; "3" for dental care.
9 and 10	Number of visits, occupied bed days, ambulance trips, or dental procedures, e.g., the entry for ten occupied bed days would be "10", and for three outpatient visits "03". Enter "00" for invoices involving services related to but billed separately from hospitalization charges.
11	"A" for medical and dental care rendered in the District of Columbia; Maryland; West Virginia; the Virginia counties of Arlington, Fairfax, Loudoun, and Prince William; and the Virginia cities of Alexandria, Fairfax, and Falls Church.
	"B" for medical care rendered in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin.
	"C" for medical care rendered in Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
	"D" for medical care rendered in Connecticut and New York.
	"E" for medical care rendered in Delaware, New Jersey, Ohio, and Pennsylvania.
	"F" for dental care rendered in the entire Northeast Region which includes the States of Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin.
	"G" for medical and dental care rendered in the States of North Carolina, South Carolina, and all areas of Virginia south and west of Prince William and Loudoun counties.
	"H" for medical and dental care rendered in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.
	"I" for medical and dental care rendered in the States of Arizona, Nevada, and New Mexico and the counties of Kern, San Luis, Obispo, San Bernadino, Santa Barbara, and all other counties of California south thereof.
	"J" for medical care rendered in the States of Colorado, Kansas, and Utah and the counties of Inyo, Kings, Tulare, and all other counties of California north thereof.
	"K" for medical and dental care rendered in the States of Alaska, Idaho, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wyoming.
	"L" for medical and dental care rendered in the Pacific Region.
	"M" for medical and dental care rendered in the European Region.
	"N" for medical and dental care rendered in all other areas.
12	Last digit of the fiscal year in which claim is approved.

***Ambulance trips shall be coded as "1", "2", or "3" according to subsequent treatment.

(e) *Amount Payable.* Amounts payable shall be those considered reasonable by the OMA or ODA after taking into consideration all facts. Normally, payment should be approved at rates generally prevailing within the geographic area where the services or supplies were furnished. Although rates specially established by the Veterans Administration or those used in Medicare are not controlling, they may be considered along with other facts.

(1) *Excessive Charges.* If any charge is considered excessive, the provider of care should be apprised of the conclusion reached and provided an opportunity to voluntarily reduce the amount of the claim. If this does not result in a proper reduction of the bill and the claim is that of a physician or dentist, the difference in opinions should be referred to the grievance committee of the provider's professional group for an opinion of the reasonableness of the charge. If satisfactory settlement of any claim cannot thus be made, all documentation should be forwarded to COMNAVMEDCOM (MEDCOM-333) for decision. Any charges above the allowable amount or charges for noncovered services are the responsibility of the service member.

(2) *Third Party Payment.* Payment shall not be withheld to seek payment from health benefit plans or from insurance policies for which premiums are paid privately by service members (see § 732.20 for possible recovery of payments action).

(3) *No-Fault Insurance.* In States with no-fault automobile insurance requirements, the OMA or ODA shall notify the insurance carrier identified in item 16 of the NAVMED 6320/10 that Federal payment of the benefits in this part is secondary to any no-fault insurance coverage available to the potentially covered member.

(f) *Adjudication Authority.*—(1) *In the United States (Less Hawaii).* For the 48 contiguous United States, the District of Columbia, and Alaska, the following six regions have been designated as cohesive units to accept responsibility for medical cognizance, medical and dental claims processing and adjudication, and prior or after the fact approval or disapproval of requests for nonemergent medical, dental, or maternity care within their areas of responsibility. In accordance with MANMED articles 2-22 and 6-54, controlling activities for medical care have been designated as "offices of medical affairs" (OMA) and for dental care, "office of dental affairs" (ODA). It is incumbent upon commanders of regional medical commands to communicate with other commands within their regions to ensure that proper messages and medical cognizance reports are furnished in accordance with higher authority directives.

(i) *Northeast Region.* The States of Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin are served by 1 ODA, 1 OMA, and 2 field office OMAs:

(A) Responsibility for dental matters for all States in the Northeast Region is vested in: Commander, Naval Medical Command, Northeast Region, Office of Dental Affairs, Naval Hospital, Great Lakes, IL 60088, Tele: (A) 792-3940, (C) 312-688-3940.

(B) Responsibility for medical matters for the States of Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, Rhode Island, Vermont, and Wisconsin is also vested in: Commander, Naval Medical Command, Northeast Region, Office of Medical Affairs, Naval Hospital, Great Lakes, IL 60088, Tele: (A) 792-3950, (C) 312-688-3950.

(C) Responsibility for medical matters for the States of Connecticut and New York is vested in: Commanding Officer, Office of Medical Affairs, Naval Station, 207 Flushing Avenue, Brooklyn, NY 11251, Tele: (A) 456-2716, 2343, or 2612, (C) 212-834-2716, 2343, or 2612.

(D) Responsibility for medical matter for the States of Delaware, New Jersey, Ohio, and Pennsylvania is vested: Commanding Officer, Naval Hospital, 17th Street and Pattison Avenue, Philadelphia, PA 19145, Attn: Office of Medical Affiairs, Tele: (A) 443-8236, (C) 215-755-8236.

(ii) *National Capital Region.* For the States of Maryland and West Virginia; the Virginia counties of Arlington, Fairfax, Loudoun, and Prince William; the Virginia cities of Alexandria, Falls Church, and Fairfax; and the District of Columbia, responsibility for medical and dental matters is vested in: Commander, Naval Medical Command, National Capital Region, Office of Medical Affairs, Bethesda, MD 20814, Tele: (A) 295-5322, (C) 301-295-5322.

(iii) *Mid-Atlantic Region.* For the States of North Carolina, South Carolina, and all areas of Virginia south and west of Prince William and Loudoun counties, responsibility for medical and dental matters is vested in: Commander, Naval Medical Command, Mid-Atlantic Region, 6500 Hampton Boulevard, Norfolk, VA 23502, Attn: Office of Medical/Dental Affairs, Tele: (A) 565-1074 and 1075, (C) 804-445-1074 and 1075.

(iv) *Southeast Region.* For the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, medical and dental responsibilities are vested in: Commanding Officer Naval Medical Clinic, Code 01A, New Orleans, LA 70146, Tele: (A) 485-2406, 2407, and 2408, (C) 504-361-2406, 2407, and 2408.

(v) *Southwest Region.* For the States of Arizona, Nevada, and New Mexico, the counties of Kern, San Bernadino, San Luis Obispo, Santa Barbara, and all other California counties south thereof, medical and dental responsibilities are vested in: Commander, Naval Medical

Command, Southwest Region, Office of Medical Affairs, San Diego, CA 92134, Tele: (A) 987–2611, (C) 619–233–2611.

(vi) *Northwest Region.* The States of Alaska, Colorado, Idaho, Kansas, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and athe counties of Inyo, Kings, Tulare, and all other counties of California north thereof are served by 2 OMAs:

(A) Responsibility for medical and dental matters for the States of Colorado, Kansas, and Utah, and the California counties of Inyo, Kings, Tulare and all other counties of California north thereof is vested in: Commanding Officer, Naval Hospital, Oakland, CA 94627, Attn: Office of Medical Affairs, Tele: (A) 855–5705, (C) 415–633–5705.

(B) Responsibility for medical and dental matters for the States of Alaska, Idaho, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wyoming is vested in: Commanding Officer, Naval Medical Clinic, Naval Station, Seattle, WA 98115, Attn: Office of Medical/Dental Affairs, Tele: (A) 941–3823, (C) 206–526–3823.

(2) *Outside the Contiguous 48 United States, Except Alaska.* In all areas outside the contiguous 48 United States except Alaska, the following activities have been vested with responsibility for approval or disapproval of medical and dental care claims and requests for care:

(i) Executive Director, OCHAMPUSEUR, U.S. Army Medical Command, APO New York 09102, for care rendered within the U.S. European Command, Africa, the Malagasy Republic, and the Middle East.

(ii) Commanding Officer, U.S. Naval Hospital, FPO San Francisco 96652, for care rendered in Afghanistan, Bangladesh, Hong Kong, India, Nepal, Pakistan, the Philippines, Southeast Asia, Sri Lanka and Taiwan.

(iii) Commanding Officer, U.S. Naval Hospital, FPO Seattle 98765, for care rendered in Japan, Korea, and Okinawa.

(iv) Commanding Officer, U.S. Naval Hospital, FPO San Francisco 96630, for care rendered in New Zealand and Guam.

(v) Commanding Officer, U.S. Naval Communications Station, FPO San Francisco 96680, for care rendered in Australia.

(vi) Commanding Officer, U.S. Naval Air Station, FPO New York 09560, for care rendered in Bermuda.

(vii) Commander, U.S. Naval Forces, Southern Command, FPO Miami 34059, for care rendered in Central and South America.

(viii) Commanding Officer, U.S. Naval Hospital, FPO Miami 34051, for medical care and Commanding Officer, U.S. Naval Regional Dental Center, FPO Miami 34051, for dental care rendered in Puerto Rico, Virgin Islands, and other Caribbean Islands.

(ix) Commanding Officer, Naval Medical Clinic, Box 121, Pearl Harbor, HI 96860, for medical care and Commanding Officer, Naval Regional Dental Center, Box 111, Pearl Harbor, HI 96860, for dental care rendered in the State of Hawaii, Midway Island, and the Central Pacific basin.

(x) The OMA for either the Southeast Region, § 732.18(f)(1)(iv), or the Southwest Region, § 732.18(f)(1)(v) for care rendered in Mexico to members stationed within the respective areas of responsibility of these OMAs. Forward claims for care rendered in Mexico to all other personnel to Commander, Naval Medical Command, Washington, DC 20372 (MEDCOM–333).

(xi) Commander, Naval Medical Command, Washington, DC 20372 (MEDCOM–333):

(A) For inpatient and outpatient care of active duty Navy and Marine Corps members in Canada.

(B) For outpatient care rendered to NATO active duty personnel in accordance with the Assistant Secretary of Defense (Comptroller) memo of 12 March 1981, Reimbursement for inpatient medical care provided foreign military and diplomatic personnel or their dependents in military hospitals in the United States.

(C) In unusual circumstances requiring Departmental level review prior to approval, adjudication, or payment.

(xii) Outside the 50 United States, commanding officers of operational units may either approve claims and direct payment by the disbursing officer serving the command or forward claims to the appropriate naval medical command enumerated in § 732.18(f)(1)(i) through 732.18(f)(2)(x). This is a local policy decision to enhance the maintenance of good public relations.

(xiii) The commanding officer authorizing the care in geographical areas not specifically delineated in § 732.18(f)(1)(i) through 732.18(f)(2)(ix).

(xiv) The appropriate command enumerated in § 732.18(f)(2)(i) through 732.18(f)(2)(x) for care rendered aboard commercial vessels en route to a location within any of the geographical areas enumerated in those subparts.

(g) *Standard Document Number.* (1) To enhance accountability procedures and facilitate identification of documents in the accounting and disbursement process, each NAVMED 6320/10 approved for payment shall be assigned a unique 15 position alpha/numeric standard document number composed in accordance with the following example: N0016883MD00025.

1	2 thru 6	7 & 8	9 & 10	11 thru 15
N	00168	83	MD	00025

Position	Data entry
1	"N" identifies Navy.
2 thru 6	Unit Identification Code of document issuing activity.
7 and 8	Last two digits of the fiscal year in which the basic document was issued.
9 and 10	"MD" is the document type code identifying this as a Miscellaneous Financial Document.
11 thru 15	Serial Number (In the example, "00025" identifies the 25th miscellaneous document prepared in fiscal year 83 by the activity.)

(2) This standard document number shall be prominently displayed on the NAVCOMPT Form 2160, Public Voucher for Medical Services, and on all other accompanying documentation of the claim. Diligent use of this number facilitates the establishment of an auditing trail and thus reduces opportunities for fraud.

§ 732.19 Medical board.

When the adjudication process uncovers conditions which may be chronic or otherwise potentially disabling, a determination shall be made by OMAs (in conjunction with appropriate clinical specialists) as to the need for a medical board. MANMED, chapter 18 and the Medical Disposition and Physical Standards Notes, available from COMNAVMEDCOM (MEDCOM–25), provide guidance.

(a) Chronic conditions requiring a medical board include (but are not limited to): (1) Peptic ulcer disease, (2) asthma, (3) hypertension, (4) arthritis, (5) alcoholism, (6) diabetes, (7) psychriatric conditions, (8) gout, (9) heart disease, and (10) allergic conditions requiring desensitization.

(b) Other potentially disabling or chronic conditions may be referred to a medical board by the OMA with the concurrence of an appropriate naval clinical specialist and regional commander.

§ 732.20 Recovery of medical care payments.

Evidence of payments shall be submitted to the action JAG designee in accordance with JAG manual, chapter 24, in each instance of payment where a third party may be legally liable for causing the injury or disease treated, or when a Government claim is possible under workmen's compensation, no-

fault insurance, or under medical payments insurance (all automobile accident cases).

(a) To assist in identifying possible third party liability cases, item 16 of each NAVMED 6320/10 shall be completed whenever benefits are received in connection with a vehicle accident. OMAs and the ODA shall return for completion, as applicable, any claim received without item 16 completed.

(b) The front of a NAVJAG Form 5890/12 (Hospital and Medical Care, 3rd Party Liability Case) shall be completed and submitted by OMAs and the ODA with evidence of payment. Block 4 of this form requires an appended statement of the patient or an accident report, if available. To ensure that Privacy Act procedures are accomplished and documented, the person securing such a statement from a recipient of care shall show the recipient the Privacy Act statement printed at the bottom of the form prior to securing such a statement. The member shall be asked to sign his or her name beneath the statement.

(c) In States with no-fault insurance laws, the procedures outlined in § 732.18(e)(3) shall also be followed.

§ 732.21 Collection for subsistence.

(a) *General.* Each OMA shall initiate subsistence collection action for enlisted personnel upon receipt of a bill for inpatient care from nonnaval facilities or under circumstances described in § 732.21(c)(3). OMAs shall also ensure that pay adjustment action has been initiated by the member's command, as appropriate. Commands submitting claims to OMAs without a locally prepared pay checkage form or a DD 139 shall be requested to provide a copy. If the claim is otherwise payable, payment action shall be held in abeyance pending receipt of the form.

(b) *Officers.* The accounts of officers (Navy and Marine Corps) receiving treatment in Veterans Administration facilities, the Canal Zone Hospital, or in civilian hospitals at the Department of the Navy's expense are required to be checked for subsistence. Collection action is initiated by completion and submission of a DD Form 139, Pay Adjustment Authorization, by the officer's commanding officer or the Pay/Personnel Administrative Support System (PASS) office to the disbursing officer having custody of the member's pay record. The Pay/Personnel Administrative Support System officer is responsible for ensuring that checkage has been accomplished in accordance with DOD Military Pay and Allowances Entitlements Manual 30137. When officers are hospitalized in an Army, Air Force, or designated USTF, the charge for subsistence will be collected by the facility.

(c) *Enlisted Members.* (1) The passage of the Defense Officer Personnel Management Act (DOPMA) placed a requirement on the uniformed services to collect subsistence from hospitalized enlisted personnel. To accomplish collection, it is necessary establish a pay checkage system similar to that described in § 732.21(b) for officers. Generally, the DD Form 139 can be used for this purpose; however, the Medical Department representative (or other appropriate individual) who completes or assists in the preparation of the NAVMED 6320/10 may attach thereto a locally prepared statement in the following format before submission of the claim to the OMA:

(i) Name, rate, and social security number of the hospitalized member.

(ii) Inclusive dates of hospitalization.

(iii) "NAVMEDCOM 00018", COMNAVMEDCOM's Unit Identification Code (UIC), as the organization providing meals.

(iv) Date forwarded to disbursing office.

(2) The pay checkage form shall be forwarded to the disbursing officer (DO) or Personnel Support Detachment (PSD) holding the member's pay record. Copies shall be provided COMNAVMEDCOM (MEDCOM–112) and shall accompany each inpatient claim submitted to an OMA.

§ 732.22 Appeal of Denied Claims.

When a claim for care under this part is initially denied, the member shall be advised of the appeal procedure in the denial letter specified in § 732.18(c)(5). Responses at all levels shall be prompt and courteous. The appeal procedure consists of three levels:

(a) Reconsideration by the OMA or ODA making the initial denial. The member should submit any additional information that may mitigate the initial denial.

(b) Consideration by the commander of the regional medical command having cognizance over the OMA or ODA which upheld the initial denial on reconsideration.

(c) The third level is consideration by COMNAVEMED COM (MEDCOM–333).

§ 732.23 Records.

The NAVMED 6320/10 or a copy of the Public Voucher for Medical Services (NAVCOMPT Form 2160) or other paid voucher and the Accounting Card (NAVCOMPT Form 632) containing the accounting classification and cost code information received from Navy finance centers, provide all the management information needed by COMNAVMEDCOM under normal circumstances. Except for the monthly letter report required in § 732.12(a)(2), no other records need be forwarded to COMNAVMEDCOM by approving authorities except, when in the judgment of the approving officer, copies of correspondence of other pertinent documents of a controversial nature might assist in improving administration of the program.

[FR Doc. 86–11315 Filed 5–21–86; 8:45 am]
BILLING CODE 3810–AE–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13 86–02]

Drawbridge Operation Regulations; Lake Washington Ship Canal, Seattle, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing operation of the City of Seattle's drawbridges across the Lake Washington Ship Canal by permitting the draws to remain in the closed position, after receiving an opening request, for periods of up to ten minutes, if needed to pass accumulated vehicular traffic. Bridges affected by this change are the: Ballard Bridge, Fremont Bridge, University Bridge, and Montlake Bridge. This will relieve vehicular traffic congestion and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on June 23, 1986.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch, (Telephone: (206) 442–5864.

SUPPLEMENTARY INFORMATION: On February 10, 1986, the Coast Guard published proposed rules (51 FR 4933) concerning this amendment. The Commander, Thirteenth Coast Guard District, also published the proposal as a public notice dated February 19, 1986. In each notice interested parties were given until March 27, 1986 to submit comments.

Drafting Information

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Commander Judith M. Hammond, project attorney.

Discussion of Comments

Five comments were received in response to the **Federal Register** and Coast Guard notices. Two were from federal agencies who offered no objections to the proposal. One was from a towboat company and another was from an association of towboat companies; both supported the proposal. One, from a company engaged in shipyard and towing operations, felt that the exemption provided to towing vessels should extend to all commercial vessels. There does not appear to be sufficient justification to warrant this change.

Economic Assessment and Certification

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

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. Based on the results of a 60 day trial period using a temporary regulation to evaluate the effects of the change, the proposed rule was modified to exempt vessels engaged in towing fom the potential ten minute delay. Other than general vehicular traffic and navigation interests, there are no known businesses, including small entities, that would be affected by the change. There are only minimal impacts on navigation, and roadway traffic would benefit from improved traffic flow. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

PART 117—[AMENDED]

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

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–01(g).

PART 117—DRAWBRIDGE OPERATION REGULATIONS

2. Section 117.1051(d) is revised to read as follows:

§ 117.1051 Lake Washington Ship Canal.

* * * * *

(d) The draws of the Ballard (15th Avenue) Bridge, mile 1.1, Fremont Avenue Bridge, mile 2.6, University Bridge, mile 4.3, and Montlake Bridge, mile 5.2, shall open on signal, except that:

(1) The draws need not be opened for a period of up to 10 minutes after receiving an opening request, if needed to pass accumulated vehicular traffic. However, the draws shall open without delay, when requested by vessels engaged in towing operations.

(2) The draws need not open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Monday through Friday, except Federal holidays for vessels of less than 1,000 tons, unless the vessel has in tow a vessel of over 1,000 tons, except under emergency conditions when the Seattle City Engineer is notified.

(3) Between the hours of 11 p.m. and 7 a.m. the draws shall open if at least one hour notice is given by telephone, radiotelephone, or otherwise to the drawtender at the Fremont Avenue Bridge.

Dated: May 8, 1986.

R.R. Garrett,

Captain, U.S. Coast Guard, Acting Commander, 13th Coast Guard District.

[FR Doc. 86–11537 Filed 5–21–86; 8:45 am]

BILLING CODE 4910–14–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1150

Compliance With Standards for Access to and Use of Buildings by Handicapped Persons

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Interim rule with request for comments.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (hereinafter ATBCB) is revising its regulation relating to Compliance with Standards for Access to and Use of Buildings by Handicapped, Subpart E-Proceedings Prior to Hearings; Pleadings and Motions, 36 CFR Part 1150.41. The changes are designed to extend the time period allowable for the informal resolution of complaints filed with the ATBCB indicating any violation of standards for accessibility and usability prescribed under the Architectural Barriers Act of 1968, Pub. L. 90–480, as amended, 42 USC 4151 et seq, from 90 to 180 days. Additionally, the time period will now commence at the time the ATBCB receives a complete complaint, not after receipt of the complaint by all affected agencies, as currently required. These revisions will make ATBCB's regulations consistent with similar regulations for the federally conducted programs of most Federal agencies.

DATES: This rule is effective May 22, 1986. Written comments must be received on or before July 21, 1986.

ADDRESS: Written comments may be mailed to the Executive Director, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW., Washington, DC, 20202.

FOR FURTHER INFORMATION CONTACT: Nicholas L. Chiarkas, General Counsel, (202) 245–1801 [voice or TDD]. This is not a toll-free number. Copies of this notice are available on tape for the visually impaired.

SUPPLEMENTARY INFORMATION:

Background

The ATBCB was established under section 502 of the Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 391. Section 502(d) [29 USC 792(d)] provides that the ATBCB shall hold hearings and issue orders it deems necessary to ensure compliance with standards of buildings and facilities issued under the Architectural Barriers Act of 1968, as amended. The provisions of subchapter II of Chapter 5 and Chapter 7 of Title 5, United States Code apply to the ATBCB procedures. An order of compliance issued by ATBCB is a final order of compliance for purposes of judicial review. Pub. L. 93–516, 58 Stat. 1621, the Rehabilitation Act Amendments of 1974, provides that an order of compliance may include the withholding or suspension of Federal funds with respect to any building found not to be in compliance with the applicable standards.

The 1978 Act provides that an order of compliance issued by an administrative law judge shall be deemed an order of the Board and shall be a final order for the purpose of judicial review. The 1978 Act also provides that any complainant or participant may obtain review of a final order. The 1978 Act vests in the Executive Director on behalf of the ATBCB the final authority with respect to the investigation of alleged noncompliance in the issuance of formal complaints. The 1978 Act also authorizes the ATBCB to direct the Executive Director to bring court actions to enforce compliance orders.

The ATBCB in 1976 adopted procedures to enable it to implement its enforcement responsibility with respect to buildings subject to section 502. 41 FR

55441 (1976). A review of the regulation was precipitated by the enactment of the 1978 Act. On April 30, 1980, revisions were proposed to various sections of the regulation. 45 FR 28969–28977. Comments were invited until June 30, 1980; a total of eight written comments were received containing suggestions. Final rules were published on November 25, 1980. 45 FR 78472–78480.

Summary of Changes

In the revised regulation, the time period allowed for the informal resolution of complaints filed with the ATBCB indicating any violation of standards for accessibility and usability prescribed under the Architectural Barriers Act of 1968, as amended, is extended from 90 to 180 days. This time period will commence at the time the ATBCB receives a complete complaint, not after receipt of the complaint by all affected agencies, as currently required.

The ATBCB considers these revisions necessary in order to assure more consistency with similar section 504 regulations for the federally conducted programs of most Federal agencies. Most section 504 regulations provide a 180-day time frame for the resolution of such complaints. In April, 1985, the Department of Justice asked the ATBCB to consider whether it should extend the time for complaint resolution to eliminate any conflict between investigatory time frames of the ATBCB and another agency, when both are conducting simultaneous investigations of the same facility. In response to this request, the ATBCB informed the Department of Justice that should such a conflict arise, the ATBCB time frame would be extended to equal that of the other agency. This rule eliminates the need to make such special arrangements on a case-by-case basis.

List of Subjects in 36 CFR Part 1150

Handicapped, Compliance hearings, Administrative practice and procedure.

Charles Hauser,

Chairperson, Architectural and Transportation Barriers Compliance Board.

PART 1150—[AMENDED]

Therefore, Title 36 CFR Part 1150 is amended as follows:

1. The authority citation for Part 1150 continues to read as follows:

Authority: Sec. 502 of the Rehabilitation Act of 1973, Pub. L. 93–112, as amended 87 Stat. 391 (29 U.S.C. 792).

§ 1150.41 [Amended]

2. Section 1150.41 is amended by changing "ninety (90) days" to "one hundred eighty (180) days" in paragraphs (f), (g), and (h).

3. Paragraph (i) of § 1150.41 is amended by changing "one hundred (100) days" to "one hundred ninety (190) days."

[FR Doc. 86–11489 Filed 5–21–86; 8:45 am]

BILLING CODE 6820-BP-M

VETERANS ADMINISTRATION

38 CFR Parts 6 and 8

Implementation of the Balanced Budget and Emergency Deficit Control Act of 1985, Government Life Insurance; Policy Loan Reductions

AGENCY: Veterans Administration.

ACTION: Notice of Policy Loan Reduction under the Government life insurance programs.

SUMMARY: The Veterans Administration (VA) is giving notice that a change is being made to existing policy concerning the issuance of loans to policyholders under the United States Government Life Insurance (USGLI), Veterans Reopened Insurance (VRI), and Service-Disabled Veterans Insurance (S–DVI) programs. Effective April 1, 1986, and continuing through the fiscal year ending September 30, 1986, the percentage of reserve value (i.e., cash value) that a policyholder under the aforementioned programs may borrow against is reduced from 94 percent to the following levels:

Program	Percent of reserve
USGLI	10
VRI	59
S-DVI	76

These limitations apply only to the issuance of new policy loans under the USGLI, VRI, and S–DVI programs. Existing loans under these programs remain unchanged. However, policies with loans which exceed the above limits will have no further loan value until the loans are reduced below the applicable limit. The National Service Life Insurance (NSLI) program, Veterans Special Life Insurance (VSLI) program and the Veterans Insurance and Indemnities (VI&I) Appropriation are not affected by this change. The policy loan rate will remain at 11 percent for all programs except USGLI, which is statutorily fixed at 5 percent.

EFFECTIVE DATE: April 1, 1986.

FOR FURTHER INFORMATION CONTACT: Paul F. Koons, Assistant Director for Insurance (29), VA Regional Office and Insurance Center, Post Office Box 8079, Philadelphia, PA 19101, (215) 951–5360.

SUPPLEMENTARY INFORMATION: When certain targeted Federal budget deficits are not met for a fiscal year, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 requires that the President issue an order sequestering a portion of the monies appropriated for payments under several VA administered programs. The Comptroller General has determined that policy loans under the Government life insurance programs are subject to the ceiling limitations imposed by the Act. An order sequestering funds under several VA programs, including policy loans under the six Government life insurance programs, was issued February 1, 1986. The changes affecting the Government life insurance programs made pursuant to the order are effective April 1, 1986.

In order to reduce the policy loan obligation to the level imposed under the Act, policy loans for each insurance program must be reduced by 4.3 percent from the VA's fiscal year 1986 estimates. To accomplish this, the policy loan rate will be maintained at the current level of 11 percent for all programs, except USGLI, which is set by law at 5 percent. For those programs where maintenance of the current rate will not enable us to meet the reduced ceiling, the maximum loan value will be reduced from 94 percent of reserve to a lower percentage of reserve, based on the amount of loan activity projected for the individual program during the balance of the fiscal year.

List of Subjects in 38 CFR Part 8

Life insurance, Veterans.

Catalog of Federal Domestic Assistance Program number 64.103.

Approved: May 15, 1986.

Thomas K. Turnage,

Administrator.

[FR Doc. 86–11515 Filed 5–21–86; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 400

[OMB-007-F]

Medicare and Medicaid Programs; OMB Control Numbers for Collection of Information Requirements Contained in HCFA Regulations

Correction

In FR Doc. 86-7180, beginning on page 11581, in the issue of Friday, April 4, 1986, make the following correction:

On page 11582, second column, in the sixth line from the bottom of the table, on § 473.18, "474.36" should read "473.36".

BILLING CODE 1505-01-M

Office of the Secretary

42 CFR Part 420

45 CFR Part 101

Medicare Program; Physician Fee Freeze Sanctions

AGENCY: Office of the Secretary, HHS; Office of Inspector General (OIG).

ACTION: Final rule.

SUMMARY: This final rule sets forth OIG procedures for the imposition of civil money penalties and Medicare program exclusions on physicians who have chosen not to be participating physicians and who have raised charges to Medicare beneficiaries in violation of the freeze on such fees contained in section 2306 of Pub. L. 98-369, the Deficit Reduction Act (DEFRA). This final rule also modifies existing regulations to permit the OIG to impose civil money penalties and assessments on those individuals who have chosen to be participating physicians under the Medicare program and who have violated their participation agreements set forth in section 2306.

EFFECTIVE DATE: May 22, 1986.

FOR FURTHER INFORMATION CONTACT: James Patton (301) 594-3957.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 2306 of Pub. L. 98-369, new sections 1842(b)(4) and 1842(j) were added to the Social Security Act, respectively, (i) imposing a freeze on Medicare reimbursement for physician services for a period of 15 months, beginning July 1, 1984, and (ii) providing the Secretary with discretionary authority to exclude a non-participating physician from Medicare participation, impose a civil money penalty and assessment (as described in section 1128A of the Act), or both, if a non-participating physician knowingly and willfully bills Medicare beneficiaries during the 15-month period, beginning July 1, 1984, for charges in excess of such physician's actual charges for the calendar quarter beginning April 1, 1984.

In addition, section 2306 of DEFRA added section 1842 (h) and (i) to the Act by establishing a participating physician and supplier program under Medicare. A participating physician or supplier is one who voluntarily enters into an agreement to accept assignment of all services provided to Medicare patients during the period covered by the agreement. Under this section, the participating physician or supplier would be in violation of the participation agreement if the party collected or attempted to collect from the beneficiary any amount in excess of the applicable deductible and coinsurance. A participating physician or supplier would also be in violation of the agreement if the party refused to accept assignment for an item or service that is reimbursable under Medicare. Section 1128A(a) of the Act was also amended by section 2306 of DEFRA to provide that a participating physician or supplier may be subject to civil money penalties and assessments if he or she violates the participation agreement.

Temporary extensions of the physician fee freeze provision were passed by Congress under the Emergency Extension Act of 1985 (Pub. L. 99-107) and the Temporary Debt Limit Extension Act of 1985 (Pub. L. 99-155), extending this authority through December 14, 1985. A further extension of the physician fee freeze provision to March 15, 1986 was enacted as part of Pub. L. 99-201.

II. Summary of Proposed Rule

Proposed regulations were published in the **Federal Register** on September 13, 1985 (50 FR 37386). Specifically, these proposed regulations:

- Included a new section 42 CFR 420.102 stating that the OIG would utilize existing procedures contained in the current regulatory provisions pertaining to fraud and abuse determinations when determining the length of an exclusion and the amount of the money penalty and assessment applicable to physicians who are to be sanctioned. The notification, effectuation and appeal procedures under existing regulations would also be used for the fee freeze provisions.
- Specified that exclusions from the Medicare program based on violations of the fee freeze would be for a period not exceeding 5 years. The proposed regulations stated that any physician excluded from program participation under this provision would not be automatically reinstated into Medicare program participation until application for reinstatement was made under procedures set forth in 42 CFR 420.130 through 420.136.
- Provided that if an exclusion was for the full 5 years, the OIG would have to automatically approve an application for reinstatement. If the physician was also excluded for a longer period of time under another sanction provision, the 5 year maximum exclusion period would not be applicable.
- Stated that the OIG would not impose an exclusion if the physician is a sole community physician or the sole source of essential specialized services in a community (42 CFR 420.103). Where it is determined that such a physician has violated the fee freeze provision, the OIG would only impose a money penalty and assessment.
- Modified the regulations at 45 CFR 101.102 to include violations of a participation agreement as a basis for imposing penalties.

III. Response to Public Comments

In response to this notice of proposed rulemaking, we received a total of two public comments. Set forth below is a summary of those comments and our response to those concerns.

Comment: One commenter disagreed in general with the overall physician fee freeze concept. The commenter indicated that physicians and patients should be allowed the freedom to reach whatever contract for health care services they find mutually agreeable, and that there should be no interference by Medicare.

Response: The commenter's concern deals generally with dissatisfaction over congressional enactment of section 2306 of DEFRA and not specifically with this rulemaking activity. As indicated above, these regulations simply reflect congressional intent and the statutory change made by DEFRA to impose penalties and sanctions on those physicians who violate the Medicare physician fee freeze or their participation agreement.

Comment: A second commenter pointed out that section 1842(j)(4) of the Act permits the Secretary, out of any money penalties and assessments collected, to reimburse the beneficiary for the amount of excess charges billed by the sanctioned physician to the beneficiary. The commenter recommended that this provision be included in appropriate regulations.

Response: This comment has not been accepted. We believe that the provision

in question is simple, clear and straightforward, and can be implemented without a regulation. The Health Care Financing Administration, which has responsibility for implementing this provision, is currently developing the necessary administrative procedures for this purpose.

IV. Impact Analysis

Executive Order 12291

We have determined that these regulations do not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291 because they will not have an annual effect on the economy of $100 million or more; cause a major increase in costs or prices for consumers, government agencies, industry or a geographic region; or cause significant adverse effects on business or employment. We do not expect these regulations to have such an effect.

Regulatory Flexibility Analysis

Consistent with the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, U.S.C. 604(a)), we prepare a regulatory flexibility analysis when the agency issues certain regulations that would have a significant economic impact on a substantial number of small businesses. The analysis is intended to explain what effect the regulatory action by the agency would have on small businesses and other small entities, and to develop lower cost or burden alternatives. The law on which these regulations are based is specific, and there is little leeway in implementing the requirements. Some of the sanctions that the Federal Government will impose as a result of these regulations will have an impact on physicians. However, we do not anticipate that a substantial number of physicians will be significantly affected by these regulations. Therefore, the Secretary certifies that a regulatory flexibility analysis is not required for this rulemaking.

List of Subjects

42 CFR Part 420

Abuse, Administration practice and procedures, Contracts (Agreements), Conviction, Convicted, Courts, Exclusion, Fraud, Health care, Health facilities, Health maintenance organizations, Health professions, Health suppliers, Information (Disclosure), Lawyers, Medicaid, Medicare, Penalties, Reporting and recordkeeping requirements, Supervision, Utilization and quality control Peer Review Organizations.

45 CFR Part 101

Administrative practice and procedures, Archives and records, Grant programs—social programs, Maternal and child health, Medicaid, Medicare, Penalties.

TITLE 42—PUBLIC HEALTH

A. 42 CFR Chapter IV, Part 420 is amended as set forth below:

PART 420—PROGRAM INTEGRITY

1. The authority citation for Part 420 is revised to read as follows:

Authority: Secs. 1102, 1128, 1842(j), 1862(d), 1862(e), 1866(b)(2)(D), (E), and (F), 1871, 1902(a)(39), and 1903(i)(2) of the Social Security Act (42 U.S.C. 1302, 1320a–7, 1395u(j), 1395y(d), 1395y(e), 1395cc(b)(2)(D), (E), and (F), 1395hh, 1396a(a)(39), and 1396b(i)(2)), unless otherwise noted.

2. The Table of Contents for Subpart B is amended by adding entries for §§ 420.102 and 420.103.

Subpart B—Exclusion or Suspension of Practitioners, Providers, Suppliers of Services, and Other Individuals

Sec.

* * * * *

420.102 Sanction for violation of the freeze on physician charges.

420.103 Exclusion for violation of the freeze on physician charges.

* * * * *

3. In Subpart B, the authority citation and § 420.100 is revised to read as follows:

Subpart B—Exclusion or Suspension of Practitioners, Providers, Suppliers of Services, and Other Individuals

Authority: Secs. 1102, 1128, 1842(j), 1862(d), 1862(e), 1866(b)(2)(D), (E), and (F), 1871, 1902(a)(39), and 1903(i)(2) of the Social Security Act (42 U.S.C. 1302, 1320a–7, 1395u(j), 1395y(d), 1395(e), 1395cc(b)(2)(D),(E), and (F), 1395hh, 1396a(a)(39), and 1396b(i)(2)).

§ 420.100 Basis and scope.

This subpart implements Sections 1128, 1842(j), and 1862 (d) and (e) of the Act. It sets forth criteria and procedures for (a) excluding practitioners, providers, and suppliers of services who have defrauded or abused the Medicare program or, for those physician practitioners who are not participating physicians, who have violated the billing restrictions of section 1842(j) of the Act, and (b) for suspending practitioners and other individuals convicted of crimes related to their participation in the delivery of medical care or services under the Medicare, Medicaid or the social services programs. It also specifies the appeal rights of a suspended individual and the procedures for reinstatement of excluded and suspended individuals. The procedures set forth in § 420.101 through 420.115 also apply to terminations of provider agreements under § 489.53(a) (6), (7), or (8) of this chapter.

4. Subpart B is amended by adding new §§ 420.102 and 420.103 to read as follows:

§ 420.102 Sanctions for violations of the freeze on physician charges.

(a) Whenever the OIG determines that a physician, who is not a participating physician under section 1842(h) of the Act, has during the statutory period of the freeze (1) provided services to a beneficiary and (2) knowingly and willfully billed that beneficiary for actual charges that are in excess of the physician's actual charges for the calendar quarter beginning on April 1, 1984, the OIG may exclude the physician from program participation for a period of up to five years, impose a monetary penalty or assessment against the physician, or both.

(b) If the OIG makes a determination under paragraph (a) of this section that involves a monetary penalty or assessment, the OIG will use the penalty determination, notification, effectuation, and appeal procedures contained in 45 CFR 101.100 through 101.133.

(c) If the OIG makes a determination under paragraph (a) of this section and proposes to exclude a physician from Medicare program participation without imposing a monetary penalty or assessment, the OIG will use the determination, notification, effectuation, appeal, and reinstatement procedures contained in § 420.100 through § 420.115 and § 420.130 through § 420.134.

§ 420.103 Exclusion for violations of the freeze on physician charges.

(a) In excluding a physician under § 420.102, the exclusion period determined under § 420.114 may not exceed five years.

(b) The OIG will not impose an exclusion under § 420.102 if it determines that the physician is the sole source of essential specialized service or a sole community physician.

5. In Subpart B, § 420.134 is amended by adding a new paragraph (e) to read as follows:

§ 420.134 Notice of action on request for reinstatement.

* * * * *

(e) The OIG must automatically reinstate a physician excluded only on the basis of § 420.102 if that exclusion has been in effect for five (5) years.

TITLE 45—PUBLIC WELFARE

B. 45 CFR, Subtitle A, Part 101 is amended as set forth below:

PART 101—CIVIL MONEY PENALTIES AND ASSESSMENTS

1. The authority citation for Part 101 is revised to read as follows:

Authority: Secs. 1102, 1128, 1128A and 1842(j) of the Social Security Act (42 U.S.C. 1302, 1320a–7 1320a–7a and 1395u(j)).

2. In § 101.100, paragraph (a) is revised to read as follows.

§ 101.100 Basis and purpose.

(a) *Basis.* This part implements sections 1128(c), 1128A, and 1842(j) of the Social Security Act (42 U.S.C. 1320a–7(c), 1320a–7a, and 1395u(j)).

* * * * *

3. In § 101.102, is amended by revising paragraph (b) to read as follows:

§ 101.102 Basis for civil money penalties and assessments.

* * * * *

(b) The Department may impose a penalty against any person whom it determines in accordance with this part:

(1) Has presented or caused to be presented a request for payment in violation of the terms of:

(i) An agreement to accept payments on the basis of an assignment under section 1842(b)(3)(B)(ii) of the Act;

(ii) An agreement with a State agency not to charge a person for an item or service in excess of the amount permitted to be charged; or

(iii) An agreement to be a participating physician or supplier under section 1842(h)(1); or

(2) Is a non-participating physician under section 1842(j) of the Act and has knowingly and willfully billed individuals enrolled under Part B of Title XVIII of the Act, during the statutory period of the freeze, for actual charges in excess of such physicians, actual charges for the calendar quarter beginning on April 1, 1984.

* * * * *

(Catalog of Federal Domestic Assistance Programs, No. 13.744, Medicare—Supplementary Medical Insurance Program)

Dated: January 17, 1986.

Richard P. Kusserow,

Inspector General, Department of Health and Human Services.

Approved: March 6, 1986.

Otis R. Bowen, M.D.,

Secretary.

[FR Doc. 86–11054 Filed 5–21–86; 8:45 am]

BILLING CODE 4150–04–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. 1

[CC Docket No. 81–893]

Common Carrier Services; Resolution of Dispute Concerning Reimbursement for Customer Premises Equipment Repair Parts Transferred to AT&T Information Systems, Inc. by the Bell Operating Companies at Divestiture

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order Clarifying Requirements.

SUMMARY: This action clarifies the Commission's requirements regarding the amount AT&T Information Systems, Inc. owes the Bell Operating Companies (BOCs), for customer premises equipment repair parts which it received from the BOCs at divestiture. It was in response to a Petition for Clarification or Further Partial Reconsideration of our *Memorandum Opinion and Order on Reconsideration*, published March 6, 1985 (50 FR 9016).

EFFECTIVE DATE: AT&T–IS is to reimburse the BOCs in accordance with paragraph 7 of this summary, and the appendix, by May 28, 1986.

FOR FURTHER INFORMATION CONTACT: Donald Burrell, (202) 632–7500.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, CC Docket 81–893, adopted May 6, 1986, and released May 13, 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 contractor International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Memorandum Opinion and Order

1. American Telephone and Telegraph Co., Information Systems, Inc., (AT&T–IS) filed a "Petition for Clarification on Further Partial Reconsideration" of our *Memorandum Opinion and Order on Reconsideration, (Reconsideration Order)* concerning reimbursement to the Bell Operating Companies (BOCs) by AT&T–IS for exempt material expense. Specifically, AT&T–IS requests clarification regarding the definition of the phrase "exempt materials" and, depending on our intended meaning of this phrase, requests that we reconsider the formula used to calculate the amount of AT&T–IS's reimbursement.

2. In the *Second Computer Inquiry* (Computer II) we determined that the BOCs' customer premises equipment (CPE) should be removed from tariff regulation. We instituted our proceeding in Docket No. 81–893 to carry out the detariffing of the embedded CPE. While we were thus engaged in the implementation of our Computer II decisions, the United States District Court for the District of Columbia entered the Modification of the Final Judgement (MFJ) which required AT&T to divest itself of the BOCs and most of the assets held by those companies. Under the Plan of Reorganization which the Court approved, the embedded base of CPE owned by the BOCs was to be transferred to AT&T–IS at divestiture. As a result of the interplay between Computer II and the MFJ, we decided to make detariffing of the BOC embedded base effective at the time of divestiture and were obliged to resolve valuation questions in order to ensure that the transfer was implemented in a manner that was consistent with the rights of ratepayers and investors.

3. On January 30, 1984, AT&T–IS filed a petition for partial reconsideration of this order. AT&T–IS argued that the exempt materials expense in question was associated, not with the transferred CPE investment, but with station connections investment retained by the BOCs at divestiture. In the petition AT&T–IS suggested that the Commission may have intended to refer to "other expensed materials", which are minor items used in the repair and maintenance of CPE instead of "exempt materials". After considering the AT&T–IS petition and the comments of the BOCs and others, this Commission released its *Reconsideration Order* on January 29, 1985. In that order this Commission defined exempt materials and revised our formula for reimbursement of refurbishment costs, but we did not revise the formula for reimbursement of exempt materials expense.

4. On April 5, 1985, AT&T–IS filed a second petition for classification and further partial reconsideration. The BOCs filed comments opposing the AT&T–IS petition. AT&T–IS filed reply comments.

5. AT&T–IS stated that in the *Reconsideration Order* this Commission defined "exempt materials" to refer to the inventory of CPE repair parts transferred to AT&T–IS at divestiture. On the other hand, in their comments the BOCs state that the term "exempt

materials" in the *Reconsideration Order* referred to the BOCs' entire 1983 exempt materials expense, not just the inventory of this account at divestiture.

6. In the *Reconsideration Order*, we explicitly referred to the *inventory* of material and supplies only, and not to the portion of this account which had already been installed on telephone sets either on customer premises or in the telephone company warehouses and vans. AT&T–IS' interpretation of our use of "exempt materials" is correct.

7. In its petition AT&T–IS requested that, if this Commission should interpret "exempt materials" as the cost of the inventory of CPE repair parts transferred to AT&T–IS at divestiture, we should change the reimbursement formula, which currently calls for reimbursement of only 50% of these costs, to 100% of these costs. We agree with AT&T–IS that it is unreasonable to reimburse the BOCs for only half of the value of the exempt materials inventory transferred at the time of divestiture. We therefore order AT&T–IS to reimburse the BOCs for the full value of the exempt materials inventory that was transferred at divestiture.

8. *Valuation of "exempt materials" inventory.* One further matter must be resolved: What was the cost of the exempt material expense inventory at divestiture? In its petition AT&T–IS stated that the BOCs maintained an inventory of complete CPE units sufficient for approximately 32 days, and that repair parts were generally maintained for lesser periods than were the complete CPE units. The BOCs did not dispute AT&T–IS' assertion of a 32 day inventory for complete CPE. They did argue that the inventory period for repair parts is unrelated to that of complete CPE units, but they failed to provide any information as to how we could reasonably determine what the level of repair parts inventory might have been. Absent additional information, we find AT&T–IS' analysis and conclusions to be reasonable. Accordingly, we will use a 32 day inventory level to determine the value of the exempt materials inventory.

9. The BOCs also disputed the AT&T–IS figures as to the total level of the 1983 exempt materials expense. AT&T–IS estimated the figure to be $152 million while the BOCs stated the actual figure was approximately $201 million.

10. In its reply comments AT&T–IS accepted all but $23 million of the BOC 1983 exempt material expense estimate. AT&T–IS claimed that the BOCs had provided insufficient data to support reimbursement based on this amount. Because of the dispute, our staff requested and analyzed additional information and determined that some of the $23 million was, in fact, exempt materials expense related to CPE, but that a substantial portion of the associated equipment was not transferred to AT&T–IS at divestiture, rather it was retained by the BOCs as official equipment. The staff analysis shows that approximately $14 million of the $23 million was associated with equipment retained by the BOCs at divestiture. We therefore find that the $201 million proposed by the BOCs should be reduced by $14 million to approximately $186 million.

11. We estimate the value of the exempt materials expense inventory at divestiture to be the product of the 1983 BOC exempt materials expense and the ratio of the inventory period to 365 days, or $16.3 million. The portion of the $16.3 million attributable to each of the seven Bell Regional Holding Companies has been identified in the Appendix.

12. In their comments, the BOCs state that they are entitled to recover interest charges from January 1, 1984, on the funds used to purchase the materials and supplies defined as "exempt materials." The amounts that have become due for exempt materials transferred with the inventory of CPE transferred is nothing more than a part of a continuing series of adjustments that have become necessary as a result of divestiture. This process is one of great complexity, and one completely without precedent. These adjustments involve obligations whose nature and amounts become clear only as the consequence of the divestiture are identified. We do not believe that interest should accrue on obligations arising from the true-up process until such time as the amount of an obligation, and to whom it is owed, is determined. We consequently reject the BOCs claim that they are entitled to interest from January 1, 1984, on the amounts attributed to exempt materials expense.

13. Accordingly, it is hereby ordered, that the Petition for Clarification or Further Partial Reconsideration is granted.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Regional Holding Co.	Reimbursement amount ($000)
Ameritech	2,321
Bell Atlantic	2,926
BellSouth	3,136
NYNEX	1,678
Pacific Telesis	2,308
Southwestern Bell	2,410
U.S. West	1,553
	16,331

[FR Doc. 86–11284 Filed 5–21–86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-24; RM-5164]

Radio Broadcasting Services; Ardmore, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 243A in lieu of Channel 221A at Ardmore, Oklahoma, and modifies the license of Station KEBQ (FM) to specify the new channel, at the request of Waters Broadcasting Company, Inc. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 6, 1986.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86–24, adopted April 22, 1986, and released April 30, 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.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

47 CFR Part 73 is amended as follows:

1. The authority citation for Part 73 continues to read:

Authority: 47 U.S.C. 154, 303.

2. § 73.202(b) is amended by revising the following entry:

§ 73.202(b) Table of allotments.

* * * * *

(b) * * *

City	Channel No.
Ardmore, Oklahoma	239, 243A

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-11486 Filed 5-21-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-252; RM-5011]

Radio Broadcasting Services; Neillsville, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 224A to Neillsville, WI, as that community's second FM service at the request of Foster Broadcasting. Supporting comments were filed by the petitioner and Bob Zank. With this action, the proceeding is terminated.

DATES: *Effective Date:* June 6, 1986. The window period for filing applications will open on June 9, 1986, and close on July 9, 1986.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85-252, adopted April 22, 1986, and released April 30, 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.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

47 CFR Part 73 is amended as follows:

1. The authority citation for Part 73 is revised to read:

Authority: 47 U.S.C. 154, 303.

2. Section 73.202(b) is amended by revising the following:

§ 73.202 Table of allotments.

* * * * *

(b) * * *

City	Channel No.
Neillsville, Wisconsin	224A, 298

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-11483 Filed 5-21-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket 85-302; FCC 86-232]

Private Land Mobile Radio Services; Revision and Simplification of Rule Governing Modification Applications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has amended its rules governing application procedures for Specialized Mobile Radio Service (SMRS) operators and end-users in the 800 MHz private land mobile band. This amendment reduces the number of instances when modification applications are required to be filed by SMR end-users.

EFFECTIVE DATE: June 18, 1986.

FOR FURTHER INFORMATION CONTACT: W. Riley Hollingsworth, Jr., Chief, Compliance Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 632-7125.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, PR Docket 85-302, adopted May 5, 1986, and released May 12, 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 Report and Order

1. On October 17, 1985, the FCC released a Notice of Proposed Rule Making, PR Docket No. 85-302 (50 FR 42732, October 22, 1985) proposing to simplify the requirements contained in Rule § 90.135, 47 CFR § 90.135, which governs license modification procedures in the Private Land Mobile Radio Service. This rule required, among other things, both SMR operators and their end-users to file modification applications when: (i) A base station is sold to another operator; (ii) there is either an increase or decrease in the number of base station channel assignments; and (iii) an end-user obtains service from an additional base station.

2. The Report and Order in PR Docket 85-302 simplifies the Commission's application filing procedures in these three instances by eliminating the requirement that SMRS end-users file modification applications. However, when a base station is sold to another SMR operator, the assignee will be required to file a list of end-users with the Commission and when an end-user obtains service from more than one base station, the end-user will have to so notify the Commission by letter. If an end-user is obtaining service from more than one base station and wishes to be counted for loading purposes on more than one base station, then the end-user must file a modification application.

3. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. section 604, a final regulatory flexibility analysis has been prepared. It is available for public viewing as part of the full text of this decision, which may be obtained from the Commission or its copy contractor.

4. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to decrease the information collection burden the Commission imposes on the public. This proposed reduction in information collection burden is subject to approval by the Office of the Management and Budget as prescribed by the Act.

Ordering Clause

5. Accordingly, it is ordered, that effective June 18, 1986, Part 90 is amended as shown at the end of this document and that this proceeding is terminated. 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.

List of Subjects in 47 CFR Part 90

Private land mobile radio services, Specialized mobile radio service, Application filing requirements.

Part 90 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

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

2. Section 90.135 is amended by redesignating existing paragraphs (c)(1) and (c)(2) as (c)(2) and (c)(3) respectively, and by adding a new paragraph (c)(1).

§ 90.135 Modification of license.

* * * * *

(c)(1) No notification or application is required where a change noted in paragraphs (a)(1), (a)(6), or (a)(7) is made to an 800 MHz SMRS user license and is necessitated by: (1) An increase or reduction in frequencies assigned to an associated SMRS base station; (ii) the user licensee acquiring service from additional SMRS base stations without making changes in unit loading distribution; (iii) an assignment of the associated SMRS base station without a change of its call sign. If any changes are made that affect a user licensee's unit loading distribution, a Form 574 application must be filed for modification. If the call sign of an assigned SMRS base station will be changed as a result of the assignment, a list of all user licensees having stations loaded on the assigned SMRS must accompany the SMRS base station assignment application.

* * * * *

William J. Tricarico,

Secretary.

[FR Doc. 86-11481 Filed 5-21-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-11; Notice 17]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

Correction

In FR Doc. 86-9847 beginning on page 16325 in the issue of Friday, May 2, 1986, make the following correction: On page 16328, in the first column, in § 571.108, paragraph S4.1.1.39(f), in the sixth line, "HBS" should read "HB3".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 60477-6077]

Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California

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

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) announces the closure of the non-Indian commercial salmon fishery in the fishery conservation zone (FCZ) from the U.S.-Canada border to Cape Falcon, Oregon, at midnight, May 19, 1986, because the chinook salmon quota has been met. The Director, Northwest Region, NMFS (Regional Director), has determined in consultation with the Washington Department of Fisheries (WDF) and the Oregon Department of Fish and Wildlife (ODFW) that the commercial fishery quota of 33,700 chinook salmon for the area was reached by midnight, May 19, 1986. This closure is intended to ensure conservation of chinook salmon.

DATES: Closure of the FCZ from the U.S.-Canada border to Cape Falcon, Oregon, to commercial salmon fishing is effective at 2400 hours Pacific Daylight Time, May 19, 1986. Comments on this notice will be received until June 3, 1986.

ADDRESS: Comments may be mailed to the Northwest Regional Office, NMFS, BIN C15700, 7600 Sand Point Way, NE., Seattle, WA 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten (Regional Director), 206-526-6150.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR Part 661 specify at § 661.21(a)(1) that: "When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by publishing a notice in the **Federal Register** under § 661.23, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

Management measures for 1986 were published on May 5, 1986 (51 FR 16520). The 1986 May non-Indian commercial fishery for all salmon species except coho in the FCZ from the U.S.-Canada border to Cape Falcon is separated into two seasons, May 1 through May 10, and May 14 through May 31, with both seasons subject to closure upon attainment of a quota of 33,700 chinook salmon. Based on the best available information, the non-Indian commercial fishery catch in the area was projected to reach the quota of 33,700 chinook salmon by midnight, May 19, 1986. This information was not available until after the close of business on Friday, May 16. The Secretary therefore issues this notice closing the non-Indian commercial fishery in the FCZ from the U.S.-Canada border to Cape Falcon, Oregon, at midnight, May 19, 1986. This notice does not apply to treaty Indian fisheries operating in the same area or to other fisheries which may be operating in other areas.

The Regional Director consulted with the Directors of WDF and ODFW regarding this closure. The Directors of WDF and ODFW have confirmed that Washington and Oregon closed the non-Indian commercial fishery in State waters adjacent to this area of the FCZ at midnight, May 17, 1986.

Other Matters

This action is taken under §§ 661.21 and 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

Dated: May 19, 1986.

Carmen J. Blondin,

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

[FR Doc. 86-11593 Filed 5-19-86; 4:55 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 99
Thursday, May 22, 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 945

Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Proposed Amendment No. 1 to Handling Regulation

AGENCY: Agriculture Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would permit handlers to ship up to 200 hundredweight per day of yellow fleshed Finnish-type potatoes exempt from grade, size, maturity, pack, and inspection requirements, and permit prepeeled potatoes to be handled without a Certificate of Privilege. Yellow fleshed Finnish-type potatoes often fail marketing order requirements although there is a small specialized market for them. There is a limited market for prepeeled potatoes and the committee could obtain information needed to obtain compliance without a Certificate of Privilege. The proposed rule would reduce the regulatory and paperwork burdens of production area handlers.

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

ADDRESS: Comments should be sent to: Docket Clerk, F&V, AMS, Room 2085–S, U.S. Department of Agriculture, Washington, DC 20250. Two copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours.

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 proposed rule has been received under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule.

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such action in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules proposed 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 106 handlers of potatoes will be subject to regulation under the Idaho-Eastern Oregon Potato Marketing Order during the course of the current season and that the great majority of this group may be classified as small entities. While regulations issued during the season impose some costs on affected handlers, the added burden imposed on small entities by this amendment, if present at all, is not significant.

Marketing Agreement No. 98 and Order No. 945 regulate the handling of potatoes grown in designated counties in Idaho and Malheur County, Oregon.

The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Idaho-Eastern Oregon Potato Committee, established under the order, is responsible for its local administration.

At its meeting on January 15, 1986, the committee recommended that yellow fleshed Finnish-type potatoes be exempt from the grade, size, maturity, pack, and inspection requirements of the handling regulation. These potatoes are generally small and often misshapen, and frequently do not meet the quality requirements of the order. However, there is a small but specialized market for this product which is often marketed as "organically grown." The committee believes that by permitting handlers to ship up to 200 hundredweight per day of these potatoes a small part of the consuming public could be served and a few growers and handlers could benefit, all with no adverse impact on the marketing of potatoes. There are few growers and even fewer handlers presently involved with this type of potato. If, however, the shipments of this type of potato reached a significant level, the committee would review the situation and would make any necessary changes at that time.

The committee also recommended that handlers be permitted to ship prepeeled potatoes without a Certificate of Privilege. According to committee sources, there is only one active prepeeler in the area, and the committee believes compliance would not present a problem. The market for prepeeled potatoes is limited, with most going to local restaurants throughout the production area and nearby locations. By removing the requirement for obtaining a Certificate of Privilege prior to shipment, the paperwork burden on handlers would be reduced.

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

1. The authority citation for 7 CFR Part 945 continues to read as follows:

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

2. Section 945.341 is hereby amended by revising (e)(1) introductory text to include "prepeeled potatoes," (f)(1) introductory text to exclude potatoes for prepeeling, and revising (g) to include yellow-fleshed Finnish potatoes as follows:

§ 945.341 Handling regulation.

* * * * *

(e) *Special purpose shipments.* (1) The minimum grade, size, cleanness, maturity, and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of prepeeled potatoes as defined in paragraph (h) of this section or potatoes for any of the following purposes:

* * * * *

(f) *Safeguards.* (1) Each handler making shipments of potatoes for charity, experimentation, or export pursuant to paragraph (e) of this section shall.

* * * * *

(g) *Minimum quantity exemption.* Each handler may ship up to but not to exceed, five hundredweight of potatoes, except yellow fleshed Finnish-type potatoes, any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds five hundredweight of potatoes. Handlers of potatoes commonly known as yellow fleshed Finnish potatoes may handle up to 200 hundredweight per day of such potatoes relieved of the requirements set forth in paragraphs (a), (b), (c), and (d) of this section.

* * * * *

Dated: May 15, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 86-11439 Filed 5-21-86; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Docket No. R-0572]

Regulation Y; Conditions Imposed on Acquisition of Thrift Institutions by Bank Holding Companies

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Solicitation of public comments.

SUMMARY: The Federal Reserve Board is soliciting comments on whether the Board should modify and grant relief from the conditions it imposes on the acquisition of thrift institutions by bank holding companies under the Bank Holding Company Act and the Garn-St Germain Depository Institutions Act of 1982 to permit bank holding companies to conduct joint marketing and sales operations between thrift subsidiaries and other affiliates, advertise through thrift subsidiaries the services and products offered by its other affiliates, and engage in certain transactions between thrift and other affiliates.

DATES: All comments should be received by the Board by June 27, 1986.

ADDRESSES: All comments, which should refer to Docket No. R-0572, should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC. 20551, or delivered to the courtyard entrance, Eccles Building, 20th Street, NW., between "C" Street and Constitution Avenue, Washington, DC, between 8:45 a.m. and 5:15 p.m. weekdays. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: J. Virgil Mattingly, Deputy General Counsel (202/452-3430), Melanie L. Fein, Senior Counsel (202/452-3594), or Scott G. Alvarez, Senior Attorney (202/452-3583), Legal Division; or, for users of Telecommunications Device for the Deaf, Earnestine Hill or Dorothea Thompson (202/452-3544).

SUPPLEMENTARY INFORMATION: Since 1982, the Board has approved several applications by bank holding companies to acquire thrift institutions pursuant to the provisions of the Garn-St Germain Depository Institutions Act of 1982 and the Bank Holding Company Act ("BHC Act"). In approving these cases, the Board established a number of conditions designed to guard against possible adverse effects that may result from the affiliation of a thrift institution and a bank holding company. *See Citicorp* (*Fidelity Federal Savings and Loan Association*), 68 Federal Reserve Bulletin 656 (1982).

These conditions were developed in the context of specific applications pending before the Board and after informal public hearings and public comment that included comments from local and national bank and thrift trade associations, state regulatory authorities, local community groups, competing bank holding companies and thrift institutions, and members of Congress. The conditions have been adopted in each case involving a thrift acquisition by a bank holding company since 1982.

The conditions were designed to assure that the thrift continued to be operated as a separate and independent institution engaged primarily in mortgage lending activities and did not operate in fact as a bank in violation of the interstate banking prohibitions of the BHC Act. The conditions were also designed to prevent the acquiring bank holding company from obtaining an unfair competitive advantage over other banks and thrift institutions by using the thrift to conduct activities not permitted to bank holding companies or conducting banking activities through the thrift that are not permitted to a savings and loan association.

Among the conditions to the Board's approval adopted to accomplish these purposes are restrictions on certain operations between thrift institutions and their bank holding company affiliates. These conditions require that:

(a) the thrift institution be operated as a separate, independent, profit-oriented corporate entity and not be operated in tandem with any other subsidiary of the bank holding company. The thrift institution and bank holding company must limit their operations to effect this condition, and must observe the following conditions:

(1) no banking or other subsidiary of the bank holding company shall link its deposit-taking activities to accounts at the thrift institution in a sweeping arrangement or similar arrangement, and

(2) neither the bank holding company nor any of its subsidiaries shall solicit deposits or loans for the thrift institution, nor shall the thrift institution solicit deposits or loans for any other subsidiary of the bank holding company; and

(b) to the extent necessary to ensure independent operation of the thrift institution and prevent the improper diversion of funds, there shall be no transactions between the thrift institution and the bank holding company or any of its subsidiaries without the prior approval of the appropriate Federal Reserve Bank. This limitation encompasses the transfer, purchase, sale or loan of any assets or liabilities, but does not include infusions of capital by the bank holding company, the payment of dividends or the sale of residential real estate loans from the thrift institution to any subsidiary of the bank holding company.

Citicorp, which has acquired thrift institutions in California, Illinois, and Florida subject to these conditions, has requested relief from the above conditions in three general areas, so as to permit its thrifts to jointly market and sell products and services with other Citicorp affiliates, to cross-advertise the services and products of its affiliates through its thrifts, and to conduct certain limited transactions with other Citicorp affiliates. Citicorp contends that the conditions place the bank holding company and its subsidiary thrift institutions at a competitive disadvantage compared to local thrift insitutions and bank holding companies as well as out-of-state bank holding companies with nonbanking operations in those markets, none of whom are subject to the Board's conditions.

In this regard, Citicorp asserts that it will only conduct cooperative programs that are permissible under the BHC Act between Citicorp's other subsidiaries. Citicorp states that its thrifts will not be operated as banks for purposes of the BHC Act or branches of Citicorp's subsidiary banks for purposes of the McFadden Act. Citicorp states that the conditions in (a)(1) and (a)(2) above assure this by prohibiting the linking of deposit-taking activities of thrift institutions in any arrangement with affiliates, and by prohibiting the solicitation of deposits by the thrift institution for its affiliates or by its affiliates for the thrift institution.

In urging establishment of the conditions, commenters asserted that the restrictions on operations are neccessary to prevent bank holding

companies owning thrift institutions from operating the thrift institution as a bank, and from gaining a competitive advantage over local thrift institutions by permitting the thrift institution to appear to the local consumer to be offering commercial banking and other services that thrift institutions are generally unable or not legally permitted to offer. Commenters argued that joint marketing, cross-advertising of products and services available from affiliates, and transactions with bank holding company affiliates also may permit a thrift to avoid restrictions imposed by the Garn-St Germain Act on the activities of Federal S&Ls. Commenters argue further that the use of joint marketing or cross-advertising may permit the thrift institution to operate in effect as branches for soliciting deposits or loans for its bank affiliates, thereby undermining the interstate banking prohibitions.

The Board believes that the recent requests for relief from the above restrictions on operations present a framework for evaluating whether the conditions have accomplished their intended purposes and the continued appropriateness of the conditions. Commenters are requested to evaluate these matters taking into account, among other things, the significance of the deregulation of interest rate differentials, increasing similarity in the powers of banks and thrifts, and the spread of interstate deposit-taking in both the thrift and banking industries. The Board believes that, in considering action in this area, it is appropriate to seek public comment, in light of the significant public participation that surrounded the original development of the conditions.

Accordingly, the Board seeks public comment on whether the restrictions, other than the restrictions on linking deposit-taking activities and cross-solicitation of deposits, should be retained, modified of removed. In order to permit the Board to evaluate the conditions, the Board requests comment on whether it continues to be necessary and appropriate to limit thrifts affiliated with bank holding companies from conducting activities and marketing services that both thrifts and bank holding companies are otherwise permitted to conduct and market under applicable Federal law in order to accomplish the goals of avoiding the undermining of limitations on interstate deposit-taking and on preventing unfair competition. In this connection, the Board also notes that affiliation of bank holding companies with thrift institutions does not raise the same concerns regarding the separation of banking and commerce that has motivated consideration of similar restrictions on operations between a commercial organization and a bank or thrift affiliate that is contemplated by currently pending legislation and conmmenters are requested to take these differences into account in formulating their comments.

The Board also requests comment on whether the deregulation of interest rate differentials, expansion of the powers of thrifts, the growing number of states authorizing interstate banking, and similar events since the formulation of the Board's conditions have affected the need for the restrictions to accomplish their objectives. In this regard, the acquisition of a thrift by a bank holding company that is located in the same state or that is authorized under state law to acquire a bank in the state in which the thrift is located does not raise the concern that the acquisition may evade the BHC Act's limitations on interstate bank acquisitions. The Board requests comment on the extent to which the restrictions should be modified in these situations.

The Board also requests comment on whether modification of the restrictions in any of the following areas would adversely affect their policy goals:

Joint Marketing and Sales: Specifically, the Board requests comment on whether thrift institutions owned by bank holding companies should be permitted to conduct joint marketing and sales activities with their bank holding company affiliates. For example, should a thrift institution and a bank holding company real estate lending affiliate be permitted to jointly solicit business from a real estate developer, with the real estate lending affiliate offering to provide construction lending for a building project and the thrift offering to provide end loan financing for prospective purchasers of the real estate project. In addition, should a holding company affiliate be permitted to introduce existing corporate customers to the thrift institution for the purpose of obtaining relocation assistance or other products and services available through the thrift institution.

In this regard, the Board requests comment on whether any adverse effects that may result from conducting joint marketing and sales activities are sufficiently limited by retaining the condition prohibiting the linking of deposit-taking activities, and by requiring that the terms and pricing of services not be tied in any way and be the same regardless of whether the prospective customer obtains services from both the thrift institution and its affiliate or from only one of the institutions.

Cross Advertising and Referral: The Board also requests comment on whether thrift institutions should be permitted to offer access to services and products of its bank holding company affiliates, and bank holding company affiliates should be permitted to offer access to services and products offered by the thrift institutions. For example, should a thrift institution be permitted to make applications available to its customers for credit cards marketed by and student loans underwritten by its bank holding company affiliates; advertise the products and services of its affiliates by placing brochures and posters in branch offices of the thrift institution and by including advertising inserts in monthly statements of customers of the thrift institution; provide customer lists to its bank holding company affiliates; and, refer its customers to affiliates and provide promotional material and a toll-free number for the affiliate. Similarly, should bank holding company affiliates of the thrift institutions be permitted to advertise the products and services of the thrift institutions.

The Board also seeks comment on whether any adverse effects that may result from cross-advertising and referral activities may be limited by maintaining the current conditions prohibiting the thrift institution from soliciting deposits for its bank holding company affiliates and prohibiting bank holding company affiliates from soliciting deposits for the thrift institution, and by imposing conditions preventing the thrift institution from providing credit analysis in connection with loans provided to customers of the thrift by a bank holding company affiliate, from disbursing credit funds on such loans, and from otherwise acting as a branch or loan production office of any holding company affiliate.

Transactions with Affiliates: The Board also requests comment on whether thrift institutions should be permitted to use services and products of bank holding company affiliates for the benefit of the thrift or its customers. For example, should a thrift institution be permitted to locate a branch office in a building owned by an affiliate and in which holding company affiliates also have offices with separate access?

Board of Governors of the Federal Reserve System, May 16, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-11480 Filed 5-21-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-ANE-50]

Airworthiness Directives; Allison Gas Turbine Division Model 501-D13, -D13A, -D13D, and -D13H Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require replacing certain thrust sensitive switch assemblies installed in Allison Gas Turbine Division Model 501-D13, -D13A, -D13D, and -D13H engines. The proposed AD is needed to prevent unwanted autofeather (resulting in loss of thrust) or the inability to autofeather when required (resulting in excessive drag in the case of an engine failure), either of which could result in loss of the aircraft. A previous NPRM which provided a choice of two compliance action options has been withdrawn because it became apparent that one of the specified options did not improve airworthiness.

DATE: Comments must be received on or before June 23, 1986.

ADDRESS: Comments on the proposal may be mailed in duplicate to: Office of Regional Counsel, FAA, ATTN: Rules Docket No. 82-ANE-50, 12 New England Executive Park, Burlington, Massachusetts 01803, or delivered in duplicate to the above address, to Room No. 311.

Comments delivered must be marked: Docket No. 82-ANE-50.

Comments may be inspected at Room No. 311 on weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

The applicable service bulletin may be obtained from Allison Gas Turbine Division, General Motors Corp., P.O. Box 420, Indianapolis, Indiana 46206-0420.

A copy of this bulletin is contained in the Rules Docket at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 82-ANE-50, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Ty Krolicki, Chicago Aircraft Certification Office, Propulsion Branch, ACE-140C, FAA, 2300 East Devon Avenue, Des Plains, Illinois 60018; telephone (312) 694-7032.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 82-ANE-50." The post card will be date/time stamped and returned to the commenter.

The FAA has determined that Allison Model 501-D13, -D13A, -D13D, and -D13H turboprop engine reduction gear assemblies with thrust sensitive switch assembly P/Ns 6792891, 6794122, 6794359, 6807776, 23005483, or 23005485 are subject to malfunction. Failure of the thrust sensitive switch can result in contact being made internally causing unwanted autofeather or in an electrical short circuit which opens a circuit breaker rendering the autofeather system inoperative.

Since this condition is likely to exist or develop on other engines of the same type design, the proposed AD would require replacement of the thrust sensitive switch assemblies with a different P/N assembly containing a single carbon contact switch instead of the two microswitches contained in each assembly being replaced. Extensive experience obtained in operation of T56 series engines, the military counterpart of the civilian 501 series engine, which utilize the carbon contact switch shows that it improves reliability by a factor of at least ten, compared to the microswitch.

The FAA had previously published an NPRM on this matter on January 17, 1983, Docket No. 82-ANE-50. One of the proposed compliance action options contained in that NPRM was replacement of the thrust sensitive switch assembly with P/N 23005483 or P/N 23005485 in accordance with Allison Commercial Engine Alter Bulletin CEB-A-73-82. The NPRM was held abeyance after it became apparent that the replacement switches specified by this bulletin did not improve airworthiness, in that they were experiencing failures and premature wear. Forty-three rejections of the replacement switches specified in CEB-A-73-82 were reported. Allison cancelled CEB-A-73-82 on March 6, 1984. The FAA is withdrawing the January 17, 1983, NPRM in a separate action.

Conclusion

The FAA has determined that only 11 small entities will be affected significantly by this regulation. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

PART 39—[AMENDED]

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

Allison Gas Turbine Division, General Motors Corp. (Allison, formerly Detroit Diesel Allison): Applies to Allison 501–D13, –D13A, –D13D, and –D13H engine reduction gear assemblies equipped with thrust sensitive switch assembly, P/Ns 6792891, 6794122, 6794359, 6807776, 23005483, or 23005485.

Compliance is required within 60 days after the effective date of this AD, unless already accomplished.

To prevent the possibility of unwanted autofeather or the inability to autofeather when required, accomplish the following:

Replace thrust sensitive switch assemblies, P/Ns 6792891, 6794122, 6794359, 6807776, 23005483, and 23005485 with P/N 6870559, a single carbon contact switch assembly, in accordance with the detailed instructions provided in Allison Commercial Engine Alert Bulletin CEB–A–73–84, Revision 2, dated October 1, 1984, or FAA approved equivalent.

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

Upon request, an equivalent means of compliances with the requirements of this AD may be approved by the Manager, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60081.

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

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

Issued in Burlington, Massachusetts, on March 19, 1986.

Clyde M. DeHart,

Acting Director, New England Region.

[FR Doc. 86–11473 Filed 5–21–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Parts 43 and 91

[Docket No. 22320]

Inoperative Instruments or Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting to solicit information from the public concerning the operation of aircraft in general aviation operations with inoperative instruments and equipment. The information and views learned at the meeting will be used by the Federal Aviation Administration to address pending issues raised in Notice of Proposed Rulemaking (NPRM) No. 81–14 (46 FR 52278; October 26, 1981), an NPRM concerning the operation of aircraft with inoperative instruments and equipment. The information gathered at this meeting may also be used to explore possible alternatives to the minimum equipment list concept that may provide increased flexibility for those aircraft operators with inoperative instruments and equipment.

DATES: Written material to be presented orally during the meeting on June 17, 1986, must be submitted to the FAA by June 5, 1986. Later requests to make presentations will be accepted on a space-available basis only. Persons or organizations not able to attend this meeting may mail their comments (in duplicate) to the Federal Aviation Administration at the address noted in the **"ADDRESSES"** section of this document. This meeting is scheduled to begin at 9 a.m. and adjourn at 3 p.m. on June 17, 1986.

ADDRESSES: The meeting will be held at FAA Headquarters, Room 1010, 800 Independence Avenue, SW., Washington, DC. Comments on the subject matter of this meeting may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC–204), Docket No. 22320, 800 Independence Avenue, SW., Washington DC 20591, or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC. Comments must be marked, "Docket No. 22320." Comments may be inspected at Room 916 between 8:30 a.m. and 5 p.m., Mondays through Fridays (excluding Federal holidays).

FOR FURTHER INFORMATION CONTACT: For requests to be heard at the meeting and for questions about the logistics of the meeting, contact Miss Jean Casciano, Safety Regulations Division (APR–200), Office of Program and Regulations Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone (202) 426–8357.

For questions concerning the subject matter of this meeting, contact Mr. John Lynch or Mr. Thomas E. Stuckey, Project Development Branch (AFS–850), General Aviation and Commercial Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone (202) 426–8150.

SUPPLEMENTARY INFORMATION:

Background

On July 18, 1979, the Federal Aviation Administration (FAA) issued Amendment No. 91–157 (44 43714; July 26, 1979). This amendment added a new § 91.30 for multiengine aircraft to be operated with inoperative instruments and equipment. Also, this amendment partially addressed the proposed establishment of Equipment Deviation Lists for Parts 23, 25, 27, and 29 aircraft as proposed in Notice of Proposed Rulemaking (NPRM) No. 75–20, "Type Certification Standards; Equipment Deviation List" (40 FR 22110; May 20, 1975). New § 91.30 applied only to operators of multiengine aircraft and was consistent with § 135.179. However, the FAA determined that based on the experience gained with §§ 91.30 and 135.179, it would reevaluate the need for a new minimum equipment list (MEL) rule for the other types of aircraft. Although this new § 91.30 was to become effective on November 1, 1979, it was suspended indefinitely by Amendment No. 91–160 (44 FR 62884; November 1, 1979) to permit time for the development of an adequate number of master minimum equipment lists (MMEL) for multiengine aircraft and to avoid confusion among aircraft operators regarding operation with inoperative instruments and equipment.

On September 16, 1981, FAA issued NPRM No. 81–14 (46 FR 52278; October 26, 1981). This notice proposed to permit the operation of powered civil aircraft with inoperative instruments and equipment that the Administrator found were not essential for the safe operation of the aircraft under certain conditions. The proposal included provisions to consolidate MEL requirements that were contained in Parts 121, 125, and 135 of the Federal Aviation Regulations (FAR) into Part 91. It also proposed to allow the operation of aircraft without an MEL with certain instruments or items of equipment inoperative in accordance with an FAA-approved aircraft flight manual or FAA-approved operating limitations statement. This proposal would have permitted the operation of an aircraft with certain instruments or items of equipment inoperative, if the inoperative instruments or equipment were properly identified, an appropriate entry was made in the aircraft maintenance record, and the maintenance record was available to the pilot before the flight. Even though this notice received mostly favorable comments, the general aviation community still had concerns and objections, and the FAA decided that the notice needed further changes.

The reinstatement of § 91.30 of the FAR effective March 13, 1986 (50 FR 51188; December 13, 1985), allowed Part 91 operators of multiengine aircraft,

under certain conditions, to operate their aircraft with inoperative instruments and equipment. The FAA, in making the decision to reinstate § 91.30, determined that the reasons for suspending the rule no longer existed since an adequate number of MMEL's had been developed. As was the case when § 91.30 was originally adopted, aircraft for which an MMEL had not been developed were excluded. Considering the significant number of exemptions sought and granted since § 91.30 was supended, the FAA decided that to provide immediate relief to operators of multiengine aircraft, it would reinstate § 91.30 and take additional time to address the unresolved questions regarding other types of aircraft.

Before the FAA reinstated § 91.30, operators desiring use of an MEL petitioned for an exemption from the regulations. This procedure allowed operators to obtain individual approval to operate multiengine aircraft with inoperative instruments and equipment. The FAA was able to gain valuable information on the usefulness and safety aspects of MEL's when used in Part 91 operations during this time period. Before the FAA reinstated § 91.30, over 350 individual petitions for exemption were processed and granted.

The FAA recognizes that flight operations can be safely conducted with certain instruments and equipment inoperative under specified conditions; thus, the MEL concept was adopted. Presently, the MEL concept extends to air carrier, commercial, and general aviation operators of multiengine aircraft, but only if that type of aircraft has an MMEL.

Throughout this MEL rulemaking process, the FAA has worked closely with the general aviation community to encourage public comments. The FAA, by holding this meeting, is establishing a review process to further encourage the public to participate in a meaningful dialog concerning the further development of the MEL concept and alternatives to that concept. The FAA intends to examine the effectiveness of § 91.30 and solicit ideas and opinions from the public on the efficacy of broadening and extending the MEL concept and/or alternatives to the operators of all categories of aircraft. In consideration of this initiative, the FAA requests comments on the safety issues involved when permitting aircraft to be dispatched with certain inoperative instruments and equipment and, also, on the following questions.

1. To what extent do your operations require rulemaking to permit operations with inoperable instruments and equipment?

2. Current § 91.30 applies only to those multiengine aircraft for which an MMEL has been developed. Should other regulatory revisions be developed to provide for similar relief for other types of aircraft for which an MMEL has not been developed? If so, what revisions do you recommend?

3. The FAA's alternative to the MEL concept was proposed in NPRM No. 81–14. This notice intended to permit Part 91 operators of those types of aircraft for which an MMEL had not been developed to operate their aircraft with inoperative instruments and equipment under certain conditions. Does a need exist to continue to pursue an alternative to the MEL concept for these aircraft? If so, explain your ideas and thoughts on the method you would recommend.

The FAA requests the participation of all interested persons to make this a meaningful review. All comments will be considered in any future rulemaking action by the FAA.

Requests To Be Heard

Persons wishing to make formal presentations at the meeting are requested to provide the FAA an abstract or summary of the material to be presented by June 5, 1986. The material should include an estimate of the time needed to make the presentation and should be mailed to the person identified in the **"FOR FURTHER INFORMATION CONTACT"** section of this document.

Following receipt of the presentation material, the FAA will develop a detailed agenda that will be available at the meeting. Requests for time to make a presentation received after June 5, 1986, will be honored on a space-available basis and may not appear on the written agenda.

Meeting Procedures

Persons who plan to attend the meeting should be aware of the following procedures that are established to facilitate the workings of the meeting:

1. Registration will be from 8 a.m. to 8:45 a.m. on June 17, 1986.

2. The meeting will be open to all persons who register. If necessary to complete the agenda, the meeting may be accelerated to enable adjournment at the scheduled time.

3. A panel of FAA personnel who are involved in this rulemaking project will be present to answer questions.

4. The FAA will consider all material presented at the meeting by participants or comments forwarded to the public docket. Position papers or other handout material may be accepted at the discretion of the chairperson. However, enough copies should be provided for distribution to all participants.

5. Statements by FAA personnel at the meeting will be made to facilitate discussion and should not be taken as expressing a final FAA position.

6. The meeting will be recorded by a court reporter. Anyone interested in purchasing a copy of the transcript should contact the court reporter directly.

Issued in Washington, DC, on May 16, 1986.

Carol S. Rayburn,

Acting Director of Flight Standards.

[FR Doc. 86–11476 Filed 5–21–86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 379

[Docket No. 60228–6028]

General License GTDA; Technical Data Available To All Destinations

Correction

In FR Doc. 86–11106 beginning on page 17986 in the issue of Friday, May 16, 1986, make the following correction: On page 17988, in the first column, in § 379.1(b)(2)(iv), in the fifth line, "repaid" should read "repair".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 113

Proposed Customs Regulations Amendment Relating to Carrier Liabilities for Unlawful Lading, Exportation or Disposition of Export-Controlled Merchandise

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

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to provide for the assessment of liquidated damages under the international carrier's bond for unlawfully lading, exporting, or disposing of merchandise which is subject to the export control laws. Under the new bond provision, Customs would demand the redelivery of merchandise which has been seized or detained for violations of the export

control laws. Customs would also demand the redelivery of merchandise which has been exported and is subsequently discovered or suspected to be in violation of the export control laws, but which is still in the carrier's possession on the date of the demand for redelivery. Failure to comply with these demands would result in the assessment of liquidated damages in an amount equal to three times the value of the merchandise that is not redelivered. This amendment in necessary for more effective enforcement of the export control laws.

DATE: Comments must be received on or before July 21, 1986.

ADDRESS: Comments (preferably in triplicate) may be addressed to and inspected at the Regulations Control Branch, Room 2426, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Elaine Colley, Entry Procedures and Penalties Division (202–566–8317), or William Lawlor, Carriers Drawback and Bonds Division (202–566–5856), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC.

SUPPLEMENTARY INFORMATION:

Background

The Export Administration Regulations contained in title 15, Code of Federal Regulations, Parts 368 through 399 (15 CFR Parts 368–399), and the International Traffic in Arms Regulations found in title 22, Code of Federal Regulations, Parts 120 through 130 (22 CFR Parts 120–130), provide for sanctions in the event that export-controlled merchandise is exported or attempted to be exported without a valid license issued by either the Department of Commerce of the Department of State. Among these sanctions are the issuance of monetary penalties against those responsible for the illegal attempted or completed exportation, seizure and forfeiture of the merchandise involved, and subsequent denial of export privileges. In addition, title 22, United States Code, section 401 (22 U.S.C. 401), provides for the seizure and detention of any vessel, vehicle or aircraft which is being used or attempted to be used or has been used in an illegal exportation of munitions of war or other export-controlled merchandise. Also, title 18, United States Code, section 549 (18 U.S.C. 549), provides for criminal penalties for unlawfully removing any merchandise from Customs custody.

Customs has been delegated the authority to enforce the Export Administration Regulations and the International Traffic in Arms Regulations pursuant to 15 CFR 386.8 and 22 CFR 127.4, respectively. Under this authority Customs may demand, pursuant to 15 CFR 386.9, the redelivery or retention of merchandise which is known or suspected to be in violation of the export control regulations.

Customs also has the authority to enforce the export control regulations by virtue of the authority granted the Secretary of the Treasury, pursuant to 22 U.S.C. 401, to seize and forfeit illegal exportations of war materials and other articles, as well as the conveyances used to export the articles. Also, under section 113 of the Export Administration Amendments Act of 1985 (Pub. L. 99–64), effective July 12, 1985, Customs was given additional authority to enforce the export control regulations.

Customs has been enforcing the export control laws and regulations under its Operation Exodus program. This enforcement effort has necessarily depended, to a large extent, upon the cooperation of the exporting carriers in (1) not exporting or otherwise disposing of merchandise which Customs has placed under seizure of detention pending a determination as to whether a valid export license covering the merchandise has been issued and (2) redelivering to Customs or retaining merchandise which has been exported and is subsequently found or suspected to be in violation of the export control laws. During the past two years, however, Customs has become aware that some carriers are exporting detained or seized merchandise, despite the presence of warning labels on the merchandise indicating that it is under Customs seizure or detention, and despite notification to the carrier management of the detention or seizure. There have also been instances where carriers have not complied with Customs demand to redeliver or retain already exported merchandise subsequently found or suspected to be in violation of the export control laws, even though it is still in the carriers' possession.

Although the carriers' action may subject the conveyance to seizure and forfeiture under 22 U.S.C. 401 for its use in the illegal exportation, Customs views this as a drastic remedy which would entail much time and resources expended in effecting the seizure. Instead, it is believed that seeking liquidated damages under the international carrier's bond for exportations in violation of the export control laws, would be more expeditious, effective, and less of a drain upon Customs resources. Also, this sanction is within Customs control and can be used for every transgression, whereas a seizure action would require the U.S. Attorney to institute legal proceedings which is very time consuming.

The provisions of the international carrier's bond are contained in § 113.64, Customs Regulations (19 CFR 113.64). In § 113.64, however, there is no existing provision setting forth liquidated damages for illegal exportations of export-controlled merchandise. Customs has the authority to enact such a provision by virtue of section 623(a), Tariff Act of 1930, as amended (19 U.S.C. 1623(a)), which provides that "In any case in which bond or other security is not specifically required by law, the Secretary of the Treasury may by regulation or specific instruction require, or authorize customs officers to require, such bonds or other security as he, or they, may deem necessary for the protection of the revenue or to assure compliance with any provision of law, regulation, or instruction which the Secretary of the Treasury or the Customs Service may be authorized to enforce." Pursuant to 15 CFR 386.8 and 22 CFR 127.4, Customs is authorized to enforce the export control laws and regulations. Under the authority of 19 U.S.C. 1623(a), Customs may therefore require a bond to assure compliance with these laws and regulations.

Proposal

Accordingly, Customs proposes to amend Part 113, Customs Regulations (19 CFR Part 113), to include a provision in the international carrier's bond that sets forth liquidated damages for illegal exportations under the export control laws. It is proposed to add a new paragraph (e) to § 113.64 (19 CFR 113.64), that would require the carrier to redeliver to Customs, within 30 days after a demand for redelivery: (1) Illegally disposed of, laded or exported merchandise that has been placed under seizure or detention; and/or (2) merchandise which has been exported and is subsequently found or suspected to be in violation of the export control laws, but which is still in the carrier's possession. The demand for redelivery would be made within 20 days of Customs discovery of the unlawful or suspected unlawful disposition or exportation. Any demand under proposed paragraph (e) would specify the terms and conditions of compliance. If the carrier fails to comply with the redelivery notice, it would be liable for liquidated damages in an amount equal to three times the value of the merchandise that is not redelivered.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Customs Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendment will not have a significant economic impact on a substantial number of small entities. Accordingly, the amendment is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

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

List of Subjects in 19 CFR Part 113

Carriers, Exports, Bonds.

Proposed Amendment

It is proposed to amend Part 113, Customs Regulations (19 CFR Part 113), as set forth below.

PART 113—CUSTOMS BONDS

1. The authority citation for Part 113 would continue to read as follows:

Authority: 19 U.S.C. 66, 1623, 1624. Subpart E also issued under 19 U.S.C. 1484.

2. It is proposed to amend § 113.64 by adding a new paragraph (e), to read as follows:

§ 113.64 International Carrier Bond Conditions.

* * * * *

(e) *Unlawful disposition, lading or exportation.* (1) Principal agrees that it will not allow seized or detained merchandise, marked with warning labels of the fact of seizure or detention, to be placed on board a vessel, vehicle or aircraft for exportation or to be otherwise disposed of without written permission from Customs, and that if it fails to prevent such placement or other disposition, it will redeliver the merchandise to Customs within 30 days, upon demand made within 20 days of Customs discovery of the unlawful placement or other disposition.

(2) Principal agrees that it will act, in regard to merchandise in its possession on the date the redelivery demand is issued, in accordance with any Customs demand for redelivery made within 20 days of Customs discovery that the merchandise was or may have been exported in violation of the export control laws.

(3) Obligors agree that if the principal defaults in either of these obligations, they will pay, as liquidated damages, an amount equal to three times the value of the merchandise which was not redelivered.

William von Raab,

Commissioner of Customs.

Approved: May 8, 1986.

Francis A. Keating, II,

Assistant Secretary of the Treasury.

[FR Doc. 86-11535 Filed 5-21-86; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 85-86]

Safety Zone Regulations; Northville Industries Offshore Platform, Riverhead, Long Island, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard proposes to establish a permanent safety zone around the Northville Industries Offshore Platform, Riverhead, Long Island, New York. This zone is needed to protect vessels from the possible dangers and hazards associated with a Liquid Petroleum Gas (LPG) Carrier, while it is moored at the Northville Industries Offshore Platform. Entry into this area will be prohibited unless authorized by the Captain of the Port, New Haven.

DATES: Comments must be received on or before July 7, 1986.

ADDRESSES: Comments should be mailed to U.S. Coast Guard, Captain of the Port, 120 Woodward Avenue, New Haven, CT 06512. The comments and other materials referenced in this notice will be available for inspection and copying at 120 Woodward Avenue, New Haven, CT. 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: LTjg MacMillan, Captain of the Port, New Haven (203) 773-2464.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CDG3 85-86) and the specific section of the proposal to which their comments apply, and give reasons for each comment. The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this regulation are Lieutenant Junior Grade R. O. MacMillan, Project Officer for the Captain of the Port, and Ms. M. A. Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Proposed Regulation

This action is being considered in view of the hazards associated with liquid petroleum gas. Liquid petroleum gas is generally carried aboard vessels as a liquid at reduced temperatures. In its natural state it is a colorless gas with a weak odor. This proposed safety zone is part of an overall safety program implemented by the Captain of the Port, New Haven, CT to enhance the safety of liquefied petroleum gas operations. Under present procedures, the Captain of the Port, New Haven issues a temporary safety zone each time an LPG vessel is moored at Northville Industries Offshore Platform, specifying the time and date it will be moored and describing the area of the zone. The area described is the same each time since these LPG transfers are at the Northville Industries Offshore Platform. Because of the recurring nature of the zone, the Coast Guard proposes to issue a permanent safety zone regulation. This safety zone will be in effect whenever an LPG vessel is moored at the

Northville Industries Offshore Platform and will remain in effect until the vessel departs.

Mariners will be provided notice of scheduled arrivals and departures via a Marine Safety Information Broadcast Notice to Mariners. For each LPG vessel arrival the Captain of the Port, New Haven has exercised his authority and established a temporary safety zone describing conditions similar to those contained in this notice of rulemaking. The Coast Guard believes that establishing this safety zone as a permanent rule will enhance its effectiveness through greater dissemination. This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of Part 165.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 and nonsignificant under Department of Transportation regulatory policies and procedures (44 CFR Part 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary since the theory and practice of establishing a safety zone around an LPG vessel has been in effect for a few years. The maritime community in the area is accustomed to planning vessel movement around scheduled LPG vessel Safety Zones with minimum economic impact. 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.

Proposed Regulations

PART 165—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations 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, 6.04–6, and 160.5.

2. Section 165.305 is added to read as follows:

§ 165.305 Northville Industries Offshore Platform, Riverhead, Long Island, New York—Safety Zone.

(a) The following area is established as a Safety Zone during the specified condition:

(1) The waters within a 500 yard radius of the Northville Industries Offshore Platform, Long Island, New York, 1 mile North of the Riverhead shoreline at 41°00" N., 072°38" W., while a Liquefied Petroleum Gas (LPG) vessel is moored at the Offshore Platform. The Safety Zone remains in effect until the LPG vessel departs the Offshore Platform.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing notice of scheduled moorings at the Offshore Platform of LPG vessels via Marine Safety Information Radio Broadcast.

Dated: May 6, 1986.

D.H. Lyon,

Commander, U.S. Coast Guard, Captain of the Port, New Haven.

[FR Doc. 86–11538 Filed 5–21–86; 8:45 am]

BILLING CODE 7910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–3019–2]

Michigan; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Delayed Determination on Michigan's Application for Final Authorization under the Resource Conservation and Recovery Act.

SUMMARY: This notice announces the decision by the United States Environmental Protection Agency (U.S. EPA) to delay its determination on granting final authorization to the State of Michigan. Michigan has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). In the February 11, 1986, **Federal Register** (51 FR 5095), U.S. EPA proposed to tentatively approve the Michigan final authorization application upon receipt and review of the State's Official Response to U.S. EPA's Consolidated Comments on the application. Under 40 CFR 271.201(e), U.S. EPA's decision should have been issued by May 7, 1986; however, U.S. EPA is presently waiting for receipt of the Official Response from the State. U.S. EPA will publish a final determination in the **Federal Register** after receipt and review of the State's Official Response.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Sharrow, Regulatory Specialist, U.S. EPA, Region V, Waste Management Division, 230 S. Dearborn Street, 5HS–JCK–13, Chicago, Illinois 60604, (312) 886–3718 (FTS: 8–886–3718).

SUPPLEMENTARY INFORMATION: Michigan did not apply for interim authorization to operate its hazardous waste program in lieu of the Federal program. However, on July 24, 1985, Michigan submitted a draft application for final authorization. The complete application for final authorization was submitted on November 7, 1985.

On January 22, 1986, U.S. EPA transmitted Consolidated Comments to Michigan on the State's complete application for final authorization. In the February 11, 1986, **Federal Register** (51 FR 5095), U.S. EPA proposed to tentatively approve Michigan's application, provided the State adequately responded to U.S. EPA's Consolidated Comments. A public hearing on U.S. EPA's tentative decision was held on March 14, 1986.

In the tentative approval, U.S. EPA identified five areas that required clarification. Under 40 CFR 271.20(e), U.S. EPA should have published a final decision by May 7, 1986; however, we are presently waiting for receipt of the State's Official Response to U.S. EPA's Consolidated Comments. U.S. EPA will publish a final determination in the **Federal Register** after receipt and review of the Official Response from the State of Michigan.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this notice will not have a significant economic impact on a substantial number of small entities. This notice announces to the public U.S. EPA's postponement of its determination on granting final authorization to Michigan. It does not impose any new burdens on small entities. This notice, therefore, does not require a regulatory flexibility analysis.

Compliance With Executive Order 12291

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

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority

This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended, by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b), and EPA Delegation 8-7.

Dated: May 13, 1986.

Robert Springer,

Acting Regional Administrator.

[FR Doc. 86-11519 Filed 5-21-86; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-20

Smoking Regulations

AGENCY: General Service Administration.

ACTION: Proposed rule.

SUMMARY: This regulation provides for revised smoking regulations in buildings controlled by GSA. It has become necessary to regulate smoking in certain areas of Federal buildings because smoke in a confined area may be irritating and annoying to non-smokers. In addition, the Office of the Surgeon General has indicated that current scientfic evidence suggests that exposure to ambient tobacco smoke can be hazardous to non-smokers and may create a potential hazard to those suffering from heart and respiratory diseases or allergies. GSA also recognizes the right of individuals to smoke in such buildings provided such action does not cause discomfort or unreasonable annoyance to non-smokers or infringe upon their rights. The intent of this regulation is to provide a reasonably smoke-free environment for those working and visiting GSA-controlled buildings.

DATE: Comments must be received on or before July 21, 1986.

ADDRESS: Written comments should be sent to the General Services Administration (PMFS), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Marsden, Acting Director, Facility Management Division, (202-566-1563).

SUPPLEMENTARY INFORMATION: The General Service Administration has determined that this rule is not a major rule for the purpose of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and the consequence of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximum the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-20

Smoking, Federal buildings and facilities.

GSA proposes to amend Part 101-20 as follows:

PART 101-20—MANAGEMENT OF BUILDINGS AND GROUNDS

1. The authority citation for Part 101-20 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)

Subpart 101-20.1—Building Operations, Maintenance, Protection, and Alterations

2. Section 101-20.109-10 is revised to read as follows:

§ 101-20.109-10 Regulation of smoking.

Regulations for controlling smoking in GSA-controlled buildings and facilities are set forth below. Agencies are encouraged to develop additional guidelines for internal use for action when violations of these regulations occur. Nothing in these regulations precludes an agency from establishing more stringent guidelines. For purposes of these regulations, general office space is defined as space occupied by personnel performing their daily work functions; this includes, but is not limited to: ADP areas, mail rooms, file rooms, duplicating areas, court and jury rooms, office space, etc.

(a) Smoking is prohibited in the following areas, except as designated pursuant to paragraph (b)(1) below:

(1) General office space.

(2) Auditoriums, classrooms, and conference rooms.

(3) Elevators. "No smoking" signs shall be posted in elevators, adequate receptacles shall be placed outside the entrances.

(4) Corridors, lobbies and restrooms.

(5) Medical care facilities such as medical clinics and health units.

(6) Libraries.

(7) Hazardous areas. Each agency shall post and enforce "no smoking" rules in any location under its jurisdiction which involves flammable liquids, flammable gases, or flammable vapors, or in all other locations where there is a collection of readily ignitible, combustible materials.

(b) Smoking is permitted in the following designated "smoking areas:

(1) Agency heads will be responsible for establishment of designated "smoking" areas, in addition to monitoring and controlling these areas. Agencies are responsible for ensuring that designated "smoking" areas are identified by appropriate signs. Agencies in multi-tenant buildings are encouraged to work together to identify these designated "smoking" areas.

(2) "Smoking" areas shall be established in cafeterias, including Randolph-Sheppard vending facilities and automatic vending areas. These areas shall be designated as "smoking" areas by each buildings manager, in collaboration with the heads of the occupant agencies. The areas designated shall be based upon an estimate of the number of smoking and non-smoking patrons served. This may be adjusted on the basis of local experience. The designated "smoking" areas shall be identified by appropriate signs.

(3) A private office may be declared a "smoking" area by the agency.

(c) Agencies are responsible for providing adequate ash trays or receptacles in the designated "smoking" areas.

(d) Suitable, uniform signs reading "No Smoking Except in Designated Areas" shall be placed on or near entrance doors of buildings subject to these regulations. It should not be necessary to display a sign in every room of such buildings.

(e) An agency is not required by this regulation to make any expenditures for structural changes to accommodate the preferences of non-smoking employees.

Dated: April 17, 1986.

W.F. Sullivan,

Commissioner, Public Buildings Service.

[FR Doc. 86-11670 Filed 5-21-86; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 401

[CGD 86-020]

Great Lakes Pilotage Rates

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend the Great Lakes Pilotage Regulations. These amendments propose an increase in the basic pilotage rates of thirteen percent in District 1 and six percent in District 3. No change is proposed in District 2. These changes are proposed in order to increase the revenue received by the pilot organizations so that they may meet their operating costs. They also provide for comparability between the three Districts regarding the recognition of the types of expenses incurred in providing pilotage services.

DATE: Comments must be received on or before June 23, 1986.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/21) (CGD 86-020), U.S. Coast Guard, Washington DC 20593. Between 7:30 a.m. and 3:30 p.m., Monday through Friday, comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC/21), Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington 20593, (202) 426-1477.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Hartke, Office of Merchant Marine Safety (G-MVP/12), Room 1210, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593, (202) 426-2985.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Written comments should include the docket number (CGD 86-020), the name and address of the persons submitting the comments, and the specific section of the proposal to which each comment is addressed. Persons desiring acknowledgement that their comment has been received should enclose a stamped, self addressed postcard or envelope. All comments received will be considered before final action is taken on this proposal. No public hearings are planned, but they may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this rule are: Mr. John J. Hartke, Project Manager, Office of Merchant Marine Safety, and Commander Ronald C. Zabel, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulations

The Coast Guard is proposing to increase U.S. Great Lakes Pilotage rates by 13% in District 1 and by 6% in District 3. No change is proposed in District 2. The rates for §§ 401.420 and 401.428 which provide charges for cancellation, delay or interruption in services, and charges for carrying a pilot beyond a normal change point, have been increased by 13%. The amount of revenue generated by these two rate provisions is minimal and thus the Coast Guard does not believe it is necessary to individualize these two rates for each District.

U.S. registered pilots are private entrepreneurs, and as such, their services must be priced so as to enable them to recover the costs of providing that service.

The Coast Guard has completed a review of revenues earned and expenses incurred by the three U.S. Great Lakes pilot organizations and has developed estimated expenses and revenue requirements for 1986 taking into account the sum of all operating costs. Estimated revenue requirements include administration, dispatching, pilot boats, pilot travel, pilot training, and target pilot compensation. A guideline followed in the development of the pilot compensation figure is that the target compensation for U.S. pilots should be comparable to the earnings of their licensed counterparts on U.S. Great Lakes vessels. A further guideline is that pilots providing services in designated waters (46 CFR 401.405) should earn compensation equivalent to that of a master on a U.S. Great Lakes vessel, and pilots providing services in undesignated waters (46 CFR 401.410) should earn compensation equivalent to that of a first mate on a U.S. Great Lakes vessel.

Projected traffic for 1986 was derived by reviewing traffic trends of prior years and by obtaining the views of knowledgeable interested persons including the pilots and the users of pilotage services. That analysis suggested that the number of vessels, their size, and route patterns for 1986 are expected to be similar to those in 1985 although in 1985 there was a substantial decrease for the previous year. Estimated revenue requirements, taken in conjunction with projected traffic volume, yield the basic rates that are required to enable the U.S. pilotage system to be self-supporting.

During this rate review, special emphasis was placed upon an examination of the concepts of pilot workload standards and target pilot compensation. This review also included special consideration of the administrative expenses in District 1 for which recovery should be authorized. This is in response to a 1984 request by district 1 to insure that the manner in which the 3 U.S. pilot associations organize themselves is not a factor in how such expenses are treated. The preamble to the final rule establishing pilotage rates for the 1985 season recognized certain non-uniform conditions but an across the board rate adjustment was made pending this current review.

The review process involved discussions between Coast Guard officials and representatives of industry and labor organizations regarding the compensation of Great Lakes masters and mates, and meetings between Coast Guard officials and the pilots in each of the three Districts to discuss compensation targets, workload standards and expense items. Coast Guard officials also accompanied pilots on pilotage assignments in each District in order to assess general operating conditions.

As indicated, the proposed pilotage rates were developed by determining the following for each Area and District:

a. Total operating costs.

b. Target pilot compensation (based on comparability with counterparts on U.S. Great Lakes vessels, and whether the services are provided in designated or undesignated waters).

c. The number of pilots required (based on the pilot workload standards of 1,000 hours per pilot per season in designated waters, and 2,000 hours per pilot per season in undesignated waters).

d. The individual target pilot compensation figure multiplied by the number of pilots required equals total target pilot compensation.

e. Total operating costs plus total target pilot compensation equals the total cost to be recovered.

f. Total estimated revenue at existing rates (in this instance we have estimated 1986 revenue to be the same as 1985 revenue).

g. Where total estimated costs exceed total estimated revenue, the difference between them is the additional amount

by which the rates must be increased to permit the pilot organizations to cover all of their costs.

Table 1 shows the derivation of proposed target pilot compensation for 1986.

Considering comparability with U.S. Great Lakes masters and first mates, the Daily Rate used in computing the master's and first mate's wages is an average of all master's and first mate's wages paid on Great Lakes vessels in 1985. These wages are not expected to increase in 1986.

TABLE 1—TARGET PILOT COMPENSATION

Union compensation component	Master	First mate
Daily Rate:		
$205.26 × 300 days	$61,578	
$124.49 × 300 days		$37,347
Bonus:		
10% of daily rate × 200 days	4,105	2,490
Medical	3,676	3,676
Pension	8,470	8,470
Holiday pay (5 days)	0	934
Clerical	0	1,252
Self unloader differential	0	300
Saturday and Sunday overtime	0	3,557
Total	[1] 77,829	[2] 58,026

[1] Target pilot compensation for designated waters.
[2] Target pilot compensation for undesignated waters.

Revenue for 1986 at current rates is estimated to be the same as 1985. The 1985 revenue was obtained from the three pilot organizations shortly after the close of the 1985 season.

The Coast Guard reviewed the pilot workload standards of 1,000 hours per pilot per season in designated waters, and 2,000 hours per pilot per season in undesignated waters, and is of the opinion that those workload standards are reasonable and should be retained. The number of pilots estimated to be required from adherence to those standards is calculated in Table 2.

TABLE 2—PROJECTION OF REQUIRED NUMBER OF PILOTS FOR 1986 BY AREA AND DISTRICT

[Hours and Number of Pilots Based on Pilot Workload Standards and Reduced by the Projected Change in Traffic from 1984 to 1986]

	1984		Projected change in traffic [3] (Percent)	1986	
	Hours [1]	Pilots [2]		Hours	Pilots
District 1					
Area I	7,764	8	−16.41	6,490	7
Area II	8,461	5	+.61	8,513	5
		13			12
District 2					
Area IV	13,300	7	−14.39	11,386	6
Area V	14,910	15	−14.39	12,764	13
		22			19
District 3					
Area VI	27,180	14	−20.98	21,478	11
Area VII	4,785	5	−20.98	3,781	4
Area VIII	16,871	9	−20.98	13,331	7
		28			22

[1] 1984 actual hours.
[2] Number of pilots resulting from dividing the actual hours by the pilot workload standards of 1,000 hours in designated waters and 2,000 hours in undesignated waters. (Areas I, V, and VII are designated waters; Areas II, IV, VI, and VIII are undesignated waters).
[3] This is the change in gross revenue between 1984 and 1985; 1986 is expected to be similar to 1985.

Table 3 presents estimated 1986 expenses, by District, segregated by expense category. These expenses are 1984 actual expenses increased by a 4% inflation factor for 1985 and for 1986 (actual 1985 expenses are not available at this time). For District 1, these figures include several new items added under Administration and Travel. These additional expense items are a portion of the amounts requested by District 1 and have been accepted after thorough Coast Guard evaluation.

TABLE 3—ESTIMATED EXPENSES—1986

[Excluding Pilot Compensation]

	District 1	District 2	District 3
Administration	$283,800	$320,900	$547,800
Dispatching	141,200	104,300	527,700
Pilot Boats	146,900	348,200	447,500
Travel	156,500	148,300	422,200
Training	41,000	70,000	105,000
Sub Total	769,400	991,700	2,050,200
Expense Recovery	0	[1] −173,800	[2] −295,600
Total	769,400	817,900	1,754,600

[1] Pilot Boat recovery $130,600; Dispatching recovery $38,400; Radio Charge Elimination $4,800.
[2] Canada $283,100; Property Rental $12,500.

Table 4 shows the derivation of the proposed rate adjustment, including estimated revenues and expenses. The pilot compensation figure is computed using the pilot workload standards of 1,000 (designated waters) and 2,000 (undesignated waters) hours per pilot per season in conjuction with the projected traffic for 1986, and multiplying the resulting number by the target pilot compensation standards of $77,829 and $58,026.

TABLE 4—ESTIMATED REVENUES AND EXPENSES, AND PROPOSED RATE ADJUSTMENT—1986

	Estimated operating expenses [1]	No. of Pilots [2]	Pilot compensation [3]	Total estimated expenses	Total estimated revenue [4]	Rate adjustment [5] (Percent)
Area I	$384,160	7	$544,803	$928,963	$864,900	7
Area II	385,240	5	290,130	675,370	551,300	23
District 1	769,400	12	834,933	1,604,333	1,416,200	13
Area IV	237,100	6	348,156	585,256	830,400	(29)
Area V	580,800	13	1,011,777	1,592,577	1,415,800	13
District 2	817,900	19	1,359,933	2,177,833	2,246,200	(3)
Area VI	770,200	11	638,286	1,408,486	1,309,400	8
Area VII	501,300	4	311,316	812,616	710,700	14
Area VIII	483,100	7	406,182	889,282	929,000	(4)
District 3	1,754,600	22	1,355,784	3,110,384	2,949,100	6

[1] From Table 3.
[2] From Table 2.
[3] Number of pilots from Table 2 multiplied by the appropriate target pilot compensation figure contained in Table 1.
[4] 1985 revenue based on 1985 rates and traffic.
[5] Items in ( ) are reductions.

We recognize that the rate increase will not be in effect for the entire season, therefore, if the projected traffic and the estimated expense levels are accurate, the pilot compensation target would not be met. However, based on past experience, considerable variation in traffic patterns and expenses are not unusual, therefore, the Coast Guard is not proposing to adjust the rate increases to compensate for the partial season. Additionally, adjustments for a partial season may distort pilotage rates for future years.

Evaluation

These proposed regulations are considered to be non-major under Executive Order 12291 and nonsignificant under DOT regulatory policies and procedures (44 FR 11034, February 26, 1979). A regulatory evaluation has been prepared and placed in the rulemaking docket. It may be inspected or copied at the Marine Safety Council, Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593, between 7:30 a.m. and 3:30 p.m., Monday through Friday. Copies may also be obtained by contacting John J. Hartke, Room 1210, same address, telephone number (202) 426–2985. The estimated cost of this proposal is $384,360. This figure is the amount of additional revenue the U.S. pilots should receive under this regulation based on the projected 1986 traffic and is the increased amount that shippers would have to pay for pilotage services on the Great Lakes. This pilotage rate adjustment would result in an overall

system rate increase of 5.8% if the proposed rate increases were in effect for the entire season. It has been estimated, and widely accepted, that pilotage fees represent somewhere between 2% to 5% of total shipping costs. The estimated 5.8% overall rate increase multiplied by the 5% portion of total shipping costs (assuming the highest end of the scale) equals less than a three tenths of a percent increase in total shipping costs, which will not have a significant impact on the shipping industry. As this proposal would not be in effect for the entire season, the impact for 1986 would be decreased accordingly. The benefit of this rule is the value of avoiding or minimizing costly delays and disruptions in shipping attributable to the failure to retain qualified pilots and to attract new qualified pilots. Almost all of the vessels transiting the system which are required to use registered pilots are foreign flag vessels. Similar size U.S. vessels have daily ship operating expenses in the range of $10,000 to $15,000. Although the daily ship operating expenses for comparable foreign vessels are typically lower, it is clear that delays in transiting the system can result in substantial additional costs to the vessel. The overall efficiency and safety of the pilotage system is enhanced by having an appropriate number of pilots available to provide the required services.

The Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164) requires an initial regulatory flexibility analysis for regulations having a significant economic impact on a substantial number of small entities. Pursuant to section 605(b) of the Act, it is cetified that this regulation will not have a significant economic impact on a substantial number of small entitites.

In the development of this rate adjustment, U.S. and Canadian shipping associations and pilots organizations were consulted.

List of Subjects in 46 CFR Part 401

Administrative practice and procedure, Great Lakes, Navigation (water), Reporting requirements, Seamen.

PART 401—[AMENDED]

In consideration of the foregoing it is proposed that Part 401 of Title 46 of the Code of Federal Regulations be amended as follows:

1. The authority citation for Part 401 continues to read as follows:

Authority: 46 U.S.C. 8105, 9303, 9304; 49 CFR 1.46a.

2. by revising § 401.405 to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under § 401.420, the following basic rates shall be payable for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300.

(a) District 1:

(1) For passage through the District or any part thereof, $10.32 for each statute mile, plus $138 for each lock transited, but with a minimum basic rate of $301 and a maximum basic rate for a through trip of $1,322.

(2) For a movage in any harbor—$453.

(b) District 2:

(1) Southeast Shoal to Toledo or any point on Lake Erie west of Southeast Shoal—$623.

(2) Between points on Lake Erie west of Southeast Shoal—$368.

(3) Southeast Shoal to Port Huron Change Point or any point on the St. Clair River when pilots are not changed at Detroit Pilot Boat—$1,085

(4) Southeast Shoal to Detroit/Windsor or any point on the Detroit River—$623.

(5) Southeast Shoal to Detroit Pilot Boat—$451.

(6) Toledo or any point on Lake Erie west of Southeast Shoal to Port Huron Change Point, when pilots are not changed at Detroit Pilot Boat—$1,257.

(7) Toledo or any point on Lake Erie west of Southeast Shoal to Detroit/Windsor or any point on the Detroit River—$809.

(8) Toledo or any point on Lake Erie west of Southeast Shoal to the Detroit Pilot Boat—$623.

(9) Detroit/Windsor to any point on the Detroit River and between points on the Detroit River—$368.

(10) Detroit/Windsor or any point on the Detroit River to Port Huron Change Point or any point on the St. Clair River—$816.

(11) Detroit Pilot Boat to any point on the St. Clair River—$816.

(12) Detroit Pilot Boat to Port Huron Change Point—$634.

(13) Between points on the St. Clair River—$368.

(14) Port Huron Change Point to any point on the St. Clair River—$451.

(c) District 3:

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corporation Wharf at Sault Ste. Marie, Ontario—$1,129.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario or any point in Sault Ste. Marie, Ontario other than the Algoma Steel Corporation Wharf—$94.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan—$425.

(4) For a movage in any harbor—$425.

3. Section 401.410 is amended by revising paragraph (a), adding a new paragraph (b), and redesignating existing paragraphs (b) and (c) as (c) and (d) respectively, to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (c) of this section, the basic rates for each 6 hour period or part thereof that a U.S. pilot is on board in the undesignated waters shall be:

(1) In Lake Ontario—$243.

(2) In Lake Erie—$266.

(3) In Lakes Huron, Michigan and Superior—$228.

(b) Each time a U.S. pilot performs the docking or undocking of a ship in undesignated waters there is an additional charge of:

(1) In District 1—$232.

(2) In District 2—$205.

(3) In District 3—$217.

(c) Between Buffalo and any point on the Niagara River below the Black Rock Lock—$523

* * * * *

4. Section 401.420 is revised to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) Except as provided in this paragraph, whenever the passage of a ship is interrupted and the services of a U.S. pilot are retained during the period of the interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of $38 for each hour or part of an hour during which each interruption lasts with a maximum basic rate of $601 for each continuous 24 hour period during which the interruption continues. There is no charge for an interruption caused by ice, weather, or traffic, except during the period beginning the 1st of December and ending on the 8th of the following April. No charge shall be made for an interruption if the total interruption ends during the 6 hour period for which a charge has been made under § 401.410.

(b) When the departure or movage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than one hour after

the U.S. pilot reports for duty at the designated boarding point or after the time for which the pilot is ordered, whichever is later, the ship shall pay an additional charge calculated on a basic rate of $38 for each hour or part of an hour including the first hour of the delay, with a maximum basic rate of $601 for each continuous 24 hour period of the delay.

(c) When a U.S. pilot reports for duty as ordered and the order is cancelled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of $227;

(2) A charge for reasonable travel expenses if the cancellation occurs after the pilot has commenced travel; and

(3) If the cancellation is more than one hour after the pilot reports for duty at the designated boarding point or after the time for which the pilot is ordered, whichever is later, a charge calculated on a basic rate of $38 for each hour or part of an hour including the first hour, with a maximum basic rate of $601 for each 24 hour period.

5. Section 401.428 is revised to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point or for boarding at other than the normal boarding point.

If a U.S. pilot is carried beyond the normal change point or is unable to board at the normal boarding point the pilot shall be paid at the rate of $232 per day or part thereof, plus reasonable travel expenses to or from the pilot's base. These charges are not applicable if the ship utilizes the services of the pilot beyond the normal change point and the ship is billed for those services. The change points to which this section applies are designated in § 401.450.

Dated: May 19, 1985

J.W. Kime,

Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc. 86-11539 Filed 5-21-86; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-158, RM-5245]

Radio Broadcasting Services; Boonville, NY

AGENCY: Federal Communications Commission

ACTION: Proposed rule.

SUMMARY: This document request comments on a petition by Oswego-Jefferson Broadcasting to substitute Channel 267A for Channel 268A at Boonville, New York. The change in channel could permit petitioner to relocate its transmitter for a new station on Channel 269A at Pulaski, New York, so as to operate with maximum Class A facilities.

In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Donald E. Martin, Esq., Suite 200, 2000 L Street, NW., Washington, DC 20036 (Counsel to petitioner).

DATES: Comments must be filed on or before June 23, 1986, and reply comments on or before July 8, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-158, adopted April 17, 1986, and released April 30, 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 decison 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is not longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-11485 Filed 5-21-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-159, RM-4979]

Radio Broadcasting Services, Redfield, SD

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document request comments on a petition by Victoria Broadcasting System, Inc. to substitute Channel 279C2 for Channel 279 at Redfield, South Dakota

In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Mark E. Fields, Esq., Miller & Fields, P.C., P.O. Box 33003 Washington, DC 20033 (Counsel to petitioner).

DATES: Comments must be filed on or before June 23, 1986, and reply comments on or before July 8, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20054.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-159, adopted April 17, 1986, and released April 30, 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.

Provisions to the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-11484 Filed 5-21-86; 8:45 am]

BILLING CODE 6712-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 6 and 19

Federal Acquisition Regulation; Small Business Set-Aside Determinations (Rule of Two)

AGENCY: Office of Federal Procurement Policy (OFPP), OMB.

ACTION: Proposed rule.

SUMMARY: OFPP is requesting comments on a proposed change to the Federal Acqusition Regulation (FAR) on Small Business Set-Aside Determinations to implement provisions of the Competition in Contracting Act of 1984 (Pub. L. 98-369).

DATE: Comments are due on or before July 21, 1986.

ADDRESS: All interested parties are invited to comment on this proposed regulation change. Comments should be forwarded to William S. Coleman, Jr., Office of Federal Procurement Policy, OMB, 726 Jackson Place, NW., Washington, DC 20503 on or before July 21, 1986. Mr. Coleman may be contacted by phone on (202) 395-3501.

FOR FURTHER INFORMATION CONTACT: William S. Coleman, Jr., Office of Federal Procurement Policy, OMB, 726 Jackson Place, NW., Washington, DC 20503, (202-395-3501).

SUPPLEMENTARY INFORMATION:

A. Background

Prior to the Federal Acquisition Regulation (FAR), the Federal Procurement Regulation (FPR) and the Defense Acquisition Regulation (DAR) contained different criteria for making a total small business set-aside determination.

The DAR provided that if ". . . there is a reasonable expectation that (i) offers will be obtained from *at least two* responsible small business concerns offering the products of different small business concerns and (ii) awards will be made *at reasonable prices* . . ." a set-aside shall be made. (Emphasis added)

The FPR provide that ". . . there must be a reasonable expectation that bids or proposals will be obtained from *a sufficient number* of responsible concerns, organizations, and individuals so that awards will be made *at reasonable prices.*" (Emphasis added)

When the small business section of the FAR was first published for public comment (July 1982), it contained the FPR "sufficient number" standard. Comments received supported a change to the DAR "rule of two" standard. Accordingly, when the final version of the FAR was published on April 1, 1984, it contained the "rule of two" standard.

In July 1984, following the issuance of the FAR, the Competition in Contracting Act of 1984 (CICA) was passed by Congress and signed into law by the President. The CICA contained the following requirement (section 2732):

". . . the head of each Executive agency shall, in accordance with applicable laws, Government-wide policies and regulations, and good business practices:
(1) increase the use of full and open competition in the procurement of property and services by the executive agency by establishing policies, procedures, and practices that assure that the executive agency receives a *sufficient number* of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements (including performance and delivery schedules) at the *lowest reasonable cost* considering the nature of the property or service procured." (Emphasis added).

The explanatory statement of the managers of the Conference Report on this amendment stated that:

"This requirement applies to all agency procurements, *including those made under set-aside programs." H.R. Rep. No. 98-861, 98th Cong. 2d Sess. 1984. (Emphasis added.)*

On February 21, 1986, OFPP submitted a proposed regulation to the Department of Defense, General Services Administration, and the National Aeronautics and Space Administration, and directed that it be published in the Federal Register for a 30-day comment period. The purpose of the regulation was to replace the "rule of two" criteria now in the FAR with the "sufficient number" criteria specified in the above provision of the Competition in Contracting Act. On March 29, 1986, the Deputy Assistant Secretary of Defense for Procurement advised OFPP that DOD, GSA, and NASA had concluded that ". . . since you have been the proponent of the change, it would be preferable for you to publish the policy directly." Accordingly, pursuant to the authorities granted in section 6 of the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401, et seq.), notice is hereby given that DOD, GSA, and NASA have failed to issue regulations in a timely manner and it is OFPP's intent to prescribe the following proposed regulation in the FAR due consideration of all comments received in response hereto.

B. Regulatory Flexibility Act

The proposed revision of FAR Parts 6 and 19 is not expected to have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.).

Adoption of the "sufficient number/lower reasonable cost" formula should not reduce the number of small business set-asides. Executive branch agencies will continue to be charged with the obligation to insure a fair proportion of Government contracts be placed with small business concerns, as is required by the Business Act. The regulations will still continue to require that contracting officers review acquisitions to determine if they can be set-aside and will still provide for review of proposed acquisitions by procurement center SBA representatives and Small and Disadvantaged Business Utilization Specialists of the contracting agency.

Contracting officials will still evaluate the nature of the proposed buy to determine if it lends itself to performance by small business. They will also continue to review the purchase history of the item or service to determine if it has previously supplied by small business. They will look at the price history and current market information to determine a reasonable cost range for the item or service. After this review, they will determine if a "sufficient number" of offers can be obtained from small business sources to obtain the "lowest reasonable cost," under a procurement reserved exclusively for competition by small business. In fact, the "sufficient number" standard has been utilized for many years in small business set-asides. Prior to the FAR, all civilian agencies utilized the sufficient number standard. DOD's utilization of the "rule of two" commenced only about 5 years before the FAR.

Establishing that an agency will receive the "lowest reasonable cost" under a small business set-aside requires use of the same good judgment by contracting officials as the current standard of "reasonable price." It should be noted that in many instances, small business is the actual manufacturer of the items or suppliers of the service and, as such, is in a better position to respond than large business. Further, Congress has stated that small business set-asides meet the definition of full and open competition (Pub. L. 98-369, the

Competition in Contracting Act of 1984, and Pub. L. 98–577, the Small Business and Federal Procurement Competition Enhancement Act of 1984). Once it is established that reasonable cost can be obtained under a set-aside procurement, procurement officials are then required to award at the lowest reasonable cost. Only under circumstances where the price from a large business would be substantially lower than that proposed by small business would a set-aside be cancelled. This is the case under current regulations as well.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) does not apply because the proposed changes to FAR Parts 6 and 19 do not impose any additional reporting or recordkeeping requirements or collection of information form offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 6 and 19

Government procurement.

It is proposed to amend 48 CFR Parts 6 and 19 as follows:

1. The authority citation for Parts 6 and 19 continues to read as follows:

Authority: 40 U.S.C. 486(c); Chapter 137, 10 U.S.C. and 42 U.S.C. 2453(c).

PART 6—COMPETITION REQUIREMENTS

2. Section 6.101 is amended by adding paragraph (c) to read as follows:

6.101 Policy

* * * * *

(c) 41 U.S.C. 414 requires the establishment of policies, procedures and practices that assure that the executive agency receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements (including performance and delivery schedules) at the lowest reasonable cost considering the nature of the property or service procured. This requirement applies to all agency procurements, including those made under set-aside programs.

PART 19—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

3. Section 19.501 is amended by revising paragraph (g) to read as follows:

19.501 General.

* * * * *

(g) Once a product or service has been acquired successfully by a contracting office on the basis of a small business set-aside, all future requirements of that office for that particular product or service not subject to simplified small purchase procedures shall be acquired by repetitive set-aside if the contracting officer provides a written determination reaffirming that the original basis for concluding that full and open competition, consistent with the provisions of 41 U.S.C. 414, will apply to each subsequent procurement in that class.

* * * * *

4. Section 19.502–2 is revised to read as follows:

19.502–2 Total Set-asides.

The entire amount of an individual acquisition or class of acquisitions, including contracts for architect-engineer services, research, development, test and evaluation, maintenance repair, and construction, except small business-small purchase set-aside, shall be set aside for exclusive small business participation if the contracting officer determines that there is a reasonable expectation that full and open competition, consistent with the provisions of 41 U.S.C. 414, will result. The contracting officer's determination must demonstrate that under set-aside conditions, a sufficient number of responsible small business concerns will respond to fulfill the Government's requirements (including performance and delivery schedules) at the lowest reasonable cost, considering the nature of the property or service acquired. Compliance with the presumption of sufficiency will vary, taking into account the size, character and complexity of each procurement and the pool of prospective bidders. Total set-asides shall not be made unless such a reasonable expectation exists. Although past acquisition history or an item or similar items is important, it is not the only factor to be considered in determining whether a reasonable expectation exists. In determining that an entire class of acquisitions may be set aside, the contracting officer shall provide a written determination establishing the basis for concluding that full and open competition, consistent with the provisions of 41 U.S.C. 414, can be achieved on each procurement in that class, evaluating in detail the quality, timeliness and cost factors noted above.

David F. Baker,

Acting Administrator.

Dated: May 15, 1986.

[FR Doc. 86–11534 Filed 5–21–86; 8:45 am]

BILLING CODE 3110-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 347 (Sub-2)]

Rate Guidelines, Non-Coal Proceedings

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed policy.

SUMMARY: The Commission proposes to adopt maximum rate reasonableness guidelines for captive, non-coal commodities. In addition, the Commission is requesting comments on alternative guidelines for small shippers, including small coal shippers.

DATES: Notices of intent to participate will be due June 2, 1986. A service list will then be prepared and distributed. Comments must be submitted by July 21, 1986. Reply comments will be due 45 days thereafter.

ADDRESS: An original and 15 copies of comments and replies should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

and served on all parties of record.

FOR FURTHER INFORMATION CONTACT:

Leslie J. Selzer, (202) 275–7627;

or

Thomas J. Stilling, (202) 275–7442.

SUPPLEMENTARY INFORMATION: By decision served September 3, 1985, (50 FR 35562) in Ex Parte No. 347 (Sub-No. 1), *Coal Rate Guidelines, Nationwide, (Coal Rate Guidelines)* the Commission adopted guidelines for determining the reasonableness of captive coal rates. During the pendency of that proceeding the Commission, by and large with the concurrence of the affected parties, has deferred decision on much of its maximum rate docket. A petition to set guidelines for commodities other than coal was likewise dismissed as premature.[1] With the conclusion of the

[1] Ex Parte No. 454, *Petition for Determination of Maximum Reasonableness Guidelines for Non-Coal Commodities*, (not printed) served May 3, 1984.

Coal Rate Guidelines rulemaking, maximum rate cases involving coal have now been reactiviated, and it is appropriate to address the issue of standards for non-coal cases on a priority basis.

It was originally thought that the transportation characteristics of coal might be such as to require the adoption of one set of rate review guidelines for coal cases and another set for other commodities. This view reflected the fact that the coal guidelines arose out of a request to set rate standards for high-volume shipments from newly-developed reserves in the Western United States. We acknowledge that the specifics of the guidelines finally adopted are particularly well suited to high-volume, long-term movements, where the cost and complexity of rate regulation are not disproportionate to the public and private interest in developing economically efficient rates. It is our preliminary view, however, that the economic concepts underlying the coal rate guidelines appear to be equally applicable to all other commodities. Nevertheless, we are concerned that shippers of non-coal commodities or small coal shippers may question the viability of the *Coal Rate Guidelines* in their individual situations or the costs of presenting a case under these guidelines. For this reason, we are soliciting comments on these matters.

Shippers of commodities other than coal might argue that the *Coal Rate Guidelines* will not produce reasonable rates in all cases. Thus, the first issue that should be addressed is whether the *Coal Rate Guidelines* should be applied to non-coal rate cases. Just as Constrained Market Pricing, the methodology adopted in *Coal Rate Guidelines*, has several aspects, so does the foregoing issue. Respondents may wish to discuss separately those aspects of the guidelines which are believed to be inapplicable to non-coal commodities. For those rate cases where the *Coal Rate Guidelines* are believed to be inappropriate, respondents are requested to explain the basis for that belief, and to suggest alternatives, either by way of general rules or solutions designed to address specifically the circumstances of known and pending cases. (Any comments of the latter variety should be filed simultaneously in this docket and in the related complaint of investigation proceeding.)

The second issue that should be addressed is whether the use of the *Coal Rate Guidelines* would place upon small shippers (including Coal shippers whose movement are infrequent or small) too great a burden in the form of litigation costs. Notwithstanding the adoption of *Coal Rate Guidelines*, the Commission does not now foreclose the use of any defensible methods relied upon in pre-Staggers Act rate cases, so long as they are consistent with the statute. However, we are particularly concerned with the administrative cost of the rate regulation for small shippers and for isolated movements, and we will entertain all responsible suggestions for minimizing those costs. We are not predisposed against the use of novel solutions, such as the provision of public counsel, or the use of arbitration procedures, but here again we must be able to conclude that the outcome will be consistent with the statute. We will also consider the empanelling of an advisory committee to review our procedures and evidentiary requirements, if there is sufficient support for such an undertaking. Our purpose here is to develop a process that is accessible, inexpensive and consistent with balancing the interests of captive shippers, railroads and the general public. It is important, though, that commenters who suggest alternative treatment and procedures for rate cases involving small shippers, explain how such alternative treatment would be legally defensible.

This human action will not significantly affect either the quality of the human environment or energy conservation.

As we are proposing a general policy, not a rule under 5 U.S.C. 553(b), we need not conduct a separate regulatory flexibility analysis. 5 U.S.C. 604.

Authority: 49 U.S.C. 10301, 10321, 10326, 10701a, 10704, 10707, and 11701, and 5 U.S.C. 553.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre and Lamboley. Commissioner Andre voted to reject the notice as premature. He felt that before considering whether or how to extend the *Coal Rate Guidelines* methodologies to other products, the Commission should give itself and potential commenters a reasonable period to see how, and if they work for coal.

Dated: May 7, 1986.

James H. Bayne,

Secretary.

[FR Doc. 86-11513 Filed 5-21-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13 and 21

Intent To Prepare an Environmental Impact Statement on Proposed Regulatory Changes Dealing With Permits and Migratory Birds, Including Those Implementing the Endangered Species Act Exemption for Certain Raptors, for Raptor Propagation and Special Purpose Permits and Setting Federal Falconry Standards

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Public meeting and request for comments.

SUMMARY: This notice advises the public that the Fish and Wildlife Service (FWS) intends to gather information necessary for the preparation of an Environmental Impact Statement (EIS) for regulatory changes dealing with permit issuance, revocation, amendment and enforcement and with migratory birds, including those regulations and permits implementing the Endangered Species Act exemption for certain raptors; for falconry, raptor propagation and special purposes; and setting Federal falconry standards. This action is of national scope and impact. A notice of intent to review the regulations was published January 4, 1983 (50 FR 518), with an extension of the comment period published February 4, 1985 (50 FR 4877).

A public meeting regarding this proposal and the preparation of the EIS will also be held. This notice is being furnished as required by the National Environmental Policy Act (NEPA) regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and from the public on the scope of the issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

DATES: Written comments are encouraged and should be received by June 23, 1986. A public meeting will be held in Washington, DC, on Tuesday, June 24, 1986, at 9:30 a.m. until 4:00 p.m.

ADDRESSES: Comments should be addressed to: Director, U.S. Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 28006, Washington, DC 20005.

The public meeting on June 24, 1986, will be held in the following location:

The Penthouse, Room 8068, Department of the Interior Building, 18th and C Streets NW., Washington, DC

FOR FURTHER INFORMATION CONTACT: Kathleen King, Enforcement Specialist, U.S. Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 28006, Washington, DC 20005, Telephone: (202) 343–9242.

SUPPLEMENTARY INFORMATION: Kathleen King is the primary author of this document. FWS, Department of the Interior, proposes changes in the regulations which govern the issuance, revocation, amendment, administration and appeal procedures related to all general permits issued by FWS and is considering especially proposal of changes related to permits and regulations related to migratory birds, including those which implement exemptions allowed certain raptors by the Endangered Species Act of 1973, as amended; which govern falconry, raptor propagation and special purpose activities with those raptors, and which set Federal falconry standards. In 1983 certain changes were implemented in the migratory bird regulations which allowed specific activities related to falconry and raptor propagation, including regulations related to marking of individual birds taken or captive bred and the sale, exchange, or barter of certain raptors. The changes also imposed recordkeeping and reporting duties upon permittees and subjected them to the requirements of inspections as a condition of the permit.

The FWS, based upon enforcement experience and public comments, is considering whether to eliminate sales of raptors, to eliminate sales of selected species which are endangered or threatened or otherwise specially protected, to eliminate controls on all but a few raptor species when the raptors are subject to uses for falconry or raptor propagation purposes, or to impose fees for permit issuance and inspections. Any changes in the taking requirements would be limited to concepts of uses of live raptors; no consideration will be given to allowing expansion of taking as part of a hunting or any other procedure involving killing of the birds. The FWS has received diverse comments since implementation of the 1983 changes in the regulations and wishes to be responsive, within its statutory mandate to protect and conserve migratory species, to genuine public concern.

It is the FWS position that the key to effective protection and conservation lies in effective and efficient regulatory mechanisms to achieve statutory protections. Faced with budget and personnel limitations, the FWS must identify ways and means to accomplish statutory responsibilities within those constraints; further, the FWS is advised that the states, which usually share burdens of enforcement in areas of wildlife protection, face similar diminishments in funds and people to protect wildlife resources. The FWS therefore solicits public participation and contribution to its review of a need for regulatory reform related to the permit process and especially to the migratory bird permits and regulations related to the take, use, possession, transportation, barter, sale, exchange and propagation of raptors. Before making a decision upon changes in the existing regulations, the Service desires to identify all possible alternatives and to asess potential environmental impacts of any selected alternatives.

The first obvious alternative is to take no action, leaving the present regulations in place. However, the FWS has received complaints that the present regulations either are too onerous upon those persons who desire or who do possess raptors for falconry or raptor propagation purposes or are not sufficiently strict to protect the species. Biological data for some species of raptors indicate that they are apparently doing well and may not require the same classes or degrees of regulatory protection that other species may; the sufficiency and reliability of these data must be assessed. Enforcement experience indicates that some regulatory requirements may not be effective, or may benefit from technical advances or changes that may increase effectiveness, particularly in the areas of identification and marking of raptors or in recordkeeping and reporting requirements. Enforcement experience also indicates that administrative procedures related to the permit process and to other requirements require updating. All of these observations suggest that other alternatives should be identified and public reaction solicited as part of the scoping process before decisions related to changes are made.

Therefore, the FWS solicits written comments upon the issues outlined, including proposed solutions or alternatives, and invites public participation at the public meeting to discuss, explain, elaborate upon, or question the commentors and the issues.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), NEPA Regulations (40 CFR 1500–1508), other appropriate Federal regulations, and FWS procedures for compliance with those regulations.

We estimate that the Draft Environmental Impact Statement (DEIS) will be made available to the public by December 15, 1986.

Dated: May 14, 1986.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86–11255 Filed 5–21–86; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 51, No. 99
Thursday, May 22, 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.

ACTION

Student Service-Learning Project Guidelines; Final Notice

AGENCY: ACTION.

ACTION: Final Notice of Student Service-Learning Project Guidelines.

SUMMARY: This notice outlines the guidelines under which student service-learning projects will operate. The Guidelines are divided into seven parts which deal with the overall program philosophy, responsibilities of the sponsor, staff, volunteers, and volunteer placement sites. It also includes basic data on the administration of a student service-learning project.

DATE: The student service-learning project guidelines shall take effect July 7, 1986.

FOR FURTHER INFORMATION CONTACT: Suzanne Gibson Wise, Director of VISTA/Service-Learning Programs, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C., (202) 634–9445.

SUPPLEMENTARY INFORMATION: Section 420 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5060) was amended in 1979 to define the term regulation and to detail the procedures to be followed in prescribing regulations. Through its broad definition of a regulation, the section requires that "any rule, regulation, guidelines, interpretation, order, or requirement of general applicability" issued by the Director of ACTION must be published with a 30 day comment period. These guidelines, although not regulations under the Administrative Procedure Act (5 U.S.C. 551, et seq.), may, in whole or in part, be required by our Act to be published in proposed form for comments.

The student service-learning project guidelines were published in proposed form in the **Federal Register** for comment on March 17, 1986 (51 FR, 9083–9086).

ACTION has determined that student service-learning project guidelines are not major rules as defined in E.O. 12291. This determination is based on the proposed grants' size and purpose, neither of which will result in the economic impact of a major rule.

Student service-learning project guidelines are noted in the Catalog of Federal Domestic Assistance, number 72.005.

Discussion of Comments and Response

The Agency received one comment from the general public recommending that each project application discuss anticipated learning outcomes and specific ways in which those outcomes will be achieved. This selection criterion has been added to Part III, Item f.

Agency staff questioned the lack of specific age restrictions in the guidelines, indicating that a "student" could be of any age, not necessarily young. No such restriction is included since it is felt that the target age group is adequately identified by statements cited in Section II, such as "It is the intent of student service-learning projects to join community, school and *youth* in developing the scope and nature of volunteer experiences . . .," and, "Student volunteers must be enrolled in secondary, secondary vocational or post-secondary schools on an in-school or out-of-school basis." Additionally, Section IIIe, states: "Community representation in the project's operation, including representatives of *youth groups*, school systems, educational institutions, etc., must be identified in the grant application" (emphases added).

Student Service-Learning Project Guidelines

I. Introduction

This Notice sets forth the guidelines under which student service-learning projects will operate. Student service-learning project guidelines are contained in seven parts:

Part I—Introduction
Part II—Purpose
Part III—Grantee Eligibility and Selection Criteria
Part IV—Grant Application Procedures
Part V—Project Management
Part VI—Student Volunteer Assignments
Part VII—Restrictions

These guidelines supersede Young Volunteers in ACTION (YVA) Program Guidelines published in the **Federal Register**, dated August 12, 1982, and instructions and technical assistance provided to grants previously awarded under Title I, Part B of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113). However, existing YVA grantees eligible for second year renewal will be permitted to apply for second year funding under YVA Program Guidelines published in the **Federal Register** dated August 12, 1982, and must abide by requirements and procedures as outlined therein.

II. Purpose

Student service-learning projects are authorized under Title I, Part B, Sec. 111 and Sec. 114 of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113). The statutory purpose of student service-learning projects is to encourage students to undertake volunteer service in their communities in such a way as to enhance the educational value of the service experience, through participation in activities which address poverty-related problems. Student volunteers must be enrolled in secondary, secondary vocational or post-secondary schools on an in-school or out-of-school basis. They serve on a part-time, non-stipended basis.

Service opportunities must result in student volunteers gaining experiences through service in poverty communities which relate to classroom, vocational, or other learning needs.

It is the intent of student service-learning projects to join community, school and youth in developing the scope and nature of volunteer experiences which serve the needs of poverty communities while securing resources by which the effort can be continued and expanded after federal support ends.

Local communities should determine what their problems are and how best to solve them. ACTION resources can be made available to assist in helping communities solve some of their problems through fostering student volunteer service. The community must generate increasing resources to enable the project to continue once ACTION grant funds are no longer provided. Technical assistance and training in project management, fund raising and recruiting will be provided by ACTION as required.

III. Grantee Eligibility and Selection Criteria

The following criteria will be employed by ACTION staff in the selection and approval of student service-learning projects:

a. The applicant must be a Federal, State, or local agency, or private non-profit organization or foundation in the United States, the District of Columbia, Virgin Islands, Puerto Rico, American Samoa, or Guam, which has the authority to accept and the capability to administer a student service-learning project grant.

b. Student volunteer activities must be poverty-related in scope and otherwise comply with the provisions of the legislative authority outlined in Part II.

c. Grant funds must be used to initiate or expand a student volunteer service-learning project which addresses the needs of the low-income community.

d. The grantee must develop and maintain community support for the student service-learning project through a planned program including public awareness and communications.

e. Community representation in the project's operation, including representatives of youth groups, school systems, educational institutions, etc., must be identified in the grant application

f. The grant application must demonstrate that project goals and objectives are quantifiable, measurable, and show benefits to the student volunteers and to the low-income community. It must describe the expected learning outcomes which will result from the service experience. The projected number of student volunteers who will serve in the project and hours of service are to be included in project goals and objectives.

g. The grant application must demonstrate how student volunteers will be recruited and how they will receive orientation appropriate to their assignments.

h. The grantee must identify resources which will permit continuation of the service-learning project upon the conclusion of Federal funding as outlined in Part II.

i. The grantee must comply with all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. This does not refer to agreements made with volunteer placement sites as discussed in Part VI. This includes compliance with applicable financial and fiscal requirements established by ACTION or other elements of the Federal government.

j. The grantee must ensure compliance with the restrictions outlined in Part VII.

IV. Grant Application Procedures

A. Scope of Grant

Student service-learning project grants are awarded for up to a twelve month period. Requests for second or third year reduced funding can be sought by grantees. Maximum federal awards over a period of three years are up to $15,000 for the first year, up to $10,000 for the second, and up to $5,000 for the third. The grantee is required to contribute a local share of at least $3,000 each year. Final determination of the actual amount of grant awards rests with the ACTION Regional Director.

ACTION seeks sponsoring organizations which can demonstrate the ability to raise sufficient local support in order to achieve 100% non-ACTION funding of their student service-learning projects after Federal funding ends.

Applicants for new or renewal grants must comply with the provisions of Executive Order 12372, the "Intergovernmental Review of Federal Programs and Activities" as set forth in 45 CFR Part 1233. ACTION State Offices will provide applicant organizations with technical assistance regarding this requirement.

B. Procedures for New Grantees

Project application forms are available from ACTION State or Regional Offices which will also establish schedules for application submission. Grant allowable costs are contained in ACTION Handbook 2650.2, *Grants Management Handbook for Grantees*, which is available from the ACTION State or Regional Offices.

Applications will be submitted to the appropriate ACTION State Office for programmatic and technical review. ACTION Regional Offices will review all new applications recommended for funding by the State Offices and send them, along with Regional recommendations, to the Director of VISTA/Service-Learning Programs. The Director of VISTA/Service-Learning will render final decisions on new student service-learning project grant applications.

Regional Grants and Contracts Officers will issue Notices of Grant Awards upon notification from the Director of VISTA/Service-Learning Programs.

C. Procedures for Renewal Grantees

Applications for renewal will be evaluated using the factors identified in selecting initial grantees, as well as the grantee's compliance with these guidelines and the grantee's performance during the previous year(s), particularly in the achievement of measurable goals and objectives. All project renewals are subject to the availability of funds.

Renewal applications from first and second year grantees are reviewed at the ACTION State Office level and submitted to the ACTION Regional Director for final approval.

If the renewal application is denied, the sponsor will be notified that ACTION intends to deny the application for renewal and the sponsor will be given an opportunity to show cause why the application should not be denied in accordance with 45 CFR Part 1206. This regulation is available from ACTION State or Regional Offices.

V. Project Management

Sponsors shall manage grants awarded to them in accordance with the provisions of these guidelines and ACTION Handbook 2650.2, *Grants Management Handbook for Grantees*, which will be furnished the sponsor at the time the initial grant is awarded.

Project support provided under an ACTION grant will be furnished at the lowest possible cost consistent with the effective operation of the project. Project costs for which ACTION funds are budgeted must be justified as being essential to project operation.

A. Local Support Contributions

The student service-learning project sponsor shall be responsible for providing at least $3,000 in non-federal share contribution for each year of the grant's operation. This amount can be obtained through cash and/or allowable in-kind contributions.

Local share can include, but is not limited to, cash or in-kind contributions such as office space, office equipment, supplies, accounting services, insurance, vehicles, telephones, printing, postage, recognition, travel and personnel which directly benefit the project.

B. Reporting Requirements

Sponsors must comply with fiscal reporting requirements as outlined in ACTION Handbook 2650.2 and must maintain records in accordance with generally accepted accounting principles. Records shall be kept available for inspection at the request of ACTION and shall be preserved for at least three years following the date of submission of the final Financial Status Report for each budget period.

If any litigation, claim, or audit is started before the expiration of the 3-

year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

A quarterly project progress report shall also be submitted to the ACTION State Office no later than 30 days after the end of each project quarter. The report shall include, but not be limited to, the following items:

1. A comparison of actual accomplishments with the goals and objectives established for the period.
2. The number of volunteers participating in the project during the quarter.
3. The number of volunteer hours generated during the quarter.
4. Problems, delays, or adverse conditions that have affected or will affect the attainment of project objectives.

C. Insurance

Grantees are responsible for ensuring that student volunteers, while performing their assignments, have adequate accident, personal liability, and automobile liability insurance coverage consistent with other insurance maintained by the organization, and with sound institutional and business practices.

D. Transportation

The sponsor should structure student volunteer assignments to minimize transportation expenses and requirements.

When transportation is not provided, volunteers may be reimbursed for actual costs within the limitations prescribed by the local project and the availability of funds.

E. Project Staff

Each grantee will designate a person to serve as the Project Director. A full-time Director is desirable yet fiscal realities or project needs may dictate otherwise. A rationale for less than a full-time Project Director must be included with the project application. Supervision of the Project Director is the responsibility of the sponsor.

Student service-learning project staff are employees of the grantee organization and are subject to its personnel policies and practices.

F. Community Relations

1. Public Awareness: A strong community relations program ensures public awareness of start-up and continuing project activities. It is essential for the successful recruiting of volunteers and for the recognition of volunteer service. The project sponsor and Project Director should inform community, city and county officials, and the media about development, growth and success of the student service-learning project.

2. Volunteer Recognition: With the participation of the sponsor, the staff, and volunteer placement sites, recognition should be given to student volunteers for service to the community. Projects can also provide recognition to local individuals and agencies or organizations for significant activities in support of project goals.

3. Community support: A viable community support system needs to be initiated to ensure project success and project continuation without Federal funds. Project support may be sought from school districts, governmental entities, religious and service groups, United Way, foundations, the business community, youth organizations, etc. One method of enlisting and maintaining community support for the project's operation is through the establishment of a project advisory council and/or working committee of the sponsor's board.

VI. Student Volunteer Assignments

Student volunteers are assigned to serve low-income communities in a variety of ways. Local sponsors are expected to develop volunteer service opportunities taking into consideration the focus of the project, the age, skills, and interests of student volunteers, as well as the value of the learning experience itself.

Clear understanding concerning the responsibilities of volunteer placement sites must be reached between representatives of the grantee's project staff and the volunteer site supervisor. Agreements may be formally arranged through the utilization of a Memorandum of Understanding, a Letter of Agreement or other means.

A formal agreement between the project staff and volunteer site will greatly assist the staff and volunteers in the management of volunteers. Issues and responsibilities concerning volunteer orientation/training, volunteer transportation, recognition and reporting of service hours, are functions outlined in this agreement.

VII. Restrictions

A. Special Restrictions on Student Service-Learning Project Grantees

1. *Political Activities:* a. Grant funds shall not be used to finance, directly or indirectly, any activity to influence the outcome of any election to public office or any voter registration activity.

b. No project shall use grant funds to provide services, employ or assign personnel or volunteers for, or take any action which would result in the identification or apparent identification of the project with:

(1) Any partisan or non-partisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office;

(2) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any election; or

(3) Any voter registration activity.

2. *Lobbying:* a. No grant funds or volunteers may be used by the sponsor in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except as follows:

(1) In any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests a student volunteer, a sponsor chief executive, his or her designee, or project staff to draft, review, or testify regarding measures or to make representations to such legislative body, committee, or member; or

(2) In connection with an authorization or appropriation measure directly affecting operation of the program.

Regulations found in 45 CFR Part 1226, "Prohibitions On Electoral and Lobbying Activities," apply fully hereto, and provide further details on the limitations of political and lobbying activities that apply to volunteers and sponsors. Each grantee is obliged to know, and communicate to staff and volunteers, the prohibitions included therein.

3. *Special Restriction on State or Local Government Employees:* If the sponsor receiving a grant from ACTION is a state or local government agency, certain restrictions contained in Chapter 15 of Title 5 of the United States Code are applicable to persons who are principally employed in activities associated with the project. The restrictions are not applicable to employees of educational or research institutions. An employee subject to these restrictions may not:

a. Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.

b. Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes; or

c. Be a candidate for elective office, except in a non-partisan election. "Non-partisan election" means an election at

which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential election received votes in the last preceding election at which Presidential electors were selected.

If a project staff member, whose salary is traceable in whole or in part to an ACTION grant, is also a State or local government employee, the staff member is covered by provisions of the Hatch Act, restricting in many instances public participation in partisan political activities. Questions about the coverage of the Hatch Act may be addressed to the Office of General Counsel, ACTION, Washington, DC 20525.

4. *Non-discrimination:* No person with responsibility for the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

5. *Religious Activities:* Volunteers and project staff funded by ACTION shall not give religious instruction, conduct worship services, or engage in any form of proselytization as part of their duties.

6. *Labor and Anti-Labor Activity:* No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

7. *Non-displacement of Employed Workers:* A student volunteer may not perform any service or duty which would supplant the hiring of workers who would otherwise be employed to perform similar services or duties; or result in the displacement of employed workers or impair existing contracts for service.

8. *Non-compensation for Services:* No volunteer or other person, organization, or agency shall request or receive any compensation for services of student volunteers. No volunteer site or any member or cooperating organization shall be requested or required to contribute or to solicit contribution to establish any part of a local share. This does not prevent the acceptance of cash contributions made voluntarily and without condition to the grantee for legitimate charitable purposes.

9. *Volunteer Status:* Student volunteers are not employees of the sponsoring organization or the U.S. Government while volunteers.

10. *Nepotism:* Persons selected for project staff positions may not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors unless there is concurrence by ACTION.

(42 U.S.C. 4974)

Following is an address list of ACTION Regional Offices, along with the addresses of ACTION State Offices under their jurisdiction:

Region I

ACTION Region Office, 441 Stuart Street, 9th Floor, Boston, MA 02116
ACTION State Office, Abraham Ribicoff Fed. Bldg., 450 Main St., Rm 524, Hartford, CT 06103
ACTION State Office, Federal Bldg., Rm 210, 76 Pearl Street, Portland, ME 04101
ACTION State Office, 441 Stuart Street, 9th Floor, Boston MA 02116

(New Hampshire/Vermont)

ACTION State Office, Federal Post Office & Courthouse, 55 Pleasant Street, Rm 316, Concord, NH 03301
ACTION State Office, John E Fogarty Bldg., Rm 200, 24 Weybosset Street, Providence, RI 02903

Region II

ACTION Region Office, Jacob K. Javits Fed. Bldg., 26 Federal Plaza, Suite 1611, New York, NY 10278
ACTION State Office, 402 East State St., Rm 246, Broad Street Bank Bldg., Trenton, NJ 08608

(Metropolitan New York)

ACTION State Office, Jacob K. Javits Fed. Bldg., 26 Federal Plaza, Suite 1609, New York, NY 12207

(Upstate New York)

ACTION State Office, US Courthouse & Federal Bldg., 445 Broadway, Room 103, Albany, NY 12207

(Puerto Rico/Virgin Islands)

ACTION State Office, Frederico Gatau Federal Ofc. Bldg. Carlos Chardon Avenue, Suite 662, Hato Rey, PR 00918

Region III

ACTION Region Office, U.S. Customs House, 2d and Chestnut St., Rm 108, Philadelphia, PA
ACTION State Office, Federal Building, Room 372–D, 600 Federal Place, Louisville, KY 40202
ACTION State Office, Federal Office, Federal Building, 31 Hopkins Plaza, Room 918H, Baltimore, MD 21201
ACTION State Office, Federal Building, Room 500, 85 Marconi Blvd., Columbus, OH 43215
ACTION State Office, US Customs House Room 108, 2d and Chestnut Streets, Philadelphia, PA 19106

(Virginia/Dist. of Columbia)

ACTION State Office, 400 North 8th Street, P.O. Box 10066, Richmond, VA 23240

Region IV

ACTION State Office, 603 Morris Street, 2d Floor, Charleston, WV 25305
ACTION Region Office, 101 Marietta St., N.W., Suite 1003, Atlanta, GA 30323
ACTION State Office, 2121 8th Avenue North, Rm 722, Birmingham, AL 35203
ACTION State Office, 930 Woodcock Road, Suite 221, Orlando, FL 32803
ACTION State Office, 75 Piedmont Ave., NE, Suite 412, Atlanta, GA 30303
ACTION State Office, Federal Building, Rm 1005–A, 100 West Capital Street, Jackson, MS 39269
ACTION State Office, Federal Bldg., P.O. Century Station, 300 Fayetteville Street Mall, Rm 131, Raleigh, NC 27601
ACTION State Office, Federal Building, Room 872, 1835 Assembly Street, Columbia, SC 29201
ACTION State Office, Federal Bldg./US Courthouse, 801 Broadway, Room 246, Nashville, TN 37203

Region V

ACTION Region Office, 10 West Jackson Blvd., 3rd Floor, Chicago, IL 60604
ACTION State Office, 10 West Jackson Blvd., 3rd Floor, Chicago, IL 60604
ACTION State Office, 46 East Ohio Street, Room 457, Indianapolis, IN 46204
ACTION State Office, Federal Building, Room 339, 210 Walnut, Des Moines, IA 50309
ACTION State Office, Federal Bldg., Room 652, 231 West Lafayette Blvd., Detroit, MI 48226
ACTION State Office, Old Federal Bldg., Room 126, 212 Third Avenue South, Minneapolis, MN 55401
ACTION State Office, 517 East Wisconsin Ave., Rm 601, Milwaukee, WI 53202

Region VI

ACTION Region Office, 1100 Commerce, Rm 6B11, Dallas, TX 75242
ACTION State Office, Federal Building, Room 2506, 700 West Capitol Street, Little Rock, AR 72201
ACTION State Office, Federal Building, Room 171, 444 S.E. Quincy, Topeka, KS 66603
ACTION State Office, 626 Main Street, Suite 102, Baton Rouge, LA 70801
ACTION State Office, Federal Office Building, 911 Walnut, Room 1701, Kansas City, MO 64106
ACTION State Office, Federal Building, Cathedral Place, Room 129, Santa Fe, NM 87501
ACTION State Office, 722 North Broadway, Room 101, Oklahoma City, OK 73102
ACTION State Office, 611 East Sixth Street, Suite 107, Austin, TX 78701

Region VIII (No Region VII)

ACTION Region Office, Executive Tower Bldg., Su 2930, 1405 Curtis Street, Denver, Colorado 80202
ACTION State Office, Columbine Bldg., Room 301, 1845 Sherman Street, Denver, CO 80203
ACTION State Office, Federal Building, Room, 8036, 2120 Capitol Avenue, Cheyenne, WY 82001
ACTION State Office, Federal Bldg., Drawer 10051, 301 South Park, Room 192, Helena, MT 59626
ACTION State Office, Federal Bldg., Room, 293, 100 Centennial Mall North, Lincoln, NE 68508

(North & South Dakota)

ACTION State Office, Federal Building, Room, 213, 225 S. Pierre Street, Pierre, SD 57501

ACTION State Office, U.S. Post Office & Courthouse, 350 South Main St., Room 107, Salt Lake City, UT 84101

Region IX

ACTION Region Office, 211 Main Street, Rm 530, San Francisco, CA 94105

ACTION State Office, 522 North Central, Room 205–A, Phoenix, AZ 85004

ACTION State Office, 211 Main Street, Room 534, San Francisco, CA 94105

ACTION State Office, Federal Bldg, Room, 14218, 11000 Wilshire Blvd., Los Angeles, CA 90024

(Hawaii/Guam/American Samoa)

ACTION State Office, Federal Building, P.O. Box 50024 Honolulu, HI 96850

ACTION State Office, 4600 Keitzke Lane, Suite E–141, Reno, NV 89502

Region X

ACTION Region Office, 909 First Avenue, Seattle, WA 98174

ACTION State Office, The Alaska Center, Suite 340, 1020 Main Street, Boise, ID 83702

(Alaska)

ACTION State Office, Federal Office Building, 909 First Avenue, Suite 3039, Seattle, WA 98174

ACTION State Office, Federal Bldg., Room 647, 511 N.W. Broadway, Portland, OR 97209

ACTION State Office, Federal Office Building, 909 First Avenue, Suite 3039, Seattle, WA 98174

Signed in Washington, D.C., this 14th day of May, 1986.

Donna M. Alvarado,

Director.

[FR Doc. 86–11182 Filed 5–21–86; 8:45 am]

BILLING CODE 6050–28–M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement Regarding Management of Historical Properties, Operation and Management of the Chief Joseph Dam Project, Washington

AGENCY: Advisory Council and Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memoradum of Agreement pursuant to § 800.8 of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), wjth the Seattle District, Corps of Engineers, and the Washington State Historic Preservation Officer for the management of historical properties affected by the operation and maintenance of the Chief Joseph Dam project in eastern Washington. The proposed Programmatic Memorandum of Agreement will establish mechanisms by which historical properties will be identified, evaluated, monitored, and protected in order to meet the requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

Comments Due: June 23, 1986.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, Western Division of Project Review, Suite 450, 730 Simms Street, Golden, Colorado 80401.

Dated: May 16, 1986.

John M. Fowler,

Acting Executive Director.

[FR Doc. 86–11530 Filed 5–21–86; 8:45 am]

BILLING CODE 4310–10–M

Meeting

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with § 800.6(d)(3) of the regulations of the Advisory Council on Historic Preservation, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that a panel of five members of the Council will meet on May 30, 1986 to consider the proposed construction of a visitors' center and parking facility at Arlington National Cemetery, Arlington, Virginia by the U.S. Army Corps of Engineers. It has been determined that this undertaking will adversely affect the Arlington House, Arlington National Cemetery, the Lincoln Memorial, and the Arlington Memorial Bridge. These properties are either included in or eligible for inclusion in the National Register of Historic Places. This review by the Council is taking place in accordance with Section 106 of the National Historic Preservation Act. The meeting will be held in Room M–07, in the Old Post Office Building, 1100 Pennsylvania Avenue, NW, Washington, DC at 9:00 a.m.

The panel will consider written and oral statements from concerned parties. Written statements should be submitted to the Council by May 26, 1986. Persons wishing to make oral statements should notify the Council by May 26, 1986.

Additional information concerning the meeting or submission of statements is available from: The Executive Director, Advisory Council on Historic Preservation, The Old Post Office Building, 1100 Pennsylvania Ave., NW, Washington, DC 20004 (202–786–0505); ATTN. Ms. Eleni Silverman.

Dated: May 21, 1986.

John M. Fowler,

Acting Executive Director.

[FR Doc. 86–11740 Filed 5–21–86; 10:29 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Forest Service

Mount St. Helens Scientific Advisory Board; Meeting

The Mount St. Helens Scientific Advisory Board will meet at 9:30 a.m., July 10, 1986, at the Forest Supervisor's Office, Gifford Pinchot National Forest, 500 West 12 Street, Vancouver, Washington 98660, to receive information on and discuss the following:

1. A review of the recommendation made on July 7, 1983, to place a 5-year moratorium on fish stocking of lakes within the National Volcanic Monument (NVM).
2. A review of the recommendation made on July 7, 1983, to place a 5-year moratorium on removal of natural blockages to anadromous fish migrations in the Green River.
3. Discussion of the NVM Science Panel as recommended by the Comprehensive Management Plan.
4. Initiate plans for NVM Research Workshop in Fall 1986.
5. Open discussion of topics of interest to the Advisory Board.

The meeting will be open to the public. Persons who wish to make a statement to the Board should notify Dr. Jack K. Winjum, Chairperson, c/o Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660, 206–696–7570. Written statements may be filed with the Board before or after the meeting.

Dated: May 14, 1986.

Allan O. Lampi,

Acting Regional Forester.

[FR Doc. 86–11488 Filed 5–21–86; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409), we are giving notice that the Census Advisory Committee on Agriculture Statistics will convene on June 19, 1986, at 9 a.m. The

Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This Committee advises the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents associated with agricultural production; prepares recommendations regarding the contents of agricultural reports; and presents the views and needs for data of major agricultural organizations and their members, and other suppliers of agricultural statistics.

The Committee is composed of 20 members appointed by the presidents of the nonprofit organizations having representatives on the Committee and a representative from the Department of Agriculture.

The agenda for the meeting, which is scheduled to adjourn at 4 p.m., is: (1) Introductory remarks by the Director, Bureau of the Census; (2) staff changes and Census Bureau organization; (3) update on the Census Bureau's agriculture programs; (4) 1987 Agriculture Census content test results; (5) 1987 Agriculture Census content and collection procedure; (6) computer bulletin board and compact disc-read only memory demonstrations; (7) 1987 Agriculture Census methodology; and (8) Committee recommendations.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days before the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. George Pierce, Agriculture Division, Bureau of the Census, Room 3009, Federal Building 4, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763–7731.

Dated: May 16, 1986.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 86–11505 Filed 5–21–86; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Short Supply Review on Certain Steel Wire Rope; Request for Comments

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short supply determination under Article 8 of the U.S.-EC Arrangement on Certain Steel Products with respect to certain steel wire rope.

EFFECTIVE DATE: Comments must be submitted no later than June 2, 1986.

ADDRESS: Send all comments to Nicholas C. Tolerico, Acting Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th ad Constitution Ave., NW, Washington, D.C. 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW, Washington, D.C. 20230, Room 3099, (202) 377–0159.

SUPPLEMENTARY INFORMATION: Article 8 of the U.S.-EC Arrangement on Certain Steel Products provides that if the U.S. ". . . determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such product . . . ."

We have received a short supply request for certain high strength steel wire rope, whether or not galvanized, with nominal diameters ranging from ⅝ to 1¼ inches, that is used as hoist lines for offshore rig and platform cranes.

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

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly identify that portion of their submission and also provide a non-proprietary submission which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B–099 at the above address.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

May 16, 1986.

[FR Doc. 86–11561 Filed 5–21–86; 8:45 am]

BILLING CODE 3510-DS-M

Industrial Nitrocellulose From France; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request by Societe Nationale des Poudres et Explosifs, the Department of Commerce has conducted an administrative review of the antidumping duty order on industrial nitrocellulose from France. The review covers the one known exporter of this merchandise to the United States and the period May 13, 1983 through July 31, 1984. The review indicates the existence of *de minimis* dumping margins for the period.

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the calculated differences between United States price and foreign market value.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 22, 1986.

FOR FURTHER INFORMATION CONTACT: Craig Daugherty of Linnea Bucher, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2923.

SUPPLEMENTARY INFORMATION:

Background

On August 10, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 36303) and antidumping duty order on industrial nitrocellulose from France. The Department received a request for an administrative review from Societe Nationale des Poudres et Explosifs ("SNPE"), in accordance with § 353.53a(a) of the Commerce Regulations, and we published a notice of initiation of the antidumping duty administrative review in the **Federal Register** on November 27, 1985 (50 FR 48825).

Scope of the Review

Imports covered by the review are shipments of industrial nitrocellulose containing between 10.8 and 12.2 percent nitrogen. Industrial nitrocellulose is a dry, white, amorphous synthetic chemical produced by the action of nitric acid on cellulose. The product comes in several viscosities and is used to form films in lacquers, coatings, furniture finishes and printing

inks. Such merhandise is currently classifiable under item 445.2500 of the Tariff Schedules of the United States Annotated. The review covers the one known French exporter of industrial nitrocellulose to the United States, Societe Nationale des Poudres et Explosifs, and the period May 13, 1983 through July 31, 1984.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act of 1930 ("the Tariff Act"). Purchase price was based on the c.i.f. packed price to unrelated purchasers in the United States. We made deductions, where applicable, for foreign inland freight, foreign inland insurance, foreign brokerage and handling, ocean freight and marine insurance. No other deductions were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market at or above the cost of production to provide a basis of comparison. Home market price was based on the packed, delivered price to unrelated purchasers in the home market. We made adjustments, where applicable, for inland freight, inland insurance, rebates, commissions, differences in the physical characteristics of the merchandise, credit and packing.

No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that a weighted-average margin of .17 percent exists for SNPE for the period May 13, 1983 through July 31, 1984.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of issues raised in any such comments or hearing.

The Department shall determine, and the Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, since the margin for SNPE is less than 0.5 percent and therefore *de minimis* for cash deposit purposes, the Department shall not require a cash deposit of estimated antidumping duties, as provided for by § 353.48(b) of the Commerce Regulations, on shipments of French industrial nitrocellulose entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53a of the Commerce Regulations (19 CFR 353.53a; 50 FR 32556, August 13, 1985).

Dated: May 16, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-11560 Filed 5-21-86; 8:45 am]

BILLING CODE 3510-DS-M

[Docket Numbers 2639-01, 2639-02, 2639-03]

Export Privileges in the Matter of Suin, S.A., et al.

Order

On May 13, 1986, the Administrative Law Judge entered an Order adopting and implementing the consent proposal submitted by the parties in the above matter. The Order was referred to me pursuant to section 13(c) of the Export Administration Act of 1979, 50 U.S.C. app. 2401-2420 (1982), as amended, for final action.

Having examined the record and based on facts adduced in this case, I affirm the Order of the Administrative Law Judge. This constitutes final agency action in this matter.

Dated: May 20, 1986.

Paul Freedenberg

In the matter of Suin, S.A., SIC, S.A., Carlos Mira Gallart, Respondents.

Appearance for Respondents: Mark N. Rae, Esq., Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, DC 20036

Appearance for Government: Thomas C. Barbour, Esq., Office of the Assistant General Counsel for Export Administration, U.S. Department of Commerce, Washington, DC. 20230.

Order

By Charging Letter dated March 29, 1984, the Office of Export Enforcement (OEE), International Trade Administration, United States Department of Commerce (Agency), initiated an administrative proceeding [1] against Carlos Mira Gallart (also known as Carlos Mira), SIC, S.A. and Suin, S.A. (hereinafter collectively referred to as Respondents) pursuant to sections 11(c) and 13(c) of the Export Administration Act of 1979, (50 U.S.C. app. 2401-2420 (1982), as amended by the Export Administration Act Amendments of 1985, Pub. L. 99-64, 99 Stat. 120 (July 12, 1985)) (the Act), and the Export Administration Regulations (15 CFR Parts 368-399 (1985)) (the Regulations), alleging that: (1) between December 20, 1978 and October 22, 1980, Respondents reexported or caused to be reexported from Spain to Bulgaria seven shipments of U.S.—origin integrated circuit testing equipment without having obtained reexport authorization from the Office of Export Administration which Respondents knew, or had reason to know, was required, and (2) on April 15, 1980, and March 3, 1982, Respondent Mira made false representations of material facts to United States Government officials in the course of an investigation under the Act.

The Agency and Respondents having entered into a Consent Agreement whereby the parties have agreed to settle this matter: (1) By Respondents' paying to the Agency a civil penalty of $80,000; and (2) by denying Respondents' export privileges for a period of 10 years following the date of entry of this Order.

I find that these terms are sufficient to achieve effective enforcement of the Act and;

It Is Therefore Ordered,

First, that Respondents shall pay to the Agency a civil penalty of $80,000. Payment to the Agency shall be made in accordance with the following schedule: $10,000 on or before June 1, 1986, $6,000 on or before December 1, 1986, with the remainder to be paid in four equal installments of $16,000, each due on or before December 1, 1987, December 1, 1988, December 1, 1989, and December 1, 1990, respectively. Each payment shall be made in the manner specified in the attached instructions.

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[1] A Temporary Denial Order had been issued naming Respondents Carlos Mira Gallart and Suin, S.A. on October 14, 1982 (47 FR 47876, Oct. 21, 1982). SIC, S.A. was added on Feb. 28, 1984 (49 FR 8057, Mar. 5, 1984).

Second, all outstanding validated export licenses in which any Respondent or any related party appears or participates in any manner or capacity, are hereby revoked and shall be returned to the Office of Export Licensing for cancellation.

Third, for a period of 10 years from the date of entry of this Order, Respondents:

Suin, S.A., with addresses at both Calle Clot 194 Barcelona 27, Spain

and

Paseo and Manual Girona, 11 Bajos, Ctra. N–340 km 243'400, Vilaseca (Tarragona), Spain

Carlos Mira Gallart, a/k/a Carlos Mira, with addresses at both Barcelona and Tarragona, Spain

and

Hernandez Inglesias No. 4, Madrid 27, Spain

and

SIC, S.A., Avda De Chile 40, 2–0 1–A, Barcelona 28, Spain,

their successors or assignees, officers, partners, representatives, agents and employees hereby are denied all privileges of participating, directly or indirectly, in any transaction involving commodities or technical data exported from the United States in whole or in part, or that are otherwise subject to the Regulations. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Agency, (ii) preparing or filing with the Agency any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining or using any validated or general export license or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States, and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations.

Fourth, after notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which any Respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services. Business organizations and individuals now known to be affiliated with one or more of the above-named Respondents in the conduct of trade or related services, and which are accordingly subject to the provisions of this Order, are:

Ciec, S.A., Avenida Madrid 68, 5–3, Barcelona, Spain 08028

Commercial R.M.S., S.A., Calle Clot 194, Barcelona 27, Spain

Famisa, S.A., Maestre Valls, 8, Valencia, Spain

Intelco, S.A., Barcelona, Spain

Juan Jose Ciuro Munoz, Avda De Chile 40, 2–0 1–A, Barcelona 28, Spain

Juan Antonio Perez Olle, Calle Corcega 361, Barcelona, Spain

Fifth, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any Respondent or any related party, or whereby any Respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (i) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported, in whole or in part, or to be exported by, to, or for any Respondent or any related party denied export privileges; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Sixth, that the Charging Letter, the Consent Agreement and this Order shall be made available to the public.

Seventh, this Order shall become effective upon entry of the Secretary's action in this proceeding pursuant to Section 13(c) of the 1985 Amendments to the Export Administration Act, at which time the outstanding Temporary Denial Orders, which are referenced above, will be terminated.

Hugh J. Dolan,

Administrative Law Judge.

Dated: May 13, 1986.

Attachment to Administrative Law Judge's Order

Instructions for Payment of Civil Penalty

1. The civil penalty check should be made payable to: U.S. Department of Commerce.

2. The check should be mailed to: U.S. Department of Commerce, Office of Assistant General Counsel for Export Administration, Room H–3845, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

[FR Doc. 86–11559 Filed 5–21–86; 8:45 am]

BILLING CODE 3510-DT-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increasing the Import Limit for Certain Man-Made Fiber Luggage Produced or Manufactured in the People's Republic of China

May 16, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on May 16, 1986. For further information contact Diana B. Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S Department of Commerce, (202)377–4212.

Background

On December 26, 1985 a notice was published in the **Federal Register** (50 FR 52824) announcing establishment of a level of 12,042,805 pounds for braided and unbraided luggage of man-made fibers in Category 670 pt. (only T.S.U.S.A. numbers 706.3420, 706.4144, and 706.4152), produced or manufactured in China and exported during the twelve-month period which began on September 3, 1985, and extends through September 2, 1986. CITA has indications that the trade data reported to Census on which this level was based were understated. Consequently, as an interim measure, pending completion of a data investigation to determine the correct trade base, the level is being increased by 2,000,000 pounds to 14,042,805 pounds. A further adjustment in the

form of an increase or a decrease may be made in this level depending on the outcome of the data investigation.

In the letter which follows this notice the Chairman of CITA directs the Commissioner of Customs to increase the current level to 14,042,805 pounds.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44872), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 16, 1986.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 19, 1985, which directed you to prohibit entry of man-made fiber textile products in Category 670 pt.[1], produced or manufactured in China and exported during the twelve-month period which began on September 3, 1985 and extends through September 2, 1986.

Effective on May 16, 1986, the directive of December 19, 1985 is hereby amended to increase the import restraint level of Category 670 pt.[1] to 14,042,805 pounds.[2]

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-11525 Filed 5-21-86; 8:45 am]

BILLING CODE 3510-DR-M

New Limit for Certain Wool and Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of China; Correction

May 19, 1986.

Footnote 2 in the letter to the Commissioner of Customs dated February 26, 1986 (51 FR 7313, March 3, 1986) should be corrected to refer to Category 652, instead of Category 651.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-11526 Filed 5-21-86; 8:45 am]

BILLING CODE 3510-DR-M

Import Levels for Certain Cotton Textile Products Produced or Manufactured in the Philippines

May 19, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on May 23, 1986. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

On December 26, 1985, a notice was published in the **Federal Register** (50 FR 52830) which established import control limits for certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986. In the letter which follows this notice, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to also control imports of cottom textile products in Categories 363 (terry and other pile towels) and 369 (other cotton manufactures), produced or manufactured in the Philippines and exported during the same twelve-month period, at levels of 2,763,348 numbers (Category 363) and 1,350,611 pounds (Category 369).

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 19, 1986.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 20, 1985 which directed you to prohibit entry of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines.

Effective May 23, 1986, the directive of December 20, 1986 is hereby amended to include levels for cotton textile products in Category 363 at 2,763,348 numbers and Category 369 at 1,350,611 pounds.[1]

Textile products in Categories 363 and 369 which have been exported to the United States prior to January 1, 1986 shall not be subject to this directive.

Textile products in Categories 363 and 369 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a) (1) (A) prior to the effective date of this directive shall not be denied entry under this directive.

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

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-11527 Filed 5-21-86; 8:45 am]

BILLING CODE 3510-DR-M

Import Limits for Certain Wool Textile Products Produced or Manufactured in Uruguay

May 19, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on May 23, 1986. For further information contact Nathaniel Cohen, Trade Reference Assistant, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377-4212.

Background

The Governments of the United States and Uruguay have agreed to further amend their Bilateral Wool Textile

[1] In Category 670 only T.S.U.S.A. numbers 706.3420, 706.4144 and 706.4152.

[2] The level has not been adjusted to account for any imports exported after September 2, 1985.

[1] The levels have not been adjusted to account for any imports exported after December 31, 1986.

Agreement of December 30, 1983 and January 23, 1984, as amened, to establish specific limits of 2,100,000 square yards for woolen and worsted fabric in Category 410 produced or manufactured in Uruguay and exported during the twelve-month period which began on February 1, 1986 and extends through January 31, 1987, and 13,500 dozen for wool skirts in Category 442, produced or manufactured in Uruguay and exported during the six-month period which began on January 1, 1986 and extends through June 30, 1986. The United States Government has decided to control imports at the new limits. Accordingly, in the letter which follows this notice, the Chairman of CITA directs the Commissioner of Customs to establish these limits.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 F.R. 38754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textiles Agreements.

Committee for the Implementation of Textile Agreements

May 19, 1986.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Wool Textile Agreement of December 30, 1983 and January 23, 1984, as amended, between the Governments of the United States and Uruguay; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on May 23, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Categories 410 and 442, produced or manufactured in Uruguay and exported during the indicated periods in excess of:

Category	Restraint limit [1]	Period
410	2,100,000 square yards	Feb. 1, 1986–Jan. 31, 1987.
442	13,500 dozen	Jan. 1, 1986–June 30, 1986.

[1] The limits have not been adjusted to reflect any import exported after January 31, 1986 (Category 410) or after December 31, 1985 (Category 442). Imports during the period February 1 through March 31, 1986 have amounted to 216,959 square yards (Category 410) and during the period January 1 through March 31, 1986, 22 dozen (Category 442).

Textile products in Category 410 produced or manufactured in Uruguay and exported to the United States on or after February 1, 1985 and extending through January 31, 1986, shall, to the extent of any unfilled balance, be charged against the level of restraint established for such goods during that twelve month period. In the event the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter. Textile products in Category 442 which have been exported to the United States prior to January 1, 1986 shall not be subject to this directive.

Textile products in Categories 410 and 442 which have been been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

These limits are subject to adjustment in the future according to the provisions of the bilateral agreement of December 30, 1983 and January 23, 1984, which provide, in part, that: (1) Specific limit may be adjusted for carryover and carryforward and (2) administrative arrangements of adjustment may be made to resolve problems arising in the implementation of the agreement.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreement.

[FR Doc. 86-11528 Filed 5-21-86; 8:45 am]

BILLING CODE 3510-DR-M

May 19, 1986.

Requesting Public Comment on Bilateral Textile Consultations With the Government of Pakistan Concerning Category 613-C

On April 27, 1986, the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, requested the Government of Pakistan to enter into consultations concerning exports to the United States of lightweight, plainweave polyester/cotton fabric in Category 613-C (only TSUSA numbers 338.5039, 338.5042, 338.5043, 338.5047, 338.5048, 338.5053, 338.5054, 338.5058 and 338.5059), produced or manufactured in Pakistan.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations with Pakistan, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of lightweight, plainweave ployester/cotton fabric in Category 613-C, produced or manufactured in Pakistan and exported to the United States during the twelve-month period which began on April 27, 1986 and extends through April 26, 1967 at a level of 14,049,876 square yards.

A summary market statement follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 613-C under the agreement with Pakistan, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. William H. Houston III, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating

to matters which constitute "a foreign affairs function of the United States."

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreement.

Market Statement

Category 613pt.—Lightweight, Plainweave, Polyester/Cotton Fabric; Pakistan, April 1986

Summary and Conculsions

U.S. imports of Category 613pt.—TSUSA No. 338.5039, 338.5042, 338.5043, 338.5047, 338.5048, 338.5053, 338.5054, 338.5058 and 338.5059, from Pakistan was 19.0 million square yards during the year ending February 1986 compared with only 420,000 square yards a year earlier. Most of the year ending February 1986 imports, 13.7 million square yards, were imported during December 1985 through February 1986.

Pakistan accounted for 14.5 percent of the year ending February 1986 total imports when it was the second largest supplier. It was the largest supplier in the first two months of 1986 when it accounted for 30 percent of the total imports.

This sharp and substantial increase in low valued imports is disrupting the U.S. market for these type fabrics.

U.S. Market

The U.S. lightweight, plainweave ployester/cotton gray fabric market is adversely affected by imports. The U.S. producer's share of the market for domestically produced and imported Category 613pt. declined in 1985. The market continues to be disrupted by imports in 1986 and Pakistan's position as a major supplier of these fabrics makes it a major contributor to the market disruption.

U.S. Production

U.S. production of lightweight, plainweave polyester/cotton gray fabric declined in 1985 by 34 percent.

U.S. Imports and Import Penetration

Total U.S. imports of these fabrics increased from 88.6 million square yards in 1984 to 115.8 million in 1985. These imports were nearly equal to domestic production in 1984 and nearly double the 1985 domestic production.

Import Values vs Domestic Producer's Price

Approximately 88 percent of Category 613pt.—lightweight, plainweave ployester/cotton fabric—from Pakistan enter under TSUSA No. 338.5048, polyester/cotton printcloth not over 5 oz. per square yard. These imports enter at duty-paid values below the U.S. producer price for comparable fabric.

[FR Doc. 86-11529 Filed 5-21-86; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1986, Proposed Additions and Deletions

Correction

In FR Doc. 86-10461, appearing on page 17226 in the issue of Friday, May 9, 1986, make the following correction: In the first column under the heading "Additions", in the sixteenth line, the number "415" should read, "4415".

BILLING CODE 1505-01-M

Procurement List 1986, Additions and Deletions

Correction

In FR Doc. 86-10460, appearing on page 17225, in the issue of Friday, May 9, 1986, make the following correction:

In the third column under the heading "Additions", in the twenty-sixth line is corrected to read: "Curtain, Showeer: 7230-00-849-9838, 7230-00-".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Agency Information Collection Activities Under OMB Review

ACTION: Public Information Collection Requirement Submitted to OMB for Review.

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

Existing Collection in Use Without an OMB Number

Registration for Scientific and Technical Services; DD Form 1540

This form provides a uniform registration procedure for access to certain DoD technical information by U.S. Government activities and their contractor community from the Defense Technical Information Center (DTIC) and other DoD dissemination activities. It warrants that the applicant's responsibilities require this access and specifies to which subject areas. Public affected—The U.S. Government and its contractor community.

U.S. Government and Its Contractor Community Responses 2,850

Burden hours 950

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, DC 20301-1155, telephone number (202) 694-0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Ms. Hazel T. Horton, DTIC-FDR, Room 5B454, Defense Technical Information Center, Cameron Station, Alexandria, VA 22304-6145, telephone number (202) 274-7065.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

May 19, 1986.

[FR Doc. 86-11565 Filed 5-21-86; 8:45 am]

BILLING CODE 3810-01-M

Agency Information Collection Activities Under OMB Review

ACTION: Public Information Collection Requirement Submitted to OMB for Review.

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to

provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Existing Collection in Use Without an OMB Number

Facility Clearance Register, DD Form 1541

This form certifies the security clearance level and safeguarding ability of the facility of a U.S. Government contractor who wishes to access classified material from the Defense Technical Information Center (DTIC). The signed form serves as authority to release classified material to that contractor at that facility.

U.S. Government Contractor Community
Responses 500
Burden hours 42

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, DC 20301–1155, telephone number (202) 694–0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Ms. Hazel T. Horton, DTIC–FDR, Room 5B454, Defense Technical Information Center, Cameron Station, Alexandria, VA 22304–6145, telephone number (202) 274–7065.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

May 19, 1986.

[FR Doc. 86–11566 Filed 5–21–86; 8:45 am]

BILLING CODE 3810–01–M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, June 3, 1986; Tuesday, June 10, 1986; Tuesday, June 17, 1986; and Tuesday, June 24, 1986 at 10:00 a.m. in Room 1E801, The Pentagon, Washington, DC.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, The Pentagon, Washington, DC 20301.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

May 19, 1986.

[FR Doc. 86–11567 Filed 5–21–86; 8:45 am]

BILLING CODE 3810–01–M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on Under Ice Warfare Requirements will meet on June 17–18, 1986 at the Naval Research Laboratory, Washington, DC. The meeting will commence at 8:00 a.m. and terminate at 3:00 p.m. on June 17, and commence at 8:00 a.m. and terminate at 5:00 p.m. on June 18, 1986. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to understand, deal with, and exploit environmental surveillance issues in polar waters, identify what study has been done on the subject thus far, identify promising technologies, and drive operational requirements to deal with under ice anti-submarine warfare. The agenda will include technical briefings on the threat, maritime strategy and environmental considerations. These briefings will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of Naval Research (Code 100N) 800 North Quincy Street, Arlington, VA 22217–5000, Telephone number (202) 696–4870.

Dated: May 19, 1986.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 86–11541 Filed 5–21–86; 8:45 am]

BILLING CODE 3810–AE–M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on Automated Submarine Detection will meet on June 10–13, 1986, at the Science Applications International Corporation, 1710 Goodridge Drive, McLean, Virginia. The meeting will commence at 8:00 a.m. and terminate at 5:00 p.m. on June 10 and 11; commence at 8:00 a.m. and terminate at 6:00 p.m. on June 12; and commence at 8:00 a.m. and terminate at 5:00 p.m. on June 13, 1986. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to review present undersea surveillance automated submarine detection and classification techniques and capabilities. The agenda will include

technical briefings on the threat, maritime strategy, and industry overviews of past, present and future automated efforts. These briefings will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwinded as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217–5000, Telephone number (202) 696–4870.

Dated: May 19, 1986.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 86–11542 Filed 5–21–86; 8:45 am]

BILLING CODE 3810-AG-M

Secretary of the Navy's Advisory Board on Education and Training (SABET); Meeting Cancellation

Notice was given on May 1, 1986, at 51 FR 16187, of a meeting of the Secretary of the Navy's Advisory Board on Education and Training (SABET) on June 10, 11, and 12, 1986. This meeting has been cancelled.

Dated: May 19, 1986.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 86–11540 Filed 5–21–86; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II Of the NGPA, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective June 1, 1986. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT: Leroy Brown, Jr., Department of Energy, Energy Information Administration, 1000 Independence Avenue, SW., Room BE–034, Washington, DC 20585, Telephone: (202) 252–6077.

Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on April 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British thermal units (Btu's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million Btu's
Alabama [1]	$1.90
Arizona [1]	1.71
Arkansas [1]	1.93
California	1.69
Colorado [2]	1.87
Connecticut [1]	1.86
Delaware [1]	2.04
Florida	1.75
Georgia	1.84
Idaho [2]	1.87
Illinois	1.87
Indiana [1]	1.94
Iowa [1]	2.03
Kansas	1.93
Kentucky [1]	1.94
Louisiana	1.88
Maine [1]	1.86
Maryland [1]	2.04
Massachusetts	1.71
Michigan [1]	1.94
Minnesota [1]	2.03
Mississippi	1.88
Missouri	1.81
Montana [2]	1.87
Nebraska	2.00
Nevada [1]	1.71
New Hampshire [1]	1.86
New Jersey [1]	2.04
Nex Mexico [1]	1.93
New York	2.00
North Carolina [1]	1.90
North Dakota [1]	2.03
Ohio	1.83
Oklahoma [1]	1.93
Oregon	1.52
Pennsylvania [1]	2.04
Rhode Island [1]	1.86
South Carolina [1]	1.90
South Dakota [1]	2.03
Tennessee [1]	1.90
Texas	1.69
Utah [2]	1.87
Vermont [1]	1.86
Virginia [1]	1.90
Washington [1]	1.71
West Virginia	1.91
Wisconsin [1]	1.94
Wyoming [2]	1.87

[1] Region based price as required by FERC Interim Rule, issued on April 2, 1981, in Docket No. RM–79–21.

[2] Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II.—Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during March 1986 was $21.87 per barrel. The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which the incremental pricing threshold becomes effective. The prices found in *Platt's Oilgram Price Report* are given for each trading day in the form of high and low prices for No. 2 fuel oil in Metropolitan New York and Northern New Jersey. A lag adjustment factor was calculated using the average of the low posted price for these two areas for the ten trading days ending May 14, 1986, and dividing that price by the corresponding average price computed from prices published by Platt's for the month of March 1986. This lag adjustment factor was applied to the March price yielding $17.76 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of Btu's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective June 1, 1986, is $3.98 per million Btu's.

Section III.—Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No.

RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81–27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on November 6, 1981, in Docket No. RM81–28, established that price ceilings should be published for only the 48 contingent States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the month of January 1986, February 1986, and March 1986.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) Calculation of Volume-Weighted Average Price

The prices which will become effective June 1, 1986 (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, January 1986, February 1986, and March 1986. Reported prices for sales in January 1986 were adjusted by the percent change in the nationwide volume-weighted average price from January 1986 to March 1986. Prices for February 1986 were similarly adjusted by the percent change in the nationwide volume-weighted average price from February 1986 to March 1986. The volume-weighted 3-month average of the adjusted January 1986 and February 1986, and the reported March 1986 prices were then computed for each State.

(2) Adjustment for Price Variation

States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) Calculation of Ceiling Price

The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B. (2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million Btu's).

There were insufficient sales reported in Region G for the months of January 1986, February 1986, and March 1986. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) Lag Adjustment

The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending May 14, 1986, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of March 1986. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A	*Region B*
Connecticut	Delaware
Maine	Maryland
Massachusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	
Region C	*Region D*
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippi	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	
Region E	*Region F*
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	
Region G	*Region H*
Colorado	Arizona
Idaho	California
Montana	Nevada
Utah	Oregon
Wyoming	Washington

Issued in Washington, DC, May 16, 1986.

L.A. Pettis,

Deputy Administrator, Energy Information Administration.

[FR Doc. 86–11620 Filed 5–21–86; 8:45 am]

BILLING CODE 6450–01–M

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space hearing of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

Federal Energy Regulatory Commission

[Docket Nos. ER86-483-000 et al.]

Electric Rate and Corporate Regulation Filings; Arkansas Power and Light Co. et al.

May 16, 1986.

Take notice that the following filings have been made with the Commission:

1. Arkansas Power and Light Company

[Docket No. ER86-483-000]

Take notice that on May 13, 1986, Arkansas Power and Light Company (APL) submitted for filing Agreements between AP&L and the Cities of Conway, Osceola and West Memphis, Arkansas. The Agreements describe the costs associated with the Grand Gulf Nuclear Plant Unit 1.

APL requests that the Commission waive any requirements with which APL has not already complied.

Comment date: May 29, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Commonwealth Edison Company

[Docket No. ER86-481-000]

Take notice that Commonwealth Edison Company on May 12, 1986 tendered for filing Amendment No. 1 dated March 31, 1986 to an Agreement dated August 15, 1985 between Commonwealth Edison Company (Commonwealth), Consumers Power Company and the Detroit Edison Company (Michigan Companies).

The Amendment No. 1 to August 15, 1985 Agreement extends the period through December 31, 1986 during which Commonwealth would supply Experimental Off-Peak Energy to the Michigan Companies in order to effect economies of operation among the parties. It will be the responsibility of the Michigan Companies to make arrangements for the extension of an existing agreement with a third party to transfer such energy through the system of a third party having interconnections with both Commonwealth and the Michigan Companies.

Copies of the filing were served upon Consumers Power Company, the Detroit Edison Company, the Michigan Public Service Commission and the Illinois Commerce Commission.

Comment date: May 30, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Iowa Public Service Company

[Docket No. ER86-326-000]

Take notice that Iowa Public Service Company on May 12, 1986, tendered for filing a revision to an executed Firm Power Interchange Service Agreement dated August 21, 1985, whereby Iowa Public Service Company will supply the City of Independence, Missouri with firm electric capacity, commencing June 1, 1986 and continuing through May 21, 2006, which Agreement was tendered for filing with FERC on March 18, 1986. Copies of this filing have been mailed to each of the parties to this Agreement and the Iowa State Commerce Commission and the Missouri Public Service Commission.

An effective date of June 1, 1986 is requested for the revised Agreement, as is a waiver or the Commission's notice requirement, if needed.

Comment date: May 29, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Kansas Gas and Electric Company

[Docket No. ER86-478-000]

Takle notice that Kansas Gas and Electric Company (KG&E) on May 12, 1986 tendered for filing a proposed Generating Municipal Electric Service Agreement superseding FERC Rate Schedule No. 135 between KG&E and the City of Oxford, Kansas (City).

This filing is necessary because the City desires to cancel its existing Agreement which provides for full requirements service and to began receiving service as a partial requirements customer. KG&E has requested an effective date of May 12, 1986.

Copies of the filing were served upon the City of Oxford, Kansas and the Utilities Division of the Kansas Corporation Commission.

Comment date: May 29, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. Pacific Power & Light Company, an assumed business name of PacifiCorp

[Docket No. ER86-482-000]

Take Notice that Pacific Power & Light Compay (Pacific), as assumed business name of PacifiCorp, on May 12, 1986, tendered for filing, in accordance with Section 35 of the Commission's Regulations, Notices of Cancellation of Service Agreement Nos. 4 and 6 to Pacific's FERC Electric Tariff, Original Volume No. 4 (Tariff) and First Revised Sheet Nos. 10, 11, 13 and 14 superseding Original Sheet Nos. 10, 11, 13 and 14 respectively, of the Tariff.

Pacific states that these Service Agreements have been terminated by mutual agreement or appropriate notice in accordance with the terms of the agreements. The FERC Rate Schedule Designations are as follows:

FERC Rate Schedule Number and Party

Service Agreement No. 4 under FERC Electric Tariff Original Volume No. 4 (Redesignation of Rate Schedule FPC No. 119)—City of Powell, Wyoming

Service Agreement No. 6 under FERC Electric Tariff Original Volume No. 4 (Redesignation of Rate Schedule FERC No. 207)—Svilar Light and Power, Inc.

Pacific requests waiver of Commission's notice requirements to permit Service Agreement No. 4 to terminate on May 21, 1986, and Service Agreement No. 6 to terminate on February 14, 1986, which it claims are the dates of termination of service.

Comment date: May 29, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. Puget Sound Power & Light Company

[Docket No. ER86-449-000]

Take notice that on April 28, 1986 Puget Sound Power and Light Company (Puget) tendered for filing documents demonstrating the calculation of Average System Cost (ASC) for Puget for the Exchange Period effective October 1, 1985 through January 31, 1986.

Comment date: May 27, 1986, in accordance with Standard Paragraph E at the end of this notice.

7. South Carolina Electric & Gas Company

[Docket No. ER86-480-000]

Take notice that South Carolina Electric & Gas Company on May 12, 1986, tendered for filing proposed changes in its September 4, 1973, and August 13, 1973, service agreements with Central Electric Power Cooperative, Inc.

Under the proposed changes, South Carolina Electric and Gas Company proposes to replace the current Exhibit A dated September 4, 1973, for the McClellanville delivery point, the current exhibit A dated September 4 1973, for the John's Island delivery point, the current exhibit A dated September 4, 1973, for the Jedburg delivery point, and the current exhibit A dated August 13, 1973 for the Limehouse delivery point with the revised Exhibits A. These Exhibits A have been changed to reflect the current terms and conditions of service to these delivery points. South Carolina Electric and Gas also proposes to terminate the current Exhibit A dated September 4, 1973 for the Mt. Pleasant delivery point and replace with the Exhibit A for the Hamlin Substation delivery point.

Copies of this filing were served upon Central Electric Power Cooperative, Inc.

Comment date: May 29, 1986, in accordance with Standard Paragraph E at the end of this notice.

8. Tucson Electric Power Company

[Docket No. ER86-479-000]

Take notice that Tucson Electric Power Company ("Tucson") on May 12, 1986, tendered for filing a Short Term Energy Agreement between Tucson and Southern California Edison Company ("Edison"). The primary purpose of this Agreement is to provide the terms and conditions relating to the sale by Tucson and the purchase by Edison of energy between May 1, 1986 and midnight, April 30, 1987. Tucson states that copies of the filing were served upon Edison.

Comment date: May 29, 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 Doc. 86-11574 Filed 5-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5668-001 et al.]

Hydroelectric Applications (Vermont Public Power Supply Authority et al.); Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1 a. Type of Application: Surrender of License.

b. Project No.: 5668-001.

c. Date Filed: December 20, 1985.

d. Applicants: Vermont Public Power Supply Authority.

e. Name of Project: North Troy Project.

f. Location: On the Missisquoi River in Orleans County, Vermont.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Robert E. Howland, Vermont Public Power Supply Authority, P.O. Box 425, Williston, VT 05495, (802) 878-5274.

i. Comment Date: June 26, 1985.

j. Description of Proposed Surrender: The proposed project would have consisted of: (1) An existing concrete overflow dam, with a height of 12 feet and a length of 80 feet; (2) the existing reservoir having a storage capacity of 25 acre-feet and a dam crest elevation of 536.7 feet (NGVD); (3) a proposed powerhouse with one generating unit with a capacity of 600 kW; (4) a new tailrace channel; and (5) appurtenant facilities.

The Applicant estimates the average annual energy would have been 2,200,000 kWh. Vermont Public Power Supply Authority would have wheeled all of the project's power over Citizens Utilities lines to its member utilities.

k. This notice also consists of the following standard paragraphs: B, C, & D2.

2 a. Type of Application: Transfer of License (Minor).

b. Project No: 5297-003.

c. Date Filed: March 20, 1986.

d. Applicants: Forte Brothers, Inc., and Manville Hydro Co., Inc..

e. Name of Project: Manville Dam.

f. Location: On the Blackstone River in Providence County, Rhode Island.

g. Filed Pursuant: Section 9 of the Federal Power Act sections 791(a)-825(r).

h. Contact Person: Mr. Michael A. Kelly, Adler Pollock & Sheehan, Inc., 2300 Hospital Trust Power, Providence, RI 02903, (401) 333-3400.

i. Comment Date: June 16, 1986.

j. Description of Project: On August 29, 1983, a minor license was issued to the Forte Brothers, Inc. to construct, operate, and maintain the Manville Dam Project No. 5297. Forte Brothers, Inc. intends to sell its interest in the project to the Manville Hydro Company, Inc. For that reason, the Forte Brothers, Inc. and the Manville Hydro Company, Inc. filed a request that the project license be transferred to the Manville Hydro Company, Inc.

k. This notice also consists of the following standard paragraphs: B and C.

3 a. Type of Application: Conduit Exemption.

b. Project No: 9701-000.

c. Date Filed: December 20, 1985.

d. Applicant: Irvine Ranch Water District.

e. Name of Project: Sand Canyon.

f. Location: On a conduit used to supply domestic and irrigation water to the Sand Canyon pipeline in Block 119 of Irvine's Subdivision in Orange County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Mr. Arthur E. Bruington, General Manager, Irvine Ranch Water District, 18802 Bardeen Avenue, Irvine, CA 92715, (714) 833-1223.

i. Comment Date: June 16, 1986.

j. Description of Project: The proposed project would use an existing conduit from the ST-03 turnout of the Municipal Water District of Orange County Allen-McColloch pipeline and would consist of a powerhouse containing one generating unit having a capacity of 500 kW and an average annual generation of 1.9 GWh.

k. Purpose of Exemption: An exemption, if issued, gives an Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the exemptee from permit or license applicants that would seek to take or develop the project.

l. Purpose of Project: Project power would be sold.

m. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D3b.

4 a. Type of Application: Transfer of License.

b. Project No.: 2593-006.

c. Date Filed: April 7, 1986.

d. Applicant: Beaver Falls Power Company (licensee) and Missisquoi Associates (transferee).

e. Name of Project: Beaver Falls.

f. Location: On the Missisquoi River in Lewis County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. John P. Borgwardt, Boise Cascade Corporation, P.O. Box 1414, Portland, OR 97207, (503) 224-7250.

i. Comment Date: June 16, 1986.

j. Description of Transfer:

On April 7, 1986, Beaver Falls Power Company (licensee), and Missisquoi Associates (transferee), filed a joint application for transfer of a minor license for the Beaver Falls Project No. 2593.

The purpose of the proposed transfer of the license is to facilitate the financing of the Missisquoi Associates' Sheldon Springs Project No. 7186. The transferee states that the positive cash flow from the Beaver Falls project will enable Missisquoi Associates to expedite construction of its Sheldon Springs project.

No changes to the operation of the project would occur as a result of the transfer. The transferee has proposed to operate the existing project in accordance with the license. The

transferee states that it would comply with all the terms and the conditions of the license.

k. This notice also consists of the following standard paragraphs: B & C.

5 a. Type of Application: Transfer of License.

b. Project No.: 2823–002.

c. Date Filed: April 7, 1986.

d. Applicant: Beaver Falls Power Company (licensee) and Missisquoi Associates (transferee).

e. Name of Project: Lower Beaver Falls.

f. Location: On the Missisquoi River in Lewis County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. John P. Borgwardt, Boise Cascade Corporation, P.O. Box 1414, Portland, OR 97207 (503) 224–7250.

i. Comment Date: June 16, 1986.

j. Description of Transfer:

On April 7, 1986, Beaver Falls Power Company (licensee), and Missisquoi Associates (transferee), filed a joint application for transfer of a minor license for the Lower Beaver Falls Project No. 2823.

The purpose of the proposed transfer of the license is to facilitate the financing of the Missisquoi Associates' Sheldon Springs Project No. 7186. The transferee states that the positive cash flow from the Lower Beaver Falls project will enable Missisquoi Associates to expedite construction of its Sheldon Springs project.

No changes to the operation of the project would occur as a result of the transfer. The transferee has proposed to operate the existing project in accordance with the license. The transferee states that it would comply with all the terms and the conditions of the license.

k. This notice also consists of the following standard paragraphs: B & C.

6 a. Type of Application: Exemption.

b. Project No: 9691–000.

c. Date Filed: December 18, 1985.

d. Applicant: Matthew W. Foley and Elizabeth E. Rapalee.

e. Name of Project: Wadhams Hydroelectric Project.

f. Location: On the Boquet River in Essex County, New York.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708, as amended.

h. Contact Person: Matthew W. Foley or Elizabeth E. Rapalee, Riverat Glass & Electric, Church Street, Wadhams, NY 12990, (518) 962–4514.

i. Comment Date: June 20, 1986.

j. Description of Project: The proposed project would consist of: (1) The existing 140-foot-long, reinforced concrete dam with a maximum height of 7 feet; (2) the the spillway crest elevation of 342.6 feet msl is surmounted by 6 to 12 inches of flashboards; (3) the existing 15-acre reservoir with 75 acre-feet of storage capacity; (4) a proposed 400-foot-long, 68-inch-diameter penstock; (5) an existing powerhouse which contains two generating units with a combined generating capacity of 410-kW; (6) the proposed installation of a 150-kW generating unit into the powerhouse thereby increasing the total installed generation capacity to 560-kW; (7) an existing 70-foot-long, 4.8 kV transmission line connection; and (8) appurtenant facilities.

k. The Applicant intends to sell the power output to the Niagra Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, D, 3A.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

7 a. Type of Application: Amendment of License.

b. Project No.: 803–014.

c. Date Filed: December 24, 1985.

d. Applicant: Pacific Gas and Electric Company.

e. Name of Project: DeSabla—Centerville Water Power Project.

f. Location: On Butte Creek and West Branch Feather River, in Butte County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Stephen P. Reynolds Vice-President, Rates, Pacific Gas & Electric Company, 77 Beale Street, Room 1065, San Francisco, CA 94106.

i. Comment Date: June 19, 1986.

j. Description of Project: The proposed amendment to Pacific Gas and Electric Company's (PG&E) existing licensed Project No. 803 would consist of:

A. DeSabla Powerhouse Unit 2 Development comprising: (1) A 24-inch-diameter, 125-foot-long steel penstock; (2) a 45-inch-diameter, 11,200-foot-long steel or concrete siphon pipeline; (3) adding one generating unit with an installed capacity of 4.2 MW to the existing DeSabla Powerhouse operating under a head of 1,540 feet; and (4) appurtenant facilities.

B. Centerville Powerhouse Development comprising: (1) Replacing the existing penstock with a 66-inch-diameter, 2,600-foot-long steel penstock; (2) replacing the existing Centerville Powerhouse with a new Centerville Powerhouse with one generating unit with an installed capacity of 8.5 MW operating under a head of 590 feet; and (3) appurtenant facilities.

The project cost of the developments has been estimated to be about $24.9 million. No additional recreational facilities are proposed by PG&E.

k. This notice also consists of the following standard paragraphs: B and C:

8 a. Type of Application: Surrender of License.

b. Project No.: 2930–010.

c. Date Filed: April 4, 1986.

d. Applicant: Idaho Power Company.

e. Name of Project: North Fork Payette River.

f. Location: On the North Fork of the Payette River in Boise, Valley, and Gem Counties, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Nicolas R. Ysursa, Attorney, Idaho Power Company, Box 70, Boise, ID 83707, (208) 383–2678.

i. Comment Date: June 20, 1986.

j. Description of Project: The project would have consisted of two developments. The Ferncroft Development consists of: (1) A 38-foot-high concrete gravity diversion dam, having a crest length of 110 feet at elevation of 4,458 feet, impounding a reservoir with a storage capacity of about 17 acre-feet; (2) a gated spillway, with one 30-foot-long, 10-foot-high overflow flap gate and one 20-foot-long, 25-foot-high radial gate; (3) a 16-foot-horseshoe shaped concrete-lined power tunnel extending 38,000 feet from its intake to an underground surge-tank; (4) a 12-foot-diameter vertical steel penstock with a 920-foot vertical drop and a 200-foot horizontal length; (5) a 180-foot-long, 100-foot-high underground powerhouse containing three identical generating units, each rated at 68.4 MW; and (6) a 3,600-foot-long, 20-foot-wide tailrace tunnel.

The Banks Development consists of: (1) A 38-foot-high concrete gravity diversion dam, having a crest length of 110 feet at elevation of 3,431 feet, impounding a reservoir with a storage capacity of about 17 acre-feet; (2) a gated spillway with one 30-foot-long, 10-foot-high overflow flap gate and one 20-foot-long, 25-foot-high radial gate; (3) a 16-foot horseshoe shaped concrete-lined power tunnel extending 22,000 feet from its intake to an underground surge-tank; (4) a 12-foot-diameter vertical steel penstock with a 465-foot vertical drop and a 200-foot horizontal length; (5) a 180-foot-long, 100-foot-high underground powerhouse containing three identical

generating units, each rated 36.9 MW; and (6) a 760-foot-long, 20-foot-wide tailrace tunnel.

The project would have also included (1) 13.8-kV generator leads for the Ferncroft Unit; (2) three (3) three-phase 13.8/230-kV, 75 MVA step-up transformers; (3) 13.8-kV generator leads for the Banks Unit; (4) one three-phase 13.8/230-kV, 120 MVA step-up transformer; (5) a 10-mile-long, 230-kV transmission line from the Ferncroft Unit Switchyard to the Banks Unit Switchyard; and (6) a 24-mile-long, 230-kV transmission line from the Banks Unit Switchyard to the proposed Shellrock Switching Station.

The licensee states that its evaluation of the need for power indicates that construction and operation of the project is not feasible at this time. Therefore, the licensee requests that its license be terminated.

k. This notice also consists of the following standard paragraphs: B, C and D2.

Standard Paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203–RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. It an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: May 19, 1986.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–11575 Filed 5–21–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP74-192-009 et al.]

Natural Gas Certificate Filings; Florida Gas Transmission Co. et al.

Take notice that the following filings have been made with the Commission:

1. Florida Gas Transmission Company

[Docket No. CP74–192–009]

May 15, 1986.

Take notice that on April 9, 1986, as supplemented on April 17, 1986 and April 23, 1986, Florida Gas Transmission Company (Petitioner), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. CP74–192–009 a petition to amend the authorization issued in Docket Nos. CP–74–192–005 and CP74–192–007, *et al.*, Opinion Nos. 144 and 144–A, so as to be authorized to construct and operate

approximately 51 miles of pipeline and related compressor station modifications necessary to complete or "stitch" Petitioner's 30-inch and 26-inch system between Baton Rouge, Louisiana, and Miami, Florida, and to vacate the remaining authorizations issued in Opinion Nos. 144 and 144–A, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner states that the Commission's Opinion Nos. 144 and 144–A authorized the

(a) Construction and operation of facilities to complete or "stitch" its 30-inch and 26-inch pipeline system;

(b) Construction and operation of additional 30-inch loops necessary to provide its system with an annual average capacity of 725,000 Mcf per day;

(c) Abandonment from natural gas service of that portion of Petitioner's 24-inch line between Baton Rouge, Louisiana, and Port Everglades, Florida, by transfer to Petitioner's affiliate, Transgulf Pipeline Company (Transgulf), for use in the transportation of liquid petroleum products (LPP) from the Gulf Coast to various points in Florida; and

(d) Variant accounting and rate base treatment, as detailed in the Commission's opinions.

Petitioner states that the Transgulf LPP conversion project has been abandoned and that in light of the cancellation of that project, it requests the Commission to vacate items (b), (c), and (d) above. Petitioner is currently seeking authority to perform only the acts contemplated by item (a). Petitioner asserts that this would involve the construction of approximately 51 miles of pipeline and related modifications to piping at four compressor stations at an approximate cost of $28,400,000. The addition of the "stitching" facilities in item (a) to Petitioner's current system would add capacity of approximately 100,000 Mcf per day thus raising Petitioner's total system capacity to 825,000 Mcf per day, it is stated. This additional capacity would be utilized to serve new and incremental demand for natural gas in Petitioner's Florida markets, it is asserted.

Furthermore, Petitioner states that the Commission adopted as part of its previous authorization twenty-eight environmental conditions which were listed in 13 FERC ¶63,048 at 65,279–80. Petitioner asserts as a result of the instant request to vacate and amend Opinion Nos. 144 and No. 144–A that the environmental conditions Nos. 4, 8 thru 12, 25 and 26 as well as the portion of condition No. 6 pertaining to the Tangipahoa River crossing should remain in effect; the other environmental conditions listed would become moot upon issuance of the requested amended certificate, it is asserted.

Comment date: June 5, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. East Tennessee Natural Gas Company

[Docket No. CP86–479–000]

May 19, 1986.

Take notice that on April 28, 1986, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37939–0245, filed in Docket No. CP86–479–000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) that Applicant be allowed to establish, construct, and operate new delivery points for Tennessee-Virginia Energy Corporation (Tennessee-Virginia) and Roanoke Gas Company (Roanoke) under the certificate issued in Docket No. CP82–412–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant proposes to establish the new delivery points for Tennessee-Virginia, on its Johnson City-Elizabethton lateral in the Boone's Creek community in Washington County, Tennessee; and the new delivery point for Roanoke in the Cave Springs community on Applicant's 3300 Line in Roanoke County, Virginia. The new delivery points would enable Tennessee-Virginia and Roanoke to serve the Boone's Creek area and southwest Roanoke County, respectively, two areas which presently do not have natural gas service. It is stated that the cost of all of the proposed facilities is estimated to be $57,800 and would be paid from funds on hand. It is further stated that all gas to be sold through the proposed new facilities would be within existing contract volume and/or curtailment period quantity entitlements.

Comment date: July 3, 1986, in accordance with Standard Paragraph G at the end of this notice.

3. Southern Natural Gas Company

[Docket No. CP86–458–000]

May 19, 1986.

Take notice that on April 18, 1986, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP86–458–000 an application pursuant to section 7 of the Natural Gas Act for a limited-term certificate of public convenience and necessity with pre-granted abandonment, authorizing the transportation of natural gas for Bickerstaff Clay Products Company, Inc. (Bickerstaff), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 2.2 billion Btu of natural gas per day for Bickerstaff, on an interruptible basis, for a one-year term. It is indicated that Bickerstaff would purchase the gas from SNG Trading Inc. (SNG Trading). Applicant states that it would receive the gas for the account of Bickerstaff at various existing points on Southern's system in East Plaquemines Parish, Louisiana, and in Walthall County, Mississippi. Applicant proposes to redeliver equivalent volumes of gas, less 3.25 percent for fuel and company-use gas, to Bickerstaff at the Brickyard Meter Station and Dixieland Meter Station in Russell County, Alabama.

Applicant proposes to charge Bickerstaff a transportation rate of 64.9 cents per million Btu of gas redelivered by Southern. In addition Applicant proposes to collect the GRI surcharge of 1.35 cents per Mcf.

Applicant states that the proposed transportation arrangement would enable Bickerstaff to diversity its natural gas supply sources and to obtain gas at competitive prices. It is alleged that Applicant's entire system will benefit by retaining Bickerstaff as a customer on the system. In addition, Applicant will obtain take-or-pay relief of the gas Bickerstaff may obtain from its suppliers.

Applicant also requests flexible authority to add delivery points in the event that Bickerstaff obtains alternative sources of supply. It is stated that the redelivery point, the recipient and the maximum daily transportation volume would remain unchanged. It is further stated that Applicant would file periodic reports providing certain information with regard to the addition of any delivery points.

Comment date: June 9, 1986, in accordance with Standard Paragraph F at the end of this notice.

4. Southern Natural Gas Company

[Docket No. CP86–459–000]

May 19, 1986.

Take notice that on April 18, 1986, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP86–459–000 an application pursuant to section 7 of the Natural Gas Act for a limited-term certificate of public convenience and necessity with pre-

granted abandonment, authorizing the transportation of natural gas for Atlanta Gas Light Company (Atlanta), acting as agent for Bickerstaff Clay Products Company, Inc. (Bickerstaff), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 1.5 billion Btu of natural gas per day for Atlanta, as agent for Bickerstaff, on an interruptible basis, for a one-year term. It is indicated that Bickerstaff would purchase the gas from SNG Trading Inc. (SNG Trading). Applicant states that it would receive the gas for the account of Bickerstaff at various existing points on Southern's system in Desoto Parish, Louisiana; Shelby County, Texas; East Plaquemines Parish, Louisiana; and Walthall County, Mississippi. Applicant proposes to redeliver equivalent volumes of gas, less 3.25 percent for fuel and company-use gas, to Atlanta at the existing Atlanta Area Delivery Point.

Applicant proposes to charge Atlanta a transportation rate of 48.2 cents per million Btu where the aggregate of the volumes transported by Applicant for Atlanta under any and all transportation agreements between Applicant and Atlanta, when added to the volumes of gas delivered under Applicant's Rate Schedule OCD, does not exceed Atlanta's daily contract demand from Applicant. For those volumes that exceed Atlanta's daily contract demand, Applicant proposes to charge 77.6 cents per million Btu. In addition Applicant proposes to collect the GRI surcharge of 1.35 cents per Mcf.

Applicant states that the proposed transportation arrangement would enable Bickerstaff to diversify its natural gas supply sources and to obtain gas at competitive prices. In addition, Applicant indicates that it would obtain take-or-pay credit on all volumes transported under the arrangement.

Applicant also requests flexible authority to add delivery points in the event that Bickerstaff obtains alternative sources of supply. It is stated that the redelivery point, the recipient and the maximum daily transportation volume would remain unchanged. It is further stated that Applicant would file periodic reports providing certain information with regard to the addition of any delivery points.

Comment date: June 9, 1986, in accordance with Standard Paragraph F at the end of this notice.

5. Southern Natural Gas Company

[Docket No. CP86-460-000]

May 19, 1986.

Take notice that on April 18, 1986, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP86-460-000 an application pursuant to section 7 of the Natural Gas Act for a limited-term certificate of public convenience and necessity with pre-granted abandonment, authorizing the transportation of natural gas for the Utilities Board of City of Phenix City, Alabama (Phenix City), acting as agent for Bickerstaff Clay Products Company, Inc. (Bickerstaff), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport on an interruptible basis, up to 1.5 billion Btu of natural gas per day for Phenix City, as agent for Bickerstaff for a one-year term. It is indicated that Bickerstaff would purchase the gas from SNG Trading Inc. (SNG). Applicant states that it would receive the gas for the account of Bickerstaff at various existing points on Southern's system in Desoto Parish and East Plaquemines Parish, Louisiana, Walthall County, Mississippi, and Shelby County, Texas. Applicant proposes to redeliver equivalent volumes of gas, less 3.25 percent for fuel and company-use gas, at an existing delivery points to Phenix City at the Phenix City Meter Stations No. 1, 2 and 3 in Russell County, Alabama.

Applicant proposes to charge Phenix City a transportation rate of 39.9 cents per million Btu where the aggregate of the volumes transported by Applicant to Phenix City under any and all transportation agreements between Applicant and Phenix City, when added to the volumes of gas delivered under Applicant's Rate Schedule OCD, does not exceed Atlanta's daily contract demand from Applicant. For those volumes that exceed Phenix City's daily contract demand, Applicant proposes to charge 64.9 cents per million Btu. In addition Applicant proposes to collect the GRI surcharge of 1.35 cents per Mcf.

Applicant states that the proposed transportation arrangement would enable Phenix City to diversify its natural gas supply sources and to obtain gas at competitive prices. In addition, Applicant indicates that it would obtain take-or-pay credit on all volumes transported under the arrangement.

Applicant also requests flexible authority to add delivery points in the event that Phenix City obtains alternative sources of supply. It is stated that at the redelivery point, the recipient and the maximum daily transportation volume would remain unchanged. It is further stated that Applicant would file a report providing certain information with regard to the addition of any delivery points.

Comment date: June 9, 1986, in accordance with Standard Paragraph F at the end of this notice.

6. Southern Natural Gas Company

[Docket No. CP86-461-000]

May 19, 1986.

Take notice that on April 18, 1986, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP86-461-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Atlanta Gas Light Company (Atlanta), acting as agent for Packaging Corporation of America (Packaging), and for permission and approval to abandon such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport on an interruptible basis up to 2,000 MMBtu of natural gas per day for Atlanta for a term of one year from the date of any order issued herein. It is stated that Packaging would purchase the gas from Consolidated Fuel Supply, Inc. Applicant states that Atlanta would cause the gas to be delivered to Southern at various existing points of interconnection located in Breton Sound Area and Main Pass Area, offshore Louisiana, and in DeSoto and Jefferson Parishes, Louisiana. Applicant states that it would redeliver the gas to Atlanta at the Macon Area Delivery Point in Georgia, less 3.25 percent for compressor fuel and company-use gas (including system unaccounted-for gas losses); less any and all shrinkage, fuel or loss resulting from or consumed in the processing of gas; and less Atlanta's *pro-rata* share of any gas delivered for Atlanta's account which is lost or vented for any reason.

Applicant states that it would charge Atlanta each month the following transportation rate:

(a) Where the aggregate of the volumes transported and redelivered by Applicant on any day to Atlanta under any and all transportation agreements with Applicant, when added to the volumes of gas delivered under Southern's Rate Schedule OCD on such day to Atlanta do not exceed the daily contract demand of Atlanta, the

transportation rate would be 48.2 cents per MMBtu; and

(b) Where the aggregate of the volumes transported and redelivered by Applicant on any day to Atlanta under any and all transportation agreements with Applicant, when added to the volumes of gas delivered under Applicant's Rate Schedule OCD on such day to Atlanta exceed the daily contract demand of Atlanta, the transportation rate for the excess volumes would be 77.6 cents per MMBtu.

Applicant would collect from Atlanta the GRI surcharge of 1.35 cents per Mcf or any such other GRI funding unit or surcharge as hereafter prescribed.

Applicant also requests flexible authority to provide transportation from additional delivery points in the event that Packaging would obtain alternative sources of supply of natural gas. The additional transportation service would be to the same redelivery point, the same recipient, and within the same maximum daily transportation volume of gas as stated in the application. Applicant would file periodic reports providing certain information with regard to the addition of any delivery points.

Comment date: June 9, 1986, in accordance with Standard Paragraph F at the end of this notice.

7. Southern Natural Gas Company

[Docket No. CP86-466-000]

May 19, 1986.

Take notice that on April 21, 1986, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP86-466-000 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing it to transport gas on behalf of the Utilities Board of the City of Sylacauga, Alabama (Sylacauga), all are more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern proposes to transport natural gas for Sylacauga in accordance with the terms and conditions of a transportation agreement between Sylacauga and Southern dated April 14, 1986. Southern states it has agreed to transport on an interruptible basis up to 3 billion Btu of gas per day purchased by Sylacauga from SNG Trading Inc., subject to the receipt of all necessary governmental authorizations. Southern requests that the Commission issue a limited-term certificate for a term expiring one year from the date of the Commission's order issuing the requested authorization.

Southern states that the transportation agreement provides for Sylacauga to cause natural gas to be delivered to Southern for transportation at various existing points on Southern's contiguous pipeline system in the Breton Sound and East Cameron Areas, offshore Louisiana, and St. Mary, St. Martin, and St. Bernard Parishes, Louisiana. Southern would redeliver to Sylacauga at the Sylacauga Meter Station, Talladega County, Alabama, an equivalent of gas less 3.25 percent of such amount which would have been deemed to have been used as compressor fuel and company-use gas (including system unaccounted-for gas losses); less any and all shrinkage, fuel or loss resulting from or consumed in the processing of gas; and less Sylacauga's pro-rate share of any gas delivered for Sylacauga's account which is lost or vented for any reason.

Southern states that Sylacauga has agreed to pay Southern each month the following tranportation rate:

(a) Where the aggregate of the volumes transported and redelivered by Southern on any day to Sylacauga under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's Rate Schedule OCD on such day to Sylacauga do not exceed the daily contract demand of Sylacauga, the transportation rate would be 39.9 cents per MMBtu; and

(b) Where the aggregate of the volumes transported and redelivered by Southern on any day to Sylacauga under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's Rate Schedule OCD on such day to Sylacauga exceed the daily contract demand of Sylacauga, the transportation rate for the excess volumes would be 64.9 cents per MMBtu.

Additionally, Southern would collect from Sylacauga the GRI surcharge of 1.35 cents per Mcf or any such other GRI funding unit or surcharge as hereafter prescribed.

Southern also requests flexible authority to provide transportation from additional delivery points in the event Sylacauga obtains alternative sources of supply of natural gas. The additional transportation service would be to the same redelivery point, the same recipient, and within the maximum daily transportation volume of gas as stated in the application. Furthermore, Southern would file a report providing information with regard to the addition of any delivery points.

Southern states that the transportation arrangement would enable Sylacauga to diversity its natural gas supply sources and to obtain gas at competitive prices. Also, Southern would be able to obtain take-or-pay relief on the gas Sylacauga may obtain from Southern's suppliers. Southern explains it would release for resale by others gas in NGPA Categories 102(c), 103 and 107. Additionally Southern would release section 102(d) gas subject to receipt of appropriate abandonment authorization.

Southern states that Sylacauga has advised Southern that the gas to be transported pursuant to the transportation agreement would be used to supply certain of its industrial customers who have the installed capability to utilize fuel oil. It is asserted that because of the recent precipitous decline in the prices of fuel oil, many of these industrial customers have switched to fuel oil for substantially all of their energy requirements. It is stated Sylacauga has advised Southern that unless it is able to obtain the transportation services for which authorization is requested by Southern, it would be unable to offer natural gas to these customers at a price that is competitive with fuel oil. It is further stated that, as a result, these industria customers would continue to utilize fuel oil to the maximum extent possible causing a corresponding loss of throughput on Southern's system. Southern avers, to the extent the transportation service proposed herein would enable Sylacauga, and ultimately its customers, to obtain access to competitively priced natural gas, the entire Southern system would benefit by retaining Sylacauga as a customer on the system.

Comment date: June 9, 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 on motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is field and not withdrawn within 30 days after the time allowed for flining a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11576 Filed 5-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF86-715-000 et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, Etc.; Gerald L. & Lois R. Sims et al.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

May 19, 1986.Q04

Take notice that the following filings have been made with the Commission.

1. Gerald L. & Lois R. Sims

[Docket No. QF86-715-000]

On May 2, 1986, Gerald L. & Lois R. Simms (Applicant), of 6907 216th Street, S.W., Lynnwood, Washington 98036, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 1.6 megawatts facility (FERC P. 7182) will be located on the Davis Creek, Lewis County, Washington.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

2. SNC Hydro Inc.

[Docket No. QF86-696-001]

On April 25, 1986, SNC Hydro Inc. (Applicant), of 125 Wolf Road, Albany, New York 12205, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 1,230 kilowatt hydroelectric facility (FERC P. 7153) will be located on Fish Creek, Saratoga County, New York.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

3. Waycot Systems North Carolina, Inc.

[Docket No. QF86-714-000]

On May 5, 1986, Waycot Systems North Carolina, Inc. (Applicant), of 2021 K. Street, NW., Washington, DC 20006 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located in Washington County, North Carolina. The net electric power production capacity will be 13 megawatts. The primary energy source will be biomass in the form of wood chips. Pre-treated #6 fuel oil and diesel fuel will be used for trim combustion and combustor pre heating (5.6%, 25% of the total annual heat input to the facility respectively). The facility will not utilized natural gas or coal.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11578 Filed 5-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-413-000]

Application of ANR Gathering Company for Blanket Certificate of Public Convenience and Necessity and for order Permitting and approving Pre-Granted Abandonment and Request for Temporary Authority

May 19, 1986.

Take notice that on May 6, 1986, ANR Gathering Company (Gathering) applied for a blanket certificate of public convenience and necessity authorizing (1) Gathering to make sales for resale in interstate commerce of gas subject to the Commission's Natural Gas Act (NGA) jurisdiction, (2) authorizing sales of natural gas by others to Gathering for resale in interstate commerce, (3) authorizing sales for resale of natural gas by others through Gathering acting as their agent, and (4) authorizing the pregranted abandonment of all sales for resale for which sales certificate

authority is requested herein. Gathering also requests temporary authority to undertake the services set forth herein. This application is filed pursuant to Sections 4 and 7 of the Natural Gas Act (NGA) and Part 157 of Title 18 of the Code of Federal Regulations.

The certificate and abandonment authority sought herein, if granted, will enable Gathering to sell natural gas it purchases from various producers or for whom it has authority to act, to various purchasers.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11579 Filed 5-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C186-419-000]

Application of ANR Supply Company for Blanket Certificate of Public Convenience and Necessity and for Order Permitting and Approving Pre-Granted Abandoment and Request for Temporary Authority

May 19, 1986.

Take Notice that on May 9, 1986, ANR Supply Company (Supply) applied for a blanket certificate of public convenience and necessity authorizing (1) Supply to make sales for resale in interstate commerce of gas subject to the Commission's Natural Gas Act (NGA) jurisdiction, (2) authorizing sales of natural gas by others to Supply for resale in interstate commerce, (3) authorizing sales for resale of natural gas by others through Supply acting as their agent, and (4) authorizing the pregranted abandoment of all sales for resale for which sales certificate authority is requested herein. Supply also requests temporary authority to undertake the services set forth herein. This application is filed pursuant to Sections 4 and 7 of the Natural Gas Act (NGA) and Part 157 of Title 18 of the Code of Federal Regulations.

The certificate and abandonment authority sought herein, if granted, will enable Supply to sell natural gas it purchases from various producers or for whom it has authority to act, to various purchasers.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding., Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless othewise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11580 Filed 5-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-425-000]

Application of Energy Marketing Exchange, Inc. To Amend Blanket Certificate of Public Convenience and Necessity and for an Order Approving Pre-Granted Abandonment

May 19, 1986.

Take notice that on May 12, 1986, Energy Marketing Exchange Inc. ("EME") pursuant to sections 4 and 7 of the Natural Gas Act, 15 U.S.C. 717-717z (1982) (NGA) and Part 157 of the regulations of the Federal Energy Regulatory Commission (Commission), 18 CFR Part 157 (1984), applied for a one (1) year extension of the limited-term sales and abandonment authority granted in this proceeding. EME states that such an extension is in the public interest as it will allow a smooth transition into the abandonment procedures established in Order No. 436.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11582 Filed 5-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-421-000]

Application of Texcol Industrial Sales Co.; Inc. for Blanket Certificate of Public Convenience and Necessity and for Order Permitting and Approving Abandonment and Pre-Granted Abandonment and Request for Temporary Authority

May 19, 1986.

Take Notice that on May 12, 1986, Texcol Industrial Sales Company Inc. (TISCO) applied for a blanket certificate of public convenience and necessity authorizing (1) TISCO to make sales for resale in interstate commerce of gas subject to the Commission's Natural Gas Act (NGA) jurisdiction, (2) authorizing sales of natural gas by others to TISCO for resale in interstate commerce, (3) authorizing sales for resale of natural gas by others through TISCO acting as their agent, and (4) authorizing the pregranted abandonment of all sales for resale for which sales certificate authority is requested herein. This application is filed pursuant to Sections 4 and 7 of the Natural Gas Act (NGA) and Part 157 of Title 18 of the Code of Federal Regulations.

The certificate and abandonment authority sought herein, if granted, will enable TISCO to sell natural gas it purchases from various producers, or for whom it has authority to act, to various purchasers.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or protest in accordance with the

requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary

[FR Doc. 85-11584 Filed 5-21-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-23-000]

Eastern Shore Natural Gas Co. Technical Conference

May 14, 1986.

Take notice that pursuant to the Commission's suspension order issued May 7, 1986 in the above-captioned docket, an informal technical conference will be convened on Wednesday, May 28, 1986 at 10:00 a.m. at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

All interested persons and Staff will be permitted to attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11581 Filed 5-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP86-32-000, etc.]

Minerals Management Service; Preliminary Finding

May 15, 1986.

In the matter of Minerals Management Service, Louisiana, Section 102(d) NGPA Determination, Taylor Energy Company, West Delta Block 133, MMS Docket G4-4440; FERC No. JD85-31411 MMS Docket G4-4581; FERC No. JD86-01397 MMS Docket G4-4433; FERC No. JD86-01398 MMS Docket G4-4328; FERC No. JD86-01399.

On December 17, 1985, the Minerals Management Service, Department of Interior (MMS) at Metrairie, Louisiana, submitted to the Commission notices of determination. These notices state that gas produced from certain wells located on the Outer Continental Shelf (OCS), offshore Louisiana, (West Delta Block 133 Field) owned by Taylor Energy Company (Taylor) meets all the requirements of section 102(d) of the Natural Gas Policy Act of 1978 (NGPA).[1]

Under section 102(d)(1) of the NGPA, natural gas produced from an old lease on the OCS qualifies for the new natural gas ceiling price if the natural gas is produced from a reservoir which was not discovered before July 27, 1976. Section 102(d)(2) states that a reservoir that was penetrated by a well before July 27, 1976, will be considered to have been discovered before July 27, 1976, if any of the criteria in subsection 102(d)(2)(B), concerning production tests and evidence regarding production capability, are satisfied. The section 102(d) criteria specifically refer to the requirements of OCS Order No. 4.[2]

The record shows that Taylor purchased the lease from Shell Oil Company (Shell) in 1983. Shell penetrated three of the four reservoirs involved in this proceeding prior to July 27, 1976. At that time, Shell conducted induction-electric log tests for the wells in question which showed the presence of a zone of commerically producible sand. In September 1985, MMS issued notices of negative determinations for the three penetrated reservoirs based upon this evidence. However, in December 1985, MMS issued notices of positive determinations superseding the September notices stating, "Shell Oil Company has furnished an affidavit which states that Shell believed the West Delta Block 133 Field to be non-economical and sold it to the Taylor Energy Company for a negative value."

On January 31, 1986, prior to expiration of the forty-five day period for review of MMS' determinations, a tolling letter was issued to MMS requesting that it furnish a statement pursuant to § 271.104(a)(6) of the Commission's regulations explaining the basis of its conclusion that the reservoirs were not discovered prior to July 27, 1976.

On March 31, 1986, MMS furnished a statement explaining the basis for its reversal of the negative determination. It stated that the original determination was based upon an economic analysis which did not permit the inclusion of the costs of marketing, such as pipelines. Upon reconsideration, MMS, relying upon a legal memorandum from the Solicitor's Office, Department of the Interior, concluded that these costs are proper costs in determining whether revenues exceed costs, and that with the inclusion of these costs, the reservoirs in question would not have been "commercially producible" when the wells in question were logged.

In this case there was evidence which appeared to satisfy the production capability test, within the meaning of section 102(d)(2)(B)(iii), since the induction-electric log test showed that the reservoirs contained a zone of producible sand when the reservoirs were penetrated prior to July 27, 1976. Under section 102(d)(4)(B) of the NGPA, where evidence regarding production capability exists, the producer has the burden of showing that the evidence does not provide the applicable indication specified in 102(d)(2) of the NGPA that the reservoir was commercially producible. Here, Taylor has failed to do so.

Accordingly, the Commission hereby makes a preliminary finding (pursuant to 18 CFR § 275.202(a)(l)(i) that the determinations submitted by the MMS are not supported by substantial evidence in the record on which the determinations were made.[3]

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11577 Filed 5-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-354-000]

Niagara Mohawk Power Corporation; Order Accepting for Filing and Suspending Rates, Granting Intervention, Denying Motions To Reject, Denying Request for Summary Disposition, and Establishing Hearing Procedures

Issued: May 16, 1986.

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

On March 17, 1986, Niagara Mohawk Power Corporation (Niagara) submitted for filing an increase in rates for transmission service to the Power Authority of the State of New York (PASNY).[1] The proposed rates would increase transmission revenues by approximately $6.0 million (59%) based on a twelve-month test period ending March 31, 1987. Niagara requests that its

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[1] U.S.C. 3312(d) (1985).

[2] NGPA section 102(d)(5) defines OCS Order No. 4 as "the order numbered 4 of the Conservation Division, Geological Survey, Department of the Interior, approved by the Chief of the Conservation Division on August 28, 1969." Order No. 4 sets forth certain tests, which if satisfied, permit an extension of an OCS lease beyond its primary term in the absence of actual production.

[3] There was no evidence showing that the Q8 Reservoir G, included in MMS Docket G4-4440, was penetrated prior to July 27, 1976. Accordingly, this notice of preliminary finding shall not apply to that portion of production attributable to that reservoir.

[1] *See* Attachment for affected PASNY customers and rate schedule designations.

proposed rates become effective on May 19, 1986.

Notice of the filing was published in the **Federal Register**, [2] with comments due, after extension, on or before April 8, 1986. Timely motions to intervene were filed by PASNY: the City of New York (NYC); the County of Westchester Public Utility Service Agency (COW/PUSA); the Metropolitan Transit Authority (MTA); the Municipal Electric Utilities Association of New York State (MEUA); the New York State Rural Electric Cooperative Association, Inc. (NYSRECA); Allegheny Electric Cooperative, Inc. (Allegheny); American Municipal Power-Ohio, the Connecticut Municipal Electric Energy Cooperative, and the Massachusetts Municipal Wholesale Electric Company (collectively referred to as Municipals); and the New Jersey Public Power Association (NJPPA). In addition, an untimely motion to intervene was filed by General Motors Corporation (GM).

PASNY, GM COW/PUSA, and NYC request intervenor status, but raise no specific issues for investigation. COW/PUSA and NYC further request a five month suspension. NYC states that the propsoed increase will significantly impair its efforts to strengthen marginally-economic energy-intensive manufacturing firms and to attract new industrial and commercial customers.

On April 9, 1986, Niagara filed an answer to NYC's pleading, contending that it had not supported its request for maximum suspension in terms of the Commission's *West Texas* criteria.[3] Niagara also disputes the allegation of irreparable harm.

The MTA requests maximum suspension, alleging that the return on common equity is excessive and that Niagara has understated the revenue credit associated with wheeling revenues received from the New York Power Pool.

MEUA, NYSRECA, Allegheny, the Municipals, and the NJPPA request issuance of a deficiency letter or, in the alternative, a maximum suspension of the rates. They allege that the instant filing is deficient in that Niagara failed to submit complete statements and workpapers as required by § 35.13 of the Commission's regulations. If a deficiency letter is not issued, they request a five month suspension of the rates, raising a variety of cost of service issues, including: (1) Return on common equity; (2) demand projections; (3) use of a 12 CP allocator rather than a 1 CP allocator; (4) elimination of separate rates based on delivery voltage; (5) rate discrimination between MEUA and replacement energy customers, who are currently being served at rates below those proposed herein; (6) inclusion in the cost of service of payments made to the PJM pool for unscheduled transmission service; (7) use of revenue credits rather han direct cost allocations to account for firm wheeling services not at issue here; (8) use of a 45-day lag for cash work capital; (9) failure to provide a depreciation study to support new depreciation rates; and (10) failure to justify the differential between PASNY in-state and out-of-state rates. The Municipals also request summary rejection of Niagara's inclusion of compensating bank balances in determining the cash working capital allowance.

On April 23, 1986, Niagara filed an answer to the motions to intervene. Niagara contends that its submittal is in compliance with the filing requirements and denies that a five month suspension is warranted. Niagara also disputes the specific objections to the filing raised by the intervenors.

Discussion

Under Rule 214 of the Commission's rules of practice and procedure (18 CFR 385.214), the timely, unopposed motions to intervene serve to make NYC, COW/PUSA, the MTA, MEUA, NYSRECA, Allegheny, the Municipals, and the NJPPA parties to this proceeding. Furthermore, we find that good cause exists to grant GM's untimely intervention, given its stated interest, the early stage of this proceeding, and the apparent absence of any undue prejudice or delay.

In support of the requests for rejection, the intervenors cite a number of alleged omissions from Niagara's filing. Having evaluated Niagara's submittal, we find that it minimally complies with our threshold filing requirements and is not patently deficient. Absent any other basis for rejection, we shall therefore deny the requests for rejection. In addition, we conclude that the Municipals have not justified their cryptic request for summary disposition as to the inclusion of compensating bank balances in determining the working capital allowance. This request will also be denied.

Our review of Niagara's filing and the pleadings indicates that the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

In *West Texas Utilities Co., supra*, we explained that where our preliminary examination indicates that proposed rates may be unjust and unreasonable, but may not be substantially excessive, as defined in *West Texas*, we would generally impose a nominal suspension. Here, our examination suggests that the rates may not yield substantially excessive revenues. Therefore we shall suspend Niagara's rates for one day, to become effective, subject to refund, on May 20, 1986.

The Commission orders

(A) GM's untimely motion to intervene is hereby granted, subject to the Commission's rules of practice and procedure.

(B) The motions to reject Niagra's filing are hereby denied.

(C) The Municipals' request for summary disposition is hereby denied.

(D) Niagara's proposed rates are hereby accepted for filing and suspended for one day, to become effective, subject to refund, on May 20, 1986.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Niagara's rates.

(F) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's rules of practice and procedure.

(H) Subdocket No. 000 of Docket No. ER86-354 is hereby terminated. The evidentiary hearing established herein is assigned Docket No. ER86-354-001.

[2] 51 FR 10.919 (1986).

[3] *See West Texas Utilities Co.*, 18 FERC ¶ 61.189 (1982).

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment—Niagara Mohawk Power Corporation, Docket No. ER86–354–000

Rate Schedule Designations

Designation	Description
(1) Supplement No. 1 to Rate Schedule FERC No. 134.	Rate Schedule B.
(2) Supplement No. 4 to Supplement No. 2 to Rate Schedule FPC No. 95.	Rate Schedule A.
(3) Supplement No. 5 to Rate Schedule FPC No. 19 (Supersedes Supplement No. 3).	Rate Schedule A.
(4) Supplement No. 3 to Supplement No. 2 to Rate Schedule FPC No. 18.	Rate Schedule A.

[FR Doc. 86–11583 Filed 5–21–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER86–361–000]

Upper Peninsula Power Co.; Order Accepting for Filing and Suspending Rates, Noting Intervention, and Establishing Hearing Procedures

Issued May 16, 1986.

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

On March 17, 1986, Upper Peninsula Power Company (UPPCO) submitted for filing a proposed rate increase for firm service to eight wholesale customers.[1] The proposed rates would increase revenues by approximately $278,600 (4.8%) based upon a test period ending December 31, 1986. UPPCO requests that the proposed rates become effective on May 17, 1986.

Notice of UPPCO's filing was published in the **Federal Register,**[2] with comments due on or before April 4, 1986. Alger Delta Cooperative and Ontonagon County Rural Electrification Association (Cooperatives) timely filed a joint protest and motion to intervene, requesting a five month suspension of the proposed rate increase and a hearing. In support of their requests, the Cooperatives allege that: (1) UPPCO's proposed common equity return exceeds the advisory benchmark allowance for this filing period; (2) UPPCO erred in its allocation of cash working capital to the wholesale class; and (3) UPPCO erred in developing its labor allocator.[3]

On April 16, 1986, UPPCO filed an answer to the Cooperatives' motion. While UPPCO does not oppose their intervention, it denies the Cooperatives' substantive allegations and further denies that a five month suspension is warranted.

Discussion

Pursuant to Rule 214 of the Commission's rules of practice and procedure (18 CFR 385.214), the timely, unopposed motion to intervene makes the Cooperatives parties to this proceeding.

Our preliminary examination of UPPCO's filing and the pleadings indicates that the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), we explained that where our preliminary examination indicates that proposed rates may be unjust and unreasonable, and may be substantially excessive, as defined in *West Texas*, we would generally impose a maximum suspension. Here, our examination suggests that the proposed rates may yield substantially excessive revenues. Accordingly, we shall suspend those rates for five months, to become effective, subject to refund, on October 17, 1986.

The Commission Orders

(A) UPPCO's proposed rates are hereby accepted for filing and are suspended for five months, to become effective on October 17, 1986, subject to refund.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of UPPCO's rates.

(C) The Commission staff shall serve top sheets in this proceeding within 10 days of the date of this order.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Such conference shall be held for purposes of establishing a procedural schedule. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's rules of practice and procedure.

(E) Subdocket 000 in Docket No. ER86–361 is hereby terminated. Docket No. ER86–361–001 is assigned to the evidentiary hearing ordered herein.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment—Upper Peninsula Power Company Rate Schedule Designations

Docket No. ER86–361–000

Designation	Other party
Supplement No. 28 to Rate Schedule FPC No. 14 (Supersedes Supplement No. 27).	Alger-Delta Cooperative Electric Association.
Supplement No. 29 to Rate Schedule FPC No. 15 (Supersedes Supplement No. 28).	The Ontonagon County Rural Electrification Association.
Supplement No. 15 to Rate Schedule FERC No. 23 (Supersedes Supplement No. 14).	City of Gladstone.
Supplement No. 5 to Rate Schedule FERC No. 25 (Supersedes Supplement No. 2 & 3).	Village of Baraga.
Supplement No. 28 to Rate Schedule FPC No. 7 (Supersedes Supplement No. 27)	Village of L'Anse.
Supplement No. 26 to Rate Schedule FPC No. 7 (Supersedes Supplemental No. 25).	City of Negaunee.
Supplement No. 28 to Rate Schedule FPC No. 2 (Supersedes Supplement No. 27).	Wisconsin Electric Power Company.
Supplement No. 29 to Rate Schedule FPC No. 3 (Supersedes Supplement No. 28).	Wisconsin Electric Power Company.
Supplement No. 3 to Rate Schedule FERC No. 26 (Supersedes Supplement No. 1).	City of Escanaba.

[FR Doc. 86–11585 Filed 5–21–86; 8:45 am]

BILLING CODE 6717–01–M

[1] *See* Attachment for rate schedule designations and affected customers.

[2] 51 F.R. 10,920 (1986).

[3] On May 9, 1986, the Cooperative filed an amendment to their motion to intervene, contending that UPPCO has erred with respect to the allocation of (1) non-fuel production O&M expenses and (2) transmission plant.

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3020-8]

Science Advisory Board; Environmental Effects, Transport and Fate Committee, Municipal Waste Combustion Subcommittee, Open Meeting—May 29-30, 1986; Amended Notice

Notice is hereby given in accordance with Pub. L. 92-463 of a change in the date of the meeting of the Municipal Waste Combustion Subcommittee of the Environmental Effects, Transport and Fate Committee of the Science Advisory Board. Publication of the original notice appeared in the Federal Register on Monday, May 12, 1986, Volume 51, Number 91, page 17407. The amended notice is to inform the public that the two day meeting will be held from 1:30 p.m. to 4:30 p.m. on May 29 and from 8:30 a.m. to approximately 2:00 p.m. on May 30. The meeting will be held at the College of Wiliam and Mary Alumni House, Main Room, 500 Richmond Road, Williamsburg, Virginia.

The meeting is open to the public. Any member of the public wishing to attend, obtain information, or submit written comments should contact Dr. Terry F. Yosie, Director, Science Advisory Board or Mrs. Joanna A. Foellmer located at 401 M Street, SW, Washington, D.C. 20460 or call (202) 382-4126 by close of business May 22, 1986.

Dated: May 16, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86-11653 Filed 5-21-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180694; FRL-3019-9]

Department of the Interior, Fish and Wildlife Service; Receipt of Applications for Specific Exemptions To Use a Pesticide for an Unregistered Use; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the United States Department of the Interior, Fish and Wildlife Service (hereafter referred to as USDI) for use of sodium cyanide in the M-44 device. One request proposes use of the M-44 device to control coyotes and red foxes in the Grays Lake National Wildlife Refuge in Idaho for the protection of the endangered whooping crane, and the other proposes use of the M-44 device to control coyotes and foxes on the Mississippi Sandhill Crane National Wildlife Refuge in Jackson County, Mississippi, for the protection of the endangered Mississippi Sandhill Crane. EPA is soliciting comment before making the decision whether or not to grant these specific exemption requests.

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

ADDRESS: Three copies of written comments, bearing the identifying notation "OPP-180694," should be submitted—

By mail to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, Crystal Mall Building #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday excluding legal holidays.

FOR FURTHER INFORMATION:

By mail: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

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

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

USDI has requested the Administrator to issue specific exemptions to permit the use of sodium cyanide in the M-44 device to control wild canids for the purpose of protecting the endangered whooping crane and Mississippi Sandhill crane. Information in accordance with 40 CFR Part 166 was submitted as part of these requests.

USDI has requested the use of the product M-44 Cyanide Capsules, EPA Reg. No. 6704-75, in M-44 devices. One capsule per device will be used. A maximum of 40 M-44 devices and 860 sodium cyanide capsules is requested for use on 3,000 acres of land and marsh at the Grays Lake Wildlife Refuge and a maximum of 100 M-44 devices and 300 sodium cyanide capsules is requested for use on 10,000 acres of land at the Mississippi Sandhill Crane National Wildlife Refuge. Only trained USDI personnel will hand-place the devices. All applicable precautions and restrictions governing the use of sodium cyanide registrations will be adhered to. USDI has requested authorization to use sodium cyanide for a one-year period.

The use of sodium cyanide is being requested to aid in establishing populations of the endangered whooping crane and the endangered Mississippi Sandhill Crane within the wildlife refuges. In order to effectively accomplish this, USDI claims that it is necessary to remove the wild canids which prey on the birds and eggs. Although a number of means are available with which to accomplish this, they are often disruptive to the cranes, are manpower intensive and/or too costly.

USDI has requested and received similar exemptions for this use of sodium cyanide for use at the Gray's Lake site since 1977. Use of sodium cyanide at the Mississippi Sandhill Crane site was authorized under a specific exemption for the first time last year; however, all M-44 devices were removed in December after a Mississippi Sandhill Crane died from cyanide poisoning from an M-44 device. As a result, USDI has reexamined its procedures and conducted an intra-service consultation under Section 7 of the Endangered Species Act. Preventative measures and guidelines have been developed regarding the use of the M-44 device which will minimize the possibility of another such occurrence. The Section 7 consultation determined that the use of the M-44 device ". . . is not likely to jeopardize the existence of the Mississippi sandhill crane or result in the destruction or adverse modification of habitat for this species."

The use of sodium cyanide for predator control was cancelled in 1972 due, in part, to the adverse effects of this pesticide on nontarget species. In 1975, EPA modified that decision to permit

use of sodium cyanide in a springloaded ejector device known as the M–44 to control certain wild canid predators, subject to a number of restrictions. These restrictions include one which prohibits the use of M–44's in wildlife refuges, national wilderness, State and Federal parks, and similar areas. Subsequently, the Agency registered this use in accordance with this decision.

On March 19, 1986, the Agency announced in the Federal Register (51 FR 9518) that it would hold a hearing, in accordance with the Subpart D procedures, to consider substantial new evidence presented by USDI which may warrant further modification of the 1972 cancellation order. Specifically, the hearing will be to determine whether to permit the use of sodium cyanide in the M–44 device to protect endangered/threatened species in areas where such use is currently prohibited.

At the same time, the Agency announced its intent to modify ten restrictions governing the use of sodium cyanide in the M–44 device which had been requested by USDI. Although these modifications were not subject to Subpart D and therefore did not require that a hearing be held, the Agency provided the opportunity for any affected person to request that one or more of these modifications be included in the adjudicatory hearing. Subsequently, these modifications have been included in the hearing at the request of the National Audubon Society, the Environmental Defense Fund, and the Defenders of Wildlife. The date on which the evidentiary phase of the hearing will begin has not been determined.

This notice does not constitute a decision by EPA on the application itself. Interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before May 27, 1986, and should bear the identifying notation "OPP–180694." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemptions requested by the United States Department of the Interior.

Dated: May 16, 1986.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 86–11654 Filed 5–21–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket Nos.: FEMA–REP–7–IA–1]

The Iowa Radiological Emergency Response Plan Site-Specific for the Quad Cities Nuclear Power Station

ACTION: Certification of FEMA Findings and Determination.

In accordance with the Federal Emergency Management Agency (FEMA) rule 44 CFR 350, the State of Iowa submitted its plans relating to the Quad Cities Nuclear Power Station to the Director of FEMA Region VII on March 28, 1983, for FEMA review and approval. On August 31, 1983, the Regional Director forwarded his evaluation to the Associate Director for State and Local Programs and Support in accordance with § 350.11 of the FEMA rule. However, areas requiring action by the Iowa Office of Disaster Services in order to complete processing of the State's submission were not resolved until January 3, 1986. Included in the August 20, 1983, evaluation is a review of exercises conducted on May 20, 1981, August 24, 1982 and May 11, 1983, in accordance with § 350.9 of the FEMA rule; and, a report of the public meeting held on June 17, 1981, to discuss the site-specific aspects of the State and local plans in accordance with § 350.10 of the FEMA ruie. In addition there was a review of exercises conducted on August 28/29, 1984 and August 27, 1985.

Based on the evaluation by the Regional Director and the review by the FEMA Headquarters staff, I find and determine that the State and local plans and preparedness for the Quad Cities Nuclear Power Station are adequate to protect the health and safety of the public living in the vicinity of the plant. The offsite plans and preparedness are assessed as adequate in that they provide reasonable assurance that appropriate protective actions can be taken offsite in the event of a radiological emergency and are capable of being implemented. However, while there is a public alert and notification (A&N) system in place and operational, this approval is conditional upon FEMA's verification of the A&N system in accordance with the criteria of Appendix 3 of NUREG–0654/FEMA–REP–1, Rev. 1; and, FEMA–REP–10, "Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants".

FEMA will continue to review the status of offsite plans and preparedness associated with the Quad Cities Nuclear Power Station in accordance with § 350.13 of the FEMA rule.

For further details with respect to this action, refer to Docket File FEMA–REP–7–IA–1 maintained by the Regional Director, FEMA Region VII, 911 Walnut Street, Kansas City, Missouri 64106.

Dated: March 26, 1986.

For the Federal Emergency Management Agency.

Samuel W. Speck,

Associate Director, State and Local Programs Support.

[FR Doc. 86–11490 Filed 5–21–86; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–004166–003.

Title: Port of Oakland Terminal Agreement.

Parties:

Port of Oakland (Port)

Pasha Properties, Inc. (Pasha)

Synopsis: The proposed amendment would modify the agreement to provide for the Port's review and discussion with Pasha of the extension of the agreement to September 30, 1994 at the end of its present term. It would also provide for increases in the minimum annual compensation to $800,000.00 and the breakpoint sum to $1,250,000 effective February 1, 1986 and for a two percent reduction in Pasha's retention or tariff charges for automobile cargo and vessel operations upon the Port's completion of certain bridge improvements on the assigned premises.

Agreement No.: 202–009648A–031.
Title: Inter-American Freight Conference.
Parties:
A. Bottachi S.A. De Navegacion C.F.I.e.I.
Antilles and Amazon Line
A/S Ivarans Rederi
Brazil-America Container Line
Companhia Maritima Nacional
Companhia De Navegacao Lloyd Brasileiro
Companhia De Navegacao Maritimas Netumar
Empresa Lineas Maritimas Argentinas S/A
Empresa De Navagacao Allianca S.A.
Flota Mercante Del Estado
Frota Amazonica S.A.
Georgia-Aztec Line
Van Nievelt Goudriaan & Co. B.V.
J. Lauritzen Holding A/S
Kimberly Navigation Company
Passaat Line N.V.
Reefer Express Lines Pty. Ltd.
R.M.C. Lines, Inc.
Ship Operators (International) Inc.
Transportaction Maritima Mexicana S.A.
United States Lines (S.A.), Inc.
Synopsis: The proposed amendment would provide that the actions of nember lines and any future modifications of the agreement are subject to governmental requirements and review on a section-by-section basis rather than a conference-wide review.
Agreement No.: 202–010693–012.
Title: Florida/Caribbean Liner Association.
Parties:
Bernuth Lines Ltd.
Tecmarine Lines, Inc.
West Indies Shipping Corp.
Shipping Corporation of Trinidad and Tobago
Sea-Land Service, Inc.
Concorde Caribe Lines, Ltd.
Synopsis: The proposed amendment would delete Jacksonville, Florida, the Leeward/Windward Islands, Suriname and Guyana from the geographic scope of the agreement. It would also change the voting requirement provisions of the agreement to reflect the reduced geographic scope. The parties have requested a shortened review period.
Agreement No.: 213–010786–002.
Title: Costa/Transatlantica Space Charter and Sailing Agreement.
Parties:
Costa Container Lines, S.p.A.
Compania Transatlantica Espanola, S.A.
Synopsis: The proposed amendment would permit the parties to discuss and agree upon rates, terms of service and service contracts in all or any portion of the agreement trade (between U.S. Gulf, Florida and Puerto Rico Ports and ports in Italy, France, Spain, Portugal and the Canary Islands and between interior and coastal points served via such ports) in which neither party is a member of a conference. The parties have requested a shortened review period.
Agreement No.: 224–010940.
Title: Port Everglades Lease Agreement.
Parties:
Port Everglades Authority (Lessor)
Sea-Land Service, Inc. (Lessee)
Synopsis: The proposed agreement would provide for the use by the Lessee of the Demised Premises devoted to receiving, dispatching, handling, documentation, processing, storage, maintenance and security of loaded and empty cargo containers, container chassis and related vehicles. The term of this lease shall be for a period of two (2) years and 364 days beginning at 12:00 Noon, EST, on the day the agreement becomes effective.
Agreement No.: 218–010941.
Title: Nonexclusive Transshipment Agreement Between American President Lines, Ltd. and Totem Ocean Trailer Express, Inc.
Parties:
American President Lines, Ltd.
Totem Ocean Trailer Express, Inc.
Synopsis: The proposed agreement would establish a non-exclusive, intermodal transshipment arrangement between the parties in the trade between points in Alaska and points in the Far East, with transshipment at Seattle or Tacoma, Washington.

By Order of the Federal Maritime Commission.

Dated: May 19, 1986.

John Robert Ewers,

Secretary.

[FR Doc. 86–11564 Filed 5–21–86; 8:45 am]

BILLING CODE 6730–01–M

Intent To Terminate Approval of Agreement

Agreement No.: 206–008020.
Title: Continental/Mediterranean Westbound Conferences Joint Agreement
Parties:
West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference
Marseilles/North Atlantic Westbound Freight Conference
Continental North Atlantic Westbound Freight Conference
Synopsis: Two of the three member conferences no longer exist thus rendering Agreement No. 206–008020 defunct. The Commission, therefore, gives notice of its intent to terminate its prior approval of this agreement.

By Order of the Federal Maritime Commission.

Dated: May 19, 1986.

John Robert Ewers,

Secretary.

[FR Doc. 86–11569 Filed 5–21–86; 8:45 am]

BILLING CODE 6730–01–M

GENERAL SERVICES ADMINISTRATION

Procedures for Ordering Fiscal Year 1987 Updates to the 1984 Looseleaf Edition of the Federal Information Resources Management Regulation (FIRMR)

AGENCY: Information Resources Management Service, GSA.

ACTION: Notice of procedures for Federal agencies/departments to order FY 1987 updates to the looseleaf edition of the FIRMR.

SUMMARY: This notice is to advise Federal agencies/departments to submit their FY 1987 copy requirements for the looseleaf edition of the FIRMR to the Government Printing Office (GPO). Individual agency offices are responsible for making their requirements known to their agency GPO liaison Officer. Agency GPO Liaison Officers are responsible for submitting agency copy requirements to GPO through their Printing and Publishing Official. Agencies failing to submit orders will not receive FIRMR updates distributed in FY 1987.

DATE: The looseleaf edition of the FIRMR is distributed to agencies by GPO based on agency-established copy requirements. Copy requirements are submitted to GPO annually. Agencies must submit their FY 1987 FIRMR copy requirements to GPO by June 20, 1986.

FOR FURTHER INFORMATION CONTACT: Carolyn A. Thomas, Regulations Branch (KMPR), Information Resources Management Service, telephone (202) 566–0194 or FTS, 566–0194.

SUPPLEMENTARY INFORMATION: (1) The Federal Information Resources Management Regulation (FIRMR) established on April 1, 1984, is located in the Code of Federal Regulation at Title 41, Chapter 201. It provides Governmentwide regulations for the management, acquisition, and use of information resources (including automatic data processing, office automation, records management, and telecommunications).

(2) The basic 1984 Looseleaf Edition of the FIRMR was distributed to agencies by the GPO in March of 1985, based on agency-established copy requirements for FY 1985. Updates to the basic edition were distributed in FY 1986, also based on agency-established copy requirements for that year. GPO now requires agencies to submit their FY 1987 FIRMR copy requirements by June 20, 1986. Agencies not submiting copy-requirements for 1987 will no longer receive FIRMR updates after September 30, 1986.

(3) Agency GPO Liaison Officers responsible for managing FIRMR distribution are being reminded to consolidate their agency's FY 1987 FIRMR copy requirements and make those requirements known to GPO through their agency Printing and Publication Official. By Circular Number 266, dated April 30, 1986, GPO advised Federal Printing and Publications Officials to submit their agencies' FY 1987 copy requirements for all open requisitions (including the FIRMR) by June 20, 1986.

(4) FIRMR materials issued in FY 1987 will consist of updates to the basic looseleaf edition only. The basic 1984 Looseleaf Edition of the FIRMR and updates distributed prior to October 1, 1986, will not be reprinted for distribution prior to FY 1987. Federal employees unable to obtain the basic looseleaf edition and updates distributed in FY 1985 and 1986 through their agency GPO Liaison Officer may subscribe to the FIRMR directly with GPO by following the procedures in paragraph six below.

(5) FIRMR updates in FY 1987 will continue to be issued under Transmittal Circulars (TC's) which will include amendments, temporary regulations, and bulletins and other informational guides. TC's will continue to contain "Transmittal Circular 84–X" as part of the title to indicate that attachments should be filed in the basic 1984 Looseleaf Edition of the FIRMR text. All FY 1987 production costs will be prorated to participating agencies by GPO. Based on previous year estimates, costs for FY 1987 are expected to be between $10.00 and $12.00 per user.

(6) Private sector companies, associations, businesses, and other interested parties wishing to receive the basic 1984 Looseleaf edition of the FIRMR and all updates may place subscription orders with GPO by writing or calling, Superintendent of Documents, Government Printing Office, Washington, DC 20405, telephone (202) 783–3238. The price for each subscription order is $66.00 domestic and $82.50 foreign. (GPO requires payment in advance unless charged to MasterCard, Visa, or GPO charge account.) Individuals already having a FIRMR subscription with GPO will continue to receive FIRMR updates in FY 1987 and are not required to reorder at this time.

Dated: May 14, 1986.

Larry L. Jackson,

Director, Policy and Regulations Division.

[FR Doc. 86–11523 Filed 5–21–86; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Federally Assisted Health Professions and Nurse Teaching Facilities; Federal Right of Recovery and Calculation of Recovery Amount and Interest Charges

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces the Department's policy regarding the recovery of Federal funds when a health professions or nurse training facility assisted under Title VII or Title VIII of the Public Health Service (PHS) Act undergoes a change in ownership, control, or use. This policy implements the provisions of the Health Professions Training Assistance Act of 1985 and the Nurse Education Amendments of 1985 regarding written notification to the Secretary of changes in status or use, imposition of interest charges on the recovery amount, and waiver of the right of recovery.

FOR FURTHER INFORMATION CONTACT: Richard R. Ashbaugh, Assistant Surgeon General, Associate Director for Health Facilities, Bureau of Health Maintenance Organizations and Resources Development, 5600 Fishers Lane, Room 11–03, Rockville, Maryland 20857, Attention: Ms. Tuei Doong, 301–443–3466.

SUPPLEMENTARY INFORMATION: The Health Professions Training Assistance Act of 1985 (Pub. L. 99–129) amended section 723 of Title VII of the PHS Act, and the Nurse Education Amendments of 1985 (Pub. L. 99–92) amended section 804 of Title VIII. Pub. L. 99–92 also redesignated section 804 as section 858. Sections 723 and 858 still provide for recovery of Federal funds if, within 20 years after completion of construction, (1) an owner of an assisted facility ceases to be a public or nonprofit agency, school, or entity; (2) the assisted facility ceases to be used for the teaching or training purposes for which it was constructed; or (3) the assisted facility is used for sectarian instruction or as a place for religious worship.

The amendments to sections 723 and 858 may be summarized as follows: (1) The owner of a facility that received construction assistance under Title VII Title VIII and which undergoes a change in ownership, control or use within 20 years after the completion of the grant assisted construction must provide written notice of such change to the Secretary within 10 days after the change occurs. (2) Where such timely notice is provided and the Secretary determines that a recovery of Federal funds is appropriate, the facility and the Department have a period of time (190 days after the change occurs) within which to agree upon the amount the United States is entitled to recover. If agreement is not reached within that time frame, the United States is entitled to charge interest on any eventual recovery amount. The interest rate is based on the average of the bond equivalent rates of 91-day Treasury bills auctioned during the interest period. The interest period will begin 191 days after the date of change in status or use and will end on the date the recovery amount is collected.

(3) If the owner does not provide timely, written notice to the Secretary of the change in status or use, the interest period will begin 11 days after the date of such change, and will end on the date the recovery amount is collected. However, sections 723 and 858 provide that the interest period will in no case begin earlier than 181 days after enactment of the pertinent amendments. The date of enactment for section 723 was October 22, 1985 and the date of enactment for section 858 was August 16, 1985.

These amendments are similar to the provisions related to the Federal right of recovery of funds provided under Title VI and Title XVI of the PHS Act which were enacted by the Deficit Reduction Act of 1984 (Pub. L. 98–369). The Department has issued regulations to implement the provisions of Pub. L. 98–369 at 42 CFR Part 124 Subpart H (51 FR 7935, March 7, 1986). Given the similarity in statutory language, the Department has determined that the requirements of the Titles VI and XVI regulations regarding the content of the notice of change in status or use (42 CFR 124.704 (b) and (c)) and the facility valuation methods (42 CFR 124.705) also will be applied by the Department to Title VII and Title VIII assisted facilities

which undergo a change in status or use for which a recovery may be appropriate. The requirements regarding the content of the Notice of change (42 CFR 124.704(b)) are as follows:

(b) Content of Notice. The notice required by paragraph (a) of this section shall be sent to the Secretary by certified mail, and shall contain or be accompanied by

(1) The date of the sale, transfer, or other event that gives rise to the notice;

(2) Copies of any sales contracts, lease agreements, management contracts or other documents pertinent to the event giving rise to the notice;

(3) Estimates of current assets, current liabilities, book value of equipment, the expected value of land on the new owner's books, and the remaining depreciation for all fixed assets involved in the transaction calculated on a straigth line basis using commonly adopted expected useful lifetimes.

No other requirements of 42 CFR Part 124 Subpart H will be applied to recovery of funds provided under Titles VII and VIII. The information collection requirements for the Notice of Change for Titles VII and VIII are subject to OMB approval under the Paperwork Reduction Act of 1980 and have been approved under control number 0915–0106.

It should be noted that sections 723 and 858 retained the Secretary's authority to waive the right of recovery for good cause in cases where a facility is converted to a use different from the purpose for which it was constructed. The conditions under which such a waiver may be granted have been previously established in regulations (for facilities assisted under Title VII see 42 CFR 57.109 and for facilities assisted under Title VIII see 42 CFR 57.409).

Dated: May 19, 1986.

John H. Kelso,

Acting Administrator.

[FR Doc. 86–11531 Filed 5–21–86; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 774]

California; Filing of Plat of Survey

May 12, 1986.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Alpine County

T. 11 N., R. 19 E.

2. This plat, representing the dependent resurvey of the Second Standard Parellel North along a portion of the south boundary, and a portion of the subdivisional lines, and the survey of the subdivision of sec. 35, Township 11 North, Range 9 East, Mount Diablo Meridian, California, under Group No. 774, was accepted May 2, 1986.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is avaialble to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management and the U.S. Forest Service.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 86–11496 Filed 5–21–86; 8:45 am]

BILLING CODE 4310–40–M

[C–3–86]

California; Filing of Plat of Survey

May 12, 1986.

1. This supplemental plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Sacramento County

T. 8 N., R. 5 E. (M.S. 6882)

2. This supplemental plat, of Mineral Survey No. 6882, showing the subdivision of the Geyser Vew No. 2 placer, with identifying lot designations, is based upon the plat approved September 1, 1981, was accepted May 6, 1986.

3. This supplemental plat will immediately become the basic record of describing the land for all authorized purposes. This supplemental plat has been placed in the open files and is available to the public for information only.

4. This supplemental plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 86–11497 Filed 5–21–86; 8:45 am]

BILLING CODE 4310–40–M

[Group 944]

California; Filing of Plat of Survey

May 12, 1986.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Yuba County

T. 19 N., R. 6 E.

2. This plat, representing the dependent resurvey of a portion of the boundaries of Mineral Survey No. 5893, and a portion of Lots 30 and 31 (former Lot 10), and the metes-and-bounds survey of Lot 30, section 10, Township 19 North, Range 6 East, Mount Diablo Meridian, California, under Group No. 944, was accepted April 30, 1986.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 86–11498 Filed 5–21–86; 8:45 am]

BILLING CODE 4310–40–M

[ES–036152, Group 91]

Michigan; Filing of Plat of Island Survey, Section 1

May 16, 1986.

1. On May 2, 1986, the plat representing the survey of an island in Rennie Lake, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., on June 30, 1986.

The tract shown below describes the island omitted from the original survey.

Michigan Meridian, Michigan

T. 26 N., R. 10 W.
Tract 37

2. The island described above is separate and distinct yet similar in all respects to that of the adjacent surveyed lands.

3. Tract 37 rises approximately 3 feet above the oridinary high water mark of Rennie Lake and is composed of sandy loam. Tree species consist of white pine,

red pine, jack pine, birch, and aspen. The understory consists of aspen, maple, pine, and oak.

4. The present water level of the lake compares favorably with that of the original meander line, therefore, the elevation and upland character of the island along with the depth and width of the channel between the upland and the island are considered evidence that the island did exist in 1837, the year Michigan was admitted into the Union.

5. Tract 37 is more than 50% upland in character within the purview of the Act of September 28, 1850 (9 Stat. 519). Therefore, the island is held to be public land.

6. Except for valid existing rights, this island will not be subject to application, petition, location, or selection under any public law until June 30, 1986.

7. Interested parties protesting the determination that this island is public land of the United States, must present valid proof showing that the island did not exist at the time of statehood or that it was attached to the mainland at the time of the original survey. Such protests must be submitted in writing to the Deputy State Director of Cadastral Survey, Bureau of Land Management, Eastern States Office, prior to 7:30 a.m., June 30, 1986.

8. All inquiries concerning the color-of-title claims should be filed with the Deputy State Director for lands and Renewable Resources, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, after June 30, 1986.

9. Copies of the plat will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Lane J. Bouman,

Deputy State Director for Cadastral Survey.

[FR Doc. 86-11509 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-GJ-M

[ES-036150, Group 93]

Michigan; Filing of Plat of Island Survey, Section 9

May 16, 1986.

1. On May 2, 1986, the plat representing the survey of an island in Arbutus Lake, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., on June 30, 1986.

The tract shown below describes the island omitted from the original survey.

Michigan Meridian, Michigan

T. 26 N., R. 10 W.
Tract 39

2. The island described above is separate and distinct yet similar in all respects to that of the adjacent surveyed lands.

3. Tract 39 rises approximately 35 feet above the ordinary high water mark of Arbutus Lake and is composed of sandy loam. Tree species consist of white pine, red pine, jack pine, birch, red oak, and white oak. The understory consists of aspen, hazel, maple, pine, and oak.

4. The present water level of the lake compares favorably with that of the original meander line, therefore, the elevation and upland character of the island along with the depth and width of the channel between the upland and the island are considered evidence that the island did exist in 1837, the year Michigan was admitted into the Union.

Tract 39 is more than 50% upland in character within the purview of the Act of September 28, 1850 (9 Stat. 519). Therefore, the island is held to be public land.

6. Except for valid existing rights, this island will not be subject to application, petition, location, or selection under any public law until June 30, 1986.

7. Interested parties protesting the determination that this island is public land of the United States, must present valid proof showing that the island did not exist at the time of statehood or that it was attached to the mainland at the time of the original survey. Such protests must be submitted in writing to the Deputy State Director for Cadastral Survey, Bureau of Land Management, Eastern States Office, prior to 7:30 a.m., June 30, 1986.

8. All inquiries concerning the color-of-title claims should be filed with the Deputy State Director for Lands and Renewable Resources, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, after June 30, 1986.

9. Copies of the plat will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Lane J. Bouman,

Deputy State Director for Cadastral Survey.

[FR Doc. 86-11510 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-GJ-M

[ES-036151, Group 94]

Michigan; Filing of Plat of Island Survey, Section 31

May 16, 1986.

1. On May 2, 1986, the plat representing the survey of an island in Island Lake, which was omitted from the original survey was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on June 30, 1986.

The tract shown below describes the island omitted from the original survey.

Michigan Meridian, Michigan

T. 27 N., R. 9 W.
Tract 37

2. The island described above is separate and distinct yet similar in all respects to that of the adjacent surveyed lands.

3. Tract 37 rises approximately 15 feet above the ordinary high water mark of Island Lake and is composed of sandy loam. Tree species consist of white pine, red pine, jack pine, aspen, birch, cedar, white oak, red oak, and maple. The understory consists of aspen, maple, pine, and hazel.

4. The present water level of the lake compares favorably with that of the original meander line, therefore, the elevation and upland character of the island along with the depth and width of the channel between the upland and the island are considered evidence that the island did exist in 1837, the year Michigan was admitted into the Union.

5. Tract 37 is more than 50% upland in character within the purview of the Act of September 28, 1850 (9 Stat. 519). Therefore, the island is held to be public land.

6. Except for valid existing rights, this island will not be subject to application, petition, location, or selection under any public law until June 30, 1986.

7. Interested parties protesting the determination that this island is public land of the United States, must present valid proof showing that the island did not exist at the time of statehood or that it was attached to the mainland at the time of the original survey. Such protests must be submitted to the Deputy State Director for Cadastral Survey, Bureau of Land Management, Eastern States Office, prior to 7:30 a.m., June 30, 1986.

8. All inquiries concerning the color-of-title claims should be filed with the Deputy State Director for Lands and Renewable Resources, Bureau of Land Management, Eastern States Office, 350 South Picket Street, Alexandria, Virginia 22304, after June 30, 1986.

9. Copies of the plat will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Lane J. Bouman,

Deputy State Director for Cadastral Survey.

[FR Doc. 86-11511 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-GJ-M

[F-14838-A]

Alaska Native Claims Selection; Bethel Native Corp.

In accordance with Department regulation 43 CFR 2650.7(d), notice is hereby given that decisions to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Bethel Native Corporation. The lands involved are in the vicinity of Bethel, Alaska.

Serial No.	Land description	Approximate acreage
AA-50370	A parcel of land within U.S. Survey No. 4117, lot 35, Alaska.	10.91
AA-50374	A parcel of land within U.S. Survey No. 4117, lot 26, Alaska.	102.62
AA-50373	*Seward Meridian, Alaska, T. 8 N., R. 72 W. (Partially Surveyed) A parcel of land located within Secs. 11, 14, and 15.*	230.00

A notice of the decisions will be published once a week, for four (4) consecutive weeks, in The Tundra Drums. Copies of the decisions may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decisions shall have until June 23, 1986 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Ann Adams,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-11491 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-JA-M

Designation of the Ione Tertiary Oxisol Area of Critical Environmental Concern, Folsom Resource Area, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice that certain public lands in the Folsom Resource Area, Bakersfield District, California are designated as an Area of Critical Environmental Concern (ACEC).

SUMMARY: Notice is hereby given pursuant to authority in the Federal Land Policy and Management Act of 1976 (section 202(c)(3)), 43 CFR Part 1610, and land use decisions developed in the Sierra Management Framework Plan (February 1983), that public lands near Ione, California are designated as an Area of Critical Environmental Concern. The approximately 90 acres of public land are described as follows:

Mount Diablo Meridian, California

T. 5 N., R. 10 E.,
Sec. 16, NW¼SW¼;
Sec. 17, N½N½SE¼ and N½S½NE¼SE¼.

SUPPLEMENTARY INFORMATION: The Ione Tertiary Oxisol Soils ACEC area is located in Amador County about 5 miles southeast of Ione, within the Folsom Resource Area of the Bakersfield District.

This ACEC is established to protect a unique soil profile. An intensely weathered soil (an Oxisol) was formed during the Eocene epoch (part of the Tertiary period) when a tropical climate predominated parts of central California. A few hundred acres of the oxisol near Ione were exhumed by natural erosion, thereby exposing a soil with all the properties of soils that are only found in the tropics. No other soil exists like this within 2,000 miles of California.

Management of this area as a ACEC will include the following:

1. Withdraw the area from mineral entry.
2. Prohibit mineral material sales or mineral leasing.
3. Prohibit issuance of grazing leases.
4. Allow a total of only 5 acres to be disturbed by scientific study.

Opportunities for public participation were provided through the Management Framework Plan process and by a special public meeting held on March 28, 1985 (50 FR 7839, February 26, 1985) to discuss protection of this area as an ACEC.

FOR FURTHER INFORMATION CONTACT: Deane Swickard, Folsom Resource Area Manager, 63 Natoma Street, Folsom, California 95630; (916) 985-4474.

Dated: May 15, 1986.

Ed Hastey,

State Director, California.

[FR Doc. 86-11492 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-40-M

[Serial Number MT-020-LUP-66]

Permit of Public Land; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty Action—FLPMA section 302 Permit.

SUMMARY: The following described tract of land has been examined and through land use planning identified as suitable for permit pursuant to section 302 of the Federal Land Policy and Management Act.

Principal Meridian, Montana

T. 9 S., R. 40 E.,
Sec. 7: SESE;
Sec. 8: N½SW¼, SW¼SW¼.

(Totaling approximately 160 acres)

This Notice of Realty Action proposes the permitting of lands under the jurisdiction of the Bureau of Land Management near the town of Decker, Big Horn County, Montana. The permit is intended to authorize use of these lands by the Decker Coal Company in conjunction with neighboring coal leases. The public lands involved are included in the mining use mitigation plan signed by Decker Coal Company and the Montana Department of Fish, Wildlife and Parks in 1985.

The permit is a noncompetitive offer at fair market value pursuant to completion of future investigation into the exchange of surface ownership and/or long-term FLPMA lease.

Permittee Qualifications

The Permittee must be legally capable of holding and conveying lands or interest therein under the laws of the State of Montana.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning this action, including the Environmental Assessment, Land Report and Decision Record, is available for review at the Miles City District, Powder River Resource Area Office, Miles City Plaza, Miles City, Montana 59301, or call Steve Durkee at (406) 232-7000.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of publication of this Notice, interested parties may submit comments to the above address. Any adverse comments will be evaluated by the Miles City District Manager who may cancel or modify this action and issue a final determination. In the absence of any adverse action by the MIles City District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: May 15, 1986.

David Swogger,

Acting District Manager.

[FR Doc. 86-11493 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-DN-M

Realty Action—Exchange; Oregon

May 15, 1986.

The following described public land has been examined and determined to be suitable for transfer out of Federal ownership by exchange under Section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756; 43 U.S.C. 1716):

Willamette Meridian, Oregon

T. 13 S., R. 3 E.,
Sec. 20, W½.

Containing 320.00 acres in Linn County.

In exchange for this parcel, the United States will acquire the following described lands and interest in lands from Willamette Industries, Inc.:

Willamette Meridian, Oregon

T. 7 S., R. 4 E.,
Secs. 26 and 27 (reserved timber only).
T. 14 S., R. 8 W.,
Sec. 33, all that portion of the NW¼SE¼ and Lot 2 lying northerly of the center of Little Lobster Creek.
T. 15 S., R. 7 W.,
Sec. 6, Lot 7, SE¼SW¼, S½SE¼.
T. 15 S., R. 8 W.,
Sec. 23, S½NE¼, S½N½SW¼NW¼, S½SW¼NW¼, SE¼NW¼.
Sec. 26, SE¼.

Containing 198.00 acres in Benton County and 310.00 acres in Lane County.

The purpose of the exchange is to improve both the resource management program of the Bureau of Land Management and the timber management program of the company. The public land that will be exchange is a relatively isolated parcel. Although the company does not own the adjoining lands, it does operate lumber and plywood mills nearby. The company lands and interest in lands have important timber and anadromous fish habitat values. These lands will be managed for multiple use along with the adjoining public lands. The exchange proposal has been given public exposure and no adverse comments were received. The exchange is in the public interest.

The fair market values of the lands and interest in lands are either approximately equal or the acreage will be adjusted to bring the values as close as possible. Full equalization of values will be achieved by payment to the United States of funds in the amount not to exceed 25 percent of the total value of the public land to be transferred. All mineral rights will be transferred with the surface estate.

The public land will be subject to the following terms and conditions:

1. Valid, existing rights, including any right-of-way, easement, or lease of record.

2. A reservation to the United States for right-of-way for ditches and canals under the Act of Agust 30, 1890.

Publication of this notice in the **Federal Register** segregates the public land, described above, from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

Detailed information concerning this exchange, including the environmental assessment and the record of public discussions, is available for review at the Salem District Office, P.O. Box 3227 (1717 Fabry Road SE), Salem, Oregon 97302.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Salem District Manager at the above address. Any objections will be reviewed by the Oregon State Director, Bureau of Land Management, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Edward S. Lewis III,

Acting District Manager.

[FR Doc. 86-11494 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-33-M

[W-97410]

Realty Action; Receipt of Exchange Proposal (Amended); Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Amended Notice of Receipt of Exchange Proposal between Laurance S. Rockefeller and the Department of the Interior.

SUMMARY: The proposed exchange of a scenic easement of approximately 902 acres of the Heartland Area of Laurance Rockefeller's J–Y Ranch, an inholding in the Grand Teton National Park, for federal coal has been amended to include an additional 200 acres of land.

These additional acres are described by metes and bounds but lie in portions of section 5, 6, and 8 of T. 42 N., R. 116 W., 6th P.M. Teton County, Wyoming.

In addition to the Youngs Creek area of Sheridan County, alternate areas of federal coal reserves are being considered in this exchange proposal.

The soliciting of comments described in 51 FR 16234, May 1, 1986 by the Casper District Bureau of Land Management has been extended to June 23, 1986.

FOR FURTHER INFORMATION CONTACT: All comments or any further information should be addressed to: Chuck Wilkie, Special Project Team Leader, Casper District Office, Bureau of Land Management, 951 North Poplar, Casper, WY 82601 (307) 261–5554.

Dated: May 14, 1986.

William H. Mortimer,

Acting District Manager.

[FR Doc. 86-11495 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-22-M

New Mexico; Intent To Prepare Resource Management Plan and Invitation To Participate in Identification of Issues and Planning Criteria

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare resource management plan.

SUMMARY: The Bureau of Land Management, Taos Resource Area, New Mexico, is resuming the preparation of a Resource Management Plan (RMP), which will include the preparation of an Environmental Impact Statement (EIS), initially begun in 1984. The Plan will establish the basis for future management actions on approximately 24,000 square miles of public land and mineral resources by the BLM's Taos Resource Area. The Code of Federal Regulations, Title 43, Subpart 1600, will be followed for this planning effort. The public is invited to participate in this planning process.

DATE: Comments relating to the identification of issues and planning criteria will be accepted until June 27, 1986.

ADDRESS: Send comments to: Bureau of Land Management, Taos Resource Area, P.O. Box 1045, Taos, NM 87571–1045.

FOR FURTHER INFORMATION CONTACT: Dan Wood, Area Manager or Mary Zuschlag, RMP Team Leader, Taos Resource Area, (505) 758–8851.

SUPPLEMENTARY INFORMATION: The planning area will include the public land and Federal mineral ownership in all, or parts of, Union, Mora, Rio Arriba, Colfax, San Miguel, Los Alamos, Harding, Taos, and Santa Fe Counties. This encompasses approximately 564,000 acres of BLM-administered surface and approximately 1,800,000 acres of Federal minerals under Federal, State, or private subsurface in the nine-county area. The Taos RMP is an issue-

based document. To date, five Issues have been identified which will be addressed in the Taos RMP. They include, but are not limited to, the following: (1) *Land Ownership Adjustments:* Identifying those portions of the Taos Resource Area where land ownership adjustments may be needed to achieve more efficient management and utilization of public resources; (2) *Rights-of-Way Corridors:* Ensuring that development of linear rights-of-way does not result in undesirable impacts on other public resources and natural resource values; (3) *Transportation:* Determining the appropriate levels of access for all the public land in the Taos Resource Area to minimize conflicts with wildlife, range, and private land ownership, and to avoid damage to sensitive watershed; (4) *Special Management Areas:* Identifying areas which may require special management attention through special designation; and (5) *Vegetative Uses:* Changing management in some livestock grazing allotments in order to reduce conflicts between livestock grazing and other important natural resource uses and values.

These preliminary Issues are not final and may be further defined by direct imput through active public participation. The Taos RMP will be prepared by an inter-disciplinary team which will include a team leader, technical coordinator, writer-editor, range conservationists, realty specialists, a wildlife biologist, an outdoor recreation planner, an archaeologist, a hydrologist, a geologist, a forester, and an economist, with additional technical support to be provided by other specialists as needed.

Five public meetings have been held, in different communities within the Resource Area. The anticipated issues were presented and comments were requested. A total of 74 individuals attended these public meetings, and their comments were generally favorable to both the planning effort and the identified issues. Only a few written comments were received. No further public meetings are anticipated, unless specifically requested. Written comments, however, will be accepted until June 27, 1986. Complete records of all phases of the planning process will be available for public review at the Taos Resource Area Office throughout the preparation of the Taos RMP. Draft and final documents will be published, the Draft RMP/EIS anticipated in March 1987.

Dated: May 15, 1986.

Charles W. Luscher,

State Director.

[FR Doc. 86-11546 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-FB-M

[AA-10532]

Alaska Native Claims Selection; Sealaska Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(h)(1), 14(h)(7) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), 1613(h)(7), 1621(j), will be issued to Sealaska Corporation for approximately 12.9 acres. The lands involved are in the Tongass National Forest within Sec. 31, T. 25 S., R. 35 E., Copper River Meridian, Alaska.

A notice of the decision will be published once a week for four (4) consecutive weeks in the *Juneau Empire.* Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision shall have until June 23, 1986 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Ann Adams,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-11547 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-JA-M

[AA-6980-A]

Alaska Native Claims Selection; Huna Totem Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue patent under the provisions of section 14(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(b), will be issued to Huna Totem Corporation for 2.90 acres. The lands involved are in the vicinity of Hoonah, Alaska, within U.S. Survey No. 1620, Tracts A and B.

A notice of the decision will be published once a week for four (4) consecutive weeks, in the *Juneau Empire.* Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision shall have until June 23, 1986 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Ann Adams,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-11548 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-JA-M

Camping and Firearms Use Restriction Order for the South Yuba Recreation Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of camping, Day Use, and Firearms Use Restriction Order on Public Lands within the South Yuba Recreation Area of the Folsom Resource Area, Bakersfield District, California.

SUMMARY: The South Yuba Recreation Area camping, day use and firearms use restrictions will be as follows:

1. Day use only will be allowed one quarter mile downstream and one-half mile downstream from Edwards Crossing.

2. Camping will be authorized for a period not to exceed 14 days in any 90-day period outside the day use area.

3. Each campsite in the South Yuba Campground may have no more than two motor vehicles, or combination of a motor vehicle and a recreation vehicle; and a maximum of 4 adults (16 years and older).

4. Discharge of firearms is prohibited within ¼ mile of all developed campgrounds, day use areas, and ¼ mile of the center of the river for all public lands along the South Yuba River.

For the purpose of this order, a firearm is defined as under Title 18,

U.S.C., Chapter 44, section 921(a)(3). Federal, State and local law enforcement officers are exempt from this order in the course of their official duties. This order goes into effect on May 31, 1986

DATE: This order is in effect on May 31, 1986.

FOR FURTHER INFORMATION CONTACT: Deane K. Swickard, Folsom Resource Area Manager, Folsom Resource Area Office, 63 Natoma Street, Folsom, California 95630. Telephone (916) 985–4474.

SUPPLEMENTARY INFORMATION: The purpose of this order is to protect resources of the public land, persons and property, and augument the Camping and Occupancy Restriction Order published in the **Federal Register** Volume 48, No. 208, October 26, 1983, 49555. Authority for this restriction order is contained in CFR Title 43, Chapter II, subpart 8364, §§ 8364.1 and 8365.1–2(a).

Any person who fails to comply with this restriction order may be subject to a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months. Penalties are contained in CFR Title 43, Chapter II, Part 8360, Subpart 8360.0–7.

Dated: May 15, 1986.

Deane K. Swickard,

Resource Area Manager.

[FR Doc. 86–11553 Filed 5–21–86; 8:45 am]

BILLING CODE 4310-40-M

Notice of Intent To Prepare Environmental Impact Statement; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The Bureau of Land Management (BLM), Albuquerque District, is participating in the preparation of an Environmental Impact Statement (EIS) for a Molybdenum Tailings Disposal Facility near Questa, New Mexico. The EIS will determine if the proposal will result in any unnecessary or undue degradation of the public lands.

Scoping meetings will be conducted to inform the public of the proposed development and EIS process, and to elicit public comment on the resource concerns to be addressed. Informal open house scoping meetings are scheduled to take place in Taos, New Mexico, on July 22, 1986, at The Kachina Lodge, North Pueblo Road, beginning at 1:00 p.m. and 7:00 p.m., and Questa, New Mexico, on July 23, 1986, at the Municipal Building, room no. 7, formally State Highway 3, beginning at 1:00 p.m. and 7:00 p.m.

SUPPLEMENTARY INFORMATION: Molycorp Inc. has applied for 1320-acre millsite location on Guadalupe Mountain near Questa, New Mexico pursuant to 30 U.S.C. section 42 (1976). The Bureau of Land Management has prepared an Environmental Assessment on the proposal and subsequently issued a Record of Decision (ROD) on September 25, 1985, requiring an EIS for the proposal. The EIS will be prepared by a third party contractor with the Bureau of Land Management responsible for content and quality control of the EIS. Bids and proposals were accepted, and ERT, A Resource Engineering Company, was selected as the contractor to prepare the EIS.

The Bureau of Land Management contact for the Proposed Tailing Disposal Facility is: Gene Tatum, Bureau of Land Management, Albuquerque District Office, 505 Marquette NW., P.O. Box 6770, Albuquerque, NM 87197–6770, Telephone: Commercial (505) 766–3114, FTS 474–3114.

Charles W. Luschar,

State Director.

Dated: May 15, 1986.

[FR Doc. 86–11550 Filed 5–21–86; 8:45 am]

BILLING CODE 4310-FB-M

[NM 63247]

Realty Action; Modified Competitive Sale of Public Lands, New Mexico

The following described land has been identified through the East Chaves Management Framework Plan and found suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value.

New Mexico Principal Meridian

Legal description	Acreage	Appraised fair market value
T. 5 S., R. 27 E., sec. 10, SE¼NW¼	40	$800

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, until a patent is issued or 270 days from the date of publication of this notice, whichever occurs first.

The above described lands will be offered for sale at public auction at 2:00 p.m., on Wednesday, August 13, 1986 at the Roswell Resource Area Conference Room, Federal Building, 5th and Richardson Streets, Roswell, New Mexico.

Because the tract to be offered is isolated, has no legal access, and is predominently within the ranch boundaries of Fred and Louise Van Eaton, the sale will be a modified competitive sale, i.e., the Van Eatons will be given the opportunity to meet the highest bid received at the public auction.

Bidding must be submitted to the BLM's Roswell Resource Area office in an envelope clearly marked "Bid for Public Sale NM 63247" no later than 4:30 p.m. August 12, 1986. No bids will be accepted for less than the fair market value specified in this notice. Each sealed bid must be accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than 10% of the amount bid. Federal law requires that all bidders be United States citizens, or in the case of corporations, be subject to the laws of any State in the United States Proof of these requirements must accompany the bid. An apparent high bid will be declared at the auction. The apparent high bidder and the designated bidder (Fred and Louise Van Eaton), will be notified. The designated bidder shall have 14 days from the date of the sale to exercise their preference consideration. Should the designated bidder fail to submit a bid that matches the apparent high bid within the specified time period, the tract will be sold to the apparent high bidder.

The successful bidder must pay the balance of the full bid price within 180 days of notification by the BLM. Failure to pay the full price within 180 days shall disqualify the apparent high bidder and cause the bid deposit to be forfeited to the BLM.

Terms and conditions applicable to the sale are:

(1) The patent will contain a reservation to the United States for ditches and canals constructed under the Authority of the Act of August 30, 1890 (27 Stat. 391, 43 U.S.C. 945).

(2) All minerals, together with the right to prospect for, mine and remove the minerals shall be reserved to the United States.

(3) The patent will be subject to those rights granted to the existing mineral lessee to use as much of the surface as is necessary for exploration, development, and production of the mineral estate.

(4) The patent will be subject to the right of the BLM to manage existing grazing lease rights issued through 2/28/1995, unless waived by the lessee.

Detailed information concerning the sale, including the reservations, conditions of sale, and planning and environmental documents are available at the Roswell Resource Area office, Federal Building, 5th and Richardson Streets, Roswell, New Mexico.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Roswell District, P.O. Box 1397, Roswell, New Mexico 88201. Any adverse comments will be evaluated by the District Manager who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Francis R. Cherry Jr.,

District Manager.

[FR Doc. 86-11549 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-FB-M

Proposed Reinstatement of a Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease AA-49443-AT has been received covering the following lands:

Fairbanks Meridian, Alaska

T. 20 S., R. 4 E.,
Sec. 27, SW¼NW¼, SW¼.
(200 acres)

The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to $5 per acrea per year, and royalty increased to 16⅔ percent. The $500 administrative fee and the cost of publishing this Notice have been paid. The required rentals and royalties accruing from June 1, 1985, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA-49443-AT as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective June 1, 1985, subject to the terms and conditions cited above.

Dated: May 14, 1986.

Kay F. Kletka,

Acting Chief, Branch of Mineral Adjudication.

[FR Doc. 86-11552 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-JA-M

[CA 19064]

Realty Action; Land Exchange in Trinity County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Exchange of Public Lands.

SUMMARY: The following described public land has been determined to be suitable for disposal by exchange under the provisions of section 206 of the Act of October 21, 1976 (90 Stat. 2756; 43 U.S.C. 1716):

T. 33 N., R. 9 W., M.D.B.&M.,
Sec. 14, W½.
(containing 320 acres)

In exchange for these lands, the United States will acquire the following described lands from Santa Fe Pacific Timber Company, 1626 Court Street, Redding, California 96001:

T. 32 N., R. 10 W., M.D.B.&M.
Sec. 1, SW¼SW¼.
(containing 40 acres)

T. 33 N., R. 9 W., M.D.B.&M.,
Sec. 31, SE¼NE¼and the NE¼SE¼.
(containing 80 acres).

T. 33 N., R. 9 W., M.D.B.&M.,
Sec. 29, E½SE¼.
(containing 80 acres)

T. 33 N., R. 10 W., M.D.B.&M.
Sec. 33, SE¼SW¼ and the SE¼.
(containing 200 acres)

The purpose of this exchange is to acquire these private lands which have high public values for recreation purposes. These parcels lie along the Trinity River, a designated "recreation river" under the Wild and Scenic Rivers Act (Pub. L. 95-625). Acquisition is consistent with the approved Trinity River Recreation Area Management Plan (which provides for land tenure adjustments through exchange), and the Redding Resources Area Land Use Plans.

The values of the lands to be exchanged are approximately equal; Full equalization of values will be in accordance with regulations cited in 43 CFR 2201.3. Appraisal values will be available prior to consummation of the exchange at the BLM area office, Redding, California.

Publication of this notice in the **Federal Register** segregates the public land described herein from all forms of appropriation under the public land laws, including the mining laws, for a period of two years from the date of first publication.

Evidence of title acceptable to the Department of Justice is required on private land conveyed to the United States.

Detailed information concerning the exchange, including the Land Report, environmental assessment, and the record of non-federal participation, is available for review at the Redding Resource Area Office, 355 Hemsted Drive, Redding, California 96002.

DATE: For a period of 45 days from the date of first publication, interested parties may submit comments to Robert J. Bainbridge, Area Manager, Redding Resource Area.

ADDRESS: Comments should be sent to: Area Manager, Redding Resource Area, Bureau of Land Management, 355 Hemsted Drive, Redding, California 96002.

Objections will be reviewed by the California State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Robert J. Bainbridge, (916) 246-5325.

Dated: May 8, 1986.

Marion J. Francis, Jr.,

Acting Area Manager.

[FR Doc. 86-11551 Filed 5-21-86; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Development Operations Coordination Document; Pennzoil Producing Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Pennzoil Producing Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 2062 and 2439, Blocks 334 and 335, respectively, East Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on May 13, 1986.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected States, local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: May 15, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86–11499 Filed 5–21–86; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Chevron, U.S.A., Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 1634, Block 144, Main Pass Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Venice and Harvey, Louisiana.

DATE: The subject DOCD was deemed submitted on May 14, 1986.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected States, local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: May 15, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86–11557 Filed 5–21–86; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co. U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Exxon Company, U.S.A., Unit Operator of the West Delta Block 73 Federal Unit Agreement Nos. 14–08–0001–8915, 14–08–0001–8916, 14–08–0001–11677, 14–08–0001–11679, and 14–08–0001–11680, submitted on April 29, 1986, and May 12, 1986, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the West Delta Block 73 Federal unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays, 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 16, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86–11558 Filed 5–21–86; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–236]

Certain Portable Bag Sewing Machines and Parts Thereof; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: American-Newlong, Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on May 6, 1986.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: May 19, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–11639 Filed 5–21–86; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30818]

The Denver and Rio Grande Western Railroad Co., Trackage Rights Exemption; Missouri Pacific Railroad

The Missouri Pacific Railroad has agreed to grant overhead trackage rights to The Denver and Rio Grande Western Railroad Company, between M.P. 276.88 at Rock Creek Junction and M.P. 277.90 at Southwest Junction, on the Sedalia Subdivision, a distance of 1.02 miles; and between a point of switch connection at said M.P. 277.90 and the point of switch connection at M.P. 278.59 at Southwest Junction on the Kansas City Subdivision, a distance of .36 miles. The trackage rights will be effective on June 18, 1986.

This notice is filed under 49 CFR 1180.2(d)(7). 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 stay the transaction.

As a condition to use of this exemption any employee affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), and modified in *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: May 16, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86–11622 Filed 5–12–86; 8:45 am]

BILLING CODE 7035–01–M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue, NW., in Washington, D.C. on June 16 and 17, 1986, from 8:30 a.m. to 5:00 p.m. each day.

The purpose of the meeting is to discuss recommended questions for the Joint Board's examinations referred to in Title 29 U.S. Code, section 1242(a)(1)(B) and to review the May 1986 Joint Board examinations in order to make recommendations relative thereto, including the minimum acceptable pass scores. A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) has been made that the portions of the meeting dealing with the discussion of questions which may appear on the Joint Board's examinations and review of the May 1986 Joint Board basic examinations fall within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such portions be closed to public participation.

In addition, there will be a discussion of (1) the concept of open book examinations for future Joint Board examinations and (2) an increase in the fees structure for participation in Joint Board examinations. The portion of the meeting dealing with the discussion of these topics will be open to the public as space is available. Such discussion will commence at 1:30 p.m. on June 16 and will continue until the discussion is finished but not beyond the 3:30 p.m. that day.

Time permitting, after discussion of the open meeting agenda items by Committee members, interested persons may make statements germane to the subjects under consideration. Persons wishing to make oral statements are requested to notify the Committee Management Officer in writing prior to the meeting in order to aid in scheduling the time available, and should submit the written text or, at a minimum, an outline of comments they propose to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Advisory Committee and the Joint Board by sending it to the Committee Management Office. Notifications and statements should be received no later than June 9, 1986. They should be sent to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220. Telephone inquiries may be directed to Mr. Shapiro at (202) 535–6787.

Dated: May 19, 1986.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 86–11570 Filed 5–21–86; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF JUSTICE

Information Collection(s) Under Review

May 19, 1986.

The Office of Management and Budget (OMB) has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. Entries are grouped into new forms, revisions, or extensions. Each entry contains the following information: The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); the office of the agency issuing the form; the title of the form; the agency form number, if applicable; how often the form must be filled out; who will be required on asked to report; an estimate of the number or responses; an estimate of the total number of hours needed to fill out the form; an indication of whether section 3504(h) of Pub. L. 96–511 applies; and, the name and telephone number of the person or office responsible for the OMB review. Copies of the proposed form(s) and the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions regarding the item(s) contained in this list should be directed to the reviewer listed at the end of each entry *AND* to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent

you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer: Larry E. Miesse, 202/633–4312

Existing Collection In Use Without an OMB Control Number

(1) Larry E. Miesse, 202/633–4312
(2) Office of Justice Programs, Department of Justice
(3) Guidelines for the Mariel-Cuban State Reimbursement Program
(4) n/a
(5) One-time
(6) State or local governments. Data required by Immigration and Naturalization Service via Office of Justice Programs to determine whether specific inmates are indeed Mariels and to determine months of incarceration for reimbursement.
(7) 16 respondents
(8) 3,200 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

(1) Larry E. Miesee, 202/633–4312
(2) Federal Bureau of Investigation, Department of Justice
(3) Age, Sex, Race and Ethnic Origin of Persons Arrested
(4) DO–62/62a
(5) Monthly
(6) State or local governments. Needed to collect information regarding the number of persons arrested by law enforcement agencies throughout the United States.
(7) 1,371 respondents
(8) 8,226 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Application for Issuance of Refugee Travel Document
(4) I–570
(5) On occasion
(6) Individuals or households. Used to determine an applicant's eligibility for refugee travel document issuance.
(7) 11,000 respondents
(8) 11,500 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Biographic Information
(4) G–325
(5) On occasion
(6) Individuals or households. Used where necessary to check other agency records (FBI, CIS) on applications or petitions submitted for benefits under the Imigration and Nationality Act.
(7) 500,000 respondents
(8) 125,500 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Application for Change of Nonimmigrant Status
(4) I–506
(5) On occasion
(6) Individuals or households. Used to determine if an applicant for change of nonimmigrant status is eligible for change.
(7) 50,000 respondents
(8) 25,000 burdern hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Application for Status as Pemanent Resident
(4) I–485
(5) On occasion
(6) Individuals or households. Data required to adjust status to that of a lawful permanent resident.
(7) 175,000 respondents
(8) 87,500 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

Larry E. Miesse,

Clearance Officer, Department of Justice.

[FR Doc. 86–11545 Filed 5–21–86; 8:45 am]

BILLING CODE 4410–10–M

Lodging of Consent Decree Pursuant to Clean Air Act

In accordance with Department policy, 28 CFR 50.7, Notice is hereby given that on May 9, 1986 a proposed Consent Decree in *United States* v. *Ben's Truck and Equipment, Inc. and P&M Cedar Products, Inc.*, Civil Action No. S–84–1672–MLS, was lodged with the United States Court for the Eastern District of California. The proposed Consent Decree concerns the prevention of visible emissions and the proper procedures to be followed during demolition operations involving the removal of friable asbestos material. The proposed Consent Decree only relates to defendant Ben's Truck and Equipment, Inc. and requires Ben's Truck to pay a civil penalty of $25,000 and enjoins Ben's Truck from further violations of various Sections of the Clean Air Act and the National Emission Standard for Hazardous Air Pollutants for asbestos.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Ben's Truck and Equipment, Inc., and P&M Cedar Products, Inc.*, D.J. Ref. 90–5–2–1–743.

The proposed Consent Decree may be examined at the office of the United States Attorney, Eastern District of California, 650 Capitol Mall, Sacramento, California 95814 and at the Region 9 Office of the Environmental Protection Agency, 215 Fremont Street, San Francisco, California. Copies of the Consent Decree also may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86–11500 Filed 5–21–86; 8:45 am]

BILLING CODE 4410–10–M

Lodging of Consent Decree Pursuant to Clean Water Act

In accordance with Department policy, 28 CFR 50.7, Notice is hereby given that on May 13, 1986 a proposed Consent Decree in *United States* v. *City of Key West, Florida*, and *State of Florida*, Civil Action No. 85–3332–Civ-Scott, was lodged with the United States Court for the Southern District of Florida. The proposed Consent Decree concerns prevention of the discharge of pollutants by the City of Key West into the Atlantic Ocean in violation of the Clean Water Act. The proposed Consent Decree relates only to defendant City of Key West and requires Key West to pay a civil penalty of $500,000, to rehabilitate its existing sewer system, to construct a wastewater treatment plant, to comply with interim effluent limitations until completion of the treatment plant and then to comply with

final effluent limitations contained in the City's NPDES permit, to report any violations of the Consent Decree and subjects Key West to certain stipulated contempt penalties for violation of the provisions of the Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. City of Key West, Florida* and *State of Florida*, D.J. Ref. 90-5-1-1-2457.

The proposed Consent Decree may be examined at the office of the United States Attorney, Southern District of Florida, 155 South Miami Avenue, Suite 700, Miami, Florida 33130 and at the Region 4 Office of the Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365. Copies of the Consent Decree also may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.30 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86-11501 Filed 5-21-86; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated March 3, 1986, and published in the **Federal Register** on March 10, 1986; (51 FR 3257), Sterling Drug, Inc., 33 Riverside Avenue, Rensselaer, New York 12144, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Pethidine (meperidine) (9230), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, section 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: May 16, 1986.

Gene R. Haislip,

Deputy Asistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 86-11533 Filed 5-21-86; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 85-47]

Medicine Shoppe; Denial of Application

On September 4, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to the Medicine Shoppe, 206 Donelson Pike, Donelson, Tennessee 37214 (Respondent). The Order to Show Cause sought to deny the application for DEA registration executed by Daniel C. Dickson on behalf of the Medicine Shoppe on August 13, 1985. The statutory predicate for the Order to Show Cause was that Daniel C. Dickson, owner of the Medicine Shoppe, had been convicted, in the Criminal Court of Davidson County Tennessee, of four counts of illegal sale of controlled substances, felonies relating to controlled substances; and that he had materially falsified four applications for renewal of the pharmacy's DEA Certificate of Registration, indicating that he had not been convicted of a felony relating to controlled substances.

Respondent, through counsel, requested a hearing on the issues raised in the Order to Show Cause. The matter was placed on the docket of Administrative Law Judge Francis L. Young. After prehearing proceedings, a hearing was held in Nashville, Tennessee on November 19, 1985. On February 5, 1986, Judge Young issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. Government counsel filed exceptions to the Administrative Law Judge's opinion and recommended decision. In response to the Government's exceptions, Judge Young issued a supplemental opinion and recommendation. On April 11, 1986, the Administrative Law Judge transmitted the record of the proceedings to the Administrator. The Administrator has considered this record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon the findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that Daniel C. Dickson, owner of the Medicine Shoppe has been employed as a pharmacist in Nashville, Tennessee since 1971. In 1973, he began to operate a Medicine Shoppe pharmacy under a franchise. Investigation of Mr. Dickson by the Tennessee Bureau of Investigation in 1980 and 1981 established that he wrongfully filled prescriptions for controlled substances at his pharmacy. An agent of the Tennessee Bureau of Investigation, acting in an undercover capacity, obtained at least 13 refills of a prescription for Ionamin. Ionamin is a Schedule IV controlled substance. The original prescribing physician had not authorized any refills of the prescription. Further investigation by the Tennessee Bureau of Investigation disclosed additional prescriptions for controlled substances which had been refilled without authorization of a physician, one prescription having been refilled on 32 occasions and another on 24 occasions.

In April, 1981, a search warrant was executed at the Medicine Shoppe by agents of the Tennessee Bureau of Investigation (TBI). Certain prescriptions were seized from the pharmacy files, and Mr. Dickson was questioned by agents after being advised of his rights. When Dickson was asked why he had refilled many of the above-cited controlled substance prescriptions, he indicated that it was neglect. When specifically told by a TBI Agent that the physician had not authorized a prescription, Mr. Dickson stated that he had been unable to contact the physician.

On April 8 and 9, 1981, investigators from the Tennessee Board of Pharmacy conducted an audit of controlled substances at the Medicine Shoppe. A verification of purchase invoices by the investigators revealed that Mr. Dickson had failed to provide all relevant invoices for the receipt of Schedule III and IV controlled substances. The wholesaler's records indicated that it had provided the Medicine Shoppe with a greater quantity of controlled substances than the pharmacy's records acknowledged. The audit results for a two year period showed shortages and overages of Schedule II, III, and IV controlled substances. Among these were a shortage of 14,945 tables of Valium 5 mg., being 13.4 percent of the amount of this drug for which the pharmacy was accountable; a shortage of 10,526 tablets of Valium 10 mg., being 22 percent of the total accountable; and

a shortage of 3,151 dosage units of propoxyphene compound 65 mg., being 28.6 percent of the total accountable. Several controlled substances showed overages, the records indicating that the pharmacy could account for more of a specific controlled substance than was available. The Administrator notes that while these audit results do not, in and of themselves, establish any illegal dispensing of distributing, they do, at the very least, establish Mr. Dickson's failure to adequately maintain the records required by law to be kept at the pharmacy.

The Administrator finds that Daniel C. Dickson was indicted by the Grand Jury of Davision County, Tennessee in July, 1981 of 92 counts of dispensing controlled substances without the authorization of a practitioner. In September, 1981, Dickson was convicted of four counts of feloniously dispensing controlled substances without authorization of a practitioner, after entering a plea of guilty to those charges. These are felony offenses relating to controlled substances. Mr. Dickson was sentenced to two years at hard labor in the State Penitentiary, but actually served no time and was placed on five years probation. Mr. Dickson also entered into a Consent Order with the Tennessee Board of Pharmacy which imposed three years of probation, community service and a fine. Dickson has successfully fulfilled the Tennessee Board's probationary requirements, and both he and the Medicine Shoppe are currently licensed and in good standing in Tennessee.

On December 21, 1981, December 13, 1982, December 19, 1983, and December 20, 1984, Daniel C. Dickson signed applications for renewal of the Medicine Shoppe's DEA Certificate of registration. The first of these was executed just three months after his conviction in 1981. There are a series of questions appearing on each application form. One question asks whether the applicant has been convicted of a felony in connection with controlled substances under state or Federal law. On each of the four applications for renewal of the pharmacy's DEA Certificate of Registration, the question was answered "no." Each application was signed by Daniel C. Dickson. Each application was materially incorrect. Each application was processed by DEA since there was no indicator on the application that the status of the pharmacy had changed. The pharmacy remained registered until the registration was revoked, effective August 26, 1985, by the Administrator of DEA. (Prior to the instant proceeding, an Order to Show Cause proposing to revoke the then-current DEA Certificate of Registration of the Respondent pharmacy was issued based on the same grounds as the current action. At that time, Daniel Dickson, on behalf of the pharmacy, specifically waived a hearing and submitted a written statement. After consideration of the entire investigative file and the written statement submitted by Mr. Dickson, the Administrator revoked the pharmacy's registration. See 50 FR 30533 (July 26, 1985).)

Evidence presented at the hearing indicated that Daniel Dickson is held in high regard in his community. Other pharmacists in the area who have known him and worked with him express high regard for his pharmacy skills. Other members of the medical community believe Daniel Dickson to be a competent pharmacist. A number of persons who know Daniel Dickson, his pharmacy and the community believe that he does not pose a risk to the public, but rather is a valuable asset to the community which he serves. Patients rely on Daniel Dickson as a pharmacist. He enjoys a reputation for honesty and truthfulness in his community. The evidence presented at the hearing indicated that since his conviction in 1981, Mr. Dickson has complied with all state and Federal regulations with regard to dispensing controlled substances, with the exception of the four erroneous applications which he filed with DEA. Mr. Dickson testified at the hearing that if the pharmacy is not granted a DEA registration, he may have to close the store or lose the franchise. His current inability to dispense controlled substances has caused his business to decline.

The Administrative Law Judge found that Daniel Dickson pled guilty to the crime of feloniously dispensing the controlled substance, phentermine. He also found that the audit of controlled substances conducted at the Respondent pharmacy revealed sizable shortages and overages of several such substances. The audit results demonstrate, at the very least, an extraordinary carelessness and sloppiness in recordkeeping. The Administrative Law Judge concluded that recordkeeping is a most serious matter in a pharmacy. Controlled substances are controlled because they are potentially dangerous. They must be kept in legitimate therapeutic channels. They cannot be permitted to become diverted into the hands of those who will abuse them to their own harm or the harm of others. It is obvious that Dickson was making little, if any, effort to keep track of the controlled substances audited by the Tennessee State Board of Pharmacy. The extent of the neglect of responsibility found by the audit increases the serious doubts raised as to Dickson's fitness to hold a DEA registration. Even after such recordkeeping failures had been brough to Mr. Dickson's attention, he continued to submit incorrectly filled-out applications for renewal of his DEA registration. The preponderance of the evidence is to the effect that Dickson himself did not prepare these forms incorrectly—this was done by others. This, however, does not relieve him of the responsibility for the contents of these applications since he signed and submitted them. Dickson says that he did not read the renewal applications prepared by others prior to signing them. He should have since he is responsible for their contents. Dickson's failure to examine these documents, at best, reveals neglect of responsibility that increases still further the serious doubts already existing as to his fitness to hold a DEA registration. Based upon his prior convictions, the audit results, and his failure to properly complete the DEA registration applications, the Administrative Law Judge recommended that Respondent pharmacy, owned by Dickson, should not be entrusted with a DEA registration. The Administrator agrees with the recommendation of the Administrative Law Judge and adopts his findings of fact, conclusion of law and recommended decision in its entirety.

The Administrator concludes that the registration of Mr. Dickson's Medicine Shoppe would be inconsistent with the public interest, upon consideration of the applicant's experience in dispensing controlled substances, the applicant's conviction record, the applicant's record of noncompliance with applicable law relating to controlled substances, and the applicant's negligent conduct discussed above which threatens the public health.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) orders that the application for DEA Certificate of Registration, executed by Daniel C. Dickson on behalf of the Medicing Shoppe in Donelson, Tennessee on August 13, 1985, and any other outstanding applications for registration executed by Mr. Dickson, be and are hereby denied.

This order is effective May 22, 1986.

Dated: May 16, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86-11532 Filed 5-21-86; 8:45 am]

BILLING CODE 4410-09-M

Federal Bureau of Investigation

Advisory Policy Board National Crime Information Center; Meeting

The Advisory Policy Board of the National Crime Information Center (NCIC) will meet on June 4–5, 1986, from 9 a.m. until 5 p.m. at the Raffles Hotel Denver, Southeast, 3200 South Parker Road, Aurora, Colorado 80014.

The major topics to be discussed include:

(1) Presentations of proposals recommended by state and local users of the NCIC System to enhance the quality and completeness of records in the System.

(2) Status report and future testing plans for the Interstate Identification Index.

(3) Status report on the contractor's methodology of conducting the NCIC 2000 Study.

The meeting will be open to the public with approximately 30 seats available for seating on a first-come-first-served basis. Any member of the public may file a written statement with the Advisory Policy Board before or after the meeting. Anyone wishing to address a session of the meeting should notify the Advisory Committee Management Officer, Mr. William A. Bayse, FBI, at least 24 hours prior to the start of the session. The notification may be by mail, telegram, cable, or hand-delivered note. It should contain the name, corporate designation, along with a capsulized version of the statement and an outline of the material to be offered. A person will be allowed not more than 15 minutes to present a topic, except with the special approval of the Chairman of the Board.

Inquiries may be addressed to Mr. David F. Nemecek, Committee Management Liaison Officer, NCIC Federal Bureau of Investigation, Washington, DC 20535, telephone number 202–324–2606.

William H. Webster,

Director.

[FR Doc. 86-11502 Filed 5-21-86; 8:45 am]

BILLING CODE 4410-02-M

MERIT SYSTEMS PROTECTION BOARD

Federal Employees; Review of Effect of Simmons v. Merit Systems Protection Board, 768 F.2d 323 (Fed. Cir. 1985); Opportunity to File Amicus Briefs in Board Proceedings

AGENCY: Merit Systems Protection Board.

ACTION: Notice of opportunity to file amicus briefs addressing issue related to awards of attorney fees.

SUMMARY: The Merit Systems Protection Board is providing an opportunity for interested parties to file amicus briefs concerning the issue of whether the Board should give retroactive effect to a court decision holding that the Board may award attorney fees in retirement cases.

DATE: Amicus briefs submitted in response to this notice shall be filed with the Clerk of the Board on or before June 23, 1986.

ADDRESS: All briefs shall be captioned "Amicus Brief, Attorney Fee Awards." A signed original and ten (10) copies of each amicus brief submitted in response to this notice shall be filed with the Office of the Clerk of the Board and addressed to Robert E. Taylor, Clerk of the Board, Merit Systems Protection Board, Attention: Attorney Fee Awards, 1120 Vermont Avenue NW., Washington, DC 20419.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Clerk of the Board, Merit Systems Protection Board, (202) 653–7200.

SUPPLEMENTARY INFORMATION: In *Williams* v. *Office of Personnel Management*, 718 F.2d 1553 (1983), the U.S. Court of Appeals for the Federal Circuit held that the Board lacked authority to grant attorney fees under 5 U.S.C. § 7701(g)(1) in physical disability retirement cases. *Id.* at 1554. That holding was overruled by *Simmons* v. *Merit Systems Protection Board*, 768 F.2d 323 (Fed. Cir. 1985). Since the latter decision was issued, appellants whose cases were decided under *Williams* have requested that the Board apply *Simmons* retroactively and award attorney fees in their cases, even though the MSPB decisions in their cases became final before *Simmons* was issued. The Board has reopened these cases and is now offering, through this notice, to receive and consider amicus briefs from interested parties on whether it should apply *Simmons* to those cases.

Dated: May 19, 1986.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 86-11592 Filed 5-21-86; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Availability of Accident Reports Issued

Aircraft Accident Report: Galaxy Airlines, Inc., Lockheed Electra-L-188C, N5532, Reno, Nevada, Janaury 21, 1985. (NTSB/AAR-86/01) (NTIS Order No. PB86-910401).

Marine Accident Report: Grounding of the Panamanian-Flag Passenger Carferry M/V A. REGINA, Mona Island, Puerto Rico, February 15, 1985. (NTSB/MAR-86/02) (NTIS Order No. PB86-916402).

Marine Accident Report: Collision between the Fishing Vessel GULF QUEEN and the Crewboat M/V ALAN MCCALL in the Gulf of Mexico, March 9, 1985. (NTSB/MAR-86/04). (NTIS Order No. PB86-916404).

Pipeline Accident Report: Continental Pipe Line Company Pipeline Rupture and Fire, Kaycee, Wyoming, July 23, 1985. (NTSB/PAR-86/01) (NTIS Order No. PB86-916501).

Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports, call 703–487–4650 and to order subscriptions to reports, call 703–487–4630.

Catherine T. Kaputa,

Federal Register Liaison Officer.

May 16, 1986.

[FR Doc. 86-11503 Filed 5-21-86; 8:45 am]

BILLING CODE 7533-01-M

SAFETY RECOMMENDATIONS ISSUED

Recommendation No.	Respondent	Date	Subject
A-85-57 and -58	Federal Aviation Administration (FAA)	9/10/85	Piston connecting rods on Teledyne Continental Model TSI0-360 -E, -F, and -G engines installed in 1977, 1978, and 1979 model airplanes. Design review of engines in Piper Model PA-28R-201T Turbo III Cherokee Arrow, PA-28RT-201T Turbo IV Cherokee Arrow, and PA-28-201T Turbo Dakota airplanes.
A-85-59 through -65	....do	9/20/85	Passenger revenue operations: compliance with traffic advisory practics at uncontrolled airports; instrument approaches; standard instrument approach procedures; IFR flight plans; Traffic Alert and Collision Avoiding System.
A-85-72	Helicopter Association Internat'l and the Aerospace Industries Association of America.	10/1/85	Review and analysis of accident data and the crashworthiness of each current helicopter design; occupant protection improvements.
A-85-120 and -121	FAA	11/8/85	Pratt & Whitney JT8D-series engines; integral sleeve spacer at all six locations in the high-pressure compressor rotor.
A-85-118 and -119	....do	11/8/85	Magnetic particle inspection of all collective sleeve assemblies on Bell 214B/214ST model helicopters.
A-85-129 through -132	....do	11/27/86	Lockheed L-1011 passenger oxygen system.
A-85-85133 through -137	....do	12/5/85	Boeing 747 empennage design; structural integrity of the aft pressure bulkhead.
A-85-105 through -107	Regional Airlines Association	12/17/85	Passenger safety briefings.
A-85-105 and -106	Selected airlines which are not members of the Air Transport Association or the Regional Airline Association.	12/17/85	Passenger safety briefings.
A-86-13	FAA	2/11/86	Piper PA-34-200 airplanes; nose gear centering spring bolt.
A-86-21	U.S. Department of Defense	2/14/86	Passenger and baggage weights on commercial contract carriers of military personnel.
A-86-20	FAA	2/14/86	Passenger and baggage weights (actual versus average) for air carriers.
A-86-22 and -23	....do	3/28/86	Throttle opening springs on Cessna single-engine airplanes with carbureted engines.
A-86-14 through -19	....do	3/4/86	Air staft access doors on Lockheed Electras; operator surveillance; emergency procedures; cockpit resource management.
A-86-25 through -29	....do	4/7/86	Combusion chambers on Pratt & Whitney JT8D-1 through -17AR engines; engine condition monitoring (ECM) programs; replacement of stage 7-8, 8-9, and 9-10 removable sleeve spacers between high-pressure compressor are replaced with integral sleeve spacers; maintenance reliability programs.
A-86-24	....do	4/17/86	One-time ultrasonic or eddy current inspection of Parsons Company main rotor blades with more than 3,000 hours accumulated time used on hiller Aviation model UH-12 helicopters.
HIGHWAY			
H-85-49 and -50	Governors and Legislative Leaders of the 50 States and Puerto Rico. Mayor and Council Chairman of the District of Columbia.	12/6/85	Improved reporting of alcohol involvement in highway crashes.
H-85-27 through -29	Federal Highway Administration	10/16/85	Underwater structural elements of bridges.
H-85-7	Virginia Department of Education	3/22/86	Physical standards for schoolbus drivers.
H-85-19	American Bus Association and Trucking Associations, Inc.	9/10/85	Duty status records for motor carrier drivers; addition of all time worked by a commercial vehicle driver for all full time and part time employers to the definition of "on-duty" time.
MARINE			
M-86-27 through -29	U.S. Coast Guard	3/28/86	Qualification of ocean operators as radar observers; signals while underway or at anchor during periods of limited visibility due to high speed vessels servicing offshore structures in the Gulf of Mexico; manning requirements on Certificates of Inspection for small passenger vessels.
M-86-26	Phillips Petroleum Co	3/28/86	Mobile offshore drilling unit operating procedures.
M-86-25	Global Marine Drilling Co	3/28/86	Mobile offshore drilling unit procedures; shutting off well flow when the low level methane gas alarm is sounded.
M-86-22 through -24	Otis Engineering Corp	3/28/86	Inspection, maintenance, and assembly procedures for the crude oil burner in well testing operations; quality control standards and procedures; dedicated, separate, compressed air source to supply air to crude oil burners; device to prohibit the backflow of well hydrocarbons that may enter the compressed air piping.
M-86-20 and -21	International Association of Classification Societies	3/28/86	Certification and inspection of crude oil burners and their component parts for the maintenance of safe condition; prohibition of well hydrocarbons that may enter the compressed air piping.
M-86-18 and -19	U.S. Coast Guard	3/28/86	Inspection of crude oil burners and their compondent parts to ensure that equipment is maintained in a safe condition.
M-86-30 and -31	Cameron Boat Rentals, Inc	3/28/86	Crewboat speeds and lookouts during periods of limited visibility.
M-86-12 through -14	Dominican Ferries	2/27/86	Navigation watches at sea; requirement that vessel masters and watchstanding officers report when they are taking any medication.
M-86-17	Commonwealth of Puerto Rico	2/27/86	Coordination among agencies participating in search and rescue emergency and nonemergency situations on the Puerto Rican offshore islands.
M-86-15 and -16	U.S. Coast Guard	2/27/86	Requirement that vessel masters and watchstanding officers on U.S. passenger vessels carrying 50 or more passengers report when they are taking any medication.
M-86-32	Puerto Rico, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.	4/7/86	Blood alcohol concentration for recreational boat operators; toxicological tests of operators and of all persons fatally intoxicated in a recreational boating accident.
RAILROAD			
R-85-122	Burlington Northern Railroad Co	1/15/86	Inspection practices for suspected leaking or venting hazardous materials tankcars.
PIPELINE			
P-86-01 and -02	Texas Eastern Corp	2/27/86	Construction specifications for gas pipeline support; backfill procedures.
P-86-13	American Society of Mechanical Engineers; American Petroleum Institute.	4/17/86	Guidelines for the safe raising and recoating of pipelines while in service.
P-86-12	American Gas Association; Interstate Natural Gas Association; American Petroleum Institute.	4/17/86	Procedures for recoating pipelines, particularly on the inspection of exposed girth welds before fully lifing the pipe and to minimize the potential for a single event destroying all onsite communications equipment.
P-86-9 through -11	Continental Pipe Line Co	4/17/86	Procedures for safely raising pipelines from their foundations; training for personnel qualified to perform pipeline recoating operations; inspection and work standards.
P-86-3 through -8	Alabama Gas Corp	4/17/86	Maintenance of operating equipment at optimum condition; emergency procedures; currency of engineering flowsheets and manuals for natural gas liqueraction plants.

Single copies of these recommendation letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, DC 20594. Please include addressee's name, date of letter, and recommendation number(s) in your request. The photocopies will be billed at a cost of 14 cents per page ($1 minimum charge).

Catherine T. Kaputa,

Federal Register Liaison Officer.

May 16, 1986.

[FR Doc. 86-11504 Filed 5-21-86; 8:45 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Extension.

2. The title of the information collection: 10 CFR Part 34, "Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations."

3. The form number if applicable: Not applicable.

4. How often the collection is required: Required reports are collected and evaluated on a continuing basis as events occur. Applications for new licenses or amendments may be submitted at any time. Applications for renewal of licenses are submitted every five years.

5. Who will be required or asked to report: Persons holding or applying for a license for the use of byproduct material for purposes of industrial radiography.

6. An estimate of the number of responses: 400.

7. An estimate of the total number of hours needed to complete the requirement or request: 54,482.

8. An indication of whether section 3504 (h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: 10 CFR Part 34 establishes rules governing the domestic licensing of byproduct material for use in industrial radiography.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, N.W., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 19th day of May 1986.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 86-11586 Filed 5-21-86; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Extension.

2. The title of the information collection: Medical License Occupational ALARA Program.

3. The form number if applicable: Not applicable.

4. How often the collection is required: This information is only submitted once with an application for a license.

5. Who will be required or asked to report: Applicants for and holders of an NRC specific medical license for human use of radioactive byproduct material.

6. An estimate of the number of responses: 200.

7. An estimate of the total number of hours needed to complete the requirement or request: 800.

8. An indication of whether section 3504(h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: Medical licensees and applicants are requested to establish and submit a formal program for maintaining occupational exposures as low as reasonably achievable (ALARA).

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, N.W., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 19th day of May 1986.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 86-11587 Filed 5-21-86; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: New.

2. The title of the information collection: 10 CFR Part 61—Licensing Requirements for Land Disposal of Radioactive Waste.

3. The form number if applicable: Not applicable.

4. How often the collection is required: Applications for licenses are submitted once. Applications for renewal or amendment are submitted as needed. Other reports are submitted annually and as other events require.

5. Who will be required or asked to report: Applicants for and holders of an NRC license for land disposal of low-level radioactive waste.

6. An estimate of the number of responses: 350,015.

7. An estimate of the total number of hours needed to complete the requirement or request: 14,765.

8. An indication of whether section 3504 (h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: 10 CFR Part 61 establishes the procedures, criteria, and license terms and conditions for the land disposal of low-level radioactive wastes.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395–7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 19th day of May 1986.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 86–11588 Filed 5–21–86; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–23241; File No. SR–NYSE–86–13]

Self Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by New York Stock Exchange, Inc., Relating to Listing Fees for Share Rights Plan Securities.

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 May 1, 1986, the New York 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

(a) The text of the proposed rule change appears below. Paragraph 902.02 of the NYSE Listed Company Manual is amended for the purpose of adding the following:

Listing Fee for Share Rights

A minimum fee of $1,270 will be charged for share rights plans that become effective subsequent to May 1, 1986.

Upon the share rights becoming exercisable and tradable separately from the common stock:

- An initial fee would be charged on the share rights then outstanding and on additional issuances of rights.
- Share rights would be subject to the Exchange's continuing annual fee schedule.

Companies whose share rights plans became effective on or before May 1, 1986, must pay the full initial fee, but will not be subject to any additional fees until the rights become exercisable and tradable separately from the common stock, at which time there will be a fee for additional issuances of rights and the Exchange's continuing annual listing fee schedule will become applicable.

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. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A),(B) and (C) below, of the most significant aspects of such statements.

(A) *Purpose*—The purpose of this proposed rule change is to establish a separate fee applicable to share rights Better known as "poison pill" securities, (and also known as "warrant dividends") share rights typically are not exercisable until certain triggering events occur. These triggering events usually pertain to the announcement of a tender offer for the issuer's shares or the purchase of a specific percentage of the issuer's shares. Prior to the time the share rights are excercisable, they do not trade separately from the common stock, and they are evidenced by the transferable only with the common stock.

The Exchange has been listing share rights since August, 1984 and has been charging the currently applicable initial listing fees as set forth in paragraph 902.02 of the NYSE Listed Company Manual. The proposed fee would result in a one-time charge of $1,270 for share rights plans that have become effective subsequent to May 1, 1986. Should the rights subsequently become exercisable and tradable separate from the common stock, the Exchange's standard initial listing fee schedule would be applied as would its continuing annual fee schedule.

Companies whose share rights plans became effective on or before May 1, 1986, must pay the full initial fee, but will not be subject to any additional fees until the rights become exercisable and tradable separately from the common stock, at which time there will be a fee for additional issuances of rights and the Exchange's continuing annual listing fee schedule will become applicable.

Statutory Basis—The basis under the 1934 Act for this proposed rule change is the requirement under section 6(b)(4) that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that this 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

The Exchange has not solicited, and does not intend to solicit, comments regarding this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

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 statement with respect to the proposed rule change are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 12, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 15, 1986.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-11512 Filed 5-21-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-86-11]

Petition for Exemption; Summary of Petitions Received Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: June 16, 1986.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on May 16, 1986.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
24939	Experimental Aircraft, Association	14 CFR 91.30	To allow petitioner to operate specified aircraft for which no master minimum equipment list exists, with certain inoperative items of equipment.
12638	Air Transport Association/Trans World Airline	14 CFR 121.351(a)	To amend Exemption No. 2081 to allow TWA to be included in the provisions which allows dispatch with a single HF on certain oceanic routes between the Northeastern United States and the San Juan ARTCC.
24546	United States Parachute Association	14 CFR 91.47	To permit the petitioner to carry a normal crew plus 40 passengers on Douglas DC-3/C-47 aircraft. Petitioner further requests this exemption for the period between June 20 and July 14, 1986, when the U.S. National Skydiving Championships are to be held in Muskogee, OK.
24888	John L. Geitz	14 CFR 135.293(a)(2), 135.293(b), 135.337(a)(2), 135.337(a)(3), and 135.337(a)(4).	To allow petitioner to serve as check airman under certain limitations for "On-Demand" air carriers who operate under the provisions of part 135 of the Federal Aviation Regulations without meeting, in each case, all provisions of the FAR.
21015	Ransome Airlines	14 CFR 135.63(c)	To permit petitioner during scheduled passenger-carrying operations conducted under part 135, to takeoff with a load manifest lacking the identification of crewmembers and their crew position assignments, subject to certain conditions.
7908	TRW Aircraft Components Group	14 CFR 21.231	Amendment to Exemption No. 674 to allow petitioner to obtain delegation option authorization for Hartzell propellers manufactured for use on turbopropeller and reciprocating engines of not more than 1,500 brake horsepower. Exemption 674 currently allows 1,000 brake horsepower.
24864	Air Logistics	14 CFR 135.429	To allow petitioner to operate aircraft equipped with nine or less seating configurations when maintained in accordance with § 135.411(a)(2).
23771	Cessna Aircraft Co.	14 CFR 91.213 and 91.31	Extension of Exemption No. 4050 to allow the operation by one pilot without a second in command, of Cessna Models 550, S550, and 552, subject to certain conditions and limitations. Exemption 4050 as amended, expires July 31.
24908	Fairchild Aircraft Corp.	14 CFR 21.17	To permit certification of petitioner's Model SA227-400 under Special Federal Aviation Regulation 41. This would permit petitioner to extend its type certification program beyond the 3-year period ending in September 1986.
24974	Airpac, Inc.	14 CFR 121.309	To allow petitioner an extension of 90 days beyond the August 1 compliance date to install emergency medical kits.
24954	Seattle Jet Center	14 CFR 135.267	To allow petitioner to operate its fixed wing aircraft in Hospital Emergency Medical Transport Service without meeting the flight and duty time limitations.
24944	New Mexico Junior College	14 CFR 61.3 and 91.27	To allow foreign pilots and foreign built gliders to participate in the Second National Sports Class Soaring Championships sponsored by the National Soaring Foundation.
24941	The Perris Valley Skydiving Society, Inc.	14 CFR 105.43	To allow foreign parachutists to participate in parachute jumps without complying with the parachute equipment and packing requirements.
8429	Northern Air Cargo, Inc.	14 CFR 91.39(b) and 121.157	Extension and amendment of Exemption No. 770 to allow petitioner to carry outsize cargo on C-82 restricted category aircraft within the State of Alaska. To allow deletions of those provisions of Condition No. 2, which preclude operations with C-82 aircraft into airports within Alaska into which standard category aircraft can be operated with the same outsize cargo on board.
24537	Wackenhut Services, Inc.	14 CFR 61.161	To allow petitioner to apply for an airline transport pilot certificate with a rotorcraft category rating without meeting the requirement of at least 1,200 hours of flight time within the preceding 8 years.
24992	Million Air, Inc.	14 CFR 91.303	To allow petitioner to operate one Stage 1 Boeing 707 until hush kits are installed.
24662	Albuquerque International Balloon Fiesta	14 CFR 61.3(b) and 91.27	To allow certain foreign balloon pilots and foreign balloons to participate in the 15th Annual Albuquerque International Balloon Fiesta, Albuquerque, NM, October 4-12, 1986, without complying with the pilot certification and airworthiness requirements.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
23653	The University of North Dakota	14 CFR Portions of part 41 appendixes A, C, D, F, and H.	To permit aviation students of the University of North Dakota to graduate from the appropriate courses when they have been trained to a specific performance level rather than the minimum flight time requirements including the minimum solo cross-country flight time requirements.
24308-2	Skystar	14 CFR 91.303	To allow petitioner to operate two Stage 1 Boeing 707 aircraft until hush kits are installed but not later than December 31, 1986.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
24684	Lewis County, WA sheriff's office	14 CFR 91.79(c)	To allow petitioner to operate a public aircraft closer than 500 feet to persons, vessels, vehicles, or structures for the purposes of search and rescue operations. DENIED 4/14/86.
22635	Sierra Academy of Aeronautics	14 CFR portions of part 63, appendix C, section (a)(3)iv)(*a*).	Extension of Exemption 3564 to allow petitioner to reduce the required 5 hours of flight training in an airplane to not less than 2 hours of intensive flight training in an airplane by incorporating the remaining time in a static airplane for applicants who do not possess a commercial flight certificate with an instrument rating, subject to certain conditions and limitations. DENIED 4/22/86.
23908	Piedmont Airlines	14 CFR 121.371 and 121.378	To allow petitioner to use engines, components, and spare parts on its Fokker F-28 aircraft that have been manufactured, repaired, overhauled, or inspected by persons outside of the United States who do not hold U.S. airman certificates. GRANTED 4/22/86.
22466	Western Airlines	14 CFR 61.157(e) and appendix H	To extend the March 31, 1985, termination date of Exemption 3713 and amend its conditions and limitations. The exemption would allow petitioner to use a Phase II B-727 simulator instead of an aircraft for certain pilot flight checks. PARTIAL GRANT 4/23/86.
24962	Terre A. Hultgren	14 CFR 121.311(b)	To allow petitioner to hold her daughter on her lap during takeoff and landing and when so requested by the pilot in lieu of her daughter sitting in a seat alone. GRANTED 4/25/86.
24884	Ramon Navarro	14 CFR 61.3(3)	To allow petitioner to act as a required pilot flight crewmember, without a current and valid medical certificate, for the purpose of acting as a safety pilot, during simulated instrument flight conditions, when instructing airplane instrument students, when the student holds a private or commercial pilot certificate with the appropriate category and class ratings, and is current and qualified in that aircraft. DENIED 4/24/86.
23386	Mid Pacific Airlines, Inc.	14 CFR 121.371(a) and 121.378	To allow petitioner to utilize all Nippon Airways Company, Ltd., Air Asia Company, Ltd., and Toa Domestic Airlines and its affiliate Nitto Maintenance Company for the inspection and overhaul of aircraft, incuding certain selected airframe accessories and appliances. GRANTED 4/24/86.
13199	American Airlines Training Corp. (AATC)	14 CFR 61.63(d) (2) and (3)	To allow petitioner to use an approved visual simulator for applicants for a Cessna 500 (CE-500) type rating who have completed AATC's Federal Aviation Administration (FAA)-approved training course, pursuant to § 121.424(d), even though AATC does not have an operating certificate issued under part 121. PARTIAL GRANT 4/25/86.
21780	Civil Air Patrol	14 CFR 61.118	Extension of Exemption 4042, to allow petitioner's members who hold private pilot certificates to be reimbursed for fuel, oil, and maintenance while serving on official CAP mission. GRANTED 4/24/86.
21168	Executive Air Fleet Corp.	14 CFR 135.297(a)	To allow petitioner to use pilots-in-command who have completed an instrument proficiency check within the preceding 12 calendar months if they have satisfactorily completed either an instrument proficiency check or training to proficiency in an approved aircraft simulator within the preceding 6 months. GRANTED 4/30/86.
20044	Air Transport Association of America	14 CFR 61.63 (b) and (c)	To allow pilots employed by part 121 certificate holders to be issued additional category and class ratings based on normal upgrade training to second-in command. GRANTED 4/30/86.
23483	Reeder Flying Service, Inc.	14 CFR 43.3(g)	To amend the name on and extend Exemption 3749 to permit petitioner's certificated pilots to remove, check, and reinstall magnetic chip detector plugs installed on Allison 250 series turbine engines, aircraft transmissions, and tail rotor gearboxes of its Bell 206B helicopters, subject to certain conditions. GRANTED 4/29/86.
23894	Kenneth B. Sherman	14 CFR portions of part 63	To establish special rules for military flight navigators or former military flight navigators to permit the issuance of Federal Aviation Administration (FAA) flight navigator certificates based primarily on military flight navigator training and experience in a component of the Armed Forces of the United States. DENIED 4/28/86.
24186-1	Arrow Air, Inc.	14 CFR 91.303	To extend the January 1, 1985, noise level compliance date. AMENDED GRANT 4/25/86.
24948	Anglo Airlines	14 CFR 91.303	To allow petitioner operating a Boeing 707-338C, make one technical stop at Honolulu, Hawaii for fuel enroute to New Zealand without meeting the specified noise standards. Petitioner states that it has a hush kit contract with Comtran for this Aircraft. GRANTED 4/30/86.
24419	Aeroservicios Ecuatorianos, C.A.	14 CFR 91.303	To extend the January 1, 1985, noiselevel compliance date. AMENDED GRANT 5/2/86.
24972	Lone Star Industries	14 CFR 91.307	To allow operation in the United States, under a service to small communities exemption, of specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: BAC-1-11; N5LC until January 1, 1988. GRANTED 4/23/86.

[FR Doc. 86-11479 Filed 5-21-86; 8:45 am]
BILLING CODE 4910-13-M

Maritime Administration

Removal From Roster of Approved Trustees

Notice is hereby given pursuant to 46 CFR 221.27 that on May 23, 1983, the Bank of New Orleans and Trust Company, New Orleans, Louisiana, merged with First National Bank of Commerce, New Orleans, Louisiana. First National Bank of Commerce is on the Roster of Approved Trustees. Therefore, the Bank of New Orleans and Trust Company has been removed from the Roster of Approved Trustees, pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30.

This Notice shall become effective on the date of publication.

Dated: May 19, 1986.

By Order of the Maritime Administrator.

Murray A. Bloom,

Acting Secretary.

[FR Doc. 86–11562 Filed 5–21–86; 8:45 am]

BILLING CODE 4910–81–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: May 16, 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.

U.S. Customs Service

OMB Number: 1515–0085.
Form Number: CF 247.
Type of Review: Revision.
Title: U.S. Customs Service Cost Submission.

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: New.
Form Number: None.
Type of Review: New.
Title: Quality Project Survey.

OMB Number: 1545–0203.
Form Number: IRS Form 5329.
Type of Review: Extension.
Title: Return for Individual Retirement Arrangement Taxes.

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. 86–11591 Filed 5–21–86; 8:45 am]

BILLING CODE 4810–25–M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains requests for two new collections and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses, (7) an estimate of the total number of hours needed to fill out the form, and (8) an indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Nancy C. McCoy, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395–7316.

DATES: A waiver for the 60-day comment period has been granted. Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: May 16, 1986.

By direction of the Administrator.

David A. Cox,

Associate Deputy Administrator for Management.

New

1. Department of Medicine and Surgery
2. Financial Worksheet
3. VA Form 10–10f
4. On occasion
5. Individuals or households
6. 140,000 responses
7. 70,000 hours
8. Not applicable

* * *

1. Department of Medicine and Surgery
2. Insurance Information
3. VA Form 10–10i
4. On occasion
5. Individuals or households
6. 60,000 response
7. 12,000 hours
8. Not applicable.

[FR Doc. 86–11516 Filed 5–21–86; 8:45 am]

BILLING CODE 8320–01–M

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains a request for an extension and revision of a form and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses, (7) an estimate of the total number of hours needed to fill out the form, and (8) an indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the form and supporting documents may be obtained from Nancy C. McCoy, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 389–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: May 13, 1986.

By direction of the Administrator.

Jack J. Sharkey,

Director, Office of Data Management and Telecommunications.

Revision/Extension

1. Department of Veterans Benefits.

2. Enrollment Certification (Under Chapters 30, 32, 34, or 35, 38 U.S.C. and Chapter 106, 10 U.S.C.).

3. VA Forms: 22–1999, 22–1999–1, 22–1999–2.

4. On occasion; Quarterly; School term or semester.

5. Individuals or households; State or local governments; Farms; Businesses or other for-profit; Non-profit institutions; Small Businesses or organizations.

6. 786,134 responses.

7. 131,022 hours.

8. Not applicable.

[FR Doc. 86–11563 Filed 5–21–86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 99
Thursday, May 22, 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

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:50 a.m. on Monday, May 19, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding the Corporation's assistance agreement with an insured bank pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration on the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(9)(A)(i) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(A)(i) and (c)(9)(B)).

Dated: May 20, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-11651 Filed 5-20-86; 2:52 pm]

BILLING CODE 6714-01-M

2

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m., May 28, 1986.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C 20573.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Docket No. 86-11—"Neutral Container Rule" —U.S. Atlantic—North Europe Conference—Consideration of Motion to Amend Order of Investigation and Hearing.

2. Special Docket No. 1354—Application of U.S. Atlantic North Europe Conference for the benefit of Ford Motor Company—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: John Robert Ewers, Secretary, (202) 523-5725.

John Robert Ewers,

Secretary.

[FR Doc. 85-11684 Filed 5-20-85; 3:36 pm]

BILLING CODE 6730-01-M

3

MERIT SYSTEMS PROTECTION BOARD

TIME AND DATE: 10:20 a.m., Tuesday, June 3, 1986.

PLACE: Eighth Floor, 1120 Vermont Avenue, NW., Washington, DC.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Hearing in *Woods* v. *U.S. Customs Service,* MSPB Docket No. PH07528310145.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Robert E. Taylor, Clerk of the Board, (202) 653-7200.

Dated: May 20, 1986.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 86-11640 Filed 5-20-86; 1:39 pm]

BILLING CODE 7400-01-M

Federal Register

Thursday
May 22, 1986

Part II

Department of Energy

10 CFR Part 503

Powerplant and Industrial Fuel Use Act; Cogeneration Exemption; New Facilities; Interim Rule With Request for Comments

Compliance With the National Environmental Policy Act (NEPA); Amendments to the DOE NEPA Guidelines; Notice of Proposed Amendments

DEPARTMENT OF ENERGY

10 CFR Part 503

[Docket No. ERA-C&E 86-35]

Powerplant and Industrial Fuel Use Act; Cogeneration Exemption; New Facilities

AGENCY: Department of Energy.

ACTION: Interim rule with request for comments.

SUMMARY: Department of Energy (DOE) is amending its final rules governing the cogeneration exemption under the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (46 FR 59872, 59914, December 7, 1981, as amended at 47 FR 29209, July 6, 1982) ("final rules"). The amendment modifies § 503.13(b) of the final rules by adding the cogeneration exemption to the list of exemption types available using an environmental checklist in lieu of more detailed environmental documentation.

DATES: Effective May 22, 1986. Written comments are due on or before June 23, 1986.

ADDRESS: All comments should be addressed to Docket No. ERA-C&E-86-35, Department of Energy, Economic Regulatory Administration, Room GA-045, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Richard Ransom, Department of Energy, Economic Regulatory Administration, Coal and Electricity Division, Room GA-045, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202) 252-4811

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

SUPPLEMENTARY INFORMATION: Pending final adoption or rejection this action will go into effect on an interim basis on May 22, 1986 in the **Federal Register.**

List of Subjects in 10 CFR Part 503

Business and industry, Electric power plants, Energy conservation, Natural gas, Petroleum, Reporting and recordkeeping requirements.

PART 503—[AMENDED]

10 CFR Part 503 is amended as follows:

1. The authority citation for Part 503 continues to read as follows:

Authority: Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101 et seq); Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620, 92 Stat. 3289 (42 U.S.C. 8301 et seq); Energy Security Act, Pub. L. 96-294, 94 Stat. 611 (42 U.S.C. 8701); E.O. 12009, 42 FR 46267, Sept. 15, 1977.

§ 503.13 [Amended]

2. Inserting "cogeneration," after "emergency purposes" in § 503.13(b) introductory text.

Issued in Washington, DC, on May 7, 1986.

Marshall A. Staunton,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 86-11517 Filed 5-21-86; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act (NEPA); Amendments to the DOE NEPA Guidelines

AGENCY: Department of Energy.

ACTION: Notice of Proposed Amendments to the Department of Energy's NEPA Guidelines.

SUMMARY: The Department of Energy proposes to amend Section D of its NEPA guidelines by adding the permanent cogeneration exemption authorized under Title II of the Fuel Use Act to its list of categorical exclusions. A categorical exclusion is a class of DOE action which normally does not require the preparation of either an environmental impact statement (EIS) or environmental assessment (EA). Public comment is invited on this proposal. Pending final adoption or rejection of the proposed amendments, the Department of Energy will utilize the categorical exclusion process for permanent cogeneration exemptions.

DATE: Comments by June 23, 1986.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert J. Stern, Director, Office of Environmental Compliance, U.S. Department of Energy, 1000 Independence Avenue, SW., Rm. 3G–092, Washington, DC 20585, (202) 252–4600

Henry Garson, Esq., Assistant General Counsel for Environmental, GC–11, U.S. Department of Energy, 1000 Independence Avenue, SW., Rm. 6A–113, Washington, DC 20585, (202) 252–6947.

SUPPLEMENTARY INFORMATION:

A. Background

On March 28, 1980, the Department of Energy (DOE) published in the **Federal Register** (45 FR 20695) final guidelines for implementing the procedural provisions of NEPA as required by the Council on Environmental Quality (CEQ) regulations (40 CFR 1500–1509). In accordance with these regulations Section D of the DOE guidelines lists three classes of agency action: (1) Those which normally require environmental impact statements (EIS); (2) those which normally require environmental assessments (EA) but not necessarily environmental impact statements and; (3) those which normally do not require either environmental assessments or environmental impact statements. This third class was identified pursuant to § 1507.3(b)(2)(ii) of the CEQ regulations referenced above and are termed "categorical exclusions." The CEQ regulations defines a categorical exclusion as a "category of actions which do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental assessment nor an environmental impact statement is required." The regulations permit agency discretion, in that "an agency may decide in its procedures or otherwise to prepare environmental assessments even though it is not required to do so. Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect."

The DOE NEPA guidelines state that "DOE may add actions to or remove actions from the categories in section D based on experience gained during the implementation of the CEQ regulations and these guidelines." Pursuant to the guidelines, substantive revisions are to be published in the **Federal Register** and adopted only after opportunity for public review. The last amendments to section D were published in the **Federal Register** on February 5, 1985.

B. Proposed Amendments

The Department proposes to further amend section D of its guidelines by adding to the list of categorical exclusions in section D, the grant or denial of a permanent exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (Act) (Pub. L. 95–620) for any new cogeneration powerplant. This exemption is authorized by section 212(c) of the Act.

The listing of certain classes of actions which are categorically excluded from NEPA only raises a presumption that any such actions will not significantly affect the quality of the human environment. For those circumstances where DOE has reason to believe that a significant impact could arise from the grant or denial of a specific cogeneration exemption, DOE's NEPA guidelines provide that individual proposed actions will be reviewed to ascertain whether an environmental assessment or environmental impact statement would be required for any individual action which is listed in Subpart D of the guidelines as categorically excluded from NEPA. To assist DOE in making this determination, DOE is concurrently amending, in a document published elsewhere in this **Federal Register**, its regulations covering applications for cogeneration exemptions by requiring a petitioner for this exemption to (1) certify that he will comply with all applicable environmental permits and approvals prior to operating the facility: and (2) complete an environmental checklist designed to determine whether the facility in question will have an impact in certain areas regulated by specified laws which impose consultation requirements on DOE (10 CFR 503.13(b)(2)). This will allow DOE to verify that either no significant impact will result, or that the categorical exclusion does not apply.

Under section 500.2 of DOE's final rule as amended (47 FR 29209, July 6, 1982), a "cogeneration facility" is an electric powerplant or a major fuel burning installation that produces:

(1) Electric power; and

(2) Any other form of useful energy (such as steam, gas or heat) that is, or will be used, for industrial, commercial, or space heating purposes. In addition, for purposes of this definition, electricity generated by the cogeneration facility must constitute more than five (5) percent and less than ninety (90) percent of the useful energy output of the facility.

In its revised rulemaking of July 6, 1982 (47 FR 29209) (final rule) the DOE recognized the important role cogeneration technologies can play in assisting the nation to meet the energy goals of increased fuel efficiency and oil and natural gas savings. The final rule included a table by which potential cogeneration exemption applicants could determine the oil and gas savings that could be expected, on a regional basis, for electricity backed off the grid through cogeneration. The table displayed oil and gas savings, based on Btu/kWh for 11 regions. Examples of expected oil and gas savings by electric region, per Btu/kWh range from 300 in the Southeastern Electric Reliability Council (Virginia, N. Carolina, S. Carolina, etc.) a region in which the majority of the utility-generated electricity is from coal and nuclear, to 7,000 for the Western Systems Coordinating Council (California, Oregon, Washington, etc.), an area heavily dedicated to the use of oil and gas for electricity generation.

To date 94 cogeneration exemption requests have been submitted to the DOE (during 1985 alone, 38 petitions were accepted). Of this number, four were rejected for lack of sufficient information and three were terminated because the facilities did not require FUA exemptions. The remaining 86 facilities have either been granted cogeneration exemptions or the exemption requests are currently being acted upon by the DOE. Only 29 of these facilities have not been located in California.

Number of facilities	State
1	Alaska.
1	Arkansas.
3	Colorado.
3	Louisiana.
1	Massachusetts.
2	Michigan.
1	New Hampshire.
1	New Jersey.
1	Oklahoma.
14	Texas.
1	Washington.

These exemption petitions have effectively backed-out substantial quantities of electricity. In 1979, the first year after enactment of FUA, 185 megawatts of electricity were backed-off the grid. In 1985, 2926 megawatts were backed-off (the average unit size was 75 megawatts).

All cogeneration exemption petitions must be reviewed for compliance with NEPA requirements. In some, but not all approved cases, some added impact has been involved. Based on DOE's experience to date, the following generalities can be drawn in each of four main categories of impacts.

Air Quality

In general, natural gas or oil firing has resulted at worst in only very minor increases in air emissions. Often, the offsetting reduction in emissions resulting from the operation of a new cogeneration unit will cause a net decrease as compared to the preoperation condition. This has been achieved in many cases through the retirement of old units which the new cogenerator replaces. Even in those cases where no units are replaced, operation of a new cogeneration system will inherently result in the reduction of emissions from existing utility sources. Under the Fuel Use Act, a cogeneration exemption can be granted only if it will result in less oil and gas being consumed. Thus, cogeneration results in less fuel consumption for an equal amount of produced electricity and other useable energy. Although the offsetting utility emission reductions are not always equal to the emissions of the new cogenerator, because of pollution control requirements and relative system efficiencies, any net increases have been so minor that the threshhold levels necessary to qualify for New Source Review have not been exceeded.

Water Resources and Quality

Given the nature of cogeneration, the majority of cogeneration exemption petitions are for facilities to be constructed at existing industrial sites, and the systems for water supply and disposal are usually already in place. Even though water requirements of a cogeneration facility can be large, it generally represents an insignificant additional demand on supply.

Land Use

Land proposed for a new cogeneration facility is generally within an existing plant boundary on an already industrialized site. Usually little or no undeveloped land is affected. For a proposed facility sited outside of such areas, usually only a few acres of undeveloped land are affected.

Other Impacts

Cogeneration facilities have rarely been found to cause significant impacts on other environmental or socio-economic parameters such as solid waste, noise, cultural resources, threatened and endangered species, floodplains and wetlands, employment, industrial development, etc.

The granting of a cogeneration exemption generally results in no significant impact to the environment, while the denial of a cogeneration exemption results in no net change to the environment. The DOE, therefore, based on public comment on the above findings, proposes to add cogeneration to its list of Fuel Use Act exemptions subject to NEPA categorical exclusion.

Comments concerning the proposed amendments to Section D of the Department's NEPA guidelines should be submitted to Dr. Robert J. Stern at the above cited address.

Pending final adoption or rejection of the proposed action, the Department of Energy will effect the proposal on an interim basis.

Issued in Washington, DC, on May 7, 1986.

Mary L. Walker,

Assistant Secretary, Environment, Safety, & Health.

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H.R. 739 / Pub. L. 99-307

To make miscellaneous changes in laws affecting the United States Coast Guard, and for other purposes. (May 19, 1986; 100 Stat. 444; 5 pages) Price: $1.00

S. 49 / Pub. L. 99-308

Firearms Owners' Protection Act. (May 19, 1986; 100 Stat. 449; 13 pages) Price: $1.00

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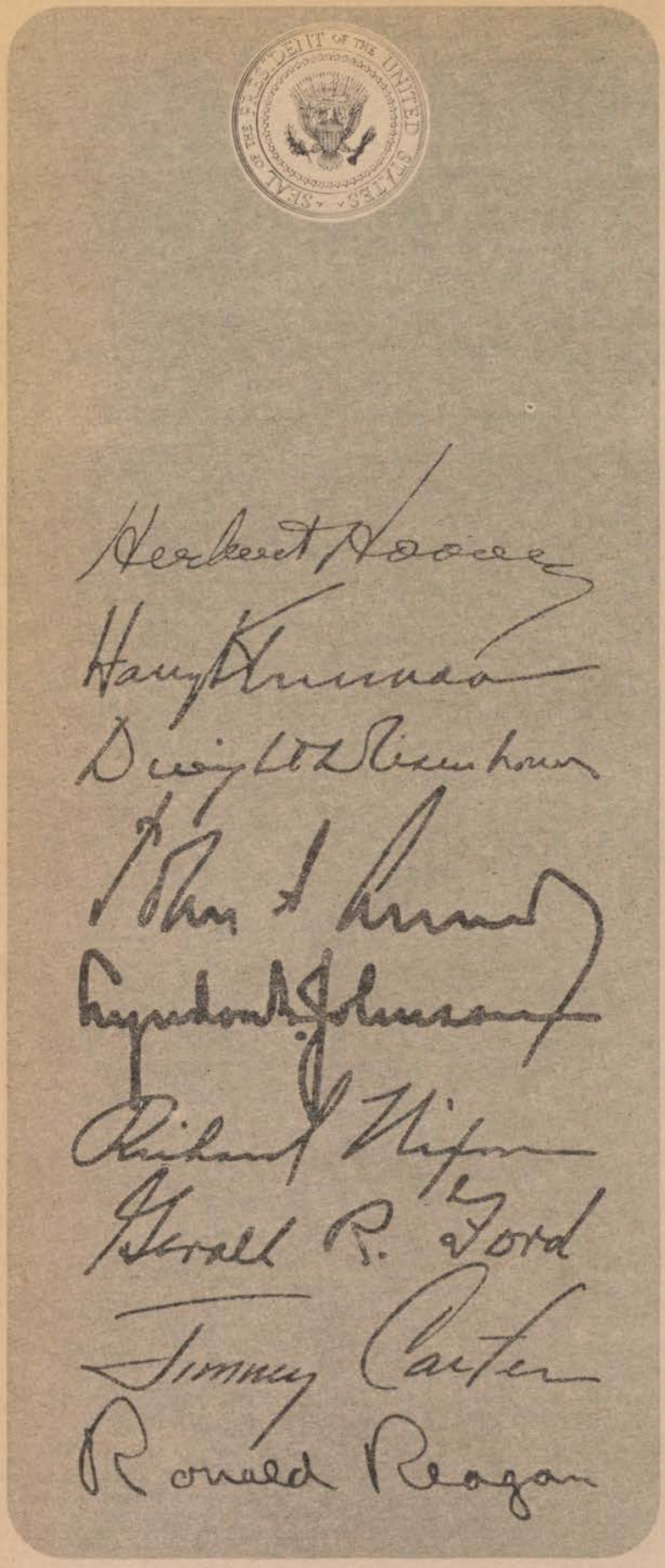
Designating May 18-24, as "Just Say No to Drugs Week." (May 20, 1986; 100 Stat. 462; 1 page)



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