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Briefings on How To Use the Federal Register—

For information on briefings in Seattle, WA, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

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

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

SEATTLE, WA

WHEN: July 22; at 1:30 pm.

WHERE: North Auditorium,
Fourth Floor, Federal Building,
915 2nd Avenue, Seattle, WA.

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Seattle	206-442-0570
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 372]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 372 establishes the quantity of California-Arizona Valencia oranges that may be shipped to market during the period July 18–24, 1986. The regulation is needed to balance the supply of fresh Valencia oranges with market demand for the period specified due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: Regulation 372 (§ 908.672) is effective for the period July 18–24, 1986.

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone: 202/447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

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

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

The regulation is issued under Marketing Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee (VOAC) and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The regulation is consistent with the marketing policy for 1985–86. The committee met publicly on July 15, 1986, to consider the current and prospective conditions of supply and demand and recommended the quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports that the market for Valencia oranges is slow.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because there is insufficient time between the date when information upon which this regulation is based became available and the effective date necessary to effectuate the declared policy of the act. Interested persons were given the opportunity to submit information and views on the regulation at an open meeting. To effectuate the declared policy of the act, it is necessary to make the regulatory provisions effective as specified, and handlers have been notified of the regulation and the effective date.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges, Valencias.

1. The authority citation for 7 CFR Part 908 continues to read:

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

2. Section 908.672 is added to read as follows:

§ 908.672 Valencia Orange Regulation 372.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period July 18, 1986, through July 24, 1986, are established as follows:

(a) District 1: 345,000 cartons;

(b) District 2: 405,000 cartons;

(c) District 3: Unlimited cartons.

Dated: July 16, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 86–16322 Filed 7–17–86; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Parts 911, 915, 921, 922, 923, 924, 945, 947, 948, 953, 967, 984, and 985

Expenses and Assessment Rates for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes assessment rates under Marketing Orders 911, 915, 921, 922, 923, 924, 945, 947, 948, 953, 967, and 985 for the respective 1986–87 fiscal year for each order. Marketing Order 984 expenses are amended for the 1985–86 fiscal year. Funds to administer these programs are derived from assessments on handlers.

EFFECTIVE DATES: April 1, 1986–March 31, 1987 (§§ 911.225, 915.225, 921.225, 922.226, 923.226, and 924.226); July 1, 1986–June 30, 1987 (§§ 947.239, 948.293); June 1, 1986–May 31, 1987 (§§ 953.223, 985.306); August 1, 1986–July 31, 1987 (§§ 945.239, 967.222); August 1, 1985–July 31, 1986 (§ 984.337).

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 final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

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

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

Accordingly, the Secretary finds that upon good cause shown it is impracticable, unnecessary, and contrary to public interest to give preliminary notice, engage in other public procedures, and postpone the effective dates until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Each order requires that the assessment rate for a particular fiscal year shall apply to all assessable commodities handled from the beginning of such year. To enable the committees to meet current fiscal obligations, approval of the expenses is necessary without delay. Handlers have been apprised of the provisions and effective dates specified in this final rule. It is found that the specified expenses and assessment rates will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Parts 911, 915, 921, 922, 923, 924, 945, 947, 948, 953, 967, 984, and 985

Marketing agreements and orders, Limes (Florida), Avocados (Florida), Peaches (Washington), Apricots (Washington), Cherries (Washington), Prunes (Washington-Oregon), Potatoes (Idaho-Oregon), Potatoes (Oregon-California), Potatoes (Colorado), Potatoes (Virginia-North Carolina), Celery (Florida), Walnuts (California), and Spearmint Oil (Far West).

1. The authority citation for 7 CFR Parts 911, 915, 921, 922, 923, 924, 945, 947, 948, 953, 967, 984, and 985 continues to read as follows:

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

New §§ 911.225, 915.225, 921.225, 922.226, 923.226, 924.226, 945.239, 947.239, 948.294, 953.223, 967.222, 985.306, are added and § 984.377 is amended to read as follows (the following sections prescribe the annual expenses and assessment rates and will not be published in the Code of Federal Regulations):

PART 911—LIMES GROWN IN FLORIDA

§ 911.225 Expenses and assessment rate.

Expenses of $204,000 by the Florida Lime Administrative Committee are authorized, and an assessment rate of $0.15 per bushel of limes is established for the fiscal year ending March 31, 1987. Unexpended funds from the 1985–86 fiscal year may be carried over as a reserve.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

§ 915.225 Expenses and assessment rate.

Expenses of $193,000 by the Avocado Administrative Committee are authorized, and an assessment rate of $0.11 per bushel of avocados is established for the fiscal year ending March 31, 1987. Unexpended funds from the 1985–86 fiscal year may be carried over as a reserve.

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

§ 921.225 Expenses and assessment rate.

Expenses of $23,439 by the Washington Fresh Peach Marketing Committee are authorized, and an assessment rate of $1.25 per ton of peaches is established for the fiscal year ending March 31, 1987.

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

§ 922.226 Expenses and assessment rate.

Expenses of $5,573 by the Washington Apricot Marketing Committee are authorized, and an assessment rate of $1.75 per ton of apricots is established for the fiscal year ending March 31, 1987.

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

§ 923.226 Expenses and assessment rate.

Expenses of $79,278 by the Washington Cherry Marketing Committee are authorized, and an assessment rate of $1.50 per ton of cherries is established for the fiscal year ending March 31, 1987.

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND UMITILLA COUNTY, OREGON

§ 924.226 Expenses and assessment rate.

Expenses of $27,693 by the Washington-Oregon Fresh Prune Marketing Committee are authorized, and an assessment rate of $2.00 per ton of prunes is established for the fiscal year ending March 31, 1987.

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

§ 945.239 Expenses and assessment rate.

Expenses of $69,770 by the Idaho-Eastern Oregon Potato Committee are authorized, and an assessment rate of $0.0026 per hundredweight of potatoes is established for the fiscal period ending July 31, 1987. Unexpended funds may be carried over as a reserve.

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

§ 947.239 Expenses and assessment rate.

Expenses of $36,510 by the Oregon-California Potato Committee are authorized, and an assessment rate of $0.004 per hundredweight of potatoes is established for the fiscal period ending June 30, 1987. Unexpended funds may be carried over as a reserve.

PART 948—IRISH POTATOES GROWN IN COLORADO

§ 948.294 Expenses and assessment rate.

Expenses of $3,292.50 by the Colorado Area III Potato Committee are authorized, and an assessment rate of $0.005 per hundredweight of potatoes is established for the fiscal period ending June 30, 1987. Unexpended funds may be carried over as a reserve.

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

§ 953.223 Expenses and assessment rate.

Expenses of $10,000 by the Southeastern Potato Committee are authorized, and an assessment rate of $0.005 per hundredweight of potatoes is established for the fiscal period ending May 31, 1987. Unexpended funds may be carried over as a reserve.

PART 967—CELERY GROWN IN FLORIDA

§ 967.222 Expenses and assessment rate.

Expenses of $126,000 by the Florida Celery Committee are authorized, and an assessment rate of $0.02 per crate of celery is established for the fiscal year ending July 31, 1987. Unexpended funds may be carried over as a reserve.

PART 984—WALNUTS GROWN IN CALIFORNIA

§ 984.337 [Amended]

Section 984.337 is amended by changing $1,180,322 to $1,255,322.

PART 985—SPEARMINT OIL PRODUCED IN THE FAR WEST

§ 985.306 Expenses and assessment rate.

Expenses of $140,000 by the Spearmint Oil Administrative Committee are authorized, and an assessment rate payable by each handler in accordance with § 985.41 is fixed at $0.08 per pound for salable spearmint oil for the 1986–87 marketing year ending May 31, 1987. Unexpended funds may be carried over as a reserve.

Dated: July 14, 1986.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 86–16237 Filed 7–17–86; 8:45 am]

BILLING CODE 3410–02–M

Agricultural Stabilization and Conservation Service

7 CFR Part 781

Disclosure of Foreign Investment in Agricultural Land

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule provides a procedure under which a foreign person may obtain permission to file a report with respect to investment in United States agricultural land with the Agricultural Stabilization and Conservation Service (ASCS) office in Washington, DC, when complex filings are involved, such as where the report involves land located in more than one county. The final rule will reduce the amount of correspondence between the foreign person and the agency.

EFFECTIVE DATE: July 18, 1986.

FOR FURTHER INFORMATION CONTACT: William A. Brown, Emergency Operations and Livestock Programs Division, ASCS, USDA, Room–4095 South Building, P.O. Box 2415, Washington, DC 20013, telephone (202) 447–6833.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (7 CFR Part 781) have been approved by the Office of Management and Budget in accordance with the provisions of 44 U.S.C. Chapter 35 and OMB Number 0560–0097 has been assigned.

This final rule has been reviewed under U.S. Department of Agriculture (USDA) procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases 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.

It has been determined that the Regulatory Flexibility Act is not applicable to the final rule since ASCS is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this proposed rule.

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

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

The regulations at 7 CFR 781.3(a) provide that all reports required to be filed pursuant to the regulations shall be filed with the ASCS County office in the county where the land with respect to which such report must be filed is located. This requirement has been found to be unduly burdensome to both foreign persons and the ASCS, particularly in situations where foreign persons are either purchasing or selling land in more than one county. Therefore, § 781.3(a) is amended to permit foreign persons to request authority to file a report directly with the ASCS office in Washington, DC, when complex filings are involved, such as where they would otherwise have to file reports in more than one ASCS county office.

Since the changes made by this final rule are technical in nature with no changes being made in the terms, and conditions are set forth in the reporting requirements under 7 CFR Part 781, it has been determined that no further public rulemaking is required. Accordingly, this rule shall become effective July 18, 1986.

List of Subjects in 7 CFR Part 781

Administrative practice and procedure, Agriculture, Foreign investment in United States, Penalties, Reporting and recordkeeping requirements.

Final rule

PART 781—[AMENDED]

Accordingly, the regulations at 7 CFR Part 781 are amended as follows:

1. The authority citation for 7 CFR Part 781 continues to read as follows:

Authority: Secs. 1–10, 92 Stat. 1266, 7 U.S.C. 3501 *et seq.*

2. Section 781.3(a) is amended to read as follows:

§ 781.3 Reporting Requirements.

(a) All reports required to be filed pursuant to this part shall be filed with the ASCS County office in the county where the land with respect to which such report must be filed is located or where the ASCS County office administering programs carried out on such land is located; Provided, that the ASCS office in Washington, DC, may grant permission to foreign persons to file reports directly with its Washington office when complex filings are involved, such as where the land being reported is located in more than one county.

* * * * *

Signed at Washington, DC on July 15, 1986.

Milton J. Hertz,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 86–16244 Filed 7–17–86; 8:45 am]

BILLING CODE 3410–05–M

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 86-062]

Tuberculosis in Cattle; State Designations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the regulations governing the interstate movement of cattle because of tuberculosis by raising the designation of Alaska from a modified accredited area to an accredited-free State. This rule is necessary because it has been determined that Alaska meets the criteria for designation as an accredited-free State.

The regulations do not impose restrictions on the interstate movement of cattle not known to be affected with or exposed to tuberculosis from either accredited-free States or modified accredited areas. However, the designation for any given jurisdiction can affect the marketability of cattle from that jurisdiction, since some prospective cattle buyers prefer to buy cattle from accredited-free States.

EFFECTIVE DATE: July 18, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Ralph L. Hosker, Domestic Program Support Staff, VS, APHIS, USDA, Room 815, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8715.

SUPPLEMENTARY INFORMATION:

Background

A document published in the **Federal Register** on March 28, 1986 (51 FR 10611–10612), amended the tuberculosis regulations in 9 CFR Part 77 by raising the designation of Alaska from a modified accredited area to an accredited-free State. The amendment was effective on March 28, 1986. Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of March 28, 1986, still provides a basis for the amendment.

Executive Order and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a major rule. Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any 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.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of the State of Alaska will not cause a significant effect on marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant impact on a substantial number of small entities.

Executive Order 12372

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

List of Subjects in 9 CFR Part 77

Animal diseases, Cattle, Transportation, and Tuberculosis.

PART 77—TUBERCULOSIS IN CATTLE

Accordingly, the interim rule amending 9 CFR Part 77 which was published at 51 FR 10611–10612 on March 28, 1986, is adopted as a final rule.

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, DC, this 15th day of July 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86–16241 Filed 7–17–86; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 94

[Docket No. 86-068]

Change in Disease Status of Great Britain Because of Hog Cholera

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the regulations concerning the importation into the United States of swine, pork, and pork products by removing Great Britain (England, Scotland, Wales, and Isle of Man) from the lists of countries where hog cholera is not known to exist. This action imposes certain prohibitions and restrictions on the importation of swine, pork, and pork products from Great Britain. The amendment is necessary in order to help prevent the introduction of hog cholera into the United States.

EFFECTIVE DATE: July 18, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Mark P. Dulin, Import-Export and Emergency Planning Staff, VS, APHIS, USDA, Room 805, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8499.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 94 (the regulations) regulate the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various diseases, including hog cholera.

A document published in the **Federal Register** on April 17, 1986 (51 FR 12987–12988), amended §§ 94.9 and 94.10 of the regulations by removing Great Britain (England, Scotland, Wales, and Isle of Man) from the lists of countries in which hog cholera is not known to exist. Great Britain was removed from the lists because an outbreak of hog cholera had been diagnosed in swine in that country.

The interim rule was made effective upon signature, April 11, 1986. Comments were solicited for 60 days after publication of the amendments. No comments were received. The factual situation which was set forth in the document of April 17, 1986, still provides a basis for the amendments.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a major rule. Based on information compiled by the

Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

The amount of swine, pork, and pork products imported into the United States from Great Britain prior to the effective date of the interim rule was less than one percent of the amount of these items imported into the United States annually. Further, the importation of any of these items from Great Britain was not the primary business activity of any business in the United States.

Under the circumstances explained above, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

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

List of Subjects in 9 CFR Part 94

African swine fever, Animal diseases, Exotic Newcastle disease, Foot-and-mouth disease, Fowl pest, Garbage, Hog Cholera, Imports, Livestock and Livestock Products, Meat and Meat Products, Milk, Poultry and Poultry Products, Rinderpest, and Swine Vesicular Disease.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Accordingly, the interim rule amending 9 CFR Part 94 which was published at 51 FR 12987–12988 on April 17, 1986, is adopted as a final rule.

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, DC, this 15th day of July 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86-16240 Filed 7-17-86; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 94

[Docket No. 86-066]

Change in Disease Status of The Netherlands Because of African Swine Fever

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the regulations concerning the importation into the United States of pork and pork products by adding The Netherlands to the list of countries where African swine fever (ASF) exists or where there is reason to believe that ASF exists. The effect of the amendment is to add certain restrictions on the importation of pork and pork products from The Netherlands. This is necessary in order to help prevent the introduction of ASF into the United States.

EFFECTIVE DATE: Effective date is July 18, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Mark P. Dulin, Import-Export and Emergency Planning Staff, VS, APHIS, USDA, Room 805, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8499.

SUPPLEMENTARY INFORMATION:

Background

On April 8, 1986, an interim rule was published in the **Federal Register** (51 FR 11902–11903) which amended the regulations in 9 CFR Part 94 adding The Netherlands to the list of countries where African swine fever (ASF) exists or where there is reason to believe that ASF exists.

The interim rule became effective on the date it was signed, April 3, 1986. Comments were solicited for 60 days following publication. No comments were received. The factual situation which was set forth in the interim rule still provides a basis for the amendment.

Executive Order 12291 and Regulatory Flexibility Act

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

For this rulemaking action the Office of Management and Budget has waived its review process required by Executive Order 12291.

The amount of swine, pork, or pork products imported into the United States from The Netherlands prior to the effective date of the interim rule was less than one percent of the amount of these items imported into the United States annually. Further, the importation of any of these items from The Netherlands was not the primary business activity of any business in the United States.

Under circumstances explained above, the Deputy Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

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

List of Subjects in 9 CFR Part 94

African Swine Fever, Animal diseases, Exotic Newcastle Disease, Foot-and-Mouth Disease, Fowl pest, Garbage, Hog Cholera, Imports, Livestock and livestock products, Meat and meat products, Milk, Poultry, and poultry products, Rinderpest, and Swine Vesicular Disease.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS) AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Accordingly, the interim rule amending 9 CFR Part 94 which was published at 51 FR 11902–11903 on April 8, 1986, is adopted as a final rule.

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, DC, this 15th day of July, 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86-16242 Filed 7-17-86; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3192]

Michigan Watchmakers' Guild, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Royal Oak, MI trade association to not take any future action to fix or maintain prices or establish suggested prices for cleaning or repair services for watches, clocks, or jewelry.

DATE: Complaint and order issued July 1, 1986.*

FOR FURTHER INFORMATION CONTACT: FTC/B-853, Seth B. Zimmerman, Washington, D.C. 20580. (202) 724-1278.

SUPPLEMENTARY INFORMATION: On Thursday, April 17, 1986, there was published in the **Federal Register**, 51 FR 13020, a proposed consent agreement with analysis In the Matter of Michigan Watchmakers' Guild, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: S 13.367 Members. Subpart—Combining or Conspiring: S 13.384 Combining or conspiring; S13.433 To fix prices. Subpart—Corrective Actions and/or Requirements: S 13.533 Corrective actions and/or requirements: § 13.533-20 Disclosures; § 13.533-45 Maintain records.

List of Subjects in 16 CFR Part 13

Trade practices, Watch repair.

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

Emily H. Rock,

Secretary.

[FR Doc. 86-16174 Filed 7-17-86; 8:45 am]

BILLING CODE 6750-01-M

*Copies of the Complaint and the Decision and Order are available for inspection at the Commission's Public Reference Branch, Room H-130, 6th St. & Pa. Ave., N.W., Washington, D.C. 20580.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-23423; File No. S7-4-86]

Exemption of Japanese Government Securities Under the Securities Exchange Act of 1934 for Purposes of Futures Trading

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission adopts an amendment to Rule 3a12-8 under the Securities Exchange Act of 1934 which designates Japanese government securities as "exempted" securities only for purposes of the Exchange Act's application to the marketing in the United States of futures contracts on those securities. The Rule currently grants such an exemption to British and Canadian government securities underlying foreign futures contracts that meet certain conditions set forth in the Rule. The amendments will extend the exemption to Japanese government securities thereby effectively removing these securities from those on which futures trading is prohibited by the Commodity Exchange Act. Trading the underlying securities, absent compliance with applicable registration and other requirements, would remain prohibited to the same extent as under current law.

EFFECTIVE DATE: July 18, 1986.

FOR FURTHER INFORMATION CONTACT: Sharon D. Lawson, Esq. (202) 272-3116, Division of Market Regulation, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Securities and Exchange Commission ("SEC") is today adopting amendments to Rule 3a12-8 ("Rule") under the Securities Exchange Act of 1934 ("Exchange Act"). Currently, Rule 3a12-8 designates British and Canadian government debt obligations that meet certain conditions as exempted securities under the Exchange Act only for purposes of marketing, in the United States, futures on those securities. Under the Commodity Exchange Act ("CEA"), futures trading on individual securities is prohibited unless the underlying security is an exempted security under the Securities Act of 1933 ("Securities Act") or the Exchange Act. Hence, the designation of these securities as "exempted securities" effectively removes the CEA's prohibition against marketing futures on these securities in the United States (so long as the other terms of the Rule are satisfied).

The amendment extends the class of securities permitted an exemption under the Rule to Japanese government debt obligations for purposes of permitting the sale of futures contracts on these securities in this country. In addition, to qualify for the exemption, foreign futures contracts on Japanese securities must meet all the other existing requirements of the Rule.

II. Background

The CEA, as amended by the Futures Trading Act of 1982,[1] prohibits the trading of futures contracts on individual securities unless such securities qualify as exempted securities under section 3 of the Securities Act or section 3(a)(12) of the Exchange Act.[2] Because foreign government securities such as Japanese government bonds are not exempted securities under either of these sections, the CEA prohibition against trading futures on individual securities prevents marketing futures on these foreign government securities in this country.

Section 3(a)(12) of the Exchange Act, however, provides that the term "exempted security" includes

> such other securities . . . as the Commission may, by such rules and regulations as it deems consistent with the public interest and the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply

[1] Pub. L. 97-444—Stat. 2294, 7 U.S.C. 1 *et seq.*

[2] Section 2(a)(1)(B)(v) of the CEA provides that "[n]o person shall offer to enter into, enter into, or confirm the execution of any contract of sale (or option on such contract) for future delivery of any security, or interest therein or based on the value thereof, except an exempted security under section 3 of the Securities Act . . . or section 3(a)(12) of the . . . Exchange Act. . . ."

to an "exempted security" or to "exempted securities."

In March 1984, pursuant to this authority, the Commission promulgated Rule 3a12–8.[3] The Rule designates British and Canadian government securities that meet certain conditions as "exempted securities" under the Exchange Act. The purpose of the Rule is to permit certain foreign, exchange-traded futures contracts on these securities to be marketed in the United States.[4] Under the Rule, British and Canadian government debt securities are considered exempted securities under the Exchange Act only with respect to futures trading on those securities and provided that: (1) The securities are not registered in the United States, (2) the futures transactions do not involve contracts deliverable in the United States and (3) the futures contracts are traded on a market located in the country whose government issues those securities.

When the Commission originally proposed Rule 3a12–8, it recognized that should the securities of additional governments become subjects of futures contracts, it may become necessary to amend the Rule to include those governments.[5]

In October 1985, the Tokyo Stock Exchange began trading futures on long-term Japanese government bonds denominated in yen. Subsequent to the commencement of that market, the Commission staff received indications that United States citizens, particularly institutional investors currently investing in Japanese government securities, were interested in trading these new yen bonds futures.[6] As a result, on January 30, 1986, the Commission proposed for comment an amendment to Rule 3a12–8 that would, in effect, permit futures on the yen bond that currently trade on the Tokyo Stock Exchange to be marketed in this country to United States citizens.[7]

[3] *See* Securities Exchange Act Release Nos. 20708 ("1984 Adoption Release"), March 2, 1984, 49 FR 8595 and 19811 ("1983 Proposal Release"), May 25, 1983, 48 FR 24725.

[4] As discussed above, without this designation the trading of futures on these securities in the United States would be prohibited by section 2(a)(1)(B)(v) of the CEA.

[5] *See* 1983 Proposal Release, *supra* note 3, 48 FR at 24726–27.

[6] *See* letter from John T. Shinkle, General Counsel, Salomon Brothers Inc., to Richard T. Chase, Associate Director, Division of Market Regulation, SEC, dated October 23, 1985.

[7] *See* Securities Exchange Act Release No. 22849 (January 30, 1986), 51 FR 4612 ("1986 Proposal Release"). Under the proposal, subsection (a)(1) of Rule 3a12–8 would be amended by adding to the list of designated foreign government securities the debt obligations of the government of Japan. The underlying yen bonds and futures contracts would, of course, have to meet the other conditions of the Rule in order for the underlying yen bonds to qualify as exempted securities under the Exchange Act. Accordingly, the yen bonds could not be registered in the U.S. and the futures would have to require delivery outside the U.S. and be traded on a board of trade located within Japan. It appears that the yen bond futures contracts currently being traded on the Toyko Stock Exchange would meet these requirements. In this connection, the Commission notes that it has published for comment today proposed amendments to the Rule that would eliminate this latter restriction so that designated foreign government securities could be traded on domestic boards of trade and foreign boards of trade outside the country of issuance. *See Securities Exchange Act Release No. 34–23422 published elsewhere in this issue.*

III. Discussion

The Commission received seven comment letters in response to the 1986 Proposal Release. Each of the commentators endorsed amending the rule so that exemption would be extended to Japanese government bonds that are the subject of futures trading on a foreign board of trade.[8]

In the 1986 Proposal Release, the Commission specifically solicited comment on whether the type of information available, in English, to U.S. citizens will provide them with sufficient information to trade futures on yen bonds. In response, four commentators provided examples of the type of information that is available to United States citizens of the Japanese government, Japanese government securities, and the markets for those securities.[9] Based on the information provided, the Commission is satisfied that United States citizens have sufficiently ready access to information in English in which to make informed trading decisions of Japanese yen bond futures.[10]

After careful consideration, the Commission agrees with these commentators that there are no material differences between Japanese government securities and those of the United Kingdom and Canada to justify a different regulatory response. First, as discussed above, there is ready access to sufficient information in English on the Japanese trading markets, the underlying yen bond market, and, to a lesser extent, the yen bond futures traded on the Tokyo Stock Exchange. Second, the Japanese government securities and futures contracts will have to meet the existing conditions set forth in the Rule. This should ensure that the Federal securities laws will not be subverted by the marketing of futures on such government securities in this country. Finally, as noted above, in the original proposal to adopt Rule 3a12–8, the Commission recognized that should the securities of additional governments become subject to futures trading it may become necessary to amend the Rule to include those governments.[11] After evaluating these factors the Commission is satisfied that the Rule should be extended to include the debt obligations of Japan.

For the reasons stated above, the Commission adopts amendments to Rule 3a12–8 as set forth below.

IV. Regulatory Flexibility Act Consideration

The Chairman of the Commission certified in connection with the Proposal Release that the amendments to Rule 3a12–8, if adopted, would not have a significant economic impact on a

[8] These letters were from the following: Thomas R. Donovan, President, Chicago Board of Trade ("CBT"), dated February 3, 1986; John M. Damgard, President, Futures Industry Association ("FIA"), dated February 26, 1986; Neil H. Sherman, Vice President and Associate General Counsel, Shearson Lehman Brothers, dated March 4, 1986; Hillel T. Cohn, Attorney, Graham & James, dated March 4, 1986 ("Graham & James Letter"); Takoro Isoda, Chairman of the Board, Daiwa Securities America, Inc., dated March 7, 1986; Peter J. Chepucavage, General Counsel, Nomura Securities International, Inc., dated April 10, 1986 and Brooksley Born, Arnold & Porter, on behalf of the London International Financial Futures Exchange ("LIFFE"), dated June 20, 1986. Although the CBT letter did not specifically refer to the 1986 Proposal Release, it did request that, among other things, we amend the Rule to exempt Japanese government bonds so that the marketing of Japanese yen bond futures contracts would be permitted. In addition, the CBT and FIA requested the amendment of the Rule's requirement that futures must be traded on a board of trade located within the country issuing the underlying foreign government security to permit futures on such securities to be traded on domestic boards of trade. LIFFE has also requested that this requirement be removed to permit futures on foreign government securities traded on foreign boards of trade outside the country of issuance to be marketed to U.S. investors. As noted above, *supra* note 7, the Commission is publishing for comment further amendments to the Rule that would eliminate the country of issuance requirement.

[9] For example, Daiwa Securities indicated that information from the *Japan Economic Daily* is transmitted daily from Tokyo to Kyodo News International, Inc. in New York and is available to subscribers through Dow Jones News Retrieval. Specific market information, in addition to articles on the Japanese markets, economy and business is available through this service. In addition, Japanese bond market information is available daily through International Bond Markets of Telerate Systems (although not all bonds are included). Commentators also indicated that information is available, in English, on the Japanese economy and securities markets through weekly newspapers, *e.g.*, the published *Japan Economic Journal* and the *Asian Wall Street Journal*. *See e.g.*, Grahman & James Letter, *supra*, note.

[10] In addition, in response to a specific inquiry in the 1986 Proposal Release, four commentators stated their belief that there is no legal or policy reason for determining that Japanese government securities should not be accorded the same treatment in the United States as British and Canadian securities under the Rules.

[11] *See* 1983 Proposal Release, *supra* note 3, 48 FR at 24726–27

substantial number of small entities. None of the comments addressed this certification.

V. Effects on Competition and Other Findings

Section 23(a)(2) of the Act[12] requires the Commission in adopting rules under the Act, to consider the competitive effects of such rules, if any, and to balance any impact against the regulatory benefits gained in terms of furthering the purposes of the Act. The Commission has considered the amendment to Rule 3a12–8 in light of the standards cited in section 23(a)(2) and believes that adoption of the amendment will not impose any burden on competition not necessary or appropriate in furtherance of the Act. As stated above, the amendment is designed to assure the lawful availability in this country of Japanese government bond futures that otherwise would not be permitted to be marketed under the terms of the CEA. The amendment thus, serves to expand the range of financial products available in the United States and enhances financial markets. Insofar as the Rule contains limitations, they are designed to promote the purposes of the Act by ensuring that the futures trading on Japanese government securities is consistent with the goals and purposes of the federal securities laws by minimizing the impact of the Rule on securities trading and distribution in the United States.[13]

The Commission finds, in accordance with the Administrative Procedure Act,[14] that the amendment to Rule 3a12–8 is exemptive in nature. Accordingly, the Commission has determined to make the foregoing action effective immediately upon publication in the **Federal Register.**

VI. Statutory Basis

The amendment to Rule 3a12–8 is being adopted pursuant to 15 U.S.C. 78a *et seq.*, particularly sections 3(a)(12), 15 U.S.C. 78c(a)(12) and section 23(a), 15 U.S.C. 78w(a).

[12] 15 U.S.C. 78w(a)(2) (1982). competition in

[13] As noted above, the CBT, FIA and LIFFE separately have requested that the Rule be further amended to remove the current restriction that the futures contract trade on a board of trade located in the country which issues the underlying debt securities. While the Commission recognizes the competitive implications of such a restriction, that restriction has been viewed as necessary to ensure that such trading would not subvert the purposes of the securities laws and, in any event, is the subject of a separate rulemaking proceeding. *See* note 7, *supra.*

[14] 15 U.S.C. 553(d) (1982).

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

Text of the Adopted Amendment

On the basis of the above discussion, the Commission is amending Part 240 of Chapter II, Title 17 of the Code of Federal Regulations as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 continues to read as follows:

Authority: Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w. Section 240.3a12–8 also is issued under 15 U.S.C. 78a *et seq.*, particularly secs. 3(a)(12), 15 U.S.C. 78c(a)(12) and 23(a), 15 U.S.C. 78w(a).

2. Section 240.3a12–8 is amended by removing the word "or" from (a)(1)(i), adding a semi-colon and the word "or" to (a)(1)(ii), and adding paragraph (a)(1)(iii) as follows:

§ 240.3a12–8 Exemption, for designated foreign government securities for purposes of futures trading.

(a) * * *

(1) * * *

(iii) Japan.

* * * * *

Dated: July 11, 1986.

By the Commission.

Jonathan G. Katz,,

Secretary.

[FR Doc. 86–16247 Filed 7–17–86; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154, 157, 270, 271, 284 and 389

[Docket No. RM86–3–000]

Ceiling Prices; Changes in Old Gas Pricing Structure

July 15, 1986.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; notice of OMB control number.

SUMMARY: On November 18, 1985, the Department of Energy (DOE) issued a notice of proposed rulemaking (NOPR) under section 403 of the Department of Energy Organization Act, 42 U.S.C. 7173 (1982), for action by the Commission. 50 FR 48540 (Nov. 25, 1985). DOE proposed that the Commission (1) exercise its authority under sections 104(b)(2) and 106(c) of the Natural Gas Policy Act of 1978 (NGPA), to eliminate vintage-based pricing of old gas through the establishment of a uniform ceiling price equal to the highest current ceiling price for old gas, which is that price applicable to the post-1974 vintage and (2) establish incentive prices for certain categories of old gas under section 107 of the NGPA.

The Commission amended its regulations to adopt DOE's proposed ceiling price and eliminate vintaging. Producers may collect the new ceiling price only to the extent permitted by their contracts. Indefinite price escalation clauses in existing contracts provide the necessary authority; however the producer must comply with a "good faith negotiation rule" before collecting a higher price under an existing contract. The Commission modified the good faith negotiation rule proposed by DOE to increase the rights of purchasers in renegotiating prices under old gas contracts. Accordingly, if the producer seeks renegotiation to increase the price of old gas, the purchaser may seek renegotiation to decrease the price of certain higher-priced gas purchased from the same producer. The Commission provided blanket sales certificates to producers and blanket transportation certificates to interstate pipelines to facilitate marketing any gas for which the producer and pipeline cannot agree on price under the good faith negotiation rule. The Commission deferred action on new incentive prices under section 107 of the NGPA. This notice states the OMB control number for these sections of the Commission's regulations affected by Order No. 451.

EFFECTIVE DATE: The final rulemaking published on June 18, 1986, in Order No. 451 (51 FR 22168) is effective July 18, 1986.

FOR FURTHER INFORMATION CONTACT: Richard Howe, Jr., Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 (202) 357–8308.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act, 44 U.S.C. 3501–3520 (1982) and the Office of Management and Budget (OMB) regulations, 5 CFR Part 1320 (1986), require that OMB approve certain information collection requirements imposed by agency rule.

On July 3 and July 9, 1986, OMB approved the regulations promulgated in Order No. 451 and issued the following Control Numbers for the indicated

regulations in Title 18 of the Code of Federal Regulations:

Control No.	18 CFR	OMB approval date
19020051	157.30, 250.7	Jul. 3, 1986.
19020052	154, 157, 250	Jul. 9, 1986.
19020055	154.91—154.110, 250.5, 250.8, 250.9, 250.14, 2.56a, and 157.301.	Jul. 3, 1986.
19020086	284	Jul. 3, 1986.
19020036	250.14	Jul. 3, 1986.

Therefore Order No. 451 in Docket No. RM86–3–000 will become effective July 18, 1986.

PART 389—[AMENDED]

Accordingly, Part 389, Chapter 1, Title 18, *Code of Federal Regulations* is amended as set forth below:

1. The authority citation for Part 389 continues to read as follows:

Authority: Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520 (1982).

§ 389.101 [Amended]

2. The Table of OMB Control Numbers in § 389.101(b) is amended as follows:

(a) By inserting "Part 154 and 157" in numerical order in the section column and "0052" in the corresponding positions in the OMB control number column;

(b) In the OMB control number column position that corresponds with "154.91" in the section column, by removing "0052" and inserting, in lieu thereof, "0055";

(c) By inserting 154.103, 154.104, 154.105, 154.106, 154.107, 154.108, 154.109, 154.110, 157.301, and 250.8 in numerical order in the section column, and "0055" in the corresponding positions in the OMB control number column;

(d) In the OMB control number column position that corresponds with "Part 250" in the section column, by removing "0086" and inserting, in lieu thereof, "0052";

(e) In the OMB control number column position that corresponds with "250.5" in the section column, by removing "0052" and inserting, in lieu thereof, "0055";

(f) In the OMB control number column that corresponds with "250.14" in the section column, by adding "0055";

(g) In the section column, by removing "Part 284 Subpart A" and inserting, in lieu thereof, "Part 284".

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–16182 Filed 7–17–86; 8:45 am]

BILLING CODE 6717-01-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 213

Trade Remedy Assistance

AGENCY: United States International Trade Commission.

ACTION: Final rules.

SUMMARY: This revision to the Commission's rules creates a new section of the rules, Part 213, entitled *Trade Remedy Assistance.* Part 213 covers trade remedy assistance to be provided by the Commission pursuant to new section 339 of the Tariff Act of 1930 (19 U.S.C. 1339), as added by section 221 of the Trade and Tariff Act of 1984. Section 339 of the Tariff Act of 1930 requires the Commission to establish a Trade Remedy Assistance Office to provide information to the public concerning remedies and benefits available under the trade laws, and the petition procedures and appropriate filing dates with respect to such remedies and benefits. Section 339 further requires the Commission to provide technical assistance to eligible small businesses to enable them to prepare and file petitions and applications to obtain remedies and benefits that may be available under the trade remedy laws administered by the Commission.

These rules reflect public comment on the proposed rules, published on March 7, 1986, 19 FR 7955. The rules establish guidelines for small business eligibility to receive technical assistance, the procedure for applying for such assistance and procedures governing the provision of such assistance by the Trade Remedy Assistance Center ("Center"). Members of the public seeking general information from the Center are not subject to the application procedures set forth in these rules.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Gertler, Esq., Trade Remedy Assistance Center, U.S. International Trade Commission, Room 130, 701 E Street NW., Washington, DC 20436, telephone (202) 523–0488.

Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 724–0002.

SUPPLEMENTARY INFORMATION: Authority for this final rulemaking is contained in 19 U.S.C. 1335, which authorizes the Commission to adopt such reasonable procedures and rules and regulations as it deems necessary to carry out its functions and duties.

Analysis of Public Comments on Proposed Rules

The Commission received comments on the proposed rules from two trade associations. Generally, these parties commented favorably on the proposed rules and made recommendations concerning additional changes that they believed to be desirable.

The following is a summary and analysis of the comments received. The analysis explains why suggested changes were accepted or rejected.

Section 213.4 Determination of Small Business Eligibility

Both sets of comments received by the Commission criticize the language contained in § 213.4(b) of the proposed rules concerning the provision of technical assistance to trade associations. Under the proposed rules, in order for a trade association to qualify for technical assistance, an officer of the trade association would have to certify to the Commission that each of the trade association's members meets the appropriate Small Business Association ("SBA") size standard(s). In adopting this standard in the proposed rules, the Commission intended to avoid the possibility of having a trade association qualify for technical assistance where one or two members of the association substantially exceeded the SBA size limitations for small businesses.

The comments suggest that the standard of the proposed rules on trade association eligibility is too restrictive and that it unnecessarily excludes associations composed predominantly of small businesses, where only a few members exceed the size limitation. The comments suggest various alternative formulations to the rule on trade association eligibility. Having given due consideration to this matter, the Commission has determined that the proposed rule may be too restrictive and that the eligibility criteria for trade associations under § 213.4(b) should be modified. As modified, 80 percent of a trade association's members must meet the SBA size limitations.

The pertinent portion of § 213.4(b) in its final form reads as follows: "If a trade association applies for technical assistance, an officer of the trade association must certify that 80 percent of the trade association's members meet the appropriate size standard(s)."

Section 213.3(c) Definition of Technical Assistance

The comments received by the Commission include several suggestions regarding the scope of technical

assistance to be provided by the Center. First, it is suggested that the definition of "technical assistance" under § 213.3(c) of the proposed rules be modified to reflect more clearly the role of the Center in assisting eligible small businesses determine the appropriateness of pursuing various trade remedies. The definition of technical assistance in the proposed rules is criticized for failing to make clear that the Center will provide guidance as to the relative appropriateness or accessibility of various trade remedies, given a particular set of facts and circumstances.

The Commission believes that providing advice concerning the appropriateness of pursuing various trade remedies is an important function of the Center, although any such advice does not reflect the view of the Commission and is not binding on the applicant. While the provision of such advice is not specifically set forth in the proposed rules, it is implicit in the provision of technical assistance. The Center will necessarily discuss the applicability and appropriateness of the various trade relief laws in assisting small businesses to prepare and file petitions and complaints under those laws. However, in order to clarify this implicit function of the Center, the Commission has decided to modify the definition of technical assistance to cover explicitly advice on the appropriateness of pursuing particular trade remedies.

The pertinent portion of § 213.3(c) in its final form reads as follows: "Technical assistance is informal advice and assistance, including legal advice, to enable eligible small businesses to determine the appropriateness of pursuing particular trade remedies and to prepare petitions and complaints (other than those which are frivolous) under the trade remedy laws enumerated in § 213.3(b) of this part."

The comments received by the Commission also suggest that the Commission should expand the scope of technical assistance provided by the Center in the area of data collection and development. The comments suggest that the Center should go beyond the organization and assembly of available data to the actual collection and development of new data. It is suggested that such data collection and development should include solicitation of information through questionnaires and other forms of investigation.

The Commission believes that these particular comments misapprehend the nature of the Center's technical assistance function. As stated in the Commission's explanation of the proposed rules, it is comtemplated that the Center will assist eligible small businesses at the pre-institution stage in organizing and assembling background material and in preparing their petitions and complaints. It is not the role of the Center to conduct an independent investigation at the pre-institution stage or to otherwise expend Commission resources on independent information gathering. The Center does not have any independent investigatory powers and, as stated in § 213.6 of the new rules, "[n]o special rights of access to Commission resources shall be accorded to eligible small businesses."

List of Subjects in 19 CFR Part 213

Foreign trade, Small businesses, Technical assistance.

Chapter 2 of 19 CFR is amended by adding a new part, Part 213, to Subchapter C, to read as follows:

PART 213—TRADE REMEDY ASSISTANCE

Sec.

213.1 Purpose and applicability of part.
213.2 In general.
213.3 Definitions.
213.4 Determination of small business eligibility.
213.5 Disclosure of receipt of technical assistance.
213.6 Access to commission resources.
213.7 Information concerning assistance.

Appendix A—Application for Technical Assistance from the Trade Remedy Assistance Center of the U.S. International Trade Commission.

Authority: Sec. 339 of the Tariff Act of 1930 (19 U.S.C. 1339), as added by sec. 221, Trade and Tariff Act of 1984 (Pub. L. 98-573, approved Oct. 30, 1984; 98 Stat. 2989); sec. 335, Tariff Act of 1930 (72 Stat. 680; 19 U.S.C. 1335).

§ 213.1 Purpose and applicability of part.

Section 339 of the Tariff Act of 1930 establishes a Trade Remedy Assistance Office in the Commission and directs the Commission to provide: (a) general information to the public concerning the remedies and benefits available under certain trade laws and the procedures followed in investigations under those trade laws; and (b) technical assistance to eligible small businesses seeking remedies and benefits under the trade remedy laws administered by the Commission.[1] The rules in this Part govern the establishment of the Trade Remedy Assistance Center, its function, small business eligibility for technical assistance, and procedures for obtaining such assistance. Members of the public seeking general information from the Trade Remedy Assistance Center are not subject to the application procedures set forth in this part.

§ 213.2 In general.

An eligible small business may receive appropriate technical assistance from the Trade Remedy Assistance Center in accordance with this Part if due to its small size it has neither adequate internal resources nor the financial ability to obtain qualified outside assistance.

§ 213.3 Definitions.

(a) *Center.* The Trade Remedy Assistance Center shall be referred to as the Center. The Center provides (1) general information to the public concerning the remedies and benefits available under certain trade laws and the procedures followed in investigations under those trade laws; and (2) technical assistance to eligible small businesses seeking remedies and

[1] Section 339 of the Tariff Act of 1930 provides in pertinent part as follows:

"(a) There is established in the Commission a Trade Remedy Assistance Office which shall provide full information to the public, upon request, concerning—

"(1) remedies and benefits available under the trade laws, and

"(2) the petition and application procedures, and the appropriate filing dates, with respect to such remedies and benefits.

"(b) Each agency responsible for administering a trade law shall provide technical assistance to eligible small businesses to enable them to prepare and file petitions and applications (other than those which, in the opinion of the agency, are frivolous) to obtain the remedies and benefits that may be available under that law.

"(c) For purposes of this section—

"(1) The term 'eligible small business' means any business concern which, in the agency's judgment, due to its small size, has neither adequate internal resources nor financial ability to obtain qualified outside assistance in preparing and filing petitions and applications for remedies and benefits under trade laws. In determining whether a business concern is an 'eligible small business', the agency may consult with the Small Business Administration, and shall consult with any other agency that has provided assistance under subsection (b) to that business concern. An agency decision regarding whether a business concern is an eligible small business for purposes of this section is not reviewable by any other agency or by any court.

"(2) The term 'trade laws' means—

"(A) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq., relating to relief caused by import competition);

"(B) chapters 2 and 3 of such title II (relating to adjustment assistance for workers and firms);

"(C) chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq., relating to relief from foreign import restrictions and export subsidies);

"(D) title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq., relating to the imposition of countervailinig duties and antidumpting duties);

"(E) section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862, relating to the safeguarding of national security); and

"(F) section 337 of the Tariff Act of 1930 (19 U.S.C. 1337, relating to unfair practices in import trade).

benefits under the trade remedy laws administered by the Commission.

(b) *Trade Remedy Laws.* The trade remedy laws (with respect to which technical assistance is available) are defined as: section 201 of the Trade Act of 1974, 19 U.S.C. 2251 ("escape clause" investigations); section 406 of the Trade Act of 1974, 19 U.S.C. 2436 (market disruption investigations); Title VII of the Tariff Act of 1930, 19 U.S.C. 1671 et seq. (countervailing and antidumping duty investigations); and section 337 of the Tariff Act of 1930, 19 U.S.C. 1337 (unfair practices in import trade).

(c) *Technical Assistance.* Technical assistance is informal advice and assistance, including legal advice, to enable eligible small businesses to determine the appropriateness of pursuing particular trade remedies and to prepare petitions and complaints (other than those which are frivolous) under the trade remedy laws enumerated in § 213.3(b) of this part. Technical assistance shall be available to eligible small businesses up to the date of the filing of a petition or complaint at the Commission. The Center provides such technical assistance independently of other Commission staff.

(d) *Applicant.* An applicant is any entity which may file a petition or a complaint, including but not limited to an individual, partnership, corporation, joint venture, trade or other association, cooperative, group of workers or certified or recognized union.

(e) *Eligible Small Business.* An eligible small business is an applicant that the Commission has determined to be entitled to technical assistance in accordance with the eligibility criteria and procedures set forth in this Part.

(f) *SBA Size Standards.* SBA size standards are the small business size standards of the Small Business Administration set forth in 13 CFR 121.2. The SBA size standards categorize business concerns according to the Standard Industrial Classification ("SIC") code of the Bureau of the Census and base the size determination upon the number of employees or annual receipts of the business concern in the appropriate SIC category.

§ 213.4 Determination of small business eligibility.

(a) *Certification of Eligibility.* An applicant that qualifies under the SBA size standards shall be eligible for technical assistance from the Center. In order to apply, an applicant must certify to the Commission that it meets the appropiate SBA size standard and provide said certification to the Trade Remedy Assistance Center, U.S. International Trade Commission, 701 E Street, NW., Washington 20436. The certification shall be signed under oath by an officer or principal of the applicant in a form similar to that shown in Appendix A.

(b) *Business Concerns, Joint Applications, Trade Associations, Unions.* A business concern applying for technical assistance must certify that it is independently owned and operated. If several business concerns jointly or simultaneously from the same industry apply for technical assistance, each business concern must meet the appropriate SBA size standard(s) and so certify. If a trade association applies for technical assistance, an officer of the trade association must certify that 80 percent of the trade association's members meet the appropriate size standard(s). If a union applies for technical assistance, an officer of the union must certify that the union has less than 10,000 members within the industry for which trade relief is being sought.

(c) *Notification of Determination.* The Center shall notify an applicant of that applicant's eligibility to receive technical assistance within ten (10) days of receipt of a properly completed application. Pursuant to 19 U.S.C. 1339.(c)(1), the determination is not reviewable by any other agency or by any court.

(d) *Notification to Commerce.* Where an applicant seeks technical assistance on a trade matter involving Title VII of the Tariff Act of 1930, 19 U.S.C. 1671 et seq. (antidumping or countervailing duty investigations), the Center shall: (1) Promptly notify the U.S. Department of Commerce of the Commission's determination as to the eligibility of the applicant to receive technical assistance; and (2) consult with the U.S. Department of Commerce as to the provision of technical assistance to that applicant.

§ 213.5 Disclosure of receipt of technical assistance.

The receipt of technical assistance from the Center by or on behalf of an eligible small business shall be disclosed in any resulting petition or complaint filed with the Commission.

§ 213.6 Access to commission resources.

Commission resource other than those of the Center shall be available to eligible small business to the same extent that such resources are available to members of the general public. No special rights of access to Commission resources shall be accorded to eligible small businesses.

§ 213.7 Information concerning assistance.

Interested parties may contact the Center with any questions regarding eligibility. Summaries of the import relief statutes and the SBA Size Standards can be obtained by writing to the Trade Remedy Assistance Center, U.S. International Trade Commission, Room 130, 701 E Street, NW., Washington, DC 20436.

Appendix A—Application for Technical Assistance from the Trade Remedy Assistance Center of the U.S. International Trade Commission

CERTIFICATION OF APPLICANT

The undersigned certifies that applicant (Name of business entity) _____ (hereinafter referred to as "applicant") is independently owned and operated and qualifies as a small business under the Small Business Size Standards set forth in 13 CFR 121.2. The undersigned further certifies that:

(1) The Standard Industrial Classification ("SIC") code for applicant's line of business is (4-digit SIC code) _____; and

(2) Applicant employs (Number of employees)[1] _____; or, if a service industry,

(3) Applicant has (Annual receipts in dollars)[2] _____ in annual receipts.

(Date)

(Signature of Authorized Official)

(Name and Title of Authorized Official)

(Address and Phone Number)

Sworn to before me this _____ day of _____, 19____.

(Notary Public)

My commission expires on

(Date)

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: July 9, 1986.

[FR Doc. 86-16023 Filed 7-17-86; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Triamcinolone, Triamcinolone Acetonide

AGENCY: Food and Drug Administration.

ACTION: Final rule.

[1] "Number of Employees" is defined in 13 CFR 121.2(b).

[2] "Annual Receipts" is defined in 13 CFR 121.2(c)

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Med-Tech, Inc., providing for safe and effective oral use of triamcinolone acetonide tablets for anti-inflammatory treatment of dogs and cats. Approval of this NADA is based on National Academy of Sciences/National Research Council (NAS/NRC) review of similar products. The regulations are also amended to indicate that the conditions of use are NAS/NRC reviewed and found effective.

EFFECTIVE DATE: July 18, 1986.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Med-Tech, Inc., P.O. Box 338, Elwood, KS 66024, has filed NADA 137–694 for use of 0.5- and 1.5-milligram triamcinolone acetonide tablets for treatment of inflammation and related disorders in dogs and cats. The NADA is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

Triamcinolone acetonide was one of several adrenocortical steroids, which were the subject of a NAS/NRC Drug Efficacy Study Group review published in the **Federal Register** of April 12, 1969 (34 FR 6447). The NAS/NRC review concluded and FDA concurred that triamcinolone is effective for use as an anti-inflammatory agent and for supportive therapy in various species, including dogs and cats, provided that the drug otherwise complies with the requirements of the Federal Food, Drug, and Cosmetic Act and the applicable regulations. To indicate that these drugs are NAS/NRC reviewed, the regulations are amended to indicate that the conditions of use are based on NAS/NRC review. In addition, the regulations are editorially revised to reflect current format.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(i) this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 520 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. Section 520.2480 is amended by removing paragraph (a), by redesignating existing paragraphs (b) and (c) as paragraphs (a) and (b), respectively, by adding new paragraph (c), by removing the footnote designation in paragraph (d) (1) and (2) and the footnote, and by revising paragraphs (d) (3) and (4), to read as follows:

§ 520.2480 Triamcinolone tablets.

* * * * *

(c) *NAS/NRC status.* The conditions of use specified in this section are NAS/NRC reviewed and found effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(d) * * *

(3) The labeling shall comply with the requirements of § 510.410 of this chapter.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

3. Section 520.2481 is amended by removing paragraph (a), by redesignating existing paragraphs (b) and (c) as paragraphs (a) and (b), respectively, by revising redesignated paragraph (b), by adding new paragraph (c), by revising paragraph (d)(3), and adding new paragraph (d)(4), to read as follows:

§ 520.2481 Triamcinolone acetonide tablets.

* * * * *

(b) *Sponsor.* See Nos. 013983 and 053501 in § 510.600(c) of this chapter.

(c) *NAS/NRC status.* The conditions of use specified in this section are NAS/NRC reviewed and found effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(d) * * *

(3) The labeling shall comply with the requirements of § 510.410 of this chapter.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

4. Section 520.2482 is amended by redesignating existing paragraph (c) as paragraph (d), by adding new paragraph (c), and by revising redesignated paragraph (d)(3), to read as follows:

§ 520.2482 Triamcinolone acetonide oral powder.

* * * * *

(c) *NAS/NRC status.* The conditions of use specified in this section are NAS/NRC reviewed and found effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(d) * * *

(3) The labeling shall comply with the requirements of § 510.410 of this chapter.

* * * * *

Dated: July 14, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86–16178 Filed 7–17–86; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Permanent Program Amendments From the Commonwealth of Kentucky Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval and disapproval of program amendments submitted by Kentucky as modifications to the State's permanent regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments were submitted on April 29, 1986, and consist of seven bills passed by the Kentucky legislature to modify Kentucky's permanent regulatory

program. The amendments pertain to: (1) A bond pool program for Kentucky coal operators, (2) special permitting and regulatory requirements for secondary recovery operations, (3) a two-year moratorium on issuance of regulations by the Kentucky Department for Surface Mining Reclamation and Enforcement (DSMRE) and Kentucky Department of Mines and Minerals, with certain exceptions, (4) regulation of the practices of engineers and land surveyors (5) portions of KRS 350.060(22) pertaining to crushers and loaders, (6) in-kind reclamation work in lieu of payment of penalties for violations of the Surface Mining Act, and (7) appeal of orders of the Secretary of the NREPC to Circuit Courts in the county where the violation occurred rather than to the Franklin County Circuit Court.

After providing for public comments and conducting a thorough review of the program amendments, the Director has determined that certain of the amendments meet the requirements of SMCRA and the Federal regulations and is approving these amendments. The Director has also determined that certain of the amendments do not meet Federal standards and is disapproving these amendments. The Federal rules at 30 CFR Part 917 codifying decisions concerning the Kentucky program are being amended to implement these actions.

This final rule is being made effective July 15, 1986, to coincide with the effective date of the State program amendments.

EFFECTIVE DATE: July 15, 1986.

FOR FURTHER INFORMATION CONTACT: W. Hord Tipton, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504. Telephone: (606) 233–7327.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky State Program

On December 30, 1981, Kentucky resubmitted its proposed regulatory program to OSMRE. On April 13, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of 12 minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the May 18, 1982 **Federal Register** (47 FR 21404–21435).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Kentucky program can be found in the May 18, 1982 **Federal Register** notice. Subsequent actions concerning the conditions of approval and program amendments are identified in 30 CFR 917.11, 917.15, 917.16 and 917.17.

II. Submission of Program Amendments

By a letter dated April 29, 1986, Kentucky submitted to OSMRE, pursuant to 30 CFR 732.17, certain revisions to the Kentucky regulatory program contained in a number of House and Senate bills. The bills were passed by the 1986 General Assembly with an effective date of July 15, 1986. The amendments are summarized below.

1. Senate Bill 130

Senate Bill 130 creates new sections in KRS Chapter 350 which establish a special fund to be known as the "bond pool fund", and addresses other aspects such as its membership and administration procedures. Additionally, section 13 of Senate Bill 130 amends KRS 350.990 to provide for allocation of monies from the abandoned mine land enhancement fund to the bond pool fund.

2. Senate Bill 374

A new section of KRS Chapter 350 is created pertaining to issuing special permits for the remining of previously affected areas, including but not limited to, secondary coal recovery operations. The bill authorizes the Natural Resources and Environmental Protection Cabinet (NREPC) to promulgate administrative regulations as necessary to implement provisions of the bill.

3. House Bill 285

A new section KRS of 350.470 to 350.550 is created, effective the date of the bill, to establish a two-year moratorium on promulgation of regulations pursuant to KRS Chapter 350. The following exceptions were made: (1) Issuing regulations that only affect safety of miners (2) issuing regulations to retain primacy for the surface mining program (3) issuing regulations as a result of an emergency declared by the Governor (4) issuing regulations necessary to take advantage of lessened regulatory requirements allowed by Federal regulations and (5) allowing remining of previously affected coal mining areas.

Further, new sections of KRS Chapter 351 and KRS Chapter 352 are created to establish a two-year moratorium on issuing regulations which relate to the conduct of deep mining. The exceptions are similar to those listed above.

4. House Bill 329

House Bill 329 pertains to the description of land surveyors.

5. House Bill 757

House Bill 757 amends KRS 350.060 by deleting "crushing, screening, or" from paragraph (22) as a result of the decision in the United States District Court for the District of Columbia in a suit entitled *In re: Permanent Surface Mining Regulation Litigation II*, Civil Action No. 79 1144 concerning crushers and loaders, so that crushing and screening operations which do not separate coal from its impurities and those that are not located at or near the mine site, are no longer exempted from regulation.

6. House Bill 839

House Bill 839 amends KRS 350.990 by adding provisions which would allow the NREPC, upon written request by the operator, to allow performance of in-kind reclamation work in lieu of payment of penalties for violations of the Surface Mining Act.

7. House Bill 869

House Bill 869 amends KRS 350.032 to provide that final orders of the Secretary of the NREPC would be appealable to Circuit Courts of the county where the violation occurred rather than Franklin County.

On June 11, 1986, OSMRE published a notice in the **Federal Register** (51 FR 21184) announcing receipt of the amendments and inviting public comment on their adequacy. The public comment period ended July 11, 1986. The public hearing scheduled for July 7, 1986, was not held because no one requested an opportunity to testify. On July 3, 1986, OSMRE published a notice in the **Federal Register** announcing receipt of additional material pertaining to House Bill 869 (51 FR 24390). The comment period closed July 11, 1986.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.15 and 732.17, that certain of the program amendments submitted by Kentucky on April 29, 1986, meet the requirements of SMCRA and 30 CFR Chapter VII. The Director further finds that certain of these amendments do not meet the requirements of SMCRA and 30 CFR Chapter VII. Only those provisions of particular interest are discussed in the specific findings which follow, and lack of discussion of a specific provision

does not indicate or imply any deficiency in the provision.

Senate Bill 130

Kentucky Senate Bill 130 (S.B. 130) creates new sections of Kentucky Revised Statute (KRS) Chapter 350 to establish an alternative bonding system under SMCRA section 509(c). The alternative system makes use of a "bond pool fund" which consists of monies collected from member coal mine operators and which is used to supplement reduced operator reclamation bonds in the event of forfeiture on the bonds.

Section 1 of S.B. 130 establishes the bond pool fund, to be administratively assigned to the NREPC. Fund monies will be collected and placed in an interest-bearing account and used for these purposes only: (1) To reclaim permit areas covered by the fund in the event of bond forfeiture; (2) to cover administrative costs of the fund; (3) to fund audits and actuarial studies required for the fund; and (4) to cover operating and legal expenses of the bond pool commission.

Section 2 of S.B. 130 establishes a new section of KRS Chapter 350 to create a bond pool commission of seven members. The section addresses the selection of commission members and how long the members will serve.

Other topics included in the section are bylaws of the commission, where the commission will reside, when it shall meet, per diem payments to members, conflict of interest requirements and liability of the members.

Section 3 of S.B. 130 creates a new section of KRS 350 to establish the duties of the bond pool commission to review membership applications and ratings, to notify members of when the tonnage fee is required by Section 6(2) of S.B. 130, to revoke or reinstate membership, to employ a certified public accountant (CPA) to audit the bond pool fund annually the first two years and biennially after that, to employ a qualified actuary to perform an actuarial study every three years, to authorize necessary expenditures from the fund and to report yearly to the governor the financial status of the fund.

Section 4 of S.B. 130 creates a new section of KRS Chapter 350 to require the secretary of the NREPC to appoint an administrator of the fund and to establish the duties of the administrator in performing administrative functions necessary to carry out the act.

Section 5 of S.B. 130 establishes the "bond pool." The bond pool allows its members to post a performance bond to cover the costs of reclamation under the Kentucky program which is less than the estimated cost of reclamation, if the member qualifies for participation in the bond pool and pays the required fees to the bond pool's supplemental fund. The bond pool fund would then be used to supplement the reduced operator bond in the event of operator default on reclamation. Subsidence damage is not eligible for coverage by the bond pool fund. Applicants for membership in the bond pool must qualify for an "A", "B" or "C" rating, based on length of time the applicant has held a permit under the same permittee name, and the type of compliance rating, "excellent" or "acceptable," the permittee has exhibited. The rating method will be further defined in regulations and will consider such things as number and seriousness of violations for which the applicant has been cited, applicant's abatement of violations, timely payment of penalties, and the applicant's bonding experiences. Other membership restrictions apply based on ownership and control by, of, or with the applicant.

Section 6 of the bill establishes membership fees and per-ton fees to be paid to the fund. Membership fees are $1000 for "A" rated members, $2000 for "B" and $2500 for "C" rated members. Members shall pay 8¢ per ton of coal extracted by surface mining and 1¢ per ton of coal extracted by underground mining.

Section 7 of S.B. 130 provides that when the fund reaches $7 million, members who have made 36 or more monthly payments into the fund will be notified that tonnage fees are suspended. Tonnage fees are reinstated when the fund decreases to $5 million. The section also provides that these minimum maximum dollar numbers shall be raised under certain circumstances.

Section 8 of S.B. 130 establishes dollar amounts required for permit-specific bonds. For each acre of raction thereof in the proposed permit area, a bond of $500 is required for "A" rated members, $1000 for "B" rated members and $2000 for "C" rated members. For each acre of prime farmland, $1500 additional bond is required.

Section 9 creates a new section of KRS Chapter 350 to: provide that a permit shall not be issued to a fund participant until the permit specific bond is posted; require a permit transferee to become a pool member or submit adequate full bond; and, emphasize that membership in the bond pool shall not relieve the member of compliance with KRS Chapter 350, except for provisions relating to the method of posting bond.

Section 10 covers bond forfeiture and provides that, after permit specific bonds are used, additional money needed to reclaim a default site shall be provided by the fund.

Section 11 covers revocation of membership.

Section 12 prohibits any person who has not reimbursed the fund for expenditures made as a result of a forfeiture on that person's operation, from obtaining another permit or beginning another operation.

Section 13 of S.B. 130 amends KRS 350.990 to provide that $500,000 from the abandoned mine land enhancement fund shall be allocated to the bond pool fund. On January 1, 1988, if the fund contains less than $1,500,000 an additional $250,000 will be loaned interest free to the bond pool fund.

There is no counterpart in the Federal law or rules which establishes a bond fund system such as the one established in Kentucky Senate bill 130. However, section 509(c) of SMCRA provides for alternative bonding systems stating that "the Secretary may approve as part of a State or Federal program an alternative system that will achieve the objectives and purposes of the bonding program pursuant to this section." The Federal rules at 30 CFR 800.11(e) provide that OSMRE may approve an alternative bonding system if the system assures that the regulatory authority will have available sufficient money to complete the reclamation plan for any areas in default at any time; and, provides an economic incentive for the permittee to comply with all reclamation provisions.

The Director finds that the Kentucky system achieves the objectives and purposes of the bonding program in SMCRA Section 509 in that it provides for funding in an amount sufficient to assure the completion of the reclamation plan and it does not alter the approved Kentucky requirements for liability under the bond for the mining operation and the operator's liability period. The Kentucky system provides an economic incentive to reclaim in section 12 of S.B. 130, which provides that no person shall be eligible to receive another permit or begin another operation until the person has reimbursed the fund for any money from the bond pool that was used to reclaim that person's operation.

The Director finds that the fund should accrue at such a rate as to provide sufficient opportunity to observe the operation of the fund to determine the adequacy of fund amounts and fees. As discussed below, OSMRE has determined that the fund should be sufficient to supplement reduced operator bonds to the extent necessary to reclaim defaulted sites to standards in the reclamation plan, at least until such time as there is

sufficient data available to determine the adequacy of the program.

Assuming a 50% participation rate in the fund, roughly 1000 surface mine operators and 500 underground mine operators would participate in the fund. Assuming that the distribution of ratings would be 25% rated "A", 50% rated "B" and 25% rated "C", membership fees would total $2,812,500. Assuming the members account for one-half of Kentucky's production, the surface mine operators would pay 8¢ per ton for approximately 35 million tons, or $2.8 million in the first year, based on the average production rate for 1982, 1983 and 1984. The underground mines would pay 1¢ per ton for approximately 38 million tons, or $380,000. Adding the above figures, plus $500,000 "seed money" from the abandoned mine land enhancement fund, total first year revenues would equal $6,492,500. Assuming that forfeitures in the first year for member operators would be low, since it is the first year of disturbance (See section 8(4) of S.B. 130) on bond pool fund acreage, the fund could exceed the $7 million maximum by year 2 (additional revenue of $3.18 million in per-ton fees). Since operators must pay per-ton fees for 36 months before being notified of a suspension of fees the fund may exceed $7 million.

Bond forfeiture rates for permanent program sites in Kentucky would be highly speculative since there have been few permanent program forfeitures in Kentucky to date. The Director is confident, however, that the fund will accrue at an acceptable rate and that $7 million maximum and $5 million minimum limits on the supplemental fund are sufficient to allow operation of the bond fund system to an extent that the system can be monitored to determine the fund's adequacy. The Director will monitor the fund in the oversight evaluation process.

In order to aid the Director in his oversight responsibilities, OSMRE will require Kentucky to supply promptly, to OSMRE, copies of all audits and actuarial studies performed under requirements of S.B. 130 and implementing regulations. If it is found that the fund is inadequate to supplement member bonds in the event of member default on reclamation obligations, or that the fund does not replenish itself at a sufficient rate to avoid delays in reclamation of forfeited sites, the Director may require an adjustment in the fund limits and/or fees collected for the fund.

Prior to implementation of Senate Bill No. 130, Kentucky is required to submit to the Director proposed regulations to implement the bill and receive the Director's approval of the proposed regulations. This required amendment is being codified in 30 CFR 917.16.

Senate Bill 374

Kentucky submitted proposed legislation to create a new section of KRS Chapter 350 to authorize the NREPC to issue, at its discretion, special permits for the remining of previously affected areas. The permits would be allowed to provide for alternate requirements for revegetation, topsoil, bonding, premining data collection, water quality requirements where there are polluting discharges resulting from previous mining and "other provisions which may encourage remining and secondary coal recovery." The legislation would authorize the NREPC to promulgate administrative regulations to implement the act and would require the NREPC to submit proposed regulations to OSMRE by August 1, 1986.

The Director agrees with the concept of encouraging remining of previously mined abandoned areas. The Federal program makes certain allowances for remining previously mined areas and operators are required to obtain a permanent program permit in order to pursue such operations. The exceptions to permanent program standards are contained in various Federal regulations such as the relaxed revegetation standards in 30 CFR 816.116(b)(5)/817.116(b)(5) and the variance from return to approximate original contour in 30 CFR 816.106/817.106. The Kentucky permanent program rules presently contain similar exceptions in 405 KAR 16:200 section 6/18:200 section 6 and 405 KAR 16:190 section 7/18:190 section 5. The Director finds that Senate Bill 374, does not conflict with SMCRA or the Federal regulations.

Therefore, the Director is approving the proposed amendment to KRS Chapter 350 contained in Senate Bill No. 374. Prior to implementation of Senate Bill No. 374, Kentucky is required to submit to the Director proposed regulations to implement the bill and receive the Director's approval of the proposed regulations. This required amendment is being codified in 30 CFR 917.16.

House Bill 285

Kentucky's House Bill 285 creates a new section of KRS 350.470 to 350.550 to establish a two-year moratorium on promulgation of regulations pursuant to KRS Chapter 350. The moratorium would begin on the effective date of the bill, July 15, 1986. The bill establishes the following exceptions to the moratorium: (1) Regulations that only affect safety of miners or the mining operations; (2) regulations necessary for the State to retain primacy of the surface mining program; (3) regulations that must be promulgated due to an emergency declared by the governor; (4) regulations which would take advantage of lessened Federal requirements; and (5) regulations concerning the remining of previously mined areas.

The bill would establish a similar moratorium for KRS Chapter 351 and for KRS Chapter 352 for undergound mining regulations.

House Bill 285, while limiting the ability of the NREPC to promulgate regulations, includes an exemption for regulations necessary for the State to retain primacy of the surface mining program. Under this exemption all regulations necessary to develop or maintain a State regulatory program as provided for under section 503 of SMCRA would not be affected by the two-year moratorium.

The Director finds that the provisions of House Bill 285 are not inconsistent with provisions of SMCRA. The Director also finds that initiation of the moratorium provided in House Bill 285 would not preclude implementation of the program approved by the Secretary for the regulation of surface coal mining operations in Kentucky. The Director, therefore, approves the amendment to the Kentucky program which is contained in House Bill 285. The Director cautions, however, that many of the other bills being approved in this rulemaking may not be implemented without regulations to clarify requirements of the statutory amendments. The moratorium contained in House Bill 285 may affect the ability of the NREPC to develop regulations necessary to implement certain of the statutory amendments which may be approved under SMCRA, but are not necessary for the State to retain primacy.

House Bill 329

House Bill 329 amends KRS 322 which regulates the practices of engineering and land surveying.

Neither SMCRA nor the Federal rules contain provisions regulating the registration of engineers and land surveyors; therefore, the Director's approval of this bill is not necessary.

House Bill 757

House Bill 757 amends KRS 350.060(22) to exempt "all operations involving the loading of coal which do not separate the coal from its impurities, and which are not located at or near the mine site," from the requirements of KRS Chapter 350. The State has deleted

the words "crushing, screening, or" from the statute.

The Director interprets the exemption in KRS 350.060(22) as amended, to pertain to facilities which are used strictly to load or unload coal and do not process or prepare coal, and which are not located at or near a minesite or coal preparation or processing plant and are not associated with a coal preparation or processing plant. The revision to KRS 350.060(22) renders the statute no less effective than the Federal requirements for regulation of loading facilities in the definition of "coal preparation plant" in 30 CFR 701.5 and in the definition of "surface coal mining operations" in 30 CFR 700.5 as contained in the July 10, 1985 interim final rule (50 FR 28186). Therefore, the Director finds the amendment in accordance with the requirements of SMCRA and no less effective than the Federal regulations.

House Bill 839

House Bill 839 amends KRS 350.990 to add subsection (12) which provides that the NREPC, upon request, may allow a person or operator who owes penalties assessed under the section to perform in-kind reclamation, environmental rehabilitation or similar action to correct environmental pollution, in lieu of penalty payment. Under this amendment, the in-kind work shall not substitute for work required to remedy any violation. The estimated cost of the in-kind work shall be greater than the penalty assessment. The division of abandoned lands will have authority to approve in-kind projects, to recommend projects to the NREPC and to determine whether the cost of the in-kind work exceeds the penalty amount. For purposes of subsection (12), the cost of the in-kind work does not include administrative or transportation costs. Failure to perform the in-kind work as agreed upon would reinstate the liability for the full assessed penalty amount. The amendment authorizes the NREPC to promulgate regulations to implement the provisions of subsection (12).

Although SMCRA and the Federal regulations do not provide for in-kind reclamation in lieu of payment of assessed penalty amounts, Kentucky's statutory amendment does not conflict with the Federal requirements for payment of civil penalties. Since the statutory amendment makes clear that operator violations would not be included as possible sites for in-kind reclamation, the operator would be required to correct any violations besides performing the in-kind reclamation work.

Therefore, the Director finds the amendment to be consistent with the requirements for payment of penalties in SMCRA section 518. However, prior to implementation of this statutory amendment, Kentucky is required to submit to the Director proposed regulations to implement the statutory amendment and receive the Director's approval of the regulations. This required amendment is being codified in 30 CFR 917.16.

House Bill 869

House Bill 869 (H.B. 869) proposes to amend KRS 350.032 to provide that final orders of the Secretary of the NREPC would be appealable to the Circuit Courts of the county where the violation occurred rather than Franklin County.

Upon receipt of the bill as a proposed amendment to the Kentucky program, OSMRE sent a letter dated June 9, 1986, to the Secretary of the NREPC expressing concern as to how the proposed amendment would be put into effect and whether funds for implementation would be available. On June 19, 1986, Kentucky responded to OSMRE's concerns by outlining anticipated costs, the source of additional funds, and proposed organizational considerations. The letter states that Kentucky anticipates that implementation of the revised statutory provision will result in a threefold increase in costs and attorney time. Based on information supplied by NREPC 350 appellate actions would be handled in this fiscal year, at a cost of approximately $165,428 more than the present system where appeals are handled, by the Franklin County court. Kentucky stated that H.B. 869 was not accompanied by an allocation of additional funds so the additional workload would be divided between the two existing attorneys, causing delays in pursuing enforcement actions.

Kentucky also indicated in its letter that H.B. 869 could result in inconsistent decisions by various local courts, and as a consequence, inspectors could be held to conflicting interpretations of State law. Kentucky stated that this may necessitate more frequent changes to regulations to clear up the conflicts. The State pointed out that the local circuit courts may enjoin the Cabinet from enforcing sections of the law, perhaps necessitating Federal action.

Since the Kentucky House Bill 869 did not provide for additional funding and/or staffing for the extra workload that would likely result from its passage, the Director finds, at this time, the provisions of H.B. 869 and the implementation plan outlined by the NREPC do not meet the criteria for approval of State programs found in SMCRA section 503(a)(3) and (30) CFR 732.15(d). More specifically, H.B. 869 and the implementation plan do not demonstrate that the State program contains sufficient legal personnel and sufficient funding necessary to implement and administer the revised program provision. The Director, therefore, finds the bill inconsistent with the requirements of SMCRA and is disapproving Kentucky House Bill 869. The effect of this disapproval is to prohibit implementation of the bill at this time.

The provisions of H.B. 869 may be resubmitted for reconsideration at such time as additional staffing and funding are provided to assure the effective implementation of the revised provisions.

IV. Public Comments

Of the government agencies invited to comment on the proposed Kentucky amendments, pursuant to Section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i), responses were received from the U.S. Department of Agriculture Soil Conservation Service (SCS), the U.S. Department of Interior Bureau of Land Management (BLM) and the U.S. Department of Agriculture Forest Service.

SCS stated it had no substantive comments to offer on the amendments. BLM concurred with the amendments.

The Forest Service had no objection to the amendments contained in Senate Bill 130, House Bill 329, and House Bill 839.

The Forest Service supported Senate Bill 374, but cautioned that it may be abused if adequate standards are not established in regulations. The Director agrees with the comment and is requiring that implementing regulations be submitted to OSMRE and approved by the Director before the bill can be implemented.

The Forest Service urged disapproval of the two year moratorium on mining regulations (House Bill 285) because it removed necessary flexibility to manage SMCRA. The Director understands the commenter's concern, but since the bill would not prohibit Kentucky from implementing its approved program, or from promulgating regulatory amendments required by the Director, the bill is approved.

The Forest Service objected to language in House Bill 757 that was not affected by the amendment contained in the bill. Therefore, these comments are not addressed.

The Forest Service noted that it did not object to House Bill 869, concerning change of venue for appeals, but felt that inconsistency of opinions between

circuit courts or from case to case in the same court may result. The Director agrees that this may be an undesirable result of this bill but would not render the bill inconsistent with Federal requirements. However, the Director is disapproving the bill for the reasons stated in the Findings above.

In response to the request for public comment, comments were submitted by Thomas J. FitzGerald on behalf of the Kentucky Resources Council, as follows.

Senate Bill 130

Mr. FitzGerald generally endorsed the bond pool as an alternative bonding program, but expressed concern with several aspects of the program.

The commenter was concerned that the $500,000 appropriation from the abandoned mine land enhancement fund was not sufficient to protect the fund in the event of a number of forfeitures soon after establishment of the pool. The commenter said that the actuarial study used by Kentucky to establish fund amounts and per-ton fees, underestimated the forfeiture rate in Kentucky and assumed costs of reclamation that are too low.

The Director has determined that if the fund attracts half of the State's operators, membership fees, per-ton fees, and the $500,000 will combine to create a substantial fund in the first year. The Director believes that there will be relatively few forfeitures on operations covered by the pool at least in the first year, since all members will have been operating at least three years with at least an acceptable compliance record and since acreage disturbed before operation of the pool will in most instances not be included in the pool. The Director believes the fund levels provided are sufficient to assure adequate funds for reclamation liabilities of the bond pool, for such time as will be necessary to monitor the fund to determine its adequacy.

The commenter also expressed concern that subsidence impacts would not be covered by the bond pool fund. The Director notes that Kentucky's approved program provides for coverage of subsidence impacts and that the bond pool program does not interfere with that coverage.

Senate Bill 374

The commenter did not object to the separate permitting for remining operations but stated that all pertinent legal and financial information, environmental and hydrologic and other permitting information must be required on the application. The commenter said that remining should not be encouraged by the lessening of environmental standards.

The Director understands the commenter's concerns and has approved State Bill 374 with the requirement that regulations to implement the bill be submitted to OSMRE and approved by the Director prior to implementation of the bill. Regulations will be subject to public comment and approved only if they meet Federal requirements.

House Bill 285

The commenter stated this bill does not appear to affect Kentucky's ability to maintain an approved program. The Director agrees and has approved the bill.

House Bill 757

The commenter supported this bill.

House Bill 839

The commenter supported this bill but said that OSMRE should monitor the bill to insure that implementation is in conformance with the State responsibilities of SMCRA. The Director is approving this bill but requiring that implementing regulations be submitted to OSMRE and approved by the Director before implementation of the bill.

House Bill 869

Mr. FitzGerald stated that this bill, which changes venue for appeals, will place additional strain on the legal resources of the State program that would adversely affect performance of this critical component of the program. The Director agrees and has determined that since the bill does not provide for additional funding or staffing, it cannot be approved at this time.

The commenter stated further that the bill renders the State's judicial review procedures inconsistent with the requirements of section 503 and 526 of SMCRA. The commenter is concerned that the language "within which the mine is located" has the effect of precluding judicial review of any permitting or other administrative decisions which are not directly related to an existing mining operation. The Director does not agree that the House Bill would be inconsistent with section 526 of SMCRA. Section 526(a)(1) of SMCRA provides that "any other action constituting rulemaking by the Secretary shall be subject to judicial review only by the United States District Court for the District in which the surface coal mining operation is located." This provision of the law has been used as the jurisdictional basis for a number of suits involving permit denials or unsuitability designations where there was no existing mining operation. As discussed above, however, the Director has decided to disapprove the amendment because the NREPC lacks sufficient resources to implement the provisions of the bill.

Comments were also submitted by the Mining and Reclamation Council of America (MARC). MARC supported the Kentucky amendments and urged OSMRE's approval. The Director has approved the amendments submitted by Kentucky except the amendment contained in House Bill 869 which changes venue for appeals. MARC in its comments pointed out that the amendment is in accord with section 526(a) (1) and (2) of SMCRA, and that section 526(e) leaves the designation of courts of competent jurisdiction to the State. The Director does not disagree with the comments, but has disapproved the amendment at this time because the NREPC lacks sufficient resources to implement the provisions of the bill, as discussed in the Findings section.

V. Director's Decision

The Director, based on the above findings, is approving the Kentucky program amendments as submitted on April 29, 1986, contained in Senate Bill 130, Senate Bill 374, House Bill 285, House Bill 757 and House Bill 839. The Director based on the above findings is disapproving Kentucky's House Bill 869. The Federal rules at 30 CFR Part 917 are being amended to implement the Director's decision.

VI. Additional Determinations

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a sigificant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather it

will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: July 14, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services.

PART 917—KENTUCKY

30 CFR Part 917 is amended as follows:

1. The authority citation for Part 917 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 917.15 is amended by adding a new paragraph (u) as follows:

§ 917.15 Approval of regulatory program amendments.

* * * * *

(u) The following amendments to the Kentucky Revised Statute (KRS) submitted to OSMRE on April 29, 1986, are approved effective July 15, 1986: amendments to KRS Chapter 350 as contained in Senate Bill 130; amendments to KRS Chapter 350 as contained in Senate Bill 374; amendments to create a new section of KRS 350.470 to 350.550 contained in House Bill 285; amendments to KRS 350.060(22) contained in House Bill 757; and amendments to KRS 350.990 contained in House Bill 839. The Director is requiring at 30 CFR 917.16(c) that implementing regulations must be submitted to the Director and approved by the Director before the statutory amendments contained in Senate Bill 130 (pertaining to a bond pool), Senate Bill 374 (pertaining to remining of previously affected areas), and House Bill 839 (pertaining to in-kind reclamation in lieu of penalty payment) may be implemented.

3. 30 CFR 917.16 is amended by adding a new paragraph (c) as follows:

§ 917.16 Required program amendments.

* * * * *

(c) Pursuant to 30 CFR 732.17, Kentucky is required, prior to implementation of the following statutory amendments, to submit to the Director proposed regulations to implement the amendments, and to receive the Director's approval of the regulations:

(1) Statutory amendments contained in Senate Bill 130, submitted to OSMRE on April 29, 1986.

(2) Statutory amendments contained in Senate Bill 374, submitted to OSMRE on April 29, 1986.

(3) Statutory amendments contained in House Bill 839, submitted to OSMRE on April 29, 1986.

4. 30 CFR 917.17 is amended by adding a new paragraph (c) as follows:

§ 917.17 State program provisions disapproved.

* * * * *

(c) The amendment contained in Senate Bill 869, submitted to OSMRE on April 29, 1986, to amend the Kentucky Revised Statute at KRS 350.032 is hereby disapproved effective July 15, 1986.

[FR Doc. 86–16185 Filed 7–17–86; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 264 and 265

[FRL–3051–2]

Hazardous Waste Disposal Facilities; Availability of Information

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of availability of information.

SUMMARY: The Environmental Protection Agency today announces the availability of a guidance document entitled "Prohibition on the Placement of Bulk Liquid Hazardous Waste in Landfills—Statutory Interpretative Guidance." This final document was developed to provide guidance to owners and operators who are subject to requirements under section 3004(c)(1) of the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984. Section 3004(c)(1) prohibits the placement of bulk or non-containerized liquid hazardous waste or free liquids contained in hazardous waste (whether or not absorbents have been added) in any landfill.

ADDRESSES: A copy of this document is available for reading at the EPA Library and Subtitle C Docket (Room S–212), both located at 401 M Street SW., Washington, DC 20460, as well as at all Regional Office libraries, Monday through Friday, during the hours of 9:30 a.m. to 3:30 p.m. Copies of this document are available for purchase through NTIS, U.S. Department of Commerce, Springfield, Virginia 22161, (703) 487–4600. NTIS publication number for this document is PB 86212271.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline at (800) 424–9346 (toll free) or at (202) 382–3000. For technical information contact Paul Cassidy, Office of Solid Waste (WH–565E), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382–4682.

SUPPLEMENTARY INFORMATION: Section 3004(c)(1) of RCRA as amended by HSWA prohibits the placement of bulk or noncontainerized liquid hazardous waste or free liquids contained in hazardous waste (whether or not absorbents have been added) in any landfill. This document presents the Agency's final interpretative policies concerning this amendment.

The first issue raised by the language of section 3004(c)(1) is the scope of the prohibition on absorbents. The Agency believes that the phrase "whether or not absorbents have been added" requires that bulk liquid hazardous wastes intended for disposal in a landfill should first be chemically, thermally, physically, or biologically treated without the use of absorbents.

The literature is confusing on the use of the terms absorbent and adsorbent. In this final guidance, the Agency classifies an absorbent as a material that is capable of holding a liquid throughout the body of the absorbing material. In an absorbent, the liquid penetrates into the inner structure of the absorbing material. The Agency further believes that adsorption is a process where the liquid adheres to the surface of the absorbing material. While the differences between adsorbent and absorbent are easily defined on paper, it is more difficult to determine whether a particular material acts as an absorbent or adsorbent. In keeping with the intent of Congress, however, it is not important to identify if adsorption, absorption, or both are occurring, since neither process involves a chemical transformation or encapsulation of the sorbed liquid. Both absorption and adsorption are reversible and the Agency therefore interprets the ban on "absorbents" to include materials that function either as an absorbent or an adsorbent.

The second issue dealing with this amendment is the subject of chemical stabilization. This final guidance addresses the issue of how to distinguish chemical stabilization from a treatment practice that relies on sorbents. If there are concerns that

"chemical stabilization" is occurring primarily due to the addition of sorbents. the Agency recommends the use of an unconfined compressive strength test to assure that the treatment has been accomplished in a manner that does not solely involve the use of a material that functions primarily as a sorbent. Unconfined compressive strengths above 50 pounds per square inch are characteristic of chemically stabilized wastes. The value was selected as a measure of adequate bonding.

This final document replaces the draft version that was distributed in May, 1985. The draft was revised to clarify the discussion of the terms absorbent and adsorbent. The draft also did not fully describe how to determine whether chemical stabilization had occurred.

List of Subjects

40 CFR Part 264

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal.

40 CFR Part 265

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal, Water supply.

Dated: July 8, 1986.

J.W. McGraw,

Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 86-16196 Filed 7-17-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Clarification of FM Application Processing Procedures

AGENCY: Federal Communications Commission.

ACTION: Clarification of final rules.

SUMMARY: The following Public Notices, released individually over the last several years, were issued in response to inquiries received from the public. These Notices provide clarifications of the procedures adopted in BC Docket 80-90 (modification of FM broadcast station rules to increase the availability of commercial FM broadcast assignments (June 27, 1983, 48 FR 29486)). They are now being published together to provide a comprehensive collection of these notices for reference purposes.

FOR FURTHER INFORMATION CONTACT: Robert Greenberg, FM Branch, Mass Media Bureau, (202) 632-6908.

W. Jan Gay,

Asst. Chief, Audio Services Division.

March 27, 1984.

Clarification of FM Application Processing Procedures in Light of the Adoption of New Rules in BC Docket 80-90

The new rules adopted in BC Docket 80-90 became effective on March 1, 1984. A number of questions about application processing procedures have been raised since then. This notice will clarify those procedures.

1. Applications will be processed without regard to potential conflicts with allotments proposed in BC Docket 84-231 (the omnibus rulemaking) or counter proposals filed pursuant to that docket until the proposed final list of allotments is prepared. At that time, staff will attempt to resolve any conflicts that may occur between the allotment list and applications pending or granted. Resolution may take the form of channel substitution or site restrictions. This modifies the position taken in the December 9, 1983 Public Notice (Implementation of BC Docket 80-90) and applies to applications filed after December 16, 1984.

2. The new rules will be applied to all pending applications regardless of when filed. If an application filed before March 1, 1984 was acceptable under the old rules but is not under the new (e.g. 2nd or 3rd adjacent channel short spacing), the new rules will be automatically waived.

3. Applications filed for Class B or C channels before March 1, 1984 that do not meet minimum standards for full Class B or C facilities will be processed as filed. Amendments to these applications filed after March 1, 1984 will also be processed as filed. If such applications are granted, the permittees will have until March 1, 1987 to upgrade to full B or C facilities or be reclassified.

4. Applications for new stations filed on or after March 1, 1984 for Class B or C allotments will not be accepted unless they meet at least the minimum facilities for Class B or C.

5. Applications to change facilities filed after March 1, 1984 by existing stations will be presumed to be requests for reclassification to B1, C1 or C2, as appropriate, if the proposed facilities do not meet the minimum standards for Class B or C facilities. If and when such applications are granted, the table of allotments will be changed to reflect the new classification. After the table is changed, restoration of Class B or C status will require a rulemaking.

Further Clarification of FM Application Processing Procedures With Respect to the Adoption of New Rules in BC Docket 80-90

This notice will seek to clarify several questions raised about application processing procedures in light of the new rules in BC Docket 80-90

1. All applicants for new Class C facilities must apply for 100 kilowatts at a minimum antenna height above average terrain (HAAT) of 300 meters (984 feet). If an applicant proposes to use an overheight antenna (greater than 600 meters), the effective radiated power must be reduced to yield the equivalent of maximum Class C facilities (100 kilowatts at 600 meters yields a distance to the 1 mV/m contour of 92 km). For example, if an applicant applied for 700 meters, which exceeds the maximum HAAT for a Class C facility, the effective radiated power must be reduced to 71 kilowatts to yield a distance to the 1 mV/m contour of 92 km (no more and no less).

2. All applicants for new Class C1 facilities must select a combination of HAAT and effective radiated power that will yield a distance to the 1mV/m contour between 53 km and 72 km (See Table A).

3. Requests to change the class of an FM channel will be submitted as petitions for rulemaking to amend the Table of Allotments. This includes a request to change the class of a vacant allotment in the Table of Allotments and stations whose construction permits were granted on or after March 1, 1984. All stations existing prior to March 1, 1984 and stations whose construction permits were granted as a result of an application filed prior to March 1, 1984 are an exception to the aforementioned rule; reductions or upgrades in class for these stations will be handled as applications, not rulemakings, until March 1, 1987. Requests to recover a previously downgraded class must be submitted as petitions for rulemaking to amend the Table of Allotments.

4. Applications which are tendered on or after March 1, 1984 by stations existing prior to March 1, 1984 (including permittees with granted construction permits) that do not meet the minimum standards for Class B or Class C facilities will be presumed to be requests for reclassification to Class B1, C1 or C2 as appropriate. A request to override the presumption must contain a statement demonstrating a need to temporarily remain below Class B or C

standards and an assurance that at least minimum Class B or C facilities will be achieved by March 1, 1987.

The following table shows for each FM class, the zone; the maximum ERP; the maximum HAAT; and the distance to the 60 dBu contour calculated by using the maximum ERP and HAAT and then rounding to the nearest kilometer.

TABLE A

FM class	Zone	Max ERP KW	Max HAAT Meters	Dist to 60 dBu Rounded (KM)
A	1+1A	3	100	24
B1	1+1A	25	100	39
B	1+1A	50	150	52
A	2	3	100	24
C2	2	50	150	52
C1	2	100	299	72
C	2	100	600	92

April 9, 1985

Spacing Requirements in Effect Until March 1, 1987 Pursuant to BC Docket 80–90

This notice will seek to clarify a question regarding the "buffer zone" adopted in the Reconsideration of BC Docket 80–90 (Memorandum Opinion and Order, FCC #84–65, adopted March 1, 1984, released March 13, 1984). All existing Class 'C' stations, as of March 1, 1984, operating at an antenna height above average terrain (HAAT) of less than 300 meters were given the extra 16 kilometers of "buffer zone" protection from new FM allotments.

In adopting that Memorandum Opinion and Order, it was the Commission's intention not to overly restrict a station's ability to improve its facilities during the three year grace period. Therefore, all commercial applications for FM allotments adopted on or after March 1, 1984 must meet the minimum distance separations specified in § 73.207 of the Commission's Rules *PLUS* an additional 16 kilometers to existing Class 'C' stations with the buffer zone.

For example, an application for a new station on a Class 'A' allotment adopted on or after March 1, 1984 must provide a distance of 238 kilometers to all existing co-channel Class 'C' stations which currently have a buffer zone. [Section 73.207 of the Commission's Rules specifies that a distance of 222 kilometers is required. Therefore, the total distance needed is 222 kilometers plus 16 kilometers to yield a total distance of 238 kilometers.]

Except as indicated below, this buffer zone protection shall continue until March 1, 1987. At that time, the buffer zone will be dropped and all channels will be reclassified to the operating parameters pursuant to Docket 80–90.

If a station moves to a new site or increases its antenna height above average terrain (HAAT) to 300 meters or more before March 1, 1987, the buffer zone will be dropped and the new site will not receive protection in excess of that provided by the distance separations specified in § 73.207 of the Commission's Rules.

[FR Doc. 86–16155 Filed 7–17–86; 8:45 am]
BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 60600–6130]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic

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

ACTION: Final rule; preseason adjustment.

SUMMARY: The Secretary of Commerce issues a notice of changes in the total allowable catch (TAC), permitting requirements, and bag limits for the Gulf migratory group of king mackerel in accordance with the framework procedure under Amendment 1 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic. This notice (1) reduces TAC and allocations for Gulf migratory group king mackerel based on recent catch data; (2) changes the requirements for permits for commercial fishing vessels; and (3) provides for reducing bag limits for recreational fishermen to zero (0). The intended effects are to protect the king mackerel in the Gulf migratory group and still allow a catch by the important recreational and commercial fisheries that are dependent on this species, to allow charter vessels to fish commercially, and ensure that the recreational allocation is not exceeded.

EFFECTIVE DATE: July 1, 1986. This rule is being issued prior to approval by the office of Management and Budget (OMB) of the information collection requirements in § 642.4. When OMB approval is received, a notice will be published in the **Federal Register** making this section effective.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, 813–893–3722.

SUPPLEMENTARY INFORMATION: The king mackerel fishery is regulated under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP) and its final regulations (50 CFR Part 642). An amendment to the FMP (Amendment 1) was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and implemented September 22, 1985 (50 FR 34843, August 28, 1985). On June 9, 1986 (51 FR 20847) a notice of preliminary preseason adjustment of the total allowable catch, permitting requirements and bag limits for the Gulf migratory group of king mackerel, in accordance with the framework procedures at § 642.27, was published for comment. The comment period ended June 24, 1986.

The preamble to the preliminary notice contained a description of the need and rationale for implementing the changes in TAC, permitting requirements, and bag limits. These discussions are not repeated here.

Comments and Responses

Comments were received from the South Atlantic Fishery Management Council, the Texas Parks and Wildlife Department, and a Sea Grant extension service seafood technologist.

The Council questioned the deletion of reference to the FCZ in § 642.1(b). NOAA has omitted this reference because of a conflict created by this reference with the area of jurisdiction for the collection of catch statistics which extends into State waters.

The South Atlantic Council also commented that the definition of "charter vessels" should reflect their intent that a charter vessel is considered under charter when carrying paying passengers even if the total number of persons aboard is less than three (3). The criteria of having three (3) or more passengers was implemented at 51 FR 9659, March 20, 1986. Revision of the definition of "Charter vessel" would require formal action by both Councils. Therefore, no changes are made regarding this item.

The Council commented that the criteria for meeting the 10 percent income requirement to qualify for a permit to commercially fish king mackerel should include "the sale of seafood products". NOAA agrees with the Council. Therefore, § 642.4(b)(6) has been revised accordingly.

The Texas Parks and Wildlife Department (TPWD) commented that the Gulf of Mexico Fishery Management Council had recommended not allowing charterboats operating off Texas to fish

commercially and that NOAA's omission of the Council's recommendation was arbitrary and unjustified. NOAA does not agree. The exemption would not promote conservation as claimed by the TPWD. Conservation is promoted by the commercial quota for the western Gulf that applies to king mackerel which migrate throughout the area. The commercial fishery will be closed when the quota is reached, regardless of where the fish are caught.

A Sea Grant extension service seafood technologist questioned the sale of king mackerel taken by recreational fishermen. He objected to the counting of these fish against the commercial quotas or allocation. This commenter recommended that only permitted fishermen be allowed to sell their catch of king mackerel. NOAA does not concur. In establishing the formula for allocation of the king mackerel harvest between recreational and commercial fishermen an additional two (2) percent was shifted from the recreational allocation to the commercial allocation to compensate for the sale of king mackerel by recreational fishermen.

Changes From the Preliminary Notice

Section 642.4

In paragraph (a)(2), the word "allocations" is changed to "quotas" to maintain consistency in the use of these terms.

Paragraph (b)(6) is revised by adding the words ", including the sale of seafood products" to reflect that an individual deriving 10 percent of their gross income for the preceding calender year from any aspect of the commercial fishery qualifies for a commercial permit.

Section 642.21

Paragraph (c)(1) is corrected to indicate that this purse seine harvest quota is applicable to the Gulf migratory group of king mackerel regardless of its location and is not limited to the Gulf of Mexico.

Table 2 is corrected to show the Gulf commercial quota in the eastern zone for all types of gear as 0.60 million pounds and the Gulf purse seine quota as 0.06 million pounds.

The "footnote" reference for the purse seines in the Gulf eastern and western zones commercial quotas in Table 2 is modified to read "Purse seines quota only; excludes all other gear types" for clarification purposes.

Table 2 is corrected to reflect that closure of the Gulf recreational allocation is invoked based on projected catches.

Section 642.28

In paragraph (c)(2) the phrase "(more than three (3) persons aboard including captain and crew)" is added to include within the paragraph the meaning of the term "under charter".

Other Matters

This action is taken under the authority of 50 CFR 642.27 and is taken in compliance with Executive Order 12291. This action is covered by the supplemental regulatory impact review and supplemental regulatory flexibility analysis which concluded that the authorizing regulations could have a significant economic impact on a substantial number of small entities.

This rule contains a collection of information requirements subject to the Paperwork Reduction Act which has been approved by the Office of Management and Budget under OMB control number 0648–0097.

List of Subjects in 50 CFR 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 15, 1986.

Carmen J. Blondin,

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

For reasons set forth in the preamble, 50 CFR Part 642 is amended as follows:

PART 642—[AMENDED]

1. The authority citation for Part 642 continues to read as follows:

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

2. Section 642.1 is amended by revising paragraph (b) to read as follows:

§ 642.1 Purpose and scope.

* * * * *

(b) This part regulates fishing for coastal migratory pelagic fish by fishing vessels of the United States off the Atlantic Coastal States south of the Virginia-North Carolina border and in the Gulf of Mexico.

3. Section 642.2 is amended by revising the definition of "Charter vessel" to read as follows:

§ 642.2 Definitions.

* * * * *

Charter vessel (includes headboats) means a boat or vessel whose captain or operator is licensed by the U.S. Coast Guard to carry paying passengers and whose passengers fish for a fee. Charter vessels with permits to fish on the commercial allocation for king mackerel are under charter when there are more than three (3) persons aboard including captain and crew.

* * * * *

4. Section 642.4 is amended by revising paragraphs (a) (1) and (2), and (b)(6) to read as follows:

§ 642.4 Permits and fees.

(a) *Applicability.* (1) Owners or operators of fishing vessels which fish for king mackerel under commercial quotas in § 642.21(a) are required to obtain an annual vessel permit.

(2) Owners or operators of charter vessels may obtain a permit to fish under the commercial quotas for king mackerel provided they adhere to bag limits while under charter.

(b) * * *

(6) A sworn statement by the owner or operator certifying that at least 10 percent of his or her earned income was derived from commercial fishing, including the sale of seafood products, during the preceding calendar year (January 1 through December 31);

* * * * *

5. Section 642.7 is amended by revising paragraph (a)(18), adding a new paragraph (a)(27), removing paragraph (a)(28), and designating paragraphs (a) (29) through (31) as (a) (28) through (30) to read as follows:

§ 642.7 Prohibitions.

(a) * * *

(18) Fish for, retain, or have in possession in the FCZ aboard a vessel permitted to fish under § 642.4 king mackerel from a migratory group or allocation zone after the commercial quota for that migratory group or allocation zone in § 642.21(a) has been reached and closure has been invoked as specified in § 642.22(a) (Table 2), except as provided for in § 642.28(c)(2);

* * * * *

(27) Possess king mackerel harvested in the FCZ under the recreational allocation set forth in § 642.21(b) after the bag limit for that recreational allocation has been reduced to zero (0) as specified in § 642.22(b);

* * * * *

6. Section 642.21 is amended by revising paragraphs (a), (b), and (c), and redesignating existing paragraph (i) as (f) to read as follows:

§ 642.21 Quotas and allocations.

(a) *Commercial quotas for king mackerel.* (1) The commercial allocation for the Gulf migratory group of king mackerel is 0.93 million pounds per fishing year. This allocation is divided into quotas as follows:

(i) 0.60 million pounds for the eastern allocation zone;

(ii) 0.27 million pounds for the western allocation zone; and

(iii) 0.03 million pounds for purse seines (see Figure 2 and paragraph (f) of this section for description of allocation zones).

(2) The commercial allocation and quota for the Atlantic migratory group of king mackerel is 3.59 million pounds per fishing year.

(3) A fish is counted against the commercial quota or allocation when it is first sold (Table 2 of Appendix A).

(b) *Recreational allocations for king mackerel.* (1) The recreational allocation for the Gulf migratory group of king mackerel is 1.97 million pounds per fishing year.

(2) The recreational allocation for the Atlantic migratory group of king mackerel is 6.09 million pounds per fishing year.

(c) *Purse seine quota for king mackerel.* (1) The total harvest of king mackerel by purse seines from the Gulf migratory group of king mackerel is limited to 0.06 million pounds per fishing year.

(2) The total harvest of king mackerel by purse seine from the Atlantic Ocean is limited to 0.40 million pounds each fishing year.

(3) King mackerel harvested by purse seines are counted in the commercial allocations and quotas specified in paragraph (a) of this section (Table 2 of Appendix A).

* * * * *

7. Section 642.22 is amended by revising paragraph (b) to read as follows:

§ 642.22 Closure.

* * * * *

(b) The Secretary, after consulting with the Councils and by publication of a notice action in the **Federal Register**, may reduce the bag limit for the recreational fishery for king mackerel in the Atlantic or Gulf migratory group to zero (0) when the allocation for that group under § 642.21(b) is reached or is projected to be reached. After such reduction, all king mackerel caught must be returned to the water immediately and possession of king mackerel on board receational vessels is prohibited.

8. Section 642.28 is amended by revising paragraph (c) to read as follows:

§ 642.28 Bag and possession limits.

* * * * *

(c)(1) After a closure under § 642.22(a) is invoked for the quotas specified in § 642.21(a), vessels permitted under § 642.4 may not fish for king mackerel in the zone(s) for that allocation or quota under the bag limit specified in paragraph (a) of this section except as provided for under paragraph (c)(2).

(2) Charter vessels permitted to fish under the commercial quotas for king mackerel may fish under the bag limit specified in paragraph (a) of this section provided they are under charter (more than three (3) persons aboard including captain and crew) and the recreational fishing allocation for the applicable migratory group of king mackerel under § 642.21(b) has not been closed under § 642.22(b).

* * * * *

Appendix A [Amended]

9. Table 2 of Appendix A is revised to read as follows:

TABLE 2.—KING AND SPANISH MACKEREL QUOTAS AND TOTAL ALLOWABLE CATCH (TAC) IN MILLION POUNDS (LBS.) FOR WHICH CLOSURES ARE INVOKED FOR SPECIFIC MIGRATORY GROUPS OR ALLOCATION ZONES OR GEAR TYPES. [1]

Migratory group(s)	Fishing year	Gear	Allocation zone	Fishing year quota TAC (lbs.)	Fishing year prohibition on sale and/or catch invoked when—
King Mackerel:					
Atlantic, commercial	1 Apr.–31 Mar.	All types	Entire range [2]	3.59	Sales from migratory group are projected to reach quota.
Do	1 Apr.–31 Mar.	P.S. [5]	Atlantic Ocean [6]	0.40	Landings from migratory group are projected to reach quota.
Atlantic, recreational	1 Apr.–31 Mar.	All types	Entire range [2]	6.09	Catches from migratory group are projected to reach allocation.
Gulf, commercial	1 July–30 June	All types	Western zone [3]	0.27	Sales from migratory group are projected to reach quota.
Do	1 July–30 June	All types	Eastern zone [3]	0.60	Do.
Do	1 July–30 June	P.S. [5]	Entire range [2]	0.06	Landings from migratory group are projected to reach quota.
Gulf, recreational	1 July–30 June	All types	Entire range [2]	1.97	Catches from migratory group are projected to reach allocation.
Spanish Mackerel:					
	1 Jan.–31 Dec.	All types	G.A. [4]	27.00	When landings are projected to reach TAC.
	1 Jan.–31 Dec.	P.S. [5]	Atlantic Ocean	0.30	When landings are projected to reach quota.
	1 Jan.–31 Dec.	P.S. [5]	Gulf of Mexico	0.30	Do.

[1] See Figure 2 for delineation of migratory group ranges and allocation zones.
[2] The range of migratory groups varies by season (§ 642.29)—See Figure 2.
[3] See Figure 2 and § 642.21(e).
[4] See § 642.21(e).
[5] Purse seines quota only; excludes all other gear types.
[6] Gulf of Mexico & Atlantic.

[FR Doc. 86–16260 Filed 7–16–86; 9:27 am]
BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 51, No. 138
Friday, July 18, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-40]

John F. Doherty, Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking filed by John F. Doherty. The petitioner requested that the Commission amend its regulations to require that, following a power reactor trip, the licensee, if unable to determine the cause of the reactor trip in 8 hours, be required to place the reactor in cold shutdown pending further study of the event. The petition is being denied on the basis that issues raised by the petitioner are being resolved as a result of actions already taken by the NRC.

ADDRESS: Copies of the petition for rulemaking and the NRC's letter of denial are available for public inspecting or copying in the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Lahs, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 443-7874.

SUPPLEMENTARY INFORMATION:

The Petition

By letter dated November 26, 1985, Mr. John F. Doherty filed with the NRC a petition for rulemaking to amend NRC regulations. Notice of receipt of the petition and a request for comments was published in the **Federal Register** on February 11, 1986 (51 FR 5086).

The petitioner requested that the NRC adopt regulations that would require a licensee operating a power reactor to place the reactor in cold shutdown, if following a reactor trip, the licensee is unable to determine the cause of the reactor trip within an 8 hour period following the trip.

Basis for Request

The petitioner contends that the 1983 Salem Anticipated Transient Without Scram (ATWS) event is a prototype of the kind of accident his proposal is designed to prevent. On the day preceding this event at Salem, the petitioner states that there was a partial failure to "SCRAM" that the utility thought had been caused by an operator manually tripping the reactor. The petitioner cites NUREG–1000, Vol. 1, as indicating that a study of process recorders at Salem would have shown that a "SCRAM" failure had occurred and that restart would probably lead to a more serious "SCRAM" failure, which is what occurred at Salem. The petitioner contends that the Office of Nuclear Reactor Regulation cites favorably a utility's policy which is similar to the action called for in his petition.

Public Comments on the Petition

A notice of filing of petition for rulemaking was published in the **Federal Register** on February 11, 1986 (51 FR 5086). Interested persons were invited to submit written comments or suggestions concerning the petition by April 14, 1986. The NRC received 29 comments in response to the notice: 26 from public utilities, utility's representative organizations, nuclear power plant vendors, and industry representative organizations and three from individuals.

A majority of the commenters (28) opposed the petition. The main reasons cited by these commenters were:

1. Generic Letter 83–28, Item 1.1, Post-Trip Review Program Description and Procedure, requires utilities to ensure that the causes of unscheduled reactor shutdowns are fully understood prior to plant restart and that the proper function of all required safeguards equipment be verified. This program has already addressed the petitioner's concerns.

2. The petitioner's requirement to take the plant to cold shutdown is unjustified and unnecessary since (a) the condition of hot standby places the plant in a condition of safety essentially equal to cold shutdown, (b) the action causes unnecessary thermal cycling, potential increases in radioactive waste production, and the potential for increased occupational exposures, (c) the investigation of the cause of the unscheduled shutdown could be obscured, and (d) the cost to the rate payer is not counterbalanced by a safety benefit.

3. The petitioner quotes the NRC document, NUREG–1000, Vol. 1, out of context. The intent of the paragraph cited by the petitioner is the approval of a utility's attention to detail in its post-trip review procedures rather than the unnamed utility's policy of bringing the unit to cold shutdown when the cause of trip cannot be ascertained.

The only commenter supporting the petitioner's recommendation considered the proposal a worthwhile "ounce of prevention."

Reasons for Denial

The NRC shares the petitioner's concern with the Salem ATWS event. The generic implications of the ATWS events at the Salem Nuclear Power Plant were evaluated and documented in the NUREG–1000, Vol. 1, report which the petitioner cites to support the substance of his petition. The volume 1 report was issued in April 1983. As a result of the information contained in NUREG–1000, Vol. 1, the NRC determined that a series of actions were required as a result of the generic implications of the Salem ATWS event. These actions addressed issues related to reactor trip system reliability and general management capability. The required actions were sent to all licensees of operating reactors, applicants for an operating license, and holders of construction permits by Generic Letter 83–28, dated July 8, 1983. The generic letter appears as Appendix A to NUREG–1000, Vol. 2, "Generic Implications of ATWS Events at the Salem Nuclear Power Plant—Licensee and Staff Actions," dated August 1983. The actions covered by the letter fell into four areas. The first area, post-trip review, is directly pertinent to this petition for rulemaking.

Within this post-trip review area, actions were specified that addressed the licensee's program, procedures, and data collection capability to ensure that the causes for unscheduled reactor shutdowns, as well as the response of safety-related equipment, are fully understood prior to reactor restart. Licensees and applicants were required

to describe their program for ensuring that unscheduled reactor shutdowns are analyzed and that a determination is made that the plant (reactor) can be restarted safely. Reports from the licensees or applicants were to describe the program for review and analysis and were to include, as a minimum:

1. The criteria for determining the acceptability of restart.

2. The responsibilities and authorities of personnel who will perform the review and analysis of these events.

3. The necessary qualifications and training for the responsible personnel.

4. The sources of plant information necessary to conduct the review and analysis. The sources of information should include the measures and equipment that provide the necessary detail and type of information to reconstruct the event accurately and in sufficient detail for proper understanding.

5. The methods and criteria for comparing the event information with known or expected plant behavior (e.g., that safety-related equipment operates as required by the technical specifications or other performance specifications related to the safety function).

6. The criteria for determining the need for independent assessment of an event (e.g., if the cause of the event cannot be positively identified, a competent group such as the Plant Operations Review Committee, will be consulted prior to authorizing restart) and guidelines on the preservation of physical evidence (both hardware and software) to support independent analysis of the event.

7. The systematic safety assessment procedures compiled from the above items, which are to be used in conducting the evaluation.

Reports describing the post-trip review programs of all power reactor licensees were received and reviewed by NRC's Office of Nuclear Reactor Regulation (NRR). Safety Evaluation Reports (SERs) documenting the NRC review of the individual licensee reports have been completed for all operating reactors. The licensee's submittal and the NRC's SERs are available from the NRC's Public Document Room, 1717 H Street NW., Washington, DC 20555. For operating license applicants, the NRC review has been or will be performed consistent with the licensing schedule. SER's, when completed, will also be available in NRC's Public Document Room.

In general, the systematic safety assessment procedures established by the licensees in the submitted post-trip review programs ensure the following restart criteria are met before restart is authorized:

(1) A post-trip review team has determined the root cause and sequence of events resulting in the plant trip.

(2) Near-term corrective actions have been taken to remedy the cause of the trip.

(3) A post-trip review team has performed an analysis and determined that the major safety systems responded to the event within specified limits of the primary system parameters.

(4) The post-trip review has not resulted in the discovery of a potential safety concern (e.g., the root cause of the event occurs with a frequency significantly larger than expected).

(5) If any of the above restart criteria are not met, then an independent assessment of the event is performed by the Plant Operations Review Committee (PORC), or another designated group with similar authority and experience.

The post-trip review programs also delineate the qualifications, responsibilities and authorities of the licensee personnel who will perform the post-trip review and analysis.

Typically, the post-trip review team leader is a member of plant management at the shift supervisor level or above and holds or, prior to assuming a current position, held a senior reactor operator's license at the plant. The team leader is charged with overall responsibility for directing the post-trip review, including data gathering and data assessment, and has the necessary authority to obtain all personnel and data needed for the post-trip review.

A second person on the review team is a shift technical advisor (STA) or a person who possesses a relevant engineering degree with special transient analysis training.

The team leader and the STA (Engineer) are responsible to concur on a decision/recommendation to restart the plant. A nonconcurrence from either of these persons is sufficient to prevent restart until the trip has been reviewed by the PORC or equivalent organization.

As a part of the post-trip review program, the licensee or applicant has indicated that a verification will be made of the proper operation of plant systems and equipment. This verification will be accomplished by comparing post-trip review data to data provided in the final safety analysis report and/or the plant technical specifications. This activity includes an analysis of the sequence of events to verify the proper functioning of safety-related and other important equipment.

The licensee or applicant also must have procedures to ensure that all physical evidence necessary for an independent assessment is preserved.

The Commission believes the post-trip review programs submitted under these guidelines ensure licensee actions that address the petitioner's concerns.

Accordingly, the Commission denies the petition.

Dated at Bethesda, Maryland, this 20th day of June 1986.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 86-16246 Filed 7-17-86; 8:45 am]

BILLING CODE 7590-01-M

FARM CREDIT ADMINISTRATION

12 CFR Part 611

District Director Elections; Correction

AGENCY: Farm Credit Administration.

ACTION: Notice of Correction of Comment Period.

SUMMARY: This notice corrects information published in the **Federal Register** on July 10, 1986, (51 FR 25069), concerning the comment period specified in a Notice of Intent in which the Farm Credit Administration Board invited public comments on the impact of implementing the at-large director election provisions of the Farm Credit Amendments Act of 1985. The comment period is corrected as follows:

DATE: Comments should be submitted to the Farm Credit Administration on or before August 15, 1986.

FOR FURTHER INFORMATION CONTACT: Dorothy J. Acosta, (703) 883-4020.

Dated: July 14, 1986.

Frank W. Naylor, Jr.,

Chairman Farm Credit Administration Board.

[FR Doc. 86-16186 Filed 7-17-86; 8:45 am]

BILLING CODE 6705-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9203]

Pittsburgh Penn Oil Company et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final

Commission approval, would require, among other things, a Creighton, PA. automotive fluids company to cease falsely representing that its automotive oils, transmission fluids and antifreeze meet standardized industry ratings and standards established by Ford and General Motors.

DATE: Comments must be received on or before September 16, 1986.

ADDRESS: Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: John Peterson, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, Ill. 60603. (312) 353–8156.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Automotive fluids, Trade practices.

In the matter of Pittsburgh Penn Oil Company, a corporation, and Fred Danovitz, individually and as an officer of the corporation, Docket No. 9203.

Agreement Containing Consent Order To Cease and Desist

The agreement herein, by and between Pittsburgh Penn Oil Company, a corporation, and Fred Danovitz, individually and as an officer of the corporation, hereinafter sometimes referred to as respondents, and their attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent Pittsburgh Penn Oil Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Pennsylvania with its office and principal place of business located at Box 296, Route 28, Freeport Road, Creighton, PA 15030.

Respondent Fred Danovitz is an officer of the corporation. He formulates, directs and controls the policies, acts and practices of the corporation and his address is the same as that of the corporation.

2. Respondents have been served with a copy of the complaint issued by the Federal Trade Commission charging them with violation of section 5(a) of the Federal Trade Commission Act, and have filed answers to the complaint.

3. Respondents admit all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. It this agreement is accepted by the Commission, It will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdraw by the Commission pursuant to the provisions of Section 3.25(f) of the Commission's Rules, the Commission may, without further notice to respondents, (1) issued its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the United States Postal Service of the decision containing the agreed-to order to respondents' address as stated in this agreement shall constitute service. Respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Respondents have read the complaint and order contemplated hereby They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Respondents further understand that they may be liable for civil penalties in that amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondents Pittsburgh Penn Oil Company, a corporation, its successors and assigns, and its officers, and Fred Danovitz, individually and as an officer of the corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, divisions or other device, in connection with the production, labeling, advertising, offering for sale, sale or distribution of any engine oil, automatic transmission fluid or antifreeze-coolant in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication (e.g., by making a product claim such as "high grade lubricant for modern high-speed motors" or "longer engine life for the new long-life engines"), that any engine oil has any American Petroleum Institute (API) service classification;

B. Representing, directly or by implication, that any engine oil has any Society of Automotive Engineers (SAE) viscosity;

C. Representing, directly or by implication, that any automatic transmission fluid has been approved by or meets any specification set by General Motors Corporation, Ford Motor Company or any other company;

D. Representing, directly or by implication, that any antifreeze-coolant affords a stated level of protection against freezing in engine cooling systems; or

E. Representing, directly or by implication, that any engine oil, automatic transmission fluid or antifreeze-coolant possesses any other performance or quality characteristic or has been tested or approved; unless such representation is true and unless, at the time of making such representation, respondents, their successors or assigns prossess and rely upon competent and reliable evidence which substantiates the representation.

II

It is further ordered that respondents, their successors and assigns, and their officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the production, labeling, advertising, offering for sale, sale or distribution of any automotive or petroleum product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting in any manner, directly or by implication, that any such product possesses any performance or quality characteristic or has been tested or approved.

III

It if further ordered that respondents, their successors and assigns shall draw a representative sample from each production batch or run, and from each filling run, of engine oil, automatic transmission fluid and antifreeze-coolant, shall document the method or methods used to draw such samples, and shall for at least one year retain and upon reasonable notice make available to the Commission for inspection and testing a properly marked portion of each such sample and that for a period of three (3) years after the date of service of this Order respondents, their successors and assigns shall, at the option of the Commission, cause to be tested (as described below) by a compentent and independent laboratory approved by the Commission, at the expense of respondents, their successors or assigns, up to seventy-five (75) samples of engine oil, automatic transmission fluid and/or antifreeze-coolant, the samples being either such retained samples or samples sold by respondents, their successors or assigns, and shall submit to the Commission copies of the results of such tests within twenty (20) days after the Commission has identified the retained sample(s) to be tested or has tendered the sold sample(s) to be tested, as the case may be; provided, however, that the twenty (20)-day period shall be extended by the length of any delay during the period beyond the control of respondents, their successors or assigns:

A. Engine oil samples tested pursuant to this Part shall be subjected to the then current version of the following American Society for Testing and Materials (ASTM) tests and other tests or any succeeding tests that have the same force and effect:

1. Kinematic viscosity at 100 degrees C. (ASTM D445);

2. Low-temperature viscosity (multi-temperature version of ASTM D2602, described in Appendix A of SAE J300 APR 84)) test required only for multigrade oils);

3. Borderline pumping temperature (ASTM D3829) (test required only for multigrade oils);

4. Nitrogen (ASTM D3228 or chemiluminescence);

5. Sulfate ash (ASTM D874);

6. Total Base Number (ASTM D2896); and

7. Elemental analysis showing parts per million of barium, calcium, magnesium, phosphorus, sodium, and zinc (emission spectrometry or other generally accepted method);

B. Automatic transmission fluid samples tested pursuant to this Part shall be subjected to the then current version of the following tests or any succeeding tests that have the same force and effect:

1. Kinematic viscosity at 100 degrees C. (ASTM D445);

2. Flash point (ASTM D92);

3. Brookfield viscosity at −40 degrees C. (ASTM D2983);

4. Nitrogen (ASTM D3228 or chemiluminescence); and

5. Elemental analysis showing parts per million of boron, calcium, phosphorus, sulfur, and zinc (emission spectrometry or other generally accepted method);

C. Antifreeze-coolant samples tested pursuant to this Part shall be subjected to the then current version of the following tests or any succeeding tests that have the same force and effect:

1. Specific gravity (ASTM D1122);

2. Freezing point, 50% by volume in distilled water (ASTM D1177);

3. Boiling point, 50% by volume in distilled water (ASTM D1120);

4. pH, 50% by volume in distilled water (ASTM D1287);

5. Reserve alkalinity (ASTM D1121);

6. Water, % by weight (ASTM D1123); and

7. Elemental analysis showing parts per million of boron, phosphorus, silicon, and sodium (emission spectrometry or other generally accepted method).

IV

It is further ordered that respondents, their successors and assigns shall clearly and indelibly mark each container or the outside of each case of engine oil, automatic transmission fluid and antifreeze-coolant with information identifying the relevant production batch(es) or run(s), production date(s) and filling date(s); provided that, containers so marked shall be marked on the day of filling, and cases so marked shall be marked on the day of packing.

V

It is further ordered that respondents, their successors and assigns shall retain records which substantiate any representation covered by this Order for three (3) years after the last date on which the representation was made and upon reasonable notice shall make such records available to the Commission for inspection and copying; provided that, for engine oils, automatic transmission fluids and antifreeze-coolants produced or packaged by respondents, their successors or assigns, such records shall include blend formulas and specifications; formulas and specifications supplied to respondents, their successors or assigns by additive companies; documents describing the physical and chemical characteristics of additives purchased by respondents, their successors or assigns; pertinent licensing agreements; records describing purchases and inventories of base stocks and additives of respondents, their successors or assigns; record showing for each production batch or run the production date, the tank(s) used, the quantity of each ingredient used, the date of transfer to another tank(s), the tank(s) so used, the quantity transferred to each tank, and the results of quality control tests run; records showing for each filling run the filling date, the tank(s) used, the quantity drawn from each tank, the size and number of containers filled, the results of quality control tests run, and, if known at the time of the filling run, the shipping destination and intended customer; and records indicating the dates on which each tank used in production or filling is emptied.

VI

It is further ordered that respondents, their successors and assigns shall retain records of their sales of engine oil, automatic transmission fluid and antifreeze-coolant for three (3) years after each such sale which identify the name and address of each purchaser and the quantity of each of these

products sold to each purchaser, shall retain for three (3) years from the date of their first possession all documents, including letters from consumers, customers and industry members and responses thereto, which constitute or relate to a complaint about or an unfavorable assessment of any engine oil, automatic transmission fluid or antifreeze-coolant sold by respondents, their successors or assigns and upon reasonable notice shall make such records and documents available to the Commission for inspection and copying; provided that, this Part VI shall apply only to such sales and first possessions occurring within five (5) years of the date of service of this Order.

VII

It is further ordered that respondent Pittsburgh Penn Oil Company, its successors and assigns shall forthwith distribute a copy of this Order to each of its subsidiaries and divisions and to all present and future agents, representatives and employees having responsibilities for advertising, production, packaging, quality control or corporate policy with respect to the subject matter of this Order, shall secure from each such person a signed and dated statement acknowledging receipt of the Order and shall maintain such statement for three (3) years after the end of such person's employment by respondent, its successors or assigns.

VIII

It is further ordered that respondent Fred Danovitz shall promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment and that, for a period of ten (10) years from the date of service of this Order, respondent Fred Danovitz shall proptly notify the Commission of each affiliation with a new business or employment whose activities include the production, labeling, advertising, offering for sale, sale or distribution of any automotive, petroleum or chemical product and of his affiliation with any new business of employment in which his own duties or responsibilities involve the production, labeling, advertising, offering for sale, sale or distribution of any automotive, petroleum or chemical product, with each such notice to include his new business address and a statement of the nature of the business or employment in which he is newly engaged, as well as a description of his duties and responsibilities in connection with the business or employment.

IX

It is further ordered that respondent Pittsburgh Penn Oil Company, its successors and assigns shall notify the Commission at least thirty (30) days prior to any proposed change to itself, such as dissolution, assignment of sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change which may affect compliance obligations arising out of this Order.

X

It is further ordered that respondents, their successors and assigns shall, within sixty (60) days after the date of service of this Order, file a written report with the Commission setting forth in detail the manner and form in which they have complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Pittsburgh Penn Oil Company and Fred Danovitz, individually and as an officer of the company ("respondents").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Respondents produce and sell engine oil, automatic transmission fluid (ATF), antifreeze, and other automotive products. Respondents package their products under their own brand names—including Prize Penn, Sure-Matic, and Sure Permanent—and under the brand names of independent merchandisers. The labeling of respondents' engine oils represents that the oils meet the viscosity standards of the Society of Automotive Engineers (SAE) and the performance standards for the service classifications of the American Petroleum Institute (API). The labeling of respondents' ATFs represents that the fluids meet standards set by General Motors Corporation and Ford Motor Company. The labeling of respondents' antifreeze represents that the antifreeze affords a given level of protection against freezing in engine cooling systems.

A complaint issued by the Commission on January 16, 1986, alleged that respondents' labeling has often misrepresented the quality of their engine oils, ATFs, and antifreeze in violation of Section 5 of the Federal Trade Commission Act. The complaint also alleged that respondents have not had a reasonable basis for the claims made about their products.

Part I of the proposed consent order prohibits respondents from making representations about their engine oils, ATFs, and antifreeze unless the representations are true and unless respondents have a reasonable basis for them consisting of competent and reliable evidence which substantiates each representation.

Part II prohibits respondents from misrepresenting that any automotive or petroleum product possesses any performance or quality characteristic or has been tested or approved.

Part III requires respondents to retain representative production and packaging samples for one year and to document their sampling method. Over the next three years the Commission will have the option to have up to 75 samples of respondents' oil, ATF and/or antifreeze tested at respondents' expense by an independent laboratory. The test samples can be either the retention samples or samples obtained in the marketplace. The order names the tests that the Commission can have run on these products, and the test results will be submitted to the Commission.

Part IV requires respondents to mark containers or cases of their engine oil ATF, and antifreeze with information identifying the relevant production batches, production dates, and packaging dates.

Part V requires respondents to keep records substantiating any representation about their engine oils, ATFs, and antifreeze for three years af the last date on which the representation was made. Part VI requires respondents to keep records of their sales of engine oil, ATF, and antifreeze for three years after each such sale and to retain compliants about these products for three years from the date respondents receive such complaints. Part VI expires after five years. The documents required by Parts V and VI shall be available to the Commission.

Part VII requires respondent Pittsburgh Penn Oil Company to distribute a copy of the order to each employee who has responbilities concerning the subject matter of the order.

Part VIII requires respondents Fred Danovitz to notify the Commission, for a period of ten years, of each new business or employment involving the production or sale of any automotive,

petroleum, or chemical product and to notify the Commission of his duties and responsibilities in such business or employment.

Part IX requires respondent Pittsburgh Penn Oil Company to notify the Commission at least 30 days before any change within Pittsburgh Penn that may affect compliance with the order.

Part X requires respondents to file a compliance report with the Commission within 60 days.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 86-16173 Filed 7-17-86; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-23422; File No. S7-17-86]

Exemption of Certain Foreign Government Securities Under the Securities Exchange Act of 1934 for Purposes of Futures Trading

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing for comment an amendment to Rule 3a12-8 under the Securities Exchange Act of 1934 which designates certain United Kingdom, Canadian and Japanese government securities as "exempted securities" for purposes of the Exchange Act's application to the trading of futures contracts on these securities. The Rule currently contains a number of conditions, including the condition that the futures be traded on a board of trade in the country that issues the underlying security. The amendment would remove that condition. Trading the underlying securities, absent compliance with applicable registration and other requirements, would remain prohibited under the federal securities law.

DATE: Comments should be submitted by August 18, 1986.

ADDRESS: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary 450 Fifth Street, NW., Washington, DC 20549. All comment letters should refer to File No. S 7-17-86. All comments will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW.

FOR FURTHER INFORMATION CONTACT: Sharon Lawson, Esq., (202)-272-3116, Division of Market Regulation, 450 Fifth Street, NW., Washington, DC 20549.

I. Introduction

The Securities and Exchange Commission ("SEC") is today proposing for comment an amendment to Rule 3a12-8 ("Rule") under the Securities Exchange Act of 1934 ("Exchange Act"). Currently, Rule 3a12-8 designates British, Canadian and Japanese [1] government debt obligations ("designated foreign government securities") that meet certain conditions as exempted securities under the Exchange Act only for purposes of marketing, in the United States, futures on those securities. Under the Commodity Exchange Act ("CEA") futures trading on individual securities is prohibited unless the underlying security is an exempted security under the Securities Act of 1933 ("Securities Act") or the Exchange Act. Hence, the designation of these securities as "exempted securities" effectively removes the CEA's prohibition against marketing futures on the securities in the United States, so long as the terms of the Rule are satisfied.

The proposed amendment would retain the current list of designated foreign government securities, but would remove one of the conditions of the exemption, *i.e.*, the requirement that the futures be traded on or through a board of trade that is located within the nation whose government issued the designated foreign government security. ("the location restriction"). The amendment, if adopted, would effectively remove the CEA's prohibition against trading futures on these securities on U.S. contract markets or marketing foreign futures traded on contract markets other than in the issuing country. To qualify for the exemption, futures contracts on the enumerated securities must comply with all other existing requirements of the Rule.

II. Background

The CEA, as amended by the Futures Trading Act of 1982,[2] prohibits the trading of futures contracts on individual securities unless such securities qualify as exempted securities under section 3 of the Securities Act or section 3(a)(12) of the Exchange Act.[3] Foreign government securities are not explicitly exempted under either of these sections.

Section 3(a)(12) of the Exchange Act, however, provides that the term "exempted security" includes

> such other securities . . . as the commission may, by such rules and regulations as it deems consistent with the public interest and the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply to an "exempted security" or to "exempted securites."

In March 1984, pursuant to this authority, the Commission promulgated Rule 3a12-8.[4] The rule, as amended today,[5] designates British, Canadian and Japanese government securities that meet certain conditions as "exempted securities" under the Exchange Act. The primary purpose of the Rule is to permit certain foreign, exchange-traded futures contracts on the securities to be marketed in the United States.[6] Under the Rule, as amended, designated foreign government securities are considered exempted securities under the Exchange Act only with respect to futures trading on those securities and provided that: (1) The securities are not registered in the United States; (2) the futures transactions do not involve contracts deliverable in the United States; and (3) the futures contracts are traded on a market located in the country whose government issues those securities.

At the time the Commission first proposed Rule 3a12-8, several commentators objected to these conditions, including, specifically, the

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[1] Concurrent with the publication of this Release, the Commission today adopted an amendment to the Rule adding Japanese government securities to the list of securities designated as exempted securities for purposes of futures trading. Securities Exchange Act Release No. 34-23423 ("1986 Adoption Release"). See The final rule published elsewhere in this issue of the **Federal Register.**

[2] Pub. L. 97-444, 96 Stat. 2294, 7 U.S.C. 1 *et seq.* (1982).

[3] Section 2(a)(1)(B)(v) of the CEA provides that "[n]o person shall offer to enter into, enter into or confirm the execution of any contract of sale (or option on such contract) for future delivery of any security, or interest therein or based on the value thereof, except an exempted security under section 3 of the Securities Act . . . or section (3)(a)(12) of the . . . Exchange Act . . ." Section 3(a)(12)

[4] *See* Secturities Exchange Act Release Nos. 20708 ("1984 Adoption Release"), March 2, 1984, 49 FR 8595, and 19811 ("1983 Proposal Release"), May 25, 1983, 48 FR 24725.

[5] *See* note 1, supra. This amendment to the Rule was proposed in Securities Exchange Act Release No. 22849, January 30, 1986, 51 FR 4642 ("1986 Proposal Release).

[6] As discussed above, without this designation the trading of futures on these securities in the United States would be prohibited by section 2(a)(1)(B)(v) of the CEA.

location restriction.[7] The CBT and CME argued that the proposed exemption should leave room for the CFTC to designate United States boards of trade as contract markets for futures on the exempted British and Canadian securities.[8] The CBT and CME also contended that to do otherwise would suggest that the SEC, rather than the CFTC, has the right to designate contract markets, and would confine the futures to precisely those markets over which United States government agencies have the least regulatory power.

The Commission, nevertheless, adopted the location restriction. First, the Commission noted that, if the futures only were traded "in the country whose government issues the underlying security," that country "would have a strong interest in ensuring the integrity of the futures market." [9] Second, the Commission noted that a collateral benefit of the restriction was to "reduce the likelihood that some off-shore futures market might be established or utilized for the purpose of disguised marketing of the underlying securities." [10] Finally, the Commission concluded that, because, "the prospective exempted securities are, in fact, located within the territories of the issuer-government . . . [a] cautious approach is furthered by limiting [the] [R]ule to markets and locations presently known." [11] The Commission stated, however, that it might revisit this issue if proposals to trade futures contracts on foreign government securities, but for the location restriction, were developed.

On February 13, 1986, the CBT submitted to the Commission a letter in which the CBT stated that it would soon apply to the CFTC for designation as a contract market for trading in futures contracts on yen-denominated Japanese government bonds, pound denominated British gilt bonds and Canadian dollar-denominated Canadian government bonds.[12] The CBT and Futures Association ("FIA") requested that the Commission amend Rule 3a12–8 to provide that futures contracts on specified foreign government securities may be traded on CFTC-designated market.[13]

In addition, the London International Financial Futures Exchange ("LIFFE") has requested that the rule be expanded to permit the marketing to U.S. investors of futures on designated foreign boards of trade outside of the country of issuance. LIFFE's comment represents that it is actively considering developing a futures contract on the Japanese yen-bond.[14]

III. Discussion

Rule 3a12–8 was promulgated in response to Congress' understanding, in amending the CEA, that neither the SEC nor the CFTC had intended to bar British gilt futures trading in this country [15] and that administrative action would be taken to allow the sale of these futures contracts in the United States.[16] In promulgating the rule, the Commission implemented Congress' intent without abandoning its longstanding policy of subjecting foreign government securities, for most purposes, to the requirements of the federal securities laws.[17] Accordingly, the conditions set forth in the Rule are designed to ensure that a domestic market in unregistered bonds does not develop and that futures markets in these instruments are not used simply to avoid the registration and other provisions of the federal securities laws.

The amendment proposed today would eliminate the location restriction.[18] The Rule would retain the current list of designated foreign government securities, as well as the requirements that the underlying securities be unregistered and that the delivery on the futures contracts occur outside the United States. The Commission believes that the deletion of the location restriction may result in benefits to U.S. investors. With the increasing internationalization of the securities markets, growing numbers of U.S. investors maintain investment positions denominated in foreign currencies, including debt securities of foreign public and private issuers. Accordingly, the increased availability of foreign government futures could serve valuable hedging and other risk-shifting uses for such investors.

As indicated above, in the past the Commission has suggested that expanding the exemption as proposed may raise concerns over the adequacy of regulatory oversight regarding such futures trading. The Commission, of course, does not question, as the CBT notes, that the CFTC's oversight of domestic boards of trade will provide effective safeguards against abuse. With respect to non-U.S., non-issuance countries marketing foreign futures in the United States, (*e.g.*, LIFFE trading futures on Japanese yen-bonds), the

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[7] *See* letter from Thomas R. Donovan, President, Chicago Board of Trade ("CBT"), to George A. Fitzsimmons, Secretary, SEC dated July 5, 1983, and letter from Thomas Eric Kilcollin, Vice President of Research and Chief Economist, Chicago Mercantile Exchange ("CME"), to George A. Fitzsimmons, Secretary, SEC, dated July 26, 1983, located in File No. S7–975.

[8] *Id.*

[9] 1983 Proposal Release, *supra* note 4, 48 FR at 24727. *But see* Letter from Kenneth M. Raisler, General Counsel, CFTC, to Richard G. Ketchum, Associate Director, Division of Market Regulation, at 4, dated August 1, 1983 ("[A]ny country would have a strong interest in assuring the integrity of its futures markets, even if that country does not produce the commodity or issue the debt obligation.")

[10] 1984 Adoption Release, *supra* note 4, 49 FR at 8597 n.15. Similarly, the Commission noted that with respect to domestic boards of trade trading futures on foreign government debt securities, such trading would raise "discrete concerns regarding the expansion of cash trading that might develop if there were present here substantial markets in the overlying futures."

[11] *Id.*, 49 FR at 8597 (footnote omitted). Similarly, the Commission noted that, with respect to domestic boards of trade trading futures on foreign government debt securities, the legislative history which led to the adoption of the Rule did not address such a possibility.

[12] *See* No-action Request for Domestic Trading of Futures on Japanese Government Bonds, British Gilt Bonds, or Canadian Government Bonds or Petition to Amend Rule 3a12–8, dated February 3, 1986 ("Petition"). Available in File No. S7–4–86.

[13] *See* Petition, *supra* note 12, and letter from John M. Damgard, President, FIA to John Wheeler, Secretary, SEC, dated February 26, 1986. In the alternative, the CBT requested assurances that the Division of Market Regulation would not recommend that the SEC take action to assert that trading of such contracts on the CBT violates section 2(a)(1)(B)(v) of the CEA. In addition,

[14] *See* letter from Brooksley Born, Arnold & Porter, counsel for LIFFE, to Brandon Becker, Assistant Director, Division of Market Regulation, SEC, dated June 20, 1986.

[15] At the time of enactment of the 1982 Amendments to the CEA, British gilt futures were marketed in the U.S. but were not traded on a U.S. contract market.

[16] In extending the exemption to futures on Canadian and Japanese government securities, the Commission noted that there did not appear to be any legal or policy reason for treating them differently from British gilt contracts. *See* 1984 Adoption Release, *supra*, note 4, 49 FR 8596, n. 5; and 1986 Adoption Release, *supra*, note 1.

[17] Indeed, as stated in the 1986 Proposal Release, the Commission continues to believe that "given the turbulance characterizing the current international financial markets, particularly the debt structure of many foreign governments, any lessening of the disclosure and other protections afforded by the federal securities laws with respect to such instruments would appear to be inappropriate." 1986 Proposal Release, *supra* note 5, 48 FR at 24726.

[18] In this connection, the Commission notes that it is not adopting the no-action approach suggested by the CBT. The CBT's no-action request is premised on the argument that Congress did not intend to include under section 2(a)(1)(b)(v) of the CEA foreign government securities among the individual securities on which futures may not be traded absent an exemption. The Commission continues to believe that the language of the CEA is clear and unambiguous, and believes, therefore, that rulemaking expanding the Rule 3a12–8 exemption is required to achieve the result the CBT desires.

Commission also believes that the CFTC's anti-fraud authority [19] regarding such futures trading will permit the CFTC to address abuse in the futures market itself.

As a separate matter, however, the Commission also has been concerned that trading in the unregistered securities might expand if there were present in this country (or off-shore) substantial markets in the overlying futures. The Commission has no basis, at this time, for believing that there is a serious risk that foreign government futures would be used to distribute unregistered foreign government securities in this country. In this regard, we note that most trading of futures in this country does not result in actual delivery of the underlying commodity through the mechanism of the futures contract. As a consequence, we would not expect significant numbers of foreign government futures investors to hold their positions for delivery. Further, the availability of a U.S. securities market for foreign bonds would not appear to offer a foreign government a realistic means of efficiently raising money in the U.S. because the securities delivered would most likely be purchased in the secondary market in the foreign country, not from primary offerings of the government. Therefore, the Commission preliminary believes that the other two requirements of the current Rule should adequately ensure that futures trading, even domestically, does not disrupt or dilute the registration, disclosure and other requirements of the federal securities laws. Nevertheless, the Commission solicits commentators views on the likelihood that the Rule would be used as a vehicle to distribute unregistered foreign government securities in this country, particularly in view of the continuing requirement in the Rule that delivery on the foreign futures contracts occur outside the United States and that foreign government securities eligible for such delivery must be unregistered.

The Commission also has sought to ensure itself as to the availability of a minimal level of information regarding the underlying securities before designating them as exempt securities for purposes of futures trading under the Rule. Commentators are requested to discuss whether trading futures on the designated securities on domestic boards of trade might require a greater level of disclosure about the underlying securities than simply the marketing of foreign futures on the designated securities in this country. Finally, commentators may wish to discuss whether there are any other legal or policy factors relevant to determining whether the domestic trading of futures on specified unregistered securities or the marketing to U.S. investors of foreign futures on such securities traded on boards of trade outside the country of issuance, for delivery outside of the United States, is appropriate and consistent with the purposes of the federal securities laws, the CEA, and the protection of U.S. securities investors and markets.

IV. Effects on Competition

Section 23(a)(2) of the Act [20] requires the Commission in amending rules to consider their potential impact on competition. As noted above, the Commission preliminarily believes that the proposed elimination of the location restriction will be competition enhancing by allowing additional markets to offer competing products.

V. Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that the amendment proposed herein will not, if adopted, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefore, is attached to this release.

VI. Statutory Basis

The amendment to Rule 3a12–8 is being proposed pursuant to 15 U.S.C. 78a *et seq.*, particularly sections 3(a)(12), 15 U.S.C. 78c(a)(12) and section 23(a), 15 U.S.C. 78w(a).

VII. Text of the Proposed Amendment

On the basis of the above discussion, the Commission is proposing to amend Part 240 of Title 17, Chapter II of the Code of Federal Regulations as follows:

PART 240—GENERAL RULES AND REGULATIONS SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 is amended by adding the following citation:

Authority: Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w. * * * § 240.3a12–8 also issued under 15 U.S.C. 78a *et seq.*, particularly secs. 3(a)(12), 15 U.S.C. 78c(a)(12) and 23(a), 15 U.S.C. 78w(a). * * *

2. Section 240.3a12–8 is amended by revising paragraph (a)(2) as follows:

§ 240.3a12–8 Exemption for designated foreign govenment securities for purposes of futures trading.

(a) * * *

(2) The term "qualifying foreign futures contracts" shall mean any contracts for the purchase or sale of a designated foreign government security for future delivery, as "future delivery" is defined in 7 U.S.C. 2, provided such contracts require delivery outside the United States, any of its possessions or territories, and are traded on or through a board of trade, as defined at 7 U.S.C. 2.

* * * * *

Dated: July 11, 1986.

Jonathan G. Katz,

Secretary.

Regulatory Flexibility Act Certification

I, John Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendment to Rule 3a12–8 ("Rule") set forth in Securities Exchange Act Release No. 34–23422, if promulgated, will not have a significant economic impact on a substantial number of small entitities for the reasons discussed below. The proposal, if adopted, would delete the requirement in the Rule that futures contracts on designated foreign government securities must be traded on a board of trade located within the nation whose government issues the underlying government security, for the purpose of trading, and marketing, in the United States futures contracts on these securities. The proposed amendment imposes no regulatory burden in itself and merely eliminates a prohibition that has prevented domestic boards of trade from trading futures on designated foreign government securities and foreign boards of trade, outside the country of issuance, from marketing such futures to U.S. investors. In addition, the Commodity Futures Trading Commission ("CFTC") does not believe that designated contract markets are small entities for purposes of the Regulatory Flexibility Act ("RFA") and thus the CFTC's definition of small entities does not include designated contract markets. Accordingly, because domestic boards of trade must be designated contract markets by the CFTC to trade futures on eligible foreign government securities, if the proposed amendment is approved, there are no small domestic

[19] Rule 30.02 promulgated under section 2a(1)(A) of the CEA is intended to prohibit fraud in connection with the offer and sale of futures contracts executed on a foreign exchange. *See* 40 FR 26504. In addition, the CFTC recently proposed to adopt a series of regulations governing the domestic offer and sale of futures and options contracts traded on foreign boards of trade. The proposed rules, if adopted, would, among other things, require that the domestic offer and sale of foreign futures be effected through CFTC registrants, or comparably regulated entities, under a regulatory framework similar to that governing domestic futures contracts. *See* 51 FR 12104.

[20] 15 U.S.C. 78w(a)(2)(1982).

trading markets, as defined by the CFTC, that can be effected by the proposed amendment. Finally, because the level of interest presently evident in this country in futures on the designated foreign government securities under the Rule is modest and those primarily interested are large institutional investors, the increased availability of these futures products from domestic, as well as other foreign, boards of trade is not likely to have a significant economic impact on a substantial number of small entities, as that term is defined for broker-dealers in 17 CFR 240.0–10 and to the extent that it is defined for future market participants at 47 FR 18618.

Dated: July 8, 1986.

John Shad,

Chairman.

[FR Doc. 86–16145 Filed 7–17–86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 151 and 178

Proposed Customs Regulations Amendments Relating to Approval of Commercial Gaugers and Accreditation of Commercial Laboratories

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to provide procedures for Customs to approve commercial gaugers (including public gaugers) to weigh, gauge, or measure certain commodities, and for Customs to accredit commercial laboratories to perform certain laboratory analyses on certain commodities. The results of these activities may be used by Customs to determine the proper duty for the commodities.

DATE: Comments must be received on or before September 16, 1986.

ADDRESS: Written comments may be addressed to the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Room 2426, Washington, DC 20229. Comments relating to the information collection aspects of the proposal should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer for U.S. Customs, Office of Management and Budget, Washington, DC 20503, as well as to Customs, as noted above.

FOR FURTHER INFORMATION CONTACT: Roger J. Crain, Technical Services Division, Room 7113, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229. (202–566–2446).

SUPPLEMENTARY INFORMATION:

Background

By notice published in the **Federal Register** of October 18, 1984 (49 FR 40882), Customs proposed to amend Part 151, Customs Regulations, relating to public gaugers. As a result of public response, a notice was published in the **Federal Register** of December 24, 1984 (49 FR 49853), extending the comment period. After reviewing comments received on various aspects of the proposal, it was determined advisable to revise the amendments so as to accommodate the public's concerns over paperwork burdens while allowing Customs to carry out its mission to collect the revenue and protect the commerce. The discussion of comments received in response to the original proposal follows with an analysis reflecting the proposed revisions.

Discussion of Comments on the Original Proposal

Ten comments were received in response to the original proposal. Five had various concerns over the impact of the proposal; three supported it in principle but suggested minor changes; and two asked for provisions to expand the proposal to cover additional commodities. Most of the concerns focused on three aspects of the proposal: (1) Procedure, such as whether the Regulatory Flexibility Act applies; (2) lack of specific language; and (3) the specific requirements described in certain provisions.

Comment

The proposed rule will have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). For this reason, an initial regulatory flexibility analysis should have been prepared and the comment period should be extended.

Analysis

The approximately 35 currently-approved "public gaugers" and the one currently-approved independent commercial laboratory will not have to reapply. This rule's application procedures would only affect new applicants, of which there are approximately 10 each year. In addition, this rule provides for Customs recognition that a gauger or laboratory meets performance standards that are valued by Customs and industry alike. Thus the rule should benefit not only gaugers and laboratories but also importers needing gauging or laboratory services.

Customs agreed to extend the comment period for 30 days and published a notice to that effect in the **Federal Register** on December 24, 1984 (49 FR 49853).

Comment

The application and operational requirements for commercial gaugers and commercial laboratories are different. This could cause internal problems for gaugers which operate laboratories.

Analysis

Customs agrees, and has combined the regulations for commercial gaugers and commercial laboratories.

Comment

Since Customs and the buyers and sellers of the merchandise may not require the same data, Customs should specify acceptable procedures and equipment, and should publish methods for review and comment.

Analysis

The information Customs needs to classify merchandise in accordance with the Tariff Schedules of the United States (19 U.S.C. 1201) may not be identical to that needed by buyers or sellers, but is probably very similar. Therefore, Customs has revised the proposal to have commercial gaugers and laboratories specify both the services and commodities for which they seek approval or accreditation [see § 151.13(a), Acceptance of Reports] and the procedures they intend to use [see § 151.13(b)(2), Approval of Commercial Gaugers and Commercial Laboratories]. Since these procedures are published by well-known standards-writing organizations and are used throughout the industry, there is no need for Customs to publish them for comment.

Comment

The Director, Technical Services Division, should not be authorized to require procedures that may differ from one location to another or from those required by clients (importers) since this may result in additional costs.

Analysis

Customs does not agree. The district director now has the authority to require specific procedures, and we are not aware of any problems this has caused in the past. Since gauging and laboratory analysis are technical functions, this authority should be transferred to the Director, Technical Services Division. However, to allay concern, Customs has revised this

provision in two ways: (1) The Director, Technical Services Division, may require specific procedures if warranted by local conditions, and (2) the commercial gauger or laboratory may ask the Director to review these procedures or delay their implementation.

Comment

The proposal requires commercial gaugers and each other person authorized to sign gauging reports to have a minimum of 6 months training and experience in performing the same services with the same commodities. Laboratory staff also must have certain specified experience. These requirements are vague, excessive, and unreasonable.

Analysis

The same requirement is in the current regulations and has caused no problems. However, the current regulations do not provide for performance checks after approval. Although adequate training and experience are still essential for approval, Customs believes that it can best carry out its mission with an initial determination of an applicant's competence and periodic verification that this competence has been maintained. Therefore, Customs proposes to eliminate structured personnel qualification requirements (such as chemists needing bachelor's degrees) in favor of performance-based criteria.

Comment

The experience requirement for an outside laboratory's staff is beyond the control of the gauger contracting for the work.

Analysis

An approved gauger or laboratory may not use an unapproved laboratory for analyzing samples for Customs purposes, and may not report the analysis results from an unapproved laboratory as its own. The only laboratories whose tests may be used for Customs purposes are Customs-accredited laboratories; i.e., those operated by a Customs-approved commercial gauger or those which have been accredited by Customs on an independent basis. Although this is not a new prohibition, the proposal has been modified to emphasize this restriction.

Comment

Certain information required in the proposed recordkeeping sections are not normally available to the commercial gauger or laboratory. Furthermore, the recordkeeping requirements are complicated and excessive.

Analysis

Customs agrees, and has modified the recordkeeping requirements to accommodate these concerns. We have identified the records we need to evaluate and verify Customs-related work, and have eliminated all others, including all criteria on how records are to be kept (e.g., bound notebooks). The proposal includes only the usual business records and those which would be needed to evaluate a gauger's or laboratory's work and to verify its continued competence.

Comment

The terms "repeatedly inaccurate" and "significant degree" in proposed §§ 151.13(i)(3) and 151.14(b)(2) are vague. A specific number of occasions in a given time period should be stated, and "reproducibility" should be used instead of "significant degree."

Analysis

Customs does not agree. The same language appears in the current regulations and has not caused problems. Customs needs this flexibility so that it can refrain from imposing automatic penalties for minor errors but act on serious problems without waiting for a certain number of offenses. Customs will consider reproducibility when evaluating results.

Comment

The term "S&W" (sediment and water) should be used instead of "BS&W" (bottom sediment and water) as the latter term is obsolete.

Analysis

Customs agrees, and has changed the proposal accordingly.

Comment

Customs should provide a way to expand the proposal to cover additional commodities.

Analysis

Customs agrees, and has provided appropriate procedures in § 151.13(k), Additional Services and Commodities.

Comment

Public gaugers which already have Customs approval should be "grandfathered" in; they should not have to reapply.

Analysis

Customs agrees. Public gaugers and independent commercial laboratories having Customs approval at the time these proposals take effect will not have to reapply. They may continue to gauge and analyze petroleum and petroleum products as described in the current regulations. These organizations will become subject to these regulations 6 months from the date they take effect.

Executive Order 12291

Because this document will not result in a "major rule" as defined by Section 1(b) of E.O. 12291, a regulatory impact analysis and review as prescribed by Section 3 of the E.O. is not required.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), it is certified that these amendments, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of the Act.

Paperwork Reduction Act

This document is subject to section 3504(h) of the Paperwork Reduction Act of 1980, Pub. L. 96–511. Comments relating to the information collection aspects of the proposal should be sent to the Office of Management and Budget and to Customs at the addresses given in the **ADDRESS** portion of this document.

Authority

These amendments are proposed under the authority of R.S. 251, as amended, 77A Stat. 14, sec. 499, 46 Stat. 728, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1202 (Gen. Hdnotes 1–6, 11, 12, United States Tariff Schedules of the United States) 1499, 1624).

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), Section 1.6, Treasury Department Regulations (31 CFR 1.6), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between 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.

Drafting Information

The principal authors of this document were Glen E. Vereb and Roger J. Crain, Office of Commercial Operations, Customs Headquarters.

However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 151

Customs duties and inspection, Imports, Chemicals, Flammable materials, Petroleum, Sugar.

19 CFR Part 178

Reporting and recordkeeping requirements, Paperwork requirements, Collection of information.

Proposed Amendments to the Regulations

It is proposed to amend Parts 151 and 178, Customs Regulations (19 CFR Parts 151 and 178), as set forth below.

PART 151—EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

1. It is proposed to revise the authority citation for Part 151 to read as follows:

Authority: 19 U.S.C. 66, 1202 (Gen. Hdnotes. 11 and 12, Tariff Schedules of the United States (TSUS)), 1624. Subpart A also issued under 19 U.S.C. 1499. Subpart D also issued under sch. 6, pt. 1, hdnotes. 1–6, TSUS. Subpart E also issued under sch. 3, pt. 1C, hdnote. 6, TSUS. Subpart F also issued under sch. 3, pt. 1A, hdnote. 3, TSUS. Subpart H also issued under sch. 5, part 3B, TSUS.

§ 151.21 also issued under sch. 1 part 10, TSUS;

§ 151.42 also issued under 19 U.S.C. 1460, 1584, 1592;

§ 151.43 also issued under 19 U.S.C. 1592;

§ 151.46 also issued under 19 U.S.C. 1507;

§ 151.62 also issued under 19 U.S.C. 1481;

§ 151.63 also issued under 19 U.S.C. 1484;

§ 151.66 also issued under 19 U.S.C. 1562;

§ 151.68 also issued under 19 U.S.C. 1311, 1562;

§ 151.69 also issued under 19 U.S.C. 1557, 1562;

§ 151.82 also issued under 19 U.S.C. 1481;

§ 151.91 also issued under sch. 1, part 12A, hdnote. 3, TSUS.

2. All other statutory authority cited at the end of various sections in Part 151 will be removed.

3. It is proposed to revise § 151.10 to read as follows:

§ 151.10 Sampling.

When necessary, the district director may obtain samples of merchandise for appraisement, classification, or other official purposes. Samples shall be taken by a Customs officer or a commercial gauger approved in accordance with § 151.13. Samples shall be marked to ensure identification and retained according to establishing policies.

4. It is proposed to amend Part 151 by adding new § 151.13 to Subpart A to read as follows:

§ 151.13 Commercial gaugers and commercial laboratories.

Commercial gaugers are commercial organizations and individuals who measure, gauge, or sample merchandise. (The turn "public gauger" has been used to denote a type of commercial gauger dealing mainly with petroleum and petroleum products. "Public gaugers" are commercial gaugers and are subject to the regulations in Part 151.) Commercial laboratories are commercial organizations and individuals who analyze merchandise, i.e., determine its composition and/or characteristics through laboratory analysis. Commercial gaugers may own and operate commercial laboratories and vice versa. They may be approved or accredited, respectively, as a single organization, but each part of the organization is subject to the appropriate requirements of Part 151.

(a) *Acceptance of reports.* Provided that the commercial gauger or laboratory has complied with the appropriate provisions of this section, the district director may accept, for Customs purposes, the following quantity and laboratory analysis reports from Customs-approved commercial gaugers and Customs-accredited commercial laboratories, respectively:

(1) From Customs-approved commercial gaugers:

Petroleum and Petroleum Products: gross or net landed quantity [see § 151.47(a)];

(2) From Customs-accredited commercial laboratories:

(i) Petroleum and Petroleum Products:

(A) API gravity,

(B) Amount of sediment and water (S&W),

(C) Antiknock index, and

(D) Distillation characteristics;

(ii) Sugar, Sirups, and Molasses:

(A) Sugar degress determined by the polariscopic test,

(B) Percent soluble nonsugar solids,

(C) Percent total sugars, and

(D) Weight per gallon in air at 60° F.

Any difference between the quantities or characteristics found by the commercial gauger or laboratory and those found by Customs, if exceeding those published in these regulations, shall be resolved in favor of Customs unless the commercial gauger or laboratory can establish that Customs is in error. Quantity or analysis reports issued by or based on work performed by subcontractors, i.e., non-Customs-approved commercial gaugers or non-Customs-accredited commercial laboratories, will not be accepted. Additional services and commodities may be added to the list according to the procedures given in § 151.13(k).

(b) *Approval of commercial gaugers and commercial laboratories.* Commerical gaugers seeking approval and commercial laboratories seeking accreditation shall send a letter of application to the U.S. Customs Service, Attention: Director, Technical Services Division (hereafter, the "Director"), Washington, DC 20229. Applications shall include:

(1) The applicant's legal name and the addresses of the principal place of business and any other offices;

(2) A statement of:

(i) The services to be provided (e.g., gauging, laboratory analysis, etc.);

(ii) The commodities to be gauged, sampled, or analyzed (e.g., petroleum and petroleum products);

(iii) The characteristics to be determined (e.g., distillation characteristics, the amount of sediment and water, etc.); and

(iv) References to the procedures to be used (e.g., ASTM D 1085: Ga[u]ging Petroleum Products, ASTM D 86: Distillation of Petroleum Products, etc.);

(3) Detailed statements of ownership and any partnerships, parent-subsidiary relationships, or affiliations with other domestic or foreign organizations such as importers; other commercial gaugers, laboratories, or samplers; producers; refiners; etc.;

(4) A statement of financial condition;

(5) If a corporation, a copy of the articles of incorporation and the names of all officers and directors;

(6) The names (or titles) and qualifications of each person who will be authorized to sign or approve gauging or analysis reports on behalf of the commercial gaugers or laboratory;

(7) A complete description of the applicant's facilities, instruments, and equipment;

(8) A bond executed in accordance with Part 113, Customs Regulations (119 CFR Part 113); and

(9) A written agreement in the following form to avoid conflict-of-interest situations and to comply with requirements prescribed by Customs:

Commercial Gauger (Laboratory) Agreement

As conditions for approval (accreditation), I agree:

To have no financial interest in or other connection with any business or other activity which might affect the unbiased performance of my duties as a Customs-approved (accredited) commercial gaugers (laboratory). I understand that this does not prohibit my accepting the usual fees for professional services.

To comply with the requirements of Part 151, Customs Regulations (19 CFR Part 151) and to conduct my professional services in conformance with approved standards and procedures, including procedures which may be required by the Commissioner of Customs or the Director, Technical Services Division.

To maintain the ability, i.e., the instrutments, equipment, qualified staff, facilities, etc., to perform the services for which I am approved (accredited) and to allow my performance to be evaulated by the Director, Technical Services Division, on a periodic basis by such means as on-site inspections, demonstrations of gauging (analysis) procedures, reviews of submitted records, and proficiency testing through check-samples.

To notify both the district director and the Director, Technical Services Division, of any attempt to impede, influence, or coerce me in the performance of my duties immediately.

To investigate any circumstances which might affect the accuracy of my work promptly; to correct the situation immediately; and to notify both the district director and the Director, Technical Services Division, of such matters, their consequences, and any actions taken immediately.

To notify the Director, Technical Services Division, by certified mail within 5 days of any major changes involving legal name; address; ownership; parent-subsidiary relationships; bond; other offices; managerial, professional, or executive staff; approved signatories; facilities, instruments, or equipment; etc.

(c) *Combined approval and accreditation.* An organization having both gauging offices and laboratories may apply for approval and accreditation, respectively, in a single submission. Each part of the organization must meet and maintain the appropriate qualifications and technical and operational requirements, but any requirement imposed on the organization as a whole (e.g., the bond) may be met with one document.

(d) *Determination of competence.* The Director shall determine the applicant's competence, independence, and reputation by use of appropriate techniques, including background investigations by the Office of Investigations.

(e) *Notice of approval, disapproval, suspension, or revocation.* The Director shall notify the applicant that his application has been approved or give the reasons for disapproval. Approvals or accreditations may be suspended or revoked at any time for failure to comply with any provision in Part 151, and liquidated damages may be assessed under the commercial gauger's or laboratory's bond. Notices of approval, suspension, and revocation shall be published in the Customs Bulletin.

(f) *Technical and operational requirements.* To be approved and to maintain approval, a commercial gauger or laboratory shall conform to the following:

(1) *Equipment.* The commercial gauger or laboratory shall be equipped with all instruments and equipment needed to conduct approved services and analyses according to appropriate standards published by recognized standards-writing organizations such as the American Society for Testing and Materials (ASTM), the American Petroleum Institute (API), the International Commission for Uniform Methods of Sugar Analysis (ICUMSA), or the American National Standards Institute (ANSI). The commercial gauger or laboratory shall ensure that all instruments and equipment are properly calibrated, checked, and maintained.

(2) *Procedures.* The commercial gauger or laboratory shall comply in all respects with appropriate procedures published by ASTM, API, etc., and with specific procedures required by the Director under paragraph (h) of this section.

(3) *Facilities.* The commercial gauger or laboratory shall conduct his services in facilities which have adequate space, lighting, and environmental controls to ensure compliance with the conditions prescribed in the appropriate procedures.

(4) *Personnel.* The commercial gauger or laboratory shall be staffed with persons having the necessary education, training, knowledge, and experience for their assigned functions (e.g., maintaining equipment, calibrating instruments, performing gauging services or laboratory analyses, evaluating gauging or analytical results, signing gauging or analysis reports on behalf of the commercial gauger or laboratory, etc.).

(g) *Specific procedures.* The Director may require the commercial gauger or laboratory to follow specific procedures if warranted by local circumstances. The commercial gauger or laboratory may request that such procedures by imposed, and may request the Director to review the imposition of any specific procedures or delay their implementation.

(h) *Recordkeeping requirement.* The commercial gauger or laboratory shall maintain records of the type normally kept in the ordinary course of business. In addition, the commercial gauger or laboratory shall maintain all records necessary to permit the evaluation and verification of all Customs-related work, including, as appropriate, those described below. All records shall be maintained for five (5) years in accordance with §§ 162.1a and 162.1c of this chapter.

(1) *Transaction records.* Records for each Customs-related transaction, including samples, must have the following:

(i) A unique identifying number;

(ii) The date and location where the transaction occurred or the sample was received or taken;

(iii) The identity of the product (e.g., crude oil);

(iv) The name of the client;

(v) The source of the sample (e.g., name of vessel), flight number of airline, name of individual taking the sample, etc.).

If available, records for each Customs-related transaction, including samples, should have the Customs entry date, entry number, and port of entry and the names of the importer, exporter, manufacturer, and country-of-origin.

(2) *Major instrument records* Records for each major piece of equipment or instrument (including analytical balances) used in Customs-related work must have the name and type of the instrument, the manufacturer's name, the instrument's model and serial numbers, and the details (names, dates, etc.) of all major servicing, recalibration, etc.

(3) *Records of gauging and analytical procedures.* The commercial gauger or laboratory must maintain complete and up-to-date copies of all approved gauging and analytical procedures, calibration methods, etc., and must document the procedures each staff member is authorized to perform.

(4) *Gauging and laboratory analysis records.* The commercial gauger or laboratory must identify by number [see paragraph (h)(1)(i) of this section] and must maintain all information or data (such as sample weights, temperatures, references to filed spectra, etc.) associated with each Customs-related gauging transaction or laboratory analysis. Each gauging and analysis record (i.e., the complete file or all data for each separate transaction) must be dated and initialed or signed by the staff member(s) who did the work.

(5) *Gauging and laboratory analysis reports.* Each gauging or laboratory analysis report submitted to Customs must include:

(i) The name and address of the commerical gauger or laboratory;

(ii) A description and identification of the sample, including its unique identifying number;

(iii) The designations of each gauging or analysis procedure used;

(iv) The gauging or analysis report itself (i.e., the quantity and/or the characteristics of the sample);

(v) The date of the report; and

(vi) The initials or signature of the person accepting technical responsibility for the gauging or analysis report (i.e., an approved signatory).

(i) *Verification requirement.* To ensure compliance with Part 151 and the accuracy of the information submitted to Customs by commercial gaugers and laboratories, the Director may conduct on-site inspections, record reviews, periodic check samples, etc.

(j) *Suspension or revocation of Customs approval or accreditation.*

(1) *Grounds.* If a commercial gauger's or laboratory's reports are repeatedly inaccurate to a significant degree, or if the gauger or laboratory fails to comply with any applicable provision of the Customs Regulations (19 CFR Chapter I), the Director may suspend or revoke the commercial gauger's approval or the commercial laboratory's accreditation.

(2) *Notice.* The Director shall give the commercial gauger or laboratory a notice containing specific written grounds for the proposed suspension or revocation and all procedures and timelines for appeal and review.

(3) *Appeal.* The commercial gauger or laboratory has 30 days from the date of the notice to file a written appeal to the Director. This appeal may contain an acceptance of responsibility and may also provide extenuating circumstances and rebuttal evidence. In addition, this appeal may ask for a meeting with the Director or his designee to discuss the proposed action. Failure to file an appeal within 30 days may result in the suspension or revocation of the commercial gauger's approval or the commercial laboratory's accreditation.

(4) *Response.* If the Director accepts the commercial gauger's or laboratory's appeal, he shall notify the gauger or laboratory immediately and close the case. If not, he shall notify the gauger or laboratory within 30 days of receipt of the appeal and advise him of his right to file a written petition to the Commissioner to review the proposed action.

(5) *Commissioner's Review.* The commercial gauger or laboratory has 30 days from the date of the Director's response to file (with the Director) a written petition for the Commissioner to review the proposed action. The Commissioner or his designee shall review the petition and shall forward the written decision to the Director for implementation.

(6) *Publication.* The Director shall publish notice of suspensions or revocations of a commercial gauger's approval or a commercial laboratory's accreditation in the Customs Bulletin, giving the effective date and duration of each such action.

(k) *Additional Services and Commodities.* (1) Customs will consider adding additional services or commodities to those given in § 151.13(a) upon the submission of a request setting out the scope of the services or commodities being proposed, the identification of the specific standards and procedures that would be used, and technical and economic reasons why Customs should add the services or commodities.

(2) Customs-approved commercial gaugers and Customs-accredited commercial laboratories may extend their approval or accreditation to gauge or analyze additional commodities by sending the Director a letter with the information set out in paragraphs (b)(1), (2), (6), and (7) of this section.

(l) *Costs of Using Customs-approved commercial gaugers.* No expense incurred by the use of a Customs-approved commercial gauger or a Customs-accredited commerical laboratory shall be borne by the Government.

5. It is proposed to revise § 151.31 to read as follows:

§ 151.31 Use of laboratory tests in liquidation.

The characteristics of sugar, sirup, and molasses as set out in § 151.13(a)(2)(ii) and as determined by a Customs-accredited commercial laboratory shall be used for Customs purposes if the difference between these characteristics and those found by the Customs laboratory does not exceed the differences in the following table:

Characteristic	Difference between Customs value and commercial laboratory's value
Degrees polarization	0.4 sugar degree.
Total sugars	2.0 percent total sugars.

If the difference exceeds these values and the Customs-accredited commercial laboratory cannot establish that Customs is in error, then the Customs results shall be used.

6. It is proposed to amend § 151.42 by revising paragraph (a)(1)(i); removing paragraph (a)(1)(ii) and renumbering paragraphs (a)(1)(iii) and (a)(1)(iv) as (a)(1)(ii) and (a)(1)(iii), respectively; adding a new paragraph (a)(3); and removing the word "shall" and inserting the word "may" in paragraph (b). The amended and revised portions would read as follows:

§ 151.42 Controls on unlading and gauging.

(a) * * *

(1) * * *

(i) Customs-approved metering installations provided by the importer;

(ii) Shore tank gauging; or

(iii) Weighing for trucks and railroad cars.

(2) * * *

(3) The metering installations described in paragraph (a)(1)(i) are approved by Customs on a case-by-case basis. Importers seeking approval shall send a complete description of the installation to the district director who, with the concurrence of the Director, Technical Services Division, or his designee, shall give tentative or final approval.

(b) *Duties of Customs officers.* Customs officers may perform or witness ullaging and gauging as follows:

* * * * *

§ 151.43 [Removed and reserved]

7. It is proposed to amend Part 151 by removing § 151.43 and reserving it.

§ 151.45 [Amended]

8. It is proposed to amend §151.45(a) by removing the reference "§ 151.43" and inserting in its place "§ 151.44."

9. It is proposed to revise the heading and text of § 151.47 to read as follows:

§ 151.47 Entered quantities of petroleum or petroleum products.

(a) *Optional entry of net quantity.* Instead of stating the gross quantity of petroleum or petroleum products on the entry summary, the importer may state the net quantity, which shall be determined in accordance with §§ 158.13 and 151.46 of this chapter. The analytical report from the Customs-accredited commercial laboratory shall be filed with the entry summary.

(b) *Use of laboratory tests in liquidation.* The quantity of sediment and water as determined by a Customs-accredited commercial laboratory shall be used for Customs purposes if the difference between these quantities and those found by the Customs laboratory does not exceed the differences in the following table:

Percentage of sediment and water found by Customs	Maximum percentage difference allowable
0.05 to 0.50	0.1
0.51 to 1.50	0.2
More than 1.50	0.3

If the difference exceeds the amount in the table and the Customs-accredited commercial laboratory cannot establish that Customs is in error, then the Customs results shall be used.

§ 151.54 [Amended]

10. It is proposed to amend § 151.54 by removing the terms "chief chemist of the Customs laboratory" and "chief chemist" and inserting in their place the term "Customs laboratory director."

Approved: July 8, 1986.

Francis A. Keating, II,

Assistant Secretary of the Treasury.

William von Raab,

Commissioner of Customs.

[FR Doc. 86-16203 Filed 7-17-86; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Reg. No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Payment of Benefits, Overpayments, and Underpayments—Waiver of Adjustment or Recovery—Excess Resources

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would implement section 2613 of Pub. L. 98-369, the Deficit Reduction Act of 1984, which amended section 1631(b) of the Social Security Act (the Act). Section 1631(b)(3) as added by section 2613, provides that if any overpayment with respect to an individual (or an individual and his or her spouse) is attributable solely to the ownership or possession by such individual (and spouse if any) of resources having a value which exceeds the applicable resource limits specified in section 1611(a) of the Act by $50.00 or less, such individual (and spouse if any) shall be deemed to have been without fault in connection with the overpayment and no adjustment or recovery shall be made, unless such individual (and spouse if any) knowingly and willfully failed to report the value of the resources accurately and timely. Section 2613 was effective October 1, 1984.

DATES: Your comments will be considered if we receive them no later than September 16, 1986.

ADDRESSES: Comments should be submitted in writing to the Acting Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangement with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Lawrence V. Dudar, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7459.

SUPPLEMENTARY INFORMATION: Section 1631(b)(1) of the Act specifies that when more than the correct amount of SSI benefits has been paid with respect to any individual, proper adjustment or recovery shall be made by appropriate adjustments in future payments to such individual or by recovery from such individual or his or her eligible spouse (or by recovery from the estate of either).

Present regulations permit waiver of recovery of an overpayment, but only if the requirements of 20 CFR 416.550 (Waiver of adjustment or recovery) are met. Section 416.550 requires a determination that:

(a) The overpaid individual was without fault in connection with an overpayment, and

(b) Adjustment or recovery of such overpayment would either:

(1) Defeat the purpose of title XVI, or

(2) Be against equity and good conscience, or

(3) Impede efficient or effective administration of title XVI due to the small amount involved.

Section 2613 of Pub. L. 98-369, enacted July 18, 1984 and effective October 1, 1984, amends section 1631(b) of the Act by providing that if any overpayment with respect to an individual (or an individual and his or her spouse) is attributable solely to the ownership or possession by the individual (and spouse if any), of resources having a value which exceeds the applicable dollar figure specified in section 1611(a) of the Act by $50.00 or less, such individual (and spouse if any) shall be deemed to have been without fault in connection with the overpayment, and no adjustment or recovery shall be made, unless the Secretary determines that the failure of such individual (and spouse if any) to report the value of his/her resources accurately and timely was knowing and willful.

For purposes of this proposed regulation "ownership or possession of resources" would include any resources deemed to the individual in accordance with 20 CFR 416.1202. The purpose of this statutory provision is to protect SSI claimants from overpayments resulting from a small excess in resources. We believe that it is consistent with the legislative purpose to apply the provision to resources deemed to the claimant. When resources are "deemed," the claimant is in effect, considered to possess them for eligibility purposes, and suffers the same adverse consequences if they rise slightly over the limit.

We will consider the failure to report to be knowing and willful and the overpaid recipient therefore to be at fault if the evidence clearly shows that the overpaid recipient was fully aware of the requirements of the law and of the excess resources and chose to conceal them. A finding of fault will preclude application of the waiver.

A finding of willful and knowing failure to report correctly and in a timely manner generally will be made when the evidence shows that the individual:

(a) Failed to furnish information which the individual knew or should have known was material, or

(b) Made an incorrect statement which the individual knew or should have known was incorrect, or

(c) Incurred a similar overpayment in the past and received an explanation and reporting instructions at the time of the previous overpayment.

This proposed regulation adds a new section 20 CFR 416.556 to incorporate the statutory requirements of section 2613 of Pub. L. 98-369.

Regulatory Procedures

Executive Order 12291

The Secretary has determined that this is not a major rule under Executive Order 12291. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that this proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities because this rule affects only

individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

This proposed regulation imposes no reporting or recordkeeping requirements requiring the Office of Management and Budget clearance.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income program)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI).

Dated: April 18, 1986.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: May 23, 1986.

Otis R. Bowen,

Secretary of Health and Human Services.

PART 416—[AMENDED]

Subpart E of Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended to read as follows:

1. The authority citation for Subpart E continues to read as follows:

Authority: Social Security amendments of 1972, secs. 1102, 1601, 1602, 1611, 1614, 1631, 1633, 86 Stat. 1465, 1466, 1473, 1475, 1476, 1477, 1477, 1478 (42 U.S.C. 1302, 1381, 1381a, 1382, 1382c, 1383, 1383b).

2. In Part 416, Subpart E, a new § 416.556 is added to read as follows:

§ 416.556 Waiver of adjustment or recovery—attributable solely to countable resources in excess of the limits prescribed in § 416.1205.

(a) If any overpayment with respect to an individual (or an individual and his or her spouse if any) is attributable solely to the ownership or possession by the individual (and spouse if any) of countable resources having a value which exceeds the applicable dollar figure specified in § 416.1205 by an amount of $50.00 or less including those resources deemed to an individual in accordance with § 416.1202, such individual (and spouse if any) shall be deemed to have been without fault in connection with the overpayment, and waiver of adjustment or recovery will be made unless the failure to report the value of the excess resources correctly and in a timely manner was willful and knowing.

(b) Failure to report the excess resources correctly and in a timely manner will be considered to be willful and knowing and the individual will be found to be at fault when the evidence shows the individual (and spouse if any):

(1) Failed to furnish information which the individual (and spouse if any) knew or should have known was material, or

(2) Made an incorrect statement which the individual (and spouse if any) knew or should have known was incorrect, or

(3) Incurred a similar overpayment in the past and received an explanation and instructions at the time of the previous overpayment.

[FR Doc. 86–16191 Filed 7–17–86; 8:45 am]

BILLING CODE 4190–11–M

VETERANS ADMINISTRATION

38 CFR Part 17

Adult Day Health Care

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Veterans Administration is amending its medical regulations (38 CFR Part 17) to incorporate new sections providing Adult Day Health Care. Section 103 to Pub. L. 98–160. Veterans' Health Care Amendments of 1983, amended 38 U.S.C. 620 to authorize the VA to furnish adult day health care in VA facilities and by contract with non-VA facilities. This amendment will provide an adult day program for the VA as an alternative to nursing home care. The authority for these regulations will expire on September 30, 1988.

DATE: Comments must be received by August 18, 1986.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these proposed regulations to: Administrator of Veterans Affairs (271A), 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132 of the above address, from 8 a.m. to 4:30 p.m., Monday through Friday (except holidays), until September 1, 1986.

FOR FURTHER INFORMATION CONTACT: James R. Kelly, Acting Director, Patient Treatment Service, Office of Geriatrics and Extended Care, Department of Medicine and Surgery, VA, (202) 389–3692.

SUPPLEMENTARY INFORMATION: New §§ 17.51c through 17.51f to title 38, CFR, will provide a therapeutic day care program which provides medical and rehabilitation services to disabled veterans in a congregate setting. Any veteran eligible for nursing home care in contract public or private nursing home facilities under the provisions of § 17.51a, and any veteran who has a service-connected disability rated at 50 percent or more, is eligible for adult day health care.

The Administrator has determined that this amendment to VA regulations is considered nonmajor under the criteria of Executive Order 12291, Federal Regulation. It will not have an annual effect on the economy of $100 million or more; it will not result in major increases in costs for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, nor will it have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

The Administrator certifies that these proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. These proposed regulations, the authority for which will expire on September 30, 1988, concern authorizing the furnishing of Adult Day Health Care as an alternative to Nursing Home Care, in connection with a research study as prescribed by section 103(b) of Pub. L. 98–160. Although these regulations specify certain terms and conditions for institutions in order to participate as providers under this program, such institutions are already subject to many of these requirements under existing Federal, State, and local laws, regulations and codes. The cost limitation and veteran eligibility criteria were imposed by Pub. L. 98–160. The number of institutions which will provide this care is greatly limited by the small number of Adult Day Health Care centers which offer medical/health care and by the funding limitations of this program. In addition, most of the governmental judisdiction which offer such care have a population in excess of 50,000, and therefore do not come within the RFA definition of a "small entity". For these reasons these proposed regulations will not have a significant economic impact on a substantial number of small entities.

(Catalog of Federal Domestic Assistance Number: 64.002)

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contract, Grants

programs—health, Health, care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Veterans.

Approved: May 15, 1986.

Thomas K. Turnage,

Administrator.

PART 17—[AMENDED]

38 CFR Part 17, MEDICAL, is amended by adding new § 17.51c, § 17.51d, § 17.51e, and § 17.51f to read as follows:

Adult Day Health Care

§ 17.51c Definitions of adult day health care program.

The adult day health care program is a therapeutic day care program which provides medical and rehabilitation services to disabled veterans in a congregate setting. The Veterans' Health Care Amendments of 1983, Pub. L. 98–160, authorizes the VA to furnish this program until September 30, 1988 (38 U.S.C. 620(f)(1)(A)).

§ 17.51d Adult day health care in Veterans Administration facilities.

(a) VA facilities may provide adult day health care to:

(1) Any veteran who has a service-connected disability rated at 50 percent or more who is determined by the VA to be in need of such care.

(2) Any veteran who has been furnished care in a hospital under the direct jurisdiction of the Administrator or any veteran who has been furnished care by the Administrator in a hospital in Alaska or Hawaii if the VA determines that the veteran has received maximum benefits for such care in such hospital, but will require a protracted period of adult day health care which can be furnished in an institution furnishing adult day health care.

(3) Any person (i) who has been furnished care in any hospital of any of the Armed Forces, (ii) who the appropriate Secretary concerned and the VA have determined has received maximum hospital benefits but requires a protracted period of adult day health care, and (iii) who upon discharge from the armed forces will become a veteran.

(b) Adult day health care furnished in VA facilities shall not include travel and incidental expenses (or transportation in lieu thereof) except as authorized by § 17.100.

(38 U.S.C. 620(f)(1)(A)(i))

§ 17.51e Adult day health care in private facilities.

Veterans eligible under § 17.51d(a) for adult day health care may be transferred to any public or private institution not under the jurisdiction of the Administrator which furnishes adult day health care for such care at VA expense if:

(a) The cost of adult day health care in such institution will not exceed 45 percent of the cost of care furnished by the VA in a general hospital under the direct and exclusive jurisdiction of the Administrator, as such cost may be determined annually by the Administrator, or not to exceed 50 percent of such cost where determined necessary by the Administrator, upon the recommendation of the Chief Medical Director, to provide adequate care;

(b) Extensions of the period of time which the VA may pay for Adult Day Health Care in a public or private facility beyond six months for nonservice-connected veterans are governed by § 17.51a;

(c) A contract between the institution and the VA is awarded in accordance with Federal and VA acquisition law and regulations;

(d) A VA inspection finds that the institution meets the following standards:

(1) The institution shall meet all Federal, State and local laws, regulations, and codes pertaining to health and safety such as provisions regulating:

(i) Construction, maintenance, and equipment;

(ii) Sanitation; and

(iii) Buying, dispensing, safeguarding, administering, and disposing of medications and controlled substances.

(2) The institution shall meet the applicable provisions of the 1985 edition of the National Fire Protection Association's Life Safety Code (which is incorporated by reference). The institution shall provide sufficient staff to assist patients in the event of fire or other emergency. Incorporation of the 1985 edition of the Life Safety Code was approved by the Director of the Federal Register on _____. The code is available for inspection at the Office of the Federal Register Information Center, Room 8301, 1110 L Street, NW., Washington, DC. Copies may be obtained from: National Fire Protection Association, Battery March Park, Quincy, MA 02269. If any changes in this code are also to be incorporated by reference, a notice to that effect will be published in the **Federal Register.**

(3) The institution shall have the capability (including sufficient qualified staff) to provide:

(i) Medical Services including a medical director at least on a consulting basis and the provision of direct patient care;

(ii) Services of a registered nurse;

(iii) Social services provided by a qualified social worker;

(iv) Rehabilitation services including occupational and physical therapy;

(v) Assistance for daily living including bathing, feeding, toileting, ambulation, and transferring;

(vi) Case management;

(vii) Nutrition services including counseling, regular meals, and special diets;

(viii) Recreation therapy;

(ix) Transportation to and from home; and

(x) The maintenance of individual client records.

These records shall include a treatment plan, periodic reevaluations, progress notes, discharge summaries, and other usual and customary information normally included in a client record.

(38 U.S.C. (f)(A)(1))

§ 17.51f Provision of services to adult day health care institutions.

VA facilities may enter into agreements to provide resources (whether equipment, space, or personnel) to institutions furnishing adult day health care at VA expense under § 17.51e if:

(a) The resources will be used solely to furnish adult day health care, and

(b) The agreement provides the VA with reimbursement for the full cost of such resources including the cost of services and supplies and normal depreciation and amortization of equipment. Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States.

(38 U.S.C. 620 (f)(1)(B))

[FR Doc. 86–16227 Filed 7–17–86; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPTS–42080A; FRL–3050–9]

Triethylene Glycol Monomethyl, Monoethyl and Monobutyl Ethers; Proposed Test Rule; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA is extending the comment period for the proposed rule on triethylene glycol ethers published in the

Federal Register of May 15, 1986. The extension responds to a request by the Chemical Manufacturers Association (CMA) for additional time for comment.

DATE: Written comments on the proposed rule should be submitted on or before August 13, 1986.

ADDRESS: Submit written comments, identified by the document control number [OPTS–42080A], in triplicate to: TSCA Public Information Office (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. NE–G004, 401 M St., SW., Washington, DC 20460

The public record supporting this action is available for inspection in Rm. NE–G004 at the above address from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays.

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

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule for triethylene glycol monomethyl ether, triethylene glycol monoethyl ether, and triethylene glycol monobutyl ether, published in the **Federal Register** of May 15, 1986 (51 FR 17883), requiring subchronic testing in the rabbit, developmental toxicity in the rat and rabbit, a tiered mutagenicity program, subchronic neurotoxicity in the rat, developmental neurotoxicity in the rat, reproductive toxicity in the rat, and oncogenicity in the mouse and rat. This would be a two-stage rule, where the reproductive toxicity, oncogenicity, and the highest tier mutagenicity would only be initiated following completion of the first stage and evaluation of the results by the EPA.

CMA has requested a 30-day extension of the comment period, giving the following reasons: (1) EPA is for the first time proposing developmental neurotoxicity testing under section 4 of the Toxic Substances Control Act; (2) EPA is raising questions about the appropriateness of the use of the dermal route of exposure for multigeneration reproduction studies; (3) EPA's consderation of a category testing approach for all glycol ethers involves analogy to testing results already obtained on other glycol ethers; and (4) CMA is currently in the process of completing research on each of the three triethylene glycol ethers and expects to have the final reports for these studies ready for submission at the end of a 30-day extension period.

Because EPA proposed a new standard for developmental neurotoxicity and raised several issues in the proposed rule, and wishes the public to have enough time to comment on all these issues, the Agency is granting the 30-day extension on the comment period requested by CMA. Public comments will be due on or before August 13, 1986

Authority: 15 U.S.C. 2603.

Dated: July 11, 1986.

Edwin F. Tinsworth,

Acting Director, Office of Toxic Substances.

[FR Doc. 86–16197 Filed 7–17–86; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Establishment of Regulations for Subsistence Harvest of Migratory Birds in Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to propose rules; extension of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) extends the comment period on its notice of intent to propose regulations governing subsistence harvest of migratory birds in Alaska. The comment period is being extended to provide an opportunity to obtain additional public comments.

DATE: Comments on the notice of intent must be received on or before August 18, 1986.

ADDRESS: Comments should be addressed to: Regional Director (Attn: Robert Leedy, Wildlife Assistance), U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Leedy or Mr. Richard Pospahala, Wildlife Assistance, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503. Telephone (907) 786–3443.

SUPPLEMENTARY INFORMATION: In the May 19, 1986, **Federal Register** (51 FR 18349) the Service gave notice of and invited public comments on its intent to propose and establish regulations for subsistence harvest of migratory birds in Alaska. The Service noted it is intended that the regulations will be adopted by spring of 1987, and that they will provide standards for managing subsistence harvest of migratory birds in Alaska so as to preserve and maintain their stocks.

As soon as possible after this extension of the comment period closes, and upon review and consideration of all comments received, the Service will develop proposed regulations and a direct environmental assessment addressing subsistence harvest of migratory birds in Alaska. The Service will provide public notice of the proposed regulations and assessment through publication in the **Federal Register** and will consider all comments received. Public hearings will be conducted in various communities throughout Alaska to provide additional opportunity for public comment. Notice of these hearings will be published in the **Federal Register** as soon as possible after determination of times and locations.

Dated: July 15, 1986.

Frank Dunkle,

Director.

[FR Doc. 86–16243 Filed 7–17–86; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 51, No. 138
Friday, July 18, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

Budget of Expenses of the Peanut Administrative Committee and Rate of Assessment for the 1986–87 Crop Year

Pursuant to Marketing Agreement 146, regulating the quality of domestically produced peanuts (30 FR 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement, and other information, it is hereby found and determined that the expenses of said Committee and rate of assessment applicable to peanuts produced in 1986 and for the crop year beginning July 1, 1986, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1986, shall be in the amount of $736,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the terms and conditions of indemnification applicable to 1986 crop peanuts, effective July 1, 1986, are expected to be less than $8.6 million, such amount being reasonable and likely to be incurred.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with § 48 of the marketing agreement, an assessment at the rate of $3.46 per net ton of farmers' stock peanuts received or acquired other than those described in § 31 (c) and (d) ($0.46 for administrative expenses and $3.00 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to § 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $3.00 rate and not expended in providing indemnification on the 1986 crop peanuts shall be kept in such reserve and shall be available to pay indemnification expenses on subsquent crops.

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

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

It is estimated that approximately 65 handlers of peanuts will be subject to regulation under the Peanut Marketing Agreement 146 during the course of the current season and the great majority of these handlers may be classified as small entities. While regulations issued during the season impose some costs on affected handlers and the number of such firms may be substantial, the added burden on small entities, if present at all, is not significant.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beinning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments; they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessement for approval; and handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: July 14, 1986.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division

[FR Doc. 86–16239 Filed 7–17–86; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 3640-01 et al.]

Robert J. Lambert et al.; Applications, Hearings, Determinations, etc.

In the Matter of Robert J. Lambert, individually and doing business as Computer & Test Systems Dierk Hagemann, individually and doing business as Hi-Tech World Transport Corp. (formerly Uni-Data World Transport Corp.) Albert Franz Kessler, Respondents; Order.

On June 12, 1986, the Administrative Law Judge (ALJ) issued his Decision and Order in the matter of Robert J. Lambert, individually and doing business as Computer and Test Systems, Dierk Hagemann, individually and doing business as Hi-Tech World Transport Corp. (formerly Uni-Data World Transport Corp.) and Albert F. Kessler, which was referred to me for final action pursuant to section 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) and 15 CFR 388.8(a).

In early 1982, Robert Lambert, Dierk Hagemann and Albert Kessler acquired and attempted to export computer test equipment without the required export license. Lambert purchased the equipment; Hagemann operated the freight forwarding company; and Kessler acted as the courier. Kessler was apprehended along with the computer test equipment as he boarded a flight from Los Angeles to Zurich. The legal basis for the administrative charges against the respondents is their September 7, 1982 criminal conviction for the aforementioned scheme. Respondents have served their sentences and are in the process of satisfying their criminal fines. The administrative charges were as follows: Lambert was charged with violating sections 387.2, 387.3, 387.4, and 387.5; Hagemann was charged with violating sections 387.2, 387.3, 387.4, and 387.13;

Kessler was charged with violating sections 387.2, 387.3, 387.4, and 387.6 of the Export Administration Regulations. Additionally, Hagemann was charged with (a) improperly using a temporary export license, (b) charging fees to use an alleged "emergency license", and (c) attempting to export computer equipment in violation of a Temporary Denial Order. Pursuant to a settlement agreement, the ALJ found that each respondent committed all the violations contained in the charging letters. The ALJ issued an Order denying respondents and related parties all export privileges for a period of ten years from the date of the Temporary Denial Order entered on February 28, 1983.

Having reviewed the record and based on the facts addressed in this case, I affirm the Order of the Administrative Law Judge. Respondents Robert J. Lambert, individually and doing business as Computer and Test Systems, Dierk Hagemann, individually and doing business as Hi-Tech World Transport Corp. (formerly Uni-Data World Transport Corp.) and Albert Franz Kessler are hereby denied all export privileges and may not engage in, or otherwise be involved in, any export transaction for a period of ten years from the date of the Temporary Denial Orders entered on February 28, 1983.

The names and addresses of the respondents who are denied such export privileges are as follows:

Robert J. Lambert, individually and doing business as Computer & Test Systems, 2636 North Indian Avenue, Unit 614, Palm Springs, CA 92262

Albert Franz Kessler, 20 Kennel Street, 800 Thalwil, Switzerland

Dierk Hagemann, individually and doing business as Uni-Data World Transport Corp., and Hi-Tech World Transport Corp., 110 Standard Street, El Segundo, CA 90245

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 as related persons, are:

Computer Test Systems, 5671 Via Ceresa, Yorba Linda, CA 92686

Warner Trading Associates, 5671 Via Ceresa, Yorba Linda, CA 92686

Export Assistance Services, 5671 Via Ceresa, Yorba Linda, CA 92686

Margaret Lambert, 2636 North Indian Avenue, Unit 614, Palm Springs, CA 92262

Hi-Tech World Transport Corporation, 110 Standard Street, El Segundo, CA 90245

This constitutes final agency action in this matter.

Dated: July 14, 1986.

Paul Freedenberg,

Assistant Secretary for Trade Administration.

[FR Doc. 86-16209 Filed 7-17-86; 8:45 am]

BILLING CODE 3510-DT-M

Issuance of Export Trade Certificate of Review to International Shippers Association

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of an Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to International Shippers Association ("ISA"). This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: James V. Lacy, Director, Office of export Trading Company Affairs, International Trade Administration, 202-377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The Regulations implementing Title III are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register.** Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade Products

Finfish, shellfish, and hatchery products, including frozen and canned salmon, salmon roe, halibut, black cod, crab, shrimp, herring, herring roe, and bottomfish; agricultural products and processed food products, including apples, pears, citrus fruits, eggs, and fresh produce.

Export Trade Facilitation Services (as they relate to the export of Products)

Negotiation, procurement, and administration of Transportation Services for the export of Products by the Members. Transportation Services include overseas freight transportation; inland freight transportation to a U.S. export terminal, port, or gateway; leasing of transportation equipment and facilities; storage and warehousing; wharfage and handling; stevedoring; insurance; forwarder services; trade documentation and services; and customs clearance.

Members: (within the meaning of 15 CFR 325.2(1) of the Regulations).

Alaska Canada Fisheries, Inc.; Booth Fisheries Corporation, and its controlling entity, Sara Lee Corporation; George S. Bush Export, Inc., and its controlling entity, George S. Bush & Company; Gwin White, & Prince, Inc.; Interocean Seafoods Co.; Merco Intertrade, Inc.; National Food Corporation; Northern Products Corp.; Pacific Salmon Company; Pelican Seafoods, Inc.; E.C. Phillips & Son, Inc.; Rushton & Co.; Seafood Producers Cooperative; Seafood Sales; and Sitka Sound Seafoods, Inc.

Export Trade Activities and Methods of Operation

ISA may:

1. Negotiate, procure, and administer Transportation Services, including the negotiation of advantageous freight contracts with individual carriers and carrier conferences, on behalf of any or all of the Members (but not their controlling entities). These activities will be conducted for shipper Members by George S. Bush Export, Inc., an independent administrative organization.

2. Prescribe the following conditions with respect to membership in ISA:

a. Membership in ISA is subject to a majority vote of the Board of Directors, and to the credit-worthiness and ability of the potential member to pay a pro-rata share of assessments to cover costs and expenses of ISA.

b. Any Member of ISA may be removed by a majority vote of the Members, with prior notice of the vote given to the Member. Removal shall be for due cause, including, but not limited to, violation of ISA's bylaws and loss of credit-worthiness.

c. Any member may withdraw or resign from ISA, subject to its obligation to pay previous assessments and to pay for Transportation Services arranged by or through ISA.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: July 14, 1986.

James V. Lacy,

Director, Office of Export Trading, Company Affairs.

[FR Doc. 86-16210 Filed 7-17-86; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF COMMERCE

National Bureau of Standards

National Voluntary Laboratory Accreditation Program

AGENCY: National Bureau of Standards, Commerce.

ACTION: Publication of NVLAP Directory Supplement.

SUMMARY: The National Bureau of Standards (NBS) announces laboratory accreditation actions taken during the second quarter of 1986.

FOR FURTHER INFORMATION CONTACT: Harvey W. Berger, Manager, Laboratory Accreditation, ADMIN A531, National Bureau of Standards, Gaithersburg, MD 20899 (301) 921-3431.

SUPPLEMENTARY INFORMATION: This supplement to the 1985-86 NVLAP Directory of Accredited Laboratories (NBSIR 86-3315) is published pursuant to section 7.6(b) of the National Voluntary Laboratory Accreditation Program (NVLAP) Procedures (15 CFR 7.6(b)).

The following table summarizes NVLAP accreditation actions for the period April 1, 1986, through June 30, 1986.

	TIM	CON	CAR	STO	ACO	CPL	DOS	SEA	ECT	Totals
Initial accreditations		1					3			+4
Renewed accreditation	1									+1
Terminations				1						−1
Balance	38	29	22	10	8	5	42	1	0	155

TIM—Insulation LAP.
CON—Concrete LAP.
CAR—Carpet LAP.
ACO—Acoustical Testing Services LAP.
STO—Stove LAP.
CPL—Commercial Products LAP (Paint, Paper, Mattresses).
DOS—Dosimetry LAP.
SEA—Seals and Sealants LAP.
ECT—Electromagnetic Compatibility and Telecommunications.

The laboratories awarded initial accreditations are:

Concrete: Geoanalytics, Quezon City, Philippines, Emilio M. Morales, Telex 66156 HDADB PN.

Dosimetry:

Mississippi Power & Light Co., Port Gibson, MS, Tommy E. Tankersley, 601-437-2369

Florida Power & Light Co., Miami, FL, Sander C. Perle, 305-552-3669

South Carolina Electric & Gas Co., Columbia, SC, Gregory G. Hall, 803-345-1915

The laboratory whose accreditation was renewed is: Insulation: W.R. Grace & Company, Thermal Measurements Laboratory Cambridge, MA, Gregory Derderian, 617-876-1400.

The laboratory whose accreditation was voluntarily terminated is: Stove: Stove Testing Lab International, Inc., Vancouver, WA.

Dated: July 11, 1986.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 86-16211 Filed 7-17-86; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

National Advisory Committee on Oceans and Atmosphere; Meeting

July 15, 1986.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (1982), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, August 4-5, 1986. The meeting will be held at the Universal South, Rooms 500 and 928, 1825 Connecticut Avenue, NW., Washington, DC. The meeting will commence at 9:00 a.m. and end at 5:00 p.m. on Monday and commence at 8:30 a.m. and end at 3:30 p.m. on Tuesday.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local governments was established by Congress by Public Law 95-63 on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The tentative agenda is as follows:

Monday, August 4, 1986

1825 Connecticut Avenue, NW., Universal South, Rooms 500 and 928, Washington, DC

9:00 a.m.—12:00 Noon: PLENARY—Room 928

9:00 a.m.—9:30 a.m.

- Announcements

9:30 a.m.—12:00 Noon:

- Discussion of the Role and Missions of the National Oceanic and Atmospheric Administration (NOAA)

Guest Speaker: John A. Knauss, Vice President for Marine Programs, University of Rhose Island

Topic: The Role of NOAA in the Oceans

12:00 Noon—1:00 p.m.: LUNCH

1:00 p.m.—5:00 p.m.: PANEL MEETINGS

1:00 p.m.—3:00 p.m.

- Panel 3: Roles and Missions of the National Environmental Satellite, Data, and Information Service/Office of Oceanic and Atmospheric Research, Room 928

Topic A: Sea Grant

Topic B: Data Management

Topic C: Research Management

1:00 p.m.—3:00 p.m.

- Panel 1: Roles and Missions of the National Ocean Service/National Marine Fisheries Service, Room 500

Topic: Panel Work Session

3:00 p.m.—5:00 p.m.

- Panel 2: Roles and Missions of the National Weather Service/Climate Program Office, Room 928

Topic: Panel Work Session

5:00 p.m.: RECESS

Tuesday, August 5, 1986

1825 Connecticut Avenue, NW., Universal South, Rooms 500 and 928, Washington, DC

PANEL MEETINGS

8:30 a.m.-12:00 Noon

- U.S. Laws and the Exclusive Economic Zone, Chairman: Stanley

W. Legro, Room 928
Topic: Panel Work Session
Speakers: TBA
- Offshore Petroleum Resources, Chairman: Lee C. Gerhard, Room 500

Topic: Panel Work Session
Speakers: TBA
12:00 Noon–1:00 p.m.: LUNCH
1:00 p.m.–3:30 p.m.: PLENARY
- Panel Reports
- Old Business
- New Business

3:30 p.m: ADJOURN

The public is welcome at the sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Please note that the NACOA meeting for *September 25–26, 1986* (Thursday and Friday) *has been rescheduled for October 6–7, 1986* (Monday and Tuesday).

Additional information concerning these meetings may be obtained through the Committee's Acting Executive Director, James A. Almazan whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 1825 Connecticut Avenue, NW., Universal South, Suite 616, Washington, DC 20235. The telephone number is 202/673–5225.

Dated: July 15, 1986.

James A. Almazan,

Acting Executive Director.

[FR Doc. 86–16189 Filed 7–17–86; 8:45 am]

BILLING CODE 3510–12–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Additions to 1986 Procurement List

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1986 a commodity to be produced by and services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: July 18, 1986.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On November 1, 1985, April 25 and May 9, 1986, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (50 FR 45647, 51 FR 15662 and 51 FR 17225) of proposed additions to and deletions from Procurement List 1986, October 15, 1985 (50 FR 41809).

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number or small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the commodity and services listed.

c. The action will result in authorizing small entities to produce the commodity and services procured by the Government.

Accordingly, the following commodity and services are hereby added to Procurement List 1986:

Commodity

Pillow, Bed, 7210–00–205–3205, (For GSA Regions 8, 9, and 10)

Services

Commissary Warehousing Service, Columbus Air Force Base, Mississippi
Janitorial/Custodial, Potomac Annex Building 1–7, 23rd Road & E Street, N.W., Central, East & South Buildings, 2430 E Street, N.W. and 1724 F Street, N.W., Washington, D.C.
Janitorial/Custodial, USAR Facilities, Mann Hall, North 4415 Market Street and 3800 North Sullivan Road, Trentwood, Washington

C.W. Fletcher,

Executive Director.

[FR Doc. 86–16180 Filed 7–17–86; 8:45 am]

BILLING CODE 6820–33–M

Proposed Additions to 1986 Procurement List

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1986 commodities and military resale commodities to be produced by and a service to be provided by workshops for the blind or other severely handicapped.

Comments Must Be Received on or Before: August 20, 1986.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities, military resale commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities, military resale commodities and service to Procurement List 1986, October 15, 1985 (50 FR 41809):

Commodities

Skirt, Woman's
8410—01–187–1415
8410—01–187–1416
8410—01–187–1417
8410—01–187–1418
8410—01–187–1419
8410—01–187–1420
8410—01–187–1421
8410—01–187–1422
8410—01–187–1423
8410—01–187–1424
8410—01–187–1425
8410—01–187–1426
8410—01–187–1427
8410—01–187–1428
8410—01–187–1429
8410—01–187–1430
8410—01–187–1431
8410—01–187–1432
8410—01–187–1433
8410—01–187–1434
8410—01–187–1435
8410—01–187–1436
8410—01–187–1437
8410—01–187–1438
8410—01–187–1439
8410—01–187–1440
8410—01–187–1441

Military Resale Item Nos. and Names

No. 581 Flatware, Assorted, Pg. of 24
No. 583 Flatware, Forks, Pg. of 24

No. 584 Flatware, Spoons, Pg. of 24
No. 754 Pillow, Standard, 20" x 26"
No. 755 Pillow, Queen, 20" x 30"
No. 756 Pillow, King, 20" x 36"

Service

Messenger Service, (within Portland, Oregon Area only), Portland, Oregon

C.W. Fletcher,

Executive Director.

[FR Doc. 86-16179 Filed 7-17-86; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Tuesday-Wednesday, 5-13 Aug. 1986.

Times of Meeting: 0800-1700 hours.

Places: Europe.

Agenda: The Army Science Board AHSG on Army Combat Models will meet to discuss joint and combined analysis in Europe. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-16235 Filed 7-17-86; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Thursday and Friday, 7-8 Aug. 1986.

Times of Meeting: 0800-1700.

Place: Pentagon, Room 1A1071, Washington, DC 20310.

Agenda: The Army Science Board Ad Hoc Subgroup on Ballistic Missile Defense will meet to receive briefings on SDI policy. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-16236 Filed 7-17-86; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Public Hearing on the Draft Supplement to the Environmental Impact Statement (EIS) for Deepening and Extending the St. Marys Entrance Channel

Pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4361) and the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), the U.S. Navy has prepared and filed with the U. S. Environmental Protection Agency, a Draft Supplement to the Environmental Impact Statement (DEIS) for the proposed deepening and extending of the St. Marys Entrance Channel, Naval Submarine Base, Kings Bay, Georgia. The DSEIS has been distributed to various Federal, Florida and Georgia state and local governmental agencies, interest groups and media. Copies of the DSEIS may also be viewed during normal business hours at the following locations:

In Georgia at:

a. St. Marys, Georgia
  (1) OICC TRIDENT, 293 Point Peter Road
  (2) St. Marys City Hall
  (3) National Park Service Office (Cumberland Island National Seashore)

b. Woodbine, Georgia
  (1) Camden County Court House
  (2) Town Hall

c. Kingsland, Georgia
  (1) Kingsland City Hall
  (2) Camden County Branch Office

In Florida at:

a. Fernandina Beach, Florida
  (1) Fernandina Beach, City Hall
  (2) Nassau County Court House
  (3) Fernandina Beach, Library

b. Callahan, Florida
  (1) Callahan City Hall
  (2) Library

c. Hilliard, Florida
  (1) Town Hall

A public hearing to inform the public of the study's findings and to solicit comments on the Navy's proposed restriction of the North River will be held at the following locations:

In Georgia at:

Camden County High School
St. Marys, Georgia
Date: Tuesday, July 29, 1986
Times:
  Registration—7:00 to 7:30 p.m.
  Hearing—7:30 to approximately 11:00 p.m.

In Florida at:

Fernandina Beach High School
Fernandina Beach, Florida
Date: Thursday, July 31, 1986
Times:
  Registration—7:00 to 7:30 p.m.
  Hearing—7:30 to approximately 11:00 p.m.

The hearing will be chaired by the U.S. Navy in accordance with the National Environmental Policy Act, Council of Environmental Quality regulations. All interested parties are invited to be present or represented at this meeting. This includes representatives of Federal, state, and local government of agencies; private industry; civic and environmental groups; fish and wildlife organizations; and other interested and concerned citizens. All parties will be afforded full opportunity to express their views, but in order to allow all an opportunity to speak, oral statements will be limited to 5 minutes. Technical statements, statements of considerable length, or statements from persons unable to attend, should be delivered in writing either at the hearing or mailed to: OICC TRIDENT, Attention: Code 09XE3, 293 Point Peter Road, St. Marys, Georgia 31558.

Oral statements will be heard and transcribed by a stenographer, but for accuracy of record all statements should be submitted in writing. All statements, both oral and written, will become part of the official record on this study. Copies of the public hearing transcript will be available for public review at the locations listed above for reviewing the DSEIS.

Final decision on the proposed project will be made only after full consideration is given to the views of responsible agencies, groups, and citizens.

Written statements will be accepted until June 29, 1986.

Questions concerning this public notice may be directed to Mr. Peter W. Havens, Naval Facilities Engineering Command, Contracts, TRIDENT, St. Marys, GA.

Dated: July 14, 1986.

Harold L. Stoller, Jr.,

CDR, JAG, USN, Federal Register Liaison Officer.

[FR Doc. 86-16224 Filed 7-17-86; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

National Petroleum Council, Committee on U.S. Petroleum Refining; Date Change for Meeting

The date of the August 27, 1986, second meeting of the Committee on U.S. Petroleum Refining has been changed. The meeting will now be held on Monday, August 25, 1986, starting at 1:00 p.m., in the Monticello/Arlington Rooms of the Madison Hotel, Fifteenth and M Street, NW., Washington, DC. Notice of this meeting first appeared at 51 FR 22543, Friday, June 20, 1986 (FR Doc. 86-13965).

Issued at Washington, DC July 14, 1986.

Donald L. Bauer,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 86-16259 Filed 7-17-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER86-593-000 et al.]

Electric Rate and Corporate Regulation Filings; Alabama Power Co. et al.

July 14, 1986.

Take notice that the following filings have been made with the Commission:

1. Alabama Power Company.

[Docket No. ER86-593-000]

Take notice that on July 8, 1986, Alabama Power Company tendered for filing rates for partial requirements service and related information under an Agreement for Partial Requirements and Complementary Service dated February 24, 1986 between the Company and the Alabama Municipal Electric Authority. The rates for PR service under the subject agreement have been agreed to by the parties and represent a conversion of the existing wholesale rates of the Company to rates for partial requirements service. The rates for transmission service result from the application of previously-approved formulae contained in the Agreement. APCO requests that the rates be allowed to beome effective on or before September 1, 1986, the date upon which AMEA expects to implement PR service.

Comment date: July 25, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. American Electric Power Service Corporation

[Docket No. E-9206-000]

Take notice that on June 30, 1986, American Electric Power Service Corporation ("AEPSC") tendered, pursuant to a Commission letter order of May 20, 1985, a report concerning the May 30, 1986 disposition of a portion of its Utah mining properties referred to as the "Western Reserves." The report sets forth the value of the property conveyed and indicates that the disposition has no effect on the amortization program described in the January 9, 1985 Settlement Agreement between the AEP System and the Commission staff.

Comment date: July 25, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Central Louisiana Electric Company

[Docket No. ER86-590-000]

Take notice that on July 7, 1986, Central Louisiana Electric Company, Inc. ("CLECO") tendered for filing a copy of an executed contract for the sale of Replacement Energy by CLECO to Louisiana Energy Power Authority.

CLECO requests an effective date of June 24, 1986, and therefore requests waiver of the Commission's notice requirements.

Comment date: July 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Cliffs Electric Service Company

[Docket No. EC86-23-000]

Take notice that on July 3, 1986, Cliffs Electric Service Company ("Applicant") filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 203 of the Federal Power Act, to purchase up to $5,000,000 in unsecured short-term notes to be issued by Upper Peninsula Generating Company ("Generating Company").

The Applicant is incorporated under the laws of the State of Michigan with its principal business office at Ishpeming, Michigan. Applicant is a wholly-owned subsidiary of The Cleveland-Cliffs Iron Company and operates certain electric facilities in the upper peninsula of Michigan. Applicant owns approximately 93 percent of the outstanding Common Stock of Generating Company.

Comment date: July 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. Columbus and Southern Ohio Electric Company

[Docket No. ER86-589-000]

Take notice that on July 7, 1986, Columbus and Southern Ohio Electric Company (CSOE) tendered for filing a Supplemental Agreement (Agreement) between the City of Westerville, Ohio (Westerville) and CSOE dated June 1, 1986. The Agreement between Westerville and CSOE revises the service agreements entered into as of March 12, 1982 and May 1, 1983 so as to provide Westerville with a reduced rate for full requirements service.

CSOE and Westerville request an effective date of August 1, 1986, and therefore request waiver of the Commission's notice requirements.

Copies of the filing were served upon the Public Utilities Commission of Ohio and the City of Westerville, Ohio.

Comment date: July 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. Indiana & Michigan Electric Company

[Docket No. ER86-592-000]

Take notice that on July 7, 1986, American Electric Power Service Corporation (AEP) tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (I&ME) Modification No. 15 dated September 1, 1985 to the Interconnection Agreement dated December 30, 1960 between Indianapolis Power & Light Company (IP&L) and I&ME. This agreement has been designated as I&ME's Rate Schedule FERC No. 21.

Modification No. 15 revises the Parties' Emergency Energy Compensation Section by adding specific provisions for the transmission of Emergency Energy. This Modification also revises the Parties' Economy Energy Service Schedule by adding a 3.75 mills/kWH minimum to I&ME's provisions for the transmission of Economy Energy. In addition, this Modification updates the Parties' provisions for Non-Displacement Power and Energy by adding specific provisions for the transmission of such energy. Furthermore, Modification No. 15 increases I&ME's Short Term Power transmission demand rate to $0.46/kW week and revises the Parties' Short Term Power provisions by allowing for a rate of "up to" the Parties' respective generation demand rates and "up to" I&ME's 10% energy adder. Finally, this Modification revises the Compensation Section of the Parties' Limited Term Power Service Schedule by increasing I&ME's Limited Term Power (Firm) transmission demand rate to $2.00/kW-week and by adding provisions for a rate of "up to" the Parties' respective generation demand rates. I&ME's rates, terms and provisions contained in this Modification are the same as those contained in other agreements which I&ME presently has on file with FERC.

AEP has requested that the Commission permit this Modification to become effective in two parts, allowing

I&ME's 2.75 mills/kWH Emergency Energy transmission demand rate to become effective as of June 13, 1986, and the remainder of this Modification to become effective immediately. This request has been made so that I&ME could participate in a multi-party Emergency sale to IP&L that would not have otherwise been made. Copies of this filing were served upon the Public Service Commission of Indiana and the Michigan Public Service Commission.

Comment date: July 25, 1986, in accordance with Standard Paragraph E at the end of this notice.

7. Kansas City Power and Light Company

[Docket No. ER86-585-000]

Take notice that on July 7, 1986, Kansas City Power and Light Company ("KCPL") tendered for filing an intial rate schedule for System Capacity Power Service provided to the City of Independence, Missouri—Service Schedule K–MPA (KCPL Rate Schedule FPC No. 56). KCPL states that the rates for the service covered by the above-mentioned schedule are negotiated rates based upon KCPL's incremental energy cost.

Comment date: July 25, 1986, in accordance with Standard Paragraph E at the end of this notice.

8. Northern States Power Company

[Docket No. ER86-591-000]

Take notice that on July 7, 1986, Northern States Power Company (Minnesota), on behalf of both Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) tendered for filing the Transmission Agreement Between Wisconsin Public Power, Inc. System, (WPPI), Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (Delivery of WPPI Energy Purchases from BEPC).

The Transmission Agreement is an initial rate schedule filing. The Transmission Agreement provides that Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) will wheel power and energy, on a nonfirm basis, delivered to them from Basin Electric Power Cooperative, Inc., to the Wisconsin Electric Power Company transmission facilities for ultimate delivery to WPPI. The non-firm transmission service is essentially available, under the terms and conditions of the Transmission Agreement, when Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) transmission capacity is not required for their native loads and transactions with other utilities.

Northern States Power Company (Minnesota) requests this Transmission Agreement become effective on June 19, 1986, and therefore requests waiver of the Commission's notice requirements. Copies of this filing have been provided to the respective parties and to the State Commissions of Minnesota and Wisconsin.

Comment date: July 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

9. Southern California Edison Company

[Docket No. ER86-588-000]

Take notice that on July 7, 1986, Southern California Edison Company ("Edison") tendered for filing as an initial rate schedule an agreement executed by Edison and the City of Riverside ("Riverside"), to be known as the Edison-Riverside Intermountain Power Project Firm Transmission Service Agreement. Under the terms and conditions of the Agreement, Edison will make available to Riverside firm transmission service for its entitlements in the capacity and associated energy from the Intermountain Power Project to the Point of Delivery at Riverside, California.

The Agreement is proposed to become effective when executed by the Parties, accepted for filing by the Commission, and when the Los Angeles-Riverside Transmission Service Agreement, or an acceptable alternative, is executed and delivered to Edison. Riverside has delivered to Edison in conformance with Section 5 of the Agreement an executed copy of the Los Angeles-Riverside IPP Base Capacity Transmission Service Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the City of Riverside, California.

Comment date: July 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

10. Southern California Edison Company

[Docket No. ER86-584-000]

Take notice that on July 7, 1986, Southern California Edison Company ("Edison") tendered for filing as a supplement to the Integrated Operations Agreement ("IOA"), designated Rate Schedule FERC No. 95, an executed agreement between Edison and the City of Anaheim ("Anaheim"), to be known as the Supplemental Agreement for the Integration of Anaheim's Entitlement in the Intermountain Power Project. The Supplemental Agreement provides for certain specific details relating to the integration of Anaheim's entitlement to power from the Intermountain Power Project as required by the IOA.

The Supplemental Agreement is proposed to become effective when executed by the Parties, accepted for filing by the Commission, and when the Los Angeles-Anaheim Transmission Service Agreement, or an acceptable alternative, is executed and delivered to Edison. Anaheim has delivered to Edison in conformance with Section 5 of the Agreement an executed copy of the Los Angeles-Anaheim IPP Base Capacity Transmission Service Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the City of Anaheim, California.

Comment date: July 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

11. Southern California Edison Company

[Docket No. ER86-586-000]

Take notice that on July 7, 1986, Southern California Edison Company ("Edison") tendered for filing, as an initial rate schedule, which has been executed by Edison and the City of Anaheim, California ("Anaheim") the Edison-Anaheim Intermountain Power Project Firm Transmission Service Agreement. Under the terms and conditions of the Agreement, Edison will make available to Anaheim firm transmission service for its entitlements in the capacity and associated energy from Intermountain Power Project to the Point of Delivery at Anaheim, California.

The Agreement is proposed to become effective when executed by the Parties, accepted for filing by the Commission, and when the Los Angeles-Anaheim Transmission Service Agreement, or an acceptable alternative, is executed and delivered to Edison. Anaheim has delivered to Edison in conformance with Section 5 of the Agreement an executed copy of the Los Angeles-Anaheim IPP Base Capacity Transmission Service Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the City of Anaheim, California.

Comment date: July 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

12. Southern California Edison Company

[Docket No. ER86-587-000]

Take notice that on July 7, 1986, Southern California Edison Company ("Edison") tendered for filing as a supplement to the Integrated Operations

Agreement ("IOA"), designated Rate Schedule FERC No. 94, an executed agreement between Edison and the City of Riverside ("Riverside"), to be known as the Supplemental Agreement for the Integration of Riverside's Entitlement in the Intermountain Power Project. The Supplemental Agreement provides for certain specific details relating to the integration of Riverside's entitlement to power from the Intermountain Power Project as required by the IOA.

The Supplemental Agreement is proposed to become effective when executed by the Parties, accepted for filing by the Commission, and when the Los Angeles-Riverside IPP Base Capacity Transmission Service Agreement, or an acceptable alternative, is executed and delivered to Edison. Riverside has delivered to Edison in conformance with Section 5 of the Agreement an executed copy of the Los Angeles-Riverside IPP Base Capacity Transmission Service Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the City of Riverside, California.

Comment date: July 24, 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 Commmission 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. 86-16184 Filed 7-17-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-135-000]

Caprock Pipeline Co.; Filing To Implement Order No. 436

July 14, 1986.

Take notice that on June 30, 1986, Caprock Pipeline Company (Caprock) tendered for filing the terms and conditions under which Caprock proposes to provide transportation service in accordance with FERC Order No. 436, *et seq.* Caprock is a small interstate pipeline company currently providing transportation service under Section 311 of the Natural Gas Policy Act on behalf of Westar Transmission Company. Caprock states it is willing to open its system within the contemplation of Commission Order No. 436.

Caprock requests such waiver of the Commission's regulations as may be required in order to permit this filing to become effective on July 1, 1986.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of practice and procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before July 21, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-16219 Filed 7-17-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP86-608-000]

Columbia Gas Transmission Corp.; Application

July 10, 1986.

Take notice that on July 9, 1986, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP86-608-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain facilities in Kanawha County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to construct and operate approximately 11.7 miles of 30-inch and approximately 0.3 mile of 24-inch pipeline loop in Kanawha County, West Virginia, at an estimated cost of $9,067,000, including the Commission's filing fee. Applicant states that the proposed facilities would complete the third pipeline loop between its Lanham and Clendenin compressor stations in Kanawha County, West Virginia. Applicant further states that it presently has the capacity to move an additional 260,000 Mcf of gas per day to the suction side of the Lanham compressor station and east and north of the Clendenin compressor station into its eastern market area. The proposed facilities, it is said, would remove an existing capacity restriction, thereby providing Applicant's west-to-east transportation system an additional 260,000 Mcf per day of capacity.

It is indicated that the proposed facilities would provide Applicant with needed capacity and flexibility to serve markets north and east of Clendenin compressor station with less expensive supplies currently available west of the present capacity restriction. Further, it is indicated that the fuel consumption at Ceredo, Lanham and Clendenin compressor stations would be reduced approximately 10 percent with the proposed facilities in place. Applicant states that with the proposed facilities it would be able to optimize its ongoing least-cost purchasing strategy and provide greater economy of service to its existing customers.

Any person desiring to be heard or to make any protest wth reference to said application should on or before July 25, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion

for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-16233 Filed 7-17-86; 8:45 am]

BILLING CODE 6717-01-M

Columbia Gas Transmission Corp. Proposed Changes in FERC Gas Tariff

July 11, 1986.

Take notice that Columbia Gas Transmission Corporation (Columbia Gas), on July 7, 1986, tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1, to be effective July 1, 1986:

Thirteenth Revised Sheet No. 1
Third Revised Sheet No. 1A
Fifth Revised Sheet No. 17
Eighth Revised Sheet No. 18
Tenth Revised Sheet No. 19
Sixth Revised Sheet No. 20
Original Sheet Nos. 22 through 22K
Original Sheet Nos. 22L through 22V
Third Revised Sheet No. 26
Fourth Revised Sheet No. 27
Seventh Revised Sheet No. 28
Seventh Revised Sheet No. 29
Original Sheet No. 29A
Tenth Revised Sheet No. 30
Seventh Revised Sheet No. 31
First Revised Sheet No. 45G
Third Revised Sheet No. 46
Ninth Revised Sheet No. 47
Ninth Revised Sheet No. 62
Original Sheet No. 62A
Fifth Revised Sheet No. 63
Fifth Revised Sheet No. 65
Second Revised Sheet No. 72F
Original Sheet Nos. 72J through 72M
Original Sheet Nos. 72Q

Columbia Gas states that these changes are being filed to comply with the Commission's order issued June 30, 1986 in this docket.

Columbia Gas also stated that, on May 21, 1986, Columbia Gas and Columbia Gulf Transmission Company (Columbia Gulf) filed an Offer of Settlement in Docket Nos. RP86-15 and RP86-14, respectively, that covers the implementation of nondiscriminatory transportation by the Columbia pipelines under the provisions of Order No. 436. *Pro forma* copies of the transportation rate sheets showing the rates to be charged by Columbia Gas under proposed Rate Schedules FTS and ITS were included as part of Appendix A to this Offer of Settlement. In addition, Columbia Gas states that it proposed in the Offer of Settlement to provide a Standby Sales Service through March 31, 1987 under Rate Schedules CDS, G, and SGS. The rates for this service were also included on *pro forma* copies of rate sheets included as part of Appendix A to the Offer of Settlement.

According to Columbia Gas, it filed on May 30, 1986, in the captioned docket the rate sheets proposed in the Offer of Settlement as One hundred and eighth Revised Sheet No. 16 and Fourth Revised Sheet No. 16A2 in compliance with §§ 284.7(a) and 284.7(b)(2) of the Commission's Regulations.

By order issued June 30, 1986, in the captioned docket the Federal Energy Regulatory Commission (Commission) accepted these rate sheets for filing, and suspended their effectiveness to July 1, 1986, subject to refund and subject to other conditions set forth in the order. Ordering paragraph (C) conditioned acceptance of the proposed rate sheets upon the Columbia pipelines filing within five (5) days of issuance of the subject order, the firm and interruptible rate schedules and operating conditions set forth in its Offer of Settlement in Docket Nos. RP86-15 and RP86-14. Accordingly, Columbia Gas states that it submitted for filing the above-referenced tariff sheet revisions in order to comply with the Commission's order. It is stated that Columbia Gulf is contemporaneously making its compliance filing.

It is stated that the tariff sheets submitted contain Columbia Gas' firm (FTS) and interruptible (ITS) rate schedules and operating conditions set forth in its Offer of Settlement in Docket Nos. RP86-14 and RP86-15. The tariff sheets also reflect conforming changes to other rate schedules (CDS, G and SGS) and the General Terms and Conditions of Columbia Gas' tariff, including the provisions necessary to implement the Standby Sales Service proposed in the Offer of Settlement to be effective through March 31, 1987.

Copies of the filing were served upon the Company's jurisdictional customers, interested state regulatory commissions, and parties to the proceeding.

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 Procedures. All such motions or protests should be filed on or before July 18, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-16215 Filed 7-17-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI75-547-000 and CI86-565-000]

Forest Oil Corp.; Application for Abandonment Authorization and Blanket Certificate of Public Convenience and Necessity

July 15, 1986.

Take notice that on July 8, 1986, Forest Oil Corporation ("Applicant" or "Forest"), 1500 Colorado National Building, 950 Seventeenth Street, Denver, Colorado 80202, filed an application pursuant to sections 4, 7(b), and 7(c) of the Natural Gas Act and 18 CFR 2.77 and 157.30 of the Commission's Regulations thereunder for (i) limited-term authorization to abandon the sale to Columbia Gas Transmission Corporation ("Columbia"), of gas produced from Eugene Island Area Blocks 287, 307, 314, and 315, and Vermilion Area Blocks 256, 267, and 268, Offshore Louisiana (the "Eugene Island and Vermilion Blocks") for a period of two years; (ii) limited-term blanket certificate authorization to make sales for resale in interstate commerce of such gas, also for two years; (iii) blanket pre-granted authorization to abandon such sales; and (iv) waiver of the regulations under Parts 154 and 271 as to the establishment and maintenance of rate schedules and filing requirements for collection of monthly adjustments and any section 110 allowances, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Forest is a producer and seller of natural gas. It received a certificate of public convenience and necessity in Docket No. CI75-547 governing sales of natural gas to Columbia pursuant to an initial sales contract dated March 6, 1975, and a rollover contract dated June 1, 1980, on file as Forest Oil Corporation FERC Gas Rate Schedule No. 62. Under Rate Schedule No. 62, Forest is currently selling approximately 3,800 Mcf per day of NGPA section 104 post-1974 gas, 500 Mcf per day of section 104 1973-1974 biennium gas, 3,100 Mcf per day of section 102(d) gas, and 4,700 Mcf per day of section 106(a) gas.

Applicant states that the contract with Columbia will expire by its own terms on September 1, 1986. Applicant further states that Columbia has declined to rollover the contract and that Columbia has stated that Applicant should pursue abandonment of the sale. Applicant seeks limited-term authorization to abandon the sale to Columbia of all gas produced from the Eugene Island and Vermilion Blocks in order to be able to sell to other, willing purchasers. Applicant states that, although it has not entered into contracts with any purchasers, it expects that all or a portion of the gas will be sold on the spot market to one or more purchasers. These purchasers may include end users, local distribution companies, marketing companies, or others. For this reason, Applicant seeks a limited-term blanket certificate authorizing sales of the gas for resale in interstate commerce, along with blanket pre-granted authorization to abandon such sales. Applicant requests expedited consideration of its application pursuant to Docket No. RM85–1 and section 2.77 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should, on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a 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. Any person wishing to become a party to the proceeding herein 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 to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–16220 Filed 7–17–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI86–399–000 et al.]

The Home-Stake Royalty Corp. et al.; Applications for Abandonment and Blanket Limited-Term Certificate

July 15, 1986.

Take notice that each of the applicants listed herein have filed applications pursuant to section 7 of the Natural Gas Act for authorization to abandon service or for a blanket limited-term certificate to sell natural gas in interstate commerce, as described herein.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to section 2.77 of the Commission's rules as promulgated by Order No. 436 and 436–A, issued October 9, and December 12, 1985, in Docket No. RM85–1–000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Accordingly, any person desiring to be heard or to make any protests with reference to said applications should on or before 15 days after the date of publication of this notice in the Federal Register, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a 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. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI86–399–000 B April 24, 1986 [1]	The Home-Stake Royalty Corp., *et al.*[2] 2600 First National Tower, Tulsa, OK 74103.	Arkla Energy Resources, a division of Arkla, Inc., Reed Well #1–9, Section 9–7N–23E, Le Flore county, OK.	([3])	
CI86–434–000 B May 21, 1966 [4]	Huffco Petroleum Corp., *et al.*[5] Suite 5200, 1100 Louisiana Ave., Houston, TX 77002.	Northern Natural Gas Co., Division of InterNorth, Inc., South Marsh Island Area Block 261, Offshore Louisiana.	([6])	
		Texas Gas Transmission Corp., Eugene Island Area Blocks 342 and 343, Offshore Louisiana.		
		Transcontinental Gas Pipe Line Corp., High Island Area Block 206, Offshore Texas.		
CI86–523–000 B June 19, 1986 [7]	Houston Oil Fields Co., (South Texas) 1600 Smith St., Suite 4300, Houston, TX 77002.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Riverside O'Neil Field, Nueces County, TX.	([8])	
CI86–532–000 B June 23, 1986 [9]	ABCO Petroleum Corp., *et al.*, 2285 Benton Rd., Suite B–100, Bossier City, LA 71111.	United Gas Pipe Line Co., Wiener #A–1 Well, Carthage Field, Panola County, TX.	([10])	
CI86–534–000 A June 25, 1966	Sun Exploration and Production Co., P.O. Box 2880, Dallas, TX 75221–2880.	([11])		
CI86–544–000 B June 25, 1986	....do	Trunkline Gas Co., Various Blocks, Offshore Texas and Louisiana.	([12])	
CI86–559–000 B June 30, 1986	Brammer Engineering, Inc., *et al.*,[13] 808 First Federal Plaza, 505 Travis St., Shreveport, LA 71101.	United Gas Pipe Line Co., Bethany Field, Harrison and Panola Countries, Texas.	([14])	

[1] Additional information filed June 23, 1986.

[2] *Et al.* parties are the Home-Stake Oil and Gas Company, Robert C. Simpson, and William G. Seal.

[3] Applicant a small producer certificate holer in Docket No. CS78–447, requests authorization to partially abandon a sale of NGPA Section 104 gas to Arkla pursuant to a release agreement dated March 1, 1986, effective through December 31, 1986, and from month to month thereafter. The excess volumes released are estimated to be approximately 18,002 Mcf per month and this gas is classified as NGPA Section 104 gas. Applicant proposes to sell the released gas to Arkla Released Gas Company, a division of Arkla Energy Marketing Company for resale in the interstate market. Applicant states that Arkla will transport the gas.

[4] Supplemental information received June 5 and 20, 1986.

[5] *Et al.* parties that are Huffco's working interest owners in the leaseholds covered herein are: Norse Petroleum (U.S.) Incorporated, Huthnance Energy Company, Axem Resources, Incorporated, and Plumb Offshore, Inc.

[6] Applicant which operates under a small producer certificate in Docket No. CS84–65–000, requests blanket limited-term abandonment authorization for a 4-year period for natural gas released by the subject interstate pipelines. Applicant further requests pre-granted abandoment authorization for any sales of such released gas made under the small producer certificates held by applicant and its working interest owners. Norse Petroleum (U.S.) Incorporated and Huthnance Energy Company are holders of small producer certificates in Docket Nos. CS79–148 and CS85–110–000, respectively. Applicant states that substantial quantities of the subject gas are either shut-in or subject to substantially reduced takes without payment. Applicant states that it is only seeking authorization to the extent gas is released for sale to alternate purchasers and, as such, consumers would benefit from Applicant's ability to sell such gas at market clearing prices. Applicant requests that it be granted the flexibility to supplement the subject list of OCS Blocks and purchasers to include in the proposed authority jurisdictional OCS gas acquired in the future that is also shut-in and released by the purchaser. Applicant proposes to file periodic reports with the Commission identifying any additional OCS leases, including NGPA category for which the gas qualifies, the purchaser of the released gas, and the base contract dates of Applicant's contracts with the purchaser to which such flexible authority applies. Applicant states that all contracts for the sale of released gas will be subordinate to the requirements of Applicant's current pipeline purchasers. Applicant also requests waiver to any and all otherwise applicable orders, rules, regulation and reporting requirements, necessary to implement its requests. Applicant further states that the approximate deliverability for the subject blocks by NGPA category is as follows:

NGPA Category/Vintage	Volumes (Mcf/d)
102(d)	21,500
104 post-1974	2,700
109	4,000
	28,200

[7] Additional information received June 30, 1986.

[8] Applicant is filing as successor in interest to Encino Energy & Development Corporation, small producer certificate holder in Docket No. CS84-115-000. Applicant states that due to a supply surplus Tennessee has reduced its gas takes from the field. Applicant further states that its March 1, 1984, gas sales contract expired and Applicant is not receiving any payment from Tennessee for gas not being taken. Applicant proposes to sell instead to Cokinos Natural Gas Company. The gas involved is NGPA section 104 replacement contract or recompletion gas, post-1974 gas, and section 108 stripper well gas, with a combined production capability of 3,200 Mcf/d.

[9] Additional information filed June 30, 1986.

[10] Applicant, a small producer certificate holder in Docket No. CS76-95, requests authorization to abandon for a 2-year period the sale of NGPA section 104 post-1974 gas to United. The deliverability of the well is approximately 50,000 Mcf per day. Applicant states United market problems and Applicant desires to secure its own end user for the gas.

[11] Applicant requests in Docket No. CI86-534-000 a blanket, limited-term certificate to make sales for resale in interstate commerce of gas which is released and is subject to the limited-term abandonment in Docket No. CI86-544-000.

[12] Applicant requests a limited-term abandonment of certain sales made to Trunkline. Applicant states that it has entered into a take-or-pay buyout with Trunkline as contemplated by § 2.77 of the Commission's Regulations. Applicant states the buyout covers the contract year 1985, and provides that Trunkline has released all gas from the contracts listed below for a period of three years. Applicant states that the subject gas qualifies under NGPA sections 102(d), 104 Post-1974 and 104 Special Relief with an approximate deliverability of 75 MMcf/d.

Sun's certificate docket No.	Sun's FERC gas rate schedule No.	Field	State	Contract date
CI77-436	587	Eugene Island, Block 380A (Sun)	LA Offshore	Apr. 4, 1977.
CI77-446	731	Eugene Island, Block 380A (Texas Pacific)	LA Offshore	Do.
CI81-223	743	Eugene Island, Block 380B (Texas Pacific)	LA Offshore	Feb. 18, 1981.
CI81-224	740	Eugene Island, Block 380B (Sun)	LA Offshote	Do.
CI78-1009	607	High Island, Block 327/332	TX Offshore	May 23, 1978.
CI78-539	602	High Island, Block 369/370	TX Offshore	Feb. 10, 1978.
CI79-410	744	High Island, Block 511	TX Offshore	Aug. 17, 1978.
CI73-878	517	West Cameron, Block 639	LA Offshore	Apr. 18, 1973.

[13] *Et. al.* parties are: Mrs. Gaye Gilster Morgan, Michael Brian Gilster, Mrs. Ruth Anne Ashby Storey and Basis Earth Science Systems, Inc.

[14] Applicant, a small producer certificate holder in Docket No. CS71-1017, requests a limited-term abandonment for a period ending December 1, 1986, in order for Applicant to seek other markets for the gas. Applicant states that its contract will expire October 1, 1990, and that the wells involved have a total deliverability of 526 Mcf per day. Applicant states the wells are as follows:

Well name and NGPA Well Pricing Category
G.W. Everitt No. 1—Section 104 (Small Producer-Replacement Contract).
Pattie Griffin No. 1-C—Section 108.
J.B. Hyde No. 1—Section 108.
J.F. Rosborough No. 1—Section 108.
Woodley No. 1-C—Section 104 (Small Producer-Replacement Contract).
Applicant states that it is subject to substantially reduced takes without payment.
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 86-16221 Filed 7-17-86; 8:45 am]
BILLING CODE 6717-01-M

[Project Nos. 67-017, et al.]

Hydroelectric Applications, Southern California Edison Company 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: Amendment of Major License.

b. Project No.: 67-017.

c. Date Filed: April 3, 1986.

d. Applicant: Southern California Edison Company.

e. Name of Project: Big Creek No. 2A and No. 8 Project.

f. Location: On South Fork San Joaquin River and Big Creek in Fresno County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. John F. Bury, Vice President & General Counsel, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, CA 91770, (818) 302-1904.

i. Comment Date: August 21, 1986.

j. Description of Project: Applicant proposes to add pumped-storage capability to its Balsam Meadow Development of Project No. 67. The proposed pumped-storage facilities would be located in the Balsam Meadow powerhouse, tunnels and structures currently under construction pursuant to order, amending license, issued October 28, 1983. There would be no physical changes to dams, reservoirs, tunnels or waterways due to the addition of the pumped-storage facilities. The following additions to other structures are proposed: The discharge structure at Shaver Lake will be extended 25 feet and a trash rack will be added; a pony motor rated at 11,500 hp will be mounted on the generator to assist in starting the unit as a pump and a compressed air tailwater depression system will be added to dewater the pump-turbine runner.

k. This notice also consists of the following standard paragraphs B and C.

1 a. Type of Application: Preliminary Permit.

b. Project No.: 9964-000.

c. Date Filed: April 4, 1986.

d. Applicant: Ainsworth Irrigation District.

e. Name of Project: Merritt Dam Hydroelectric Project.

f. Location: On the Snake River in Cherry County, Nebraska.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Harlin D. Welch, Manager, Ainsworth Irrigation District, 564 North Walnut, Ainsworth, NE 69210, (402) 387-2440.

i. Comment Date: August 15, 1986.

j. Description of Project: The proposed project would utilize the U.S. Bureau of Reclamations' Merritt Dam and reservoir, having a normal water surface elevation of 2,946 msl and would consist of: (1) A new steel penstock 95 feet long and 60-inches in diameter leading to; (2) a new concrete powerhouse approximately 40 feet long and 30 feet high located next to the existing canal outlet works stilling basin containing a single turbine/generator unit with a capacity of 1200 kW operating at 45 feet of hydraulic head; (3) a new ten mile long 12.5-kV feeder line; and (4) appurtenant facilities. The Applicant estimates the average annual energy production to be 7.36 MWh.

k. Purpose of Project: The Applicant intends to sell the power generated at the proposed facility to the Nebraska

Public Power District or Western Area Power Authority.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $70,000.

3 a. Type of Application: Small Conduit Exemption.

b. Project No.: 9412–001.

c. Date Filed: December 27, 1985.

d. Applicant: Calaveras Public Utility District and Middle Fork Ditch Hydro Partners.

e. Name of Project: Middle Fork Ditch Hydroelectric Project.

f. Location: On existing Calaveras Public Utility District's pumphouse located at the confluence of Licking Fork Creek with South Fork Mokelumne River, in Calaveras County, California. (In Section 23 of T6N, R13E, MDB&M).

g. Filed Pursuant to: Section 30 of the Federal Power Act, (16 U.S.C. 803(a)).

h. Contact Person: Ms. Sally Lewis, Secretary–Manager, Calaveras Public Utility District, P.O. Box 666, San Andreas, CA 95249, (209) 754–3281.

i. Comment Date: August 15, 1986.

j. Competing Application: Project No. 9412, Date Filed: August 20, 1985; Project No. 9815, Date Filed: October 2, 1985.

k. Description of Project: The proposed project would be located on an existing Calaveras Public Utility District's pumphouse and consists of an 8-foot-high, 40-foot-wide concrete diversion structure, a 3.8-mile-long open ditch channel, 1,900-foot-long, 36-inch-diameter penstock, a 30-foot-long, 20-foot-wide powerhouse containing two generating units with a total installed capacity of 1,200 kW, an outflow pipeline to South Fork Creek. The project's estimated average annual energy generation of 4.6 million kWh will be sold to Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D3b.

4 a. Type of Application: Preliminary Permit.

b. Project No.: 9993–000.

c. Date Filed: May 15, 1986.

d. Applicant: Enercan Construction, Inc.

e. Name of Project: Caneadea Dam.

f. Location: Rushford Lake, Allegany County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Glenn T. Herdman, Branch Manager, Enercan Construction, Inc., 4545 Haskell Road, Cuba, NY 14727, (716) 986–1487.

i. Comment Date: August 18, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing concrete gravity dam 625 feet long and 125 feet high; (2) an existing impoundment 577 acres in surface area with a capacity of 25,000 acre-feet at a normal maximum surface elevation of 1,440 feet mean sea level; (3) a proposed 54-inch-diameter penstock 100 feet long; (4) a proposed concrete-and-sheet metal powerhouse 25 feet wide and 45 feet long to house two proposed turbine-generators of 1.8 MW combined capacity; (5) a proposed 34.5-kV transmission line 4,000 feet long; and (6) appurtenant facilities.

The estimated annual energy production is 7.5 million kWh. The net hydraulic head is 105 feet. Project power would be sold to Rochester Gas and Electric Corporation. The existing facilities are owned by Rushford Lake Recreation District.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $50,000.

5 a. Type of Application: Preliminary Permit.

b. Project No.: 9927–000.

c. Date Filed: March 3, 1986.

d. Applicant: Creede Power Company.

e. Name of Project: Willow Creek.

f. Location: On Willow Creek, near Creede, in Mineral County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Eric R. Jacobson, Creede Power Company, P.O. Box 2162, Grand Junction, CO 81502, (303) 242–6966.

i. Comment Date: August 18, 1986.

j. Description of Project: The proposed project would consist of: (1) Reconstruction of an abandoned flume formerly utilized by the Humphrey Mining Mill Hydroelectric Plant; (2) a 24-inch-diameter, 2,500-foot-long penstock; (3) a powerhouse containing a single Francis turbine-alternator unit with a rated capacity of 297 kW and producing an estimated average annual generation of 2.098 GWh; (4) a tailrace discharging water to Willow Creek; (5) a 100-foot-long, 3.2-kV transmission line interconnecting the project to an existing San Luis Valley REA (SLV–REA) line. Applicant states that project lands are owned by Minerals Engineering Company and that project power would be sold to SLV–REA.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under permit would be $25,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

6a. Type of Application: Major License.

b. Project No.: 9086–000.

c. Date Filed: April 3, 1985.

d. Applicant: Northwest Power Company.

e. Name of Project: Excelsior Hydroelectric Project.

f. Location: On South Fork Yuba River, near Nevada City, in Nevada County, California. (In sections 27, 28, 29 and 32 of T17N, R8E, MDB&M.)

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. J. Ward McDonald, President, Northwest Power Company, Four Embarcadero Center, Suite 1980, San Francisco, CA 94111.

i. Comment Date: August 15, 1986.

j. Description of Project: The proposed development, to be located at Roger Hodgson's Excelsior Ditch Diversion Dam, would consist of: (1) Repairing the existing 16-foot-high, 120-foot-long Excelsior Ditch Diversion Dam; (2) a tunnel intake structure at elevation 1,509 feet; (3) a 15-foot-diameter, 3,700-foot-long power tunnel; (4) a 9-foot-diameter, 800-foot-long penstock; (5) a powerhouse containing one generating unit with a rated capacity of 14,000 kW operating under a head of 143 feet; and (6) a 2.9-

mile-long, 60-kV transmission line to connect to an existing Pacific Gas and Electric Company (PG&E) line. The estimated annual generation of 25 million kWh will be sold to PG&E. The project cost is estimated at $20 million.

k. This notice also consists of the following standard paragraphs: A3, A9, B, and C.

7 a. Type of Application: Minor License.

b. Project No.: 9541–001.

c. Date Filed: April 11, 1986.

d. Applicant: Geoffrey Shadroui.

e. Name of Project: Fair Haven.

f. Location: Castleton River, Rutland County, Vermont.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Geoffrey Shadroui, 121 Maple Avenue, Barre, VT 05641, (802) 476–7598.

i. Comment Date: August 18, 1986.

k. Description of Project: The proposed project would consist of: (1) An upper existing masonry dam 6 feet high and 75 feet long; (2) a reinforced concrete intake structure; (3) a small reservoir with 1 acre area and 4 acre-feet of storage capacity at a surface elevation of 353 m.s.l.; (4) a steel penstock 5 feet in diameter and 60 feet long; (5) a reinforced concrete powerhouse 16 feet by 20 feet by 10 feet high housing a generating unit rated 215 kW; (6) a short tailrace channel; (7) an above ground transmission line 100 feet long; (8) a lower existing masonry dam with negligible storage at elevation 310 m.s.l.; and (9) appurtenant facilities.

l. Purpose of Project: Project power would be sold to the Vermont Power Exchange.

m. This notice also consists of the following standard paragraphs: A3, A9, B, C, D1.

8 a. Type of Application: Preliminary Permit.

b. Project No.: 9989–000.

c. Date Filed: May 19, 1986.

d. Applicant: Potomac Hydropower Company.

e. Name of Project: Little Falls Dam.

f. Location: On Potomac River in Montgomery County, Maryland.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Barry Thomas, P.O. Box 15312, Chevy Chase, MD 20815–0442, (202) 244–1523.

i. Comment Date: August 18, 1986.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' Little Falls Dam and Reservoir and would consist of: (1) A proposed power canal; (2) a proposed powerhouse to contain two new turbine/generators for an installed capacity of 8,000 kW with flows discharging to the west directly into the Potomac River; (3) a new 23-kV transmission line approximately one mile long; and (4) appurtenant facilities. The estimated average annual energy produced by the project would be 38 million kWh operating under a net hydraulic head of 11 feet.

k. Purpose of Project: Project power will be sold to the electrical utilities in the project area and the U.S. Government.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $2,000.

9 a. Type of Application: Preliminary Permit.

b. Project No.: 9932–000.

c. Date Filed: March 3, 1986.

d. Applicant: Sinclair Buckstaff, Jr.

e. Name of Project: Continental Reservoir Dam.

f. Location: North Clear Creek, near Lake City, in Hinsdale County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Sinclair Buckstaff, Jr., 1150–A Coddingtown Center, Suite 191, Santa Rosa, CA 95401, (707) 576–5156.

i. Comment Date: August 18, 1986.

j. Description of Project: The proposed project would consist of: (1) the existing U.S. Forest Service's 100-foot-high, 330-foot-long, earthfilled Continental Reservoir Dam which which impounds a 678 acre reservoir with a storage capacity of 27,000 acre-feet at a normal maximum water surface elevation of 10,350 feet msl; (2) an existing 6-foot-diameter, 200-foot-long penstock; (3) a powerhouse containing 3 Kaplan turbine-generator units with a total rated capacity of 330 kW and producing an estimated average annual generation of 1.19 GWh; (4) a tailrace consisting of an old stream bed discharging to a 40 feet by 20 feet by 5 feet deep stilling pond, thence to North Clear Creek; (5) a 2.5-mile-long, 7.2-kV transmission line to interconnect the project to an existing San Luis Valley Rural Electric Cooperative line. Applicant intends to sell project power to the Colorado-Ute Electric Association Inc. The project would be partically located on Rio Grande National Forest lands in Sections 20, 21, 28, 29, 30, and 31, Township 42 North, Range 3 West, and in Sections 25 and 36, Township 42 North, Range 4 West, New Mexico Principal Meridian, Hinsdale, Colorado.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under permit would be $2,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

10 a. Type of Application: Preliminary Permit.

b. Project No: 9931–000.

c. Date Filed: March 3, 1986.

d. Applicant: Sinclair Buckstaff, Jr.

e. Name of Project: Rio Grande Reservoir Dam.

f. Location: Rio Grande River, near Lake City, in Hinsdale County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Sinclair Buckstaff, Jr., 1150–A Coodingtown Center, Suite 191, Santa Rosa, CA 95401, (707) 576–5156.

i. Comment Date: August 18, 1986.

j. Description of Project: The proposed project would consist of: (1) The existing San Luis Valley Conservancy District's 120-foot-high, 350-foot-long, earthfilled Rio Grande Reservoir Dam which impounds 1,116 acre reservoir with a storage capacity of 50,220 acre-feet at a normal maximum water surface elevation of 9,449 feet msl; (2) an existing 15-foot-wide, 20-foot-high, concrete tunnel penstock; (3) a powerhouse containing 3 kaplan turbine-generator units with a total rated capacity of 2,100 kW and producing an estimated average annual generation 7.4 GWh; (4) a tailrace discharging to a 60 feet by 40 feet by 8 feet deep stilling pond, thence to Rio Grande River; (5) a 300-foot-long, 72-kV transmission line to interconnect the project to an existing San Luis Valley Rural Electric Cooperative line. Applicant intends to sell project power to the Colorado-Ute Electric Cooperative

line. Applicant intends to sell project power to the Colorado-Ute Electric Association, Inc. The project would be partially located on Rio Grande National Forest lands in Sections 5 through 10 and Sections 13 through 16, Township 40 North, Range 4 West, New Mexico Principal Meridian, Hinsdale, Colorado.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under permit would be $2,000.

k. This notice also consists of the following standard paragraphs A5, A7, A9, B, C, and D2.

11 a. Type of Application: Preliminary Permit.

b. Project No: 9973–000.

c. Date Filed: April 14, 1986.

d. Applicant: Willard H. Hughes, Jr.

e. Name of Project: Kaaterskill Creek.

f. Location: Kaaterskill Creek, Greene County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Willard H. Hughes, Jr., P.O. Box 124, Livingston, NY 12541, (518) 537–4736.

i. Comment Date: August 27, 1986.

j. Description of Project: the proposed project would consist of: (1) An existing natural waterfall topped by an existing one-foot-high, 250-foot-long concrete diversion dam; (2) an existing impoundment of 0.75-acre surface area and negligible storage volume at a normal maximum surface elevation of 40 feet mean sea level; (3) an existing concrete intake structure 6 feet wide and 5 feet deep; (4) a proposed 30-inch-diameter penstock 85 feet long; (5) a proposed powerhouse 20 feet wide and 20 feet long to house a proposed turbine-generator of 80 kW capacity; (6) an existing tailrace 78 feet long; (7) a proposed 13 kV transmission line 800 feet long; and (8) appurtenant facilities.

The estimated annual energy production is 480,000 kWh. Project power would be sold to Central Hudson Gas and Electric Company. The net hydraulic head is 21 feet. The existing facilities are owned by Howard Decker, R.D. 1, Box 496, Catskill, NY 12414.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $2,500.

12 a. Type of Application: Preliminary Permit.

b. Project No.: 10006–000.

c. Date Filed: June 3, 1986.

d. Applicant: RedArk Development Authority.

e. Name of Project: Broken Bow Reregulation Dam.

f. Location: On the Mountain Fork River in McCurtain County, Oklahoma.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Harvey Bollinger, Executive Director, RedArk Development Authority, P.O. Box 1650, McAlester, OK 74502. Mr. James Monroe, RedArk Development Authority, P.O. Box 1650, McAlester, OK 74502.

i. Comment Date: August 27, 1986.

j. Description of Project: The applicant would utilize an existing dam under the jurisdiction of the U.S. Army Corps of Engineers. The proposed project would consist of: (1) A proposed powerhouse containing generating units having a total installed capacity of 3,000-kW; (2) a proposed forebay; (3) a proposed tailrace; (4) a proposed transmission line; and (5) appurtenant facilities. The estimated average annual generation for the project is 15,000,000 kWh.

k. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies the applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $30,000.

l. Purpose of Project: Power produced at the project would be sold to a utility company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

13 a. Type of Application: Major License (over 5MW).

b. Project No.: 7899–004.

c. Date Filed: April 18, 1985.

d. Applicant: Renewable Resources Development and Jungert Corporation, Inc.

e. Name of Project: French Creek.

f. Location: On French Creek, a tributary of the Salmon River in Idaho County, Idaho near the town of Riggins within the Payette National Forest. T24N, R3E, R2E, and R1E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Carl Myers, Myers Engineering Company, P.A., 750 Warm Springs Avenue, Boise ID 83712, (208) 336–1425, Renewable Resources Development, c/o Salmon River Hydroelectric Co., P.O. Box 387, Lucile, Idaho 83542 (208) 628–3986, Jungert Corporation, Inc. c/o Marion Jungert, P.O. Box 1197, Riggins, Idaho 83549, (208) 628–3497.

i. Comment Date: September 5, 1986.

j. Description of Project: The proposed project would consist of: (1) A 5-foot-high, 70-foot-long concrete diversion weir at elevation 2,870 feet, with integral Parshall flume for fish ladder flow control; (2) a screened 20-foot by 33-foot intake structure located on the east abutment of the diversion weir; (3) a fish ladder approximately 50 feet long, adjacent to the intake structure; (4) a 48-inch-diameter buried steel penstock extending from the intake structure 13,800 feet to; (5) a concrete powerhouse, 36 feet square at elevation 1,980 feet containing a single impulse turbine directly connected to a generator rated at 8,444 kW producing approximately 21,309 MWh of energy annually; (6) a 68-foot-long tailrace channel that would discharge project flows back into French Creek; (7) a 360-foot-long access road to the diversion site; (8) a 17.9-mile-long, 69-kV transmission line tying into Idaho Power Company's existing New Meadows distribution line; and (9) appurtenant facilities. Project access would be gained by existing road No. 246, maintained by Idaho County.

The cost of the project would be $7,900,729, in 1988 dollars.

k. Purpose of Project: Project power would be sold to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C.

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.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development applications or notices of intent to file competing development applications, must be filed in response to and in compliance with the public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a develpment application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application, or notice of intent to file a competing preliminary permit or development application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice.

A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

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.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be set to the Applicant's representatives.

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. If 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: July 15, 1986, Washington, DC.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-16213 Filed 7-17-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC86-8-000]

K N Energy, Inc.; Tariff Filing

July 14, 1986.

Take notice that on July 2, 1986, K N Energy, Inc. (K N), Post Office Box 15265, Lakewood, Colorado 80215, in Docket No. TC86-8-000, tendered for filing, pursuant to section 4 of the Natural Gas Act, the following tariff sheets to Third Revised Volume No. 1 of its FERC Gas Tariff for which it seeks to be made effective on January 1, 1987:

Fifth Revised Sheet No. 24;

Fourth Revised Sheet No. 24A;

Third Revised Sheet Nos. 24B and 24C;

Second Revised Sheet Nos. 23, 24D and 24E;

First Revised Sheet Nos. 24F, 24G and 24H; and

Original Sheet Nos. 24I, 24J and 24K.

K N states that the proposed tariff revisions would modify its curtailment plan as set forth in section 13 of the General Terms and Conditions of its tariff, all as more fully described in the application which is on file with the Commission and open to public inspection.

K N states that it filed in Docket No. TC86-7-000 pro forma tariff sheets identical to those in the instant application, on March 24, 1986, in an Offer of Settlement to Modify Stipulation and Agreement.[1] The offer of settlement is still pending before the Commission. K N states that if the Commission approves its offer of settlement in Docket No. TC86-7-000 and accepts the tariff sheets filed therein with an effective date prior to January 1, 1987, K N will, if appropriate, withdraw the present filing.

In Docket No. TC86-7-000 K N stated that its curtailment plan, as set forth in section 13.b of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1, provides for delivery reductions based on specific end users or types of end users. K N also stated that wholesale customers who obtain more than 25 percent of their supplies from sources other than K N should not be required to physically reduce or stop deliveries to specific end users if the wholesale customer has non-K N gas supply sources of gas available to serve its end users. As a consequence, K N stated that it is proposing to add to its tariff a section 13.c which would provide delivery reduction procedures applicable to wholesale customers whose aggregate calendar year purchases from K N constitute less than 75 percent of that customer's total gas requirements for the same calendar year within the service area supplied by K N.

K N also stated in Docket No. TC86-7-000 that under section 13.c deliveries of gas would be reduced on the basis of end use to the maximum extent practicable. K N stated that if delivery reductions are required on its system, deliveries to wholesale customers subject to section 13.c would be reduced by an amount equal to their "Adjusted Peak Day Requirements" for the priorities, which are being curtailed by K N's system. "Adjusted Peak Day Requirements" were said to be the aggregate requirements in each priority classification multiplied by the ratio of the wholesale customer's K N billing demand to the customer's total peak day requirements for all priority classifications. Further, K N stated that if end use data are unavailable for any portion of a section 13.c wholesale customer's sales, deliveries to such customers with respect to that portion for which end use data are unavailable, would be reduced under section 13.c by 10 percent for each priority, or sub-priority, which is being curtailed on K N's system. Deliveries to essential industrial process and feedstock users, essential agricultural users, and high priority users, however, were said to be protected under section 13.c to the maximum extent practicable in accordance with Title IV of the Natural Gas Policy Act. K N added that although delivery reductions to specific end users are not required by section 13.c, in some cases the reductions required could result in grater overall reductions to section 13.c customers that is required of section 13.b customers.

In Docket No. TC86-7-000 K N also proposed to delete sections 13.b(1) and 13.b(2) of its General Terms and Conditions, provisions which provide for growth limitations for all K N Customers. K N proposed that growth limitations would be reimposed if a gas supply deficiency develops. It was said that the proposed limitations would be incorporated as paragraphs (iv) and (v) into K N's existing subsection 13.b(9) which would be renumbered as subsection 13.b(7). It was explained the new growth limitation provisions provide that annual sales to boiler fuel and electric generation customers would be limited, in a supply deficiency situation, to the average of the two most recent twelve month periods, or to an adjusted historic volume, whichever is larger. K N stated that these growth limitations would be triggered if an estimated deficiency in gas supply were to occur as determined in accordance with the 1981 stipulation and agreement, as revised and supplemented.

K N added that wholesale customers subject to proposed section 13.c(2) would not be allowed to increase their contract demand or buy any interruptible overrun gas during a gas supply deficiency situation, as determined in accordance with the 1981 stipulation and agreement, as revised and supplemented. Such customers would be limited to their existing

[1] On November 2, 1981, the Commission issued an Order Adopting and Approving Settlement and Terminating Proceedings in Docket Nos. RP76-90, *et al.* On May 1, 1986 K N served on all parties to the settlement a conditional notice of termination of that agreement and of its intention to file the instant tariff sheets.

contract demand volumes during any time in which interim growth limitations are effective, it was asserted.

K N further stated that this approach may impose somewhat more restrictive limitations upon wholesale customers subject to section 13.c in comparison to section 13.b customers, since section 13.b does not expressly prohibit increases in contract demand or interruptible overrun gas and does allow from some customers growth under certain circumstances. This more restrictive treatment for section 13.c wholesale customers is justified, according to K N, because such customers by definition have other gas supplies available and do not rely entirely upon K N to meet their requirements. K N stated that it also recognizes that such customers should not be prohibited from utilizing their non-K N gas supplies, although they would be subject to interim growth restrictions with respect to gas purchased from K N.

Any person desiring to be heard or to make any protest with reference to said tariff sheet filing should on or before July 25, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-16222 Filed 7-17-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-7-004]

National Fuel Gas Supply Corp.; Tariff Filing

July 11, 1986.

Take notice that on July 1, 1986, National Fuel Gas Supply Corporation (National) tendered for filing First Revised Sheet No. 1, Original Sheet Nos. 1-A and 23 through 27, First Revised Sheet Nos. 44 and 100 and Original Sheet Nos. 101 through 112, inclusive, to its FERC Gas Tariff, First Revised Volume No. 1. National states that these tariff sheets are being filed in compliance with the Stipulation and Agreement dated March 16, 1984, and approved by Commission order issued June 18, 1984, in *Consolidated Gas Supply Corporation,* Docket Nos. CP83-403-001, *et al.*

The proposed tariff sheets comprise a revised Table of Contents, a new rate schedule designated Rate Schedule CD, and related Form of Service Agreement, a conforming revision to section 12.1 of National's General Terms and Conditions, and a renumbered Index of Purchasers. Rate Schedule CD would encompass the firm sales service rendered by National under executed service agreements which are part of the Boundary Phase IA project.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of practice and procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before July 18, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of ths filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-16234 Filed 7-17-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-92-003]

Northwest Pipeline Corp.; Proposed Changes in FERC Gas Tariff

July 16, 1986.

Take notice that on July 10, 1986, Northwest Pipeline Corporation ("Northwest") submitted for filing, to be a part of its FERC Gas Tariff, Original Volume No. 1-A and Original Volume No. 2, the following tariff sheets to be effective on August 1, 1986:

Original Volume No. 1-A

Fourth Revised Sheet No. 201
Alternate Fourth Revised Sheet No. 201
First Revised Sheet Nos. 301 through 304
First Revised Sheet Nos. 311 and 312
Second Revised Sheet Nos. 313 and 314
First Revised Sheet Nos. 321 through 327
First Revised Sheet Nos. 331 through 336
First Revised Sheet Nos. 337 through 340
Original Sheet No. 341
Original Sheet Nos. 342 through 399
Original Sheet Nos. 517 through 523
Alternate Original Sheet Nos. 517 through 523
Original Sheet Nos. 524 through 600

Original Volume No. 2

Second Revised Sheet No. 2.1
Third Revised Sheet No. 2.3

Northwest states that the purpose of its filing is to place into effect tariff sheets which will be applicable to all Part 284 transportation services to be performed during the extended transition period established for Northwest by the Commission's June 27, 1986 "Order Granting Waivers" in Docket No. CP86-587-000 (the "waiver period"). Northwest states that the tariff sheets are being submitted in alternate forms, in conjunction with Northwest's Petition for Clarification/Rehearing in the instant docket.

Northwest states that it requests the Commission to clarify that Rate Schedule T-6 previously filed on May 30, 1986, applies only to "grandfathered" transactions under Order No. 436, *et seq.*, and that Rate Schedules T-2, T-3, T-4 and T-5 apply, on a prospective basis, to non-grandfathered waiver period transportation services. Northwest states that it has submitted tariff sheets to bring Rate Schedules T-2, T-3, T-4 and T-5 into compliance with § 284.7 of the Regulations.

Northwest states that it has also filed tariff sheets that would be applicable in the event Northwest's clarification/rehearing is denied. Northwest states that these tariff sheets revise Rate Schedule T-6 filed on May 30, 1986 to apply not only to Part 284 transportation transactions "grandfathered" under Order No. 436, *et seq.*, but also, on a prospective basis, to other Part 284 interruptible transportation services performed during the waiver period.

Northwest further states that the purpose of this filing is to establish Rate Schedule T-7 which applies to Part 284 firm transportation during the waiver period. Northwest submitted alternate forms of service agreements applicable to new transportation under Rate Schedules T-6 and/or T-7.

Northwest requests waiver of all Commission rules and regulations as may be necessary to permit the tendered tariff sheets to become effective as proposed, and states that copies of the filing have been served upon all of its sales and transportation customers, all affected state regulatory commissions,

and all intervenors in Docket No. RP86–92–000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commision, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before July 23, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–16215 Filed 7–7–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RE80–21–002]

Orlando Utilities Commission; Application for Exemption

July 14, 1986.

Take notice that Orlando Utilities Commission (OUC) filed an application on June 30, 1986 for exemption from certain requirements of Part 290 of the Federal Energy Regulatory Commission's (FERC) regulations concerning collection and reporting of cost of service information under section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or prior to June 30, 1986 and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290. In addition, OUC requests a waiver of the requirement that an application shall be filed "no less than 18 months prior to the time the information would otherwise be required" [Section 290.601(a)].

In its application for exemption OUC states, in part, that it should not be required to file the specified data for the following reasons:

The information to be reported pursuant to Subparts B, C, D, and E is not needed and is not used for rate making purposes.

Some of the information required by these rules is already being reported to FERC, to the state of Florida and to the Florida Public Service Commission and therefore would be a duplication of effort.

The requirement for collecting and analyzing hourly load data under Subpart D has become a real burden from a cost and manpower standpoint.

Copies of the application for exemption are on file with FERC and are available for public inspection. FERC's regulations require that said utility also apply to any state regulatory authority having jurisdiction over it to have the application published in any official state publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45 day period, such person must also serve a copy of such comments on: Mr. T.C. Pope, General Manager, Orlando Utilities Commission, 500 South Orange Avenue, P.O. Box 3913, Orlando, Florida 32802.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–16218 Filed 7–17–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ST84–1138–001 et al.]

Producer's Gas Co. et al.; Extension Reports

July 14, 1986.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue sales of natural gas for an additional term of up to 2 years.[1]

The table below lists the name and addresses of each company selling pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before July 29, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[1] Notice of these extension reports does not constitute a determination that a continuation of service will be approved.

EXTENSION LIST.—JUNE 16–30, 1986

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date	Expiration date [2]
ST84–1138–001 [1]	Producer's Gas Co., 950 One Energy Square, Dallas, TX 75206	Natural Gas Pipeline Co. of America	6–16–86	D	7–19–86	9–14–86
ST85–70–001	do	Michigan Consolidated Gas Co	6–16–86	D	9–21–86	
ST85–71–001 [1]	do	do	6–16–86	D	9–11–86	9–14–86
ST85–202–001	Panhandle Gas Co., P.O. Box 1186, Houston, TX 77001	Public Service Electric & Gas Co	6–30–86	D	9–28–86	
ST85–206–001	do	The Brooklyn Union Gas Co	6–30–86	D	9–28–86	

[1] This extension report was filed after the date specified by the Commission's Regulation, and shall be the subject of a further Commission order.
[2] The pipeline has sought Commission approval of the extension of this transaction. The 90-day Commission review period expires on the date indicated.

[FR Doc. 86–16223 Filed 7–17–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP86-251-000 and CP86-251-001]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Availability of the INGS Pipeline Project Environmental Assessment

July 18, 1986.

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the above-referenced dockets. The staff has determined that construction and operation of the proposed facilities would not constitute a major Federal action significantly affecting the quality of the human environment. The EA includes recommendations which may be placed on any certificate issued. The INGS Pipeline Project facilities include 41 miles of 8- through 30-inch-diameter pipeline loop, 4,500 horsepower of compression, and appurtenances. The facilities analyzed in the EA would be located in Connecticut, Massachusetts, Pennsylvania, and New York. Alternatives are also evaluated.

The EA will be used in the regulatory decision-making process at the Commission and may be presented as evidentiary matter in formal hearings. Notices of the applications in Docket Nos. CP86-251-000 and CP86-251-001 were published in the Federal Register on January 15, 1986 (51 FR 1834) and February 28, 1986 (51 FR 7114), respectively. The period of time for filing motions to intervene or notices of intervention expired on January 31, 1986 and March 14, 1986, respectively. Motions to intervene in the proceedings out-of-time can be filed with the Commission in accordance with the requirements of Rule 214(d) of the Commission's Rules of Practice and Procedure, 18 CFR 385.214(d). Anyone desiring to file a protest should do so in accordance with 18 CFR 385.211.

The EA has been placed in the public files of the Commission and is available for public inspection in the FERC Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426. Copies have been sent to all parties to the proceeding; Federal, state, and local officials; newspapers of general circulation in the areas affected; and individuals who have requested it. Copies are available in limited quantities from the FERC Division of Public Information.

Anyone wishing to do so may file comments on the EA. Comments should be sent to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Comments should be filed as soon as possible, but must be received no later than August 1, 1986 to ensure consideration prior to a Commission decision on this proposal. Additional information about the project is available from Mr. James P. Daniel, Project Manager, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, telephone (202) 357-5364.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-16183 Filed 7-17-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-61-002]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 16, 1986.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on July 11, 1986 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, revised tariff sheets as listed in Appendix A attached hereto. The purpose of this filing is to make revisions to Texas Eastern's May 29, 1986 filing with respect to its Contract Adjustment Demand rate Docket No. RP86-61-001 in accordance with the Commission's June 26, 1986 order.

On March 26, 1986 Texas Eastern filed revised tariff sheets to reflect a revision to the Contract Adjustment Demand rate to incorporate actual costs of facilities in accordance with Article VI of the Offer of Settlement approved by Commission order issued August 15, 1985 in Docket No. CP84-429-001. Such filing was designated Docket No. RP86-61-000. Texas Eastern's March 26, 1986 filing was accepted subject to conditions imposed by Commission order issued May 7, 1986 in Docket No. RP86-61-000. Ordering Paragraph (A) of the May 7, 1986 order required Texas Eastern to refile its tariff sheets submitted March 26, 1986 within 15 days of the date of issuance of the May 7, 1986 order to reflect a 14.704 percent rate of return as set forth in Texas Eastern's general rate filing in Docket Nos. RP85-177, *et. al.* subject to refund. On may 29, 1986, Texas Eastern filed with the Commission the revisions to its March 26, 1986 filing pursuant to the requirements of the Commission's May 7, 1986 order. In addition to such requirements, revisions were made to other cost of service components in order to conform the Contract Adjustment Demand rate not only to the rate of return set forth in Docket Nos. RP85-177 *et al.*, but all other related cost of service components in that Docket. On June 26, 1986, the Commission issued its order rejecting Texas Eastern's May 29, 1986 filing as not being in compliance with Ordering Paragraph (A) of the Commission's May 7, 1986 order in that components of cost of service other than rate of return were revised in Texas Eastern's May 29, 1986 filing. Texas Eastern was directed to comply with the May 7, 1986 order within 15 days of the Commission's order issued June 26, 1986.

In addition to the tariff sheets proposed to be effective as of December 31, 1985, Texas Eastern proposes for filing herein revised tariff sheets amending the Contract Adjustment Demand rate as set forth above on all appropriate tariff sheets filed and made effective subsequent to December 31, 1985. Such tariff sheets are also set forth in Appendix A attached hereto.

The proposed effective dates for the tariff sheets listed in Appendix A are as designated at December 31, 1985, January 1, 1986, February 1, 1986, April 1, 1986, June 1, 1986, June 16, 1986 and July 1, 1986. With the exception of the December 31, 1985 date which is the date previously approved for service to commence under the Contract Adjustment Program, all other proposed effective dates are for corresponding tariff sheets previously approved by the Commission at those dates and are submitted for filing at this time solely to reflect the required revision to the Contract Adjustment Demand rate as discussed above.

The proposed effective dates of the subject tariff sheets are as indicated on Appendix A attached hereto.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should filing a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before July 23, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix A

Effective December 31, 1986

Third Substitute Seventy-sixth Revised Sheet No. 14
Third Substitute Seventy-sixth Revised Sheet No. 14A
Third Substitute Seventy-sixth Revised Sheet No. 14B
Third Substitute Seventy-sixth Revised Sheet No. 14C
Third Substitute Seventy-sixth Revised Sheet No. 14D

Effective January 1, 1986

Third Substitute Revised Seventy-sixth Revised Sheet No. 14

Effective February 1, 1986

Fourth Substitute Seventy-seventh Revised Sheet No. 14
Third Substitute Seventy-seventh Revised Sheet No. 14A
Third Substitute Seventy-seventh Revised Sheet No. 14B
Third Substitute Seventy-seventh Revised Sheet No. 14C
Third Substitute Seventy-seventh Revised Sheet No. 14D

Effective April 1, 1986

Third Substitute Seventy-eighth Revised Sheet No. 14
Second Substitute Seventy-eighth Revised Sheet No. 14A
Second Substitute Seventy-eighth Revised Sheet No. 14B
Second Substitute Seventy-eighth Revised Sheet No. 14C
Second Substitute Seventy-eighth Revised Sheet No. 14D

Effective June 1, 1986

Substitute Seventy-ninth Revised Sheet No. 14
Substitute Seventy-ninth Revised Sheet No. 14A
Substitute Seventy-ninth Revised Sheet No. 14B
Substitute Seventy-ninth Revised Sheet No. 14C
Substitute Seventy-ninth Revised Sheet No. 14D

Effective June 16, 1986

Substitute First Revised Seventy-ninth Revised Sheet No. 14

Effective July 1, 1986

Substitute Second Revised Seventy-ninth Revised Sheet No. 14
Substitute First Revised Seventy-ninth Revised Sheet No. 14A
Substitute First Revised Seventy-ninth Revised Sheet No. 14B
Substitute First Revised Seventy-ninth Revised Sheet No. 14C
Substitute First Revised Seventy-ninth Revised Sheet No. 14D

[FR Doc. 86-16217 Filed 7-17-86; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Order Filed; Period of June 9 Through June 20, 1986

During the period of June 9 through June 20, 1986, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remidial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service, list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

July 11, 1986.

Director, Office of Hearings and Appeals.

Thetis Energy Corporation, Golden, Colorado; KRO-0300, Crude Oil

On June 16, 1986, Thetis Energy Corporation, 1726 Cole Blvd., Suite 325, Golden, Colorado 80401, and the State of California filed Notices of Objection to a Proposed Remedial Order which the Houston, Texas office of the Economic Regulatory Administration of the DOE issued to the firm on April 25, 1986. In the PRO the Economic Regulatory Administration found that during the period June 1, 1979 through December 31, 1980, Thetis Energy Corporation charged prices in excess of ceiling prices in the first sales of domestically produced crude oil. According to the PRO the violation resulted in $145,240.19 of overcharges.

[FR Doc. 86-16264 Filed 7-17-86; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of June 6 Through June 13, 1986

During the Week of June 6 through June 13, 1986, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 11, 1986.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 6 through June 13, 1986]

Date	Name and location of applicant	Case No.	Type of submission
June 6, 1986	Caribou Four Corners Washington, DC	KCX-0013	Supplemental order. If granted: The April 9, 1963 Decision and Order (Case Nos. HEE-0053 and BYX-0195) issued to Caribou Four Corners by the Office of Hearings and Appeals would be modified in accordance with the Feb. 21, 1986 Order of the Federal Energy Regulatory Commission.
June 6, 1986	Bushrud Oil Company, Brookings, South Dakota	KEE-0052	Exception to the reporting requirements. If granted: Bushrud Oil Company would no longer be required to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Products Sales Report."
June 9, 1986	Texas Oil & Gas/Bruin Corporation Washington, DC	RR42-1	Request for modification/rescission. If granted: The April 30, 1986 Decision and Order (Case No. RR42-5) issued to the Bruin Corporation would be modified regarding the firm's Application for Refund submitted in the Texas Oil & Gas refund proceeding.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of June 6 through June 13, 1986]

Date	Name and location of applicant	Case No.	Type of submission
June 10, 1986	Ekrut Oil Company, Valley Mills, Texas	KEE-0054	Exception to the reporting requirements. If granted: Ekrut Oil Company would not be required to file Form EIA 782-B, "Resellers'/Retailers' Monthly Petorleum Products Sales Report."
June 10, 1986	Phoenix Petroleum Company and Steven B. Wyatt, Washington, DC.	KRD-0190	Motion for discovery. If granted: Discovery would be granted to Phoenix Petroleum Company and Steven B. Wyatt in connection with the Statement of Objections submitted in response to the Sept. 12, 1985 Proposed Remedial Order (Case No. KRO-0190) issued to Phoenix Petroleum Company by the Economic Regulatory Administration.
June 12, 1986	Economic Regulatory Administration, Washington, DC	KRD-0016	Motion for discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by Shell Oil Company in response to the Nov. 8, 1984 Proposed Remedial Order (Case No. HRO-0271) issued to Shell Oil Company by the Economic Regulatory Administration.
June 12, 1986	Natural Resources Defense Council, Washington, DC	KFA-0039	Appeal of an information request denial. If granted: Natural Resources Defense Council would receive a waiver of all fees incurred in the processing of the information request for copies of agendas of the Containment Evaluation Panel Meetings.
June 13, 1986	Michelle Isle, Wolf Point, Montana	KEE-0055	Exception to the reporting requirements. If granted: Michelle Isle would not be required to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Products Sales Report."
June 13, 1986	Moonlight Oil Company, Tonasket, Washington	KEE-0056	Exception to the reporting requirements. If granted: Moonlight Oil Company would not be required to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Products Sales Report."
June 13, 1986	South Central Terminal Company, Washington, DC	KCX-0014	Supplemental order. If Granted: The April 5, 1985 Decision and Order issued to South Central Terminal Company (Case No. HRO-0146) by the Office of Hearings and Appeals would be modified in accordance with the May 7, 1986 Partial Affirmance and Remand Order issued by the Federal Energy Regulatory Commission.

REFUND APPLICATIONS RECEIVED

[Week of June 6 to June 13, 1986]

Date received	Name of refund proceeding/ name of refund applicant	Case No.
5/27/86	National Helium/New Hampshire.	RQ-300
5/27/86	Northeast Petroleum/New Hampshire.	RQ25-299
6/6/86	Dalco/Farmland Industries	RF248-1
6/9/86	Petrolane/Vanguard Petroleum Corp.	RF208-5
6/9/86	Price/Gulf States Oil & Refining.	RF235-16
6/9/86	Union Texas/Petroleum Supply, Inc.	RF149-43
6/9/86	Fine/Defense Logistics Agency	RF149-1
6/9/86	APCO/Francis APCO Service	RF83-148
6/9/86	Sid Richardson/Drews Oil Co., Inc.	RF26-38
6/9/86 thru 6/13/86	Mobil Refund Applications Received.	RF225-8535 thru RF225-8571
6/10/86	Quaker State/Sterling Service Station.	RF213-208
6/10/86	Gulf/Murray's Gulf & Grill	RF40-3172
6/10/86	Gulf/State of Georgia	RF40-3173
6/10/86	Saber/Gulf States Oil & Refining Company.	RF192-19
6/10/86	Husky/Marv's Oil Company	RF161-93
6/10/86	Gulf/Forty West Gulf	RF40-3176
6/10/86	Gulf/Holland Gulf	RF40-3174
6/10/86	Gulf/Biddle Gulf	RF40-3175
6/11/86	Martin/Atlantic Richfield Company.	RF240-1

REFUND APPLICATIONS RECEIVED—Continued

[Week of June 6 to June 13, 1986]

Date received	Name of refund proceeding/ name of refund applicant	Case No.
6/11/86	Gulf/Brink's Incorporated	RF40-3178
6/11/86	Gulf/Harrys Gulf	RF40-3177
6/11/86	Gulf/City of Charlotte, North Carolina.	RF40-3179
6/12/86	Sid Richardson/Flame Gas	RF26-39
6/12/86	Quaker State/Redfield's Sales & Service.	RF213-209
6/12/86	Conoco/Consumers, Inc	RF34-33
6/12/86	Gulf/Master Gulf	RFR40-3185
6/12/86	Gulf/S&P Gulf	RF40-3184
6/12/86	Gulf/Daniels Gulf	RF40-3183
6/12/86	Gulf/Mitchell's Gulf	RF40-3182
6/12/86	Gulf/Country Club Gulf	RF40-3181
6/12/86	Gulf/Holiday Gulf	RF40-3180
6/12/86	Amoco/Brink's Incorporated	RF21-12616
6/12/86	Gulf/The Valley Line Company	RF40-3186

[FR Doc. 86-16262 Filed 7-17-86; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of June 20 Through June 27, 1986

During the Week of June 20 through June 27, 1986, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 14, 1986.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 20 Through June 27, 1986]

Date	Name and location of applicant	Case No.	Type of submission
June 25, 1986	Economic Regulatory Administration, Washington, DC	KRZ-0032	Interlocutory. If granted: Charles Gross, Baker R. Littlefield and Robert L. McAdams in their individual capacities with Ball Marketing, Inc. would be joined in the Ball Marketing, Inc. pricing violation proceeding (Case No. HRO-0268).
June 25, 1986	Texaco, Inc., Washington, DC	KCX-0015	Supplemental order. If granted: The Apr. 11, 1986 Decision and Order (Case No. HRO-0012) issued to Texaco, Inc., by the Office of Hearings and Appeals would be modified in connection with a June 23, 1986 order staying proceeding and remanding for completion of record issued by the Federal Energy Regulatory Commission.
June 26, 1986	Aminoil/Carolina Energy of Shelby, St. Louis, Missouri	RR139-3	Request for modification/Rescission in Aminoil Refund Proceeding. If granted: The May 27, 1986 Decision and Order (Case No. RF139-83) issued to Carolina Energy of Shelby, Inc., in response to the firm's application for refund in the Aminoil refund proceeding, would be modified.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of June 20 Through June 27, 1986]

Date	Name and location of applicant	Case No.	Type of submission
June 26, 1986	Aminoil/Dalton Gas, Inc., St. Louis, Missouri	RR139-5	Request for Modification/Rescission in the Aminoil Refund Proceeding. If granted: The May 27, 1986 Decision and Order (Case No. RF139-139 issued to Dalton Gas, Inc., in response to the firm's Application for Refund in the Aminoil refund proceeding, would be modified.
June 26, 1986	Aminoil/Price Bros. Gas Company, St. Louis, Missouri	RR139-2	Request for Modification/Rescission in the Aminoil Refund Proceeding. If granted: The May 27, 1986 Decision and Order (Case No. RF139-65) issued to Price Bros. Gas Company, in response to the firm's Application for Refund in the Aminoil refund proceeding, would be modified.
June 27, 1986	Aminoil/Saber Petroleum Marketing Company, St. Louis, Missouri.	RR139-1	Request for Modification/Rescission in the Aminoil Refund Proceeding. If granted: The May 27, 1986 Decision and Order (Case No. RF139-140) issued to Saber Petroleum Marketing Company, in response to the firm's Application for Refund in the Aminoil refund proceeding, would be modified.
June 26, 1986	Aminoil/Smithfield Oil & Gs Company, St. Louis, Missouri	RR139-7	Request for Modification/Rescission in the Aminoil Refund Proceeding. If granted: The May 27, 1986 Decision and Order (Case No. RF139-77) issued to Smithfield Oil & Gas Company, in response to the firm's Application for Refund in the Aminoil refund proceeding, would be modified.
June 26, 1986	Aminoil/Steve Hall Oil Co., Inc., St. Louis, Missouri	RR139-6	Request for Modification/Rescission in the Aminoil Refund Proceeding. If granted: The May 27, 1986 Decision and Order (Case No. RF139-94) issued to Steve Hall Oil Company, Inc., in response to the firm's Application for Refund in the Aminoil refund proceeding, would be modified.
June 26, 1986	Aminoil/White's Gas & Appliance, St. Louis, Missouri	RR139-4	Request for Modification/Rescission in the Aminoil Refund Proceeding. If granted: The May 27, 1986 Decision and Order (Case No. RF139-86) issued to White's Gas & Appliance, in response to the firm's Application for Refund in the Aminoil refund proceeding, would be modified.

REFUND APPLICATIONS RECEIVED

[Week of June 20 to June 27, 1986]

Date received	Name of refund proceeding/Name of refund applicant	Case No.
6/20/86	Aminoil/John Bogle	RF139-154
6/25/86	Sid Richardson/Wieck Bros. Oil Co	RF26-43
6/25/86	Sid Richardson/Stacyville LP Gas Co	RF26-42
6/26/86	Conoco/Midwest Products Supply Co., Inc	RF220-382
6/26/86	Gulf/Florida Public Utilities Co	RF40-3197
6/26/86	Gulf/Clark & Cross	RF40-3196
6/26/86	Sigmor/E-Z Serve, Inc	RF242-17
6/26/86	Sid Richardson/Christianson LP Gas	RF26-44
4/22/86	Mobil/Darling & Company	RF225-2284
6/27/86	Gulf/Clayton County, GA	RF40-3198
6/27/86	Sid Richardson/Stanton Farm Service Co	RF26-45
6/27/86	Sid Richardson/ACE Gas, Inc	RF26-46
3/26/86	Conoco/Cliff's Truck Stop	RF220-383
3/26/86	Conoco/Nosan Oil Company	RF220-384
6/20/86	Sigmor/Wehman, Inc	RF242-16
6/19/86	Dorchester/Swanee Petroleum	RF253-1
6/20/86	U.S.A./Mobil Oil Corporation	RF252-2
6/19/86	U.S.A./McCall Oil & Chemical	RF252-1
6/20/86	Lewtex/Enterprise Products Company	RF9-2
6/20/86	Gulf/Westside Gulf	RF40-3195
6/20/86	Gulf/Roussel's Gulf Service	RF40-3194
6/20/86	Gulf/Sims Gulf No. 2	RF40-3193
6/23/86	MAPCO/B&C LP Gas Company	RF108-15
6/23/86	Tenneco/Narragansett Electric Co	RF7-136
6/23/86	JOC Oil/New England Power Company	RF109-4
6/23/86	Conoco/Ellzey Marine Supplies, Inc	RF220-381
6/23/86	Vickers/Arizona	RQ1-305
6/23/86	Coline/Arizona	RQ2-306
6/23/86	National Helium/Arizona	RQ3-307
6/23/86	Palo Pinto/Arizona	RQ5-308
6/23/86	Belridge/Arizona	RQ8-309
6/23/86	Amoco/Arizona	RQ21-310
6/23/86	Perry Gas/Arizona	RQ183-311
6/24/86	Aminoil/Linden's Propane, Inc	RF139-153
6/16/86	GCO/Enterprise Products Company	RF254-1
6/24/86	Amoco/District of Columbia	RQ3-312
6/24/86	National Helium/District of Columbia	RQ251-313
6/20/86 thru 6/27/86	Mobil Refund Applications	RF225-8720 thru RF225-8739 and RF225-8748 thru RF225-8752

[FR Doc. 86-16261 Filed 7-17-86; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of June 13 Through June 20, 1986

During the week of June 13 through June 20, 1986, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently

omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 14, 1986.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 13 through June 20, 1986]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 6, 1984	Intercoastal Operating Company, Inc.	KRH-0007	Request for evidentiary hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Intercoastal Operating Company, Inc. in response to the Proposed Remedial Order issued to the firm.
June 12, 1986	Economic Regulatory Administration, Washington, DC	KRZ-0030	Interlocutory. If granted: Shell Oil Company's Counsel would be disqualified from representing Shell Oil Company in an enforcement proceeding involving the firm (Case No. HRO-0271).
June 16, 1986	Ivan Von Zuckerstein, Darien, Illinois	KFA-0040	Appeal of an information request denial. If granted: The May 13, 1986 Freedom of Information Request Denial issued by the DOE Chicago Operations Office would be rescinded, and Ivan Von Zuckerstein would receive access to files maintained by the Chicago Operations Office and by Argonne National Laboratory.
June 17, 1986	Economic Regulatory Administration, Washington, DC	KRS-0003	Request for stay. If granted: The Proposed Remedial Order proceeding involving Total Petroleum, Inc. (Case No. HRO-0295) would be stayed pending final action on a Proposed Consent Order entered into by the firm and the Economic Regulatory Administration.
June 17, 1986	Minaham, Shapiro & Eggemeyer, Denver, Colorado	KFA-0041	Appeal of an information request denial. If granted: The May 9, 1986 Freedom of Information Request Denial issued by the DOE Office of Management Services would be rescinded, and Minaham, Shapiro & Eggemeyer would receive access to all copies of information pertaining to the filling of the position in Vacancy Announcement BAO-85-57 as well as other vacancies filled by the Western Area Power Administration within the past two years.
June 18, 1986	Armstrong Petroleum Corporation, Washington, DC	KEF-0041	Implementation of special refund procedures. If granted: the Office of Hearings and Appeals would implement Special Refund procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the June 4, 1985 Consent Order entered into by Armstrong Peroleum Corporation and the Economic Regulatory Administration.
June 19, 1986	Newman Oil Company, Inc., Columbus, Mississippi	KEE-0057	Exception to the reporting requirements. If granted: Newman Oil Company, Inc. would not be required to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Product Sales Report."
June 20, 1986	Power Test Petroleum Distributors, Inc. Washington, DC	KEF-0042	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the Dec. 13, 1983 Consent Order entered into by Power Test Petroleum Distributors, Inc. and the Economic Regulatory Administration.

REFUND APPLICATIONS RECEIVED

[Week of June 13 to June 20, 1986]

Date received	Name of refund proceeding/ name of refund applicant	Case No.
6/13/86	APCO/APCO Quick Shop	RF83-149
6/13/86	Gulf/City of Atlanta	RF40-3188
6/13/86	Gulf/Fulton County, Georgia	RF40-3187
6/16/86	Beacon/Hitchcock Transportation Co.	RF238-62
6/16/86	Conoco/Dixon Bros., Inc	RF220-379
6/16/86	General Equities/Enterprise Products.	RF224-11
6/16/86	Amoco/Superior Burner Service, Inc.	RF21-12617
6/16/86	Amoco/Illinois Power Company	RF21-12619 RF21-12620
6/16/86	Amoco/Mississippi	RQ251-303
6/17/86	Gulf/Brown Transport Corporation.	RF40-3190
6/17/86	Gulf/City of Athens, GA	RF40-3189
6/18/86	Macmillan/Gulf States Oil & Refining Company.	RF217-1
6/18/86	Beacon/Golden Gate Petroleum Co.	RF238-63
6/19/86	Howell/Southwestern Graphite Co.	RF245-5
6/19/86	MAPCO/Dresselhaus Thermogas Service.	RF108-14
6/19/86	Gulf/National Service Industries.	RF40-3192
6/18/86	Eastern/NJ Deauville Towers	RF232-416
6/19/86	Conoco/Kelso Oil Company	RF220-380
6/19/86	Gulf/City of Greenville, South Carolina.	RF40-3191
2/6/86	Eastern NJ/White Manor Assoc.	RF232-417

REFUND APPLICATIONS RECEIVED—Continued

[Week of June 13 to June 20, 1986]

Date received	Name of refund proceeding/ name of refund applicant	Case No.
6/19/86	Sid Richardson/Lichti Bros., Oil Co.	RF26-40
6/19/86	G.A. Eddy & Sons, Inc	RF26-41
6/16/86	Coline/New Hampshire	RQ2-314
6/16/86	Amoco/New Hamphire	RQ251-315
6/16/86	National Helium/Mississippi	RQ3-301
6/16/86	Perry Gas/Mississippi	RQ183-302
6/16/86 thru 6/20/86	Mobil Refund Applications	RF225-8572 thru RF225-8719

[FR Doc. 86-16263 Filed 7-17-86 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ORD-FRL-3050-5]

Health Assessment Document for Polychlorinated Dibenzofurans

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of External Review Draft.

SUMMARY: This notice announces the availability of the external review draft of the Health Assessment Document for Polychlorinated Dibenzofurans.

DATES: The Agency will make this document available for public comment on or about July 18, 1986. Comments must be postmarked by August 18, 1986.

ADDRESSES: Those persons interested in commenting on the scientific merit of this document will be able to obtain a copy as follows: The document will be available in single copy quantity from EPA at the following address: ORD Publications Center-CERI-FRN, U.S. Environmental Protection Agency, 26 W. St. Clair Street, Cincinnati, Ohio 45268 (513)569-7562. Requesters should ask for the external review draft of the Health Assessment Document for Polychlorinated Dibenzofurans. Please cite the EPA number assigned to this document, EPA-600/8-86/018A. To receive the document, requesters should

send their names and addresses to CERI at this time.

This document will also be available for public inspection and copying at the EPA Library at Waterside Mall, 401 M Street, SW., Washington, DC 20460.

Commentors must submit comments in writing, addressed to: Debdas Mukerjee, Project Officer for Polychlorinated Dibenzofurans, Environmental Criteria and Assessment Office, U.S. Environmental Protection Agency, 26 W. St. Clair Street, Cincinnati, Ohio 45268.

SUPPLEMENTARY INFORMATION: The objective of the Health Assessment Document for Polychlorinated Dibenzofurans is to provide EPA with a sound scientific basis for the purpose of determining whether these compounds should be regulated under the Clean Air Act.

FOR FURTHER INFORMATION CONTACT: Debdas Mukerjee, Environmental Criteria and Assessment Office, U.S. Environmental Protection Agency, 26 W. St. Clair Street, Cincinnati, Ohio 45268 (513) 569–7531.

Dated: July 11, 1986.

Donald J. Ehreth,

Acting Assistant Administrator for Research and Development.

[FR Doc. 86–16198 Filed 7–17–86; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3051–4]

Environmental Impact Statements; Weekly Receipts

Responsible Agency: Office of Federal Activities, General Information (202) 382–5073 or (202) 382–5075.

Availability of Environmental Impact Statements filed July 07, 1986 through July 11, 1986, pursuant to 40 CFR 1506.9.

EIS No. 860270, Draft, SCS, OK, Waterfall-Gilford Creek Watershed Flood Control and Agricultural Drainage, Construction, McCurtain County, Due: September 2, 1986, Contact: Roland Willis (405) 624–4360.

EIS No. 860271, Final, IBR, CA, Federal Central Valley and State Water Projects, Coordinated Operation Agreement, Due: August 18, 1986, Contact: Bob Schroeder (916) 978–4923.

EIS No. 860272, Final, Adoption, TVA, PRO, SEV, Gypsy Moth Suppression and Eradication on Federal and Non-Federal Lands in the United States, Due: August 18, 1986, Contact: John Thurman (615) 632–6656.

EIS No. 860273, DSuppl, COE, AL, Mallard-Fox Creek Area, Morgan County Port Access Channel and Dredged Material Disposal, Development and Use, Morgan County, Due: September 2, 1986, Contact: Patricia Coffey (615) 736–5028.

EIS No. 860274, Draft, COE, TX, Stacy Reservoir, Dam and Pump Station, Municipal and Industrial Water Supply Development, Colorado River Basin, Concho, Coleman, and Runnels Counties, Due: September 2, 1986, Contact: Paul Hathorn (817) 334–2095.

EIS No. 860275, Draft, FHW, ME, Sears Island Marine Dry Cargo Terminal and Access Road Construction, Waldo County, Due: September 2, 1986, Contact: William Richardson (207) 622–8487.

EIS No. 860276, Final, AFS, WV, Monongahela National Forest, Land and Resource Management Plan, Due: August 18, 1986, Contact: Gilbert Churchill (304) 636–1800.

EIS No. 860277, Draft, FHW, WA, I–405 Construction, South Renton Interchange to Sunset Boulevard, Transit and Carpool Improvements, King County, Due: September 2, 1986, Contact: P. C. Gregson (206) 753–2120.

EIS No. 860278, DSuppl, COE, WA, Puget Sound Area, Carrier Battle Group Homeporting, Everett Site, Construction and Operation, 404/10 Permit, Snohomish County, Due: September 2, 1986, Contact: Tom Mueller (206) 764–3495.

EIS No. 860279, Final, AFS, MT, Lewis and Clark National Forest, 1986–1990 Noxious Weed Control Program, Due: August 18, 1986, Contact: H. Wayne Phillips (406) 727–0901.

EIS No. 860280, Final, CDB, MI, Oakland Technology Park Development, CDBG, Cities of Auburn Hills and Rochester Hills, Oakland County, Due: August 18, 1986, Contact: Joseph Joachim (313) 858–0497.

EIS No. 860281, Final, Adoption, COE, WA, Puget Sound Region, Homeporting Project, Carrier Battleship Group, Construction and Operation, Snohomish County, Due: August 18, 1986, Contact: Tom Mueller (206) 764–3495.

EIS No. 860282, Final, Adoption, COE, AL, Mallard-Fox Creek Area Waterfront Development and Use, Navigation Channel Improvements, Morgan County, Due: August 18, 1986, Contact: Patricia Coffey (615) 736–5028.

Amended Notices

EIS No. 860155, Draft, AFS, CA, San Bernardino National Forest, Land and Resource Management Plan, San Bernardino and Riverside Counties, Due: August 25, 1986, Published FR 4–25–86—Review period extended.

Dated: July 15, 1986.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 86–16229 Filed 7–17–86; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3051–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared June 30, 1986 through July 3, 1986 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5076/73. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated February 7, 1986 (51 FR 4804).

Draft EISs

ERP No. D–COE–G39024–TX, Rating EC2, Trinity R. and Tributaries Flood Plain Development Project, Issuance of Permits, TX. **SUMMARY:** EPA commends the Corps for its decision to prepare this Regional EIS because it provides new insight into the cumulative effects of continued development on the upper Trinity River Basin. EPA expresses environmental concerns regarding potentially significant environmental impacts of the alternatives upon the natural and beneficial flood-plain values of the Trinity River. There are also additional areas of impact assessment which include mitigation, air quality, wetland preservation, flood-plain management, water quality, economic impacts, and alternative development plans that warrant full consideration in the EIS. EPA is also concerned that the COE has continued to permit 404 activity within the EIS study area prior to completion of the NEPA process which may limit the Corps evaluation and selection of environmentally sound alternative development plans.

ERP No. D–IBR–K31011–CA, Rating EC2/Flexible Response Plan = EO2, Kesterson Reservoir and San Luis Drain, Cleanup, Disposition and Wetland Mitigation Program, Possible 404 Permit, CA. **SUMMARY:** EPA rated the overall draft EIS EC–2, and requested that certain elements be more fully described in the final EIS. Issues requiring further discussion are: impacts to ground water from selenium leaching and subsidence; feasibility of offsite wetland mitigation plans; effectiveness of the

Immobilization Plan; herbicide use; and air quality impacts. EPA expressed environmental objections to the Flexible Response Plan alternative because of the presumption that wetland mitigation may not be needed under the wet option; conveyance of CVP water through contaminated sediments; potential for selenium to leach under the dry option; and lack of defined criteria and a timeframe to implement successive stages of the cleanup.

Regulations

ERP No. RS–DOI–A20022–00, 43 CFR Part II, Natural Resource Damage Assessments, Type A—Standard Procedures for Simplified Assessments Requiring Minimal Field Observation (51 FR 16636). **SUMMARY:** EPA's comments are directed to items in the rulemaking and associate computer model/technical document for coastal and marine ecosystems. With respect to the rulemaking, EPA commented that DOI needs to proceed further by developing assessment methodology for other types of ecosystem, namely freshwater and upland environments, where the majority of CERCLA remedial actions occur. Additionally, DOI needs to clarify that claims against the Hazardous Substance Response Trust Fund can only be made for damages based on restoration costs and not loss of use value which is the basis for the Type A assessment. The biggest deficiency in the methodology is its failure to consider non-lethal chronic effects and aesthetic alterations to natural resources. This deficiency has the potential to undervalue natural resource damages.

Amended Notices

The following reviews should have appeared in the FR Notices published on April 18, 1986; May 2, 1986; and July 3, 1986, respectively.

ERP No. D–AFS–K65077–AZ, Rating EO2, Prescott Nat'l Forest, Land and Resource Mgmt. Plan, AZ. **SUMMARY:** EPA expressed objections because of the potential for adverse impacts to water quality, watersheds, and riparian habitat due primarily to current and projected grazing levels. EPA requested a meeting with the Forest Service to discuss these objections.

ERP No. D–FHW–L51012–OR, Rating EO3, Airport Way Widening, I–205 to I–84, Construction, Right-of-Way Acquisition, OR. **SUMMARY:** EPA determined the draft EIS to be inadequate because the most significant potential adverse environmental impact, contamination of Portland's back-up drinking water supply, has been left largely unresolved. Potential groundwater effects are identified in the draft EIS and there is a water quality study underway. The environmental and economic effects and mitigation plans needed to protect this important resource should be presented in a supplemental draft EIS, to allow for a technical review of the water quality study by EPA and other agencies before the final EIS stage.

ERP No. R–FEM–A86221–00, Nat'l Flood Insurance Program, 44 CFR Parts 59, 60, 61, 65, 70, 73, and 76 (Docket No. FEMA–FIA) (51 FR 10742). **SUMMARY:** EPA expressed concerns over the effects of the National Flood Insurance Program (NFIP) on the loss of wetlands and their environmental functions, and suggested that FEMA review the effects of the NFIP and also suggested regulatory changes on floodplain wetlands. EPA also made suggestions concerning proposed elimination of regulatory distinctions between manufactured and conventional housing, the denial of flood insurance, variance criteria for functionally dependent uses, regulatory exceptions for floodproofed residential basements, and placement of fill in wetlands.

Dated: July 15, 1986.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 86–16230 Filed 7–17–86; 8:45 am]

BILLING CODE 6560–50–M

[OPP–30264 (FRL–3051–8)]

Receipt of Applications to Register "Strychnine Egg Bait"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications from the States of Montana and Wyoming to conditionally register the pesticide product "Strychnine Egg Bait" containing the active ingredient strychnine alkaloid. The applications involve a changed use pattern pursuant to section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comment by August 18, 1986.

ADDRESS: By mail submit comments identified by the document control number [OPP–30264] and the File Symbol to:

Information Services Section (TS–757C), Program Management and Support Division, Attn: Product Manager (PM) 16, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM#2, Attn: PM 16, Registration Division (TS–767C), Environmental Protection Agency, 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 public inspection in Rm 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: William Miller, PM 16, (703–557–2600).

SUPPLEMENTARY INFORMATION: The Wyoming Department of Agriculture, Cheyenne, WY 82002 and the Montana Department of Livestock, Helena, MT 59620, have submitted applications to EPA, (EPA File Symbol 35978–T) and (EPA File Symbol 35975–L), respectively, to conditionally register the pesticide product "Strychnine Egg Bait", both containing the active ingredient strychnine alkaloid at 3.54 percent. The applications proposed a changed use pattern of the product.

The applications propose that the product be classified for restricted, to allow the use of strychnine to kill skunks and suppress rabies, a use cancelled by the Administrator in 1972. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

A related notice, [OPP–36110] announcing a proposed hearing to reconsider the March 1972 cancellation order for the use of strychnine, appeared in the **Federal Register** of June 13, 1986 (51 FR 21617).

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Program Management and Support

Division (PMSD) office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the PMSD office (703–557–3262), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

Dated: July 11, 1986.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86–16193 Filed 7–17–86; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–51631; FRL–3048–6]

Certain Chemicals Premanufacture Notices; E.I. du Pont de Nemours and Co., Inc., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice..

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of 32 such PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86–1224, 86–1225, 86–1226, P 86–1227, 86–1228, 86–1229 and P 86–1230—September 24, 1986.

P 86–1231, 86–1232 and 86–1233—September 27, 1986.

P 86–1234, 86–1235 and 86–1236, P 86–1237, 86–1238, 86–1239, P 86–1240, 86–1241, 86–1242, P 86–1243, 86–1244, 86–1245, P 86–1246, P 86–1247, 86–1248, P 86–1249 and 86–1250—September 28, 1986.

P 86–1252, 86–1253 86–1254, P 86–1255 and 86–1256—September 29, 1986.

Written comments by:

P 86–1224, 86–1225, 86–1226, P 86–1227, 86–1228, 86–1229, and P 86–1230—August 25, 1986.

P 86–1231, 86–1232 and 86–1233—August 28, 1986.

P 86–1234, 86–1235, 86–1236, P 86–1237, 86–1238, 86–1239, P 86–1240, 86–1241, 86–1242, P 86–1243, 86–1244, 86–1245, P 86–1246, 86–1247, 86–1248, P 86–1249 and 86–1250—August 29, 1986.

P 86–1252, 86–1253, 86–1254, P 86–1255 and 86–1256—August 30, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS–51631]" and the specific PMN number should be sent to: Document Control Officer (TS–790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E–201, 401 M Street, SW., Washington, DC 20460, (202) 382–3532.

FOR FURTHER INFORMATION CONTACT: Environmental Protection Agency, Rm. E–611, 401 M Street, SW., Washington, DC 20460, (202) 382–3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 86–1224

Manufacturer. E.I. du Pont de Nemours and Company, Inc.

Chemical. (G) Titanium (4+) alkanolamine polyol complex.

Use/Production. (G) An additive consumed in the energy production industry; non-dispersive and destructive end use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. Released to water. Disposal by navigable waterway and on-site wastewater treatment facility.

P 86–1225

Manufacturer. Confidential.

Chemical. (S) (N-octyl)(2-hydroxy-3-sulfopropyl) dimethyl quaternary ammnonium hydroxide, inner salt.

Use/Production. (S) Industrial wetting agent for high alkalinity bottle washing compound and automatic bottle washing equipment Prod. range: 16,000 to 50,000 kg/yr.

Use/Production. (S) Industrial wetting agent for high alkalinity bottle washing compound and automatic bottle washing equipment. Prod. range: 16,000 to 50,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal and inhalation up to 2 hrs/day. up to 6 day/yr.

Environmental Release/Disposal. 10 kg/batch released to water. Disposal by publicly owned treatment work (POTW) and sanitary sewer.

P86–1226

Importer. Confidential.

Chemical. (G) Chlorinated aromatic azo anthraquinone pigment.

Use/Import: (G) For use as a colorant. Import range: Confidential.

Toxicity Data. Acute oral: > 5,000 mg/kg; Irritation: Skin-Very Slight, Eye-Very Slight; Ames test: Negative; LC_{50} 4 hr: 5.3 mg/1; Metabolism test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P86–1227

Importer. Confidential.

Chemical. (G) Chlorinated aromatic azo anthraquinone pigment.

Use/Import: (G) For use as a colorant.

Toxicity Data. Acute oral: > 5,000 mg/kg; Irritation: Skin-Very Slight, Eye-Very Slight; Ames test: Negative; LC_{50} 4 hr: 5.3 mg/1; Metabolism test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P86–1228

Importer. Confidential.

Chemical. (G) Chlorinated aromatic azo anthraquinone pigment.

Use/Import: (G) For use as a colorant. Import range: Confidential.

Toxicity Data. Acute oral: > 5,000 mg/kg; Irritation: Skin-Very Slight, Eye-Very Slight; Ames test: Negative; LC_{50} 4 hr: 5.3 mg/1; Metabolism test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P86–1229

Importer. Shin-Etsu Silicones of America, Inc.

Chemical. (G) Amine-functional poly dimethyl siloxane.

Use/Import: (S) Textile finishing agent or lubricant for the fiber. Import range: 1,000 to 10,000 kg/yr.

Toxicity Data. Acute oral: 4.29 ml/kg.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P86–1230

Importer. Confidential.

Chemical. (G) N-(oxo-tetrasubstituted-heteropolycycle-ylidene)-(2-hydroxy-2'4'-disubstituted-3-heteropolycycle substituted naphthoylanilide-l-ylazo)-aniline.

Use/Import: (S) Industrial colorant for paint. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P86–1231

Manufacturer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Polyester polymer.
Use/Production. (G) Open, non-dispersive. Prod. range:
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 3 workers.
Environmental Release/Disposal. Released to water. Disposal by POTW and incineration.

P86–1232

Manufacturer. Alkaril Chemicals Inc.
Chemical. (G) N,N—bis[substituted poly[ethylene terephthalate)-poly[oxy-alkyl glycol) imidazolinium chloride] alkyl stearamide.
Use/Production. (G) Fiber lubricant and soil release agent for polyester fiber. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by POTW.

P86–1233

Manufacturer. King Industries, Inc.
Chemical. (G) Alkyl naphthalene sulfonic acid, reaction product with low molecular weight epoxide resin.
Use/Production. (S) Industrial catalyst for thermosetting coatings for metal surfaces. Prod. range: Confidential.
Toxicity Data. Acute oral: 5.0 g/kg; Acute dermal; 2 g/kg; Irritation: Skin-moderate, Eye-irritant.
Exposure. Manufacture: dermal, a total of 1 workers, up to 2 hrs/day, and 15 day/yr.
Environmental Release/Disposal. 1/2 kg/batch. Disposal by incineration.

P 86–1234

Importer. Pacific Anchor Chemical Corporation.
Chemical. (G) Poly(hydroxyether)thiol.
Use/Import: (S) Curing agent for epoxy adhesive systems. Import range: Confidential.
Toxity Data. No data submitted.
Exposure. Processing: dermal, a total of 20 workers, up to 3 hrs/da, up to 240 da/yr.
Environmental Release/Disposal. 500 kg/batch released.

P 86–1235

Importer. Pacific Anchor Chemical Corporation.
Chemical. (G) Polymeric aliphatic polyol acrylate ester.
Use/Import: (S) Industrial film-forming ingredient in radiation-curable surface coating systems. Import range: Confidential.
Toxity Data. No data submitted.
Exposure. Processing: dermal, a total of 100 workers, up to 8 hrs/da and up to 240 da/yr.
Environmental Release/Disposal. No data submitted. Released to air and water.

P 86–1236

Importer. Confidential.
Chemical. (G) Phenolic polyester resin.
Use/Import: (S) Coating resin. Import range: Confidential.
Toxity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1237

Importer. Confidential.
Chemical. (G) Phenolic polyester resin.
Use/Import: (S) Coating resin. Import range: Confidential.
Toxity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1238

Manufacturer. Confidential.
Chemical. (G) Lactam capped polyurethane.
Use/Production: (G) Resin having and open industrial use. Prod. range: 13,000 to 66,000 kg/yr.
Toxity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 36 workers, up to 8 hrs/da, up to 26 da/yr.
Environmental Release/Disposal. 8 to 134 kg/batch released to land.

P 86–1239

Manufacturer. Confidential.
Chemical. (G) Amino functional paintable silicone wax.
Use/Production: (G) Rubber mold release agent. Prod. range: Confidential.
Toxity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by POTW.

P 86–1240

Manufacturer. E. I. du Pont de Nemours and Co., Inc.
Chemical. (G) Aromatic polyamide.
Use/Production: (G) For use as membranes. Prod. range: Confidential.
Toxity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–1241

Manufacturer. Confidential.
Chemical. (G) Polyether modified multifunctional alkyl carbodiimide.
Use/Production: (S) Component of crosslinking agent for water borne carboxylated coating formulations. Prod. range: Confidential.
Toxity Data. Acute oral: Male–16.0 ml/kg, Female–13.3 ml/kg; Irritation: Skin-Moderate, Eye-Moderate to severe; Ames test: Not mutagenic.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1242

Manufacturer. Confidential.
Chemical. (G) Multifunction alkyl carbodiimide.
Use/Production: (S) Crosslinker for water-borne carboxylated coating formulations. Prod. range: Confidential.
Toxity Data. No data on the PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by wastewater treatment facility.

P 86–1243

Manufacturer. Reichhold Chemicals, Inc.
Chemical. (G) Tall oil fatty acid modified alkyd resin.
Use/Production: (S) Industrial coating vehicle. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 6 workers, up to 3 hrs/da, up to 120 hrs/yr.
Environmental Release/Disposal. 1 kg/batch to 5 kg/batch released to land. Disposal by sanitary landfill or incineration.

P 86–1244

Manufacturer. Confidential.
Chemical. (G) Aliphatic polyether prepolymer-isocyanate terminated.
Use/Production: (S) Casting of water filled gelled polymers for medical applications and devices. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 18 workers, up to 3 hrs/da, up to 4 da/yr.
Environmental Release/Disposal. 1 to 30 kg/batch released to control technology. Disposal by incineration.

P 86–1245

Manufacturer. Spencer Kellogg Products/N L Chemicals, Inc..
Chemical. (G) Polyester resin.
Use/Production: (G) Open, non-dispersive manner. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

P 86-1246

Manufacturer. Confidential.
Chemical. (G) Carbinol functional silicone fluid.
Use/Production: (G) Carbinol functional silicone intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by POTW.

P 86-1247

Manufacturer. Confidential.
Chemical. (G) Amino amido silicone.
Use/Production: (G) Silicone car polish additive. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by POTW.

P 86-1248

Manufacturer. Confidential.
Chemical. (G) Amino functional polysiloxane.
Use/Production: (G) Amino functional dimethyl polysiloxane intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by POTW.

P 86-1249

Manufacturer. Confidential.
Chemical. (G) Amino functional polysiloxane cross linker.
Use/Production: (G) Mold release binder. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by POTW.

P 86-1250

Manufacturer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Fluoroalkyl epoxide.
Use/Production: (G) Open, non-dispersive and destructive use. Prod. range: Confidential.
Toxicity Data. Acute oral: 11,000 mg/kg; Irritation: Skin-Slight, Eye-Mild.
Exposure. Manufacture and processing: dermal.
Environmental Release/Disposal. Released to air and land. Disposal by on-site waste water treatment, retained as control sample, incineration and approved landfill.

P 86-1252

Manufacturer. Confidential.
Chemical. (G) Boron ester.
Use/Production: (G) Extender for PVC pipe. Prod. range: Confidential.
Toxicity Data. Acute oral: 125 mg/kg; Acute dermal: 2,000 mg/kg; Irritation: Skin-Corrosive, Eye-Irritant.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1253

Manufacturer. Confidential.
Chemical. (G) Disubstituted alkenoate.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential
Toxicity Data. No data submitted.
Exposure. Manufacture and use: dermal.
Environmental Release/Disposal. < 2 to < 68 kg/batch released to water. Disposal by biological treatment system and incineration.

P 86-1254

Manufacturer. Confidential.
Chemical. (G) Amine neutralized alkyl phosphate.
Use/Production. (G) Fuel/lube additive and hydrocarbon process antifoulant. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 22 workers, up to 9.5 hrs/da, up to 18 da/yr.
Environmental Release/Disposal. 12 to 32 kg/batch released to water and land. Disposal by deep well injection, open waterway and POTW.

P 86-1255

Manufacturer. Confidential.
Chemical. (G) Amine neutralized alkyl phosphate.
Use/Production. (G) Fuel/lube additive and hydrocarbon process antifoulant. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 22 workers, up to 9.5 hrs/da, up to 18 da/yr.
Environmental Release/Disposal. 12 to 32 kg/batch released to water and land. Disposal by deep well injection, open waterway and POTW.

P 86-1256

Manufacturer. Dow Corning Corporation.
Chemical. (G) Orthosilicate.
Use/Production. (S) Industrial and commercial crosslinker for primers and surface conditioners. Prod. range: 110 to 5,000 kg/yr.
Toxicity Data. Acute oral: 1.53 g/kg; Irritation: Skin-Very slight, Eye-Slight to moderate.
Exposure. Manufacture: dermal, a total of 3 workers, up to 6 hrs/da, up to 4 da/yr.
Environmental Release/Disposal. No data submitted.

Dated: July 8, 1986.

Denise Devoe,
Acting Division Director, Information Management Division.

[FR Doc. 86-15871 Filed 7-17-86; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-59775; FRL-3048-4]

Certain Chemicals Premanufacture Notices; Lawter International, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of four such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 86-179—July 17, 1986.
Y 86-180 and Y 86-181—July 21, 1986.
Y 82-182—July 22, 1986.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86-179

Manufacturer. Lawter International, Inc.

Chemical. (S) Linseed oil, dicyclopentadiene, mixed C_{10}, C_{15}, C_{20} hydrocarbon stream, fumaric acid polymer.

Use/Production. (S) Industrial printing ink vehicles (offset and letter press). Prod. range: 3,000,000 to 3,700,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted

Y 86-180

Manufacture. Confidential.

Chemical. (G) Hydroxy functional acrylic copolymer.

Use/Manufacture. (S) Coatings. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: inhalation, total of 1 worker.

Environmental Release/Disposal. No data submitted

Y 86-181

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic copolymer.

Use/Manufacturer. (S) Coatings. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: inhalation, a total of 1 worker.

Environmental Release/Disposal. No data submitted.

Y 86-182

Manufacturer. Confidential.

Chemical. (G) Polyester of carbomonocyclic acid, sulfonated carbocyclic diester, and alkylene glycol.

Use/Manufacturer. (S) Industrial size for textile fibers. Prod, range: Confidential.

Toxicity Data. No data on PMN substance submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: July 8, 1986.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 86-15873 Filed 7-17-86; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-3051-1]

Ambient Aquatic Life Water Quality Criteria; Extension of Public Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of Public Comment Period.

SUMMARY: In the Federal Register of May 28, 1986 (51 FR 19269), the Environmental Protection Agency (EPA) announced the availability for public comment of water quality criteria for zinc and asked that public comments be submitted by July 28, 1986. Because of the amount of data to be reviewed and the complexity of the subject, EPA determined that additional time should be allowed for public comment.

DATE: The deadline for submitting written public comments is hereby extended to August 27, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Frank Gostomski, U.S. Environmental Protection Agency, Criteria and Standards Division (WH-585), 401 M Street, S.W., Washington, D.C. 20460, (202) 245-3042.

Dated: July 11, 1986.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 86-16195 Filed 7-17-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Bankeast Corp.; Acquisition of Company Engaged In Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) of (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in §225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 11, 1986.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *BankEast Corporation,* Manchester, New Hampshire; to acquire Royal/Grimm & Davis, Inc., New York, New York, and thereby engage in retail discount securities brokerage services, related securities credit activities and certain incidential activities pursuant to §225.25(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 14, 1986.

James McAfee,

Associate Secretary of the Board

[FR Doc. 86-16175 Filed 7-17-86; 8:45 am]

BILLING CODE 6210-01-M

Citicorp et al.; Application To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inpsection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the prpoposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains im efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition,

conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserved Bank indicated or the offices of the Board of Governors not later than August 8, 1986.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York; to engage directly in providing to others of data processing and data transmission services, facilities (including data processing and data transmission hardware, software, documentation or operating personnel), data bases, or access to such services, facilities, or data bases by any technological means, as permitted by § 225.25(b)(7) of the Board's Regulation Y. These activities will be conducted in the Union of Soviet Socialist Republics. Comments on this application must be received by August 6, 1986.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Ohio Bancorp*, Youngtown, Ohio; to engage *de novo* through its subsidiary Florida Trust Services of Ohio Bancorp, Naples, Florida, in acting as a fiduciary, agency or custodian as permitted for trust companies in the State of Florida, including but not limited to the receipt and holding of money or property in trust for executors, administrators, assignees, guardians, trustees, corporations or individuals, accept deposits of money or property which are paid into court by parties to legal proceedings, accept and execute any trusts, duties and powers which may be granted to it to hold, manage, and dispose of any property so held. These activities will be conducted in the State of Florida.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Lloyds Bank plc*, London, England; to engage *de novo* through its subsidiary, Lloyds First Western Corporation ("LFW"), Wilmington, Delaware, in making, acquiring and servicing loans or other extensions of credit for LFW's own account, including certain loans to be acquired by LFW from its subsidary Lloyds Bank California ("LBC"), in connection with the disposal by LFW of its interest in LBC; pursuant to § 225.25(b)(1) of the Board's Regulation Y. Comments on this application must be received not later than August 5, 1986.

Board of Governors of the Federal Reserve System, July 14, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-16176 Filed 7-17-86; 8:45 am]

BILLING CODE 6210-01-M

Landmark Financial Corp. et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 11, 1986.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Landmark Financial Corporation*, Hartford, Connecticut; to become a bank holding company by acquiring 100 percent of the voting shares of The Landmark Bank, Hartford, Connecticut. Comments on this application must be received not later than August 8, 1986.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *GNB Financial Services, Inc.*, Gratz, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The Gratz National Bank, Gratz, Pennsylvania.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Bank South Corporation*, Atlanta, Georgia; to acquire 100 percent of the voting shares of the Citizens Bank of Tifton, Tifton, Georgia.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Citizens Bancorp of Indiana*, Anderson, Indiana; to acquire 100 percent of the voting shares of Alexandria Banking Company, Alexandria, Indiana.

E. **Federal Reserve Bank of Louis** (Randall C. Summer, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Sharon Bancshares, Inc.*, Sharon, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Sharon, Sharon, Tennessee. Comments on this application must be received not later than August 1, 1986.

F. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Bismarck Bancshares, Inc.*, Bismarck, North Dakota; to become bank holding company by acquiring 96.25 percent of the voting shares of Bismarck State Bank, Bismarck, North Darkota, Comments on this application must be received not later than August 8, 1986.

Board of Governors of the Federal Reserve System, July 14, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-16177 Filed 7-17-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those

packages submitted to OMB since the last list was published on July 11, 1986.

Public Health Service

(Call Reports Clearance Officer on 202–245–2100 for copies of packages)

National Institutes of Health

Subject: Availability of Grants for Minority Health Coalition Demonstration Projects—NEW
Respondents: Non-profit institutions

Health Resources Services Administration

Subject: Health Professions Student Loan and Nursing Student Loan Programs—Report on Investment Income—NEW
Respondents: Non-profit institutions
Subject: Program of Financial Assistance for Disadvantaged Health Professions Student Regulatory Requirements—NEW
Respondents: Non-profit institutions
Subject: Health Professions Student Loan and Nursing Student Loan Programs—Administrative Requirements (Forms—Revision—(0915–0044)
Respondents: Individuals or households; Non-profit institutions
Subject: Health Professions Student Loan Program Deferment Reporting Requirement—NEW
Respondents: Individuals or households; Non-profit institutions

Centers for Disease Control

Subject: CDC Collaborative Study of Nosocomial Infection Risks and Infection Control Programs in Skilled Nursing Facilities—NEW
Respondents: Businesses or other for-profit institutions
OMB Desk Officer: Bruce Artim

Social Security Administration

(Call Reports Clearance Officer on 301–594–5706 for copies of package)
Subject: Advance Planning Document for a Computerized Child Support Enforcement System—Revision—(0960–0343)
Respondents: State or local governments
OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the Reports Clearance Officer on the number shown above.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address:

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503

Attn: (name of OMB Desk Officer)
Dated: July 14, 1986.

Wallace O. Keene,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 86–16192 Filed 7–17–86; 8:45 am]
BILLING CODE 4150–04–M

Health Care Financing Administration

Statement of Organization, Functions, and Delegations of Authority

Part F. of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), (**Federal Register**, Vol. 51, No. 122, pg. 23156–23158, dated Wednesday, June 25) is amended to reflect several organizational title changes and the establishment of a subordinate structure in the new Office of Prepaid Health Care.

The Specific amendments to Part F. are described below:

I. Section FC.10., Office of Prepaid Health Care (FC) (Organization) is amended to include title changes and now includes:

A. The Policy, Planning, and Liaison Staff (FC–1).

B. The Office of Qualifications (FCA).

C. The Office of Compliance (FCB).

D. The Office of Financial Management (FCC).

II. Section FC.20.B., Division of Qualifications (FCA), is amended to reflect a title change. The functions and responsibilities remain the same. The section now reads as follows:

B. Office of Qualifications (FCA)

Establishes qualification standards, and determines the acceptability of entities seeking to become Federally "qualified." Refines the review procedures as necessary to facilitate the qualification process. Coordinates and insures the consistency of regional office activities related to the qualification process. Assists the Office of the General Counsel in the development of legal actions concerning qualification status. Performs liaison activities related to qualification functions. Develops policy and regulatory proposals related to qualification. Evaluates the impact of policies, legislation, and regulations on the ability of projects to become qualified, and provides guidance as to interpretation of policy guidelines and regulations related to qualification. Responsible for the administration and promotion of prepaid health plan participation in the Medicare program. Responsible for overseeing all aspects of contract administration, including working with the Regional Offices and national organizations wishing to deal with the HCFA central office. Reviews and analyzes national data on an ongoing basis for the purpose of monitoring prepaid health care in the areas of contract performance, plan enrollment, and payments. Uses forecasting techniques to determine the trends and future growth of the prepaid health care industry. Analyzes trends in prepaid health care and advises HCFA management of their impact on the Medicare program.

1. Division of Qualifications Analysis (FCA1)

Directs the qualification review and evaluation process. Investigates and evaluates applicants' conformance with all legal requirements for qualification. Recommends qualification decisions to the Division Director. Presents recommendations to senior Office of Prepaid Health Care (OPHC) staff and the Director, OPHC. Develops and implements policies and procedures for the qualification evaluation process which address critical program objectives including timeliness and resolution of complex issues in management, finance, legal, marketing, and health services delivery. Evaluates qualification officer, specialist, and consultant reports for completeness, clarification of appropriate and required issues, conformance with the statute, regulations, and interpretive rulings, and identification of unresolved issues. Maintains the information system which produces the Division's routine and special reports on the status of qualification applicants. Coordinates with the Division of Compliance and implements the transfer of responsibility and official case files from the Division of Qualifications to the Division of Compliance. Develops directly, and collaborates with other OPHC program units, in preparation of appropriate regulatory proposals, policies, guidelines, and interpretive rulings related to qualification. Provides to future applicants, State regulators, investors, employers, and others, guidance and current interpretations of the statutes and regulations as they apply to qualification. Serves as liaison with State and local health agencies concerned with particular applicants.

2. Division of Contract Administration (FCA2)

Responsible for the administration and promotion of perpaid health plan participation in the Medicare program.

Develops and issues instructions for the regional offices regarding the procedures for evaluating prepaid health plan contract applications, contract negotiation and implementation, and monitoring contractor compliance. Provides oversight of regional office activities related to prepaid health care. Responsible for contract administration for national organizations wishing to deal with the HCFA central office. Reviews and analyzes national data on an ongoing basis for the purpose of monitoring prepaid health care in the area of contract performance. Uses forecasting techniques to determine the trends and future growth of the prepaid health care industry. Analyzes trends in prepaid health care and advises HCFA management of their impact on the Medicare program. Evaluates the impact of policies and legislation on prepaid health care operations and proposes alternative courses of action. Maintains liaison with national prepayment plan associations and represents the OPHC at national meetings. Provides technical assistance to regional office components, consultant groups and prepaid health plans.

III. Section FC.20.C., Division of Compliance (FCB), is amended to reflect a title change. The functions and responsibilities remain the same. The section now read as follows:

C. Office of Compliance (FCB)

Assures the continuing compliance of prepaid health plans with the statutory and regulatory requirements. Assures compliance by employers with a mandatory offering of the prepaid health plan alernative in employee health benefits plans. Assists the Office of the General Counsel in the development of legal actions against prepaid health plans and employers considered not to be in compliance with applicable standards and regulatory requirements. Reviews standards, procedures, and reporting requirements for monitoring of prepaid health plans that receive financial assistance under grants, loans, and loan guarantees. Establishes and updates standards and procedures for compliance monitoring of qualified organizations and prepares status reports for internal and external use. Assures compliance by loan recipients with the legislative requirement for fiscal viability. Establishes and maintains liaison with concerned State and local regulatory and monitoring agencies. Develops policy and regulatory proposals related to prepaid health plan compliance. Evaluates the impact of policy, legislation, and regulations on the ability of qualified organizations to remain in compliance. Provides guidance as to the interpretation of policy guidelines and regulations related to prepaid health plan compliance. Establishes standards and procedures for all loan applications, awards, and reviews. Directs and coordinates the prepaid health plan loan mangement activities. Analyzes needs and develops forecasts for the loan and loan guarantee programs. Develops policy and implements strategy related to rehabilitation or liquidation and utilizes computerized data systems to maintain and monitor national prepaid health plan activity statistics.

1. Division of Compliance (FCB1)

Assures the continuing compliance of qualified organizations with the requirements of Section 1301 of the Public Health Services Act and Section 1876 of the Social Security Act and related regulations, by initiating and carrying out monitoring activities including site visits for each prepaid health plan. Develops standards and procedures and institutes the means of data reporting and analysis for compliance monitoring of qualified organizations. Assures compliance by employers with a mandatory offering of the prepaid health plan alternative in employee health benefit plans. Assists the Office of the General Counsel in the development of legal actions against organizations considered not to be in compliance with applicable standards and regulatory requirements. Establishes and maintains liaison with concerned State and local regulatory and monitoring agencies. Develops and provides guidance on policy and regulations related to prepaid health plan compliance. Evaluates the impact of policy, legislation, and regulation on ability of qualified organizations to remains in compliance. Develops and implements procedures for the revocation of Federal qualification. Develops and implements measures for handing complaints regarding Federally qualified organizations from members, employers, consumers, and other entities. Develops and implements rehabilitation and liquidation plans for organizations experiencing financial difficulty.

2. Division of Loan Management (FCB2)

Develops and directs the overall national strategy and operations of the prepaid health plans loan guarantee program. Analyzes needs and develops policies, procedures, and funding forecasts for the national loan and loan guarantee program. Establishes and upgrades standards and procedures for reporting requirements for monitoring organizations that received loan and loan guarantee financial assistance. Develops and manages the review process for all loan determinations, provisions of all legal documents regarding loan assistance, the loan closing process, loan monitoring procedures, loan sizing determinations, loan defaults and remedies, and directs and coordinates the loan management activities. Develops and makes recommendations regarding new or existing regulations, policies, and procedures affecting the loan and loan guarantee program. Develops procedures for and monitors the adherence to the statutory and regulatory provisions relating to financial disclosure by Federally qualified organizations. Maintains liaison with Federal, State, and local health agencies, professional organizations, and other parties concerned with the loan and loan guarantee program to provide guidance as to policy, legislation, and regulations as it relates to the loan assistance program. Serves as the national resource for providing guidance and interpretations of financial policies and procedures, and for providing assistance on the application requirements for loan and loan assistance both for initial and supplemental loans, and reviews these applications to determine eligibility for specific costs for participation in the program. Performs the financial and market analysis/review function for the Division of Compliance and other divisions in OPHC in support of the regulations, policies, and procedures governing the loans and loan guarantees issued under Title XIII of the Public Health Services Act, as amended. Develops policies and procedures relative to the financial audit. Reviews all audited financial statements of qualified organizations to determine if the organizations are in compliance with the requirements of the statute and regulations. Establishes, organizes, controls, and maintains the official files in support of loan and regulatory actions, including support documents for affidavits and other judicial proceedings. Maintains and controls the files of applicants for qualification and the attendant documents in cooperation with the Division of Qualification to control the release of information in accordance with the Freedom of Information Act as requested by other agencies and the public, and to provide coordinated legal documents to support the Department's actions. Develops, implements, and maintains computerized data systems to provide timely data for loan and regulatory

monitoring, to maintain a statistical data base, and to prepare special reports.

IV. Section FC.20.D., Division of Financial Management (FCC), is amended to reflect a title change. The functions and responsibilities remain the same. The section now reads as follows:

D. Office of Financial Management (FCC)

Develops, plans, and conducts a comprehensive financial management program with respect to the operation of prepaid health plans (including Health Maintenance Organizations, Health Care Prepayment Plans, Competitive Medical Plans, and any capitation demonstration projects) for the provision of services under the Medicare program. Coordinates and monitors the financial management implementation with HCFA and HHS components in regard to capitation formula, reimbursement policies, and the prepaid health care information system. Determines the amounts of payments to be made to prepaid health plans and the amounts, methods, and frequency of retroactive adjustments. Incorporates a prospective payment system for prepaid health care through the implementation of Tax Equity and Fiscal Responsibility Act risk contracts. Evaluates cost reporting methodologies and conducts a continuing audit program to determine final program liability for cost contracts. Conducts or participates in studies aimed at long-range improvements and the overall evaluation of prepaid health care and its impact on the Medicare program. Reviews and analyzes national data on an ongoing basis for the purpose of monitoring prepaid health care in the areas of plan enrollment and payments.

1. Division of Methods and Procedures (FCC1)

Responsible for activities which involve establishing procedures, operating instructions, systems specifications, data exchange and reimbursement mechanisms which define and systematize the Medicare prepaid health plan processes. Responsibilities include developing, implementing, and maintaining the methods and procedures for interfacing prepaid health plan operations (including Health Maintenance Organizations (HMOs), Competitive Medical Plans, Health Care Prepayment Plans, and any capitation demonstration projects) with the non-prepaid Medicare health insurance systems. Formulates systems requirements, defines data base files, and develops procedures for prepaid health care data exchange and reimbursment mechanisms. Develops and maintains instructions for prepaid health plans, regional offices, intermediaries, and carriers regarding the prepaid health care information system. Maintains and issues the methods and procedures portion of the HMO manual. Evaluates the effectiveness of the information system, and recommends changes and improvements. Renders technical assistance to prepaid health plans and regional offices concerning methods and procedures. Serves as HCFA's focal point for prepaid health plan operational issues and interim reimbursement.

2. Davision of Medicare Payments I (FCC2)

Responsible for all activities which involve Medicare prepaid health plan accounting policy implementation and payments for Regions I through V. Reviews and approves Adjusted Community Rate (ACR) proposals for contractor reimbursement on a risk basis as set out under the Tax Equity and Fiscal Responsibility Act. Provides taining for "risk" contractors on the technicalities of ACR determinations. Conducts onsite visits to review contractors' documentation for ACR computations and overall assessment of contractor's accounting operations. Renders technical guidance, coordinates appeals, and provides assistance concerning prepayment plan cost reimbursement and audit. Recommends new procedures to improve operations, such as guideline for targeting prepaid health plan audits. Coordinates payment policy formulation with the Bureau of Eligibility, Reimbursement, and Coverage and the Office of the Actuary. Reviews health maintenance organizations' annual budget and enrollment forecasts, quarterly cost reports, and final cost reports. Prepares information for sending requests for proposals to independent certified public accounting (CPA) firms, reviews audit reports from CPA firms, and negotiates the settlement of audit exceptions with prepaid health plans. Develops and maintains reimbursement forms and manuals, and interprets reimbursement policy applicable to individual accounting situations. Determines interim payments due to prepaid health plans, schedules payments accordingly, and maintains records of payments made. Reviews and analyzes national data on an ongoing for the purpose of monitoring prepaid health care in the areas of plan enrollment and payments.

3. Division of Medicare Payments II (FCC3)

Responsible for all activities which involve Medicare prepaid health plan accounting policy implementation and payments for Regions VI through X. Reviews and approves Adjusted Community Rate (ACR) proposals for contractor reimbursement on a risk basis as set out under the Tax Equity and Fiscal Responsibility Act. Provides training for "risk" contractors on the technicalities of ACR determinations. Conducts onsite visits to review contractors' documentation for ACR computations and the overall assessment of contractors' accounting operations. Renders technical guidance, coordinates appeals, and provide assistance concerning prepayment plan cost reimbursement and aduit. Recommends new procedures to improve operations, such as guideline for targeting prepaid health plan audits. Coordinates payment policy formulation with the Bureau of Eligibility, Reimbursement and Coverage and the Office of the Actuary. Reviews health maintenance organizations' annual budget and enrollment forecasts, quarterly cost reports, and final cost reports. Prepares information for sending requests for proposals to independent certified public accounting (CPA) firms, reviews audit reports from CPA firms, and negotiates settlement of audit exceptions with prepaid health plans. Develops and maintains reimbursement forms and manuals, and interprets reimbursement policy applicable to individual accounting situations. Determines interim payments due prepaid health plans, schedules payments accordingly, and maintains records of payments made. Reviews and analyzes national data on an ongoing for the purpose of monitoring prepaid health care in the areas of plan enrollment and payments.

Dated: July 8, 1986.

William L. Roper, M.D.

Administrator.

[FR Doc. 86-16142 Filed 7-16-86; 8:45 am]

BILLING CODE 4120-01-M

Statement of Organization, Functions, and Delegations of Authority

Part F. of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), **Federal Register**, Vol. 49, No. 226, pg. 46502, dated Monday, November 26, 1984) is amended to reflect a change to the functional statement for the Division of Administrative Systems, Office of Financial Management and Administrative Systems, Office of

Management and Budget. The change better describes the major responsibilities of the Division.

The specific amendments to Part F. are described below:

—Section FH.20.A.2.c., Division of Administrative Systems (FHA13) is amended as follows:

Eliminate the current division functional statement in its entirety and replace it with the following:

c. Division of Administrative Systems (FHA13).

Provides applications software support to HCFA headquarters including personnel management systems, financial management systems, general administrative systems and management information systems. Provides applications software support to HCFA regional offices in administrative management systems. Provides applications software support services to other HCFA components in the development of administrative systems, including those utilizing microcomputer technology. Responsible for macro design and evalution of prototype administrative systems. Develops short and long range plans for administrative, personnel, and financial systems. Develops appropriate standards and guidelines to govern the development and ongoing support of administrative systems.

Dated: July 1, 1986.

Bartlett S. Fleming,

Associate Administrator for Management and Support Services.

[FR Doc. 86-16143 Filed 7-16-86; 8:45 am]

BILLING CODE 4120-01-M

Social Security Administration

Nicaragua; Finding Regarding Foreign Social Insurance or Pension System

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Finding Regarding Foreign Social Insurance or Pension System—Nicaragua.

Finding

The Treaty of Friendship, Commerce, and Navigation provides that citizens of Nicaragua living outside the United States who are entitled to benefits under the United States Social Security program are paid benefits in exception to the alien nonpayment provisions of section 202(t)(1) of the Social Security Act. The above treaty with Nicaragua was revoked effective May 1, 1986. The revocation of this treaty now requires that a determination under sections 202(t)(2) through 202(t)(5) be made to support either continued payment or suspension of benefits to citizens of Nicaragua.

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to any individual who is not a United States citizen or national for any month after he or she has been outside the United States for 6 consecutive months. This prohibition does not apply to such an individual where one of the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through (t)(5)) affects his or her case.

Section 202(t)(2) of the Social Security Act provides that, subject to certain residency requirements of section 202(t)(11), the prohibition against payment shall not apply to any individual who is a citizen of a country which the Secretary of Health and Human Services finds has in effect a social insurance or pension system which is of general application in such country and which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death; and

(b) Permits individuals who are United States citizens but not citizens of that country and who qualify for such benefits to receive those benefits, or the actuarial equivalent thereof, while outside the foreign country regardless of the duration of the absence.

The Secretary of Health and Human Services has delegated the authority to make such a finding to the Commissioner of Social Security. The Commissioner has redelegated that authority to the Director of the International Policy Staff. Under that authority the Director of the International Policy Staff has approved a finding that Nicaragua, beginning May 1, 1986, has a social insurance system of general application which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death; and

(b) Permits United States citizens who are not citizens of Nicaragua to receive such benefits, or their actuarial equivalent, at the full rate without qualification or restriction while outside Nicaragua.

Accordingly, it is hereby determined and found that Nicaragua has in effect beginning May 1, 1986, the first day that the revocation of the Treaty of Friendship, Commerce and Navigation is effective, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

FOR FURTHER INFORMATION CONTACT: J. Joseph Rausch, Room 1104, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-6123.

(Catalog of Federal Domestic Assistance Programs No. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors Insurance)

Dated: July 10, 1986.

Elizabeth K. Singleton,

Director, International Policy Staff.

[FR Doc. 86-16225 Filed 7-17-86; 8:45 am]

BILLING CODE 4190-11-M

St. Christopher and Nevis; Finding Regarding Foreign Social Insurance or Pension System

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Finding Regarding Foreign Social Insurance or Pension System—St. Christopher and Nevis.

Finding

St. Christopher and Nevis, formerly an Associated State of the United Kingdom, became an independent nation at midnight on September 18, 1983. Prior to independence, citizens of St. Christopher and Nevis were considered nationals of the United Kingdom and met the social insurance exception to the alien nonpayment provisions of section 202(t)(2) of the Social Security Act due to their citizenship in the United Kingdom. Because of the independence of St. Christopher and Nevis, we must review its social insurance system to determine whether citizens of St. Christopher and Nevis meet an exception to the alien nonpayment provision under section 202(t)(2).

Section 202(t)(1) of the Social Security Act (42 U.S.C 402(t)(1)) prohbits payment of monthly benefits to any individual who is not a United States citizen or national for any month after he or she has been outside the United States for 6 consecutive months. This prohibition does not apply to such an individual where one of the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through (t)(5)) affects his or her case.

Section 202(t)(2) of the Social Security Act provides that, subject to certain residency requirements of section 202(t)(11), the prohibition against payment shall not apply to any individual who is a citizen of a country which the Secretary of Health and Human Services finds has in effect a social insurance or pension system

which is of general application in such country and which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death; and

(b) Permits individuals who are United States citizens but not citizens of that country and who qualify for such benefits to receive those benefits, or the actuarial equivalent thereof, while outside the foreign country regardless of the duration of the absence.

The Secretary of Health and Human Services has delegated the authority to make such a finding to the Commissioner of Social Security. The Commissioner has redelegated that authority to the Director of the International Policy Staff. Under that authority the Director of the International Policy Staff has approved a finding that St. Christopher and Nevis, beginning September 19, 1983, has a social insurance system of general application which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death; and

(b) Permits United States citizens who are not citizens of St. Christopher and Nevis to receive such benefits, or their actuarial equivalent, at the full rate without qualification or restriction while outside St. Christopher and Nevis.

Accordingly, it is hereby determined and found that St. Christopher and Nevis has in effect, beginning September 19, 1983, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

FOR FURTHER INFORMATION CONTACT: Roy G. Hatch, Room 1104, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-6122.

(Catalog of Federal Domestic Assistance Programs No. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors Insurance)

Dated: July 10, 1986.

Elizabeth K. Singleton,

Director, International Policy Staff.

[FR Doc. 86-16226 Filed 7-17-86; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974—Revision and Update of Notices of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974, as amended, 5 U.S.C. 552a. The system of records notice titled "Emergency Defense Mobilization Files—Interior, Office of the Secretary-15" (previously published in the **Federal Register** on May 3, 1983 (48 FR 19945), is being deleted and replaced with the Bureau of Mines system notice (WBM-10) published below. Existing Departmental records concerning National Defense Executive Reservists are maintained solely in the Bureau of Mines, therefore the notice describing the system of records is being revised accordingly.

In addition to minor editing revisions, the statements describing the system name, location, and system manager have been appropriately amended, and the existing routine disclosure statement for litigation purposes is revised to incorporate the clarification on such disclosures prescribed by the Office of Management and Budget (OMB) in its supplementary guidelines dated May 24, 1985, for implementing the Privacy Act. Also, the retention and disposal statement is amended to conform to guidelines issued by the Assistant Archivist for Records Administration, National Archives and Records Administration, in his memorandum to Agency Records Officers dated June 11, 1985.

Since this change does not involve any new or intended use of the information in the system of records, the notice shall be effective on or before July 18, 1986. Additional information regarding this action may be obtained from the Department Privacy Act Officer, Office of the Secretary (PIR), Room 7357, Main Interior Building, U.S. Department of the Interior, Washington, D.C. 20240.

Dated: July 10, 1986.

Oscar W. Mueller, Jr.,

Director, Office of Information Resources Management.

INTERIOR/WBM-10

SYSTEM NAME:

Emergency Minerals Administration of the National Defense Executive Reserve Files—Interior, Mines-10.

SYSTEM LOCATION:

Office of the Director, Bureau of Mines, 2401 E Street, NW., Washington, D.C. 20241.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Emergency Minerals Administration (EMA) of the National Defense Executive Reserve (NDER) and other individuals assigned responsibilities in the event of a national defense emergency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical and related records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders No. 10480 and 11490, and Section 710(e) of the Defense Production Act of 1950, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to administer the EMA/NDER program. Disclosures outside the Department of the Interior may be made (1) to officials of participating departments and agencies relevant to reservists assigned to their units; (2) to the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the Government, an employee of the Department is a party to litigation or anticipated litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, order, or license; (4) to a congressional office from the record of an individual in response to an inquiry the individual has made to the congressional office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form.

RETRIEVABILITY:

Indexed by individual name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

The retention and disposal determination for the records is pending approval of the Archivist of the United States.

SYSTEM MANAGER AND ADDRESS:

Director, Bureau of Mines, 2401 E Street, NW., Washington, D.C. 20241.

NOTIFICATION PROCEDURE:

A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required. The request shall be addressed to the System Manager. See 43 CFR 2.60 for submission requirements.

RECORD ACCESS PROCEDURE:

A request for access shall be addressed to the System Manager and shall meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and shall meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individuals.

[FR Doc. 86-16188 Filed 7-17-86; 8:45 am]

BILLING CODE 4310-53-M

Bureau of Land Management

[ID-030-06-4830-04]

Idaho Falls District, Meeting

AGENCY: Bureau of Land Mangement, Interior.

ACTION: Meeting of the Idaho Falls District Advisory Council.

SUMMARY: The Idaho Falls District Advisory Council will meet Wednesday, August 27, 1986. Notice of this meeting is in accordance with Pub. L. 92-463. The meeting will begin at 9 a.m. at the Idaho Falls District Office on 940 Lincoln Road, Idaho Falls, Idaho. The meeting is open the public; public comments on agenda items will be accepted from 11:00 to 11:30 a.m.

The agenda items are: a Briefing on the Alternatives in the Pocatello Resource Management Plan and a Review of the Egin-Hamer Road Environmental Impact Statement.

Summary minutes of the meeting will be kept in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) within 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: O'dell A. Frandsen, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401; Telephone: (208) 529-1020.

July 10,1986.

W. Bernard Jansen,

Acting District Manager.

[FR Doc. 86-16169 Filed 7-17-86; 8:45 am]

BILLING CODE 4310-GG-M

[ID-030-06-4212-14; I-21377, I-23094]

Realty Action; Idaho Falls District

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Sale of Public Land in Madison and Jefferson Counties, Idaho.

DATE AND ADDRESS: The sale offering will be held on Tuesday, September 23, 1986, at 1:00 p.m. at the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho, 83401. Unsold parcels where no bids are received will be offered every Tuesday though October 28, 1986, on which date this sale offering will be suspended.

SUMMARY: The following-described lands have been examined and through the public-supported land use planning process have been determined to be suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976, at no less than fair market value as determined by an appraisal:

Parcel	Legal description	County	Market value	Sale type
I-21377	T. 4 N., R. 35 E., B.M., Sec. 23, SE¼ (160 acres).	Jefferson	$20,000	Competitive
I-23094	T. 5 N., R. 42 E., B.M., Sec. 25, Lot 1 Sec. 35, S½S½SE¼ (55.8 acres)	Madison	2,500	Direct.

When patented, the lands will be subject to the following reservations:

Parcel	Reservations
I-21377	Ditches and canals, Oil and Gas Mineral Estate to U.S.
I-23094	Ditches and Canals, Oil, Gas and Geothermal Mineral Estate to U.S.

The previously-described lands are hereby segregated from appropriation under the public land laws, including the mining laws, for a period of 270 days or until patent is issued, whichever comes first.

Sale Procedures

Sale parcel I-21377 will be sold by competitive bidding procedures as follows: A sealed bid must be submitted in person or by mail prior to the date and time of sale in the Idaho Falls District located at 940 Lincoln Road, Idaho Falls, Idaho. The bid must be sealed in an envelope with the envelope specifying the serial number and the sale date in the lower left hand corner (i.e. "Sealed bid-public land sale I-21377—September 23, 1986"). If two or more sealed bids are received for the same amount and are the high bid, a supplemental bidding of the high bidders will be held.

Sale parcel I-23094 is being offered directly to Deloy Ward because he is the sole adjoining private land owner and there is no physical access to the public land parcel. Should Mr. Ward fail to submit a bid on the date of sale, the parcel will be reoffered by competitive procedures as described in the previous paragraph.

Bids must be submitted for at least fair market value and will constitute an application to purchase that portion of the mineral estate not reserved to the United States. A twenty percent (20%) deposit and an additional $50.00 non-returnable mineral conveyance processing fee is required. The filing fee and deposit must paid by certified check, money order, bank draft or cashier's check. Bids will be rejected if accompanied by a personal check.

SUPPLEMENTAL INFORMATION: Detailed information concerning conditions of the sale can be obtained by contacting Scott Powers, Realty Specialist at (208) 529-1020.

For a period of 45 days from the date of publication of this notice in the **Federal Register,** interested parties may submit comments to the District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: July 11, 1986.

Gary L. Bliss,

Acting District Manager.

[FR Doc. 86-16170 Filed 7-17-86; 8:45 am]

BILLING CODE 4310-GG-M

[OR-030-06-4212-14; OR 39706; OR 39709]

Realty Action; Competitive Sale of Public Land in Baker County, OR

The following lands are suitable for sale under sections 203 and 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 and 1719, at no less than the appraised fair market value:

Serial No.	Legal description	Acreage	Value	Minimum bid deposit (percent)	Bidding procedure
	Willamette Meridian:				
OR 39706	T. 8 S., R. 44 E., Sec. 15: Lot 3	27.58	$8,300	30	Competitive sale.
OR 39709	T. 9 S., R. 39 E., Sec. 8: Lot 12	0.78	1,800	30	Competitive sale.

The above described land(s) are hereby segregated from appropriation under the public land laws, including the mining laws, but not from sale under the above cited statute.

The sale will be held on September 17, 1986, at the Bureau of Land Management, Vale District Office, Baker Resource Area, New Federal Building, 1550 Dewey, Baker, Oregon, 97814. These isolated parcels are difficult and uneconomic to manage as part of the public lands and are not suitable for management by another Federal agency. No significant resource values will be affected by this disposal. The sale is consistent with BLM's planning for the land involved and the public interest will be served by offering this land for sale.

Sale brochures containing pertinent data on the land offered for sale are available upon request from the Area Manager at the above address.

Bidder Qualifications

Bidders must be U.S. citizens, 18 years of age or more; a state or state instrumentality authorized to hold property; or a corporation authorized to own real estate in the state in which the land is located.

Competitive Bidding Procedures

Sealed written bids, delivered or mailed, must be received by the Bureau of Land Management at the aforementioned address prior to 10:00 a.m., Wednesday, September 17, 1986.

A separate written bid must be submitted for each parcel desired.

Each written sealed bid must be accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to the Department of the Interior–BLM for at least the percent indicated in the above listing and shall be enclosed in a sealed envelope clearly marked, in the lower left hand corner, "Bid for Public Land Sale OR ———, Baker County, Oregon, September 17, 1986." The written sealed bids will be opened and publicly declared at the sale. If two or more envelopes containing valid high bids of the same amount are received, the designated tied high bidders will be notified through certified mail to submit supplemental sealed bids within 30 days. The balance of the purchase price must be paid within 180 days or the deposit will be forfeited and the parcel will be reoffered to the public until sold or withdrawn from the market.

Terms and Conditions of the Sale

The terms, conditions, and reservations applicable to the sale are as follows:

1. All minerals in the lands will be reserved to the United States in accordance with Section 209 of the Federal Land Policy and Management Act of 1976.

2. Rights-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

3. Patents will be issued subject to all valid existing rights and reservations of records.

4. The BLM may accept or reject any and all offers, or withdraw any land or interest in land from sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with the Federal Land Policy and Management Act or other applicable laws.

5. The Sale Parcels will be SUBJECT TO:

a. Such rights for public road purposes as Baker County, or its successors in interest may have pursuant to a road right-of-way R.S. 2477 (43 U.S.C. 932).

b. Applicable Baker County zoning ordinances. Bidders should inquire of appropriate county officials regarding possible restrictions on land uses.

Unsold Parcels

If any of the parcels identified in this Notice are not sold on September 17, 1986, the parcels will be offered to the public, using competitive sale procedures 43 CFR 2711.3–1, until sold or withdrawn from the market. Sealed bids will be solicited at the BLM, Baker Resource Area Office, during regular business hours. All bids received will be opened the first Wednesday of each month, beginning on October 1, 1986. To be considered, bids must be received by 10:00 a.m. on the day of the bid opening.

Comments

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 700, Vale, Oregon, 97918. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: July 8, 1986.

William C. Calkins,

District Manager.

[FR Doc. 86-16258 Filed 7-17-86; 8:45 am]

BILLING CODE 4310-33-M

National Park Service

Upper Delaware National Scenic and Recreational River, Citizens Advisory Council Meeting

AGENCY: National Park Service; Upper Delaware Citizens Advisory Council.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: July 25, 1986 7:00 p.m.

Inclement Weather Reschedule Date: August 8, 1986.*

ADDRESS: Town of Tusten Hall, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. (717) 729–8251.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission,

*Announcements of cancellation due to inclement weather will be made by radio stations WDNH, WDLC, WSUL, and WVOS.

the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include revision of draft river management plan. The meeting will be open to the public.

Any member of the public may file with the council a written statement concerning agenda items. The statement should be addressed to the Upper Delaware Citizens Advisory Council, P.O. Box 84, Narrowsburg, N.Y. 12764. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware Scenic and Recreational River Road, 1¾ miles North of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: July 8, 1986.

Sandra C. Rosencrans,

Acting for Regional Director, Mid-Atlantic Region.

[FR Doc. 86-16171 Filed 7-17-86; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-77 (Sub-5X)]

Bangor and Aroostook Railroad Co.; Abandonment Exemption in Aroostook County, ME

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 et seq., the abandonment by the Bangor and Aroostook Railroad Company of 11.66 miles of rail line between Blackstone Siding and Collins Siding in Aroostook County, ME, subject to standard employee protective conditions.

DATES: The exemption is effective on August 18, 1986. Petitions to stay must be filed by July 28, 1986, and petitions for reconsideration must be filed by August 7, 1986.

ADDRESSES: Send petitions, if any, referring to Docket No. AB-77 (Sub-No. 5X), to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: William M. Houston, Bangor and Aroostook Railroad Co., Northern Maine Junction Park, RR 2, Bangor, ME 04401.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: July 10, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 86-16201 Filed 7-17-86; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-69 (Sub-21X); Docket No. AB-19 (Sub-115X)]

Western Maryland Railway Co. and the Baltimore and Ohio Railroad Co.; Abandonment and Discontinuance in Randolph County, WV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirments of 49 U.S.C. 10903 et seq., the abandonment by Western Maryland Railway Company and the discontinuance of operations by The Baltimore and Ohio Railroad Company over approximately 1.19 miles of track in Randolph County, WV, subject to conditions for protection of employees.

DATES: This exemption is effective on August 18, 1986. Petitions to stay must be filed by July 28, 1986. Petitions for reconsideration must be filed by August 7, 1986.

ADDRESSES: Send pleadings referring to AB-69 (Sub-No. 21X) and AB-19 (Sub-No. 115X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representatives: Lawrence H. Richmond, 100 North Charles Street, Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT: Donald Shaw, Jr., (202) 275-7693.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: July 11, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 86-16202 Filed 7-17-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30864]

Missouri-Kansas-Texas Railroad Company—Operation—McAlester to Howe, OK; Modified Rail Certificate

July 8, 1985.

On June 26, 1986, a notice was filed by Missouri-Kansas-Texas Railroad Company (MKT) for a modified certificate of public convenience and necessity under 49 CFR 1150.21, Subpart C. That carrier is now authorized to provide service over the line heretofore abandoned by the former Chicago, Rock-Island and Pacific Railroad Company (Rock-Island) pursuant to a decision of the Commission in Docket No. AB-46 (Sub-No. 22) served May 27, 1980, and now owned by the State of Oklahoma, consisting of 69.6 miles of rail line extending from milepost 364.96 at McAlester, OK to milepost 295.36 at Howe, OK.

Applicant will operate this line pursuant to a service agreement with the Oklahoma Department of Transportation.

This notice shall be served upon the Association of American Railroads (Car Service Division) as agent of all railroads subscribing to the car-service and car-hire agreement, and upon the American Short Line Railroad Association.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 86-16199 Filed 7-17-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30691 (Sub-No. 1)]

Soo Line Railroad Co., Trackage Rights; Burlington Northern Railroad Co.; Exemption

Burlington Northern Railroad Company has agreed to grant overhead trackage rights to Soo Line Railroad Company between Bismarck (milepost 192.89) and a point east of Moffit, ND (milepost 12.54), a distance of approximately 29.23 miles. The trackage rights became effective July 3, 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 employees affected by

the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: July 8, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 86-16200 Filed 7-17-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decisions together with and modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in that rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3504, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Delaware:
DE86-2 (Jan. 3, 1986) ..... p. 95.
Maryland:
MD86-15 (Jan. 3, 1986) ..... pp. 420-422.
Mississippi:
MS86-6 (Jan. 3, 1986) ..... p. 452.
New York:
NY86-5 (Jan. 3, 1986) ..... p. 677.
Pennsylvania:
PA86-6 (Jan. 3, 1986) ..... p. 843.
PA86-11 (Jan. 3, 1986) ..... p. 885.

Volume II

Illinois:
IL86-9 (Jan. 3, 1986) ..... pp. 137, 139.
Kansas:
KS86-8 (Jan. 3, 1986) ..... pp. 336-340.
Michigan:
MI86-1 (Jan. 3, 1986) ..... pp. 385-394, p. 398, pp. 398a-398b.
Michigan:
MI86-5 (Jan. 3, 1986) ..... pp. 430-441.
Michigan:
MI86-7 (Jan. 3, 1986) ..... pp. 445-461.
Minnesota:
MN86-5 (Jan. 3, 1986) ..... pp. 497-503.
Minnesota:
MN86-7 (Jan. 3, 1986) ..... p. 507, pp. 509-511.
Missouri:
MO86-11 (Jan. 3, 1986) ..... pp. 611-614.
Nebraska:
NE86-1 (Jan. 3, 1986) ..... p. 618.
Nebraska:
NE86-3 (Jan. 3, 1986) ..... p. 624.
Ohio:
Oh86-2 (Jan. 3, 1986) ..... pp. 676-695.
Ohio:
OH86-29 (Jan. 3, 1986) ..... pp. 757-795.

Volume III

Arizona:
AZ86-1 (Jan. 3, 1986) ..... pp. 11-12.
Washington:
WA86-1 (Jan. 3, 1986) ..... pp. 300-301, pp. 303-304, p. 309.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GOP) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 80 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. The subscription cost is $277 per volume. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 11th day of July 1986.

James L. Valin,

Assistant Administrator.

[FR Doc. 86-1604 Filed 7-17-86; 8:45 am]

BILLING CODE 4510-27-M

Pension and Welfare Benefits Administration

[Application No. D-6149 et. al.]

Proposed Exemptions; PECA-IBEW Annuity Fund et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Regulations and Interpretations, Room N-5669, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

PECA-IBEW Annuity Fund (the Annuity Fund) and the PECA-IBEW Pension Fund (the Pension Fund; collectively, the Funds) Located in Honolulu, Hawaii

[Application Nos. D-6149 and D-6150]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) as follows:

I. Effective June 15, 1979, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the past and proposed sale, exchange or transfer between First Interstate Bank (FIB), State Savings and Loan (SSL), other banking institutions (the Banks), and the Funds of multi-family residential and commercial mortgage loans (the Mortgages) or participation interests therein (the Participation Interests) which are originated by FIB, SSL and the Banks, provided that:

A. Such sale, exchange or transfer is (or has been) expressly approved by fiduciaries independent of FIB, SSL and the Banks who have authority to manage or control those assets of the Funds invested in the Mortgages or Participation Interests;

B. The terms of all transactions between the Funds, FIB, SSL and the Banks are (or have been) not less favorable to the Funds than the terms generally available in arm's-length transactions between unrelated parties;

C. No investment management, advisory, underwriting fee or sales commission or similar compensation is (or has been) paid to FIB, SSL and the Banks with regard to such sale, exchange or transfer;

D. The decision to invest in a Mortgage or Participation Interest is not (or has not been) part of an arrangement under which a fiduciary of a Fund, acting with the knowledge of either FIB, SSL or the Banks, causes a transaction to be made with or for the benefit of a party in interest [as defined in section 3(14) of the Act] with respect to the Funds; and

E. FIB, SSL and the Banks shall maintain (or have maintained) for the duration of any Mortgage or Participation Interest which is sold to a Fund pursuant to this exemption, records necessary to determine whether the conditions of this exemption have been met. The records above must be (or have been) unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Funds, during normal business hours by: any trustee, investment manager, employer of Fund participants, employee organization whose members are covered by a Fund, or any participant or beneficiary of a Fund.

II. Effective June 15, 1979, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply, to any transactions to which such restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest (including a fiduciary) with respect to the Funds by virtue of providing services to the Funds (or who has a relationship to such service provider as described in section 3(14) (F), (G), (H) or (I) of the Act) solely because of the ownership of a Mortgage or Participation Interest by such Fund.

Summary of Facts and Representations

Introduction

This exemption requests retroactive relief for transactions previously entered into between the Funds and FIB and SSL. Additional prospective relief is sought for FIB and for the Banks, which are other federal and state-regulated banking institutions which are or may become parties in interest with respect to the Funds. Although these entities are not identified specifically, the terms and conditions of the transactions as they relate to FIB and SSL will also apply to the Banks.

1. FIB (formerly American Security Bank) is a commercial bank chartered by the State of Hawaii. FIB's investments range from first mortgages on real estate to consumer loans. FIB is

regulated and audited by the Bank Examination Division of the Hawaii Department of Commerce and Consumer Affairs. FIB is a member of the Federal Deposit Insurance Corporation and is subject to the regulations and audits for member banks. As of June 30, 1984, FIB had assets totaling $498,166,000.

FIB became a service provider with respect to the Funds by virtue of servicing a mortgage loan in which each Fund acquired Participation Interests during 1980. The Mortgage underlying the Participation Interests was made by FIB to unrelated parties. It consists of a commercial construction loan originated by FIB in the ordinary course of its business.

2. The applicant represents that SSL, a savings and loan association chartered by the State of Utah, became a service provider to the Funds by acting as a depository for benefit checks of missing Annuity Fund participants who were due benefit payments, and by providing services to both Funds in connection with Participation Interests in three commercial mortgage loans acquired by the Funds during 1979 and 1980. These Mortgages were made by SSL in the ordinary course of its business to unrelated parties. Since April 11, 1985, SSL was no longer in operation having been placed into receivership by the Federal Savings and Loan Association Insurance Corporation. At the time it actively operated, the range of SSL's investments consisted largely of first mortgages on real estate. SSL was regulated and audited by the Bank Examination Division of the Hawaii Department of Commerce and Consumer Protection. As of October 31, 1984, SSL had assets totaling $441,228,537.

3. FIB and SSL might sell an entire Mortgage or Participation Interests therein to other investors. Typically, each institution has retained a 10 percent to 25 percent interest in a Mortgage and has sold Participation Interests in the balance of the loan amount that is outstanding. Other than the relationships described above, FIB and SSL had no pre-existing relationship with the Funds. However, by virtue of FIB and SSL servicing the Participation Interests they became parties in interests with respect to the Funds so that any subsequent sale of Mortgages or Participation Interests would become a prohibited transaction under section 406(a) of the Act. The applicant represents that the transactions have not involved a conflict of interest or presented a situation where advantage could be taken of the Funds or the trustees of the Funds because all decisions regarding investment in the Mortgages or Participation Interests have been made by the Funds' trustees who are independent of FIB or SSL.[1]

4. FIB and SSL have initiated a Mortgage by reviewing a loan application from a potential mortgagor which includes a mortgage proposal consisting of a summary of facts relating to the loan, setting forth such matters as the terms of the Mortgage, a description of the property securing the Mortgage and an appraisal of the property from a qualified appraiser. FIB and SSL have established policies and underwriting guidelines to determine the applicant's credit worthiness and the value of collateral which must be satisfied before any decision is made to fund a Mortgage. Once assembled and verified, a mortgage package has been presented for approval to either a long officer or officers, senior committee or executive committee of FIB and SSL depending on the type and amount of the Mortgage. The loan officer, officers or committee would determine whether the Mortgage was a good risk and should be approved. Thereafter, the mortgage package might be presented to investors, typically savings and loan institutions, pension plans,[2] or other financial institutions or federal agencies such as the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

5. Generally, the average loan to value ratio has not exceeded 75 percent for the Mortgages. In the event a greater loan to value ratio has been warranted, commercial loan insurance has been required. The yield provided to the Funds by the Mortgages or Participation Interests has been and will continue to be the prevailing rate on comparable mortgages at the time of sale.

In two situations there have been defaults by the borrowers on construction loans in which the Funds acquired Participation Interests. In both instances, permanent financing was never made. The real property securing these loans has primarily been the subject of several foreclosure actions. However, in one instance, a dead in lieu of foreclosure has been accepted by the Funds and other lenders.[3]

6. The Funds have paid no investment management, investment advisory, sales commission or similar fee to FIB and SSL with respect to the acquisition or sale of the Mortgages or Participation Interests. The applicant represents that the Funds have paid and will pay no more for the Mortgages or Participation Interests than have been or would be paid by an unrelated party in an arm's-length transaction.

7. All transactions relating to the Mortgages or the Participation Interests have been controlled by a participation agreement (the Participation Agreement) which was submitted to fiduciaries of each Fund for their review prior to a Fund's purchase of a Mortgage or a Participation Interest.[4] Each Participation Agreement has been based on a commitment letter that requires FIB and SSL to represent the following for every Mortgage or Participation Interest: (a) That the Mortgage is a valid first lien on the mortgaged property; (b) that an American Land Title Association form of mortgagee's title insurance policy for the benefit of the Funds to the extent of the Funds' interest has been obtained; (c) that all relevent security agreements are valid, enforceable and perfected; (d) that either FIB, SSL or their agents have inspected the mortgaged property and all representations as to its value and quality are true; (e) that insurance policies providing coverage for fire and other hazards are maintained on the mortgaged property to the extent of the Fund's Participation Interest; (f) that with respect to those Mortgages which are insured in part by commercial mortgage insurance, FIB and SSL agree to keep such insurance in effect until

[1] The Department notes that where the construction on the property which secures the Mortgage was by a contributing employer to the Funds and a principal of such employer has exercised fiduciary authority in approving the Funds' investment in the Mortgage or Participation Interest, a separate prohibited transaction under section 406(b) of the Act may occur, which transaction would not be covered by this exemption. See also condition D of Part I of this exemption which has the effect of precluding relief under section 406(a) of the Act for certain transactions undertaken for the benefit of parties in interest.

[2] The Department notes that the application does not address the separate prohibited transactions uder section 406(a)(1)(B) of the Act which would exist should any of the Mortgages originated by either FIB and SSL and subsequently purchased by the Funds involve loans to any party in interest with resppect to the purchasing Funds. Accordingly, no relief is afforded by this proposed exemption for such transasctions. Howerver, the Funds will ask that FIB and the Banks request from the date of the grant of this exemption potential borrowers to list in their loan application their relationship to a Fund in an effort to assist a potential purchasing Fund in determining whether the borrower may be a party in interest.

[3] In this proposed exemption, the Department expresses no opinion on whether the acquisition and holding by the Funds of the Participation Interests in which defaults occurred on the construction loans violated any of the general fiduciary responsibility provisions of part 4 of Title I of the Act.

[4] No exemption from section 406 of the Act is being granted for transactions pursuant to the Participation Agreement beyond that which is provided by the statutory exemption pursuant to section 408(b)(2) of the Act.

mutually terminated by the Funds, and either FIB or SSL.

8. FIB's and SSL's duties under the Participation Agreement have included the following: (a) To collect all payments under the Mortgages or Participation Interests as they become due; (b) to deposit all funds received on behalf of each Mortgage or Participation Interest in a separate account on behalf of the relevant Fund and to apply all sums collected by it on account of each such Mortgage or Participation Interest for principal and interest, taxes, assessments, other public charges, repairs and maintenance and hazard, fire and mortgage insurance premiums; (c) to submit to the relevant Fund at least annually an audit of the balances in each Fund's account together with a certificate that all disbursements were made for proper purposes as well as to make available for inspection by the Funds any records maintained with respect to the Mortgage or Participation Interest; (d) to retain physical possession of the Mortgage instruments and policies of insurance; (e) upon default on a Mortgage to give prompt notice of default to the Funds, to foreclose upon the property, or purchase the mortgaged property at a foreclosure or trustee's sale and, if necessary, manage, maintain or dispose of the property so acquired.[5] However, decisions regarding foreclosure options and determinations as to property management have been made on behalf of the Funds by persons independent of FIB and SSL.

9. Both FIB's and SSL's compensation for servicing the Mortgages and Participation Interests has been agreed to at the time each Mortgage or Participation Interest has been accepted by a Fund. The applicant represents that FIB's and SSL's servicing fees have been determined on the same basis as are the fees charged investors other than the Funds who similarly invest in the Mortgages and Participation Interests. Also, the fees charged by FIB and SSL have been consistent with servicing fees charged throughout the United States for similar services.

[5] The Department notes that the application does not address the separate prohibited transaction under section 406(a)(1)(A) of the Act which would exist where upon foreclosure the Funds acquire title to real property and such property or a portion thereof is leased to a party in interest with respect to the Funds. Moreover, if the party in interest under such lease is an employer of employees covered by the Funds, the acquisition of real property by the Funds would result in the acquisition of employer real property which may violate the provisions of section 406(a)(2) and 407 of the Act. Accordingly, no relief is afforded by this proposed exemption for such transactions.

10. It has been understood by the parties to the Participation Agreement that the sale of a Mortgage or Participation Interest shall be without recourse. However, it has also been understood by the parties that in the event of a default on any mortgage, FIB or SSL might repurchase from the Funds a Mortgage or Participation Interest upon payment of the unpaid balance of the Mortgage or Participation Interest plus interest to the date of such repurchase.

11. FIB represents that as a result of being a party in interest with respect to the Funds by virtue of servicing the Mortgages, it would be prohibited from engaging in other commercial transactions with the Funds, such as the making of loans, which have nothing to do with the Mortgages or Participation Interests held by the Funds. The Department has considered requests by FIB for relief for such transactions and has decided that because the servicing relationship is established as a necessary result of the purchase of a Mortgage or Participation Interest by the Funds, subsequent transactions between the parties otherwise prohibited by section 406(a) are not likely to present an inherent abuse potential. Accordingly, the Department has determined it would be appropriate to propose the relief from section 406(a) contained in Part II of the proposed exemption.

12. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 408(a) of the Act because: (a) The transactions were and will be between the Funds and either FIB, SSL or the Banks (the latter of which are regulated institutions) and are transactions made in the regular course of FIB's, SSL's and the Banks' business; (b) all Fund decisions to invest in Mortgages and Participation Interests were and will be made by Fund fiduciaries who are independent of FIB, SSL and the Banks; (c) the Funds have paid and will pay no more for the Mortgages or Participation Interests than would be paid by an unrelated party in an arm's-length transaction; (d) servicing fees charged by FIB, SSL and the Banks have been and will continue to be similar to fees charged other investors in the Mortgages or Participation Interests and have been and will be consistent with that charged in the open market; (e) the Mortgages were and will be all first liens on commercial and multi-family residential property; and (f) the warranties and representations made by both FIB and SSL regarding the Mortgages and Participation Interests are standard for these type transactions.

For further information contact: Mr. Gary Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Freeman Companies Savings and Investment Plan and Trust Agreement (the Plan) Located in Nashville, Tennessee

[Application No. D–6411]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the proposed purchases by Plan participants of units of certain real estate limited partnerships which are organized, underwritten, offered and operated by certain of the Freeman Companies, the sponsors of the Plan; provided that such purchases are on terms which are at least as favorable to the Plan participants as could be obtained in transactions with unrelated parties, and provided further that the investment in any such units by each Plan participant shall not exceed twenty-five percent of the individual account balance of such participant in the Plan and total investments by all Plan participants in such units shall not exceed ten percent of the units of any one of such partnerships.

Summary of Facts and Representations

1. The Plan is a profit-sharing plan with provisions for individual participant contributions pursuant to section 401(k) of the Code. The Plan, with 130 participants (the Participants) as of October 16, 1985, provides that each Participant must direct the investments of his individual account in the Plan. The Plan is sponsored by Harvey Freeman and Sons, Inc. and its eighteen affiliate companies (collectively, the Sponsors). The Sponsors are engaged in real estate investment and management services, specializing in organizing, underwriting, selling, managing and operating real estate limited partnerships. The Plan trustee is the Third National Bank in Nashville, Tennessee (the Trustee). Each Participant is required to file with the Trustee written instructions regarding

the investments of his account in the Plan. The Participants may choose from several investment vehicles which are maintained by the Trustee. However, the Participants are not limited to those investments and may choose any investment so long as it is not contrary to applicable law. The Sponsors are requesting an exemption to permit the Participants to direct the Trustee to invest, on their behalf, in public offerings of real estate limited partnerships (the Partnerships) which are organized, underwritten, offered, sold, managed and operated by the Sponsors. Investment in any of the Partnerships by each Participant shall not exceed twenty five percent of the individual account balance of each Participant at any time. Total investments by all Participants in the Partnerships shall not exceed ten percent of the units of any one Partnership at any time.

2. Typical of the Partnerships is the Freeman Income Real Estate Limited Partnership (FIRE). The applicant represents that the subject Partnerships will be organized and will operate substantially the same as FIRE as described herein. The exemption proposed herein is restricted to those Partnerships which are organized, offered, and operated by the Sponsors in substantially the same manner as FIRE is organized, offered and operated.

3. FIRE is a Delaware partnership formed to engage in the acquisition, holding and management of existing income-producing residential real properties. FIRE's initial offering, which commenced on July 26, 1985, is for 15,000 limited partnership units at $1,000 per unit. FIRE is registered with the Securities and Exchange Commission (SEC). The initial offering will terminate after twelve months unless all units are sold sooner. If subscription for FIRE units exceed 15,000, the underwriter, one of the Sponsors, has the option of selling an additional 15,000 units. All aspects of the organization, operation and termination of FIRE are specified in detail in a prospectus (the Prospectus), made available to all potential investors, describing the terms of the partnership agreement (the Agreement) under which FIRE will operate.

4. The general partners of FIRE are Freeman Diversified Products, Inc. (FDP), David W. Talley (Talley) and James T. Gunn (Gunn). FDP is a Sponsor and the managing general partner of FIRE, and Talley and Gunn are officers of various companies which are among the Sponsors. Freeman Investments, Inc. (FI), another Sponsor company and a registered member of the National Association of Securities Dealers (NASD), serves as the underwriter of FIRE. In addition to FDP and FI, the following parties in interest with respect to the Plan will be involved in FIRE:

Individual general partners: Officers of Sponsor companies, including Gunn and Talley, J. Stewart Bronaugh, Donald M. Matthys, Frank M. Garrison and John P. Coleman;

Acquisition and liquidation of properties: Criswell-Freeman Company, a Sponsor company;

Property management: Harvey Freeman and Sons, Inc. and affiliated companies, all Sponsors.

5. According to the Prospectus, the investment objectives of FIRE are to acquire, operate and hold existing income-producing residential real properties which will provide long-term capital appreciation, cash distributions from operations and a diversified real estate portfolio while avoiding "unrelated business taxable income" and preserving and protecting FIRE's capital. It is intended that FIRE's real estate investments will be made in properties in various locations in an attempt to achieve diversification and thereby minimize the effect of changes in local economic conditions and certain other risks. All proceeds of the offering will be held in a fiduciary capacity for the benefit of the limited partners, to be used only for the purposes set forth in the Agreement under "Partnership Objectives and Policies." In connection with the acquisition of properties, the Prospectus provides that FIRE will not purchase any property if the purchase price plus any acquisition fees exceeds such property's fair market value as determined by an independent appraiser who is a member of a nationally recognized society of appraisers. FIRE will not make any loans to the general partners or their affiliates. FIRE will not make any loan or investment in any real estate mortgage except in connection with a contemplated purchase, sale or disposition of a partnership property. The Prospectus states that FIRE will not operate in such manner as to be classified as an "investment company" for purposes of the Investment Company Act of 1940. The Agreement provides that FIRE's limited partners have the right by majority vote to approve or disapprove material changes in the investment objectives and policies of the partnership.

6. With respect to potential investments in FIRE by qualified plans, the Prospectus states that the general partners and their affiliates "are not permitted to purchase Units with assets of any Qualified Plan (including a Keogh Plan or IRA) if they (i) have investment discretion with respect to such assets or (ii) regularly give individualized investment advice which serves as the primary basis for the investment decisions made with respect to such assets." FIRE has received an opinion of counsel, which as stated in the Prospectus is not binding on the Department, that under current law the assets of the Partnership do not constitute "plan assets" under the Act. In the event, however, it is determined that the assets of the Partnership constitute "plan assets" under the Act, the Prospectus states that the general partners have the right (1) to restructure the Partnership to comply with any requirements which the Department might impose regarding the definition of "plan assets" under the Act, or (2) to terminate the offering or compel a dissolution and termination of the Partnership.[6] The applicants represent that each Participant interested in investing in FIRE or any of the Partnerships will be provided a copy of the Prospectus for such Partnership prior to investment. All Participants who become investors in any Partnership will receive annual and quarterly reports and updates of the subject Partnership's operations and periodic notices describing newly-acquired properties or other major events of such Partnership. The applicants represent that the proposed transactions between the Participants and the Partnerships are at arm's length and offered on the same terms to Participants by means of the public offering as are offered to unrelated investors. The applicants further represent that many of the Participants have investment training and experience.

7. In summary, the applicants represent that the proposed transactions satisfy the criteria of section 408(a) of the Act for the following reasons: (1) All aspects of the organization and operation of each Partnership will be fully disclosed in a Prospectus which will be provided to each Participant who contemplates investment in a Partnership; (2) The transactions involve public offerings of units registered with the SEC; (3) The Participants will be dealing at arm's length with the Sponsors on the same terms and conditions as unrelated parties who invest in the Partnerships; (4) No more than twenty-five percent of the assets of

[6] The Department expresses no opinion as to whether the assets of FIRE constitute "plan assets" under the Act; nor whether the exercise by the general partners of the rights described in the Prospectus would in no case result in violations of section 406(b) of the Act that would be beyond the scope of this proposed exemption.

any Participant's account may be invested in the Partnerships; and (5) Total investments by all Participants shall not exceed ten percent of the units of any one of the Partnerships.

For Further Information Contact: Mr. Ronald Willett of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Bangs, McCullen, Butler and Foye Employees' Profit Sharing Retirement Plan (the Plan) Located in Rapid City, South Dakota

[Application No. D–6582]

Proposed exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the proposed purchase by the Plan of a certain commercial office facility (the Addition) from Bangs, McCullen, Butler, Foye and Simmons (the Employer), the sponsor of the Plan; and (2) the proposed lease by the Plan of the Addition and other property to the Employer; provided that such transactions are on terms at least as favorable to the Plan as those the Plan could obtain in arm's-length transactions with unrelated parties.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 30 participants and total assets of $2,469,000 as of January 1, 1986. Among the assets of the Plan is a parcel of improved real property (the Property) which constitutes the Employer's principal place of business. The Property is located in downtown Rapid City, South Dakota and is improved with a two-story brick office building (the Building) containing 9,600 square feet of office space. The Employer leases the Property from the Plan under a triple net lease (the Lease) for a term of ten years commencing January 1, 1984. The Employer's lease of the Property from the Plan under the Lease is exempt from the prohibitions of section 406 of the Act and section 4975(c) of the Code by virtue of an administrative exemption, Prohibited Transaction Exemption 83–172 (PTE 83–172, 48 FR 48880, October 21, 1983). The interests of the Plan for all purposes under the Lease and PTE 83–172 are represented by Jerald M. Gerdes (the Trustee), Senior Vice President of Norwest Capital Management and Trust company in Rapid City, South Dakota, which is unrelated to the Employer except as Trustee under the Lease.

2. The Employer represents that it is in urgent need of additional office space for current operations and future expansions. The Employer maintains that the only practical method of securing additional office space for itself is to provide for the expansion of the Building. It is therefore proposed that the Addition be constructed at the rear of the Building on land within the Property presently owned by the Plan. Because the cost of constructing the Addition as proposed would result in a total investment by the Plan in the Property of more than twenty-five percent of the Plan's assets as valued January 1, 1986, the Employer proposes to construct the Addition with its own funds, to sell the Addition to the Plan at such time as such sale would leave the Plan with a total investment in the Property of no more than twenty-five percent of its assets, and to immediately commence leasing the Addition from the Plan commensurate with such sale. The Employer is requesting an exemption to permit the proposed sale of the Addition to the Plan and the Plan's proposed lease of the Addition to the Employer under the terms and conditions described herein.

3. The Employer and the Trustee will enter into an agreement (the Agreement) which will authorize the construction of the Addition and establish the terms of the Plan's proposed purchase of the Property and its proposed lease to the Employer. The Addition is to be a two-story structure with exterior dimensions of forty by fifty feet, to be attached to and matching the Building, adding 1,800 square feet of office space to the Building. The Employer represents that the Addition will be compatible, both exterior and interior, with the Building and will be of such quality that the whole entity, the Building with completed Addition, will constitute a first class professional office facility. The Agreement provides that all designs, plans and specifications for the Addition will be approved by the Trustee prior to commencement of construction on the Addition. As construction progresses, the Trustee will review and oversee every aspect of the project. Construction on the project will not commence unless and until the exemption proposed herein has been granted. The Agreement provides that the Addition shall remain personal property of the Employer and shall not become part of the Property prior to its purchase by the Plan, at which time the Addition will merge with the Property. The Employer represents that this proposed severance of title between the Property and the Addition is wholly consistent with and sanctioned by applicable state law, and that the applicable state law specifically contemplates and authorizes agreements whereby the parties agree that additions to real estate are to be either realty or personalty. Upon completion of the Addition, the Trustee shall cause it to be appraised for its fair market value by a professional real estate appraiser of the Trustee's choice. The Employer shall also certify and demonstrate to the Trustee the final, total cost of constructing the Addition. The Trustee will purchase the Addition from the Employer on behalf of the Plan for an amount of cash equal to the Addition's appraised fair market value or the Addition's certified cost, whichever is less. The Agreement provides that the Trustee will cause the Plan to purchase the Addition if, and only if, the Trustee has determined that the fair market value of the Property, as improved with the Addition, will constitute no more than twenty-five percent of the fair market value of the Plan's total assets after such purchase. The Employer will bear all costs and expenses of the transfer of title to the Addition from the Employer to the Plan.

4. The Agreement requires that commensurate with the Employer's sale of the Addition to the Plan, the Employer will commence leasing the Addition from the Plan and the Lease will be amended. Such Lease amendments shall provide that the Lease will encompass the entire Property including the Addition, that the Addition will be a part of the Property and that the Lease shall be extended an additional five years. The Agreement also provides that the Lease's provisions pertaining to rental payment shall be amended to reflect the Addition's inclusion under the Lease. The amended Lease will require that annual rental under the Lease, payable in equal monthly installments, shall be in an amount not less than the greater of (1) the appraised fair market rental value of the entire Property, or (2) $50,000, the amount currently paid as rental under the Lease, plus twelve percent of the purchase price paid by the Plan for the Addition. On December 31, 1989 and again on December 31, 1994, the Trustee shall cause the entire Property to be appraised for its fair market rental value by a professional real estate appraiser of the Trustee's choice and the rental under the Lease will be increased in the

amount, if any, by which the entire Property's fair market rental value has increased since the previous rental determination, but in no event will the rental be decreased.

5. The Trustee represents that he has reviewed and evaluated all terms and conditions of the Employer's proposal as described herein and has determined that it will be in the best interests of the participants and beneficiaries of the Plan. The Trustee notes that the proposal guarantees the Plan a return of at least twelve percent, which the Trustee finds to be in excess of what can be achieved by the Plan in other areas. The Trustee also notes that the Property is a proven good investment for the Plan and that the tenant, the Employer, has established a history of steady growth and an excellent credit rating. The Trustee represents that the Plan's cash flow is excellent, that income from other investments is substantial and predictable and that the value of the Property is likely to increase over the next twelve to fifteen years. The Trustee affirms that he is endowed with exclusive authority to decide and act on behalf of the Plan in this matter. Satisfied that the Addition will remain the personal property of the Employer until purchased by the Plan, the Trustee confirms that he will review and oversee every aspect of the Addition's construction to ensure that it will be of the same quality as the original Building. The Trustee represents that in no event will the Addition be purchased on behalf of the Plan until the Trustee has been independently satisfied that the Addition's fair market value is at least equal to its purchase price, that the rental obtainable under the amended Lease will be the fair market rental value of the Property and that the Department has granted the exemption proposed herein. The Trustee further represents that the Addition will be purchased on behalf of the Plan if, and only if, the fair market value of the Property will constitute no more than twenty-five percent of the fair market value of the Plan's total assets after such purchase.

6. In summary, the applicant represents that the criteria of section 408(a) of the Act are satisfied in the proposed transactions for the following reasons: (1) The interests of the Plan in the proposed transactions are represented by the Trustee, an independent fiduciary who has determined that the proposed transactions will be in the best interests of the Plan; (2) The Trustee will oversee the Addition's construction, its purchase by the Plan and its lease to the Employer; (3) The fair market value of the Property will constitute no more than twenty-five percent of the fair market value of the Plan's total assets; and (4) The Lease is a triple net lease which will be amended to include the Addition and which ensures rental on the Property of no less than its fair market rental value.

For Further Information Contact: Mr. Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Niccoli & Holman, D.D.S., Inc. Money Purchase Pension Plan (the Plan) Located in Whittier, California

[Application No. D-6615]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the proposed ground lease (the Ground Lease) by the Plan of a certain parcel of unimproved real property (the Property) to Niccoli and Holman Investments (the Partnership), a party in interest with respect to the Plan, provided that the terms of the Ground Lease are no less favorable to the Plan than an arm's-length transaction with an unrelated party; and (2) the personal guarantees of the obligations of the Partnership under the Ground Lease by Dominic J. Niccoli, D.D.S. (Dr. Niccoli), and Charles M. Holman, D.D.S. (Dr. Holman), parties in interest with respect to the Plan.

Summary of Facts and Representatives

1. The Plan is a defined contribution plan with six participants. The value of the Plan's total net assets as of May 31, 1985 was $904,846.43. The trustees of the Plan are Dr. Niccoli and Dr. Holman (the Trustees), who are the decision-makers with respect to Plan investments. The Plan is sponsored by Niccoli and Holman, D.D.S., Inc. (the Employer), a California corporation engaged in the practice of dentistry.

2. The Property is a tract of land, currently vacant, known as 16334-336 East Whittier Boulevard, Whittier, California. The Plan currently holds fee simple title to the Property. The plan purchased the Property on September 21, 1984 from unrelated parties for $174,000 in cash. The applicant represents that the Property was acquired as an investment for the Plan and was not acquired for the specific purpose of leasing it to the Partnership. The Trustees believed that the Property could be developed or sold to an unrelated third party at a profit or leased to unrelated parties at fair market rental values. The applicant proposes that the Plan enter into the Ground Lease of the Property to the Partnership. The applicant states that the Partnership intends to construct a professional office building (the Building) on the Property. Upon completion of the Building, the Partnership will lease space in the Building to the Employer as well as to other professional tenants.

3. The Property was appraised on October 21, 1985 by L.D. Thomason, Jr., M.A.I. (Mr. Thomason), an independent real estate appraiser in Whittier, California, as having a fair market value of $174,000 and an annual fair market rental value of $17,400 on a triple net basis. By letter dated May 10, 1986, Mr. Thomason states that the fair market rental value for the Property remains unchanged.

4. United Security Trust Company (United Security), located in Santa Barbara, California, has agreed to serve as an independent fiduciary with respect to the Ground Lease. United Security represents that it is a trust company, chartered by the State of California, with broad experience in real estate and matters concerning the Act, which is unrelated in any way to the Employer, the Partnership, Dr. Holman, and Dr. Niccoli. United Security states that it understands and acknowledges its duties, responsibilities and liabilities as a fiduciary under the Act on behalf of the Plan. In addition, United Security has retained legal counsel for advice regarding the Act.

5. United Security represents that the proposed transaction is in the best interests of the Plan and its participants and beneficiaries. United Security has reviewed the terms of the Ground Lease and finds them to be comparable with the terms that would exist in a similar transaction with an unrelated party. United Security has also examined the overall investment portfolio of the Plan, the liquidity requirements of the Plan, and the diversification of the Plan's assets and has determined them to be satisfactory. The value of the Property constitutes less than twenty percent of the total value of the Plan's assets based on the fair market value of the Property as determined by Mr. Thomason's appraisal. United Security states that

the proposed transaction is consistent with the investment objectives and policies of the Plan and that implementation of the transaction would not alter their conclusions regarding the Plan's portfolio. In addition, United Security believes that the Property will not realize any significant current income as presently situated. However, United Security states that the Plan, through the Ground Lease, would receive an investment return substantially equal to or better than the return available through similar investment opportunities being offered on the open market at this time.

6. The Ground Lease will provide the Partnership with a thirty year lease term with an option to renew for an additional thirty years with the approval of United Security. The Partnership will pay the Plan $1500 per month initially as rent for the Property, in accordance with Mr. Thomason's appraisal. The applicant states that rental adjustments will be made every five years throughout the lease term based upon the fair market rental value for the Property at that time as determined by an independent appraiser chosen by United Security. The applicant states further that in no case shall the adjusted rent for the Property fall below the fair market value monthly rent in effect as of the latest adjustment date.

Under the terms of the Ground Lease, the Partnership may encumber, by mortgage or other proper instrument, its leasehold interest in the Property, together with all buildings and improvements placed on the Property by the Partnership, as security for any construction loan or other indebtedness of the Partnership. However, the applicant states that the Ground Lease does not allow the Partnership to encumber in any manner the Plan's fee simple interest in the Property as security for a loan. The Ground Lease provides further that the Plan shall become the owner of the Building and any improvements on the Property upon termination of the Ground Lease for any cause, including expiration of the lease term or termination on account of a default by the Partnership in the payment of rent.

The Ground Lease is a triple net lease making the Partnership responsible as lessee for all expenses with respect to the Property such as fire, casualty and personal injury liability insurance, real estate taxes and assessments, as well as proper maintenance and repair of the Building and other improvements. Section 7.3 of the Ground Lease states that the Partnership has the option to terminate the Ground Lease in the event the Building is destroyed or damaged so as to be untenable during the last five years of the lease term. United Security has reviewed section 7.3 and has determined that the provision is appropriate. United Security states that the Plan's interest in the Property as lessor is protected by section 7.5 of the Ground Lease, which requires adequate insurance to cover the full replacement value of the Building and other improvements with loss payable to the Plan and the Partnership as their interests may appear.

7. United Security has agreed to monitor the proposed transaction on behalf of the Plan for the duration of the Ground Lease, and to take all actions which may be necessary to safeguard the interests of the Plan as they may be affected by the proposed transaction. United Security represents that it will be given the authority to act as the trustee with respect to the Property and, in that capacity, to render significant decisions with respect to the Property, including decisions regarding renewal of the Ground Lease terms and rent adjustments. In addition, United Security will hold title, collect and remit rent to the Plan, and provide quarterly and annual reports to the Plan.

8. The applicant states that Dr. Niccoli and Dr. Holman (the Guarantors) have executed an unconditional, joint and several guarantee of the payment of all rentals and other expenses owed by the Partnership to the Plan under the Ground Lease. The Plan shall have the right to proceed against the Guarantors following any breach or default without first proceeding against the Partnership and without previous notice to or demand upon either the Partnership or the Guarantors.

9. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (a) The interests of the Plan under the Ground Lease will be represented by United Security, an independent fiduciary, which has determined that the proposed transaction is in the best interests and protective of the Plan and its participants and beneficiaries; (b) the Plan will receive the fair market rental value for the Property throughout the duration of the Ground Lease, with appropriate rental adjustments every five years, as determined by an independent appraiser chosen by United Security; and (c) United Security will monitor the performance of the Partnership's obligations under the Ground Lease and will have the authority to take all actions necessary to enforce and safeguard the Plan's interests and insure the Partnership's compliance with the terms and conditions of the Ground Lease.

For Further Information Contact: Mr. E.F. Williams of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section. 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 15th day of July, 1986.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 86-16266 Filed 7-17-86; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 86-91; Exemption Application No. D-6121 et al.]

Grant of Individual Exemptions; Wynn and Graff, Inc., et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Wynn and Graff, Inc. Profit Sharing Plan (the Profit Sharing Plan) and the Wynn and Graff, Inc. Pension Plan (the Pension Plan) Located in Nashville, Tennessee

[Prohibited Transaction Exemption 86-91; Exemption Application No. D-6121]

Exemption

The restrictions of section 406(b)(2) of the Act shall not apply to the June 29, 1979 cash sale by the Pension Plan to the Profit Sharing Plan of an undivided, one-half collective interest (the Interest) in certain real property (the Real Property) for $150,000, provided the price paid for the Interest was not less than its fair market value at the time the transaction was consummated.

In addition, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed cash sale by the Profit Sharing Plan to Wynn and Graff, Inc. of the Real Property, for the total consideration of $450,000, provided the price paid for the Real Property is not less than its fair market value at the time the transaction is consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 23, 1986 at 51 FR 18972.

Effective Date: This exemption is effective June 29, 1979 with respect to the sale to the Profit Sharing Plan by the Pension Plan of the Interest in the Real Property.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

Superior Stamp and Coin Co., Inc. Money Purchase Pension Plan and Superior Stamp and Coin Co., Inc. Profit Sharing Plan (together, the Plans) Located in Los Angeles, California

[Prohibited Transaction Exemption 86-92; Exemption Application Nos. D-6255 and D-6256]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the December 31, 1985 sale by the Plans of an undivided 51% interest in certain real property (the Property) to Olympic Capital Ventures, for cash in the amount of $675,000, provided .that such amount was not less than the greater of (1) the Plans' total expenditures in acquiring and holding their interest in the Property up to the date of sale; or (2) the fair market value of the Plans' interest in the Property on the date of sale.

Effective Date: This exemption is effective December 31, 1985.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 14, 1986 at 51 FR 17689.

For Further Information Contact: Mr. Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Minnesota Mutual Fire & Casualty Co. Employee Pension Plan (the Plan) Located in Minnetonka, Minnesota

[Prohibited Transaction Exemption 86-93; Exemption Application No. D-6531]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of an annuity contract to the Plan by Minnesota Mutual Life Insurance Company (MML), provided the following conditions are met:

(a) MML—

(1) Is a party in interest with respect to the Plan by reason of its ownership of guaranty fund certificates of Minnesota Mutual Fire and Casualty Company (MMF&C),

(2) Is licensed to sell insurance in at

least one of the United States or in the District of Columbia,

(3) Has obtained a Certificate of Compliance from the Insurance Commissioner of its domiciliary state, Minnesota, within the 18 months prior to the date when the transaction is entered into, or when such certificates were last made available by the domiciliary state, if earlier, and

(4)(A) Has undergone a financial examination (within the meaning of the law of its domiciliary state, Minnesota) by the Insurance Commissioner of Minnesota within 5 years prior to the end of the year preceding the year in which the subject transaction occurs; or

(B) Has undergone an examination by an independent certified public accountant for its last completed taxable year immediately prior to the taxable year of the subject transaction.

(b) The Plan pays no more than adequate consideration for the annuity contract;

(c) No commissions are paid with respect to the sale of the contract; and

(d) For each taxable year of MML, the gross premiums and annuity considerations received in that taxable year by MML for life and health insurance or annuity contracts for the Plan, MMF&C, and all employee benefit plans (and their employers) with respect to which MML is a party in interest by reason of a relationship to such employer described in section 3(14) (E) or (G) of the Act, or by reason of its ownership of guaranty fund certificates, does not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance in that taxable year by MML. For purposes of this condition (d):

(1) The term "gross premiums and annuity considerations received" means that total of premiums and annuity considerations received, reduced (in both the numerator and denominator of the fraction) by experience refunds paid or credited in that taxable year by MML.

(2) All premiums and annuity considerations written by MML for plans which it alone maintains are to be excluded from both the numerator and the denominator of the fraction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 14, 1986 at 51 FR 17688.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

NBD Banks Short-term Investment Fund for Master Trust/Custodian Accounts (the Fund) Located in Detroit, Michigan

[Prohibited Transaction Exemption 86-94; Exemption Application No. D-6578]

Exemption

The restrictions of sections 406(a) and 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the making of a three-day repurchase agreement that was entered into on September 27, 1985, between the Fund and the National Bank of Detroit, provided the terms of the agreement were at least as favorable to the Fund as those the Fund could have obtained in a similar transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on May 6, 1986 at 51 FR 16763.

For Further Information Contact: Paul Kelty of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

John A. Colglazier Self Employed Retirement Plan (the Plan) Located in San Antonio, Texas

[Prohibited Transaction Exemption 86-95; Exemption Application No. D-6626]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale by the Plan of a parcel of unimproved real property (the Property) located in San Antonio, Texas to John A. Colglazier (Mr. Colglazier), a disqualified person with respect to the Plan;* provided that the cash received from the sale is no less than the fair market value of the Property on the date of the sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on June 3, 1986, at 51 FR 19908.

For Further Information Contact: Angelena C. Le Blanc of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

*Because Mr. Colglazier is a sole proprietor and the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act (the Act) pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 15th day of July, 1986.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 86-16267 Filed 7-17-86; 8:45 am]

BILLING CODE 4510-29-M

MERIT SYSTEMS PROTECTION BOARD

Issuance of Orders Denying Petition for Regulation Review

AGENCY: Merit Systems Protection Board.

ACTION: Notice of order denying petition for regulation review.

SUMMARY: 5 U.S.C. 1205(e) authorizes the Board to review rules and regulations issued by the Office of

Personnel Management (OPM), and their implementation by other Federal agencies in order to determine if they have required or would require any federal employee to commit a prohibited personnel practice in violation of 5 CFR 2302(b).

Jay Johnson has petitioned the Board pursuant to 5 U.S.C. 1205(e)(1)(B), to review OPM's Qualifications Handbook X–118, Parts III and V for the GS–200 series, as implemented by the United States Customs Service, Department of the Treasury. Part III of OPM's Qualifications Handbook X–118 for the GS–200 series provides conditions under which employees can be reassigned across personnel specialization lines without regard to the experience or education requirements of Part II of the same standard. Part V presents a system for analyzing job requirements and for evaluating candidates in relation to job requirements.

After considering the initial request, the Board has determined that the petition shall be denied.

FOR FURTHER INFORMATION CONTACT: Sheila Mooney, Office of General Counsel, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419, (202) 653–7171.

Dated: July 15, 1986.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 86–16257 Filed 7–17–86; 8:45 am]

BILLING CODE 7400–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATE: Comments on this information collection must be submitted by August 1, 1986.

ADDRESSES: Send comments to Ms. Judy McIntosh, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503; (202–395–6880). In addition, copies of such comments may be sent to Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington DC 20506; (202–682–5464).

FOR FURTHER INFORMATION CONTACT: Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202–682–5464) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The Endowment requests the reinstatement of a previously approved collection for which approval has expired. The entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) an estimate of the total number of hours needed to prepare the form.

This entry is not subject to 44 U.S.C. 3504(h).

Title: Music Fellowship Application Guidelines FY 1988.

Frequency of Collection: One-time.

Respondents: Individuals.

Use: Guideline instructions and applications elicit relevant information from individual artists that apply for funding under specific Program categories. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the peer review process.

Estimated Number of Respondents: 1,000.

Estimated Hours of Respondents to Provide Information: 40,000.

Murray R. Welsh,

Director, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 86–16212 Filed 7–17–86; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–416]

Mississippi Power & Light Co., Middle South Energy, Inc., South Mississippi Electric Power Assoc.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–29, issued to Mississippi Power & Light Company, Middle South Energy, Inc., and South Mississippi Electric Power Association (the licensees), for operation of the Grand Gulf Nuclear Station (GGNS), Unit 1, located in Claiborne County, Mississippi.

The GGNS Unit 1 is a boiling water reactor with a Mark III containment. The spent fuel pool is located in the auxiliary building, similar to spent fuel pool arrangements for pressurized water reactors. Above the GGNS reactor, and within the containment, there is an upper containment pool with racks for holding new fuel to be placed in the reactor and spent fuel removed from the reactor during refueling; however, before reactor startup after refueling, all spent fuel is transferred to the spent fuel pool for storage.

The amendment would revise section 5.6 "Fuel Storage" of the Technical Specifications to allow increased upper containment pool capacity and increased spent fuel storage capacity. This increased capacity would be obtained by replacing the fuel racks in the upper containment pool and in the spent fuel storage pool with high density fuel racks. The center-to-center distance between fuel assemblies would be changed from 12 inches to 6.26 inches. This reracking would increase the upper containment pool capacity from 170 to 800 fuel assemblies in order to hold a complete core unloading, if necessary, and increase the spent fuel pool storage capacity from 1270 to 4348 fuel assemblies. However, the number of fuel assemblies to be stored in the spent fuel pool would be limited by Technical Specifications to 2324. The Technical Specifications would be changed to limit the spent fuel pool water temperature to 140°F rather than 150°F and require plant shutdown rather than a special report if the limiting temperature is exceeded. These changes were requested in the licensee's application for amendment dated May 6, 1985 as amended by letters dated July 29, August 15, August 30, September 11, September 12, November 1, and December 18, 1985 and March 14, March 15, June 5 and June 9, 1986.

This public notice supersedes a previous notice published in the Federal Register on September 13, 1985 (50 FR 37451). The previous notice was based on the licensee's initial application for amendment dated May 6, 1985. The initial application and associated notice considered storage of 4348 fuel assemblies in the spent fuel pool, the physical limit of the high density spent fuel racks. However, during its safety review of the application, the staff noted that the licensee's analysis of spent fuel pool cooling was based on the use of

both spent fuel pool cooling loops or one spent fuel pool cooling loop and one residual heat removal loop to maintain pool water temperature less than 140°F. The staff requested that the provisions for cooling of the spent fuel pool meet criteria in the Standard Review Plan (NUREG–0800) by considering a single failure in the spent fuel pool cooling system and use of the residual heat removal system only when the plant is in cold shutdown. In response, the licensee revised its application by proposing to change the Technical Specifications to limit the number of stored spent fuel assemblies to 2324 and to limit the spent fuel water temperature to 140°F instead of 150°F so that the Standard Review Plan criteria would be met. This notice is based on the revised application, from that initially noticed which results in additional safety margin for cooling of the spent fuel in the spent fuel pool and the upper containment pool. Appropriate changes to the initial notice have been incorporated in this notice regarding the cooling of spent fuel.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Our evaluation of the reracking of the spent fuel pool and of the upper containment pool are considered separately.

A. Spent Fuel Pool

The technical evaluation of wether or not an increased spent fuel pool storage capacity involves significant hazards considerations is centered on three standards: (1) Does increasing the spent fuel pool storage capacity significantly increase the probability or consequences of accidents previously evaluated? Reracking to allow closer spacing of fuel assemblies does not significantly increase the probability or consequences of accidents previously evaluated; (2) does increasing the spent fuel pool storage capacity create the possibility of a new or different kind of accident from any accident previously evaluated? With respect to Grand Gulf Nuclear Station (GGNS) Unit 1, the staff has not identified any new categories or types of accidents as a result of reracking to allow closer spacing for the fuel assemblies. The proposed reracking does not create the possibility of a new or different kind of accident previously evaluated for the spent fuel pool. In all reracking reviews completed to date, all credible accidents postulated have been found to be conservatively bounded by the evaluations cited in the Safety Evaluation Report (SERs) supporting each amendment; and (3) does increasing the spent fuel pool storage capacity significantly reduce a margin of safety? The staff has not identified significant reductions in safety margins due to increasing the storage capacity of the spent fuel pool. The expansion results in an increased heat load, but this heat load is kept well within the design limitations of the installed cooling systems by Technical Specifications which would limit the number of fuel assemblies which can be stored. The full capacity of the high density racks may be utilized by increasing the heat removal capacity of the cooling system, e.g. by increasing heat exchanger or pumping capacity, but such utilization would require another license amendment. The time to boiling in the event of failure of spent fuel cooling systems would be increased by Technical Specifications to limit the spent fuel pool water temperature to 140° F rather than the presently specified 150° F. In all cases, the temperature of the pool will remain below design values. The small increase in the total amount of fission products in the pool is not a significant factor in accident considerations. The increased storage capacity may result in an increase in the pool reactivity as measured by the neutron multiplication factor (K_{eff}). However, after extensive study, the staff determined in 1976 that as long as the maximum neutron multiplication factor was less than or equal to 0.95, then any change in the pool reactivity would not significantly reduce a margin of safety regardless of the storage capacity of the pool. The licensee has indicated that the K_{eff} would not exceed 0.95. The techniques utilized to calculate K_{eff} have been benchmarked against experimental data and are considered very reliable. Reracking to allow a closer spacing between fuel assemblies can be done by proven technologies.

In summary, replacing existing racks with a design which allows closer spacing between stored spent fuel assemblies is considered not likely to involve significant hazards consideration if two conditions are met. First, no new technology or unproven technology may be utilized in either the construction process or in the analytical techniques necessary to justify the expansion. Second, the K_{eff} of the pool must be maintained less than or equal to 0.95. Reracking to allow closer spacing satisfies these conditions.

The licensee's submittal included a discussion of the proposed action with respect to the issue of no significant hazards consideration. This discussion has been reviewed and the Commission finds it acceptable. Pertinent portions of the licensee's discussion, addressing each of the three standards, is provided herein.

The licensee has stated that its analysis of the proposed reracking was accomplished using currently acceptable codes and standards and conforms to staff guidance of April 1978. The results of the licensee's analysis in relation to the three standards is as follows:

First Standard

Involve a significant increase in the probability or consequences of an accident previously evaluated.

In the course of the analysis the licensee identified the following potential accident scenarios:

1. A spent fuel assembly drop in the spent fuel pool.
2. Loss of spent fuel pool cooling system flow.
3. A seismic event.
4. A spent fuel cask drop.

The probability of any of the four accidents is not affected by the racks themselves; thus reracking cannot increase the probability of these accidents. The installation of the high density racks will be completed prior to the storage of any spent fuel in the present racks; thus, a construction accident involving spent fuel is not possible. Accordingly, the proposed rerack will not involve a significant increase in the probability of an accident previously evaluated.

The consequences of: (1) A spent fuel assembly drop in the spent fuel pool are discussed in the licensee's submittal. For this accident condition, the criticality acceptance criterion is not violated. The radiological consequences of a fuel assembly drop are not changed from the previous analysis. The results of the staff's evaluation were transmitted to the licensee in September 1981. The licensee's analysis of the reacked design indicates a dropped fuel assembly would not penetrate through the base plate or distort the racks so they would

not perform their safety function. Thus, the consequences of this type accident will not be significantly increased from previously evaluated spent fuel assembly drops, and have been found acceptable by the NRC.

The consequences of (2) loss of spent fuel pool cooling system flow have been evaluated for the existing spent fule pool cooling system design as described in the GGNS FSAR and in the licensee's June 5, 1986, submittal. There are two spent fuel pool cooling system pump and heat exchanger trains. One train will be operating and the other train will be maintained in an operable condition per Technical Specifications in the event of a failure in the cooling system. The number of stored spent fuel assemblies is limited so that the pool temperature can be maintained below 140°F with one spent fuel pool cooling system train and without use of the RHR for supplemental cooling after restart of the reactor following the refueling outage. The service water system that transports heat from the spent fuel pool cooling system to the ultimate heat sink is being upgraded in accordance with License Condition 2.C.(20). In its June 5, 1986, submittal, the licensee stated that it will propose changes to the cooling capacity for the storage of a larger number of fuel assemblies up to the physical limit of the high density fuel racks. The Technical Specifications will limit the number of stored spent fuel assemblies until the cooling capacity is increased. The structural integrity of the spent fuel pool will be maintained and no new means of losing cooling water or flow have been identified. Thus, the consequences of this type accident will not be significantly increased from previously evaluated loss of cooling system flow accidents.

The consequences of (3) a seismic event have been evaluated. The new racks will be designed and fabricated to satisfy the NRC staff accepted design criteria. The racks are designed to Seismic Category I criteria. The racks are neither anchored to the pool floor nor are they attached to the pool side walls. The racks are structurally adequate to resist normal and accident load combinations. The racks are designed so that the floor loading from the racks filled with spent fuel assemblies does not exceed the structural capacity of the auxiliary building. Therefore, the integrity of the pool will be maintained and no new means of losing cooling water or flow have been identified. Thus, the consequences of a seismic event will not be significantly increased from previously evaluated events.

The consequences of (4) a spent fuel cask drop accident are unchanged by the requested modification. The spent fuel cask handling crane rails do not extend over the spent fuel pool and the crane is designed to be single failure proof in accordance with the requirements of NUREG–0554 to preclude a drop on safety related equipment. In addition, the crane meets the guidelines of NUREG-0612. Accordingly, the consequences of a cask drop accident are not significantly increased from previously evaluated events.

Therefore, it is concluded that the proposed amendment to rerack the spent fuel pool will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Second Standard

Create the possibility of new or different kind of accident from any accident previously evaluated.

The proposed reracking was evaluated by the licensee in accordance with the guidance of the NRC position paper entitled, "OT Position for Review and Acceptance of Spent Fuel Storage and Handling Applications," NRC Regulatory Guides, NRC Standard Review Plans, and Industry Codes and Standards as listed in the licensee's submittal. In addition, several previous NRC SERs for rerack applications similar to this proposal have been reviewed. Neither the licensee nor the NRC staff could identify a credible mechanism for breaching the structural integrity of the spent fuel pool which could result in loss of cooling water such that cooling flow could not be maintained. As a result of this evaluation and these reviews, it is concluded that the proposed reracking does not, in any way, create the possiblity of a new or different kind of accident from any accident previously evaluated for the GGNS spent fuel storage racks.

Third Standard

Involve a significant reduction in a margin of safety.

The NRC staff safety evaluation review process has established that the issue of margin of safety, when applied to a reracking modification, will need to address the following areas:

1. Nuclear criticality considerations.
2. Thermal-hydraulic considerations.
3. Mechanical, material and structural considerations.

The established acceptance criteria for criticality is that the neutron multiplication factor in spent fuel pools shall be less than or equal to 0.95, including all uncertainties, under all conditions. This margin of safety has been adhered to in the criticality analysis methods for the new design as discussed in the licensee's submittal. The methods to be used in the criticality analysis conform with the applicable portions of the codes, standards, and specifications listed in the submittal. In meeting the acceptance criteria for criticality in the spent fuel pool, such that K_{eff} is always less than 0.95, including uncertainties of 95/95 probability confidence level, the proposed amendment to rerack the spent fuel pool will not involve a significant reduction in the margin of safety for nuclear criticality.

In its intial submittal dated May 6, 1985, the licensee stated in its analysis of the reracked pool that conservative methods were used to calulate the maximum fuel temperature and the increase in temperature of the water in the spent fuel pool. The calculated maximum fuel cladding temperature of 166°F is substantially less than the temperature at which local boiling would be initiated and sustained (243°F). The calculated maximum water temperature of 140°F for a normal refueling operation and 148°F for an abnomal unloading of the complete core are slightly higher than temperatures calculated for the present fuel racks; however, the licensee stated that temperatures for the new racks meet the NRC staff's acceptance criteria of 140°F for normal refueling and 150°F for an abnormal unloading. During its review of the application, the NRC staff noted that the licensee's analysis of spent fuel pool cooling was based on the use of both spent fuel pool coolers to maintain pool water temperation below 140°F. In response to the staff's requests, the licensee made analyses of spent fuel pool cooling based on the criterion in the Standard Review Plan (NUREG-0800) that the 140° pool temperature must be maintained assuming a single failure and based on use of the residual heat removal system for supplemental cooling only when the plant is in cold shutdown. These calculations resulted in a calculated pool temperature of about 140°F at the end of 13 refueling outages. The licensee proposed in its June 5, 1986, submittal to limit the number of fuel assemblies stored in the spent fuel pool to 2324 fuel assemblies, which is the number calculated to be discharged from 10 refueling outages. In addition, the licensee proposed to change the fuel pool temperature limit in the Technical Specifications from 150°F to 140°F and to require a plant shutdown, if the pool temperature

cannot be maintained below 140°F. These changes result in additional safety margin for cooling the spent fuel from that initially proposed. Because the licensee's spent fuel pool cooling calculations are based on the Standard Review Plan criterion and the limiting number of stored fuel assemblies is based on 10 refueling outages instead of 13, the staff concludes that there is no significant reduction in the margin of safety for thermal hydraulic or spent fuel pool cooling concerns.

The main safety function of the spent fuel pool and the racks is to maintain the spent fuel assemblies in a safe configuration through all normal and abnormal loadings, such as an earthquake, impact due to a spent fuel cask drop, drop of a spent fuel assembly, or drop of any other heavy object. The mechanical, material, and structural considerations of the proposed rerack are described in the licensee's submittal. The proposed racks are to be designed in accordance with applicable portions of the "NRC Position for Review and Acceptance of Spent Fuel Storage and Handling Applications, "dated April 14, 1978, as modified January 18, 1979; and Standard Review Plan 3.8.4. The rack materials used are compatible with the spent fuel pool and the spent fuel assemblies. The structural considerations of the new racks address margins of safety against tilting and sliding, including impact on each other or the pool walls, damage of spent fuel assemblies, and criticality concerns. As previously stated, neither the licensee nor the NRC staff could identify a credible mechanism for breaching the structural integrity of the spent fuel pool which would result in loss of cooling water such that cooling flow could not be maintained. Thus, the margins of safety are not significantly reduced by the proposed rerack.

B. Upper Containment Pool

The technical evaluation of whether or not the reracking of the upper containment pool involves significant hazards considerations is also based on the three standards in 10 CFR 50.92.

First Standard

Involve a significant increase in the probability or consequences of an accident previously evaluated.

For the upper containment pool, the licensee idenfified the following potential accidents:

1. A spent fuel assembly drop in the pool
2. Loss of pool cooling system flow
3. A seismic event
4. Drop of a heavy load.

The probability of any of these accidents is not affected by the racks themselves; thus reracking cannot increase the probability of these accidents. The installation of the high density racks will be completed prior to unloading any fuel from the reactor; thus a construction accident involving spent fuel is not possible. Accordingly, the proposed rerack will not involve a significant increase in the probability of an accident previously evaluated.

The considerations of the structural damage of: (1) A spent fuel assembly drop in the upper containment pool are the same as the considerations for a drop in the spent fuel pool because the same design is used for the pool liner and the cells in the racks in both pools. The offsite radiological consequences of a fuel assembly drop inside primary containment are much less than for a drop of a fuel assembly in the spent fuel pool, which is inside secondary containment. Staff's evaluation of radiological consequences provided in the SER, September 1981, is not changed by the reracking. Accordingly, the consequences of this type accident will not be significantly increased by the reracking.

The consequences of loss of upper containment pool cooling system flow have been evaluated. The cooling of spent fuel in the upper containment pool is accomplished by the spent fuel pool cooling system, supplemented by one train of the residual heat removal RHR system. Both the spent fuel pool cooling system and the RHR system have redundant pumps and heat enchangers, so that the inoperability of one component in the systems would be compensated by use of a redundant component. Reracking does not affect this capability. The structural integrity of the upper containment pool will be maintained and no new means of losing cooling water or flow have been identified. Thus, consequences of (2) loss of cooling flow will not be significantly increased from previously evaluated accidents of this type.

The consideration of the consequences of (3) a seismic event is the same as the consideration for the spent fuel pool because the rack design is the same. The upper containment pool rack modules are lighter than modules in the spent fuel pool (121 cells versus 304 cells). Therefore, the shear stress in the upper containment pool liner for a seismic event is bounded by the analysis for the spent fuel liner. The pool floor loading the racks filled with spent fuel assemblies does not exceed the structural capacity of the floor. The portion of the upper containment pool which is used to store spent fuel during refueling is designed similar to the spent fuel pool to preclude drainage below a safe shielding level to assure no accidental loss of pool water. Therefore, the integrity of the pool will be maintained and no new means of losing cooling water or flow have been identified. Thus, the consequences of a seismic event will not be significantly increased from previously evaluated events.

The consequences of (4) drop of a heavy load on spent fuel in the upper containment pool were considered by the licensee. The containment polar crane and critical components of the fuel handling system are designed to seismic category I requirements so that they will not fail in a manner which results in unacceptable fuel damage or damage to safety-related equipment. Heavy load handling equipment inside containment meets the guidelines of NUREG–0612 "Control of Heavy Load at Nuclear Power Plants." The licensee has analyzed the consequences of a dropped fuel transfer canal gate on the fuel racks inside containment. The analysis showed that there would be no gross buckling of fuel cells in the racks and consequently the geometry of the active fuel in a fuel assembly would be preserved. Accordingly, the consequences of dropped heavy load are not significantly increased from previously evaluated accident analysis.

Second Standard

Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed reracking in the upper containment pool was evaluated by the licensee in accordance with the guidance of the NRC position paper "OT Position for Review and Acceptance of Spent Fuel Storage and Handling Applications," NRC Regulatory Guides, NRC Standard Review Plans, and Industry Codes and Standards as listed in licensee's submittal. In addition, the staff has made a preliminary review of the proposal. Neither the licensee nor the staff could identify a credible mechanism for breaching the structural integrity of the upper containment fuel pool which could result in a loss of cooling water such that cooling flow could not be maintained. Accordingly, it is concluded that the proposed reracking does not create the possibility of a new or different kind of accident from any accident previously evaluated for the upper containment fuel pool racks.

Third Standard

Involve a significant reduction in a margin of safety.

The consideration of the margin of safety of the proposed reracking modification for the upper containment pool addressed the same three areas that were found necessary to be addressed in reracking of the spent fuel pool:

1. Nuclear criticality considerations
2. Thermal-hydraulic considerations
3. Mechanical, material and structural considerations.

As in the spent fuel pool, the neutron multiplication factor will be less than or equal to 0.95 including all uncertainties under all conditions. Methods used to calculate criticality are the same as those used for the spent fuel pool. Accordingly, the proposed reracking of the upper containment fuel pool will not involve a significant reduction in the margin of safety for nuclear criticality.

The licensee's analysis of maximum fuel and maximum pool temperature considered the interconnection of the spent fuel pool and the upper containment pool during refueling and the use of the spent fuel pool cooling system supplemented by the RHR system. The results of that analysis, which are described above for the spent fuel pool rerack considerations, show that NRC staff's acceptance criteria would be met. Accordingly, there is no significant reduction in the margin of safety for thermal hydraulic or upper containment fuel pool cooling concerns.

The mechanical, material and structural considerations of the proposed rerack in the upper containment pool are the same as those described above for the spent fuel pool. Accordingly, the margins of safety for these considerations in the upper containment pool are not significantly reduced by the proposed rerack.

C. Summary

The licensee's request to expand GGNS spent fuel storage pool and upper containment pool capacities satisfies the following conditions: (1) The storage capacity expansion method consists of modifying a portion of the existing racks with a design which allows closer spacing between stored spent fuel assemblies; (2) the storage capacity expansion method does not involve rod consolidation or double tiering; (3) the K_{eff} of the pools are maintained less than or equal to 0.95; and (4) no new technology or unproven technology is utilized in either the construction process or the analytical techniques necessary to justify the expansion. Consequently, the request does not involve significant hazards consideration in that it: (1) Does not involve a significant increase in the probability or consequences of an accident previously evaluated, (2) does not create the possibility of a new or different kind of accident from any accident previously evaluated, and (3) does not involve a significant reduction in a margin of safety.

Accordingly the Commission proposes to determine that these changes do not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Records Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

By August 18, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, is authorized to use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR Part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662 (October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting

a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR Part 2, subpart G continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer shall grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding makes a timely request for oral argument, and if all untimely requests, if any, for oral argument are denied, then the usual procedures in 10 CFR Part 2, Subpart G apply.

Subject to the above requirements, and any limitations in the order granting leave to intervene, those permitted to intervene become parties to the proceeding, have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Butler: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Deputy General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Dated at Bethesda, Maryland, this 14th day of July 1986.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Director, BWR Project Directorate No. 4, Division of BWR Licensing.

[FR Doc. 86–16245 Filed 7–17–86; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 27–39 SC; ASLBP No. 78–374–01 OT]

U.S. Ecology, Inc. (Sheffield, IL, Low-Level Radioactive Waste Disposal Site); Order

July 14, 1986.

Before Administrative Judges: B. Paul Cotter, Jr., Chairman; Dr. Jerry R. Kline; Dr. Emmeth A. Luebke.

Upon consideration of the July 3, 1986 letter on behalf of the parties from Robert M. Rader, Counsel for U.S. Ecology, Inc., advising that the parties are available for a prehearing conference during the week of August 18, 1986, it is this 14th day of July 1986:

ORDERED—That a prehearing conference in the captioned proceeding will commence at 9:00 a.m. on August 19, 1986 in the Holiday Inn, O'Hare Airport, 5440 N. River Road, Rosemont, Illinois 60018.

and continue from day to day until completed.

The Atomic Safety and Licensing Board.

B. Paul Cotter, Jr.,

Chairman, Administrative Judge.

Jerry R. Kline,

Administrative Judge.

Emmeth A. Luebke,

Administrative Judge.

Dated in Bethesda, Maryland, this 14th day of July 1986.

[FR Doc. 86–16265 Filed 7–17–86; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–23429; File No. SR–AMEX–86–16]

Self-Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc.; Permanent Program for the Automatic Execution of Certain XMI Options

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(I), notice is hereby given that on June 17, 1986, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-

regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex" or "Exchange") proposes to adopt its automatic execution and reporting system for certain Major Market Index (XMI) options contracts on a permanent basis. The details of the proposal are set forth in Item II. A. below.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In December 1985, the Exchange implemented a pilot program called "AUTO–EX" for the automatic execution of selected Major Market Index (XMI) options. Pursuant to AUTO–EX, member firms may route public customers' market and marketable limit orders up to ten contracts through the AUTOAMOS system to be executed against the best bid or offer at the time the order is entered. The AUTO–EX system insures that customers' orders on the book retain priority over orders in the crowd. (For a detailed explanation of AUTO–EX, See SR–AMEX–85–29, approved in SEC Release No. 34–22610, dated November 8, 1985).

The AUTO–EX program was originally instituted on a three-month basis and has been extended twice, most recently until September 6, 1986. As a result of highly favorable comments from participating member firms, the Exchange now seeks the authority to make AUTO–EX, for XMI options only, a permanent program.

The proposed change is consistent with the requirements of the Securities Exchange Act of 1934 ("1934 Act") and the rules and regulations thereunder applicable to the Exchange by continuing to provide the means of reducing operational burdens in executing and reporting XMI AUTOAMOS orders while maintaining the priority of orders on the limit order book. Therefore, the proposed rule change is consistent with section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public.

B. Self-Regulatory Organization's Statement of Burden on Competition

The Amex believes that the proposed rule change will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 8, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 14, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–16249 Filed 7–17–86; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–23417; File No. SR–AMEX–86–19]

Self-Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc.; Listing and Maintenance Criteria Governing Eligibility of Underlying Equity Securities for Options Trading

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 June 18, 1986, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex" or "Exchange") proposes to amend Rules 915 and 916 to ease the listing and maintenance criteria governing the eligibility of underlying equity securities for options trading.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Exchange Rule 915 requires that an underlying equity security must meet certain minimum guidelines for options trading. Similarly, Exchange Rule 916 establishes certain maintenance standards which must be satisfied if the underlying security is to continue to be the subject of options trading. The standards in both rules measure either the quality of the particular issuer or the quality of the market for the particular security.

The Exchange now proposes to amend these standards as follows:

Non-Defaults—The Exchange proposes to delete the non-default criterion in both Rules 915 and 916. Accordingly, under the proposal, an underlying security would be eligible for options trading despite the fact it might be in default concerning the payment of a dividend or sinking fund installment on preferred stock.

Net Income—It is proposed that the listing requirement in Rule 915 that an issuer and its significant subsidiaries have aggregate net income of at least $1,000,000 during the preceding eight quarters be deleted. Experience has shown that a number of financially healthy companies are ineligible for options trading solely because their earnings do not meet the net income test, while in all other respects, they are viable, ongoing concerns suitable for options trading.

Shareholders—It is proposed that for initial listing, the number of holders of any underlying security be reduced from 6,000 to 2,000 holders in Rule 915. Similarly, the maintenance criteria in Rule 916 for holders of the underlying security is proposed to be reduced from 5,400 to 1,600. In part, this modification reflects the difficulty in ascertaining the number of beneficial holders of an underlying security (due to the increasing practice of holding securities in "street" or nominee names) while still retaining a reasonable criteria to ensure that the underlying stock is widely-held.

Market Price—It is proposed that the listing requirement in Rule 915 regarding market price per share of the underlying security be lowered from $10 each day during the three calendar months preceding its selection for options trading to $7½ for the majority of days during the same period. To conform the market price maintenance standard to the proposed listing standard, the maintenance standard in Rule 916 is to be amended so that a security would continue to remain eligibile for options trading unless its market price per share closes below $5 (lowered from the current $8 level) during the majority of business days during a six month period.

Defintions—New definitions of the words "security" and "share" are proposed to be inserted in Rule 915 and the word "stock" is proposed to be changed to "security" throughout Rules 915 and 916. These changes are to ensure that the listing and maintenance rules can be broadly interpreted to permit the listing of options on suitable securities other than common stock.

Finally, it should be noted that the Exchange intends to retain the criterion in Rules 915 and 916 requiring an issuer to be in compliance with all applicable requirements of the Securities Exchange Act of 1934 as well as trading volume and float criteria. Issuers of underlying securities on which options are traded must, among other things, comply with the requirements of section, 13 and 14 of the Act concerning periodic and other reports and proxies.

The proposed changes are consistent with the requirements of the Securities Exchange Act of 1934 ("1934 Act") and the rules and regulations thereunder applicable to the Exchange by increasing the number of underlying securities available for consideration for options trading. Therefore, the proposed rule change is consistent with section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Amex believes that the proposed rule change will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Options Committee, a committee of the AMEX Board of Governors composed of members and representatives of member firms, has endorsed the proposed rule change.

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 15 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 8, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 11, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-16248 Filed 7-17-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-15200; File No. 812-6301]

Application and Opportunity for a Hearing; Integrated Resources Life Insurance Company et al.

July 11, 1986.

Notice is hereby given that Integrated Resources Life Insurance Company (formerly known as Guardsman Life Insurance Company) (the "Company"), ICAP Variable Annuity Account One (the "Variable Account"), One Bridge Plaza, Fort Lee, New Jersey 07024, and Integrated Capital Services, Inc., 733 Third Avenue, New York, New York 10017, (referred to collectively as "Applicants"), filed an application on February 6, 1986 and an amendment on

June 26, 1986 for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") granting exemptions from sections 26(a)(2) and 27(c)(2) of the Act to permit the deduction of mortality and expense risk charges from the assets of the Variable Account in connection with the issue of certain variable annuity contracts ("Contracts"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and rules thereunder for the text of the relevant provisions.

Applicants state that the Company is an Iowa stock life insurance company and is an indirectly wholly-owned subsidiary of Integrated Resources Inc. Applicants state that Integrated Capital Services, Inc. is the principal underwriter of the Variable Account. Applicants also state that the Variable Account was established by the Company on October 31, 1984, in accordance with the provisions of Iowa insurance law and that it is a separate investment account to which owners of the Contracts may allocate purchase payments to support benefits payable under the Contracts. Applicants further state that the Variable Account is registered under the Act as a unit investment trust and will invest assets related to the Contracts solely in shares of Integrated Resources Series Trust.

Applicants state that the Contracts provide for a surrender charge upon a partial or total surrender of a Contract prior to the annuity date in an amount equal to 5 percent of the amount withdrawn in the first Contract year with respect to each purchase payment and declining by 1 percent in each Contract year thereafter with respect to that same purchase payment such that, on a first-in-first-out basis, there is no charge applicable to amounts withdrawn representing purchase payments in the sixth and later contract years after that purchase payment has been made. Applicants represent that the Contract guarantees that the cumulative total of all surrender charges will never exceed 5% of a Contractowner's aggregate purchase payments. Applicants explain, however, that the Contracts provide that no surrender charge will be assessed against the first partial surrender in any Contract year of 10 percent or less of the accumulation value. Applicants also state that the surrender charge may be insufficient to cover all costs releating to the distribution of the Contracts.

Applicants state that a records maintenance charge of $30.00 will be assessed against a Contract's accumulation value in each calendar year prior to the annuity date. This charge, according to the Applicants, is guaranteed not to increase for the life of the Contract and is assessed in equal amounts against each Division of the Variable Account in which a Contract participates. Applicants state that this charge is designed to reimburse the Company for certain expenses incurred in establishing and maintaining the records relating to a Contract participating in the Variable Account. Applicants represent that this charge does not exceed the estimated cost of this service for one year and contains no element of profit for the Company.

Applicants state that a charge is assessed against the Variable Account assets at an annualized rate of 1.25 percent of the average daily net asset value of the Account attributable to the Contracts. According to the application, 0.90 percent of this charge is intended to compensate the Company for assuming the risk that its actuarial estimate of mortality rates may prove erroneous (i.e., the risk that the contractowner may receive annuity benefits for a period longer than that reflected in the Contract's annuity rates or may die at a time when the death benefit guaranteed by the Contract is higher than the accumulation value of the Contract); and 0.35 percent of this charge is intended to compensate the Company for assuming the risk that administrative charges, which are guaranteed not to increase, may prove insufficient to cover expenses actually incurred. Applicants represent that the accumulation amount used to purchase the annuity is applied at annuity rates guaranteed in the Contract. Applicants state that the annuity tables contained in the Contracts are based on the 1938 Table A, projected at Scale G with interest at 5% and assumed births in the year 1942.

Applicants state than an additional administrative expense charge is assessed against the assets of the Variable Account at an annualized rate of 0.15 percent of the average daily net asset value of the Account attributable to the Contracts. Applicants further state that this charge is intended to cover the shortfall in revenues from the records maintenance charge and have set this charge at a level believed to represent the administrative costs of record maintenance beyond the records maintenance charge. Applicants represent that the Company does not intend to profit from this charge and will reduce the charge to the extent that it exceeds that amount necessary to reimburse the Company for its administrative expenses. Should this charge prove insufficient, Applicants state, the Company will incur the loss, not increase the charge.

Applicants represent that charges for the Company's assumption of mortality and expense risks, which are guaranteed not to increase, are reasonable in relation to the risks assumed and guarantees provided in the Contracts. Applicants submit that this representation and those related to the administrative expense charge are based upon an analysis of the mortality risks, (taking into consideration such factors as the guaranteed annuity purchase rates) the expense risks (taking into consideration charges against separate account assets for other than mortality and expense risks) and the estimated costs, now and in the future, of certain contract features. Applicants state that the Company has incorporated its analysis into a memorandum which it will maintain and make available to the Commission or its staff upon request.

Applicants represent that under certain circumstances, profit derived from the mortality and expense risk charge could be viewed as providing for a portion of the costs relating to distribution of the Contracts. Applicants state that the Company has concluded there is a reasonable likelihood that the proposed distribution financing arrangement will benefit the Variable Account and owners of the Contracts. Applicants state that the Company has taken into consideration, among other things, that the sales load is imposed only if a contractowner surrenders the Contract and that, in the interim, those funds are invested on behalf of contractowners. Applicants represent that the bases for the Company's conclusion have been incorporated into a memorandum, which the Company will maintain and make available to the Commission or its staff upon request.

The Company represents that the assets of the Variable Account will be invested only in a management investment company which undertakes, in the event it should adopt a plan for financing distribution expenses pursuant to Rule 12b–1 under the Act, to have such plan formulated and approved by a board of directors, the majority of whom are not "interested persons" of the management company within the meaning of section 2(a)(19) of the Act.

Applicants request exemption from sections 26(a)(2) and 27(c)(2) to the extent necessary to deduct from the Variable Account a daily asset charge

for mortality and expense risks which amounts to an aggregate of 1.25% per annum (consisting of approximately .90% for mortality risks and approximately .35% for expense risks).

Notice is further given that any person wishing to request a hearing on the application may, not later than August 6, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his or her interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed. Such request should be addressed to: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-16250 Filed 7-17-86; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Action Subject to Intergovernmental Review

AGENCY: Small Business Administration.

ACTION: Notice of Action Subject to Intergovernmental Review Under Executive Order 12372.

SUMMARY: This notice provides for public awareness of SBA's intention to fund for the first time two additional Small Business Development Centers (SBDC's) during 1986. Currently, there are 45 SBDC's operating in the SBDC program. The following SBDC's are intended to be funded: Alaska, and Texas (at Dallas). This notice also provides a description of the SBDC program by setting forth a condensed version of the program announcement which has been furnished to each of the proposal developers for the SBDC's expected to be refunded. This publication is being made to provide the State single points of contact, designated pursuant to Executive Order 12372, and other interested State and local entities, the opportunity to comment on the proposed funding in accord with the Executive Order and SBA's regulations found at 13 CFR Part 135.

DATE: Comments will be accepted through September 16, 1986.

ADDRESS: Comments should be addressed to Mrs. Johnnie L. Albertson, Deputy Associate Administrator for SBDC Programs, U.S. Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Same as above.

SBA is bound by the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs." SBA has promulgated regulations spelling out its obligations under that Executive Order. See 13 CFR Part 135, effective September 30, 1983.

In accord with these regulations, specifically § 135.4, SBA is publishing this notice to provide public awareness of the pending applications for funding of the two proposed Small Business Development Centers (SBDC's). Also, published herewith is an annotated program announcement describing the SBDC program in detail.

The proposed SBDC's will be funded at the earliest practicable date following the 60-day comment period. However, no funding will occur unless all comments have been considered. Relevant information identifying the four proposed SBDC's and providing the mailing address of the proposal developers is provided below. In addition to this publication, a copy of this notice is being simultaneously furnished to each of the affected State single points of contact which have been established under the Executive Order.

The State single points of contact and other interested State and local entities are expected to advise the relevant proposal developer of their comments regarding the proposed funding in writing as soon as possible. An SBDC proposal cannot be inconsistent with an area-wide plan to provide assistance to small business, if there is one, which has been adopted by an agency recognized by the State government as authorized to do so. Copies of such written comments should also be furnished to Mrs. Johnnie L. Albertson, Deputy Associate Administrator for SBDC Programs, U.S. Small Business Administration, 1441 L Street, NW., Washington, DC 20416. Comments will be accepted by the proposal developer and SBA for a period of two months (60 days) from the date of publication of this notice. The proposal developer will make every effort to accommodate these comments during the 60-day period. If the comments cannot be accommodated by the proposal developer, SBA will, prior to funding the proposed SBDC, either attain accommodation of any comments or furnish an explanation to the commenter of why accommodation cannot be attained to the commentor prior to funding the proposed SBDC.

Description of the SBDC Program

The Small Business Development Center Program is a major management assistance delivery program of the U.S. Small Business Administration. SBDC's are authorized under section 21 of the Small Business Act (15 U.S.C. 648). SBDC's operate pursuant to the provisions of section 21, a Notice of Award (Cooperative Agreement) issued by SBA, and a Program Announcement. The Program represents a partnership between SBA and the State-endorsed organization receiving Federal assistance for its operation. SBDC's operate on the basis of a State plan which provides small business assistance throughout the State. As a condition to any financial award made to an applicant, an additional amount equal to the amount of assistance provided by SBA must be provided to the SBDC from sources other than the Federal Government.

Purpose and Scope

The SBDC Program has been designed to meet the specialized and complex management and technical assistance needs of the small business community. SBDC's focus on providing indepth quality assistance to small businesses in all areas which promote growth, expansion, innovation, increased productivity and management improvement. SBDC's act in an advocacy role to promote local small business interests. SBDC's concentrate on developing the unique resources of the university system, the private sector, and State and local governments to provide services to the small business community which are not available elsewhere. SBDC's coordinate with other SBA programs of management assistance and utilize the expertise of these affiliated resources to expand services and avoid duplication of effort.

Program Objectives

The overall objective of the SBDC Program is to leverage Federal dollars and resources with those of the State academic community and private sector to:

(a) Strengthen the small business community;

(b) Contribute to the economic growth of the communities served;

(c) Make assistance available to more small businesses than is now possible with present federal resources; and

(d) Create a broader based delivery system to the small business community.

SBDC Program Organization

SBDC's are organized to provide maximum services to the local small business community. The lead SBDC receives financial assistance from the SBA to operate a statewide SBDC Program. In states where more than one organization receives SBA financial assistance to operate an SBDC, each lead SBDC is responsible for Program operations throughout a specific regional area to be served by the SBDC. The lead SBDC is responsible for establishing a network of SBDC subcenters to offer service coverage to the small business community. The SBDC network is managed and directed by a single full-time Director. SBDC's must ensure that at least 80 percent of Federal funds provided are used to provide services to small businesses. To the extent possible, SBDC's provide services by enlisting volunteer and other low cost resources on a statewide basis.

SBDC Services

The specific types of services to be offered are developed in coordination with the SBA district office which has jurisdiction over a given SBDC. SBDC's emphasize the provision of indepth, high-quality assistance to small business owners or prospective small business owners in complex areas that require specialized expertise. These areas may include, but are not limited to: Management, marketing, financing, accounting, strategic planning, regulation and taxation, capital formation, procurement assistance, human resource management, production, operations, economic and business data analysis, engineering, technology transfer, innovation and research, new product development, product analysis, plant layout and design, agribusiness, computer application, business law information, and referral (any legal services beyond basic legal information and referral require the endorsement of the State Bar Association,) exporting, office automation, site selection, or any other areas of assistance required to promote small business growth, expansion, and productivity within the State.

The degree to which SBDC resources are directed towards specific areas of assistance is determined by local community needs, SBA priorities and SBDC Program objectives and agreed upon by the SBA district office and the SBDC.

The SBDC must offer quality training to improve the skills and knowledge of existing and prospective small business owners. As a general guideline, SBDC's should emphasize the provision of training in specialized areas other than basic small business management subjects. SBDC's should also emphasize training designed to reach particular audiences such as members of SBA priority and special emphasis groups.

SBDC Program Requirements

The SBDC is responsible to the SBA for ensuring that all programmatic and financial requirements imposed upon them by statute or agreement are met. The SBDC must assure that quality assistance and training in management and technical areas is provided to the State small business community through the State SBDC network. As a condition of this agreement, the SBDC must perform, but not be limited to, the following activities.

(a) The SBDC ensures that services are provided as close as possible to small business population centers. This is accomplished through the establishment of SBDC subcenters.

(b) The SBDC ensures that lists of local and regional private consultants are maintained at the lead SBDC and each SBDC subcenter. The SBDC utilizes and provides compensation to qualified small business vendors such as private management consultants, private consulting engineers, and private testing laboratories.

(c) The SBDC is responsible for the development and expansion of resources within the State, particularly the development of new resources to assist small businesses that are not presently associated with the SBA district office.

(d) The SBDC ensures that working relationships and open communications exist within the financial and investment communities, and with legal associations, private consultants, as well as small business groups and associations to help address the needs of the small business community.

(e) The SBDC ensures that assistance is provided to SBA special emphasis groups throughout the SBDC network. This assistance shall be provided to veterans, women, exporters, the handicapped, and minorities as well as any other groups designated a priority by SBA. Services provided to special emphasis groups shall be performed as part of the Cooperative Agreement.

Advance Understandings

(a) Lead SBDC's shall operate on a 40-hour-week basis, or during normal State business hours, with National holidays or State holidays as applicable excluded.

(b) SBDC subcenters shall be operated on a full-time basis. The lead SBDC shall ensure that staffing is adequate to meet the needs of the small business community.

(c) All counseling assistance offered through the Small Business Development Center network shall be provided at no cost to the client.

Dated: July 10, 1986.

Charles L. Heatherly,

Acting Administrator.

Addresses of Proposed SBDC's and Proposal Developers—

Ms. Robin Zerbel, Administrative Assistant to the Director of Business Programs, Anchorage Community College, 2533 Providence Drive, Anchorage, Alaska 99508–4670, (907) 786–1129

Ms. Bonnie Franke, Director of Research Development, Dallas Community College District, 701 Elm Street, Dallas, Texas 75202, (214) 746–2456

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences; Notice of Review of Petitions, Public Hearings, and List of Articles To Be Sent to the U.S. International Trade Commission (USITC) for Review

SUMMARY: The purpose of this notice on the Generalized System of Preferences (GSP) annual review is (1) to announce the acceptance for review of petitions to modify the list of articles eligible to receive duty-free treatment under the GSP; (2) to announce the timetable for public hearings to consider petitions accepted for review; and (3) to announce that the list of articles herein to be sent by the United States Trade Representative to the United States International Trade Commission with respect to designating articles as eligible for GSP.

I. Acceptance of Petitions for Review

Notice is hereby given of acceptance for review of petitions requesting modification of the list of articles eligible to receive duty-free treatment under the GSP, as provided for in Title V of the Trade Act of 1974 (the Act) (19 U.S.C. 2461–2465). These petitions were submitted, and will be reviewed, pursuant to regulations codified at 15 CFR Part 2007.

1. Requests for "Graduation" of Products from Countries

Petitions have been submitted by interested parties or foreign governments: (1) To designate additional articles as eligible for the GSP; or (2) to withdraw, suspend or limit GSP duty-free treatment accorded either to eligible articles under the GSP or to individual beneficiary developing countries with respect to specific GSP eligible articles; or (3) to otherwise modify GSP coverage. In addition, requests have been received requesting that the GSP status of certain beneficiary developing countries be reviewed with respect to the criteria listed in subsections 502(b) or 502(c) of the Act.

As in previous reviews, requests to add products to or remove them from the list of articles eligible for GSP duty-free treatment will be evaluated in accordance with the "graduation" policy. In considering GSP eligibility for products, limitations on GSP benefits will be considered for the more economically advanced beneficiary developing countries in specific products where it is determined that they have demonstrated sufficient competitiveness. Four criteria will be taken into account when any such graduation action is considered: the development level of individual beneficiary countries; their competitive position in the product concerned; the countries' practices relating to trade, investment and worker rights; and the overall economic interests of the United States. The GSP Subcommittee will review information for the relevant U.S. industry as enumerated in 15 CFR 2007.1 (5) when considering the removal of any beneficiary developing country from GSP eligibility.

Product designations announced at the conclusion of the review process, therefore, may be made on a differential basis. This means that certain beneficiary developing countries may not be designated for GSP benefits on certain products even though those countries are not excluded under the competitive need provisions set forth in section 504(C)(1) of the Trade Act of 1974, as amended. It also is possible to withdraw GSP treatment from certain beneficiary developing countries, or reduce the competitive need limit applicable to the countries and product in question, rather than remove the product entirely from GSP coverage.

2. Information Subject to Public Inspection

Information submitted in connection with the hearings will be subject to public inspection by appointment with the staff of the GSP Information Center, except for information granted "business confidential" status pursuant to 15 CFR 2003.6 and 15 CFR 2006.10. Parties submitting briefs or statements containing confidential information must indicate clearly on the cover page of each of the twenty copies submitted and on each page within the document, where appropriate, that confidential material is included. Non-confidential summaries of all confidential material must be submitted in twenty copies at the same time that confidential submissions are filed.

3. Communications

All communications with regard to these hearings should be addressed to: GSP Subcommittee, Office of the United States Trade Representative, 600 17th St., NW., Rom 517, Washington, D.C. 20506. The telephone number of the Secretary of the GSP Subcommittee is (202) 395–6971. Questions may be directed to any member of the staff of the GSP Information Center.

Acceptance for review of the petitions listed herein does not indicate any opinion with respect to a disposition on the merits of the petitions. Acceptance indicates only that the listed petitions have been found to be eligible for review by the GSP Subcommittee and the TPSC, and that such review will take place.

II. Deadline for Receipt of Requests To Participate in the Public Hearings

The GSP Subcommittee of the Trade Policy Staff Committee invites submissions in support of or in opposition to any petition or request contained in this notice. All such submissions should conform to 15 CFR 2007, particularly §§ 2007.0, 2007.1(a)(1), 2007.1(a)(2), and 2007.1(a)(3).

Requests to present oral testimony in connection with public hearings should be accompanied by twenty copies, in English, of all written briefs or statements and should be received by the Chairman of the GSP Subcommittee no later than the close of business Monday, September 8. Oral testimony before the GSP Subcommittee will be limited to five minute presentations that summarize or supplement information contained in briefs or statements submitted for the record. Post-hearing briefs or statements will be accepted if submitted in twenty copies, in English, no later than close of business Monday, October 20. Rebuttal briefs should be submitted in twenty copies, in English, by close of business Friday, November 14.

Parties not wishing to appear may submit written briefs or statements in twenty copies, in English, in connection with articles under consideration in the public hearings, provided that such submissions are filed by Monday, October 20 and conform with the regulations cited above.

During December 1986 and January 1987, an oppotunity will be provided for the public to comment on nonconfidential USITC analysis. Notice of the availability of this analysis and the timetable for comment will be published in the Federal Register as soon as USITC analysis is available.

A hearing will be held on September 29–30 and October 1 beginning at 10:00 a.m. in the GSA Auditorium, 18th and F St., NW, Washington, DC. The hearing will be open to the public and the transcript will be made available for public inspection or purchase from the reporting company.

III. List of Articles Which May Be Considered for Designation as Eligible Articles for Purposes of the GSP or for Waiver of the Competitive Need Limit and on Which the United States International Trade Commission Will Be Asked To Provide Advice

1. In conformity with sections 502(a) and 131(a) of the Trade Act of 1974 as amended (19 U.S.C. 2463(A) and 2151(A)), notice is hereby given that the articles listed herein may be considered for designation as eligible articles for purposes of the GSP.

An article which is determined to be import sensitive in the context of the GSP cannot be designated as an eligible article. Recommendations with respect to the eligibility of any listed article will be made after public hearings have been held and advice has been received from the U.S. International Trade Commission on the probable effects of the requested modification in the GSP on industries producing like or directly competitive articles and on consumers.

2. Advice of the United States International Trade Commission. On behalf of the President and in accordance with sections 503(A) and 131(A) of the Trade Act of 1974 as amended, the United States International Trade Commission is being furnished with a list of articles published herein for the purpose of securing from the Commission its advice on the probable economic effect on United States industries producing like or directly competitive articles, and on consumers, of the designation of such articles as eligible articles for purposes of the GSP. Also, on behalf of the President and in accordance with section 504(c)(3)(A)(i) of the Act, the USITC is being asked to furnish

economic advice on the probable economic effect on United States industries producing like or directly competitive articles, and on consumers, of the granting of a waiver of competitive need limits for the product identified in section D of the list which follows.

IV. Cases Accepted for Review Regarding Country Practices, Pursuant to 15 CFR 2007.0(b)

Pursuant to 15 CFR 2007.0(b), the TPSC has accepted for review a request filed by the International Intellectual Property Alliance to review Indonesia's status as a GSP beneficiary country in relation to its practice regarding the protection of intellectual property rights.

Donald M. Phillips,
Chairman, Trade Policy Staff Committee.

ANNEX I.—PETITIONS ACCEPTED FOR REVIEW

[The bracketed language in this list has been included only to clarify the scope of the numbered items which are being considered, and such language is not itself intended to describe articles which are under consideration]

Case No.	TSUS or TSUSA [1] item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences	
		Other edible nuts, shelled or not shelled, blanched or otherwise prepared or preserved:	
		Not shelled:	
86-1	145.18	Filberts	Government of Turkey.
		Shelled, blanched, or otherwise prepared or preserved:	
86-2	145.46	Filberts	Do.
86-3	146.30	Avocados (alligator pears), fresh, or prepared or preserved	Government of Mexico.
		Olives, fresh, or prepared or preserved:	
86-4	148.40	Fresh	Do.
		Pineapples, fresh, or prepared or preserved:	
		Fresh:	
86-5	148.96	In packages other than crates	Government of Colombia.
		Filler tobacco (whether or not mixed or packed with wrapper tobacco):	
		When not mixed or not packed with wrapper tobacco, or when mixed or packed with 35% or less of wrapper tobacco:	
		[Cigarette leaf:]	
		Other, including cigar leaf:	
86-6	170.40	Not stemmed	Cigar Association of America, Washington, DC.
86-7	170.45	Stemmed	Do.
		Cordage:	
		Of vegetable fibers:	
		Of hard (leaf) fibers:	
		Of stranded construction:	
		Measuring 3/16 or over but under 3/4 inch in diameter:	
86-8	315.35	Of abaca	Government of the Philippines.
		Cyclic organic chemical products in any physical form having a benzenoid, quinoid, or modified benzenoid structure, not provided for in subpart A or C of part 1 of schedule 4 of the Tariff Schedules of the United States:	
		[Articles provided for in items 402.00 thru 402.32]	
		Other:	
		Halogenated hydrocarbons:	
86-9	402.56	Benzyl chloride (-Chlorotoluene)	Compania Quimica Ameyal, Mexico.
			Alcohols, phenols, ethers (including epoxides and acetals), aldehydes, ketones, alcohol peroxides, ether peroxides, ketone peroxides, and their derivatives:
			[Articles provided for in items 403.16 thru 403.41]
			Other:
86-10	403.45 pt	Benzyl alcohol	Do.
			Carboxylic acids, anhydrides, halides, acyl peroxides, peroxyacids, and their derivatives:
86-11	404.16	Terephthalic acid	Celanese Fibers, Charlotte, NC.
		[Amines and their derivatives; amines having one or more oxygen functions, and their derivatives; amides and their derivatives]	
		Other nitrogen-function compounds (except those in which the only nitrogen function is a nitro ($-NO_2$) or a nitroso (-NO) group, or an ammonium salt of an organic acid) and their derivatives:	
86-12	405.44	Toluenediisocyanates (unmixed)	Industrias Cydsa Bayer, S.A. de C.V., Mexico.
		Heterocyclic compounds and their derivatives (including lactones and lactams but excluding epoxides with three membered rings, anhydrides and imides of polybasic acids, and cyclic esters of polyhydric alcohols with polybasic acids):	
		[Articles provided for in items 406.12 thru 406.32]	
		Other:	

ANNEX I.—PETITIONS ACCEPTED FOR REVIEW—Continued

[The bracketed language in this list has been included only to clarify the scope of the numbered items which are being considered, and such language is not itself intended to describe articles which are under consideration]

Case No.	TSUS or TSUSA [1] item No.	Article	Petitioner
		[Articles provided for in items 406.36 and 406.37]	
		Other:	
86-13	406.39 pt	N-(tert-butyl)benzothiazole sulfenamide (Orgacel T)	Quimica Organica de Mexico, S.A. de C.V., Mexico.
		Colors, dyes, stains, and related products: Colors, dyes, and stains (except toners), whether soluble or not in water, obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of part 1 of schedule 4 of the Tariff Schedules of the United States:	
		Direct dyes:	
86-14	409.78	Direct black 51, 69, 112, 114, 118, 122;	Government of Argentina.
		Direct blue 74, 77, 90, 137, 156, 158, 158:1, 207, 211, 225, 244, 267;	
		Direct brown 97, 113, 157, 169, 170, 200, 212, 214;	
		Direct green 33, 59, 67, 68;	
		Direct orange 17, 60, 105, 106, 107, 118;	
		Direct red 9, 89, 92, 95, 111, 127, 173, 207, 221;	
		Direct violet 47, 93; and	
		Direct yellow 27, 39, 68, 93, 95, 96, 98, 109, 110, 133, 134	
		Other:	
86-15	409.82	Products provided for in the Chemical Appendix to the Tariff Schedules	Government of Argentina.
		Color lakes and toners, obtained, derived, or manufactured in whole or in part from natural alizarin, natural indigo, or any product provided for in subpart A or B of part 1 of schedule 4 of the Tariff Schedules of the United States:	
86-16	410.28	Pigment black 1;	Do.
		Pigment blue 16, 18;	
		Pigment brown 22, 23, 25, 32;	
		Pigment green 8;	
		Pigment orange 31, 34, 36, 51;	
		Pigment red 9, 14, 34, 48:3, 52, 68, 112, 139, 144, 146, 151, 166, 169, 170, 171, 175, 176, 177, 178, 180, 185, 188, 192, 199, 208, 209, 216, 220, 221;.	
		Pigment violet 32; and	
		Pigment yellow 16, 24, 49, 62:1, 81, 93, 95, 97, 101, 108, 109, 110, 113, 117, 127, 138, 153	
		Acids:	
		[Articles provided for in items 425.70 thru 425.96]	
		Other:	
		[Carboxylic acids]	
86-17	425.9960	Other organic acids (including sulfonic acids and thiocarboxylic acids)	Government of Colombia.
		Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients:	
		Of fine-grained earthenware (except articles provided for in item 533.15) or of fine-grained stoneware:	
		Household ware not available in specified sets:	
86-18	533.30	Mugs and other steins	Russ Berrie & Co., Oakland, NJ.
		Of chinaware or of subporcelain:	
		Household ware:	
		Of nonbone chinaware or of subporcelain:	
		Available in specified sets:	
86-19	533.64	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of subpart C of part 2 of schedule 5 of the Tariff Schedules of the United States is over $56.	Government of the Philipines.
		Enamels, colors, glazes, and fluxes, all the foregoing of glass, frit, or calcine:	
		[Ground or pulverized]	
86-20	540.27	Other	Government of Mexico; Ferro Mexicana, S.A.; Mexico.
		Other base metals, unwrought, and waste and scrap of such metals:	
		Other than alloys; waste and scrap:	
86-21	632.46	Strontium	Government of Mexico; Fomento Y Desarrolo de Penquenos Mineros, Mexico.
		Gear boxes and other speed changers with fixed, multiple, or variable ratios; pulleys and shaft couplings; pillow blocks; flange, take-up, cartridge, and hanger units; torque converters; chain sprockets; clutches and universal joints; all the foregoing (except parts of agricultural or horticultural machinery and implements provided for in item 666.00 and parts of motor vehicles and bicycles) and parts thereof:	
		Pillow blocks and parts thereof:	
		Ball or roller bearing type:	
86-22	681.0410	Pillow block units	Government of Mexico.
		Time switches with watch or clock movements, or with synchronous or subsynchronous motors:	
86-23	715.62	Valued over $1.10 but not over $2.25 each	Admiral Division of Magic Chef, Inc., Galesburg, IL.
86-24	715.64	Valued over $2.25 but not over $5 each	Do.
		B. *Petitions to remove products from the list of eligible articles for the Generalized System of Preferences*	
		Products obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of part 1 of schedule 4 of the Tariff Schedules of the United States:	
		Products chiefly used as plasticizers:	
86-25	409.3410	Phthalic acid esters	U.S. Steel Corporation, Pittsburgh, PA.
		Ceramic tiles:	
		Floor and wall tiles:	
		Mosaic tiles:	
		[Articles provided for in item 532.20]	
86-26	532.22	Other	Tile Council of America, Washington, DC.
		Pipe and tube fittings of iron or steel:	
		[Cast-iron fittings, not malleable; cast-iron fittings, malleable]	
		Other fittings:	
		[Ductile fittings]	
		Other:	
		Flanges:	
		Under 14 inches (inside diameter):	
86-27	610.8413	Other than alloy iron or steel	American Pipe Fitting Assoc., Washington, DC.
		Alloy iron or steel:	
86-28	610.8415	Stainless steel	Do.
86-29	610.8418	Other	Do.

ANNEX I.—PETITIONS ACCEPTED FOR REVIEW—Continued

[The bracketed language in this list has been included only to clarify the scope of the numbered items which are being considered, and such language is not itself intended to describe articles which are under consideration]

Case No.	TSUS or TSUSA [1] item No.	Article	Petitioner
		14 inches and over (inside diameter):	
86-30	610.8421	Other than alloy iron or steel	Do.
		Alloy iron or steel:	
86-31	610.8424	Stainless steel	Do.
86-32	610.8428	Other	Do.
86-33	610.86	Couplings	Picoma Industries, Houston, TX.
		Iron or steel pipes or tubes prepared and coated or lined in any manner suitable for use as conduits for electrical conductors, and iron or steel fittings therefor:	
86-34	688.32	Fittings	Picoma Industries, Houston, TX.
		Parts of bicycles:	
		Three speed hubs whether or not incorporating a coaster brake; caliper brakes; multiple free-wheel sprockets:	
86-35	732.3875	Caliper brakes	Dia-compe Inc., West Palm Beach, FL.
		C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences [2]	
		Papers, not impregnated, not coated, not surface-colored, not embossed, not ruled, not lined, not printed, and not decorated:	
86-36	252.75 (Brazil, Mexico)	Writing paper weighing over 18 pounds per ream	Stationery International Trade Committee, Washington, DC.
		Articles, of pulp, of papier-mache, of paper, of paperboard, or of any combination thereof, not specially provided for:	
		[Articles provided for in items 256.70 thru 256.80]	
		Other:	
		[Of papers, coated, or of any of the papers provided for in items 253.25, 253.30, 253.35, 253.40, or 253.45].	
		Other:	
86-37	256.9044 (Brazil, Mexico)	Hole punched looseleaf filler paper	Stationery International Trade Committee, Washington, DC.
86-38	256.9052 (Brazil, Mexico)	Memorandum pads and similar pads	Do.
86-39	256.9080 pt. (Brazil)	Paint strainers	Louis M. Gerson Co., Middleboro, MA.
		Products suitable for medicinal use, and drugs:	
		Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of part 1 of schedule 4 of the Tariff Schedules of the United States:	
		Drugs:	
86-40	410.72 (Turkey)	Acetylsalicylic acid (Aspirin)	Monsanto Corporation, St. Louis, MO.
		Esters of monohydric alcohols and organic or inorganic acids (except hydrogen sulfide and hydrogen halide acids):	
86-41	428.52 (Taiwan)	Butyl acetate	Celanese Chemical Co., Washington, DC; BASF Corporation, Washington, DC.
		Hinges; and fittings and mountains not specially provided for, suitable for furniture, doors, windows, blinds, starcases, luggage, vehicle coach work, caskets, cabinets, and similar uses; all the foregoing, of base metal, whether or not coated or plated with precious metal:	
		Not coated or plated with precious metal:	
		Of iron or steel, of aluminum, or of zinc:	
		[Articles provided for in items 647.01 and 647.02]	
86-42	647.03 (Taiwan)	Other	Stanley Hardware, New Britain, CT.
		Hangars and other buildings, bridges, bridge sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, door and window frames, shutters, balustrades, columns, pillars, and posts, and other structures and parts of structures, all the foregoing of base metal:	
		Of iron or steel:	
		[Articles provided for in items 652.90 thru 652.97]	
86-43	653.00 (Singapore, Taiwan)	Other	American Institute of Steel Construction, Washington, DC.
		Articles not specially provided for of a type used for household, table, or kitchen use; toilet and sanitary wares; all the foregoing and parts thereof, of metal:	
		Articles, wares, and parts, of base metal, not coated or plated with precious metal:	
		Of iron or steel:	
		Enameled or glazed with vitreous glasses:	
86-44	654.08 (Mexico)	Cooking and kitchen ware of steel	General Housewares Corp., Washington, DC.
		Parts of articles provided for in items 751.05, 751.10 and 751.11:	
		[Handles and sticks, of wood, valued not over $2.50 per dozen]	
		Other:	
		Of metal:	
		Umbrella frames and skeletons:	
		[For hand-held umbrellas chiefly used for protection against rain]	
86-45	751.2015 (Taiwan)	Other	Almet/Lawnlite, Portland, TN; California Umbrella, Pomona, CA.
		D. *Petition for waiver of competitive need limit for a product on the list of eligible articles*	
		Fatty substances of animal (including marine animal) or vegetable origin:	
		Not sulfonated or sulfated:	
		Fatty-acid esters, ethers, and ether-esters of polyhydric alcohols:	
86-46	465.05	Derived from coconut, palm-kernel, or palm oil	Government of the Philippines.

[1] Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

[2] The country or countries named are those beneficiary developing countries specified by the petitioner. While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner.

[FR Doc. 86-16253 Filed 7-17-86; 8:45 am]

BILLING CODE 3190-01-M

Implementation of Modifications in Specialty Steel Import Relief

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice establishes country allocations of the quotas presently applicable to imports of certain stainless steel and alloy tool steel products and makes modifications in theTariff Schedules of the United States to implement changes in the import relief program. The notice provides separate allocations within the stainless steel bar, stainless steel rod, and the alloy tool steel categories for Brazil, within the stainless steel bar and the alloy tool steel categories for Mexico, within the stainless steel bar category for the Republic of Korea, and within the stainless steel rod category for Taiwan.

EFFECTIVE DATE: July 20, 1986.

FOR FURTHER INFORMATION CONTACT: Marie Haugen, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, (202) 377–4036.

SUPPLEMENTARY INFORMATION: Presidential Proclamation 5074 of July 19, 1983 (48 FR 33233), provided for the temporary imposition of increased tariffs and quantitative restrictions on certain stainless steel and alloy tool steel products imported into the United States, pursuant to section 203 of the Trade Act of 1974. Proclamation 5074 authorizes the U.S. Trade Representative to take such actions and perform such functions for the United States as may be necessary to administer ad implement the relief, including negotiating orderly marketing agreements and allocating quota quantities on a country-by-country basis. The U.S. Trade Representative is also authorized to make modifications in the Tariff Schedules of the United States (TSUS) headnote or items proclaimed by the President in order to mplement such actions.

Pursuant to the above authority, the U.S. Trade Representative has determined that the quota quantities should be reallocated to provide country allocations for certain steel products for Brazil, Mexico, the Republic of Korea and Taiwan.

In conformity with the above, subpart A, part 2 of the Appendix to the TSUS is modified as follows:

(1) Item 926.13 is modified to add to the country allocations, in alphabetical order, "Brazil", "Mexico", and "The Republic of Korea", and also to add corresponding quota quantities of "1,140 short tons, "80" short tons, and "900" short tons, respectively, for the period July 20, 1986 though January 19, 1987. Item 926.13 is further modified by changing the quota quantity for "Other" countries to "156" short tons for the period July 20, 1986 through January 19, 1987.

(2) Item 926.18 is modified to add "Brazil" and "Taiwan" to the country allocations, and also to add corresponding quota quantities of "660" and "100" short tons, respectively, for the period July 20, 1986 through January 19, 1987. Item 926.18 is further modified by changing the quota quantity for "Other" countries to "592" short tons for the period July 20, 1986 through January 19, 1987.

(3) Item 926.23 is modified to add to the country allocations, in alphabetical order, "Brazil", and "Mexico", and also to add corresponding quota quantities of "540" short tons and "150" short tons, respectively, for the period July 20, 1986 through January 19, 1987. Item 926.23 is further modified by changing the quota quantity for "Other" countries to "782" short tons for the period July 20, 1986 through January 19, 1986.

Clayton Yeutter,

United States Trade Representative.

[FR Doc. 86–16251 Filed 7–17–86; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ending July 11, 1986

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

Docket No. 44137

Parties: Members of International Air Transport Association
Date Filed: July 07, 1986
Subject: TC2 Fares
Proposed Effective Date: July 1, 1986

Docket No. 44138, R–1–R–3

Parties: Members of International Air Transport Association
Date Filed: July 07, 1986
Subject: Specific Commodity Rates North Atlantic
Proposed Effective Date: July 1, 1986; July 5, 1986

Docket No. 44142

Parties: Members of International Air Transport Association
Date Filed: July 12, 1986
Subject: Currency—Increase Rates from Norway
Proposed Effective Date: August 1, 1986

Docket No. 44153, R–1 & R–2

Parties: Members of International Air Transport Association
Date Filed: June 10, 1986
Subject: Europe-Middle East Fares
Proposed Effective Date: July 24, 1986

Docket No. 44154, R–1–R–6

Parties: Members of International Air Transport Association
Date Filed: July 10, 1986
Subject: TC1 Cargo
Proposed Effective Date: October 01, 1986

Docket No. 44156

Parties: Members of International Air Transport Association
Date Filed: July 11, 1986
Subject: Proportional Fares US-Mid East/Africa
Proposed Effective Date: August 01, 1986

Docket No. 44158, R–1–R–6

Parties: Members of International Air Transport Association
Date Filed: July 11, 1986
Subject: Amends various Europe TC3 cargo rates
Proposed Effective Date: July 1, 1986

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86–10255 Filed 7–17–86; 8:45 am]

BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended July 11, 1986

The following applications for certificates of pubic convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 44141

Date Filed: July 8, 1986
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 5, 1986.
Description: Continental Air Lines, Inc., c/o Emory N. Ellis, Fulbright & Jaworski, 1150 Connecticut Avenue, NW., Washington, DC 20036.

Application of Continental Air Lines, Inc. pursuant to section 401 of the Act and

Subpart Q of the Regulations requests renewal of its certificate of public convenience and necessity for service between Houston, Texas and Merida, Cancun and Cozumel, Mexico, included on Continental's certificate for Route 256.

Docket No. 43992

Date Filed: July 8, 1986
Due Date for Answers, Conforming Application, or Motions to Modify Scope: August 5, 1986.

Description: Aerolineas Mundo, S.A./ta AMSA, c/o Virginia L. Deardorff, 16924 Flickerwood Road, Parkton, Maryland, 21120. Amendment Application of Aerolineas Mundo, S.A./ta AMSA pursuant to section 402 of the Act and Subpart Q of the Regulations requests authority for foreign carrier authorization to provide immediate non-scheduled service, to transport property and mail between a point or points in the Dominican Republic and: Miami, Florida; the United States Virgin Islands; the Puerto Rican co-terminal points of San Juan, Borrinquen (Agua Dilla), and Ponce; and for immediate chartered services under Part 212.

Docket No. 44150

Date Filed: July 10, 1986
Due Date for Answers, Conforming Application, or Motions to Modify Scope: August 7, 1986

Description: Seagull Air Serice, Inc., c/o Tim Crace, PO Box 907, Bethel, Alaska 9959.

Application of Seagull Air Service, Inc., pursuant to section 401 of the Act and Subpart Q of the Regulations applies for a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail between the terminal point Bethel, Alaska and the terminal points of Kwinhagk, Alaska and Kongiganak, Alaska.

Docket No. 44151

Date Filed: July 10, 1986
Due Date for Answers, Conforming Application, or Motions to Modify Scope: August 7, 1986.

Description: American Airlines, Inc., c/o Alfred V. J. Prather, Esq. Prather Seeger Doolittle & Farmer, 1600 M Street, NW. 7th Floor, Washington, DC 20036.

Renewal Application of American Airlines, Inc. pursuant to section 401 of the Act and Supbart Q of the Regulations applies for renewal of its certificate of public convenience and necessity for Route 266 (Dallas/Ft. Worth-Merida/Cancun/Cozumel, Mexico).

Phillis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86-18256 Filed 7-17-86; 8:45 am]

BILLING CODE 4910-62-M

Maritime Administration

Change of Name of Approved Trustee; Meridian Bank

Notice is hereby given that effective April 12, 1986, American Bank and Trust Co. of Pa., Reading, Pennsylvania, changed its name to Meridian Bank.

Dated: July 15, 1986.

By Order of the Maritime Administrator.

Murray A. Bloom,

Acting Secretary.

[FR Doc. 86-18232 Filed 7-17-86; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 86-131]

Approval of Atlantic Petroleum Services, Inc., To Gauge Imported Petroleum and Petroleum Products

AGENCY: Customs Service, Treasury.

ACTION: Notice of Approval.

SUMMARY: Pursuant to § 151.43(b), Customs Regulations (19 CFR 151.43(b)), Atlantic Petroleum Services, Inc., 3165 Richmond Terrace, Staten Island, New York, has applied to Customs for approval to gauge imported petroleum and petroleum products. It has been determined that Atlantic Petroleum Services meets all of the requirements to be a Customs approved public gauger.

Accordingly, the application of Atlantic Petroleum Services, Inc., to gauge imported petroleum and petroleum products in the Customs Districts of New York (including the New York Seaport, JFK Airport, and Newark, New Jersey, Areas), Philadelphia, Boston and Baltimore is approved.

EFFECTIVE DATE: July 11, 1986.

FOR FURTHER INFORMATION CONTACT: Roger J. Crain, Technical Services Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-2446).

Dated: July 14, 1986.

Roger J. Crain,

Chief, Technical Section, Technical Services Division.

[FR Doc. 86-18204 Filed 7-17-86; 8:45 am]

BILLING CODE 4820-02-M

VETERANS ADMINISTRATION

Organizational Structure

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The VA (Veterans Administration) is publishing a revised two-part edition of VA Organization Manual M-00-1, "Organization Manual of the Veterans Administration." The first part will contain information on the organizational structure of the VA's Office of the Administrator, the Associate Deputy Administrators, and Staff Offices. The second part will contain information on the organizational structure of the VA's three departments, the Department of Medicine and Surgery, the Department of Memorial Affairs, and the Department of Veterans Benefits. M-00-1 is the official handbook of the overall organizational structure, duties and responsibilities of the VA. It describes the purposes and programs of the principal organizational elements and responsibilities of key officials. Organization charts illustrate interrelationships. A summary of the principal features of the VA organizational structure contained in the first part is presented below. The VA will publish a second notice containing the principal features of the second part at a later date.

EFFECTIVE DATE: May 12, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. David N. Stone, Director, Paperwork Management and Regulations Service (73), Office of Information Management and Statistics, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202-389-3617.

SUPPLEMENTARY INFORMATION: The size, cost and low public demand for such a publication make it impractical to offer the VA Organization Manual M-00-1 for sale or free distribution. However, copies of the revised manual will be available at the Veterans Administration Central Office, Washington, DC, or any field station, for inspection and copying upon publication. In the meantime, the organization information presented below supersedes that contained in the October 2, 1978 edition of M-00-1 and any following changes.

Approved: July 14, 1986.

Thomas K. Turnage,

Administrator.

Statement of Organization

Sec.
1. General.
2. Central Office.
3. Field Stations.
4. Addresses.

Section 1. General.

(a) *Authority and Functions.*

(1) The VA (Veterans Administration) was established as an independent agency under the President by Executive Order 5398 of July 21, 1930, in accordance with the act of July 3, 1930, (46 Stat. 1016). This act authorized the President to consolidate and coordinate

the U.S. Veterans Bureau, Bureau of Pensions, and National Homes for Disabled Volunteer Soldiers.

(2) The VA administers a broad system of benefits for veterans and dependents. These benefits include compensation payments for disabilities or death related to military service; pension based on financial need for totally disabled veterans or certain survivors for disabilities or death not related to military service; education and rehabilitation; home loan guaranty; burial, including cemeteries, markers, flags, etc.; and a comprehensive medical program involving a widespread system of nursing homes, clinics, and more than 170 medical centers.

(3) The Veterans Administration is a single organization with a single mission: to serve America's veterans and their families.

(4) Principal Organizational Elements of the VA.

(i) *Office of the Administrator.* Within the Office of the Administrator, the Administrator, the Deputy Administrator, and the Chief of Staff form the core team responsible for directing the policy and operations of the VA. To facilitate the efficient operation of the Agency, the Department of Medicine and Surgery, the Department of Veterans Benefits, the Department of Memorial Affairs, the Inspector General, The Board of Veterans' Appeals, the Board of Contract Appeals, and the General Counsel are responsible directly to the Administrator. The Chief of Staff provides direction to the Associate Deputy Administrators, and the Directors of Personnel and Labor Relations, Budget and Finance (Controller), and Equal Opportunity.

(ii) *The Department of Medicine and Surgery.* The Department of Medicine and Surgery, under the guidance of the Chief Medical Director, administers the VA's field system of medical centers, outpatient clinics and related organizational elements. Hospital, nursing home and domiciliary care and outpatient medical and dental care are provided to eligible veterans through this nationwide medical care system.

(iii) *The Department of Veterans Benefits.* The Department of Veterans Benefits, under a Chief Benefits Director, administers the VA's nonmedical veterans' benefits programs which provide financial assistance to veterans, their dependents and survivors. This mission is accomplished through a field network of regional offices located in each state, the District of Columbia, Puerto Rico, and the Philippines.

(iv) *The Department of Memorial Affairs.* The Department of Memorial Affairs, under the direction of the Chief Memorial Affairs Director, provides cemetery services to veterans and other eligibles. The field system of this department consists of a nationwide network of cemeteries and three area offices.

(v) *The Staff Offices.* The staff offices within the VA play a key role in supporting the accomplishment of the Agency's objectives. Although the departments and staff offices exist as separate organizational entities, they maintain a close working relationship, forming an effective team for carrying out the Agency's mission.

(vi) The VA is organizationally divided as follows:

(A) *The Central Office.* The Central Office of the VA consists of the following:

Office of the Administrator

The Administrator
The Deputy Administrator
The Chief of Staff
Office of the Inspector General
Board of Veterans Appeals
Board of Contract Appeals/Contract Appeals Board
Office of the General Counsel
Office of Budget and Finance (Controller)
Office of Personnel and Labor Relations
Office of Equal Opportunity

The Associate Deputy Administrator for Logistics

Office of Construction
Office of Procurement and Supply
Office of Administration
Office of Small and Disadvantaged Business Utilization

The Associate Deputy Administrator for Management

Office of Program Analysis and Evaluation
Office of Data Management and Telecommunications
Office of Information Management and Statistics

The Associate Deputy Administrator for Congressional and Intergovernmental Affairs

The Associate Deputy Administrator for Public and Consumer Affairs

Departments

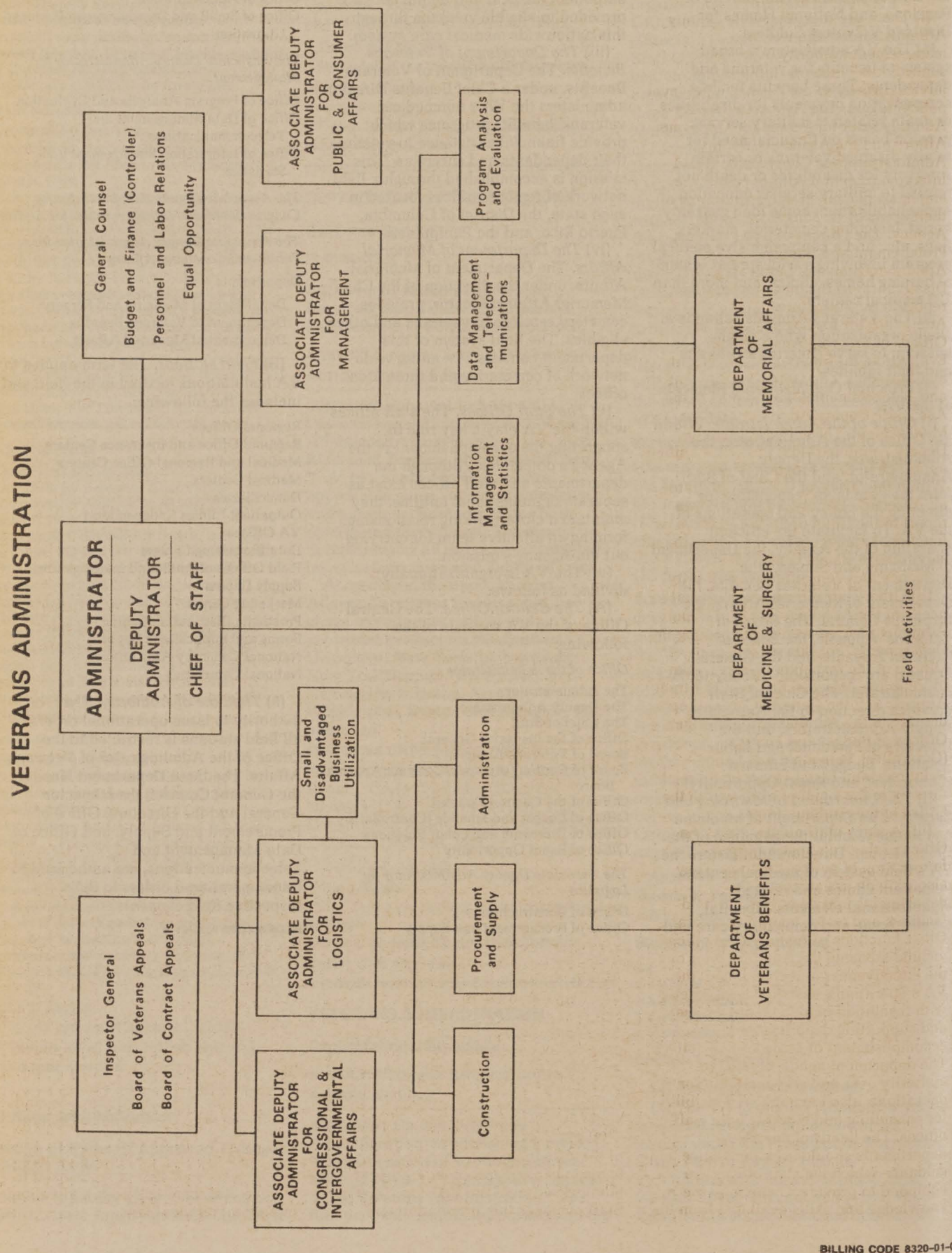
Department of Medicine and Surgery
Department of Veterans Benefits
Department of Memorial Affairs

(B) *Field stations.* The term applies to VA installations located in the field and includes the following:

Regional Offices
Regional Office and Insurance Centers
Medical and Regional Office Centers
Medical Centers
Domiciliaries
Outpatient Clinics (independent)
VA Offices
Data Processing Centers
Field Offices of Audit and Investigations
Supply Depots
Marketing Center
Prosthetic Distribution Center
Forms and Publications Depot
National Cemetery Area Offices
National Cemeteries

(5) *The Line of Authority.* The authority to issue operational orders to all field stations is restricted to the Office of the Administrator of Veterans Affairs. The three Department Heads, the General Counsel, the Inspector General and the Directors, Office of Procurement and Supply, and Office of Data Management and Telecommunications, are authorized to issue operational orders to their respective field elements.

BILLING CODE 8320-01-M



BILLING CODE 8320-01-C

(6)*The Function of Staff.*

(i) There are four Associate Deputy Administrators who exercise management authority over their subordinate elements and provide advice directly to the Agency's top-level policymakers. The Associate Deputy Administrator for Public and Consumer Affairs and the Associate Deputy Administrator for Congressional and Intergovernmental Affairs reflect the emphasis placed on and importance of their areas of responsibility to the Agency. The Offices of Construction, Procurement and Supply, Administration, and Small and Disadvantaged Business Utilization report to the Associate Deputy Administrator for Logistics and the Offices of Program Analysis and Evaluation, Information Management and Statistics, and Data Management and Telecommunications report to the Associate Deputy Administrator for Management. These two Associate Deputy Administrators provide a unified approach in their functional areas. Within the Office of the Administrator, all Associate Deputy Administrators report to the Chief of Staff and serve as functional managers for their constituent subordinate elements providing guidance and delegations of authority.

(ii) Other staff offices serve special needs of the Administrator and Deputy Administrator, as well as supporting the Departments. For this reason, the Offices of the Inspector General, Board of Veterans Appeals, Board of Contract Appeals and the General Counsel report directly to the Administrator and the Offices of Budget and Finance (Controller), Personnel and Labor Relations, and Equal Opportunity report directly to the Chief of Staff within the Office of the Administrator.

(iii) Agency staff offices assist the Office of the Administrator in the formulation of policy direction. They also provide assistance to the departments and departmental field facilities and major operating programs. Other functions of Agency staff offices include advising the Administrator on the effectiveness and economy of the VA's operations; assisting departments with resolution of management issues; and supporting departments in accomplishment of goals and objectives. The department heads, who have authority over and responsibility for operations, also have the responsibility for consulting and working with staff offices. The heads of operating departments should seek the advice and guidance which the staff offices are equipped to provide. Combining the knowledge and skills available from the staff offices and departments is essential in the effective administration of the VA.

Section 2. Central Office

(a) Office of the Administrator

(1) *The Administrator.* The Administrator is responsible to the President for the administration of veterans' affairs and the laws which govern them and is vested with the authority to operate the VA. The Administrator is directly responsible for the establishment of the basic policies governing Agency operations; the development and maintenance of its basic organizational structure; the interpretation of laws pertaining to veterans' affairs, the establishment of supplementary regulations; the initiation and approval of long-range plans; and the development and maintenance of favorable relations with organizations, groups, and individuals interested in veterans' affairs. As head of an independent agency of the executive branch of the government, the Administrator is the advisor to the President on veterans' affairs.

(1.A) *Executive Assistant to the Administrator.* The Executive Assistant provides advice and assistance to the Administrator in the discharge of the Administrator's duties, assists in the implementation and coordination of Agency policies and programs, and provides counsel and advice on the resolution of sensitive problems.

(2) *The Deputy Administrator.* The Deputy Administrator works closely with and under the specific direction of the Administrator. The Deputy Administrator acts in the absence of the Administrator and serves as a full assistant to the Administrator in carrying out the duties of his office. The Deputy Administrator functions as a full member of the Office of the Administrator's management team which directs the policy and operation of the Agency.

(2.A) *Executive Assistant to the Deputy Administrator.* The Executive Assistant assists the Deputy Administrator in the discharge of the Deputy Administrator's duties. As personal assistant to the Deputy Administrator, the Executive Assistant provides counsel and advice on the resolution of sensitive problems, and coordinates the activities of the Deputy Administrator's office with intra-agency staffs and outside elements.

(3) *Chief of Staff.* Under the direction of the Administrator, the Chief of Staff is responsible for the overall internal administration of the VA. The Chief of Staff oversees the formulation and execution of Agency policy and provides assistance to the Administrator concerning policy direction and decisions. In matters of policy, the Chief of Staff is responsible for coordination and review of day-to-day issues for the entire Agency.

(3.A) *The Assistant Chiefs of Staff.* The Assistant Chiefs of Staff provide support and assistance to the Chief of Staff in coordination and implementation of Agency policy and programs. They are responsible for policy pertaining to their specifically assigned areas of responsibility within the Agency.

(3.B) *Special Assistant to the Administrator (Veterans' Service Organization Coordinator).* The Special Assistant to the Administrator, in coordination with the other top-level VA officials, serves as liaison with national veterans service organizations.

(3.C) *The Executive Secretary.* The Executive Secretary is responsible for administrative functions which support the efficient operation of the Office of the Administrator. The Executive Secretary also exercises direct line supervision over the Executive Secretariat. The Executive Secretary functions under the direction of the Chief of Staff.

(4) *Office of the Inspector General.*

In accordance with the Inspector General Act of 1978, the Inspector General:

(i) Advises and assists the Administrator on matters pertaining to the investigation of waste, fraud and abuse within the VA.

(ii) Plans, organizes, staffs, directs, controls and reports on audits and investigations of VA programs and operations and other activities financed by the VA.

(iii) Directs audits and reviews of all programs and activities in and related to the VA and recommends corrective actions designed to promote economy, efficiency and effectiveness and to prevent and detect fraud, waste and abuse. Advises top Agency officials of problem areas or areas in need of improvement.

(iv) Directs VA investigations relating to fraud, waste and abuse in VA programs and operations. Determines sufficient resources to ensure prompt and adequate criminal and administrative investigations are made consistent with the Inspector General Act.

(v) Reports to the Attorney General whenever reasonable grounds exist to believe that there has been a violation of Federal criminal law.

(vi) Directs the development of policy for relationships between the VA, Federal agencies, State and local governments and non-governmental entities on all matters relating to the promotion of economy, efficiency and effectiveness and the prevention and detection of fraud, waste and abuse in VA programs and operations.

(vii) Directs reviews of existing and proposed legislation impacting on the economy, efficiency and effectiveness of VA programs and operations and on the prevention and detection of fraud, waste and abuse of VA program and operations.

(viii) Directs compliance with auditing standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities and functions; establishes guidelines for determining appropriateness for use of non-Federal or other Federal agency auditors; and takes appropriate steps to assure that any work performed by these auditors complies with the standards established by the Comptroller General.

(ix) Directs the Agency personnel security system.

(5) *Board of Veterans Appeals.*

(i) In the course of appellate responsibility, the Chairman of the Board of Veterans Appeals advises and assists the Administrator on policies, practices and legislative provisions relating to veterans' benefits considered to be in need of study or modification.

(ii) The Board of Veterans Appeals has statutory jurisdiction to decide appeals to the Administrator for benefits under all laws administered by the VA (38 U.S.C. 4001–4009), (38 CFR 19.1–19.3). Decisions are final, except as to issues on insurance contracts which are subject to action fn the Federal district courts.

(6) *Board of Contract Appeals/ Contract Appeals Board.*

(i) The Board of Contract Appeals and the Contract Appeals Board are under a single Chairman who advises and assists the Administrator on issues relating to the Boards. The Chairman also serves as a member of the Boards.

(ii) The Board of Contract Appeals was established by the Administrator under the provisions of the Contract Disputes Act of 1978 (Pub. L. 95–563, 41 U.S.C. 601, et seq.) to hear and decide appeals from final decisions of VA contracting officers on contract claims which come within the terms of that statute.

(iii) The Contract Appeals Board, established by delegation of authority from the Administrator, hears and decides appeals from final decisions issued under the disputes clauses in contracts which are not covered by the Contract Disputes Act.

(7) *Office of the General Counsel.* The General Counsel:

(i) Advises and assists the Administrator on all legal issues, and serves as the chief officer of the VA in all matters of law and legislation.

(ii) Is responsible for the interpretation of all laws administered by or pertaining to the VA, and for establishing precedents, binding upon all officers and employees of the VA and upon all claimants and other persons concerned.

(iii) Renders legal advice (formal and informal) and other legal services upon request to all department heads and top staff officers. Is the attorney for the Administrator in all civil actions in State courts and in independent actions in the Federal courts, represents the VA in all actions in the Federal courts in cooperation with the Department of Justice, and keeps all interested VA officials informed. Makes final disposition of tort claims within the limitations of the Federal Tort Claims Act, and assists the Department of Justice in all actions involving the VA or VA officials.

(iv) Cooperates informally with all department heads and top staff officers in the formulation of governing regulations and amendments and reviews for legal correctness all such regulations or directives.

(v) Serves as the point of contact with all governmental offices on legal and legislative matters, including, the Department of Justice, the Office of the Comptroller General, and the Judge Advocate General of the Armed Forces. Reports to the Department of Justice all matters arising in the VA involving probable violation of Federal penal statutes and cooperates with the Department of Justice as requested in their disposition.

(vi) Supervises and coordinates all matters pertaining to VA policy, proposed legislation, executive orders, and proclamations affecting the VA, including the preparation of proposed legislation, executive orders, and proclamations, and the preparation of all reports concerning such matters to committees of Congress, the President, the Office of Management and Budget (OMB), and other executive agencies.

(vii) Represents the Agency in congressional committee and other hearings and in interdepartmental conferences on legislative matters.

(viii) Receives and, as directed, disposes of all requests from congressional committees and subcommittees (other than appropriations) or their staffs, except oral requests for purely routine administrative data, and clears all letters and other communications to such committees initiated in the VA.

(ix) Coordinates with the Director, Office of Budget and Finance (Controller), legislative language in drafts and amendments of appropriations bills, and related communications.

(x) Receives and, as directed, disposes of all requests of the VA for preparation of drafts of bills or requests for comment, formal or informal, on proposed legislation or for information concerning pending legislation.

(xi) Arranges for attendance of VA personnel as witnesses or observers at meetings of congressional committees (other than appropriations). Receives and disposes of all requests for detail or assignment of personnel to work with congressional committees and their staffs.

(xii) Prepares annotated, indexed, and cross-referenced compilations of Federal laws pertaining to veterans, in accordance with 38 U.S.C. 215, or as otherwise authorized; and pamphlets, resumes, releases, and documents pertaining to veterans legislation, as required. Maintains legislative historical records and service.

(xiii) Makes the Agency decision on formal complaints of discrimination filed by VA employees or qualified applicants for employment.

(xiv) Represents the VA during proceedings in cases coming within the purview of title VI of the Civil Rights Act of 1964, title IX of the Education Amendment of 1972, section 504 of the Rehabilitation Act of 1973 and title III of the Age Discrimination Act of 1975, after a determination that compliance cannot be secured by voluntary means.

(xv) Prepares the government defense in cases of appeals of contractors from decisions of VA Contracting Officers under construction, architect-engineer, and supply contracts, in Central Office and at field stations. Represents the VA Contracting Officers before the VA Contract Appeals Board and provides counsel to represent the government in appeals under supply contracts.

(xvi) Where legal representation is required in labor relations matters, represents the VA in formal administrative proceedings before the Federal Labor Relations Council, the Federal Services Impasses Panel and the Assistant Secretary of Labor.

(xvii) Supervises and maintains a field legal service composed of District Counsels and their staffs located at appropriate field stations to act for the

General Counsel as directed and provide legal advice and service to all field elements.

(8) *Office of Budget and Finance (Controller).*

The Director of the Office of Budget and Finance is responsible for the financial management of the Agency in the following areas: budget, finance and manpower. The Director:

(i) Advises and assists the Chief of Staff in the Office of the Administrator in all matters pertaining to budget formulation and execution and liaison with OMB, congressional appropriations staffs and other government agencies.

(ii) Advises top Agency officials on the fiscal status, progress and problems currently existent or potentially imminent in and between VA programs, and makes recommendations for needed adjustments in funding and staffing levels, to existing operational financial plans, in keeping with the overall VA goals and objectives.

(iii) Collaborates with the General Counsel on the financial, manpower and budgetary aspects of proposed or pending legislation for VA, and recommends legislation required to improve financial management functions.

(iv) Interprets for top Agency officials, in fiscal terms, the laws and the regulatory measures of other governmental bodies which have a direct bearing on VA financial management activities.

(v) Serves as the principal representative of the VA with other governmental agencies and offices and the Congress on budget, manpower and financial matters, and in the coordination of VA financial management activities and programs.

(vi) Advises top Agency officials on workload and workforce related matters.

(9) *Office of Personnel and Labor Relations.*

The Director is responsible for the personnel and labor relations programs of the VA and:

(i) Advises and assists the Chief of Staff in the Office of the Administrator on all personnel and labor relations matters, provides leadership and overall direction for effective and efficient personnel management throughout the Agency.

(ii) Establishes objectives and initiates programs to obtain, develop, and maintain an effective work force for the successful accomplishment of the missions of the Agency; formulates plans, policies, systems, and procedures for personnel management throughout the Agency; appraises for the Office of the Administrator the effectiveness and economy of personnel management and takes corrective action or recommends improvements to the Office of the Administrator and department heads.

(iii) Is the principal representative of the VA with the Office of Personnel Management (OPM), unions, and other employee organizations; represents the VA before the Congress, OMB, and other Federal agencies on matters relating to VA personnel management.

(10) *Office of Equal Opportunity.*

The Director:

(i) Advises and assists the Chief of Staff in the Office of the Administrator on civil rights and equal opportunity matters affecting the VA.

(ii) Serves as VA Director of Equal Employment Opportunity (EEO), pursuant to 29 CFR 1613.204.

(iii) Directs the development of Agency policies, plans, and operating standards implementing the various laws prohibiting discrimination and mandating equal access with respect to the delivery of VA-administered benefits and services to eligible veterans and beneficiaries, and with services and benefits administered or provided by non-Federal organizations or entities receiving Federal assistance through VA.

(iv) Provides leadership to ensure affirmative action and nondiscrimination in special emphasis programs focused upon disabled and Vietnam era veterans and handicapped individuals.

(v) Evaluates Agency equal opportunity programs to ensure proper implementation and that adequate resources are available to operate the programs. Apprises top Agency officials on the effectiveness of the programs and takes corrective action or recommends improvements to the appropriate top Agency officials.

(vi) Administers the Agency's discrimination complaints processing system, including direct supervision over the investigation of complaints.

(vii) Recommends programs to remove communication and sensory barriers, especially those of language and culture, between the VA and all who are entitled to VA benefits and services.

(viii) Reviews VA personnel policies and practices to ensure they do not have adverse or disparate impacts on minorities, women, or disabled or handicapped persons.

(ix) Conducts special studies and research in areas pertaining to civil rights, affirmative action and equal employment opportunity.

(x) Provides Agency leadership and coordination with respect to participation in the President's Historically Black Colleges and Universities program.

(11) *The Associate Deputy Administrator for Logistics.*

The Associate Deputy Administrator for Logistics:

(i) Recommends and implements policy and serves as principal advisor to the Chief of Staff in the Office of the Administrator on policies, plans and operations related to the Agency's construction, procurement, supply activities, Central Office administrative support, small and disadvantaged business utilization, and environmental affairs programs.

(ii) Provides policy level oversight and management direction to the Office of Construction, the Office of Procurement and Supply, the Office of Administration and the Office of Small and Disadvantaged Business Utilization.

(iii) Serves as the Agency liaison with the Federal Construction Council Committee, the Small Business Administration (SBA), the Interagency Council for Minority Business Enterprise, the Office of Federal Procurement Policy, the Federal Energy Management Agency and the Interagency Council on Metric Policy. Is the agency liaison with the General Services Administration (GSA) for procurement and supply and facilities management.

(iv) Serves as the Director, Office of Small and Disadvantaged Business Utilization.

(v) Serves as Director, Office of Environmental Affairs. Responsible for Agency implementation of environmental legislation and regulations. The day-to-day operations of the Office of Environmental Affairs, including the preparation of environmental documents, are conducted by VA operating departments and the Office of Construction.

(vi) Serves as the Agency Procurement Executive in accordance with Executive Order 12352.

(12) *Office of Small and Disadvantaged Business Utilization.*

The Director provides advice and assistance in matters concerning the VA's socio-economic policies. In addition, the Office of Small and Disadvantaged Business Utilization performs the following functions:

(i) Develops, implements, and manages all policies and procedures, regarding the VA's socio-economic program initiatives as established and set forth by the Small Business Act of 1958, as amended, Executive Orders 12432, 12138 and VA Acquisition Regulations, Parts 819 and 820.

(ii) Negotiates, establishes, distributes and maintains the Agency's socio-economic program goals and monitors the procuring activities' progress and accomplishments of these goals.

(iii) Advises and assists departments, field activities and program officials in the interpretation and application of the VA's policy, legislative mandates, executive branch directives and standards applicable to these programs.

(iv) Evaluates the progress and accomplishments of the Agency's achievement in the socio-economic program for review by the OMB Congressional committees, SBA, and other agencies as required.

(v) Counsels socio-economic businesses on the methods required to effectively conduct business with the VA, which includes providing these firms with information and guidance regarding VA's procurement processes, procedures and other Agency operations.

(13) *Office of Construction.*

The Director:

(i) Advises and assists the Associate Deputy Administrator for Logistics in all matters pertaining to the VA's construction program.

(ii) Directs, controls, and manages the VA construction program and is responsible for formulating long-range goals and shaping basic policies, objectives, priorities, strategies, programs, and procedures for accomplishing the work of the Office of Construction.

(iii) Acts as duly authorized representative of the Administrator to execute, award, and administer contracts and related documents associated with the assigned activities, excluding hearings and decision appeals resulting from decisions of the VA contracting officers.

(iv) Represents the VA on various boards and committees and serves as spokesperson for the Office of Construction and the Agency concerning program responsibilities.

(v) Advises, appraises, and assists top Agency officials in construction program activities.

(vi) Interprets regulations, decisions, and directives of other governmental bodies relating to construction program activities for top Agency officials.

(vii) Resolves major differences in connection with VA design, construction, and real estate contracts.

(vii) Is responsible for the following program accomplishments:

(A) Development of facility requirements for the departments and staff offices.

(B) Design, construction, and major alteration or replacement of medical centers, domiciliaries, nursing homes, outpatient clinics, cemetery buildings, other structures and utilities.

(C) Provision of technical support regarding construction matters to the three operating departments and the Office of Data Management and Telecommunications.

(D) Management of VA real property, including acquisition, evaluation of effective utilization, and disposition. This does not include transactions within the loan guaranty program in the Department of Veterans Benefits.

(E) Management of VA-leased space, including independent negotiations as well as negotiations with GSA.

(F) Assistance to departments and staff offices in development of fiscal year construction programs and resource estimates based on operational requirements, as well as VA current legislative and executive policies.

(G) Administration of design, professional service, and construction contracts and field supervision of construction contracts.

(H) Delegation of selected construction projects to the Department of Medicine and Surgery field facilities. Upon request of the department, evaluates the adequacy of the design and construction of delegated projects and provides for architectural and engineering advice and services.

(I) Special programs such as environmental, structural safety, historic preservation and architectural accessibility compliance.

(14) *Office of Procurement and Supply.*

The Director:

(i) Administers the Agency acquisition and supply program and advises and assists the Associate Deputy Administrator for Logistics on acquisition and supply matters. The Director also advises department heads and staff office directors on supply matters.

(ii) Formulates the plans, policies and procedures for the acquisition, distribution, use and disposal of personal property and nonpersonal services, and in that connection interprets government-wide policies established by regulation or decision of competent authority for application within VA.

(iii) Directs operation of the supply fund.

(iv) Directs the operation of the Marketing Center, the Supply Depots and the Prosthetic Distribution Center.

(15) *Office of Administration.*

The Director advises and assists the Associate Deputy Administrator for Logistics in providing general administrative services, including the following:

(i) *Services—VA-Wide:* Printing (including composition and artwork), duplicating, copying and storage and distribution of printed material; and audiovisuals program including exhibits production and presentation, and film productions and distribution.

(ii) *Services—Central Office:* Mail, telecommunications, and maintenance of Central Office records; supply, including procurement services; maintenance of office furnishings and equipment; emergency preparedness functions, including operation of the public shelter program, safety and fire protection program, and building security; space management, including coordination with GSA concerning building improvements and maintenance of all buildings in the Washington area occupied by Central Office personnel.

(iii) Formulating and recommending policies related to the VA-wide and Central Office services.

(iv) Conducting staff studies, and maintaining continuing evaluation and control of these operations to insure effective and economical operations.

(v) Providing services guidance and assistance to staff offices and departments.

(vi) Maintaining liaison with Joint Committee on Printing, and the Government Printing Office, and operating contracts with other government agencies, public utilities, and other public and private organizations to coordinate and improve service and support in these activities.

(16) *The Associate Deputy Administrator for Management.*

The Associate Deputy Administrator for Management:

(i) Recommends and implements policy and serves as principal advisor to the Chief of Staff in the Office of Administrator on all VA management issues. Serves as the Agency's focal point for the coordination, development and integration of all activities related to the VA's management and productivity improvement programs, including Agency participation in the OMB's Management Improvement Program and the government-wide Productivity Improvement Program.

(ii) Directs independent policy oversight of major Agency programs, as well as activities which include management improvement, acquisition, facilities and real property, automated data processing (ADP) and telecommunications and other areas as directed by the Office of the Administrator, or requested by top

Agency officials for program areas under their jurisdiction.

(iii) Monitors and coordinates the Agency ADP and Telecommunications Modernization program. Serves as the Agency advocate and focal point for ADP and telecommunications planning, policy and data integration.

(iv) Recommends to the Office of the Administrator information resources management policies and directives including those related to ADP and telecommunications systems; major systems acquisitions; Agency statistical collection, analysis and reporting; mail and travel management; Agency reports; paperwork management (i.e., forms, form letters, correspondence, directives and records management); and VA regulations. Provides ADP and telecommunications service and support to all VA organizational elements upon request, and coordinates development and updates of Agency-wide ADP and telecommunications modernization plans. Approves all Agency procurement requests to GSA for ADP and telecommunications support systems.

(v) Ensures the organization, management, ADP and program operating plans are consistent with the Agency's goals and objectives. In coordination with the Director, Office of Budget and Finance (Controller) ensures that the Agency's financial management objectives and plans as they relate to the Management Improvement Program are consistent with established Agency policy, goals and objectives.

(vi) Serves as the principal point of contact with Congress, OMB, and other Federal departments and agencies for information exchanges involving information resources management and the Agency's Management Improvement Program. This includes reporting on the progress of all management review areas such as the Financial Management Program, but does not include specific budget documents or fiscal reports which are provided to Treasury, OMB, Congressional committees and others by the Office of Budget and Finance (Controller).

(vii) Serves as the VA representative on boards and committees related to the Agency's information resources management programs and as the Agency representative on the President's Council on Management Improvement and other councils as appropriate. Coordinates with VA representatives on other boards and committees pertaining to government-wide management and productivity improvement initiatives to ensure appropriate information sharing within the Agency.

(viii) Provides policy direction and guidance for the Agency implementation of internal controls as required by OMB Circular A–123, Internal Control Systems, and section 2 of the Federal Managers' Financial Integrity Act. Serves as the Agency Acquisition Executive under OMB Circular A–109, Major System Acquisitions. Monitors and coordinates Agency implementation of OMB Circular A–76. Coordinates and compiles reports to external agencies on VA activities impacted by OMB Circular A–76.

(ix) Provides Agency policy direction and guidance to meet the requirements established by the Freedom of Information Act, the Privacy Act of 1974 and the Paperwork Reduction Act of 1980. Serves as the Senior Agency official for managing implementation of the goals of the Paperwork Reduction Act of 1980 and oversees formulation of the VA's Information Collection Budget.

(x) Oversees the completion of short- and long-term evaluations and analyses of programs, policies, operations and major systems to ensure efficient and effective service to veterans and their families and achievement of Agency goals and objectives. Monitors overall planning and implementation of major information processing systems through periodic reviews of selected programs, plans, cost estimates and procurement actions.

(xi) Reviews the development of Agency-wide policy, plans and procedures for manpower applications (e.g. staffing standards, work measurement, manpower utilization) to ensure consistency with the Agency's management and productivity improvement programs. In coordination with the Director, Office of Budget and Finance (Controller) ensures that these Agency-wide policies, plans and procedures are appropriately reflected in the Agency's budget documents.

(xii) Directs the accomplishment of program performance reviews.

(xiii) Advises the Office of the Administrator on program, organizational and legislative changes necessary to improve the efficiency and effectiveness of programs in achieving Agency goals and objectives.

(17) *Office of Program Analysis and Evaluation.*

The Director:

(i) Advises and assists the Associate Deputy Administrator for Management, department heads and top staff office officials in the following activities: management and productivity improvement; management and organization; program evaluation; Administrator's policy guidance including Agency goals and objectives; program operating plan and performance review; and policy development and analysis.

(ii) Formulates and recommends general policies pertaining to the above areas.

(iii) Provides VA decision-makers with an independent analysis of VA policies, programs, and operations.

(iv) Conducts 38 U.S.C. 219 program evaluations.

(v) Conducts systems and policy analysis studies, surveys and special studies at the request of top Agency officials.

(vi) Coordinates the development and tracks the performance of program operating and productivity improvement plans to support the Agency's mission, goals, and objectives and to respond to external management and productivity improvement reporting requirements.

(vii) Provides economic analyses of proposed major ADP systems and other major program decisions for VA decisionmakers. Conducts post-installation evaluations of major changes.

(viii) Reviews and provides advice to the top Agency officials concerning organizational functions, mission, and changes.

(18) *Office of Data Management and Telecommunications.*

The Director advises and assists the Associate Deputy Administrator for Management on data processing, office automation, telecommunications policies, practices and plans.

(i) Is responsible for the operation of the Office of Data Management and Telecommunications which offers VA users a broad range of data processing, telecommunications and office automation services including consultation, planning, technological evaluation, systems design and development and system production.

(ii) Serves as the coordinator for ADP matters for the VA. Is responsible for the conduct of data processing and telecommunications activities which have Agency-wide significance; i.e. technical ADP and telecommunications support to department and staff elements, ADP training for both users and ADP staffs, integrated long-range ADP and telecommunications planning, ADP and telecommunications hardware planning and acquisition, system software and operating systems, standards for system design and programming design, effective design, management and utilization of Agency databases, Data Processing Center operations, programming and operating support to Agency field stations, and

outside computer and programming contracts.

(iii) Provides overall supervision to ensure a coordinated effort in all systems development projects. Appraises the effectiveness and economy of all activities under the jurisdiction of the office. Recommends to department heads and staff office directors areas that may be enhanced by ADP systems, as well as improved ways and means of using VA information processing resources.

(19) *Office of Information Management and Statistics.*

The Director:

(i) Advises and assists the Associate Deputy Administrator for Management on matters relating to the Director's Agency-wide responsibility for VA reports and statistics program functions, including policy formulation, internal and external coordination, development and analysis of Agency-level program data, and assessment of Agency information gathering systems and requirements.

(ii) Formulates and recommends standards, policies, and plans pertaining to the operation of the VA integrated reporting system. Controls the creation of new reports and revisions to existing reports and instructions. Conducts periodic reviews of data requirements. Develops reporting and other functional specifications for designated automated management information systems.

(iii) Coordinates the reporting and statistical data needs of VA management with requirements identified by outside agencies.

(iv) Provides statistical data to be used in budget development, long-range forecasting, policy statements, program evaluation, and program planning. This includes data on the veteran population, characteristics of veterans health care programs, and benefit programs.

(v) Advises and assists the top Agency officials in the development of surveys, application of valid statistical methods, and development of mathematical/statistical models.

(vi) Acts as the Agency's statistical consultant and statistical research office.

(vii) Formulates and recommends to the Associate Deputy Administrator for Management, for VA-wide application, general policies pertaining to mail management, employee and beneficiary travel management, directives management, forms, form letters, and correspondence management, and records management.

(20) *The Associate Deputy Administrator for Congressional and Intergovernmental Affairs.*

The Associate Deputy Administrator for Congressional and Intergovernmental Affairs:

(i) Recommends and implements policy and serves as principal advisor to the Chief of Staff in the Office of the Administrator regarding matters involving Members of Congress, of committees, and Federal, State and local officials with regard to VA programs, policies, legislation, and intergovernmental affairs matters.

(ii) Develops and presents plans of action that may influence the Agency's policies and/or programs where congressional interest is high.

(iii) Advises and provides assessments to top VA officials on ramifications of proposed legislation, program changes and/or intergovernmental affairs activities in concert with expectations of key congressional members and committees, as well as Federal, State and local officials.

(iv) Provides executive and program direction to the Director, Congressional Affairs Service, and Director, Intergovernmental Affairs Service.

(21) *The Associate Deputy Administrator for Public and Consumer Affairs.*

The Associate Deputy Administrator for Public and Consumer Affairs:

(i) Recommends and implements policy and serves as principal advisor to the Chief of Staff in the Office of the Administrator on the VA's public information and consumer affairs programs.

(ii) Advises and assists top Agency officials on public interest, attitude, understanding and probable response regarding VA policies, programs and actions and develops procedures for meeting VA's responsibility to keep the public informed.

(iii) Develops, conducts, coordinates and reviews programs for informing those with particular interest in VA activities and accomplishments in specific fields.

(iv) Measures the results of VA public information programs and keeps top Agency officials appraised of their effectiveness.

(v) Obtains, assembles, prepares, coordinates and releases information and promotional material on VA benefits for veterans and their dependents, as well as information on the operation of VA, to press, radio, television and other media and to veterans service organizations.

(vi) Gives technical advice on speeches, articles, pamphlets, movies, posters, slide presentations, public ceremonies and other forms of communications developed by other VA offices and reviews them for consistency with Agency policy.

(vii) Develops and directs information program for all VA employees.

Section 3. Field Stations

(a) *Insurance Centers.* Two field sites house all individual insurance records covering service members and veterans under the government-administered programs: WW I United States Government Life Insurance (K); WW II National Service Life Insurance (V and H); post-Korea Conflict (RS/W); Veterans Reopened Insurance for the disabled of WW II and Korea (J–JR–JS); and Service-Disabled Veterans Insurance, the only government-administered program open for new issues to disabled veterans only (RH).

The two field locations are the VA Regional Office and Insurance Centers at Philadelphia, PA, and St. Paul, MN. All WW I insurance accounts, and those accounts for which the premium is paid by allotment from military service pay, by deduction from VA compensation, or by payroll deduction from a commercial employer, are located at Philadelphia. All remaining insurance accounts are geographically distributed between the two VA Centers with the Mississippi River serving as the approximate line of division. The Philadelphia Center is also responsible for formulating policy for the veterans insurance programs.

The insurance functions performed by the two field stations include the total range of insurance operations to provide individual policy, underwriting, life and death insurance claims service for service members, veterans, and their beneficiaries.

Regional Office. A VA regional office is a field station that grants benefits and services provided by law for veterans, their dependents, and beneficiaries within the assigned territory; furnishes information regarding VA benefits and services; adjudicates claims and makes awards for disability compensation and pension; determines eligibility for hospitalization; supervises the payment of VA benefits to incompetent beneficiaries; aids, guides and prescribes vocational rehabilitation training and administers education benefits; guarantees loans for purchase of manufactured homes and lots and condominium units, purchase or construction or alteration of homes and farm residences, and under certain conditions, guarantees refinancing loans; processes grants for specially adapted housing; processes death claims; aids and otherwise assists the veteran in exercising rights to benefits and services; and supervises VA offices

under its jurisdiction. The regional office is also responsible for veterans assistance activities including coordination of efforts of participating agencies in an "outreach" program to assist returning service members, particularly those who are educationally disadvantaged.

Services to U.S. veterans in most foreign countries normally are provided by the VA Regional Office, District of Columbia. The Honolulu VA Regional Office serves the islands of American Samoa, the Commonwealth of Northern Mariana Islands, Guam, Wake, and Midway and the Trust Territory of the Pacific Islands. U.S. veterans in the Virgin Islands and Mexico are served by the San Juan and Houston offices, respectively. Service is provided in cooperation with embassy staffs of the Department of State.

Veterans Administration Regional Office, District of Columbia. The VA Regional Office, District of Columbia, is a typical VA regional office with additional functions. It has global jurisdiction and grants benefits and services provided by law for veterans, their beneficiaries and dependents, residing outside the territorial limits of the United States; adjudicates certain unusual claims and actions not common to all regional offices, such as WW I adjusted compensation death cases, forfeiture cases, and benefits under special enactments provided by the Congress. Maintains liaison with the Treasury Department on types and methods of payments to recipients in foreign countries.

VA Office. A VA office is an organizational element established to provide veterans assistance service and such other services as cannot be conveniently provided to veterans, their dependents and beneficiaries, and others in a given locality by the parent regional office or center.

Medical Center. A VA medical center provides eligible beneficiaries with medical and other health care services equivalent to those provided by private sector institutions, augmented in many instances by services to meet the special requirements of veterans. One hundred and thirty-three VA medical facilities are affiliated with 102 medical schools for residency training; 72 VA medical facilities are affiliated with 59 dental schools; and all VAMCs cooperate with one or more educational institutions in programs of nursing, associated health professions and occupations, and administrative training and related research, both in individual projects and in association with other VA medical centers in broad cooperative studies. There are 116 nursing home care units associated with VA medical centers to provide skilled nursing care and related medical services to patients who are no longer in need of hospital care.

VA Regional Office and Insurance Center. A VA regional office and insurance center is an organizational element consisting of a regional office and an insurance center under the jurisdiction of one director.

VA Medical Center and Regional Office Center. A VA medical and regional office center is an organizational element consisting of a regional office and a medical center or a regional office, medical center, and domiciliary under the jurisdiction of one director.

Data Processing Center/Satellite Service Center. A VA data processing center/satellite service center is responsible for the installation, operation, and maintenance of automated systems developed to support veterans benefits, medical, and administrative programs. The equipment at a center consists of sophisticated computers and communication devices as well as a large assortment of miscellaneous supporting gear which are operated on a 7-day week, 24-hour-a-day schedule, in support of the VA mission.

Domiciliary. A VA domiciliary provides the least intensive level of inpatient medical care. This includes necessary ambulatory medical treatment, rehabilitation and support services in a structured environment to veterans who are unable because of their disabilities to provide adequately for themselves in the community.

Outpatient Clinic. A VA outpatient clinic provides eligible beneficiaries with ambulatory care.

Section 4. Addresses

(a) This is an address guide to VA field stations. Information concerning VA benefits as well as such matters as office hours, location of public reference facilities, fees charged for certain services, information or decisions, may be obtained by writing or otherwise contacting the office concerned. On any matter in which there may be a question as to the proper point of contact for services, information or decisions, the request may be directed to the Director or to the Veterans Service Division in the nearest VA regional office or center with a regional office activity.

For information or assistance in applying for veterans' benefits, write, call, or visit a Veterans Benefits Counselor at the nearest VA regional office or VA office listed. Application for medical benefits may be made at a VA medical center or any VA station with medical facilities.

(b) GI life insuramce is administered at the VA center in Philadelphia or St. Paul. For any information concerning a policy, write directly to the VA center administering it; give the insured's full name, date of birth, and policy number (service number should be given if the policy number is not known).

(c) Appeals to the Board of Veterans Appeals should be filed with the field office which made the decision to which the appeal relates. The field office is responsible for any preliminary development indicated, for furnishing the claimant and his or her representative, if any, a statement of the case giving "notice" of the pertinent facts on the issue or issues, the applicable laws, regulations, and the action taken, sufficient to permit proper exercise of the statutory appeal right. When the preliminary action has been completed, the field office certifies the appeal and transfers the records to the Board in Washington, DC. The claimant and his or her representative are notified of the certification and transfer of the records to the Board. The Board conducts a formal hearing, if desired, and makes a final decision based upon review of the entire record.

(d) All 50 states have toll-free telephone services to VA regional offices. Look under U.S. Government, Veterans Administration, in your local directory or dial the directory assistance operator.

A national 24-hour toll-free number, 800–821–8139, offers specialized assistance for former prisoners of war (POW). Calls received in Washington, DC, after normal office hours are recorded for response the next business day. The POW information line supplements the toll-free service for all veterans at regional offices and complements assistance provided by POW coordinators at all VA medical centers.

(e) Beneficiaries residing or traveling overseas requiring information or assistance relative to VA benefits should contact the nearest American Embassy or Consulate.

(f) VA installations and cemeteries are listed below by state. Information on alcoholism and/or drug dependence treatment centers is included at the end. Information on VA benefits may be obtained from the following installations: Regional Office (RO); other offices (O); VA Centers (C); Regional Offices and Insurance Centers in Philadelphia and St. Paul; and United States Veterans Assistance Centers (USVAC). Abbreviations of other

installations are as follows: Medical Center (hospital) (MC); Domiciliary Care (D); Outpatient Clinic (independent) (OPC); Outpatient Clinic (physically separated from hospital) (OCH); and Outpatient Clinic Satellite (OCS).

The VA National Cemeteries listed below are asterisked as follows:

*Grave space available;

**New cemetery not yet open for interment;

***Space available only for cremated remains.

Alabama

Birmingham (MC) 35233, 700 S. 19th St.
Mobile (OCS) 36617, 2451 Fillingim St.
(Mail: VAMC Biloxi, MS 39531)
Montgomery (RO) 36104, 474 S. Court St.
Montgomery (MC) 36109, 215 Perry Hill Rd.
Tuscaloosa (MC&NHC) 35404, Loop Rd.
Tuskegee (MC&NHC) 36083
Mobile National Cemetery, 1202 Virginia St., Mobile 36604
**Fort Mitchell National Cemetery, Phenix City (MAIL: NCAO, Atlanta, GA 30308)

Alaska

Anchorage (RO&OC) 99501, 235 E. 8th Ave.
*Fort Richardson National Cemetery, P.O. Box 5-498, Fort Richardson 99505
*Sitka National Cemetery, P.O. Box 1065, Sitka 99835

Arizona

Phoenix(RO) 85012, 3225 N. Central Ave.
Phoenix (MC) 85012, 7th St. & Indian School Rd.
Prescott (MC&D) 86313
Tucson (MC&NHC) 85723, 3601 S. 6th Ave.
Prescott National Cemetery; VAMC, Prescott 86301

Arkansas

Fayetteville (MC) 72701, 1100 N. College Ave.
Little Rock (RO) 72201, 1200 W. 3rd St.
Little Rock (MC&NHC) 72206, 300 E. Roosevelt Rd.
*Fayetteviile National Cemetery, 700 Government Ave., Fayetteville 72701
*Fort Smith National Cemetery, 522 Garland Ave. and S. 6th St., Fort Smith 72901
*Little Rock National Cemetery, 2523 Confederate Blvd., Little Rock 72206

California

Compton (USVAC) 90220, 322 W. Compton Blvd., Suite 104
East Los Angeles (USVAC) 90063, East L.A. Service Center, 915 N. Bonnie Beach Pl.
Fresno (MC) 93703, 2615 E. Clinton Ave.
Livermore (MC) 94550
Loma Linda (MC) 92357, 11201 Benton St.
Long Beach (MC&NHC) 90822, 5901 E. 7th St.
Los Angeles (RO) 90024, Federal Bldg., 11000 Wilshire Blvd.
Los Angeles (OC) 90013, 425 S. Hill St.
Martinez (MC) 94553, 150 Muir Rd.
Oakland (OCS) 94612, 1515 Clay St.
Palo Alto (MC&NHC) 94304, 3801 Miranda Ave.
Sacramento (OCS) 95820, 4600 Broadway
San Diego (RO) 92108, 2022 Camino Del Rio N.
San Diego (MC&NHC) 92161, 3350 LaJolla Village Dr.
San Diego (OCH) 92108, Palomar Bldg., 2022 Camino Del Rio N.
San Francisco (RO) 94105, 211 Main St.
San Francisco (MC) 94121, 4150 Clement St.
Santa Barbara (OCS) 93110, 4440 Calle Real
Sepulveda (MC&NHC) 91343, 16111 Plummer St.
West Los Angeles (MC&D) 90073, 11301 Wilshire Blvd.
***Fort Rosecrans National Cemetery, Point Loma, P.O. Box 6237, San Diego 92106
***Golden Gate National Cemetery, 1300 Sneath Lane, San Bruno 94066
***Los Angeles National Cemetery, 950 S. Sepulveda Blvd., Los Angeles 90049
*Riverside National Cemetery, 22495 Van Buren Blvd., Riverside 92508
***San Francisco National Cemetery, Presidio of San Francisco, P.O. Box 29012, San Francisco 94129

Colorado

Denver (RO) 80225, 44 Union Blvd., P.O. Box 25126
Denver (MC) 80220, 1055 Clermont St.
Fort Lyon (MC&NHC) 81038
Grand Junction (MC&NHC) 81501, 2121 North Ave.
VA National Cemetery Area Office, 44 Union Blvd. P.O. Box 25126, Denver 80225
*Fort Logan National Cemetery, 3698 S. Sheridan Blvd., Denver 80235
*Fort Lyon National Cemetery, VAMC, Fort Lyon 81038

Connecticut

Hartford (RO) 06103, 450 Main St.
Newington (MC) 06111, 555 Willard Ave.
West Haven (MC&NHC) 06516, W. Spring St.

Delaware

Wilmington (RO) 19805, 1601 Kirkwood Hwy.
Wilmington (MC) 19805, 1601 Kirkwood Hwy.

District of Columbia

Washington, DC (VACO) 20420, 810 Vermont Ave. NW.
Washington, DC (RO) 20421, 941 N. Capitol St., NE.
Washington, DC (MC) 20422, 50 Irving St., NW.

Florida

Bay Pines (MC, D, NHC, & OCH) 33504, 1000 Bay Pines Blvd., N.
Fort Myers (OCS) 33901, 2070 Carrell Rd.
Gainesville (MC, NHC) 32602, Archer Rd.
Jacksonville (0) 32202, Post Office & Courthouse Bldg. 311 W. Monroe St.
Jacksonville (OCS) 32202, 1833 Blvd.
Lake City (MC&NHC) 32055, 801 S. Marion St.
Miami (MC&NHC) 33125, 1201 N.W. 16th St.
Miami (O) 33130, Federal Bldg., Rm. 103A, 51 S.W. 1st Ave.
Oakland Park (OCS) 33334, 5599 N. Dixie Hwy.
Orlando (OCS) 32806, 83 W. Columbia St.
Riviera Beach (OCS) 33404, Exec. Plaza, 301 Broadway
St. Petersburg (RO) 33701, 144 1st Ave., S.
St. Petersburg (OCH) 33701, 144 1st Ave., S.
*Barrancas National Cemetery, Naval Air Station, Pensacola 32508
*Bay Pines National Cemetery, VAMC, Bay Pines 33504
St. Augustine National Cemetery, 104 Marine St., St. Augustine 32084

Georgia

Atlanta (RO) 30308, 730 Peachtree St. N.E.
Augusta (MC&NHC) 30910, 2460 Wrightsboro Rd.
Decatur (MC, NHC) 30033, 1670 Clairmont Rd.
Dublin (MC, D, & NHC) 31021
VA National Cemetery Area Office, 730 Peachtree St., NE., Atlanta 30365
Marietta National Cemetery, 500 Washington Ave., Marietta

Hawaii

Honolulu (RO) 96813, PJKK Federal Bldg., 300 Ala Moana Blvd., (MAIL: P.0.Box 50188, Honolulu 96650)
*National Memorial Cemetery of the Pacific, 2177 Puowaina Dr., Honolulu 96813

Idaho

Boise (RO) 83724, Federal Bldg. and U.S. Courthouse, 550 W. Fort St., Box 044
Boise (MC) 83702, 500 W. Fort

Illinois

Chicago (RO) 60605, 536 S. Clark St.
Chicago (MC) 60611, 333 E. Huron St. (Lakeside)
Chicago (MC) 60680, 820 S. Damen Ave. (West Side)
Danville (MC & NHC) 61832, 1900 E. Main St.
Hines (MC) 60141, Roosevelt Rd. & 5th Ave.
Marion (MC) 62959, Main St.
North Chicago (MC & NHC) 60064, Buckley Rd., Rt. 137
Peoria (OCS) 61605, 411 W. 7th St.
Alton National Cemetery, 600 Pearl St., Alton 62003
*Camp Butler National Cemetery, R.F.D. No., 1, Springfield 62707
*Danville National Cemetery, 1900 E.Main St., Danville 61832
*Mound City National Cemetery, Junction Hwys. 37 and 51, Mound City 62963
*Quincy National Cemetery, 36th and Maine St., Quincy 62301
*Rock Island National Cemetery, Rock Island Arsenal, Rock Island 61299
Evansville (OCS) 47708, 214 S.E. 6th St.
Fort Wayne (MC&NHC) 46805, 1600 Randalia Dr.
Indianapolis (RO)46204, 575 N. Pennsylvania St.
Indianapolis (MC&NHC) 46202, 1481 W. lOth St.
Marion (MC & NHC) 46952, E. 38th St.
Crown Hill National Cemetery, 700 W. 38th St., Indianapolis 46208
*Marion National Cemetery, VAMC, Marion 46952
*New Albany National Cemetery, 1943 Ekin Ave., New Albany 47150

Iowa

Des Moines (RO) 50309, 210 Walnut St.
Des Moines (MC) 50310, 30th & Euclid Ave.
Iowa City (MC) 52240, Hwy. 6 West
Knoxville (MC & NHC) 50138, 1515 W. Pleasant St.
*Keokuk National Cemetery, 1701 J St., Keokuk 52632

Kansas

Leavenworth (MC & NHC) 66048, 4201 S. 4th St. Trafficway
Topeka (MC & NHC) 66622, 2200 Gage Blvd.

Wichita (RO) 67211, Blvd. Office Park, 901 George Washington Blvd.
Wichita (MC) 67218, 5500 E. Kellogg
Fort Leavenworth National Cemetery, Fort Leavenworth 66027
*Fort Scott National Cemetery, P.O. Box 917, Fort Scott 66701
*Leavenworth National Cemetery, P.O. Box 1694, Leavenworth 66048

Kentucky

Lexington (MC&NHC) 40507, Leestown Rd.
Louisville (RO) 40202, 600 Federal Pl.
Louisville (MC) 40202, 800 Zom Ave.
*Camp Nelson National Cemetery, R.R. No. 3, Nickolasville 40356
Cave Hill National Cemetery, 701 Baxter Ave., Louisville (MAIL: c/o Zachary Taylor National Cemetery)
*Lebanon National Cemetery, Lebanon 40033
Lexington National Cemetery, 833 W. Main St., Lexington (MAIL: Camp Nelson National Cemetery)
*Mill Springs National Cemetery, R.D. No. 2, Box 172, Nancy 42544
*Zachary Taylor National Cemetery, 4701 Brownsboro Rd., Louisville 40207

Louisiana

Alexandria (MC&NCH) 71301, Shreveport Hwy.
New Orleans (RO) 70113, 701 Loyola Ave.
New Orleans (MC) 70146, 1601 Perdido St.
Shreveport (MC&O) 71130, 510 E. Stoner Ave.
*Alexandria National Cemetery, 209 Shamrock Ave., Pineville 71360
Baton Rouge National Cemetery, 220 North 19th St., Baton Rouge 70806
*Port Hudson National Cemetery, Rt. 1, Box 185, Zachary 70791

Maine

Portland (O) 04111, 85 Preble St.
Togus (MC&RO Center) 04330
Togus (MC&NHC) 04330, Rt. 17 E.
Togus National Cemetery, VAMC and RO, Togus, Maine 04330

Maryland

Baltimore (RO) 21201, 31 Hopkins Plaza, Federal Bldg.
Baltimore (OCH) 21201, 31 Hopkins Plaza, Federal Bldg.
Baltimore (MC) 21218, 3900 Loch Raven Blvd.
Fort Howard (MC&NHC) 21052, Old N. Point Rd.
Perry Point (MC&NHC) 21902
Annapolis National Cemetery, 800 West St., Annapolis 21401
Baltimore National Cemetery, 5501 Frederick Ave., Baltimore 21228
Loudon Park National Cemetery, 3445 Frederick Ave., Baltimore (MAIL: Baltimore National Cemetery)

Massachusetts

Bedford (MC&NHC) 01730, 200 Spring Rd.
Boston (RO) 02203, John Fitzgerald Kennedy Federal Bldg., Government Center
Boston (MC) 02130, 150 S. Huntington Ave.
Boston (OC) 02108, 17 Court St.
Brockton (MC&NHC) 02401, 940 Belmont St.
Lowell (OCS) 01852, Old Post Office Bldg., 50 Kearney Square
New Bedford (OCS) 02740, 53 N. 6th St.
Northampton (MC&NHC) 01060, N. Main St.
Springfield (O) 01103, 1200 Main St.
Springfield (OCS) 01103, 101 State St.
West Roxbury (MC) 02132, 1400 VFW Pkwy.
Worcester (OCS) 01608, 575 Main St.
*Massachusetts National Cemetery, Bourne 02532

Michigan

Allen Park (MC&NHC) 48101, Southfield and Outer Dr.
Ann Arbor (MC) 48105, 2215 Fuller Rd.
Battle Creek (MC&NHC) 49016, 5500 Armstrong Rd.
Detroit (RO) 48226, Patrick V. McNamara Federal Bldg., 477 Michigan Ave.
Grand Rapids (OCS) 49503, 260 Jefferson St., S.E.
Iron Mountain (MC&NHC) 49801, H St.
Saginaw (MC) 48602, 1500 Weiss St.
*Fort Custer National Cemetery, 15501 W. Dickman Rd., Augusta 49012

Minnesota

Minneapolis (MC) 55417, 54th St. and 48th Ave., S.
St. Cloud (MC&NHC) 56301, 8th St. and N. 44th Ave.
St. Paul (RO and Insurance Center) 55111, Federal Bldg., Fort Snelling
St. Paul (OCH) 55111, Fort Snelling
*Fort Snelling National Cemetery, 7601 34th Avenue S., Minneapolis 55450

Mississippi

Biloxi (MC, D & NHC) 39531, Pass Rd.
Jackson (RO) 39269, 100 W. Capitol St.
Jackson (MC&NHC) 39216, 1500 E. Woodrow Wilson Dr.
*Biloxi National Cemetery, P.O. Box 4968, Biloxi 39531
*Corinth National Cemetery, 1551 Horton St., Corinth 38834
*Natchez National Cemetery, 61 Cemetery Rd., Natchez 39120

Missouri

Columbia (MC&NHC) 65201, 800 Hospital Dr.
Kansas City (MC) 64128, 4801 Linwood Blvd.
Kansas City (O) 64106, Federal Office Bldg., 601 E. 12th St.
Poplar Bluff (MC&NHC) 63901, Hwy. 67 N.
St. Louis (RO) 63103, Federal Bldg., 1520 Market St.
St. Louis (MC&NCH) 63106, 915 N. Grand Blvd.
*Jefferson Barracks National Cemetery, 101 Memorial Dr., St. Louis 63125
*Jefferson City National Cemetery, 1024 East McCarty St., Jefferson City (CALL Jefferson Barracks National Cemetery for information.)
*Springfield National Cemetery, 1702 East Seminole St., Springfield 65804

Montana

Fort Harrison (RO) 59636
Fort Harrison (MC) 59636, Wm. St. Hwy. 12 W.
Miles City (MC&NHC) 59301, 201 S. Winchester

Nebraska

Grand Island (MC&NHC) 68801, 2201 N. Broad Well
Lincoln (RO) 68508, Federal Bldg., 100 Centennial Mall N.
Lincoln (MC) 68510, S. 70th St.
Omaha (MC) 68105, 4101 Woolworth Ave.
*Fort McPherson National Cemetery, Maxwell 69151

Nevada

Las Vegas (OCS) 89102, 1703 W. Charleston Blvd.
Reno (RO) 89520, 245 E. Liberty St.
Reno (MC&NHC) 89520, 1000 Locust St.

New Hampshire

Manchester (RO) 03101, Norris Cotton Federal Bldg., 275 Chestnut St.
Manchester (MC&NHC) 03104, 718 Smyth Rd.

New Jersey

East Orange (MC&NHC) 07019, Tremont Ave. and S. Center
Lyons (MC&NHC) 07939, Valley and Knollcroft, Rd.
Newark (RO) 07102, 20 Washington Pl.
Newark (OCH) 07102, 20 Washington Pl.
Beverly National Cemetery, R.D. No. 1 Bridgeboro Rd., Beverly 08010
Finn's Point National Cemetery, R.F.D. No. 3, Fort Mott Rd., Salem 08079

New Mexico

Albuquerque (RO) 87102, Dennis Chaves Federal Bldg., 500 Gold Ave., S.W.
Albuquerque (MC&NHC) 87108, 2100 Ridgecrest Dr., S.E.
*Fort Bayard National Cemetery, Fort Bayard 88036
*Santa Fe National Cemetery, Box 88, Santa Fe 87501

New York

Albany (MC&NHC) 12208, 113 Holland Ave.
Albany (O) 12207, Leo W. O'Brien Federal Bldg., Clinton Ave. and N. Pearl St.
Batavia (MC) 14020, Redfield Pkwy.
Bath (MC&NHC) 14810, Argonne Ave.
Bronx (MC) 10468, 130 W. Kingsbridge Rd.
Brooklyn (MC&NHC) 11209, 800 Poly Pl.
Brooklyn (OC) 11205, 35 Ryerson St.
Buffalo (RO) 14202, Federal Bldg., 111 W. Huron St.
Buffalo (MC&NHC) 14215, 3495 Bailey Ave.
Canandaigua (MC&NHC) 14424, Ft. Hill Ave.
Castle Point (MC&NHC) 12511, Beacon St.
Montrose (MC&NHC) 10548, Old Albany Post Rd.
New York (RO) 10001, 252 7th Ave. at 24th St.
New York (MC) 10010, 1st Ave. at E. 24th St.
New York (OCH) 10001, 252 7th Ave. at 24th St.
Northport (MC) 11768, Long Island, Middleville Rd.
Rochester (O&OCS) 14614, Federal Office Bldg. and Courthouse, 100 State St.
Syracuse (O) 13260, U.S. Courthouse and Federal Bldg., 100 S. Clinton St.
Syracuse (MC&NHC) 13210, Irving Ave. & University Pl.
*Bath National Cemetery, VAMC, Bath 14810
*Calverton National Cemetery, 210 Princeton Blvd. Calverton 11933
Cypress Hills National Cemetery, 625 Jamaica Ave., Brooklyn (MAIL: NCAO, Philadelphia, PA 19106)
Long Island National Cemetery, Farmingdale, L.I. 11735
Woodlawn National Cemetery, 1825 Davis St., Elmira (MAIL: Bath National Cemetery, NY 14810)

North Carolina

Asheville (MC&NHC) 28805
Durham (MC) 27705, 508 Fulton St.
Fayetteville (MC&NHC) 28301, 2300 Ramsey St.
Salisbury (MC&NHC) 28144, 1601 Brenner Ave.
Winston-Salem (RO) 27102, Federal Office Bldg., 251 N. Main St.
Winston-Salem (OCH) 27102, Federal Office Bldg., 251 N. Main St.
*New Bern National Cemetery, 1711 National Ave., New Bern 28560
*Raleigh National Cemetery, 501 Rock Quarry Rd., Raleigh 27610
*Salisbury National Cemetery, 202 Government Rd., Salisbury 28144
*Wilmington National Cemetery, 2011 Market St., Wilmington 28403

North Dakota

Fargo (RO) 58102, 655 Ist Ave. N.
Fargo (MC&NHC) 58102, Elm and 21st Ave. N.

Ohio

Brecksville (MC&NHC) 44141, 10000 Brecksville Rd.
Chillicothe (MC&NHC) 45601, 17273 State Rt. 104
Cincinnati (O) 45202, Rm. 1024, Federal Office Bldg. 550 Main St.
Cincinnati (MC&NHC) 45220, 3200 Vine St.
Cleveland (RO) 44199, Federal Office Bldg., 1240 East Ninth St.
Cleveland (MC) 44106, 10701 E. Blvd.
Columbus (O) 43215, Rm. 309, Federal Bldg., 200 N. High St.
Columbus (OC) 43221, 2090 Kenny Rd.
Dayton (MC, D&NHC) 45428, 4100 W. 3rd St.
Toledo (OCS) 43614, 3333 Glendale Ave.
*Dayton National Cemetery, VAMC, 4100 W. 3rd St., Dayton 45428

Oklahoma

Muskogee (RO) 74401, Federal Bldg., 125 S. Main St.
Muskogee (MC) 74401, Memorial Station, Honor Heights Dr.
Oklahoma City (O) 73102, 200 NW. 4th St.
Oklahoma City (MC) 73104, 921 NE. 13th St.
Tulsa (OCS) 74101, 635 W. 11th St.
*Fort Gibson National Cemetery, Fort Gibson 74434

Oregon

Portland (RO) 97204, Federal Bldg., 1220 SW. 3rd Ave.
Portland (MC) 97207, 3710 SW. U.S. Veterans Hospital Rd.
Portland (OCH) 97204, 426 SW. Stark St.
Roseburg (MC&NHC) 97470, New Garden Valley Blvd.
White City (D) 97501, Hwy. 62
Roseburg National Cemetery, VAMC, Roseburg 97470
*Eagle Point National Cemetery, 2763 Riley Rd., Eagle Point 97524
*Willamette National Cemetery, 11800 SE. Mt. Scott Blvd., P.O. Box 66147, Portland 97266

Pennsylvania

Allentown (OCS) 18104, 2937 Hamilton Blvd.
Altoona (MC&NHC) 16603, Pleasant Valley Blvd.
Butler (MC&NHC) 16001, New Castle Rd.
Coatesville (MC&NHC) 19320, Black Horse Rd.
Erie (MC&NHC) 16501, 135 E. 38th St.
Harrisburg (OCS) 17108, Federal Bldg., 228 Walnut St.
Lebanon (MC&NHC) 17042, South Lincoln Ave.
Philadelphia (RO and Insurance Center) 19101, P.O. Box 8079, 5000 Wissahickon Ave.
Philadelphia (MC) 19104, University and Woodland Aves.
Philadelphia (OCH) 19102, 1421 Cherry St.
Pittsburgh (RO) 15222, 1000 Liberty Ave.
Pittsburgh (OCH) 15222, 1000 Liberty Ave.
Pittsburgh (MC&NHC) 15240, University Drive C.
Pittsburgh (MC) 15206, High and Dr.
Wilkes-Barre (MC) 18711, 1111 E. End Blvd.
Wilkes-Barre (O) 18701, 19-27 N. Main St.
VA National Cemetery Area Office, Independence Building South, 434 Walnut St., Rm. 1040, Philadelphia 19106
*Indiantown Gap National Cemetery, P.O. Box 187, Annville 17003
Philadelphia National Cemetery, Haines St. and Limekiln Pike, Philadelphia 19138

Philippines

Manila (RO&OC), 1131 Roxas Blvd. (MAIL from U.S.: VA Regional Office, APO San Francisco 96528)

Puerto Rico, Commonwealth of (including the Virgin Islands)

Mayaguez (OCS) 00708, Rd. No. 2
Ponce (OCS) 00731, Calle Isabel No. 60
San Juan (RO) 00918, U.S. Courthouse and Federal Bldg. Carlos E. Chardon St., Hato Rey
San Juan (MC) 00921, Barrio Monacillo, Rio Piedras, GPO Box 4867
*Puerto Rico National Cemetery, Box 1298, Bayamon 00621

Rhode Island

Providence (RO) 02903, 380 Westminster Mall
Providence (MC) 02908, Davis Park

South Carolina

Charleston (MC) 29403, 109 Bee St.
Columbia (RO) 29201, 1801 Assembly St.
Columbia (MC&NHC) 29201, Gamers Ferry Rd.
Greenville (OCS) 29607, Piedmont East Bldg., 37 Villa Rd.
*Beaufort National Cemetery, 1601 Boundary St., Beaufort 29902
*Florence National Cemetery, 803 E. National Cemetery Rd., Florence 29501

South Dakota

Fort Meade (MC) 57741, I 90/Hwy. 34
Hot Springs (MC&D) 57747, Off 5th St.
Sioux Falls (RO) 57117, P.O.Box 5046, 2501 W. 22nd St.
Sioux Falls (MC&NHC) 57101, 2501 W. 22nd St.
*Black Hills National Cemetery, P.0. Box 640, Sturgis 57785
Fort Meade National Cemetery, VAMC, Fort Meade 57741
Hot Springs National Cemetery, VAMC, Hot Springs 57747

Tennessee

Chattanooga (OCS) 37411, Bldg. 6300 East Gate Center
Knoxville(OCS) 37919, 9047 Executive Park Dr., Suite 100
Memphis (MC&NHC) 38104, 1030 Jefferson Ave.
Mountain Home (MC, D&NHC) 37684, Lamont St.
Murfreesboro (MC&NHC) 37130, Lebanon Hwy.
Nashville (RO) 37203, 110 9th Ave. S.
Nashville (MC) 37203, 1310 24th Ave. S.
*Chattanooga National Cemetery, 1200 Bailey Ave., Chattanooga 37404
*Knoxville National Cemetery, 939 Tyson St., NW, Knoxville 37917
*Memphis National Cemetery, 3568 Townes Ave., Memphis 38122
*Mountain Home National Cemetery, P.O. Box 8, Mountain Home 37684
*Nashville National Cemetery, 1420 Gallatin Road, S., Madison 37115

Texas

Amarillo (MC) 79106, 6010 Amarillo Blvd. W.
Beaumont (OCS) 77701, 3385; Fannin St.
Big Spring (MC&NHC) 79720, 2400 S. Gregg St.
Bonham (MC, D&NHC) 75418, 9th and Lipscomb
Corpus Christi (OSC) 78404, 1502 S. Brownlee Blvd.
Dallas (O) 75216, U.S. Courthouse and Federal Office Bldg., 1000 Commerce St.
Dallas (MC) 75210, 4500 S. Lancaster Rd.
El Paso (OC) 79925, 5919 Brook Hollow Dr.
Fort Worth (O) 76102, 819 Taylor St.
Houston (RO) 77054, 2515 Murworth Dr.
Houston (MC&NHC) 77211, 2002 Holcombe Blvd.
Kerrville (MC&NHC) 78028, Memorial Blvd.
Lubbock (O&OC) 79401, Federal Bldg., 1205 Texas Ave.
Marlin (MC) 76661, 1016 Ward St.
McAllen (OCS) 78501, 3711 N. 10th St.
San Antonio (MC) 78284, 7400 Merton Minter Blvd.
San Antonio (O) 78285, 307 Dwyer Ave.
San Antonio (OC) 78285, 307 Dwyer Ave.
Temple (MC&D) 76501, 1901 S. 1st.
Waco (RO) 76799, 1400 N. Valley Mills Dr.
Waco (MC&NHC) 76703, Memorial Dr.
*Fort Bliss National Cemetery, P.O. Box 6342, Fort Bliss 79906
*Fort Sam Houston National Cemetery, 1520 Harry Wurzbach Rd., San Antonio 78209
*Houston National Cemetery, 10410 Veterans Memorial Dr., Houston 77038
Kerrville National Cemetery, VAMC, Spur Rt. 100, Kerrville 78028
San Antonio National Cemetery, 517 Paso Hondo St., San Antonio (MAIL: Sam Houston National Cemetery, TX 78209)

Utah

Salt Lake City (RO) 84147, 125 S. State St., P.O. Box 11500,
Salt Lake City (MC&NHC) 84148, 500 Foothill Blvd.

Vermont

White River Junction (RO) 05001
White River Junction (MC&NHC) 05001, N. Hartland Rd.

Virginia

Hampton (MC, D&NHC) 23667, Emancipation Dr.

Richmond (MC) 23249, 1201 Broad Rock Rd.
Roanoke (RO) 24011, 210 Franklin Rd. S.W.
Salem (MC&NHC) 24153, 1970 Roanoke Blvd.
Alexandria National Cemetery, 1450 Wilkes Street, Alexandria, 22314
Balls Bluff National Cemetery, Leesburg (MAIL: Winchester National Cemetery, VA 22601)
City Point National Cemetery, 10th Ave. and Davis St., Hopewell (MAIL: Richmond National Cemetery, VA 23231)
Cold Harbor National Cemetery, R.F.D. #4, Box 155, Mechanicsville (MAIL: Richmond National Cemetery, VA 23231)
*Culpepper National Cemetery, 305 U.S. Ave., Culpepper, 22701
Danville National Cemetery, 721 Lee St., Danville 24541
Fort Harrison National Cemetery, R.F.D. #5, Box 174, Varina Rd., Richmond (MAIL: Richmond National Cemetery, Richmond, 23231)
Glendale National Cemetery, R.F.D. #5, Box 272, Richmond (MAIL: Richmond National Cemetery, Richmond, 23231)
Hampton National Cemetery, Cemetery Rd. at Marshall Ave., Hampton 23669
Hampton National Cemetery, VAMC, Hampton 23669
*Quantico National Cemetery, P.O. Box 10, Triangle 22172
Richmond National Cemetery, 1701 Williamsburg Road, Richmond 23231
Seven Pines National Cemetery, 400 East Williamsburg Rd., Sandston (MAIL: Richmond National Cemetery, Richmond, 23231)
Staunton National Cemetery, 901 Richmond Ave., Staunton, 24401
Winchester National Cemetery, 401 National Ave., Winchester, 22601

Washington

Seattle (RO) 98174, Federal Bldg., 915 2nd Ave.
Seattle (MC) 98108, 1660 South Columbian Way
Spokane (MC) 99208, North 4815 Assembly St.
Tacoma (MC&NHC) 98493, American Lake
Vancouver (MC) 98661, 3710 S.W. U.S. Veterans Rd.
Walla Walla (MC) 99362, 77 Wainwright Dr.

West Virginia

Beckley (MC&NHC) 25801, 200 Veterans Ave.
Clarksburg (MC) 26301, Milford/Chestnut Sts.
Huntington (RO) 25701, 640 4th Ave.
Huntington (MC) 25704, 1540 Spring Valley Dr.
Martinsburg (MC&D) 25401, Rt. 9
Grafton National Cemetery, 431 Walnut St., Grafton 26354
**West Virginia National Cemetery, Pruntytown (MAIL: Grafton National Cemetery)

Wisconsin

Madison (MC) 53705, 2500 Overlook Terrace
Milwaukee (RO) 53193, 5000 W. National Ave., Bldg. 6
Tomah (MC&NHC) 54660, 5000 County Truck E.
Wood (MC, D&NHC) 53193, 5000 W. National Ave.
*Wood National Cemetery, VAMC, 5000 West National Ave., Milwaukee 53193

Wyoming

Cheyenne (RO) 82001, 2360 E. Pershing Blvd.
Cheyenne (MC&NHC) 82001, 2360 E. Pershing Blvd.
Sheridan (MC) 82801, Fort Rd. 92

Where To Apply for Alcohol or Drug Dependence Treatment

Patients may be admitted to any VA medical center for inpatient care. However, there are specialized VA Alcohol Dependence Treatment Programs and Drug Dependence Treatment Programs for inpatient and/or outpatient care in VA medical centers in the following cities:

Both Alcoholism and Drug Dependence Treatment Programs: Tuscon, AZ; Long Beach, CA; West Los Angeles, CA; Martinez, CA; Palo Alto, CA; San Diego, CA; San Francisco, CA; Sepulveda, CA; Denver, CO; Washington, DC; Miami, FL; Altanta, GA; Chicago, (West Side), IL; Hines, IL; North Chicago, IL; Indianapolis, IN; New Orleans, LA; Baltimore, MD; Bedford, MA; Boston, MA; Allen Park, MI; Battle Creek, MI; Minneapolis, MN; St. Louis, MO; East Orange, NJ; Albany, NY; Bronx, NY; Brooklyn, NY; Buffalo, NY; Montrose, NY; Cincinnati, OH; Cleveland (Brecksville), OH; Oklahoma City, OK; Coatesville, PA; Philadelphia, PA; San Juan, PR; Providence, RI; Memphis, TN; Dallas, TX; Houston, TX; Salt Lake City, UT; Tacoma, WA; Seattle, WA; and Milwaukee (Wood), WI.

Alcohol Dependence Treatment Programs only: Birmingham, AL; Tuscaloosa, AL; Anchorage, AK; Phoenix, AZ; Prescott, AZ; Fresno, CA; Loma Linda, CA; Fort Lyon, CO; West Haven, CT; Bay Pines, FL; Gainesville, FL; Augusta, GA; Danville, IL; Marion, IN; Des Moines, IA; Kansas City, KS; Leavenworth, KS; Topeka, KS; Lexington, KY; Shreveport, LA; Togus, ME; Brockton, MA; Northampton, MA; St. Cloud, MN; Biloxi, MS; Jackson, MS; Lincoln, NE; Omaha, NE; Manchester, NH; Lyons, NJ; Albuquerque, NM; Canandaigua, NY; Salisbury, NC; Cleveland, OH; Roseburg, OR; White City, OR; Pittsburgh, PA; Charleston, SC; Columbia, SC; Fort Meade, SD; Hot Springs, SD; Mountain Home, TN; Murfreesboro, TN; Big Spring, TX; San Antonio, TX; Temple, TX; Waco, TX; White River Junction, VT; Hampton, VA; Salem, VA; Martinsburg, WV; Tomah, WI; and Sheridan, WY.

Drug Dependence Treatment Program only: Los Angeles OPC, CA; Boston OPC, MA; New York (Manhattan), NY; Tulsa, OK; Pittsburgh (University Drive), PA; Richmond, VA; and Vancouver, WA.

[FR Doc. 86-16228 Filed 7-17-86; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 138
Friday, July 18, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 am., Wednesday and Thursday, July 23 and 24, 1986.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

FY '88 Budget

The staff will brief the Commission and the Commission will consider issues related to the Fiscal Year 1988 Budget.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301—492–6800.

Sheldon D. Butts,

Deputy Secretary.

July 16, 1986.

[FR Doc. 86–16319 Filed 7–16–86; 3:17 pm]

BILLING CODE 6355–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, July 22, 1986. to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Application for Federal deposit insurance:

Hobby Community Bank, a proposed new bank to be located at 10600 Telephone Road, Houston, Texas.

Request for reconsideration of a previous denial of an application for Federal deposit insurance:

Marine Merchant Bank and Trust Company, Ltd., an operating noninsured bank located at Hyatt Regency Office Plaza, Suite 4, Garapan, Saipan, Commonwealth of the Northern Mariana Islands.

Application for consent to convert into a non-FDIC-insured institution:

Union Bank of Florida, Lauderhill, Florida.

Application for consent to transfer assets in consideration of the assumption of deposit liabilities:

First National Bank of Manhattan, Manhattan, Kansas, for consent to transfer certain assets to First Savings Bank, F.S.B., Manhattan, Kansas, a non-FDIC-insured institution, in organization, in consideration of the assumption of the liability to pay deposits made in First National Bank.

Application for consent to merge, establish four branches and continue Federal deposit insurance upon withdrawal from the Federal Reserve System:

Gateway Bank & Trust Company, Lincoln, Nebraska, a State member bank for consent to merge, under its charter and title, with Citizens State Bank, Lincoln, Nebraska; Lincoln Bank East, Lincoln, Nebraska; CSB Banco, Inc., Lincoln, Nebraska; and Lincoln East Bancshares, Inc., Lincoln, Nebraska, for consent to establish the three offices of Citizens State Bank and the sole branch office of Lincoln Bank East as branches of the resultant bank, and for consent to continue Federal deposit insurance upon withdrawal from the Federal Reserve System.

Application for consent to acquire assets, assume liabilities and establish a branch:

Citywide Bank of Denver, Denver, Colorado, for consent to purchase certain assets of and assume the liability to pay deposits made in the Montbello Branch, Denver, Colorado, of The Empire Savings Building and Loan Association, Denver, Colorado, a non-FDIC-insured institution, and for consent to establish the Montbello Branch as a branch of the Citywide Bank of Denver.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,216–SR (Amendment)
Sharpstown State Bank, Houston, Texas
Case No. 46,581–L
Birmingham Bloomfield Bank, Birmingham, Michigan

Memorandum and resolution re: Notice of Proposed System of Records, which notice advises, in accordance with the Privacy Act of 1974, of the Corporation's establishment of a new system of records entitled "Chain Bank Report."

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Summary Audit Report re: Bank of Clifton, Clifton, Colorado (6607) (Memo dated May 221986)
Summary Audit Report re: The Sedan State Bank, Sedan, Kansas (6612) (Memo dated June 18, 1986)
Summary Audit Report re: Elba State Bank, Elba, Nebraska (6611) (Memo dated May 21, 1986)
Summary Audit Report re: Moncor Bank, National Association, Hobbs, New Mexico (2495) (Memo dated May 29, 1986)
Summary Audit Report re: Moncor Bank, National Association, Roswell, New Mexico (2497) (Memo dated June 10, 1986)
Summary Audit Report re: Peoples National Bank of Rockland County, Ramapo (P.O. Monsey), New York (5610) (Memo dated June 13, 1986)
Summary Audit Report re: First Security Bank of Dickson, Dickson, Tennesee (2498) (Memo dated June 10, 1986)
Summary Audit Report re: The Bank of Loretto, Loretto, Tennessee (2496) (Memo dated May 22, 1986)
Summary Audit Report re: Western State Bank, Denton, Texas (2499) (Memo dated June 18, 1986)
Summary Audit Report re: CAEL System Security Audit (Memo dated June 18, 1986)

Report of the Director, Division of Liquidation:

Memorandum re: Reports Under Delegated Authority Status of Approved Committee Cases.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: July 15, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–16288 Filed 7–16–86; 11:14 am]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, July 22, 1986, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment or civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6))

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: July 15, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–16289 Filed 7–16–86; 11:14 am]

BILLING CODE 6714–01–M

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FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: July 10, 1986, 51 FR 25144.

PREVIOUSLY ANNOUNCED DATE AND TIME OF THE MEETING: July 16, 1986, 10:00 a.m.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

4. Georgia Ports Authority v. Palmetto Shipping Stevedoring Company and Georgia Ports Authority v. Harrington and Company, Inc., Civil Suits Pending in Georgia State Court, Relating to FMC Docket No. 85–20.

Joseph C. Polking,

Secretary.

[FR Doc. 86–16268 Filed 7–16–86; 8:45 am]

BILLING CODE 6730–01–M

Federal Register

Friday
July 18, 1986

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 310

Oral Mucosal Injury Drug Products for Over-the-Counter Human Use; Oral Wound Healing Drug Products for Over-the-Counter Human Use; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 78N-0196]

Oral Mucosal Injury Drug Products for Over-the-Counter Human Use; Oral Wound Healing Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule establishing that any oral wound healing drug product for over-the-counter (OTC) human use is not generally recognized as safe and effective, is misbranded, and is subject to regulatory action unless it has an approved new drug application (NDA). (Oral wound healing agents are drugs used to aid in the healing of minor oral wounds by means other than cleansing and irrigating, or by serving as a protectant.) After considering the agency's proposed regulation, which was issued in the form of a tentative final monograph, and because no new data or information were submitted, the agency is issuing this final rule to remove oral wound healing agents from the OTC market. This final rule is part of the ongoing review of OTC drug products conducted by FDA.

EFFECTIVE DATE: July 18, 1987.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drugs and Biologics (HFN-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8000.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 2, 1979 (44 FR 63270), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC oral mucosal injury drug products, together with the recommendations of the Advisory Review Panel on OTC Dentifrice and Dental Care Drug Products, which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class. Interested persons were invited to submit comments by January 24, 1980. Reply comments in response to comments filed in the initial comment period could be submitted by February 25, 1980.

In accordance with § 330.10(a)10), the data and information considered by the Panel were put on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, after deletion of a small amount of trade secret information.

The agency's proposed regulation, in the form of a tentative final monograph, for OTC oral mucosal injury drug products was published in the **Federal Register** of July 26, 1983 (48 FR 33984). Interested persons were invited to file by September 26, 1983, written comments, objections, or requests for an oral hearing before the Commissioner of Food and Drugs regarding the proposal. Interested persons were invited to file comments on the agency's economic impact determination by November 23, 1983. New data could have been submitted until July 26, 1984, and comments on the new data until September 26, 1984.

No comments, objections, requests for an oral hearing, or new data were submitted in response to the proposed regulation on OTC oral mucosal injury drug products.

The agency is also engaged in a rulemaking on OTC oral health care drug products to be published in a future issue of the **Federal Register**. Oral health care drug products are used for the temporary relief of symptoms of the mouth and throat, for example, occasional minor sore throat or mouth soreness. The tentative final monograph for OTC oral mucosal injury drug products included two classes of products: oral wound cleansers and oral wound healing agents. There is considerable overlap between the rulemaking on OTC oral mucosal injury drug products and the rulemaking on OTC oral health care drug products. Accordingly, the agency is incorporating that part of the oral mucosal injury rulemaking that covers oral wound cleansers into the first segment of the tentative final monograph for OTC oral health care drug products. That monograph covers OTC anesthetic/analgesic, astringent, debriding agent/oral wound cleanser, and demulcent drug products. An intent of both rulemakings is to identify those ingredients that are generally recognized as safe and effective in temporarily relieving the symptoms of minor oral wounds or other irritations of the mouth or gums.

Carbamide peroxide, hydrogen peroxide, and sodium perborate monohydrate, the three ingredients included in the tentative final monograph for OTC oral mucosal injury drug products as oral wound cleansers, were also included in the rulemaking for OTC oral health care drug products as debriding agents (agents which cause the removal of foreign material or devitalized or contaminated tissue from or adjacent to a traumatic or infected lesion to expose surrounding healthy tissue (47 FR 22927)). A number of the comments submitted to the advance notice of proposed rulemaking for OTC oral health care drug products pointed out the similarities between oral wound cleansers and debriding agents and requested that the labeling for these ingredients be consistent between the two rulemakings. In order to achieve this consistency, the agency has decided to combine debriding agents and oral wound cleansers into one therapeutic class and to include that therapeutic class in the tentative final monograph for OTC oral health care anesthetic/analgesic, astringent, debriding agent/oral wound cleanser, and demulcent drug products. That tentative final monograph will be published in another issue of the **Federal Register**. Final agency action on OTC oral wound healing drug products occurs with the publication of this document.

In the proposed rule on OTC oral mucosal injury drug products (48 FR 33988), the agency accepted the Panel's recommended Category III classification of oral wound healing agents because there were insufficient data to establish safety and effectiveness of these ingredients, and no comments were received on the issue. In this final rule, no ingredients intended for use as an oral wound healing agent have been determined to be generally recognized as safe and effective for OTC use. This final rule declares any product intended for use as an OTC oral wound healing agent to be a new drug under section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p)),

for which an NDA approved under section 505 of the act (21 U.S.C. 355) and 21 CFR Part 314 is required for marketing. In the absence of an approved NDA, products intended for this use would also be misbranded under section 502 of the act (21 U.S.C. 352). This final rule amends 21 CFR Part 310 to include OTC oral wound healing agents by adding to Subpart E new § 310.534 (21 CFR 310.534). The inclusion of OTC oral wound healing agents in Part 310 is consistent with FDA's established policy for regulations in which there are no monograph conditions. (See e.g., §§ 310.510, 310.519, 310.525, 310.526, and 310.533.) If, in the future, any ingredient is determined to be generally recognized as safe and effective as an OTC oral wound healing agent, the agency will promulgate an appropriate regulation at that time.

The OTC procedural regulations (21 CFR 330.10) have been revised to conform to the decision in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). (See the **Federal Register** of September 29, 1981; 46 FR 47730.) The court in *Cutler* held that the OTC drug review regulations were unlawful to the extent that they authorized the marketing of Category III drugs after a final monograph had been established. Accordingly, this provision has been deleted from the regulations, which now provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process before the establishment of a final monograph.

Although it was not required to do so under *Cutler*, FDA is no longer using the terms "Category I" (generally recognized as safe and effective and not misbranded), "Category II" (not generally recognized as safe and effective or misbranded), and "Category III" (available data are insufficient to classify as safe and effective, and further testing is required) at the final monograph stage, but is using instead the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III).

The agency is aware that products containing certain ingredients offered as oral wound healing agents may have to be reformulated and/or relabeled. The agency has established a period of 12 months after the date of publication of the final rule in the **Federal Register** for reformulation and/or relabeling of products. On or after July 18, 1987, no OTC drug product that is subject to this final rule and that contains a nonmonograph condition, i.e., a condition that would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce unless it is the subject of an approved NDA.

I. Summary of Significant Changes From the Proposed Rule

Oral wound cleansers are being combined with oral health care debriding agents into one therapeutic class that is included in the first segment of the tentative final monograph for OTC oral health care drug products. That tentative final monograph covers OTC anesthetic/analgesic, astringent, debriding agent/oral wound cleanser, and demulcent drug products. It will be published in a future issue of the **Federal Register**. Therefore, those portions of Part 353 (proposed in the **Federal Register** of July 26, 1983; 48 FR 33984) applicable to oral wound cleansers, i.e., definitions proposed in § 353.3; indications, warnings, and directions proposed in § 353.50; and the professional labeling proposed in § 353.80, are being incorporated into the tentative final monograph for OTC oral health care anesthetic/analgesic, astringent, debriding agent/oral wound cleanser, and demulcent drug products. The agency is deferring consideration of proposed § 353.20(b), regarding the combination of an oral wound cleanser and an antiseptic, to the second segment of the OTC oral health care rulemaking, which covers antimicrobial drug products and which will be published in a future issue of the **Federal Register**.

The remaining portion of proposed Part 353 relating to oral wound healing agents, i.e., proposed §§ 353.3(d), 353.20 (a) and (c), and 353.50(a) will not be addressed in an OTC final monograph. No OTC oral wound healing agent has been found to be generally recognized as safe and effective and not misbranded. Oral wound healing agents are now considered to be new drugs. Accordingly, this final rule or oral wound healing agents is being promulgated under 21 CFR Part 310 rather than under 21 CFR Part 330. Therefore, the agency is amending Part 310 to include a final rule declaring OTC oral wound healing agents to be new drugs, by adding to Subpart E new § 310.534.

II. The Agency's Final Conclusions on OTC Oral Wound Healing Drug Products

The agency has determined that no ingredient has been found to be generally recognized as safe and effective for use as an OTC oral wound healing agent. Therefore, all oral wound healing agents, including those reviewed by the Panel, i.e., allantoin, carbamide peroxide in anhydrous glycerin, water soluble chlorophyllins, and hydrogen peroxide in aqueous solution, are considered nonmonograph ingredients. Any OTC drug product that is labeled, represented, or promoted for use as an oral wound healing agent is misbranded under section 502(a) of the act (21 U.S.C. 352(a)) and is a new drug within the meaning of section 201(p) of the act.

The agency is aware that products containing some of the above ingredients have been on the OTC market and that these products have had multiple claims. Purported oral wound healing agents must be removed from these OTC drug products or the product must be relabeled to exclude oral wound hearing claims by the effective date of this final rule unless the product has an approved NDA.

In response to the agency's request for specific comment on the economic impact of this rulemaking (48 FR 33984), no comments were received. The agency has examined the economic consequences of this final rule in conjunction with other rules resulting from the OTC drug review. In a notice published in the **Federal Register** of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that no one of those rules, including this final rule for OTC oral wound healing drug products, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96–354. That assessment included a discretionary Regulatory Flexibility Analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, this particular rulemaking for OTC oral wound healing agents is not expected to pose such an impact on small businesses. Therefore, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 21 CFR Part 310

New drugs

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Administrative Procedure Act and under 21 CFR 5.11, Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations is amended in Part 310 as follows:

PART 310—NEW DRUGS

1. The authority citation for Part 310 continues to read as follows:

Authority: Secs. 502, 503, 505, 701, 52 Stat. 1051, 1052, 1053, 1055 as amended (21 U.S.C. 352, 353, 355, 371) (5 U.S.C. 553); 21 CFR 5.11.

2. In Subpart E by adding new § 310.534 to read as follows:

§ 310.534 Drug products containing active ingredients offered over-the-counter (OTC) for human use as oral wound healing agents.

(a) Allantoin, carbamide peroxide in anhydrous glycerin, water soluble chlorophyllins, and hydrogen peroxide in aqueous solution have been present in oral mucosal injury drug products for use as oral wound healing agents. Oral wound healing agents have been marketed as aids in the healing of minor oral wounds by means other than cleansing and irrigating, or by serving as a protectant. Allantoin, carbamide peroxide in anhydrous glycerin, water soluble chlorophyllins, and hydrogen peroxide in aqueous solution are safe for use as oral wound healing agents, but there are inadequate data to establish general recognition of the effectiveness of these ingredients as oral wound healing agents.

(b) Any OTC drug product that is labeled, represented, or promoted for use as an oral wound healing agent is regarded as a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act, for which an approved new drug application under section 505 of the act and Part 314 of this chapter is required for marketing. In the absence of an approved new drug application, such product is also misbranded under section 502 of the act.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FDA–1571) (OMB Approval No. 0910–0014), as set forth in § 312.1 of this chapter, is required to cover clinical investigations designed to obtain evidence that any drug product labeled, represented, or promoted OTC as an oral wound healing agent is safe and effective for the purpose intended.

(d) After the effective date of the final regulation, any OTC drug product that is labeled, represented, or promoted for use as an oral wound healing agent may not be initially introduced or initially delivered for introduction into interstate commerce unless it is the subject of an approved new drug application.

Dated: March 5, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

Otis R. Bowen,

Secretary of Health and Human Services.

[FR Doc. 86–16181 Filed 7–17–86; 8:45 am]

BILLING CODE 4160–01–M

federal register

Friday
July 18, 1986

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Establishment of Airport Radar Service Areas; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket Nos. 86-AWA-34 and 86-AWA-35]

Proposed Establishment of Airport Radar Service Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Airport Radar Service Areas (ARSA) at three locations under two separate airspace docket numbers—86-AWA-34 Bates Field, Mobile, AL, and 86-AWA-35 Spokane International Airport, WA, and Fairchild AFB, WA. Each location is a public or military airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of each ARSA would require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at each of the affected locations would promote the efficient control of air traffic and reduce the risk of midair collision in terminal areas.

DATES: Comments must be received on or before October 17, 1986, for Airspace Docket 86-AWA-34, and on or before November 4, 1986, for Airspace Docket No. 86-AWA-35. Informal airspace meeting dates are September 16, 1986, for Bates Field, Mobile, AL, ARSA and October 2, 1986, for Spokane International Airport, WA, ARSA and Fairchild AFB, WA, ARSA.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration ,Office of the Chief Counsel, Attention: Rules Docket [AGC-204], Airspace Docket No. 86-AWA, 800 Independence Avenue, SW., Washington, DC 20591.

Informal airspace meeting places are as follows:

Bates Field, Mobile, AL, ARSA; *time:* 7:00 p.m.; *location:* University of South Alabama Medical Center, Medical Sciences Auditorium, 2451 Filligan Avenue, Mobile, AL.

Spokane International Airport and Fairchild AFB, WA, ARSA's; *time:* 7:00 p.m.; *location:* Ziegler's Auditorium, North 4220 Market, Spokane, WA.

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

Informal dockets may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Robert G. Burns Airspace and Air Traffic Rules Branch (ATO-239), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

This notice involves three locations organized two the groups. Each group is assigned a separate docket number and comment period. Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AWA- ." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Meeting Procedures

In addition to seeking written comments on this proposal, the FAA will hold informal airspace meetings for all proposed ARSA locations in order to receive additional input with respect to the proposal. The schedule of times and places of the hearings is listed above. The meetings for Spokane International Airport and Fairchild Air Force Base are combined into one proceeding for the convenience of the public. No individual meetings will be held at the same time on separate locations in the same region, so that commenters will be able to attend all meetings in which they may have an interest. Persons who plan to attend any of the meetings should be aware of the following procedures to be followed:

(a) The meetings will be informal in nature and will be conducted by the designated representative of the Administrator. Each participant will be given an opportunity to make a presentation.

(b) The dates, times, and places for each meeting are listed above. There will be no admission fee or other charge to attend and participate. The meetings will be open to all persons on a space-available basis. The FAA representative may accelerate the agenda to enable early adjournment if the progress of any meeting is more expeditious than planned.

(c) The meetings will not be recorded. A summary of the comments made at each meeting will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the meetings may be accepted at the discretion of the FAA representative. Participants submitting handout materials should present an original and two copies to the presiding officer for approval before distribution. If approved by the presiding officer, there should be an adequate number of copies provided for further distribution to all participants.

(e) Statements made by FAA participants at the meetings should not be taken as expressing a final FAA position.

Agenda

Presentation of Meeting Procedures
FAA Presentation of Proposal
Public Presentations and Discussion

Background

On April 22, 1982, the National Airspace Review (NAR) plan was published in the **Federal Register** (47 FR 17448). The plan encompassed a review of airspace use and procedural aspects of the ATC system. Among the main objectives of the NAR were the improvement of the ATC system by increasing efficiency and reducing complexity. In its review of terminal airspace, NAR Task Group 1–2 concluded that TRSA's should be replaced. Four types of airspace configurations were considered as replacement candidates, of which Model B, since redesignated ARSA, was the consensus recommendation.

In response, the FAA published NAR Recommendation 1–2.2.1, "Replace Terminal Radar Service Areas with Model B Airspace and Service" in Notice 83–9 (July 28, 1983; 48 FR 34286) proposing the establishment of ARSA's at the Robert Mueller Municipal Airport, Austin, TX, and the Port of Columbus International Airport, Columbus, OH. ARSA's were designated at these airports on a temporary basis by SFAR No. 45 (October 28, 1983; 48 FR 50038) in order to provide an operational confirmation of the ARSA concept for potential application on a national basis.

Following a confirmation period of more than a year, the FAA adopted the NAR recommendation and, on February 27, 1985, issued a final rule (50 FR 9252; March 6, 1985) defining an ARSA and establishing air traffic rules for operation within such an area. Concurrently, by separate rulemaking action, ARSA's were permanently established at the Austin, TX, and Columbus, OH, airports and also at the Baltimore/Washington International Airport, Baltimore, MD, (50 FR 9250; March 6, 1985). The FAA has stated that future notices would propose ARSA's for other airports at which TRSA procedures were in effect.

Additionally, the NAR Task Group recommended that the FAA develop quantitative criteria for proposing to establish ARSA's at locations other than those which are included in the TRSA replacement program. The task group recommended this criteria consider—among other things—traffic mix, flow and density, airport configuration, geographical features, collision risk assessment, and ATC capabilities to provide service to users. This criteria has been developed and is being published via the FAA directives system.

The FAA has established ARSA's at 62 locations under a paced implementation plan to replace TRSA's with ARSA's. This is one of a series of notices to implement ARSA's at locations with TRSA's.

Related Rulemaking

This notice proposes ARSA designation at three of the locations identified as candidates for an ARSA in the preamble to Amendment No. 71–10 (50 FR 9252). Other candidate locations will be proposed in future notices published in the **Federal Register.**

The Current Situation at the Proposed ARSA Locations

A TRSA is currently in effect at each of the locations at which ARSA's are proposed in this notice. A TRSA consists of the airspace surrounding a designated airport where ATC provides radar vectoring, sequencing, and separation for all aircraft operating under instrument flight rules (IFR) and for participating aircraft operating under visual flight rules (VFR). TRSA airspace and operating rules are not established by regulation, and participation by pilots operating under VFR is voluntary, although pilots are urged to participate. This level of service is known as Stage III and is provided at all locations identified as TRSA's. The NAR task group recommended the replacement of most TRSA's with ARSA's.

A number of problems with the TRSA program were identified by the task group. The task group stated that because there are different levels of service offered within the TRSA, users are not always sure of what restrictions or privileges exist, or how to cope with them. According to the task group, there is a feeling shared among users that TRSA's are often poorly defined, are generally dissimilar in dimensions, and encompass more area than is necessary or desirable. There are other users who believe that the voluntary nature of the TRSA does not adequately address the problems associated with nonparticipating aircraft operating in relative proximity to the airport and associated approach and departure courses. There is strong advocacy among user organizations that terminal radar facilities should provide all pilots the same service, in the same way, and, to the extent feasible, within standard size airspace designations.

Certain provisions of FAR section 91.87 add to the problem identified by the task group. For example, aircraft operating under VFR to or from a satellite airport and within the airport traffic area (ATA) of the primary airport are excluded from the two-way radio communications requirement of section 91.87. This condition is acceptable until the volume and density of traffic at the primary airport dictates further action.

The Proposal

The FAA is considering an amendment to § 71.501 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish ARSA's at the following three locations: Bates Field, Mobile, AL; Spokane International Airport, WA; Fairchild AFB, WA. Each of the above locations is a public or military airport at which a nonregulatory TRSA is currently in affect. The proposed locations are depicted on charts in Appendix 1 to this notice.

The FAA has published a final rule (50 FR 9252; March 6, 1985) which defines ARSA and prescribes operating rules for aircraft, ultralight vehicles, and parachute jump operations in airspace designated as an ARSA.

The final rule provides in part that any aircraft arriving at any airport in an ARSA or flying through an ARSA, prior to entering the ARSA must: (1) establish two-way radio communications with the ATC facility having jurisdiction over the area, and (2) while in the ARSA, maintain two-way radio communications with that ATC facility. For aircraft departing from the primary airport within the ARSA, two-way radio communications must be maintained with the ATC facility having jurisdiction over the area. For aircraft departing a satellite airport within the ARSA, two-way ratio communications must be established as soon as practicable after takeoff with the ATC facility having jurisdiction over the area, and thereafter maintained while operating within the ARSA.

All aircraft operating within an ARSA are required to comply with all ATC clearances and instructions and any FAA arrival or departure traffic pattern for the airport of intended operation. However, the rule permits ATC to authorize appropriate deviations to any of the operating requirements of the rule when safety considerations justify the deviation or more efficient utilization of the airspace can be attained. Ultralight vehicle operations and parachute jumps in an ARSA may only be conducted under the terms of an ATC authorization.

The FAA adopted the NAR task group recommendation that each ARSA be of the same airspace configuration insofar as practicable. The standard ARSA consists of airspace within 5 nautical miles of the primary airport extending from the surface to an altitude of 4,000 feet above that airport's elevation, and that airspace between 5 and 10 nautical

miles from the primary airport from 1,200 feet above the surface to an altitude of 4,000 feet above that airport's elevation. Proposed deviation from the standard has been necessary at some airports due to adjacent regulatory airspace, international boundaries, topography, or unusual operational requirements.

Definitions, operating requirements, and specific airspace designations applicable to ARSA may be found in 14 CFR Part 71, §§ 71.14 and 71.501, and Part 91, §§ 91.1 and 91.88.

For the reasons discussed under "Regulatory Evaluation," the FAA has determined that this proposed regulation (1) is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Regulatory Evaluation

The FAA has conducted a detailed Regulatory Evaluation of the proposed establishment of additional ARSA sites. The major findings of that evaluation are summarized below, and the full evaluation is available in the regulatory docket.

a. Costs

Costs which potentially could result from the ARSA program fall into the following categories:

(1) Air traffic controller staffing, controller training, and facility equipment costs incurred by the FAA.

(2) Costs associated with the revision of charts, notification of the public, and pilot education.

(3) Additional operating costs for circumnavigating or flying over the ARSA.

(4) Potential delay costs resulting from operations within an ARSA rather than a TRSA.

(5) The need for some operators to purchase radio transceivers.

(6) Miscellaneous costs.

It has been the FAA's experience, however, that these potential costs do not materialize to any appreciable degree, and when they do occur, they are transitional, relatively low in magnitude, or attributable to specific implementation problems that have been experienced at a very small minority of ARSA sites. The reasons for these conclusions are presented below.

FAA expects that the ARSA program can be implemented without requiring additional controller personnel above current authorized staffing levels because participation at most TRSA locations is already quite high, and the reduced separation standards permitted in ARSA's will allow controllers to absorb the slight increase in participating traffic by handling all traffic much more efficiently. Further, because controller training will be conducted during normal working hours, and existing TRSA facilities already operate the necessary radar equipment, FAA does not expect to incur any appreciable implementation costs. Essentially, the FAA is modifying its terminal radar procedures in the ARSA program in a manner that will make more efficient use of existing resources.

No additional costs are expected to be incurred because of the need to revise sectional charts to remove TRSA airspace depictions and incorporate the new ARSA airspace boundaries. Changes of this nature are routinely made during charting cycles, and the planned effective dates for newly established ARSA's are scheduled to coincide with the regular 6-month chart publication intervals.

Much of the need to notify the public and educate pilots about ARSA operations will be met as a part of this rulemaking proceeding. The informal public meeting being held at each location where an ARSA is being proposed provides pilots with the best opportunity to learn both how an ARSA works and how it will affect their local operations. Because the expenses associated with these public meetings will be incurred regardless of whether or not an ARSA is ultimately established at a proposed site, they are more appropriately considered sunken costs attributable to the rulemaking process rather than costs of the ARSA program. Once the decision has been made to establish an ARSA through a final rule issued in this proceeding, however, any public information costs which follow are strictly attributable to the ARSA program. The FAA expects to distribute a Letter to Airmen to all pilots residing within 50 miles of ARSA sites explaining the operation and configuration of the ARSA finally adopted. The FAA will also issue an Advisory Circular on ARSA's. The combined Letter to Airmen and prorated Advisory Circular costs for the three airports at which ARSA's are being proposed by this notice is estimated to be approximately $1,350. This cost will be incurred only once upon the initial establishment of the ARSA's.

Information on ARSA's following implementation of the program will also be disseminated at aviation safety seminars conducted throughout the country by various district offices. These seminars are regularly provided by the FAA to discuss a variety of aviation safety issues, and therefore will not involve additional costs strictly as a result of the ARSA program. Additionally, no significant costs are expected to be incurred as a result of the follow-on user meetings that will be held at each site following implementation of the ARSA to allow users to provide feedback to the FAA on local ARSA operations. These meetings are being held at public or other facilities which are being provided free of charge or at nominal cost. Further, because these meetings are being conducted by local FAA facility personnel, no travel, per diem, or overtime costs will be incurred by regional or headquarters personnel.

FAA anticipates that some pilots who currently transit a TRSA without establishing radio communications or participating in radar services may choose to circumnavigate the mandatory participation airspace of an ARSA rather than participate. Some minor delay costs will be incurred by these pilots because of the additional aircraft variable operating cost and lost crew and passenger time resulting from the deviation. Other pilots may elect to overfly the ARSA, or transit below the 1,200 feet above ground level (AGL) floor between the 5- and 10-nautical-mile rings. Although this will not result in any appreciable delay, a small additional fuel burn will result from the climb portion of the altitude adjustment (which will be offset somewhat by the descent).

FAA recognizes that the potential exists for delay to develop at some locations following establishment of an ARSA. The additional traffic that the radar facilities will be handling as a result of the mandatory participation requirement may, in some instances, result in minor delays to aircraft operations. FAA does not expect such delay to be appreciable. FAA expects that the greater flexibility afforded controllers in handling traffic as a result of the reduced separation standards will keep delay problems to a minimum. Those that do occur will be transitional in nature, diminishing as facilities gain operating experience with ARSA's and learn how to tailor procedures and allocate resources to take fullest advantage of the efficiencies that an ARSA will permit. This has been the experience at the three locations where ARSA's have been in effect for the longest period of time, and is the trend at most of the locations that have been more recently designated.

The FAA does not expect that any operators will find it necessary to install radio transceivers as a result of establishing the ARSA's proposed in this notice. Aircraft operating to and from primary airports already are

required to have two-way radio communications capability because of existing airport traffic areas and therefore will not incur any additional costs as a result of the proposed ARSA's. Further, the FAA has made an effort to minimize these potential costs throughout the ARSA program by providing airspace exclusions, or cutouts, for satellite airports located within 5 nautical miles of the ARSA center where the ARSA would otherwise have extended down to the surface. Procedural agreements between the local ATC facility and the affected airports have also been used to avoid radio installation costs. The only nonradio equipped (NORDO) aircraft identified by the FAA that could potentially be affected by the proposed ARSA's are the 8 to 10 agricultural aircraft based at satellite airports near Fairchild AFB. Most of these aircraft are located outside of the 5-nautical-mile ring and therefore will not be affected by the mandatory participation requirements. For those NORDO aircraft based at Sunwest Airport, which is within the 5-nautical-mile ring, the FAA plans to establish local procedures that will accommodate them.

At some proposed ARSA locations, special situations might exist where establishment of an ARSA could impose certain costs on users of that airspace. However, exclusions, cutouts, and special procedures have been used extensively throughout the ARSA program to alleviate adverse impacts on local fixed base and airport operators. Similarly, the FAA has eliminated potential adverse impacts on existing flight training practice areas, as well as soaring, ballooning, parachuting, ultralight and banner towing activities, by developing special procedures to accommodate these activities through local agreements between ATC facilities and the affected organizations. For these reasons, the FAA does not expect that any such adverse impacts will occur at the candidate ARSA sites proposed in this notice.

b. Benefits

Much of the benefit that will result from ARSA's is nonquantifiable, and is attributable to simplification and standardization of ARSA configurations and procedures, which will eliminate much of the confusion pilots currently experience when operating in nonstandard TRSA's. Further, once experience is gained in ARSA operations, the greater flexibility allowed air traffic controllers in handling traffic within an ARSA will enable them to move traffic more efficiently than they currently are able to under TRSA's. These expected savings may or may not offset the delay that some sites may experience after the initial establishment of an ARSA, but are expected to eventually provide overall time savings to all traffic, IFR as well as VFR, that exceed delay as both pilots and controllers become more familiar with ARSA operating procedures.

Some of the benefits of the ARSA cannot be specifically attributed to individual candidate airports, but rather will result from the overall improvements in terminal area ATC procedures realized as ARSA's are implemented throughout the country. ARSA's have the potential of reducing both near and actual midair collisions at the airports where they are established. Based upon the experience at the Austin and Columbus ARSA confirmation sites, FAA estimates that near midair collisions may be reduced by approximately 35 to 40 percent. Further, FAA estimates that implementation of the ARSA program nationally may prevent approximately one midair collision every 1 to 2 years throughout the United States. The quantifiable benefits of preventing a midair collision can range from less than $100,000, resulting from the prevention of a minor nonfatal accident between general aviation aircraft, to $300 million or more, resulting from the prevention of a midair collision involving a large air carrier aircraft and numerous fatalities. Establishment of ARSA's at the sites proposed in this notice will contribute to these improvements in safety.

c. Comparison of Costs and Benefits

A direct comparison of the costs and benefits of this proposal is difficult for a number of reasons. Many of the benefits of the rule are nonquantifiable, and it is difficult to specifically attribute the standardization benefits, as well as the safety benefits, to individual candidate ARSA sites.

FAA expects that any adjustment problems that may be experienced at new ARSA locations will only be temporary, and that once established, the ARSA program will result in an overall improvement in efficiency in terminal area operations at those airports where ARSA's are established. This has been the experience at the vast majority of ARSA sites that have already been implemented. In addition to these operational efficiency improvements, establishment of the proposed ARSA sites will contribute to a reduction in near and actual midair collisions. For these reasons, FAA expects that establishment of the ARSA sites proposed in this notice will produce long term, ongoing benefits that will far exceed their costs, which are essentially transitional in nature.

International Trade Impact Analysis

This proposed regulation will only affect terminal airspace operating procedures at selected airports within the United States. As such, it will have no affect on the sale of foreign aviation products or services in the United States, nor will it affect the sale of United States aviation products or services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small enities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have "a significant economic impact on a substantial number of small entities."

The small entities that could be potentially affected by implementation of the ARSA program are the fixed-base operators, flight schools, agricultural operators and other small aviation businesses located at satellite airports within 5 nautical miles of the ARSA center. If the mandatory participation requirement were to extend down to the surface at these airports, where under current regulations participation in the TRSA and radio communication with ATC is voluntary, operations at these airports might be altered, and some business could be lost to airports outside of the ARSA core. FAA has proposed to exclude almost every satellite airport located within 5 nautical miles of the primary airport at candidate ARSA sites to avoid adversely impacting their operations, and to simplify coordinating ATC responsibilities between the primary and satellite airports. In some cases, the same purposes will be achieved through Letters of Agreement between ATC and the affected airports that establish special procedures for operating to and from these airports. In this manner, FAA expects to virtually eliminate any adverse impact on the operations of small satellite airports that potentially could result from the ARSA program. Similarly, FAA expects to eliminate potential adverse impacts on existing flight training practice areas, as well as soaring, ballooning, parachuting, ultralight, and banner towing activities, by developing special procedures that will accommodate these activities

through local agreements between ATC facilties and the affected organizations. FAA has utilized such arrangements extensively in implementing the ARSA's that have been established to date.

Further, because the FAA expects that any delay problems that may initially develop following implementation of an ARSA will be transitory, and because the airports that will be affected by the ARSA program represent only a small proportion of all the public use airports in operation within the United States, small entities of any type that use aircraft in the course of their business will not be adversely impacted.

For these reasons, the FAA certifies that the proposed regulations will not result in a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required under the terms of the RFA.

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service areas.

The Proposed Amendment

PART 71—[AMENDED]

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

1. The authority citation for Part 71 continues to reads 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.

§ 71.501 [Amended]

2. Section 71.501 is amended as follows:

86–AWA–34

Bates Field, Mobile, AL [New]

That airspace extending upward from the surface to and including 4,200 feet MSL within a 5-mile radius of Bates Field (lat. 30°41'23" N., long. 88°14'31" W.); and that airspace extending upward from 1,500 feet MSL to and including 4,200 feet MSL within a 10-mile radius of Bates Field. This airport radar service area is effective during the specific days and hours of operation of Mobile Tower and Approach Control as established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

86–AWA–35

Fairchild AFB, WA [New]

That airspace extending upward from the surface to and including 6,400 feet MSL within a 5-mile radius of Fairchild AFB (lat. 47°36'54" N., long. 117°39'24" W.); and that airspace extending upward from 3,700 feet MSL to and including 6,400 feet MSL within a 10-mile radius of the airport excluding that airspace within the Spokane International Airport, WA, Airport Radar Service Area east of a line bisecting the area where the 10-mile radius of Fairchild AFB intersects the 10-mile radius of Spokane International Airport.

Spokane International Airport, WA [New]

That airspace extending upward from the surface to and including 6,400 feet MSL within a 5-mile radius of the Spokane International Airport (lat. 47°37'12" N., long. 117°31'58" W.); and that airspace extending upward from 3,700 feet MSL to and including 6,400 feet MSL within a 10-mile radius of the airport from the 121° bearing from the airport clockwise to the 082° bearing from the airport, and that airspace extending upward from 4,200 feet MSL to and including 6,400 feet MSL within a 10-mile radius from the airport from the 082° bearing from the airport clockwise to the 121° bearing from the airport, excluding that airspace within the Fairchild AFB, WA, Airport Radar Service Area west of a line extending from the 10-mile radius at the 336° bearing from the airport direct to the 10-mile radius at the 180° bearing from the airport.

Issued in Washington, DC, on July 14, 1986.

Harold H. Downey,

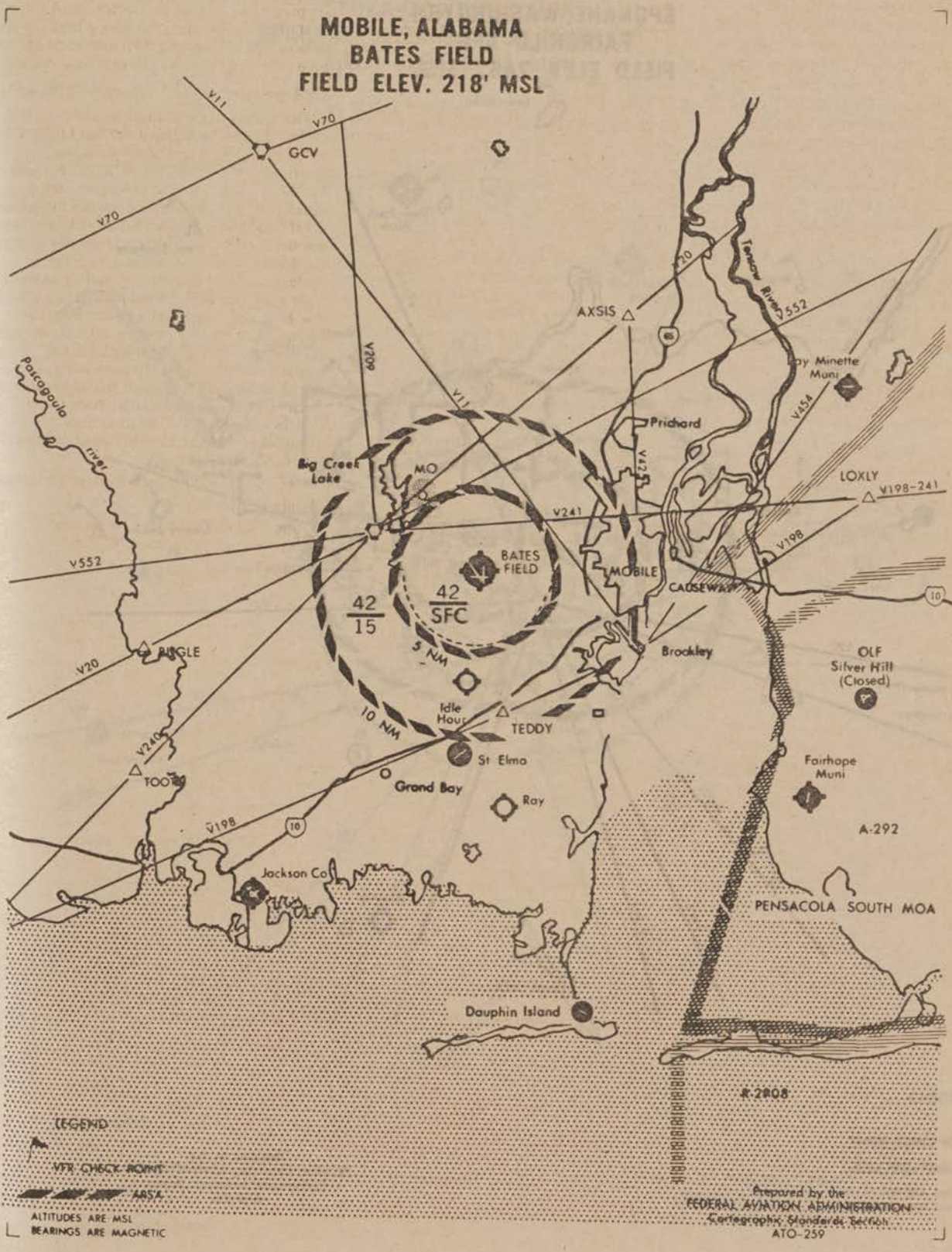
Acting Manager, Airspace-Rules and Aeronautical Information Division.

BILLING CODE 4910–13–M

APPENDIX 1

AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)



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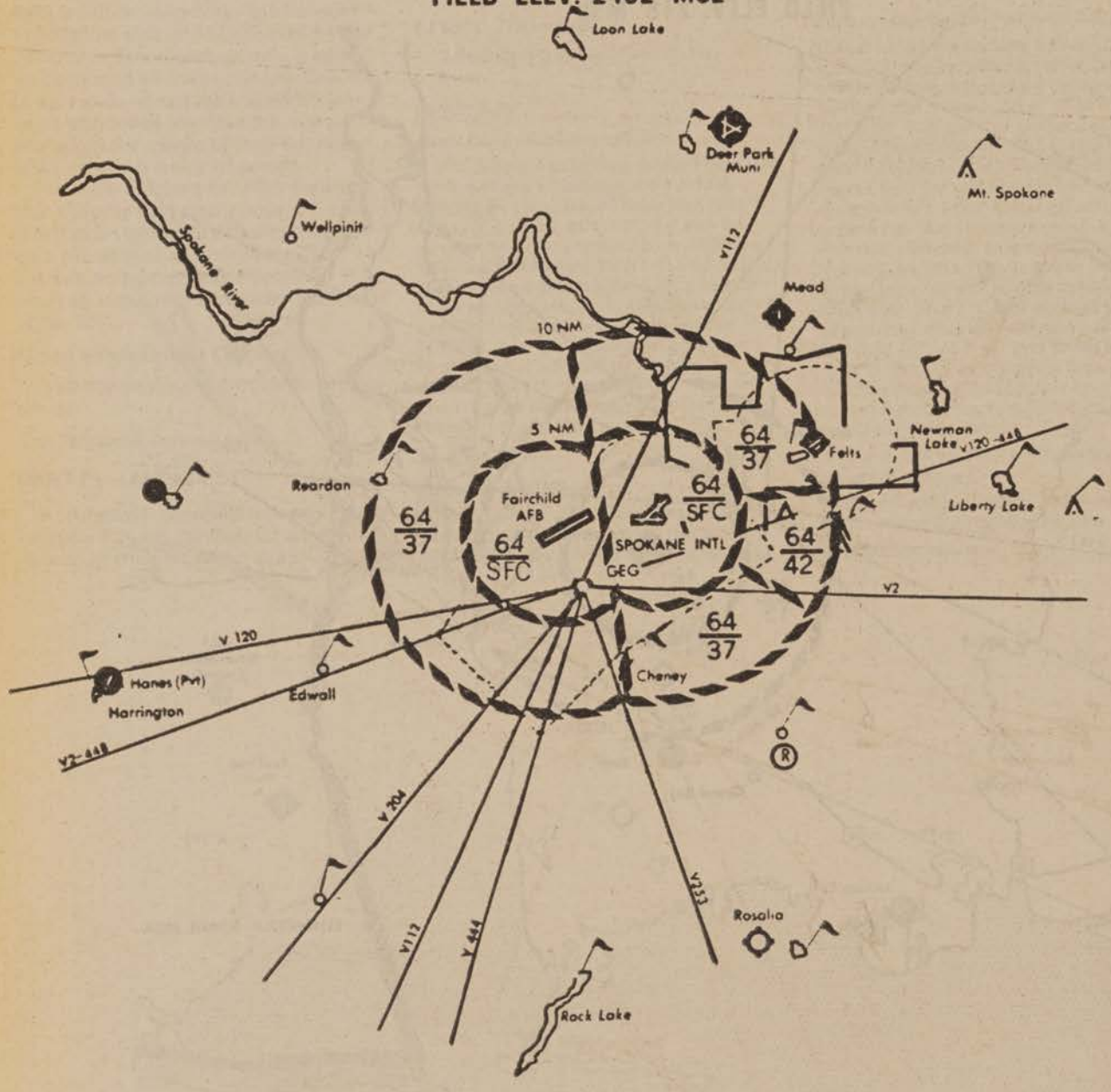
AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)

SPOKANE, WASHINGTON
FAIRCHILD AFB
FIELD ELEV. 2462' MSL



LEGEND

VFR CHECK POINT

ARSA

ALTITUDES ARE MSL
BEARINGS ARE MAGNETIC

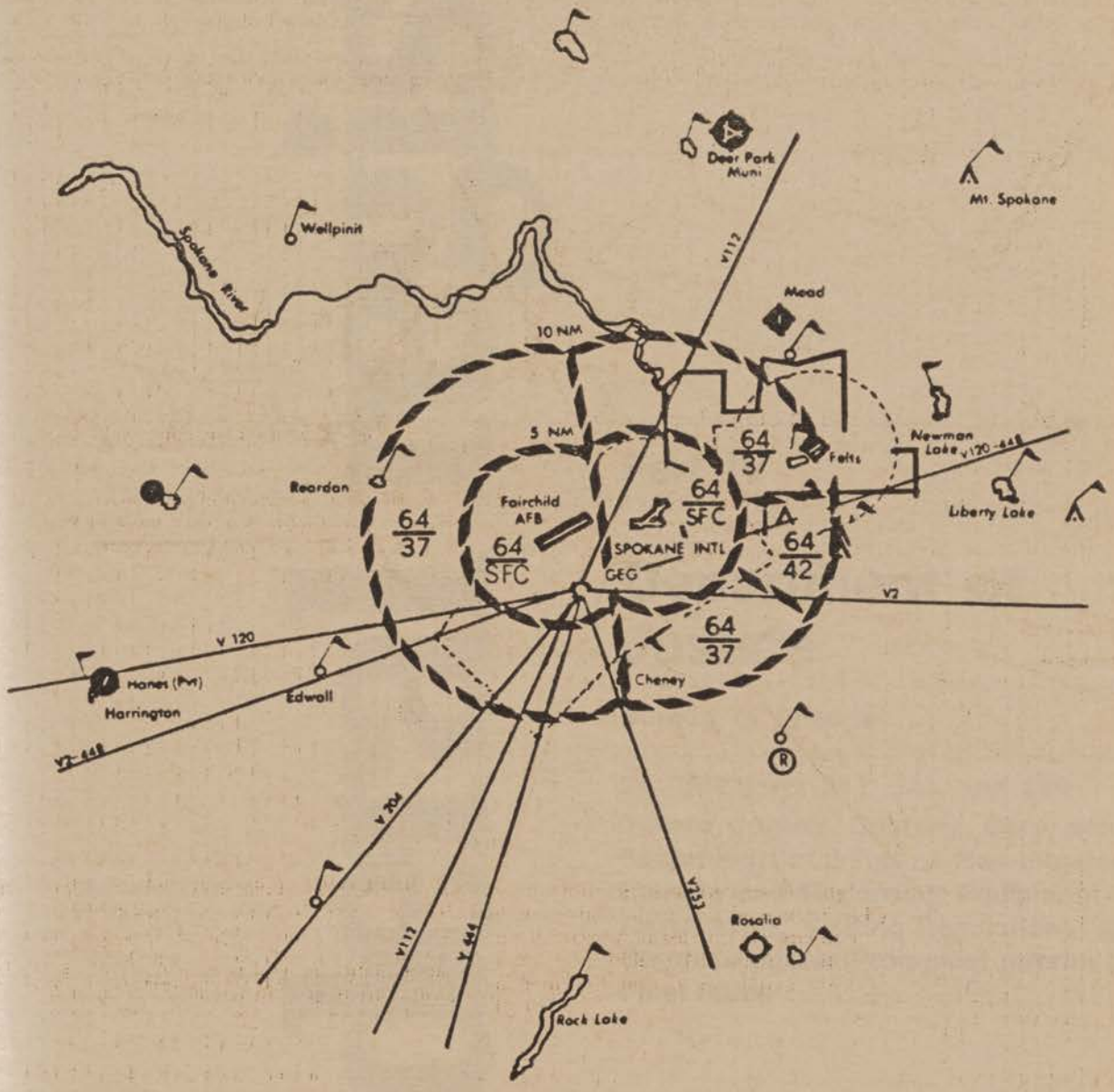
Prepared by the
FEDERAL AVIATION ADMINISTRATION
Cartographic Standards Section
ATO-259

3

AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)

SPOKANE, WASHINGTON
SPOKANE INTERNATIONAL AIRPORT
FIELD ELEV. 2372' MSL



LEGEND

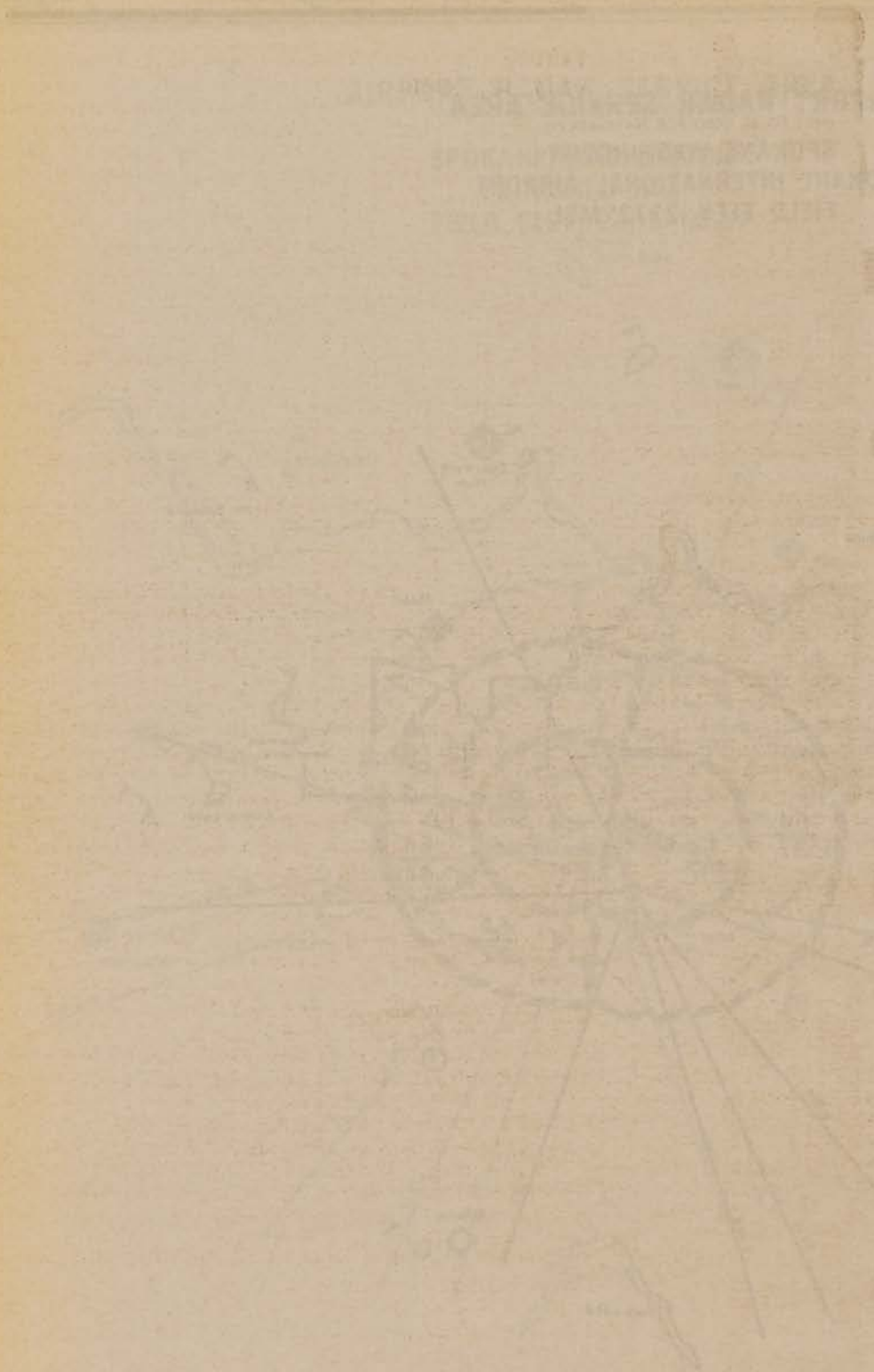
VFR CHECK POINT

ARSA

ALTITUDES ARE MSL
BEARINGS ARE MAGNETIC

Prepared by the
FEDERAL AVIATION ADMINISTRATION
Cartographic Standards Section
ATO-259

[FR Doc. 86-16190 Filed 7-17-86; 8:45 am]
BILLING CODE 4910-13-C



federal register

Friday
July 18, 1986

Part IV

Department of Justice

Bureau of Prisons

28 CFR Parts 511, 540, and 550

Inmate Control, Custody, Care, etc.: Searching/Detaining of Non-Inmates; Camera and Recording Equipment Use Restrictions; Visiting Regulations; and Chemical Abuse Programs; Interim and Final Rules

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 511

Inmate Control, Custody, Care, etc.: Searching/Detaining of Non-Inmates; Camera and Recording Equipment Use Restrictions

AGENCY: Bureau of Prisons, Justice.

ACTION: Interim rule.

SUMMARY: The Bureau of Prisons is amending its final rule on searching/detaining of non-inmates; arresting authority; use of metal detectors, to include a requirement that neither a camera nor recording equipment may be used on institution grounds without the written consent of the Warden.

EFFECTIVE DATE: July 18, 1986. Public comment must be received on or before October 31, 1986.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Hank Jacob, Office of General Counsel, Bureau of Prisons, phone 202/272–6874.

SUPPLEMENTARY INFORMATION: In this document, the Bureau of Prisons is amending its final rule on searching/detaining non-inmates; arresting authority, use of metal detectors. A final rule on this subject was published Thursday, November 1, 1984 (at 49 FR 44056 et seq.). The present amendment is intended to place into a policy of general scope the Bureau of Prisons' long-standing practice of requiring the Warden's approval for an individual to use either a camera or recording equipment while visiting the institution. This intent is presently included in Bureau rules covering specific activities, for example, the Bureau's rules on inmate legal activities (Part 543, Subpart B) and on contact with news media (Part 549, Subpart E). Based on this fact, plus the fact that the unauthorized use of cameras or recording equipment presents a potential threat to the security of the institution, and may invade an individual's privacy, the Bureau of Prisons finds good cause under 5 U.S.C. 553 to publish this amendment as an interim rule, without a notice of proposed rulemaking, an opportunity for public comment, or a delay in the effective date. The Bureau, however, has decided to publish this amendment as an interim rule to determine if any further revision or clarification will be required. Public comment received on or before the closing date will be considered prior to publication of the final rule amendment.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 511

Prisoners.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), 28 CFR, Chapter V is amended by revising Subchapter A, Part 511, Subpart B as set forth below.

Dated: July 14, 1986.

Norman A. Carlson,

Director, Bureau of Prisons.

In Subchapter A, Part 511, amend Subpart B to read as follows:

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

PART 511—GENERAL MANAGEMENT POLICY

Subpart B—Searching/Detaining of Non-Inmates; Arresting Authority; Use of Metal Detectors

A. The authority citation for Part 511, Subpart B continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 751, 752, 1791, 1792, 3050, 4001, 4012, 4042, 4061, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99, 6.1.

B. In Part 511, Subpart B, revise § 511.12(a) to read as follows:

§ 511.12 Procedures for searching visitors.

(a) The Warden shall post a notice outside the institution's secure perimeter advising all persons that it is a Federal crime to bring upon the institution grounds any weapons, intoxicants, drugs, or other contraband, and that all persons, property (including vehicles), and packages are subject to search. A person may not use either a camera or recording equipment on institution grounds without the written consent of the Warden.

* * * * *

[FR Doc. 86–16205 Filed 7–17–86; 8:45 am]

BILLING CODE 4410–05–M

28 CFR Part 540

Inmate Control, Custody, Care, etc.: Visiting Regulations

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: The Bureau of Prisons is amending its final rule on visiting regulations. These amendments are intended to clarify the Bureau's policy as to visiting times within the institution, and on obtaining background information necessary for preparing the inmate's list of visitors. In addition, the Bureau's rule on supervision of visits is being amended to state that the visiting area may be monitored.

EFFECTIVE DATE: August 20, 1986.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street, NW., Washington, DC 20534. Comments received will be available for examination by interested persons at the above address.

FOR FURTHER INFORMATION CONTACT: Hank Jacob, Office of General Counsel, Bureau of Prisons, phone 202/272–6874.

SUPPLEMENTARY INFORMATION: In this document, the Bureau of Prisons is publishing final amendments to the rule on visiting regulations. The proposed rule on this subject was published Tuesday, October 1, 1985 (at 50 FR 40113 et seq.). The proposed amendments were intended to clarify existing rule provisions and address security concerns. Interested persons were invited to submit comments on the proposed changes. Members of the public may submit comments concerning the final rule by writing the previously cited address. These comments will be considered but will receive no response in the **Federal Register.**

In addition to the amendments identified in the proposed rule, other changes are also being made to the final rule. These changes are intended to update the rule and are considered non-substantive in nature. For this reason, the Bureau finds good cause under 5 U.S.C. 553 to include these changes within this final rule without a notice of proposed rulemaking, and an opportunity for public comment.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–

354), does not have a significant impact on a substantial number of small entities.

Summary of Changes

1. *Section 540.41*—Paragraphs (a) and (b) of this section are reworded to recognize that visits must be under the supervision of "staff" (was "officer"). The basic intent of the section is unchanged.

2. *Section 540.42*—We disagree with a comment suggesting that terms such as "if at all possible" or "consistent with available resources. . . with concerns of institution security" are intended to allow the Warden to establish restrictive rules, and not to provide flexible rules for the benefit of inmates and their families. Another commenter suggested that a substantial number of visitors work during the week and on one weekend day, and stated that it was important that their visitation not be limited to the weekend day that they are working.

The Bureau encourages visiting; however, because of the practical considerations and the different nature of different institutions, certain limitations, such as the availability of resources and security concerns, must be recognized and controls established in developing and administering visiting regulations. In an effort to address the commenters' concerns the Bureau has revised § 540.42(a) by substituting the phrase "to the extent practicable" for "if at all possible". Further, in its internal instructions to staff, the Bureau encourages its Wardens, as consistent with the needs of their institution, to provide each inmate with the opportunity to visit on both days of the weekend, and to try to accommodate a visitor who can only visit on a specific weekend day.

3. *Section 540.50*—The titles of "Health Systems Administrator" and "Captain" are substituted for "Hospital Administrative Officer" and "Chief Correctional Supervisor" respectively.

4. *Section 540.51*—A commenter to paragraph (b)(2) asked that the Bureau reaffirm its concern for the visitation rights of pre-trial detainees. This concern remains as stated in the Bureau's policy on pre-trial inmates, which provides that where the pre-trial inmate's expected status in confinement does not allow sufficient time to obtain background information, staff are expected to make a determination based on the information available and on an evaluation of any possible threat the potential visitor poses to institution security or good order.

A commenter suggested that the Bureau require a deadline for staff to gather and review background information. In response to this comment, and a similar concern expressed by another commenter, the Bureau's internal staff instructions require that the request for, and review of, background information be done in a timely fashion. For reasons of institution security and good order, we do not agree with the comment that the visit should be permitted "if the deadline is not met". The inmate does have the option of filing an administrative remedy (see part 542, Subpart B) to complain about any delay in processing.

A commenter suggested that the Bureau consider, as an alternative to an outright denial of a visit, the option of non-contact visitation. This suggestion is not feasible because most Bureau institutions are not equipped for this type of visitation. The commenter suggested that the rule also should provide for non-family visits where warranted; e.g., where an inmate is seen as suicidal. The Bureau believes that its exiting rules adequately address this concern. For example, § 540.28 provides for special visits. With respect to the commenter's example of a suicidal inmate, Part 549, Subpart F identifies the Bureau's policy in this area.

The reference in final § 540.41(b)(4) has been revised to reflect the new language of 18 U.S.C. 1791. The basic intent of this section is unchanged.

Section 540.51(g) is reworded although its intent is unchanged. A commenter to this section stated that restroom surveillance, as discussed in paragraph (g), should only be permitted where there is some reasonable basis for it. The final rule clearly states that the Warden may monitor a visitor restroom within the visiting area when there is reasonable suspicion that a visitor and/or an inmate is engaged, or attempting or about to engage, in criminal behavior or other prohibited behavior. The term "reasonable suspicion" is defined in 28 CFR 511.11. In § 540.51(g)(1), the reference to § 541.11(c) is changed to § 541.12.

List of Subjects in 28 CFR Part 540

Prisoners.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), 28 CFR, Chapter V is amended by revising Subchapter C, Part 540, Subpart D as set forth below.

Dated: July 14, 1986.

Norman A. Carlson,

Director, Bureau of Prisons.

Subchapter C of 28 CFR, Chapter V as follows: In Subchapter C, Part 540, amend Subpart D to read as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

Subpart D—Visiting Regulations

A. The authority citation for Part 540, continues to read as follows:

Authority 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

B. In Part 540, Subpart D, revise § 540.41 (a) and (b) to read as follows:

§ 540.41 Visiting times.

* * * * *

(a) Institutions of Security Levels 1, 2, and 3 may permit visits beyond the security perimeter, but always under supervision of staff.

(b) Institutions of Security Levels 4, 5, and 6 and administrative institutions may establish outdoor visiting, but it will always be inside the security perimeter and always under supervision of staff.

C. In Part 540, Subpart D, revise § 540.42 to read as follows:

§ 540.42 Visiting times.

(a) Each Warden shall establish a visiting schedule for the institution. At a minimum, the Warden shall establish visiting hours at the institution on Saturdays, Sundays, and holidays. The restriction of visiting to these days may be a hardship for some families and arrangements for other suitable hours shall be made to the extent practicable. Where staff resources permit, the Warden may establish evening visiting hours.

(b) Consistent with available resources, such as space limitations and staff availability, and with concerns of institution security, the Warden may limit the visiting period. With respect to weekend visits, for example, some or all inmates and visitors may be limited to visiting on Saturday or on Sunday, but not on both days, in order to accommodate the volume of visitors. There is no requirement that every visitor has the opportunity to visit on both days of the weekend, nor that every inmate has the opportunity to have visits on both days of the weekend.

D. In Part 540, Subpart D, revise § 540.50(b)(1) to read as follows:

§ 540.50 Visits to inmates not in regular population status.

* * * * *

(b) * * *

(1) When visitors request to see an inmate who is hospitalized in the institution, the Chief Medical Officer (or, in his absence, the Health Systems Administrator), in consultation with the Captain, shall determine whether a visit may occur, and if so, whether it may be held in the hospital.

* * * * *

E. In Part 540, Subpart D, revise § 540.51, paragraphs (b)(2), (b)(4), (g) introductory text, and (g)(1) to read as follows:

§ 540.51 Procedures.

* * * * *

(b) * * *

(2) Staff may request background information from potential visitors who are not members of the inmate's immediate family, before placing them on the inmate's approved visiting list. When little or no information is available on the inmate's potential visitor, visiting may be denied, pending receipt and review of necessary information, including information which is available on the inmate and/or the inmate's offense, including alleged offenses.

* * * * *

(4) Staff shall notify the inmate of each approval or disapproval of a requested person for the visiting list. Upon approval of each visitor, staff shall provide the inmate a copy of the visiting guidelines and with directions for transportation to and from the institution. The inmate is responsible for notifying the visitor of the approval or disapproval to visit and is expected to provide the approved visitors with a copy of the visiting guidelines and directions for transportation to and from the institution. The visiting guidelines shall include specific directions for reaching the institution and shall cite 18 U.S.C. 1791, which provides a penalty of imprisonment for not more than ten years, a fine of not more than $25,000, or both for providing or attempting to provide to an inmate anything whatsoever without the knowledge and consent of the Warden.

* * * * *

(g) Supervision of visits: Staff shall supervise each inmate visit to prevent the passage of contraband and to ensure the security and good order of the institution. The Warden may establish procedures to enable monitoring of the visiting area, including restrooms located within the visiting area. The Warden must provide notice to both visitors and inmates of the potential for monitoring the visiting area. The Warden may monitor a visitor restroom within the visiting area when there is reasonable suspicion that a visitor and/or an inmate is engaged, or attempting or about to engage, in criminal behavior or other prohibited behavior.

(1) The visiting room officer shall ensure that all visits are conducted in a quiet, orderly, and dignified manner. The visiting room officer may terminate visits that are not conducted in the appropriate manner. See 28 CFR § 541.12, item 5, for description of an inmate's responsibility during visits.

* * * * *

[FR Doc. 86-16206 Filed 7-17-86; 8:45 am]

BILLING CODE 4410-05-M

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28 CFR Part 550

Inmate Control, Custody, Care, etc.; Chemical Abuse Programs

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is publishing its final rule on chemical abuse programs. The rule describes the Bureau's policy on providing inmates who have a history of chemical abuse the opportunity to participate in chemical abuse programs.

EFFECTIVE DATE: August 20, 1986.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Hank Jacob, Office of General Counsel, Bureau of Prisons, phone 202/272-6874.

SUPPLEMENTARY INFORMATION: In this document, the Bureau of Prisons is publishing its final rule on chemical abuse programs. A proposed rule on this subject was published in the **Federal Register** November 22, 1985 (at 50 FR 48341 et seq.). Interested persons were invited to submit comments on the proposed rule. Members of the public may submit comments concerning the final rule by writing the previously cited address. These comments will be considered but will receive no response in the **Federal Register.**

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

Summary of Changes/Commets

1. Section 550.50—Section 550.50 is reworded, but the intent is unchanged.

2. Section 550.51—A public commenter viewed the overall standards of §550.51 inadequate and suggested the standards be expanded to include "the types of Chemical Abuse Programs which may be established and minimal requirements for their staffing and operation". It is not feasible to include this in the rule language as the need for drug abuse programming and thus the need for resources vary considerably from institution to institution. The Bureau of Prisons Program Statement on Chemical Abuse Programs, which is simultaneously issued, addresses these concerns. The Program Statement requires the Warden to decide the type of program (e.g., unit-based, centralized) and the number of staff assigned, based on the need for chemical abuse programming at that institution. To assist the Warden, the institution Chemical Abuse Program Coordinator is responsible for evaluating program strengths and weaknesses, and for making program recommendations.

A commenter suggests that the designated Chemical Abuse Program Coordinator "be a substance abuse professional". In the text of the Bureau's policy, guidelines are established that give the Warden the responsibility to designate a Coordinator, ordinarily a psychologist, with experience and training in the area of chemical abuse programming. Regardless of who is designated Program Coordinator, the importance of selecting the best qualified person, in terms of training and experience, is emphasized. In addition, the Bureau has authorized the allocation of funds for the purpose of contracting consultants to train institutional staff when warranted.

A commenter suggested the Bureau incorporate, as a part of the chemical abuse coordinator's position, a referral function outside the institution. We do not believe this appropriate in that this rule is written solely for inmate programming within the institution.

The Bureau agrees with the thrust of a comment calling for carefully developed "guidelines for a standard education package to be included in the institution's Admission and Orientation program". Bureau policy requires, as part of the Admission and Orientation Program, that inmates be provided information on the institution's chemical abuse programs. The Bureau is

establishing a National Chemical Abuse Resource Center, an annual directory of all programs and staff, and a quarterly newsletter which will provide current information on the availability of program resources. The Resource Center will serve the Bureau as a resource clearinghouse for chemical abuse programs.

The second sentence in proposed § 550.51(d) is deleted. The term "contractual agreement" refers to a written contract which specifies the responsibilities of each inmate and which sets forth the expected program(s) to be offered the inmate. As suggested by a commenter, this contract will be clear and realistic.

List of Subjects in 28 CFR Part 550

Prisoners.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR, 0.96(q), 28 CFR Chapter V is amended by adding a new Subpart F to Part 550.

Date: July 14, 1986.

Norman A. Carlson,

Director, Bureau of Prisons.

In Subchapter C, Part 550 is amended by adding Subpart F to read ad follows:

PART 550—DRUG PROGRAMS

* * * * *

Subpart F—Chemical Abuse Programs

Sec.

550.50 Purpose and scope.
550.51 Chemical abuse program standards.

Subpart F—Chemical Abuse Programs

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

§ 550.50 Purpose and scope.

The Bureau of Prisons offers inmates with a history of chemical abuse the opportunity to participate in chemical abuse programs.

§ 550.51 Chemical abuse program standards.

(a) Each Warden shall designate a Chemical Abuse Program Coordinator.

(b) The Chemical Abuse Program Coordinator shall ensure that all new institution admissions are screened by a psychologist to assess the need for chemical abuse programming. Priority for program involvement shall be given to those inmates with serious chemical abuse problems, and to inmates with court-ordered program involvement.

(c) A standard chemical abuse education package shall be presented to inmates as part of the institution's Admission and Orientation program.

(d) A contractual agreement shall be developed with each inmate participant.

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federal register

Friday
July 18, 1986

Part V

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 1260

Beef Promotion and Research Order; Final Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1260

Beef Promotion and Research Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Beef Promotion and Research Act of 1985 (Act), approved December 23, 1985, authorizes the establishment of a national, industry-funded and operated beef promotion and research program. On February 14, 1986, the Agricultural Marketing Service (AMS) published an invitation to submit proposals for a beef promotion and reseach order. AMS received an industry proposal which was published for public comment in the March 14, 1986, issue of the **Federal Register**. A public meeting was held April 17, 1986, to facilitate a better understanding of the proposed order and to solicit comments on that proposal.

After evaluating all comments, the transcript from the public meeting, and other available material, the proposed order, with minor modifications, as described herein, has been adopted as a final rule.

EFFECTIVE DATE: This final rule is effective July 18, 1986, except that the provisions in § 1260.172 for collection of assessments will be effective on October 1, 1986. Additionally, §§ 1260.201 and 1260.202, which implement the reporting and recordkeeping requirements will not become effective prior to Office of Management and Budget approval.

ADDRESSES: Ralph L. Tapp, Chief; Marketing Programs and Procurement Branch; Livestock and Seed Division; Agricultural Marketing Service, USDA, Room 2610–S, Washington, DC 20250, (202) 447–2650. Those organizations wishing to apply to be certified by the Board as a Qualified State Beef Council may submit a request to the Board in care of the Livestock and Seed Division at the above address.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, (202) 447–2650.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Invitation to submit proposals published February 14, 1986 (51 FR 5543).

Proposed Rule—Certification and Nomination Procedures for Cattlemen's Beef Promotion and Research Board published February 21, 1986 (51 FR 6258).

Final Rule—Certification and Nomination Procedures for Cattlemen's Beef Promotion and Research Board published April 4, 1986 (51 FR 11557).

Proposed Rule—Beef Promotion and Research Order published March 14, 1986 (51 FR 8984).

This action was reviewed under USDA procedures established to implement Executive Order No. 12291 and Departmental Regulation No. 1512–1, and is hereby classified as a nonmajor rule because the annual economic impact will be less than $100 million. Accordingly, a regulatory impact analysis is not required. This action was also reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). The Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the RFA.

The Beef Promotion and Research Act of 1985 (Act) (7 U.S.C. 2901 *et seq.*) provides for the establishment of a coordinated program of promotion and research designed to strengthen the beef industry's position in the marketplace and to maintain and expand foreign and domestic markets and uses for beef and beef products. This program will be financed by assessments on domestic and imported cattle and on imported beef and beef products. The Act requires that each person making payment to a producer for cattle shall collect an assessment from the producer and remit such assessment to a qualified State beef council or the Board established under the Act. It also provides that each importer of cattle, beef, or beef products shall pay an assessment in the manner prescribed by the order issued by the Secretary. The assessment rate will be $1 per head of cattle or the equivalent thereof in the case of imported beef or beef products. Credit will be allowed for assessments paid to qualified State beef research and promotion programs. The Act also provides authority to require certain records and reports which are necessary to administer the program properly.

The Act specifies in detail required terms which must be included in the beef research and promotion order. It also authorizes the Secretary to include such terms and conditions, not inconsistent with the provisions of the statute, as are necessary to effectuate the provisions of the order. The Act is very specific in certain areas such as the procedure for issuing an order, composition of the Board and Operating Committee, powers and duties of the Board and Committee, source and collection of funds, level of assessment, and referendum requirements.

The statute provides that once a proposal for a beef research and promotion order is received, the Secretary shall publish such proposal for public comment. It also provides that after notice and opportunity for public comment the Secretary shall issue a beef promotion and research order.

Not later than 22 months after the issuance of an order under the Act the Secretary is required to conduct a referendum among producers and importers to determine whether they favor continuation of the program under the order. After such initial referendum, the Secretary is also authorized to conduct referenda to determine whether a termination or suspension of the research and promotion program is warranted.

Information available to the Department indicates that a substantial number of cattle producers can be classified as small businesses. Nearly all of the action markets, dealers, order buyers, packers, and importers are considered small businesses under the RFA.

Beef promotion and research funded by assessments is not a new concept. Thirty-eight States already have organizations conducting beef promotion and research, and the proposal for this legislation was generated by the cattle industry. Therefore, the Act provides that this national research and promotion program be conducted in conjunction with existing programs, and encourages cooperation and coordination between State and national beef promotion and research entities and the Board established under this Act. In recognition of existing State programs, the Beef Promotion and Research Act provides that producers participating in established qualified State programs shall receive credit of up to 50 cents per head for contributions to such programs.

The total estimated market value of cattle and imported beef and beef products sold in the United States is about $33 billion per year. The total estimated number of cattle sold in the United States (including imported cattle and live cattle equivalents of imported beef and beef products) is about 60 million head per year. Therefore, it is estimated that the promotion and research program will raise approximately $60 million per year. This is less than two-tenths of one percent of the annual market value of cattle, beef, and beef products sold in the United States. The net impact of the national program on persons directly affected would actually be considerably less because it is estimated that

approximately $19 million is already being assessed under existing State programs, and it is anticipated that producers under such programs will be eligible for credit for assessments collected under the programs.

The reporting and recordkeeping requirements should not necessitate any appreciable cost or effort. Persons who purchase cattle on a regular basis generally maintain a system of records which already contains the information required to administer a program under the Beef Promotion and Research Act. Also, very little additional recordkeeping or reporting will be required of importers. The U.S. Customs Service will serve as the collecting agent for importer assessments. It is anticipated that an existing reporting form and procedure will be utilized to provide a one or two line entry for recording such assessments.

In determining that the research and promotion program under the order will not have a significant economic impact on a substantial number of small entities, all the issues discussed above were considered. The order provisions were closely reviewed, and every effort was made to minimize any unnecessary costs or duplicative requirements. Although the promotion and research program will impose some additional costs on producers and importers, it is anticipated that the program will strengthen the beef industry and will expand domestic and foreign markets. Therefore, such additional costs, particularly when viewed in light of the annual market value of cattle, beef, and beef products, should be more than offset by the benefits derived from expanded markets and sales.

Paperwork Reduction

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), regulations implementing the reporting and recordkeeping provisions included in this final rule will be submitted for approval to the Office of Management and Budget (OMB). These implementing regulations will not become effective prior to OMB approval.

Background

The Beef Promotion and Research Act (Title XVI, Subtitle A, of the Food Security Act of 1985) approved December 23, 1985, requires the Secretary of Agriculture to establish a national beef promotion and research program. The program will be funded by a $1 per head assessment on cattle marketed in the United States, and an equivalent assessment on imported cattle, beef, and beef products.

The Act provides for submission of proposals for a beef promotion and research order by industry organizations or any interested persons. The Act requires that such order provide for the establishment of a Cattlemen's Beef Promotion and Research Board. The Board would be appointed by the Secretary and would be comprised of both cattle producers nominated by State cattle producer organizations and general farm organizations, and importers nominated by importer organizations.

The Agricultural Marketing Service issued an invitation to submit proposals for an order in the February 14, 1986, issue of the **Federal Register**. In response to the invitation to submit proposals, one proposed order was received from the National Cattlemen's Association. As provided in the Act, the Agricultural Marketing Service published this proposed order for comment on March 14, 1986. Additionally, a public meeting was held on April 17, 1986, to provide an opportunity for a full discussion on the proposal and to facilitate a better understanding of the proposed rule and to solicit comments.

The Department of Agriculture received 122 written comments concerning the proposed Beef Promotion and Research Order. Forty-nine commenters, including individuals, cattle associations, State beef councils, breed associations, and an export organization expressed support for the proposed Beef Promotion and Research Order as it was published. Twenty-five commenters, primarily individuals and livestock auction markets, opposed the mandatory assessments. The remaining commenters, which included cattle associations, general farm organizations, State beef councils, importer organizations, Senators, Members of Congress, individuals, livestock dealers and market agencies, generally supported the proposed Beef Promotion and Research Order with certain qualifications.

A number of technical changes of a non-substantive nature were made in style, format, and organization. The order now consists of one subpart rather than six. The provision concerning expenses, which had appeared as § 1260.171, has been redesignated as § 1260.151. The provision relating to promotion, research, consumer information and industry information, which had appeared as § 1260.191, has been redesignated as § 1260.169. A new provision concerning the removal from office of Board members and other appointees under the order has been added as § 1260.213, and, therefore, former §§ 1260.213 through 1260.216 have been renumbered accordingly.

The substantive changes suggested by commenters are discussed below, together with changes made upon review of the proposed order by the agency.

The Act provides that each person who makes payment to a producer for cattle shall collect an assessment from the producer. The term "collecting person" was defined in the proposed order as the person responsible for collecting assessments under the order and by listing and further defining various persons who might in individual transactions be collecting persons. This listing is unnecessary and could under certain circumstances be misleading. In this final rule the term "collecting person" is defined simply as the person who makes payment to a producer for cattle, unless by regulations approved by the Secretary another person is made responsible, in a manner consistent with the Act, for collecting the assessment.

Section 5(6) of the Act requires that the Operating Committee, in order to ensure coordination and efficient use of funds, contract with "established national nonprofit industry-governed organizations" to carry out its activities under the Act. The term "established national nonprofit industry-governed organizations" is not defined in the Act. One comment expressed the view that the definition in § 1260.113 of the proposed order for such organizations was unduly restrictive in that it ruled out any organization whose board membership is not made up of a majority of producers, *i.e.*, persons who own or acquire ownership of cattle. This comment has substantial merit. One of the express purposes of the Act is to strengthen the beef industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for beef and beef products. The proposed definition of "established national nonprofit industry-governed organizations" is too restrictive in that it would preclude the Operating Committee's ability to contract with organizations involved in the beef industry which have substantial knowledge, skill, and experience relating to the marketing of beef and beef products. Therefore, the definition has been modified to delete the requirement that the boards of directors of such organizations be composed of a majority of producers. Several additional comments suggested that the definition should be expanded to include regional and State organizations. The Act, however, is

specific in requiring that such industry organizations must be national in scope. Therefore, this proposed change has not been adopted.

Many comments were filed in opposition to the definition of "producer" in the proposed order. In general, these comments expressed the position that many persons engaged in the purchase and sale of livestock would be deemed producers under the order, even though they take title to cattle only for a brief period of time in the process of marketing and do so for the primary purpose of facilitating the transfer of ownership from the seller of cattle to a third party. There is considerable merit to this position. The agency does not believe that it was the intent of the Act to include such persons in the definition of "producer." Persons who engage in the marketing of cattle in connection with such marketing businesses do not generally hold such cattle for the purpose of adding value to the cattle. Accordingly, the definition of "producer" has been revised to exclude persons who acquire ownership of cattle it they acquire ownership for the purpose of facilitating a transfer of ownership from the seller to a third person and who resell the cattle within ten days. Such persons are also required to certify that they in fact come within this exception.

Several comments expressed the view that the proposed definition of the term "importer" should be clarified. One comment suggested that the definition set forth in the U.S. Customs regulations be adopted, thereby making it clear that an "importer" is the person primarily responsible for paying the duty. Although there is some merit in this view, there appears to be no reason to alter the definition set forth in the proposed rule, which is also the definition contained in the Act. In identifying an "importer" for purposes of the order, the Board may, if warranted, rely upon the U.S. Customs regulations as a general guide. The person engaged in the business of importing cattle, beef or beef products from outside the United States will generally, if not always, be the person primarily liable for paying the duty, if any, or the person otherwise responsible for complying with U.S. Customs requirements. In addition, the Board may prescribe, with the approval of the Secretary, such implementing regulations deemed necessary as a result of the Board's experience in administering the provisions of the Act and order. Accordingly, the definition of the term "importer" set forth in the proposed order is adopted in this final rule.

The tariff schedule numbers for live cattle and the assessments rates for both live cattle and imported beef products have been deleted from the definition of "imported beef and beef products" in proposed § 1260.121 because their inclusion in the definition section is unnecessary. The tariff schedule numbers and assessment rates for both live cattle and beef and beef products have, however, been included in § 1260.172, the assessment provision of this final rule.

One comment indicated that some clarification was necessary to fulfill the apparent intention of the proposal that only imported products containing a substantial amount of beef would be subject to the order's provisions. This comment is correct in pointing out what was clearly the intent of the proposed definition. Therefore, the definition has been modified to accomplish the necessary clarification by deleting the words "or beef products."

Paragraphs (b) and (c) of proposed § 1260.121 of the proposed order have also been deleted in this final rule. Paragraph (b) merely sets forth the Secretary's inherent authority to amend the order provisions to add or delete imported beef products from coverage under the order if warranted or to make any conforming changes necessitated by changes in the tariff schedule itself. Consequently, it was not necessary. Paragraph (c) has also been deleted from proposed § 1260.121, but an analogous provision has been inserted as paragraph (b)(3) of § 1260.172 which deals with assessments.

Numerous comments were received with respect to the structure of the Board and of the Operating Committee, in particular, the structure for representation of the dairy and importer segments of the industry respectively.

Importers contended that the number of importer seats on the Board should be determined based upon the volume of imported beef relative to the total volume of beef marketed or consumed in the U.S. each year. In the alternative, importers' comments contend that there should be a correlation between the amount of money which will be collected from importers and the amount of money which will be collected from domestic producers under the program. The Act provides that producer representation on the Board shall be determined based upon total cattle inventory. Importer representation is to be determined on a proportional basis, by converting imported beef and beef products to live animal equivalencies plus imported live cattle. The Act does not authorize the calculation of importer seats based upon the factors or combinations of factors suggested by the importer comments.

Importer representation is determined by converting imported beef and beef products into live animal equivalencies as described below in the discussion concerning assessments, and adding to that the number of live cattle imported into the United States using 1985 statistics as published in the Foreign Agricultural Circular "Dairy, Livestock, and Poultry" dated February 1986. Pursuant to this subpart, importers shall receive representation on a basis proportional to domestic producers; that is, one member for the first 500,000 head and an additional member for each additional one million head of cattle. Total importer representation on the Board shall initially be five members. If the number of imported cattle and the volume of imported beef and beef products changes, importer representation will change in accordance with section 1260.141 of this subpart.

Comments submitted by representatives of the dairy sector of the industry expressed the view that since dairy cattle represent nearly 21% of the total U.S. cattle population, the dairy industry should be guaranteed 23 seats on the Board. However, the Act provides for the appointment of members to the Board from nominations submitted by eligible State organizations certified under the Act. Guarantees such as the one suggested by these comments would be inconsistent with this statutory scheme. The Act does not provide for any segment of the industry to receive a guaranteed number of seats on the Board. The overall composition of the cattle industry will be one factor considered in appointing members to serve on the Board.

Several comments were received from Senators, Members of Congress, Agricultural Cooperative Extension agents, beef associations and individuals concerning the combination of States within the Northeast and Mid-Atlantic Units as set forth in the proposed order. These comments expressed the view that the beef industry in the States of Connecticut and Rhode Island is more similar to the beef industry of the other four New England States in the Northeast Unit than to the industry in the Mid-Atlantic Unit. The Act requires that a State which has a total inventory of fewer than 500,000 cattle be grouped, as far as practicable, with other States into geographically contiguous Units in a manner prescribed in the order. The agency believes that the make-up of the

units contained in the proposed order is the most practical arrangement for establishing geographically contiguous units and meeting the representation requirements of the Act with respect to the initial Board. To remove Connecticut and Rhode Island from the Mid-Atlantic Unit would leave this Unit with less than enough cattle to meet the requirements of a Unit as specified in the Act, and necessitate realignments which are not practicable in light of the statutory scheme.

Finally, several comments contended that importers should be guaranteed a seat on the Operating Committee. The Act provides that the Operating Committee shall consist of ten members elected by a federation that includes the qualified State beef councils and ten members elected by the Board. The agency has determined that it would be inconsistent with the purposes of the Act to restrict in the manner suggested the authority of the Board to elect 10 of its members to the Operating Committee or to provide importers or any other group with a guaranteed seat or seats on the committee. Although the proposed order provides that the Chairperson, Vice-Chairperson and Treasurer of the Board shall be seated on the committee, this is not inconsistent with the Board's authority since in electing its own officers, it will also be electing three of its ten Operating Committee members. All members of the Board, including importer members, will be eligible to vote for Board officers.

For the reasons set forth above, the changes proposed by the above-described comments to the provisions of the proposed order dealing with the structure of the Board and Operating Committee and representation on those two entities have not been adopted in this final rule.

Comments were received from several individuals, a State Department of Agriculture, a national farm organization, a market agency, and importers relating to the provisions dealing with expenses under the proposed order. The views expressed in those comments included suggestions that: (1) Total administrative costs of the program be limited to 10 percent of the estimated assessment to be collected in one year; (2) qualifying State beef councils and collecting persons be reimbursed for their administrative costs; and (3) no funds collected from importers be allowed to be used to expand foreign markets, and any funds used to expand foreign markets only be used for generic advertising of beef and beef products and not to promote U.S. beef products.

The Act provides that the total costs for collection of assessments and administrative staff incurred by the Board shall not exceed five percent of the projected total assessments to be collected for any given fiscal year. The Act and the order also require that to insure the most efficient use of assessments the committee is required to contract with established national nonprofit industry-governed organizations when implementing plans and projects for research and promotion. Similarly, the Act and the order authorize the fullest utilization of the resources, staff and facilities of existing industry organizations. These provisions in conjunction with the Secretary's authority to review the Board's budgets will insure appropriate restraint on administrative expenses.

One commenter asserted that collecting persons and qualified State beef councils should be reimbursed for costs associated with the collection of assessments. The Act requires that persons designated as collecting persons under the order collect and remit the required assessments. No authority is contained in the Act for the reimbursement of costs incurred by such persons. The pertinent order provisions are intended to minimize any burden imposed on collecting persons. Such costs should be minimal, and it is expected that the implementing regulations will be developed with this in mind. Similarly, the costs to qualified State beef councils would not be significantly greater than the costs of collecting assessments under existing State programs. Accordingly, this proposed modification is not adopted.

Several comments were received from importer associations and exporters of beef to the U.S. asserting that the Act should not be interpreted to allow the use of funds collected under the order to be used for the promotion of beef and beef products in foreign markets. They suggest in the alternative that promotional activities in foreign markets should involve only generic beef promotion. This view is, however, contrary to one of the principal purposes of the Act; that is, to increase foreign markets for U.S. beef and beef products. Accordingly, the limitations on promotional activities proposed by these comments are not adopted in this final rule.

One comment proposed that there be a common collection point for importer assessments, one common remittance date, and a single late payment penalty for assessments due under both the Beef Promotion and Research Act and the Pork Promotion, Research and Consumer Information Act. These two Acts require the issuance of separate orders and the establishment of separate governing bodies which are responsible for the collection of assessments under each order's enabling legislation. The authorized programs while similar are not identical. While coordination between the two may be desirable, such coordination can only be achieved through coordination between the officials of the two programs. It would be inappropriate to establish the requirements proposed by the commenters in either order.

One State has a beef promotion program whose assessment is calculated as a percentage of the value of the cattle sold. The State Department of Agriculture of this State, its beef council, and its cattlemen's association suggested that the method of granting credits to producers for payments to qualified State beef councils be modified to allow credit for the average assessment paid by all producers in that State. The Act provides that a producer may receive credit for payments made by that producer to a qualified State beef program. The proposal set forth in these comments is not authorized by the Act, and accordingly, is not adopted in this final rule. However, the order would allow producers to average their State assessments paid on a given transaction, so that if a producer pays a State assessment of 40 cents on one animal and 60 cents on another, the producer may receive an average credit of 50 cents for each animal.

The proposed order requires that a State beef council must, in order to be recognized as a qualified State beef council, agree to foward any refunds requested by producers to the Board. No comments were received concerning this provision. Coordinating the assessment, credit, and refund provisions of the State programs with the mandatory national program is a difficult task. The order must provide a mechanism which assures that every producer will be assessed 1 dollar per head to promote beef and beef products and also permit the coordination of the order with existing State programs. The simplest and most direct way of accomplishing this goal is to require that all State programs which petition to be recognized as qualified State beef councils agree to forward producer refunds to the Board. This approach assures efficient and equitable administration of the assessment provisions of the Act and order and assures effective implementation of the credit provisions by allowing producers to receive the authorized credit for

payment to State programs at the same time.

It was suggested by one State beef council that the order allow those States which use brand inspectors to collect State assessments to continue to use brand inspectors as collecting persons. The Act contemplates that the collecting person will ordinarily be the person making payment to a cattle producer, but it also contemplates that existing collection mechanisms will be utilized by the Board to the extent possible. This final rule authorizes the issuance of regulations which would permit the collection of assessments by brand inspectors in certain states, and also release the person making payment to the producer of the responsibility of collecting assessments in those States.

The rate of assessment for imported beef and beef products was the subject of much concern at the public meeting and in comments submitted to the Department. The Act requires that

> assessments on imported beef and beef products be determined by converting such imports into live animal equivalents to ascertain

the corresponding number of head of cattle. Importer membership on the Board also will be based on the same calculation of live animal equivalents. Carcass weight is the principal factor in calculating live animal equivalents. An average weight of some kind is obviously desirable. Among the alternatives are: (1) The actual average carcass weight of cattle from each exporting country, (2) a weighted average carcass weight of cattle from exporting countries, (3) the average carcass weight of all cattle slaughtered in the United States, and (4) the average carcass weight of all cows slaughtered in the United States.

The proponents of the order used a weighted average carcass weight based upon the reported average carcass weight of all cattle slaughtered in the major exporting countries. Comments from importer representatives pointed out that the data upon which the propoenent's calculations were apparently based contained an error in the average carcass weight of one of the exporting countries. The agency reviewed data provided by the Economic Research Service and the Foreign Agricultural Service of the USDA and found that in fact there was an error and that the weighted average carcass weight should have been heavier.

The importers asserted further that the use of the average carcass weights of all cattle slaughtered in the exporting countries is not a valid method because many exporting countries export beef from larger cattle than are raised for domestic consumption. The best available information indicates that cattle slaughtered for export to the U.S. are often larger than cattle slaughtered for domestic consumption in the exporting countries. However, reliable data on average carcass weights of cattle slaughtered for export in the various exporting countries is not available at the present time. Additionally, there is little consistency in the methods used by each of the exporting countries to calculate the average carcass weight of all cattle slaughtered in each such country. Some countries include all cattle slaughtered, others include only adult cattle slaughtered, still others calculate their average carcass weight by regions of the country or seasons of the year. The data for cattle slaughtered for export to the U.S. is even more inconsistent. Further, such data is sparse.

The agency has concluded that either the average carcass weight of all cattle slaughtered in the United States or the average carcass weight of cows slaughtered in the U.S. would be a more appropriate and desirable basis for determining live animal equivalents. This information is officially published and supporting data are readily available. Additionally, the average carcass weight of domestic cattle is not subject to variations in carcass weights resulting from possible differing methods of calculations in any of the exporting countries. Further, it has been determined that the average carcass weight of domestic cows would be the most suitable because about 90 percent of imported beef and beef products are similar to domestic cow beef, and the average carcass weight of domestic cows is very comparable to the estimated average carcass weight of cattle slaughtered for export in the major exporting countries. Therefore, it has been determined that the average carcass weight which will be used in calculating the live animal equivalents will be the average carcass weight of cows slaughtered in the U.S., which is currently a weight of 509 lbs. The Board shall review the available data from time to time and adjust the average carcass weight as appropriate.

The Economic Research Service has developed standard conversion factors for determining how much of a particular type of beef or beef product represents a carcass. These conversion factors take into account the removal of bone, weight lost in cooking or other processing, and the non-beef components of beef products. The number of pounds of a particular type of product which constitutes a live animal equivalent is calculated by dividing the average carcass weight by the conversion factor. The assessment rate per pound is calculated by dividing the conversion factor by the average carcass weight and multiplying the result by the $1.00 per head assessment rate. The assessment rates for imported beef and beef products have been recalculated in the final rule by applying the conversion factors to an average carcass weight of 509 pounds. In the case of one type of product, represented by the tariff schedule number 107.6300, it was found that an incorrect conversion factor was used in determining the assessment rate for that product in the proposed order. That error has been corrected in this final rule.

The same average carcass weight and conversion factors were applied to the data for imported cattle, beef and beef products published in the February 1986 issue of the Foreign Agriculture Circular "Dairy, Livestock, and Poultry." It was determined that importers will have five representatives on the initial Board.

In related comments, importer representatives suggested that one uniform rate be established for all imported beef and beef products for ease of calculating importer assessments. Although a single assessment rate for all types of beef and beef products would appear to be simpler, specific rates for each specified tariff schedule number provide a more precise method for assessing imported products with only a marginal increase in complexity. More importantly, the multiple rates are more equitable than a single rate system since a single assessment rate would be unfair to importers dealing primarily in certain products which should be assessed at a lower rate.

An importer association suggested that a provision should be adopted to refund any assessments collected on product returns (products which are refused entry into the U.S. after customs duties have been paid). This suggestion has merit, however, no specific provision should be necessary. Furthermore, this type of transaction normally should be treated as an adjustment of accounts rather than a refund. Section 1260.176, Adjustment of Accounts, has been modified slightly in this final rule to provide for payment when the matter cannot be handled by a credit to an account.

Since the Board has responsibility to certify qualified State beef councils, and these State beef councils play an integral role in the collection and compliance procedures, one commenter

suggested that the section referencing the Secretary's authority to collect assessments prior to the Board being established be deleted. This provision has been deleted in this final order. The collection of assessments in a national program of this proportion before the Board is in place could cause confusion and would place unnecessary, substantial burdens on persons responsible for paying the assessments and persons responsible for collecting them. Furthermore, no credit could be given for payments to State beef programs until the Board has certified them as being qualified. This would impose a burden on producers and would unnecessarily complicate the program.

One commenter suggested that refunds be granted at the point of collection. However, the Act provides only for a one-time refund to be paid after the initial referendum has been completed. Therefore, refunds cannot be made at the collection point.

A comment was received from the proponents of the order suggesting that the order should be modified to allow a qualified State beef council to apply the same time period for any application for a refund of the State assessment to the assessment required by this order. The proposed order provides that persons who pay assessments may request a refund within 60 days. The establishment of shorter or longer time periods in different States could be both confusing and unfair. Accordingly, the suggeston is not adopted in this final rule.

Section 1260.174(a) of the proposed order provides that requests for refund application forms must be signed by the producer or importer, or bear their properly witnessed mark. No convincing case has been made for restricting access to refund application forms. Accordingly, the provision has been modified in this final rule to allow persons to obtain a refund application form by written request to a qualified State beef council or to the Board.

A State Department of Agriculture suggested that the provision relating to the time frame for remittance of assessments to the Board by qualified State beef councils be modified. The position expressed in this comment was to the effect that because some State beef councils close their books on the last day of the month, coordination between the State beef councils and the Board would be furthered if the provisions for remittance of assessments were more flexible. This suggestion has merit. Accordingly, § 1260.181(b)(4) has been modified in this final rule to allow the Board to establish due dates for such remittances.

Several comments were received from New England producer organizations suggesting that a New England regional marketing group be allowed to administer the collection of assessments in the Northeast Unit. The Act provides for only two types of entities to receive remittances of assessments, qualified State beef councils and the Board. Regional marketing groups do not meet the requirements for a qualified State beef council as set forth in the Act. Accordingly, the proposed modification is not adopted in this final rule.

Several comments expressed the view that qualified State beef council books and records should be audited to ensure that the monies received under the Act are spent in accordance with the Act and not for influencing governmental policy or action. This final order requires that qualified State beef councils submit an annual report prepared by a certified public accountant of all funds remitted to them pursuant to this subpart. Additionally, a qualified State beef council must certify to the Board that it will not use funds received pursuant to the Act to influence governmental policy or action. Accordingly, no additional provisions on the subject are necessary in this final order.

Two comments were received requesting that § 1260.203 be modified so that qualified State beef councils would be given access to confidential information available to the Board. The Act specifically prohibits disclosure of such information and provides penalties for any such disclosure.

One comment was received from a public interest group suggesting that the order provide that no funds collected by the Board or qualified State beef councils be used for false, deceptive, misleading, or unfair advertising. This suggestion has merit. The proposed order contains provisions which prohibit deceptive acts or practices, but they apply only to competing products. Accordingly, § 1260.169 (previously designated as § 1260.191) and § 1260.181 are modified in this final order to apply to all promotional and advertising plans and projects funded with assessments collected under the order. The commenter also suggested that the order contain specific provisions for the content of promotional materials. No convincing case has been made that any such restrictions are necessary. Accordingly, the suggestion is not adopted in this final rule.

It has been suggested that the provision requiring the Operating Committee to prepare an annual report of its activities and an accounting of funds received and expended be deleted. The Department is responsible for the oversight of activities conducted under the Beef Promotion and Research Order. The required report will facilitate the evaluation and review process. Accordingly, the suggestion is not adopted in this final rule.

The proposed order contains procedures for filling vacancies on the Board and Operating Committee occasioned by the removal of members. The order should provide a procedure for removal. Accordingly, a new § 1260.213 has been added.

Several comments from producers expressed concern that there should be a referendum before assessments begin. Others suggested that a referendum should be held within 12 months or as soon as possible after the effective date of the final order. The Act provides that the initial referendum be held not later than 22 months after the issuance of this final order or at an earlier date recommended by the Board. Requiring an earlier referendum in the order itself at this time would be contrary to the intent of the Act. It was also suggested that periodic referenda should be mandatory. The Act provides that, after the initial referendum, the Secretary may conduct a referendum to determine whether a termination or suspension of the order is favored. This provision in the statute provides adequate authority for periodic referenda. Accordingly, it is unnecessary to include any further provision in the order.

It is hereby found and determined that it is impractical, unnecessary and contrary to the public interest to delay the effective date of the issuance of these rules for 30 days after their publication in the **Federal Register.** In order to carry out the statutory timetable for implementation of the order, it is necessary that the final order be effective on the date of publication in the **Federal Register**, except that the provisions in § 1260.172 (Assessments) shall be effective on October 1, 1986. This will allow the Board to evaluate petitions from appropriate entities for certification as Qualified State Beef Councils, and to issue any necessary implementing regulations before the collection of the assessments begins.

List of Subjects in 7 CFR 1260

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Meat and meat products, Beef, and beef products.

Title 7 of the CFR, Part 1260 is amended as follows:

PART 1260—BEEF PROMOTION AND RESEARCH

1. The authority citation for Part 1260 is revised to read as follows:

Authority: 7 U.S.C. 2901 *et. seq.*

2. Present Subpart A is redesignated Subpart B.

3. A new subpart A is added as follows:

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Subpart A—Beef Promotion and Research Order

Definitions

§ 1260.101 Department.

"Department" means the United States Department of Agriculture.

§ 1260.102 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in the Secretary's stead.

§ 1260.103 Board.

"Board" means the Cattlemen's Beef Promotion and Research Board established pursuant to the Act and this subpart.

§ 1260.104 Committee.

"Committee" means the Beef Promotion Operating Committee established pursuant to the Act and this subpart.

§ 1260.105 Person.

"Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

§ 1260.106 Collecting person.

"Collecting person" means the person making payment to a producer for cattle, or any other person who is responsible for collecting and remitting an assessment pursuant to the Act, the order and regulations prescribed by the Board and approved by the Secretary.

§ 1260.107 State.

"State" means each of the 50 States.

§ 1260.108 United States.

"United States" means the 50 States and the District of Columbia.

§ 1260.109 Unit.

"Unit" means each State, group of States or class designation which is represented on the Board.

§ 1260.110 Referendum.

"Referendum" means the referendum to be conducted by the Secretary pursuant to the Act whereby producers and importers shall be given the opportunity to vote to determine whether the continuance of this subpart is favored by a majority of producers and importers voting.

§ 1260.111 Fiscal year.

"Fiscal year" means the calendar year or such other annual period as the Board may determine.

§ 1260.112 Federation.

"Federation" means the Beef Industry Council of the National Live Stock and Meat Board, or any successor organization to the Beef Industry Council, which includes as its State affiliates the qualified State beef councils.

§ 1260.113 Established national nonprofit industry-governed organizations.

"Established national nonprofit industry-governed organizations" means organizations which:

(a) Are nonprofit organizations pursuant to sections 501(c) (3), (5) or (6) of the Internal Revenue Code (26 U.S.C. 501(c) (3), (5) and (6));

(b) Are governed by a board of directors representing the cattle or beef industry on a national basis; and

(c) Were active and ongoing before the enactment of the Act.

§ 1260.114 Eligible organization.

"Eligible organization" means any organization which has been certified by the Secretary pursuant to the Act and this Part as being eligible to submit nominations for membership on the Board.

§ 1260.115 Qualified State beef council.

"Qualified State beef council" means a beef promotion entity that is authorized by State statute or a beef promotion entity organized and operating within a State that receives voluntary assessments or contributions; conducts beef promotion, research, and consumer and industry information programs; and that is certified by the Board pursuant to this subpart as the beef promotion entity in such State.

§ 1260.116 Producer.

"Producer" means any person who owns or acquires ownership of cattle; provided, however, that a person shall not be considered a producer within the meaning of this subpart if (a) the person's only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee; or (b) the person (1) acquired ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party, (2) resold such cattle no later than ten (10) days from the date on which the person acquired ownership, and (3) certified, as required by regulations prescribed by the Board and approved by the Secretary, that the requirements of this provision have been satisfied.

§ 1260.117 Importer.

"Importer" means any person who imports cattle, beef, or beef products from outside the United States.

§ 1260.118 Cattle.

"Cattle" means live domesticated bovine animals regardless of age.

§ 1260.119 Beef.

"Beef" means flesh of cattle.

§ 1260.120 Beef products.

"Beef products" means edible products produced in whole or in part from beef, exclusive of milk and products made therefrom.

§ 1260.121 Imported beef or beef products.

"Imported beef or beef products" means products which are imported into the United States which the Secretary determines contain a substantial amount of beef including those products which have been assigned one or more of the following numbers in the Tariff Schedule of the United States: 106.1020, 106.1040, 106.1060, 106.1080, 107.2000, 107.2520, 107.4000, 107.4500, 107.4820, 107.4840, 107.5220, 107.5240, 107.5500, 107.6100, 107.6200, 107.6300.

§ 1260.122 Promotion.

"Promotion" means any action, including paid advertising, to advance the image and desirability of beef and beef products with the express intent of improving the competitive position and stimulating sales of beef and beef products in the marketplace.

§ 1260.123 Research.

"Research" means studies relative to the effectiveness of market development and promotion efforts, studies relating to the nutritional value of beef and beef products, other related food science research, and new product development.

§ 1260.124 Consumer information.

"Consumer information" means nutritional data and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchasing, preparing, and use of beef and beef proudcts.

§ 1260.125 Industry information.

"Industry information" means information and programs that will lead to the development of new markets, marketing strategies, increased efficiency, and activities to enhance the image of the cattle industry.

§ 1260.126 Plans and projects.

"Plans and projects" means promotion, research, consumer information and industry information plans, studies or projects conducted pursuant to this subpart.

§ 1260.127 Marketing.

"Marketing" means the sale or other disposition in commerce of cattle, beef or beef products.

§ 1260.128 Act.

"Act" means the Beef Promotion and Research Act of 1985, Title XVI, Subtitle A of the Food Security Act of 1985, Pub. L. 99–198 and any amendments thereto.

§ 1260.129 Customs Service.

"Customs Service" means the United States Customs Service of the United States Department of the Treasury.

§ 1260.130 Part and subpart.

"Part" means the Beef Promotion and Research Order and all rules and regulations issued pursuant to the Act and the order, and the order itself shall be a "subpart" of such Part.

Cattlemen's Beef Promotion and Research Board

§ 1260.141 Establishment and membership.

(a) There is hereby established a Cattlemen's Beef Promotion and Research Board. For purposes of the initial Board, the United States shall be divided into 41 geographical units and one unit representing importers and the number of Board members from each unit shall be as follows:

JANUARY 1, 1986

Unit	Cattle and calves (1,000 head)	Directors
1. Alabama	1,780	2
2. Arizona	1,050	1
3. Arkansas	1,750	2
4. California	5,000	5

JANUARY 1, 1986—Continued

Unit	Cattle and calves (1,000 head)	Directors
5. Colorado	2,850	3
6. Florida	2,120	2
7. Georgia	1,700	2
8. Idaho	1,750	2
9. Illinois	2,470	2
10. Indiana	1,570	2
11. Iowa	4,950	5
12. Kansas	5,800	6
13. Kentucky	2,480	2
14. Louisiana	1,240	1
15. Michigan	1,410	1
16. Minnesota	3,400	3
17. Mississippi	1,430	1
18. Missouri	4,800	5
19. Montana	2,450	2
20. Nebraska	5,800	6
21. Nevada	610	1
22. New Mexico	1,390	1
23. New York	1,970	2
24. North Carolina	1,100	1
25. North Dakota	2,000	2
26. Ohio	1,840	2
27. Oklahoma	5,200	5
28. Oregon	1,575	2
29. Pennsylvania	1,960	2
30. South Carolina	635	1
31. South Dakota	3,600	4
32. Tennessee	2,500	3
33. Texas	13,600	14
34. Utah	790	1
35. Virginia	1,840	2
36. West Virginia	520	1
37. Wisconsin	4,280	4
38. Wyoming	1,325	1
39. Northwest		2
Washington	1,460	
Alaska	9	
Hawaii	209	
Total	1,678	
40. Northeast		1
Massachusetts	100	
Maine	135	
Vermont	350	
New Hampshire	69	
Total	654	
41. Mid-Atlantic		1
Maryland	370	
Delaware	27	
Rhode Island	7	
Connecticut	100	
New Jersey	97	
District of Columbia	0	
Total	601	
42. Importers	4,860	5

(b) The Board shall be composed of cattle producers and importers appointed by the Secretary from nominations submitted pursuant to the Act and regulations of this Part. A producer may only be nominated to represent the unit in which that producer is a resident.

(c) In accordance with regulations approved by the Secretary, at least every three (3) years, and not more than every two (2) years, the Board shall review the geographic distribution of cattle inventories throughout the United States and the volume of imported cattle, beef and beef products and, if warranted, shall reapportion units and/or modify the number of Board members from units in order to best reflect the

geographic distribution of cattle production volume in the United States and the volume of imported cattle, beef or beef products into the United States.

(d) The Board may recommend to the Secretary a modification in the number of cattle per unit necessary for representation on the Board.

(e) The following formula will be used to determine the number of Board members who shall serve on the Board for each unit:

(1) Each geographic unit or State that includes a total cattle inventory equal to or greater than five hundred thousand (500,000) head of cattle shall be entitled to one representative on the Board;

(2) States which do not have total cattle inventories equal to or greater than five hundred thousand (500,000) head of cattle shall be grouped, to the extent practicable, into geographically contiguous units each of which have a combined total inventory of not less than 500,000 head of cattle and such unit(s) shall be entitled to at least one representative on the Board;

(3) Importers shall be represented by a single unit, with the number of Board members representing such unit based upon a conversion of the total volume of imported cattle, beef or beef products into live animal equivalencies;

(4) Each unit shall be entitled to representation by an additional Board member for each one million (1,000,000) head of cattle within the unit which exceeds the initial five hundred thousand (500,000) head of cattle within the unit qualifying such unit for representation.

(f) In determining the volume of cattle within the units, the Board and the Secretary shall utilize the information received by the Board pursuant to §§ 1260.201 and 1260.202 industry data and data published by the Department.

§ 1260.142 Term of office.

(a) The members of the Board shall serve for terms of three (3) years, except that the members appointed to the initial Board shall serve, proportionately, for terms of 1, 2, and 3 years. To the extent practicable, the terms of Board members from the same unit shall be staggered for the initial Board.

(b) Each member shall continue to serve until a successor is appointed by the Secretary.

(c) No member shall serve more than two consecutive 3-year terms in such capacity.

§ 1260.143 Nominations.

All nominations authorized under this section shall be made in the following manner:

(a) Nominations shall be obtained by the Secretary from eligible organizations. An eligible organization shall only submit nominations for positions on the Board representing units in which such eligible organization can establish that it is certified as an eligible organization to submit nominations for that unit. If the Secretary determines that a unit is not represented by an eligible organization, then the Secretary may solicit nominations from organizations, and producers residing in that unit.

(b) Nominations for representation of the importer unit may be submitted by—(1) Organizations which represent importers of cattle, beef or beef products, as determined by the Secretary, or (2) Individual importers of cattle, beef or beef products. Individual importers submitting nominations for representation of the importer unit must establish to the satisfaction of the Secretary that the persons submitting the nominations are importers of cattle, beef or beef products.

(c) After the establishment of the initial Board, the Department shall announce when a vacancy does or will exist. Nominations for subsequent Board members shall be submitted to the Secretary not less than sixty (60) days prior to the expiration of the terms of the members whose terms are expiring, in the manner as described in this section. In the case of vacancies due to reasons other than the expiration of a term of office, successor Board members shall be appointed pursuant to § 1260.146.

(d) Where there is more than one eligible organization representing producers in a unit, they may caucus and jointly nominate two qualified persons for each position representing that unit on the Board for which a member is to be appointed. If joint agreement is not reached with respect to any such nominations, or if no caucus is held, each eligible organization may submit to the Secretary two nominees for each appointment to be made to represent that unit.

§ 1260.144 Nominee's agreement to serve.

Any producer or importer nominated to serve on the Board shall file with the Secretary at the time of the nomination a written agreement to:

(a) Serve on the Board if appointed; and

(b) Disclose any relationship with any beef promotion entity or with any organization that has or is being considered for a contractual relationship with the Board.

§ 1260.145 Appointment.

(a) From the nominations made pursuant to Section 1260.143, the Secretary shall appoint the members of the Board on the basis of representation provided for in Section 126.141.

(b) Producers or importers serving on the Federation Board of Directors shall not be eligible for appointment to serve on the Board for a concurrent term.

§ 1260.146 Vacancies.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member of the Board, the Secretary shall request that nominations for a successor for the vacancy be submitted by the eligible organization(s) representing producers or importers of the unit represented by the vacancy. If no eligible organization(s) represents producers or importers in such unit, then the Secretary shall determine the manner in which nominations for the vacancy are submitted.

§ 1260.147 Procedure.

(a) At a properly convened meeting of the Board, a majority of the members shall constitute a quorum, and any action of the Board at such a meeting shall require the concurring votes of at least a majority of those present at such meeting. The Board shall establish rules concerning timely notice of meetings.

(b) When in the opinion of the chairperson of the Board emergency action is considered necessary, and in lieu of a properly convened meeting, the Board may take action upon the concurring votes of a majority of its members by mail, telephone, or telegraph, but any such action by telephone shall be confirmed promptly in writing. In the event that such action is taken, all members must be notified and provided the opportunity to vote. Any action so taken shall have the same force as though such action had been taken at a regular or special meeting of the Board.

§ 1260.148 Compensation and reimbursement.

The members of the Board shall serve without compensation, but shall be reimbursed for necessary and reasonable expenses incurred by them in the performance of their duties under this subpart.

§ 1260.149 Powers of the Board.

The Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive or initiate, investigate, and report to the Secretary complaints of violations of the provisions of this subpart;

(d) To adopt such rules for the conduct of its business as it may deem advisable;

(e) To recommend to the Secretary amendments to this subpart; and

(f) With the approval of the Secretary, to invest, pending disbursement pursuant to a plan or project, funds collected through assessments authorized under § 1260.172, in, and only in, obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

§ 1260.150 Duties of the Board.

The Board shall have the following duties:

(a) To meet not less than annually, and to organize and select from among its members a chairperson, a vice-chairperson and a treasurer and such other officers as may be necessary;

(b) To elect from its members an Executive Committee of no more than 11 and no less than 9 members, whose membership shall, to the extent practicable, reflect the geographic distribution of cattle numbers or their equivalent. The vice-chairperson of the Board shall serve as chairperson of the Executive Committee and the chairperson and the treasurer of the Board shall serve as members of the Executive Committee;

(c) To delegate to the Executive Committee the authority to administer the terms and provisions of this subpart under the direction of the Board and within the policies determined by the Board;

(d) To elect from its members 10 representatives to the Beef Promotion Operating Committee which shall be composed of 10 members from the Board and 10 members elected by the Federation;

(e) To utilize the resources, personnel, and facilities of established national nonprofit industry-governed organizations;

(f) To review and, if approved, submit to the Secretary for approval, budgets prepared by the Beef Promotion Operating Committee on a fiscal period basis of the Committee's anticipated expenses and disbursements in the administration of the Committee's responsibilities, including probable costs of promotion, research, and consumer information and industry information plans or projects, and also including a general description of the proposed promotion, research, consumer information and industry information programs contemplated therein;

(g) To prepare and submit to the Secretary for approval budgets on a fiscal period basis of the Board's overall anticipated expenses and disbursements, including the Committee's anticipated expenses and disbursements, in the administration of this subpart;

(h) To maintain such books and records, which shall be available to the Secretary for inspection and audit, and to prepare and submit such reports from time to time to the Secretary, as the Secretary may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(i) To establish an interest bearing escrow account with a bank which is a member of the Federal Reserve System and to deposit into such account an amount equal to the product obtained by multiplying the total amount of funds received by the Board during the period prior to the referendum by the greater of:

(1) The average percentage of assessment refunds paid to producers under State beef promotion, research, and consumer information programs financed through producer assessments, as determined by the Board for the year of 1985; or

(2) 15 percent;

(j) To pay refunds to producers requesting refunds in a manner consistent with the following conditions:

(1) If continuation of this subpart is approved pursuant to the referendum, the Board shall continue to place the amounts required under paragraph (i) of this section in the escrow account until all requests for refunds are paid; or

(2) If the continuation of the order is not approved pursuant to the referendum and the amount deposited in the escrow account is less than the amount of refunds requested, the Board shall prorate the amount deposited in such account among all eligible persons who request a refund of assessments paid.

(k) To prepare and make public, at least annually, a report of its activities carried out and an accounting for funds received and expended;

(l) To cause its books to be audited by a certified public accountant at least once each fiscal period and at such other times as the Secretary may request, and submit a copy of each such audit to the Secretary;

(m) To give the Secretary the same notice of meetings of the Board as is given to members in order that the Secretary, or his representative may attend such meetings;

(n) To review applications submitted by State beef promotion organizations pursuant to § 1260.181 and to make determinations with regard to such applications;

(o) To submit to the Secretary such information pursuant to this subpart as may be requested; and

(p) To encourage the coordination of programs of promotion, research, consumer information and industry information designed to strengthen the beef industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for beef and beef products.

§ 1260.151 Expenses.

(a) The Board is authorized to incur such expenses (including provision for a reasonable reserve), as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with this subpart. Such expenses incurred by the Board shall not exceed 5 percent of the projected revenue of that fiscal period. Such expenses shall be paid from assessments collected pursuant to § 1260.172.

(b) The Board shall reimburse the Secretary, from assessments collected pursuant to § 1260.172, for administrative costs incurred by the Department to carry out its responsibilities pursuant to this subpart after the effective date of this subpart.

(c) The Board shall establish an interest bearing escrow account with a bank that is a member of the Federal Reserve System and shall deposit in such account an amount equal to the percentage determined by the Board to be held in reserve for the payment of refunds pursuant to § 1260.173.

(d) Expenditures for the maintenance and expansion of foreign markets for beef and beef products shall be limited to an amount equal to or less than the total amount of assessments paid pursuant to § 1260.172(a).

Beef Promotion Operating Committee

§ 1260.161 Establishment and membership.

(a) There is hereby established a Beef Promotion Operating Committee of 20 members. The Committee shall be composed of 10 Board members elected

by the Board and 10 producers elected by the Federation.

(b) Board representation on the Committee shall consist of the chairperson, vice-chairperson and treasurer of the Board, and seven representatives of the Board who will be duly elected by the Board to serve on the Committee. The seven representatives to the Committee elected by the Board shall, to the extent practical, reflect the geographic and unit distribution of cattle numbers, or the equivalent thereof.

(c) Federation representation on the Committee shall consist of the Federation chairperson, vice-chairperson, and eight duly elected producer representatives of the Federation Board of Directors who are members or ex officio members of the Board of Directors of a qualified State beef council. The eight representatives of the Federation elected to serve on the Committee shall, to the extent practical, reflect the geographic distribution of cattle numbers. The Federation shall submit to the Secretary the names of the representatives elected by the Federation to serve on the Committee and the manner in which such election was held and that such representatives are producers and are members or ex officio members of the Board of Directors of a qualified State beef council on the Federation Board of Directors. The prospective Federation representatives shall file with the Secretary a written agreement to serve on the Committee and to disclose any relationship with any beef promotion entity or with any organization that has or is being considered for a contractual relationship with the Board or the Committee. When the Secretary is satisfied that the above conditions are met, the Secretary shall certify such representatives as eligible to serve on the Committee.

§ 1260.162 Term of office.

(a) The members of the Committee shall serve for a term of 1 year.

(b) No member shall serve more than six consecutive terms.

§ 1260.163 Vacancies.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member of the Committee, the Board or the Federation, depending upon which organization is represented by the vacancy, shall submit the name of a successor for the position in the manner utilized to elect representatives pursuant to § 1260.161 (b) and (c) above.

§ 1260.164 Procedure.

(a) Attendance of at least 15 members of the Committee shall constitute a quorum at a properly convened meeting of the Committee. Any action of the Committee shall require the concurring votes of at least two-thirds of the members present. The Committee shall establish rules concerning timely notice of meetings.

(b) When in the opinion of the chairperson of the Committee emergency action must be taken before a meeting can be called, the Committee may take action upon the concurring votes of no less than two-thirds of its members by mail, telephone, or telegraph. Action taken by this emergency procedure is valid only if all members are notified and provided the opportunity to vote and any telephone vote is confirmed promptly in writing. Any action so taken shall have the same force and effect as though such action had been taken at a properly convened meeting of the Committee.

§ 1260.165 Compensation and reimbursement.

The members of the Committee shall serve without compensation but shall be reimbursed for necessary and reasonable expenses incurred by them in the performance of their duties under this subpart.

§ 1260.166 Officers of the Committee.

The following persons shall serve as officers of the Committee:

(a) The chairperson of the Board shall be chairperson of the Committee.

(b) The chairperson of the Federation shall be vice-chairperson of the Committee.

(c) The treasurer of the Board shall be treasurer of the Committee.

(d) The Committee shall elect or appoint such other officers as it may deem necessary.

§ 1260.167 Powers of the Committee.

The Committee shall have the following powers:

(a) To receive and evaluate, or on its own initiative, develop and budget for plans or projects to promote the use of beef and beef products as well as projects for research, consumer information and industry information and to make recommendations to the Secretary regarding such proposals;

(b) To select committees and subcommittees of Committee members, and to adopt such rules for the conduct of its business as it may deem advisable;

(c) To establish committees of persons other than Committee members to advise the Committee and pay the necessary and reasonable expenses and fees of the members of such committees.

§ 1260.168 Duties of the Committee.

The Committee shall have the following duties:

(a) To meet and to organize;

(b) To contract with established national nonprofit industry-governed organizations to implement programs of promotion, research, consumer information and industry information;

(c) To disseminate information to Board members;

(d) To prepare and submit to the Board for approval budgets on a fiscal-period basis of its anticipated expenses and disbursements in the administration of its responsibilities, including probable costs of promotion, research, consumer information and industry information plans or projects, and also including a general description of the proposed promotion, research, consumer information and industry information programs contemplated therein;

(e) To develop and submit to the Secretary for approval promotion, research, consumer information and industry information plans or projects;

(f) With the approval of the Secretary to enter into contracts or agreements with established national nonprofit industry-governed organizations for the implementation and conduct of activities authorized under §§ 1260.167 and 1260.169 and for the payment of the cost of such activities with funds collected through assessments pursuant to § 1260.172. Any such contract or agreement shall provide that:

(1) The contractors shall develop and submit to the Committee a budget or budgets which shall show the estimated cost to be incurred for such activity or project;

(2) Any such plan or project shall become effective upon approval of the Secretary; and

(3) The contracting party shall keep accurate records of all of its transactions and make periodic reports to the Committee or Board of activities conducted and an accounting for funds received and expended, and such other reports as the Secretary, the Committee or the Board may require. The Secretary or agents of the Committee or the Board may audit periodically the records of the contracting party;

(g) To prepare and make public, at least annually, a report of its activities carried out and an accounting for funds received and expended;

(h) To give the Secretary the same notice of meetings of the Committee and its subcommittees and advisory committees in order that the Secretary,

or his representative, may attend such meetings;

(i) To submit to the Board and to the Secretary such information pursuant to this subpart as may be requested; and

(j) To encourage the coordination of programs of promotion, research, consumer information and industry information designed to strengthen the cattle industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for beef and beef products.

§ 1260.169 Promotion, research, consumer information and industry information.

The Committee shall receive and evaluate, or on its own initiative, develop and submit to the Secretary for approval any plans and projects for promotion, research, consumer information and industry information authorized by this subpart. Such plans and projects shall provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate plans or projects for promotion, research, consumer information and industry information, with respect to beef and beef products designed to strengthen the beef industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for beef and beef products;

(b) The establishment and conduct of research and studies with respect to the sale, distribution, marketing, and utilization of beef and beef products and the creation of new products thereof, to the end that marketing and utilization of beef and beef products may be encouraged, expanded, improved or made more acceptable in the United States and foreign markets;

(c) Each plan or project authorized under paragraph (a) and (b) of this section shall be periodically reviewed or evaluated by the Committee to ensure that each such plan or project contributes to an effective program of promotion, research, consumer information and industry information. If it is found by the Committee that any such plan or project does not further the purposes of the Act, then the Committee shall terminate such plan or project;

(d) In carrying out any plan or project of promotion or advertising implemented by the Committee, no reference to a brand or trade name of any beef product shall be made without the approval of the Board and the Secretary. No such plans or projects shall make use of any unfair or deceptive acts or practices, including unfair or deceptive acts or practices with respect to the quality, value or use of any competing product; and

(e) No funds collected by the Board under this subpart shall in any manner be used for the purpose of influencing governmental policy or action, except to recommend to the Secretary amendments to this Part.

§ 1260.172 Assessments.

(a) *Domestic assessments.*—(1) Except as prescribed by regulations approved by the Secretary, each person making payment to a producer for cattle purchased from such producer shall be a collecting person and shall collect an assessment from the producer, and each producer shall pay such assessment to the collecting person, at the rate of one dollar ($1) per head of cattle purchased and such collecting person shall remit the assessment to the Board or to a qualified State beef council pursuant to § 1260.172(a)(5).

(2) Any producer marketing cattle of that producer's own production in the form of beef or beef products to consumers, either directly or through retail or wholesale outlets, or for export purposes, shall remit to a qualified State beef council or to the Board an assessment on such cattle at the rate of one dollar ($1) per head of cattle or the equivalent thereof.

(3) In determining the assessment due from each producer pursuant to § 1260.172(a) , a producer who is contributing to a qualified State beef council(s) shall receive a credit from the Board for contributions to such Council, but not to exceed 50 cents per head of cattle assessed.

(4) In order for a producer described in § 1260.172(a) to receive the credit authorized in § 1260.172(a)(3), the qualified State beef council or the collecting person must establish to the satisfaction of the Board that the producer has contributed to a qualified State beef council.

(5) Each person responsible for the remittance of the assessment pursuant to § 1260.172 (a) (1) and (2) shall remit the assessment to the qualified State beef council in the State from which the cattle originated prior to sale, or if there is no qualified State beef council within such State, the assessment shall be remitted directly to the Board. However, the Board, with the approval of the Secretary, may authorize qualified State beef councils to propose modifications to the foregoing "State of origin" rule to ensure effective coordination of assessment collections between qualified State beef councils. Qualified State beef councils and the Board shall coordinate assessment collection procedures to ensure that producers selling or marketing cattle in interstate commerce are required to pay only one assessment per individual sale of cattle. For the purpose of this subpart, "State of origin" rule means the State where the cattle were located at time of sale, or the State in which the cattle were located prior to sale if such cattle were transported interstate for the sole purpose of sale. Assessments shall be remitted not later than the 15th day of the month following the month in which the cattle were purchased or marketed.

(6) If a State law or regulation promulgated pursuant to State law requires the payment and collection of a mandatory, nonrefundable assessment of more fifty (50) cents per head on the sale and purchase of cattle, or the equivalent thereof for beef and beef products as described in § 1260.172 (a)(1) and (2) for use by a qualified State beef council to fund activities similar to those described in § 1260.169, and such State law or regulation authorizes the issuance of a credit of that amount of the assessment which exceeds fifty (50) cents to producers who waive any right to the refund of the assessment credited by the State due pursuant to this subpart, then any producer subject to such State law or regulation who pays only the amount due pursuant to such State law or regulation and this subpart, including any credits issued, shall thereby waive that producer's right to receipt from the Board of a refund of such assessment for that portion of such refund for which the producer received credit pursuant to such State law or regulation.

(b) *Importer assessments.* (1) Importers of cattle, beef, and beef products into the United States shall pay an assessment to the Board through the U.S. Customs Service, or in such other manner as may be established by regulations approved by the Secretary.

(2) The assessment rates for imported cattle, beef, and beef products are as follows:

Live cattle	Assessment
100.0130	$1.00/hd.
100.0140	$1.00/hd.
100.0150	$1.00/hd.
100.0180	$1.00/hd.
100.4000	$1.00/hd.
100.4300	$1.00/hd.
100.4500	$1.00/hd.
100.5000	$1.00/hd.
100.5300	$1.00/hd.
100.5500	$1.00/hd.

Beef and beef products	Assessment
106.1020	.20 cents/lb.
106.1040	.20 cents/lb.
106.1060	.27 cents/lb.
106.1080	.77 cents/lb.

Beef and beef products	Assessment
107.2000	.25 cents/lb.
107.2520	.25 cents/lb.
107.4000	.35 cents/lb.
107.4500	.35 cents/lb.
107.4820	.35 cents/lb.
107.4840	.35 cents/lb.
107.5220	.37 cents/lb.
107.5240	.37 cents/lb.
107.5500	.27 cents/lb.
107.6100	.28 cents/lb.
107.6200	.27 cents/lb.
107.6300	.38 cents/lb.

(3) The Board may prescribe by regulation, with the approval of the Secretary, an increase or decrease in the level of assessments for imported beef and beef products based upon revised determinations of live animal equivalencies.

(4) The assessments due upon imported cattle, beef and beef products shall be remitted to the Customs Service upon importation of the cattle, beef or beef products into the United States, or in such other manner as may be provided by regulations prescribed by the Board and approved by the Secretary.

(c) The collection of assessments pursuant to § 1260.172 (a) and (b) shall begin with respect to cattle purchased or cattle, beef, and beef products imported on and after the effective date of this section and shall continue until terminated by the Secretary.

(d) Money remitted pursuant to this subpart shall be in the form of a negotiable instrument made payable as appropriate to the qualified State beef council or the "Cattlemen's Beef Promotion and Research Board." Such remittances and the reports specified in § 1260.201 shall be mailed to the location designated by the Board.

§ 1260.173 Refunds.

Any producer of importer from whom an assessment is collected and remitted to the Board, or who pays an assessment directly to the Board, under authority of the Act and this subpart, and who is not in favor of supporting the promotion and research program as provided for in this subpart shall have the right to demand and receive from the Board a refund of such assessment, or a prorata share thereof, upon submission of proof satisfactory to the Board that the producer or importer paid the assessment for which refund is sought. Any such demand shall be made by such producer or importer in accordance with the provisions of this subpart and in a manner consistent with regulations prescribed by the Board and approved by the Secretary.

§ 1260.174 Procedure for obtaining refund.

Each producer or importer who pays an assessment pursuant to the Act and this subpart during the period prior to the referendum may obtain a refund of such assessment only by following the procedures prescribed in this section and any regulations prescribed by the Board and approved by the Secretary.

(a) *Application form.* Board-approved refund application forms may be obtained by written request to a qualified State beef council or the Board.

(b) *Submission of refund application to Board.* Any producer or importer requesting a refund shall mail an application on the prescribed form to a qualified State beef council or the Board within 60 days from the date the assessments were due from such producer or importer. The refund application shall show—

(1) The producer's or importer's name and address;

(2) Collecting person's name and address;

(3) Number of head of cattle, or its equivalent on which a refund is requested;

(4) Total amount of refund requested;

(5) Date or inclusive dates on which assessments were paid;

(6) Certification that the producer or importer did not collect the assessment from another producer or importer; and

(7) The producer's or importer's signature or properly witnessed mark.

(c) *Proof of payment of assessment.* The invoice or accounting given to the producer or importer by the collecting person or a copy thereof, or such other evidence deemed satisfactory by the Board shall accompany the producer's or the importer's refund application.

(d) *Payment of refunds.* The Board shall pay refund requests or a prorata share thereof within 90 days of the date the results of the referendum are released by the Secretary. Refunds shall be paid in a manner consistent with § 1260.150(j).

§ 1260.175 Late-payment charge.

Any unpaid assessments due to the Board pursuant to § 1260.172 shall be increased 2.0 percent each month beginning with the day following the date such assessments were due. Any remaining amount due, which shall include any unpaid charges previously made pursuant to this section, shall be increased at the same rate on the corresponding day of each month thereafter until paid. For the purposes of this section, any assessment that was determined at a date later than prescribed by this subpart because of a person's failure to submit a report to the Board when due shall be considered to have been payable by the date it would have been due if the report had been filed when due. The timeliness of a payment to the Board shall be based on the applicable postmark date or the date actually received by the qualified State beef council or Board, whichever is earlier.

§ 1260.176 Adjustment of accounts.

Whenever the Board or the Department determines that money is due the Board or that money is due any person from the Board, such person shall be notified of the amount due. The person shall then remit any amount due the Board by the next date for remitting assessments as provided in § 1260.172. Overpayments shall be credited to the account of the person remitting the overpayment and shall be applied against amounts due in succeeding months except that the Board shall make prompt payment when an overpayment cannot be adjusted by a credit.

§ 1260.181 Qualified State beef councils.

(a) Any beef promotion entity that is authorized by State statute or is organized and operating within a State, that receives assessments or contributions from producers and conducts beef promotion, research, consumer information and/or industry information programs may apply for certification of qualification so that producers may receive credit pursuant to § 1260.172(a)(3) for contributions to such organization. The Board shall review such applications for certification and shall make a determination as to certification of such applicant.

(b) In order for the State beef council to be certified by the Board as a qualified State beef council, the council must:

(1) Conduct activities as defined in Section 1260.169 that are intended to strengthen the beef industry's position in the marketplace;

(2) Submit to the Board a report describing the manner in which assessments are collected and the procedure utilized to ensure that assessments due are paid;

(3) Certify to the Board that such council will collect assessments paid on cattle originating from the State or unit within which the council operates and shall establish procedures for ensuring compliance with this subpart with regard to the payment of such assessments;

(4) Certify to the Board that such organization shall remit to the Board assessments paid and remitted to the council, minus authorized credits issued to producers pursuant to § 1260.172(a)(3), by the last day of the month in which the assessment was remitted to the qualified State beef council unless the Board determines a different date for remittance of assessments.

(5) Councils which are authorized or required to pay refunds to producers must certify to the Board that any requests from producers for refunds from the council for contributions to such council by the producer will be honored by forwarding to the Board that portion of such refunds equal to the amount of credit received by the producer for contributions to the council pursuant to § 1260.172(a)(3);

(6) Certify to the Board that the council will furnish the Board with an annual report by a certified public accountant of all funds remitted to such council pursuant to this subpart and any other reports and information the Board or Secretary may request; and

(7) Not use council funds collected pursuant to this subpart for the purpose of influencing governmental policy or action, or to fund plans or projects which make use of any unfair or deceptive acts or practices including unfair or deceptive acts or practices with respect to the quality, value or use of any competing product.

Reports, Books and Records

§1260.201 Reports.

Each importer, person marketing cattle, beef or beef products of that person's own production directly to consumers, and each collecting person making payment to producers and responsible for the collection of the assessment under § 1260.172 shall report to the Board periodically information required by regulations prescribed by the Board and approved by the Secretary. Such information may include but is not limited to the following:

(a) The number of cattle purchased, initially transferred or which, in any other manner, is subject to the collection of assessment, and the dates of such transaction;

(b) The number of cattle imported; or the equivalent thereof of beef or beef products;

(c) The amount of assessment remitted;

(d) The basis, if necessary, to show why the remittance is less than the number of head of cattle multiplied by one dollar; and,

(e) The date any assessment was paid.

§ 1260.202 Books and records.

Each person subject to this subject shall maintain and make available for inspection by the Secretary the records required by regulations prescribed by the Board and approved by the Secretary that are necessary to carry out the provisions of this subpart, including records necessary to verify any required reports. Such records shall be maintained for the period of time prescribed by the regulations issued hereunder.

§ 1260.203 Confidential treatment.

All information obtained from such books, records or reports required under the Act and this subpart shall be kept confidential by all persons, including employees and agents and former employees and agents of the Board, all officers and employees and all former officers and employees of the Department, and by all officers and employees and all former officers and employees of contracting organizations having access to such information, and shall not be available to Board members or any other producers or importers. Only those persons having a specific need for such information in order to effectively administer the provisions of this subpart shall have access to this information. In addition, only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this subpart. Nothing in this section shall be deemed to prohibit: (a) The issuance of general statements based upon the reports of the number of persons subject to this subpart or statistical data collected therefrom, which statements do not identify the information furnished by any person; and (b) the publication, by direction of the Secretary, of the name of any person who has been adjudged to have violated this subject, together with a statement of the particular provisions of the subpart violated by such person.

Miscellaneous

§ 1260.211 Proceedings after termination.

(a) Upon the termination of this subpart the Board shall recommend not more than 11 of its members to the Secretary to serve as trustees for the purchase of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all the funds and property owned, in the possession of or under the control of the Board, including unpaid claims or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) Carry out the obligations of the Board under any contract or agreements entered into by it pursuant to §§ 1260.150 and 1260.168.

(3) From time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such persons as the Secretary may direct; and

(4) Upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this subpart shall be subject to the same obligation imposed upon the Board and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be used, to the extent practicable, in the interest of continuing one or more of the promotion, research, consumer information or industry information plans or projects authorized pursuant to this subpart.

§ 1260.212 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may hereafter arise in connection with any provision of this subpart or any regulation issued thereunder;

(b) Release or extinguish any violation of this subpart or any regulation issued thereunder; or,

(c) Affect or impair any rights or remedies of the United States, or of the Secretary, or of any person, with respect to any such violation.

§ 1260.213 Removal.

If any person appointed under this Part fails or refuses to perform his or her duties properly or engages in acts of dishonesty or willful misconduct, the Board or Committee may recommend to

the Secretary that that person be removed from office. If the Secretary finds that the recommendation demonstrates adequate cause, the Secretary shall remove the person from office. A person appointed or certified under this Part or any employee of the Board or Committee may be removed by the Secretary if the Secretary determines that the person's continued service would be detrimental to the purposes of the Act.

§ 1260.214 Personal liability.

No member, employee or agent of the Board or the Committee, including employees or agents of a qualified State beef council acting on behalf of the Board, shall be held personally responsible, either individually or jointly, in any way whatsoever, to any person for errors in judgment, mistakes or other acts of either commission or omission, or such member or employee, except for acts of dishonesty or willful misconduct.

§ 1260.215 Patents, copyrights, inventions and publications.

(a) Any patents, copyrights, inventions or publications developed through the use of funds collected by the Board under the provisions of this subpart shall be the property of the U.S. Government as represented by the Board, and shall, along with any rents, royalties, residual payments, or other income from the rental, sale, leasing, franchising, or other uses of such patents, copyrights, inventions, or publications, ensure to the benefit of the Board. Upon termination of this subpart, § 1260.211 shall apply to determine disposition of all such property.

(b) Should patents, copyrights, inventions or publications be developed through the use of funds collected by the Board under this subpart and funds contributed by another organization or person, ownership and related rights to such patents, copyrights, inventions or publications shall be determined by agreement between the Board and the party contributing funds towards the development of such patent, copyright, invention or publication in a manner consistent with paragraph (a) of this section.

§ 1260.216 Amendments.

Amendments to this subpart may be proposed, from time to time, by the Board, or by any organization or association certified pursuant to the Act and this Part, or by any interested person affected by the provisions of the Act, including the Secretary.

§ 1260.217 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this subpart or the applicability thereof of other persons or circumstances shall not be affected thereby.

Done at Washington, DC: July 16, 1986.

James C. Handley,

Administrator

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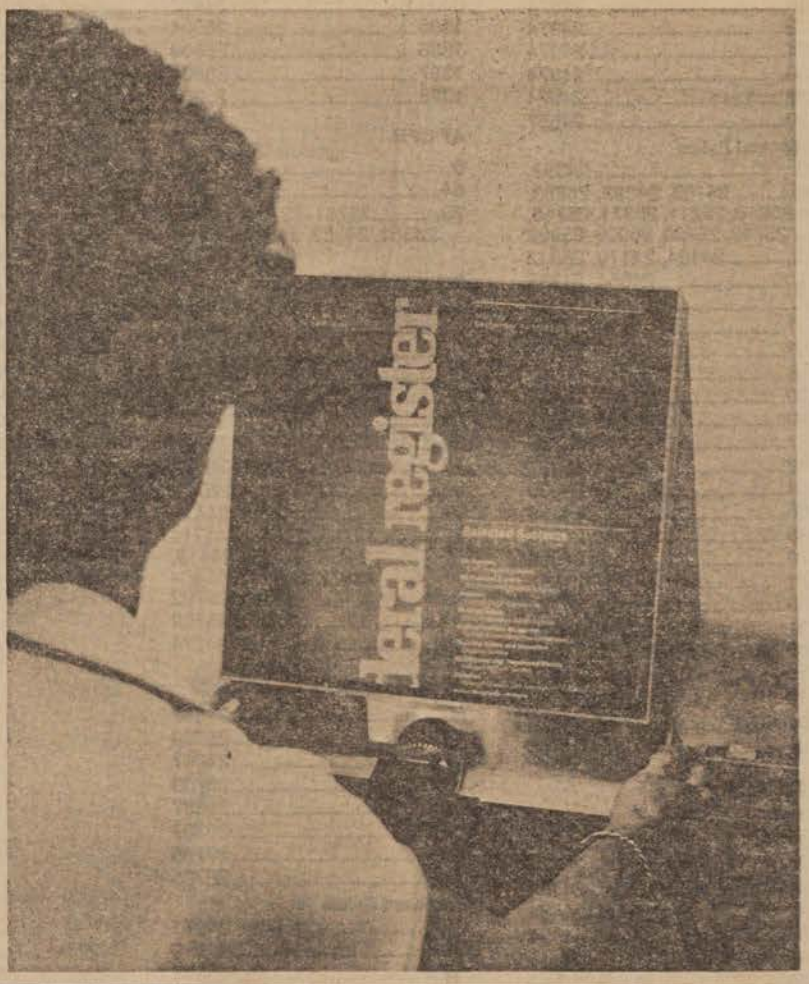

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