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Briefings on How to Use the Federal Register—
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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.

WASHINGTON, DC

WHEN: September 25; at 9 am.

WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.

RESERVATIONS: Doris Tucker 202–523–3419

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

[Docket No. F&V AO-205-A-6]

Filberts/Hazelnuts Grown in Oregon and Washington; Order Amending the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the filbert/hazelnut marketing agreement and order program (M.O. 982) to improve its operation and effectiveness. Each of the following changes was favored by the required two-thirds of the growers voting in a referendum. The amendment (1) Changes representation on the Filbert/Hazelnut Marketing Board to eliminate any reference to either cooperative or independent handlers and to recognize industry composition; (2) provides authority for advertising and promotion programs; (3) provides authority for crediting a handler's assessment for certain kinds of advertising and promotion; and (4) changes the method of establishing the Board's annual marketing policy and volume regulations to allow more flexibility to react to market conditions and provide for market growth. The referendum was conducted from May 22 through May 31, 1986 .

EFFECTIVE DATE: August 19, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, DC 20250. Telephone: (202) 447-5697.

SUPPLEMENTARY INFORMATION: Prior documents in the proceeding: Notice of Hearing issued February 11, 1985, and published February 13, 1985 (50 FR 5995); Notice of Recommended Decision issued October 15, 1985, and published October 21, 1985 (50 FR 42537); Final Decision issued May 5, 1986, and published May 12, 1986 (51 FR 17354); press release announcing referendum results issued June 24, 1986.

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and therefore is not subject to the requirements of Executive Order 12291 or Departmental Regulation 1512-1.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Adminstrator 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.

During the 1985-86 crop year, 12 handlers regulated under M.O. 982 handled filberts with an estimated crop value of approximately $16,738,000. The average value per handler was approximately $1,395,000. Given an appropriate definition of a small business concern (i.e., for purposes of review pursuant to the Regulatory Flexibility Act, an agricultural services firm with average annual receipts not exceeding $3,500,000) almost all of the handlers of filberts would fall within that definition. Thus, few handlers, if any, can be considered large or predominant in a relative or absolute sense.

The amendments to the order include provisions which would: provide producers an opportunity to periodically evaluate and express support or disapproval of the order; allow the board to become more representative of the industry by changing the structure and composition of board representation; and permit broader-based participation by growers and handlers in the administration of the order by limiting board tenure.

In addition, amendments to marketing policy and volume regulation provisions are designed primarily to streamline and improve procedures by eliminating unnecessary procedural steps and by adding additonal flexibility to handlers' abilities to satisfy withholding requirements. Thus, handlers should be able to better plan their filberts shipments, more easily make any adjustments to a strengthened market for filberts, and thereby reduce costs attributed to such volume regulations. These changes should benefit all handlers, including those who could be classified as small businesses.

The new § 982.58 provides for marketing and production research and development projects including paid advertising and promotion. This new authority should benefit handlers and growers by increasing filbert sales and reducing costs by developing new and more efficient production and marketing techniques. Also, § 982.58 authorizes crediting a handler's assessment for certain kinds of advertising and promotion. This should increase sales and at the same time allow handlers to pursue marketing programs which better fit their own individual needs.

For the reasons stated above, these amendments would not impose substantial costs on affected small businesses; they would rather heighten benefits to those businesses in direct proportion to the size of their operation without significantly increasing costs to handlers.

Finally, the amendments to the order would have no significant impact on small businesses recordkeeping and reporting burdens.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7

U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of filberts grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of filberts grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of filberts grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary and in the public interest to make all of the amendatory provisions effective upon publication in the **Federal Register.** Any delay beyond that date would interfere with effective order administration. The amendatory order provides for a marketing year beginning July 1, and the improvements in program operations and procedures provided by that order should be utilized from as near the start of the 1986–87 season as possible. Further, it is important that Filbert/Hazelnut Marketing Board nominations for grower, handler, and public members whose terms were to begin July 1, 1986, should be made and submitted to the Secretary as soon as practicable in order to have the reorganized and more representative Board make the decisions for the beginning of the 1986–87 marketing year. A prompt effective date would be consistent with achieving that objective.

In view of the foregoing, it is hereby found and determined that good cause exists for making this amendatory order effective upon publication in the **Federal Register,** and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559);

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Filberts/Hazelnuts, Grown in Oregon and Washington" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping covered by the said order, as amended, and as hereby futher amended) who, during the period July 1, 1985, through April 1, 1986, handled not less than 50 percent of the volume of such filberts covered by the said order, as amended, and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period July 1, 1985, through April 1, 1986 (which has been deemed to be a representative period), have been engaged within Oregon and Washington, in the production of filberts for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

Order Relative to Handling

It is therefore ordered, That, on and after the effective date hereof, the handling of filberts grown in Oregon and Washington shall be in conformity to and in compliance with the following terms and conditions of the order, as hereby amended.

PART 982—[AMENDED]

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

Authority: Agricultural Marketing Agreement Act of 1937, Secs., 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 982.9 Cooperative handler. [Removed]

2. Section 982.9 is removed.

§ 982.10 Independent handler. [Removed]

3. Section 982.10 is removed

4. Section 982.16 is revised to read as follows:

§ 982.16 Inshell trade acquisitions.

"Inshell trade acquisitions" means the quantity of inshell filberts acquired by the trade from all handlers during a marketing year for distribution in the continental United States.

5. Section 982.17 is revised to read as follows:

§ 982.17 Marketing year.

"Marketing year" means the 12 months from July 1 to the following June 30, both inclusive, or such other period of time as may be recommended by the Board and established by the Secretary.

6. Section 982.30 is revised to read as follows:

§ 982.30 Establishment and membership.

(a) There is hereby established a Filbert/Hazelnut Marketing Board consisting of 10 members, each of whom shal have an alternate member, to administer the terms and provisions of this part. Each member and alternate shall meet the same eligibility qualifications. The 10 member positions shall be allocated as follows:

(b) Four of the members shall represent handlers, as follows:

(1) One member shall be nominated by the handler who handled the largest volume of filberts during the marketing year preceding the marketing year in which nominations are made;

(2) One member shall be nominated by the handler who handled the second largest volume of filberts during the marketing year preceding the marketing year in which nominations are made;

(3) One member shall be nominated by the handler who handled the third largest volume of filberts during the marketing year preceding the marketing year in which nominations are made;

(4) The fourth handler member shall be nominated by and represent all other handlers.

(c) Five members shall represent growers and shall be nominated for the districts designated in or established pursuant to § 982.31. One grower member shall represent each of the five grower districts unless changes are made pursuant to § 982.31(b).

(d) One member shall be a public member who is neither a grower nor a handler.

(e) The Secretary, or the Board with the approval of the Secretary, may revise the handler representation on the Board if the Board ceases to be representative of the industry.

7. Section 982.31 is revised to read as follows:

§ 982.31 Grower districts.

(a) For the purpose of nominating grower members and alternate members, the following districts within the production area are hereby established:

(1) District 1—The State of Washington, and Clackamas and Multnomah Counties in Oregon.

(2) District 2—Marion and Polk Counties in Oregon.

(3) District 3—Linn, Lane, and Benton Counties in Oregon.

(4) District 4—Yamhill County in Oregon.

(5) District 5—All other Oregon counties within the production area.

(b) The Secretary, upon the recommendation of the Board, may reestablish districts within the production area and may reapportion grower membership among the various districts: *Provided*, That in recommending any such changes, the Board shall give consideration to (1) the relative importance of production in each district and the number of growers in each district; (2) the geographic location of districts as they would affect the efficiency of administering this part; and (3) other relevant factors.

8. Section 982.32 is revised to read as follows:

§ 982.32 Initial members and nomination of successor members.

(a) Members and alternate members of the Board serving immediately prior to the effective date of this amended subpart, shall serve on the Board as initial members of the Board until their respective successors have been selected.

(b) Nominations for successor handler members and alternate members specified in § 982.30(b) (1) through (3) shall be made by the largest, second largest, and third largest handler determined according to the tonnage of certified merchantable filberts and, when shelled filbert grade and size regulations are in effect, the inshell equivalent of certified shelled filberts (computed to the nearest whole ton) recorded by the Board as handled by each such handler during the marketing year preceding the marketing year in which nominations are made.

(c) Nominations for successor handler member and alternate member positions specified in § 982.30(b)(4) shall be made by the handlers in that category by mail ballot. All votes case shall be weighted according to the tonnage of certified merchantable filberts and, when shelled filbert grade and size regulations are in effect, the inshell equivalent of certified shelled filberts (computed to the nearest whole ton) recorded by the Board as handled by each handler during the marketing year preceding the marketing year in which nominations are made. If less than one percent is recorded for any such handler, the vote shall be weighted as one ton. The person receiving the highest number of weighted votes shall be the member nominee, and the person receiving the second highest shall be the alternate member nominee.

(d) For the purposes of nominating and voting for handler members and alternates, the tonnage of filberts shall be credited to the handler responsible under the order for the payment of assessments of those filberts.

(e) Nominees to successor grower member and alternate member positions shall be submitted to the Secretary after the Board conducts balloting of growers, or officers or employees of growers, in the grower districts according to the following procedure: Names of the candidates to be shown on the ballot for a particular district may be submitted to the Board on petitions signed by not less than 10 growers on record with the Board as growers being in that district; each grower may sign only as many petitions as there are persons to be nominated within that district. If such petitions fail to result in submission of at least two names for a district, the Board shall request County Argicultural Extension Agents in that district to recommend one or more eligible growers to be included on the ballot. Ballots, accompanied by the names of all such candidates, with spaces to indicate voters' choices and spaces for write-in candidates, together with voting instructions, shall be mailed to all growers who are on record with the Board. The person receiving the highest number of votes shall be the member nominee for that district, and the person receiving the second highest number of votes shall be the alternate member. The Board shall recommend one candidate in case of a tie vote.

(f) Nominations received in the foregoing manner by the Board for all handler and grower member and alternate member positions shall be certified and sent to the Secretary at least 60 days prior to the beginning of each marketing year, together with all necessary data and other information deemed by the Board to be pertinent or requested by the Secretary. If nominations are not made within the time and manner specified in this subpart, the Secretary may, without regard to nominations, select the Board members and alternates on the basis of the representation provided for in this subpart.

(g) The members of the Board shall nominate the public member and alternate public member at the first meeting following the selection of members for a new term of office.

(h) The Board with the approval of the Secretary shall issue rules and regulations necessary to carry out the provisions of this section or to change the procedures in this section in the event they are no longer practical.

9. Section 982.33 is revised to read as follows:

§ 982.33 Selection and term of office.

(a) *Selection.* Members and their respective alternates shall be selected by the Secretary from nominees submitted by the Board or from among other qualified persons.

(b) *Term of office.* Beginning July 1, 1986, the term of office of Board members and their alternates shall be for a period of one marketing year, but they shall serve until their respective successors are selected and have qualified: *Provided*, That beginning with the 1986–87 marketing year, no member shall serve more than six consecutive terms as member and no alternate member shall serve more than six consecutive terms as alternate.

(c) The members on the Board shall continue to serve until the new members and alternates have been selected and have qualified.

10. Section 982.34 is revised to read as follows:

§ 982.34 Qualification.

(a) Any person prior to selection as a member or an alternate member of the Board shall qualify by filing with the Secretary a written acceptance of willingness to serve on the Board.

(b) Each grower member and alternate shall be, at the time of selection and during the term of office, a grower or an officer, employee, or agent of a grower in the district for which nominated.

(c) Each handler member and alternate shall be, at the time of selection and during the term of office, a handler or an officer, employee, or agent of a handler.

(d) Any member of alternate member who at the time of selection was a member (or employed by or an agent of a member) of the group which nominated that person shall, upon ceasing to be such, become disqualified to serve further and that position shall be deemed vacant. In the event any grower member or alternate member of the Board handles filberts produced by other growers or becomes an employee or agent of a handler, that person shall be disqualified to continue to serve on the Board in that capacity.

(e) No person nominated to serve as a public member or alternate member shall have a financial interest in any filbert growing or handling operation.

(f) The Board, with the approval of the Secretary, may issue rules and regulations covering matters of qualifications for members or alternate members.

11. Section 982.36 is revised to read as follows:

§ 982.36 Alternates.

An alternate for a member of the Board shall act in the place of the member during such member's absence or, upon the member's death, removal, resignation, or disqualification, until a successor for that member's term has been selected and has qualified.

12. Paragraphs (a) and (b) of § 982.37 are revised to read as follows:

§ 982.37 Procedure.

(a) Seven members of the Board shall constitute a quorum at an assembled meeting of the Board, and any action of the Board shall require the concurring vote of at least six members. At any assembled meeting, all votes shall be cast in person.

(b) The Board may vote by mail, telephone, telegraph, or other means of communication: *Provided,* That any votes (except mail votes) so cast shall be confirmed in writing. When any proposition is submitted for voting by any such method, its adoption shall require 10 concurring votes.

* * * * *

13. Section 982.40 is revised to read as follows:

§ 982.40 Marketing policy and volume regulation.

(a) *General.* As provided in this section, prior to September 20 of each marketing year, the Board may hold meetings for the purpose of computing its marketing policy for that year and shall do so for the purpose of submitting any recommendations on its policy to the Secretary. The Board may designate one of its employees to compute and announce the preliminary computed free and restricted percentages.

(b) *Inshell trade demand.* If the Board determines that volume regulation would tend to effectuate the declared policy of the act, it shall compute and announce an inshell trade demand for that year prior to September 20. The inshell trade demand shall equal the average of the preceding three years' trade acquisitions of inshell filberts: *Provided,* That the Board may increase such average by no more than 25 percent if market conditions justify such an increase. If the trade acquisitions during any or all of these years were abnormal because of crop or marketing conditions, the Board may use a prior year or years in determining the three-year average.

(c) *Inshell allocation*—(1) *Preliminary computed percentages.* Prior to September 20 of a marketing year, the Board shall compute and announce preliminary computed free and restricted percentages for that year, to release 80 percent of the inshell trade demand for that year. The preliminary computed free percentage shall be computed by multiplying that trade demand, adjusted by the declared carryin, by 80 percent, and by dividing that amount by the Board's estimate of orchard-run production less the average disappearance during the preceding three years, plus the undeclared carryin. The difference between 100 percent and the preliminary free percentage shall be the preliminary computed restricted percentage. At the same time, the Board may announce the portion of the restricted supply that may be shelled or exported, and the remainder of that supply to be disposed of in outlets approved by the Board pursuant to § 982.52.

(2) *Interim final and final percentages.* On or before November 15, the Board shall meet to recommend to the Secretary the interim final and final free and restricted percentages, including the portion of the restricted supply that may be shelled or exported. The interim final percentages shall release 100 percent of the inshell trade demand previously computed by the Board for the marketing year. The final free and restricted percentages shall release an additional 15 percent of the average of the preceding three years' trade acquisitions of inshell filberts for desirable carryout. If the trade acquisitions during any or all of these years were abnormal, the Board may use a prior year or years in determining this three-year average. The final free and restricted percentages shall become effective 30 days prior to the end of the marketing year, or earlier as may be recommended by the Board and approved by the Secretary. The recommendations to the Secretary shall include the following:

(i) The estimated tonnage of merchantable filberts expected to be produced during the marketing year.

(ii) The estimated tonnage of inshell filberts held by handlers on the first day of the marketing year which may be available for handling as inshell filberts thereafter.

(iii) Any other pertinent factors bearing on the marketing of filberts during the marketing year.

Whenever the Secretary finds, on the basis of the recommendation of the Board or other available information that, to establish the interim final and final free and restricted percentages would tend to effectuate the declared policy of the act, the Secretary shall establish such percentages.

(d) *Grade and size regulations.* Prior to September 20, the Board may consider grade and size regulations in effect and may recommend modifications thereof to the Secretary.

(e) *Revision of marketing policy.* At any time prior to February 15 of the marketing year, the Board may recommend to the Secretary revisions in the marketing policy for that year: *Provided,* That in no event shall any such recommendation provide for free and restricted percentages based on an inshell trade demand which is more than 125 percent of the average of the preceding three years' trade acquisitions computed pursuant to paragraph (b) of this section for that marketing year. At any time during the period December 1 through February 10 at the request of two or more handlers, who during the preceding marketing year handled at least 10 percent of all filberts handled, the Board shall meet to determine whether the marketing policy should be revised.

14. Section 982.41 is revised to read as follows:

§ 982.41 Free and restricted percentages.

The free and restricted percentages computed by the Board or established by the Secretary pursuant to § 982.40 shall apply to all merchantable filberts handled during the current marketing year. Until the preliminary computed free and restricted percentages are computed by the Board for the current marketing year, the percentages in effect at the end of the previous marketing year shall be applicable.

15. Section 982.51 is revised to read as follows:

§ 982.51 Restricted credit for ungraded inshell filberts and for shelled filberts.

(a) A handler may withhold ungraded inshell filberts in lieu of certified merchantable filberts in satisfaction of that handler's restricted obligations, and the weight on which credit may be received shall be the shelled filbert equivalent weight as inspected by the Federal-State Inspection Service multiplied by 2.5 percent. Any lot of ungraded filberts not meeting the moisture requirements for certified merchantable filberts shall not be eligible for credit. All determinations as to the shelled filbert equivalent weight

shall be made by the Federal-State Inspection Service at the handler's expense. Filberts so withheld shall be subject to the applicable requirements of § 982.50. The weight of all such lots for which a handler has received credit shall be adjusted by the Board when the lots are handled or disposed of so that the creditable weight is equal to the amount of certified merchantable inshell filberts or certified shelled filberts that are subsequently handled or disposed of from those lots. If this adjustment causes the handler to no longer be in satisfaction of that handler's restricted obligation as required by § 982.50, the deficiency shall be satisfied in the subsequent marketing year. If this adjustment results in a handler disposing of, in restricted outlets, a quantity in excess of that handler's restricted obligation, such excess shall not be credited to such handler's restricted obligation during the subsequent marketing year.

(b) A handler may withhold, in accordance with § 982.50(a), certified shelled filberts in lieu of merchantable filberts in satisfaction of such handler's restricted obligation, subject to such terms and conditions as are recommended by the Board and established by the Secretary. The inshell equivalent of such filberts shall be determined by multiplying the weight of the shelled filberts by 2.5.

(c) The Secretary upon recommendation of the Board and other available data may modify these procedures, change the conversion factors, and specify factors for conversion for different varieties of filberts.

16. Paragraphs (b) and (d) of § 982.52 are revised to read as follows:

§ 982.52 Disposition of restricted filberts.

* * * * *

(b) *Export.* Sales of certified merchantable restricted filberts for shipment to destinations outside the continental United States shall be made only by the Board. Any handler desiring to export any part or all of that handler's certified merchantable restricted filberts shall deliver to the Board the certified merchantable restricted filberts to be exported, but the Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any filberts so delivered for export which the Board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the Board only on execution of an agreement to prevent reimportation into the continental United States. A handler may be permitted to act as agent of the Board, upon such terms and conditions as the Board may specify, in negotiating export sales, and when so acting shall be entitled to receive a selling commission as authorized by the Board. The proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose certified merchantable restricted filberts are so sold by the Board.

* * * * *

(d) *Restricted credits.* During any marketing year, handlers who dispose of a quantity of eligible filberts in restricted outlets in excess of their restricted obligations, may transfer such excess credits to another handler or handlers. Upon a handler's written request to the Board during a marketing year, the Board shall transfer any or all of such excess restricted credits to such other handler or handlers that the handler may designate. The Board, with the approval of the Secretary, shall establish rules and regulations for the transfer of excess restricted credits.

17. Paragraphs (a) and (c) of § 982.54 are revised to read as follows:

§ 982.54 Deferment of restricted obligation.

(a) *Bonding.* Compliance by any handler with the requirements of § 982.50 when restricted filberts may be withheld shall be temporarily deferred to any date requested by the handler, but not later than 60 days prior to the end of the marketing year. Such deferment shall be conditioned upon the voluntary execution and delivery by the handler to the Board of a written undertaking before beginning to handle merchantable filberts during the marketing year. Such written undertaking shall be secured by a bond or bonds with a surety or sureties acceptable to the Board that on or prior to such date the handler will have fully satisfied the restricted obligation required by § 982.50, subject to any adjustment pursuant to § 982.51.

* * * * *

(c) *Bonding rate.* Said bonding rate for each pack shall be an amount per pound as established by the Board. Until bonding rates for a marketing year are fixed, the rates in effect for the preceding marketing year shall continue in effect. The Board should make any necessary adjustments once such new rates are fixed.

* * * * *

18. Section 982.57 is revised to read as follows:

§ 982.57 Exemptions.

(a) *General.* The Board, with the approval of the Secretary, may establish such rules, regulations, and safeguards that exempt from any or all requirements pursuant to this part such quantities of filberts or types of shipments as do not interfere with the volume and quality control objectives of this part, and shall require such reports, certifications, or other conditions as are necessary to ensure that such filberts are handled or used only as authorized.

(b) *Sales by growers direct to consumers.* Any filbert grower may sell filberts of such grower's own production free of the regulatory and assessment provisions of this part if such grower sells such filberts in the area of production directly to end users at such grower's ranch or orchard or at roadside stands and farmers' markets. The Board, with the approval of the Secretary, may establish such rules, regulations, and safeguards and require such reports, certifications, and other conditions as are necessary to ensure that such filberts are disposed of only as authorized.

19. A new center heading entitled "Market Development" and a new § 982.58 following that heading are added to read as follows:

Market Development

§ 982.58 Research, promotion, and market development.

(a) *General.* The Board, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, marketing research and development, and marketing promotion, including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption, or efficient production of filberts (hazelnuts). The Board may also provide for crediting the pro rata expense assessment obligations of a handler with such portion of such handler's direct expenditures for such marketing promotion including paid advertising as may be authorized. The expenses of such projects shall be paid from funds collected pursuant to § 982.61 or credited pursuant to paragraph (b) of this section.

(b) *Creditable expenditures.* The Board, with the approval of the Secretary, may provide for crediting all or any portion of a handler's direct expenditures for marketing promotion including paid advertising, that promotes the sale of filberts, filbert products, or their uses. No handler shall receive credit for any allowable direct expenditures that would exceed the

total of the handler's assessment obligation which is attributable to that portion of the handler's assessment designated for marketing promotion including paid advertising.

(c) *Rules and regulations.* Before any projects involving marketing promotion, including paid advertising and the crediting of the pro rata expense assessment obligation of handlers is undertaken pursuant to this section, the Secretary, after recommendation by the Board, shall prescribe appropriate rules and regulations as are necessary to effectively administer such projects.

20. Section 982.61 is amended by revising the third sentence to read as follows:

§ 982.61 Assessments.

* * * Each handler shall pay to the Board on demand, assessments on all such assessable filberts at the rate fixed by the Secretary, less any amounts credited pursuant to § 982.58. * * *

21. A new § 982.64 entitled "Creditable promotion and advertising reports" to be published under the center heading "Records and Reports" is added to read as follows:

§ 982.64 Creditable promotion and advertising reports.

Each handler shall file such reports of creditable promotion including paid advertising conducted pursuant to § 982.58 as recommended by the Board and approved by the Secretary.

22. Section 982.69 is amended by revising the first sentence to read as follows:

§ 982.69 Verification of reports.

For the purpose of checking and verifying reports submitted by handlers, the Secretary and the Board, through its duly authorized agents, shall have access to each handler's premises at any time during reasonable business hours and shall be permitted to inspect any filberts held by such handler and all records of the handler with respect to filberts held or disposed of by such handler and all records of the handler with respect to promotion and advertising activities conducted pursuant to § 982.58. * * *

23. Section 982.71 is amended by revising the first sentence to read as follows:

§ 982.71 Records.

Each handler shall maintain such records of filberts received, held, and disposed of by the handler, an such records detailing such handler's promotion and advertising activities, as may be prescribed by the Board in order to perform its function under this part. * * *

24. Section 982.86 is amended by redesignating current paragraphs (b) (3) and (4) as (b) (4) and (5), respectively, and by adding a new paragraph (b)(3) to read as follows:

§ 982.86 Effective time, termination, or suspension.

* * * * *

(b) * * *

(3) *Referendum.* The Board shall recommend to the Secretary during the first half of every 10-year period starting January 1, 1990, that a referendum be conducted to ascertain whether continuance of this subpart is favored by the producers.

* * * * *

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

Effective August 19, 1986.

Signed at Washington, DC, on August 11, 1986.

Karen K. Darling,

Deputy Assistant Secretary, Marketing & Inspection Services.

[FR Doc. 86–18438 Filed 8–18–86; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF EDUCATION

34 CFR Parts 63 and 211

Removal of Miscellaneous Regulations

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends Title 34 of the Code of Federal Regulations (CFR) by removing certain obsolete parts. The parts are no longer needed for the reasons described in this document. The Secretary takes this action to eliminate unnecessary regulations.

EFFECTIVE DATE: August 19, 1986.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, 400 Maryland Avenue, SW. (Room 2129, FOB–6), Washington, DC 20202. Telephone: (202) 732–2887.

SUPPLEMENTARY INFORMATION: Under Executive Order 12291, effective February 17, 1981, the Department of Education (ED) is reviewing and, where possible, eliminating unnecessary regulations.

Part 63—Telecommunications Demonstration Program. These regulations are obsolete because the legislative authorization of appropriations for this program expired on October 1, 1981, and has not been renewed.

Part 211—Guidance and Counseling. These regulations are obsolete because the legislative authorization of appropriations for this program expired on October 1, 1983, and has not been renewed.

Grants previously awarded by ED under 34 CFR Parts 63 and 211 remain subject to the regulations in effect at the time the grants were made.

Waiver of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the removal of these obsolete regulations is purely technical and does not establish new substantive policy. Therefore, the Secretary has determined, under 5 U.S.C. 553(b)(B), that proposed rulemaking on these regulations is unnecessary and contrary to the public interest.

List of Subjects

34 CFR Part 63

Education, Grant programs—communications, Grant programs—education, Telecommunications.

34 CFR Part 211

Education, Elementary and secondary education, Grant programs—education, Teachers.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Assistance Numbers do not apply)

Dated: August 14, 1986.

William J. Bennett,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations as follows:

PART 63—TELECOMMUNICATIONS DEMONSTRATION PROGRAM—[REMOVED]

1. Part 63 is removed.

PART 211—GUIDANCE AND COUNSELING—[REMOVED]

2. Part 211 is removed.

[FR Doc. 86–18691 Filed 8–18–86; 8:45 am]

BILLING CODE 4000-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-135; RM-5210]

Radio Broadcasting Services; Greenwood, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 282A to Greenwood, Mississippi, as that community's third FM service, in response to a request from Ruben C. Hughes. Supporting comments were filed by Ruben C. Hughes.

With this action, this proceeding is terminated.

DATES: Effective September 19, 1986; The window period for filing applications will open on September 22, 1986, and close on October 20, 1986.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-135, adopted August 4, 1986, and released August 13, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

47 CFR Part 73 is amended as follows:

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

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

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

§ 73.202 FM Table of Allotments.

* * * * *

(b) * * *

City	Channel No.
Greenwood, MS	256, 270A, and 282A.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-18631 Filed 8-18-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-371; RM-5095]

Radio Broadcasting Services; Aurora, NE

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Channel 247C2 for Channel 276A at Aurora, Nebraska, and modifies the license of Station KKBB(FM) to operate on the higher powered channel, at the request of Mile Hi Broadcasting. The substitution of channels could provide increased service to Aurora and its environs.

With this action, this proceeding is terminated.

EFFECTIVE DATE: September 19, 1986.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85-371, adopted August 4, 1986, and released August 13, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

47 CFR Part 73 is amended as follows:

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

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

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

§ 73.202 FM Table of Allotments.

* * * * *

(b) * * *

Nebraksa	Channel No.
* * * * *	
Aurora	247C2
* * * * *	

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-18628 Filed 8-18-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-310; RM-5036]

Radio Broadcasting Services; Marshall, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document denies a motion for stay and allots FM Channel 222A to Marshall, Texas, as that community's second FM service at the request of Gordon Media Corporation.

With this action, this proceeding is terminated.

DATES: Effective September 19, 1986; The window period for filing applications will open on September 22, 1986, and close on October 20, 1986.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85-310, adopted July 31, 1986, and released August 13, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

47 CFR Part 73 is amended as follows:

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

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

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

§ 73.202 Table of Allotments.

* * * * *

(b) * * *

Texas	Channel No.
* * * *	*
Marshall	222A, 280A
* * * *	*

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-18627 Filed 8-18-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-52; RM-4946; RM-5097]

Radio Broadcasting Services; Quincy, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channels 262A and 276A to Quincy, California, as that community's second and third local FM services, in response to proposals filed by Judith Anne Wittick and Ronald Trumbo, respectively. With this action, this proceeding is terminated.

DATES: Effective September 19, 1986; The window period for filing applications will open on September 22, 1986, and close on October 20, 1986.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-52, adopted August 4, 1986, and released August 13, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202(b), the table of allotments, in the entry for Quincy, California, under the "Channel No." column) Channels 262A and 276A are added.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-18630 Filed 8-18-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-198; RM-4937]

Radio Broadcasting Services; Brookfield, WI, et al.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 295A to Brookfield, Wisconsin, as that community's first FM allotment at the request of Tran Broadcasting Corporation. In addition, Channel 294 at Waukegan, Illinois is reallotted to Des Plaines, Illinois to reflect its actual usage. Supporting comments were filed by petitioner and City Lights. With this action, this proceeding is terminated.

DATES: Effective September 19, 1986; The window period for filing applications will open on September 22, 1986, and close on October 20, 1986.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85-198, adopted August 4, 1986, and released August 13, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202(b), the table of allotments, in the entry for Brookfield, Wisconsin, Channel 295A is added; and the table is further amended by adding Des Plaines, Channel 294, under Illinois and removing Waukegan, Channel 294, under Illinois.

Charles Schoot,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-18629 Filed 8-18-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 509 and 571

[Docket No. 80-18; Notice 5]

Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; Response to Petitions for Reconsideration.

SUMMARY: This notice responds to two petitions for reconsideration of the amendments to Standard No. 210, *Seat Belt Assembly Anchorages*, published on October 10, 1985. Those amendments required manufacturers to provide anchorages for a lap safety belt in automatic-restraint equipped vehicles in which the automatic restraint system cannot be used to restrain a child safety seat. In addition, the amendments required manufacturers to provide certain safety information in their vehicle owner's manual describing how to install the lap belt. Also, the owner's manual was to state that children are safer when properly restrained in the rear seating positions than in front seating positions and that, in a vehicle with a rear seating position, the center rear seating position is the safest. Two manufacturers, American Motors Corporation (AMC) and Toyota Motor Corporation (Toyota), filed timely petitions seeking reconsideration of those amendments. In response to AMC's petition, the agency has amended the lap belt anchorage requirement to make it clear that if a manufacturer voluntarily provides a manual lap or lap/shoulder belt at the front right passenger's seat, it does not have to provide an additional set of anchorages. AMC's remaining requests to permit the use of self-tapping safety belt anchorage bolts and to extend the September 1, 1987 effective date are denied. Toyota's request to delete the requirement that manufacturers state that the center rear seat is the safest seating position is granted.

DATES: The amendments made by this notice are effective on August 19, 1986. Manufacturers do not have to comply with the requirements of S4.1.3, S6 and S7 until September 1, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Vladislav Radovich, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Room 5320, 400 Seventh Street, SW., Washington, DC 20590, (202-426-2264).

SUPPLEMENTARY INFORMATION: On October 10, 1985 (50 FR 41356), NHTSA published a final rule amending Standard No. 210, *Seat Belt Assembly Anchorages*. The amendments require manufacturers to provide anchorages for a lap belt at the front right seat in vehicles manufactured after September 1, 1987, if the vehicle is equipped with an automatic restraint system that cannot be used to restrain a child safety seat. In addition, the amendments require manufacturers to provide safety information in their vehicle owner's manuals on the proper installation of lap belts in vehicles equipped with the supplemental lap belt anchorages. Also, the owner's manual was to state that children are safer when properly restrained in the rear seating positions

than in front seating positions and that, in a vehicle with a rear seating position, the center rear seating position is the safest. Two vehicle manufacturers, AMC and Toyota, timely filed petitions seeking reconsideration of those amendments. In the following discussion, NHTSA addresses the issues raised by the petitioners.

Anchorage Requirements

AMC said that the language of the lap belt anchorage requirement of S4.1.3 of the standard could be "construed to mean that the supplemental anchorages might be required, *even if* a lap belt is present." As NHTSA explained in the preamble to the October 1985 final rule, the purpose of the anchorage requirement is to enable vehicle owners to quickly and easily install a lap belt to secure a child safety seat in the front right passenger's seat. The agency agrees with AMC that clearly if a manufacturer has already provided a lap belt at that position, there is no need for the supplemental anchorages. NHTSA has amended the language of the standard to clarify the requirement by providing that a manufacturer can, at its option, provide either the supplemental anchorages or a manual lap or lap/shoulder belt.

Modification of Automatic Belt Systems

AMC also asked the agency to allow manufacturers to provide methods, other than lap belt anchorages, to enable vehicle owners to secure child safety seats. AMC said that one "possible approach would be the adaptation of the automatic restraint system to secure a child restraint. For example, for a two-point automatic belt with a door-mounted emergency release, the manufacturer could include instructions to the owner on the installation of a buckle on the lower outboard anchorage. The automatic belt could then be released from the door, and buckled at the floor to form a lap belt." AMC said that it was "not necessarily recommending the use of these systems, because the questions of cost, adult misuse, etc., all must be addressed."

As NHTSA explained in the preamble to the October 1985 final rule, the purpose of the amendment is to address the problems associated with securing a child safety seat in some types of automatic restraint systems. For example, some automatic safety belts cannot be used to secure child safety seats either because they have only a single diagonal shoulder belt or because they are nondetachable and thus cannot be threaded through the structure of the child safety seat to hold the safety seat in place. By requiring manufacturers to provide threaded anchorage holes in those vehicles, the agency believed that vehicle owners who wanted to install a lap belt at the front right seat could easily and quickly do so by taking the simple step of threading a bolt into the anchorage.

NHTSA agrees with AMC that it would not be necessary to require the additional lap belt anchorages, if the vehicle owner can adjust the automatic belt system so that it can effectively restrain a child safety seat. NHTSA believes that the ease and simplicity of the adjustment is crucial. The agency does not want vehicle owners to have to follow complicated instructions or have to obtain special tools or have to purchase and install special attachment (other than the belt itself) hardware before they can use the automatic belt system to restrain a child safety seat. The more difficult and complicated the procedure is, the greater the possibility that a vehicle owner may improperly adjust the automatic belt system. In contrast, if a vehicle manufacturer has installed the additional hardware necessary to allow the use of the automatic belt to restrain a child safety seat and all a vehicle owner has to do is simply to operate the emergency release for the automatic belt and then reconnect it to the attachment hardware provided by the manufacturer, NHTSA believes that vehicle owners can quickly, easily and safely use the automatic belt to restrain a child safety seat. Thus, the agency is amending the language of S4.1.3 to provide that a manufacturer does not have to install threaded anchorages holes if it has installed all the necessary hardware needed to adjust the automatic safety belt to secure a child safety seat.

With this amendment, manufacturers now have three options for securing child safety seats in automatic restraint equipped vehicles. First, they can provide an automatic restraint that can be used, with no modifications, to secure a child safety seat. Alternatively, they can provide an automatic restraint that can be modified or adjusted by the vehicle owner to secure a child safety seat, as long as the manufacturer has installed all the hardware necessary to secure the child safety seat. Finally, a vehicle manufacturer has the alternative of, at its option, installing a manual lap or lap/shoulder belt with its automatic restraint system or providing threaded holes so that the vehicle owner can install a manual lap belt. The agency believes that these three alternatives give a substantial amount of flexibility to vehicle manufacturers to determine which approach they want to use and assures that vehicle owners can quickly, easily, and safely use child safety seats in the front right seats of automatic restraint equipped vehicles.

Threaded Holes

The final rule required manufacturers to provide threaded holes that would accept a bolt complying with Standard No. 209, *Seat Belt Assemblies*. AMC explained that it does not use a threaded nut in its safety belt assembly, but instead use a self-tapping bolt. It said use of the self-tapping bolt eliminates the possibility of cross-threading or misalignment caused by paint on the thread of the nut. AMC asked that the requirement be changed from providing threaded holes, to providing holes that will accept any type of safety belt hardware.

NHTSA specified the installation of a threaded hole so that a vehicle owner could quickly, easily, and safely install a lap belt without using special tools or purchasing special attachment hardware. The agency expected that with the threaded holes, a vehicle owner could, if need be, find the appropriate bolt at a hardware store and install the bolt with a simple wrench or pliers. The agency is concerned that a self-tapping bolt of sufficient size and strength to withstand the forces imposed by a safety belt is not commonly available. In addition, it may be more difficult for a vehicle owner to properly align a self-tapping bolt and exert sufficient force to drive the bolt through the steel floor without a special tool. Therefore, NHTSA has decided to deny AMC's request, and instead retain the requirement that manufacturers provide threaded holes.

Leadtime

Saying that its petition sought several changes which will impact the design of its vehicles, AMC requested the agency to provide additional leadtime to implement any changes adopted by the agency. The agency does not believe that any additional leadtime is necessary. As adopted, the rule provided nearly two years of leadtime. AMC has provided no new information to show that it cannot meet the requirements of the rule within that period of time. Therefore, NHTSA has decided to deny AMC's request for additional leadtime.

Owner's Manual Information

The October 1985 final rule requires manufacturers to provide certain information in their owner's manuals about securing child safety seats in their vehicles. Among the requirements is one

that, in vehicles with a center rear seat, manufacturers must state in the owner's manual that the center rear seat is the safest. Toyota asked the agency to reconsider that requirement.

Toyota agrees that children are safest when properly restrained in the rear seat, but it said it does not have data to show the center rear seat is always the safest. In addition, Toyota said that in a vehicle with front bucket seats, "depending how a child is restrained in the center rear seating position, he or she could hit against the console box and or the transmission shift lever, which are more solid than the front seatbacks." Finally, Toyota said that the required statement might mislead persons into thinking that the center rear seat is the safest, regardless of how an occupant is restrained.

NHTSA decided to require a statement about the safety of the center seat in the owner's manual based on crash tests and accident data which show that the center rear seat is safer, particularly in side impacts, than other seats. For example, side impact crash tests conducted for the agency have shown that, as would be expected, test dummies closer to the struck side of the vehicle experience larger acceleration than dummies seated away from that side. In addition to experiencing larger accelerations, the test dummies located closer to the side door contacted the interior of the vehicle as it crushed inward during the impact. (See, for example, "Countermeasures for Side Impact" DOT Contract HS 9–02177.)

Likewise, accident data have generally shown that the center rear seat is the safest. For example, data on injuries to unrestrained occupants show that occupants of center seating positions have fewer serious injuries and fatalities than unrestrained occupants in outboard rear seats. (See, "Usage and Effectiveness of Seat and Shoulder Belts in Rural Pennsylvania," DOT Publication HS 801–398). Data on restrained occupants in the rear seats is more limited. The Canadian Ministry of Transport analyzed data on the fatality and injury rates in Ontario and Alberta for the years 1978–1980. The Alberta data show, for example, that restrained children (birth–14 years old) riding in the center rear seat had the lowest rate of major and fatal injuries. Likewise, the Ontario data showed that restrained children (birth–14 years old) riding in the center rear seat had the lowest fatality rate. NHTSA acknowledges that because of the small amount of information available on injuries and fatalities to restrained children in the rear seat, the results should not be regarded as conclusive.

NHTSA does not have sufficiently detailed files on real-world crashes to be able to address Toyota's statement that for vehicles with bucket seats it is possible that, depending on how a child is restrained, he or she could strike the console box or other vehicle features which are harder than the seatback. The agency also has not done any crash testing of bucket seat vehicles with child test dummies restrained in the rear seat. The agency agrees, however, that, depending on how a child is restrained and the severity of the crash, it is possible for a restrained child in the center rear seat of a bucket seat vehicle to strike a portion of the vehicle's interior in front of the child. Therefore, the agency has decided to grant Toyota's petition and has deleted the requirement in S6(b) that manufacturers state that the center rear seat is the safest seating position. NHTSA anticipates that if a manufacturer has a particular concern about a design feature in its bucket seat equipped vehicles which could be struck by a properly restrained child, the manufacturer would take steps to minimize the risk posed by the design feature.

Navistar International Corporation (Navistar) has recently written the agency concerning the applicability of the owner's manual requirements to vehicles with a gross vehicle weight rating (GVWR) of more than 10,000 pounds. Navistar said that such heavy vehicles are generally property-carrying and service vehicles used for commercial purposes and would seldom, if ever, be carrying children. Navistar also noted that the drivers of those heavy vehicles may never see the owner's manual, since they may not be the owner of the vehicle.

The agency believes that Navistar has raised several good reasons why the owner's manual requirements should be limited to vehicles with a GVWR of 10,000 pounds or less, which is the class of vehicle which would normally be transporting children in child safety seats. Thus, the agency is amending the standard to limit the owners manual requirements to vehicles with a GVWR of 10,000 pounds or less.

The agency is also making another minor clarifying change to the owner's manual information requirements.

S6(c) of the standard requires vehicle manufacturers to provide information about the location of the anchorages for shoulder belts in the rear outboard seats in their vehicles under the following conditions. Manufacturers are required to provide the owner's manual information if Standard No. 210 requires them to install shoulder belt anchorages at those positions and they have not installed lap/shoulder belts at those positions as items of original equipment. Since S4.1.1 of Standard No. 210 only requires the installation of shoulder belt anchorages in the rear outboard seats of passenger cars, the agency is amending S6(c) to make clear that this portion of the owner's manual requirements only apply to passenger cars.

Regulatory Effects

NHTSA has examined the effect of this rulemaking action and determined that it is not major within the meaning of Executive Order 12291 or significant within the meaning of the Department of Transportation's regulatory policies and procedures. The amendments made by this rule merely clarify existing requirements and do not impose any economic or other burden on vehicle manufacturers. The agency fully described the economic and other impacts of the October 1985 final rule in a regulatory evaluation accompanying that rulemaking. Because the effect of the amendments is minimal, no further regulatory evaluation is required.

Regulatory Flexibility Act

NHTSA has also considered the effects of this rulemaking action under the Regulatory Flexibility Act and I hereby certify that it would not have a significant economic impact on a substantial number of small entities. The effect of this rule is on vehicle manufacturers, few if any of which are small manufacturers.

Environmental Effects

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the quality of the human environment.

Paperwork Reduction

The owner manual's requirements of this rule, in S6 and S7, contain information collection requirements which have been submitted to and approved by the Office of Management and Budget pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). These requirements have been approved through March 31, 1987 (OMB approval number 2127–0544).

List of Subjects

49 CFR Part 509

Reporting and recordkeeping requirements.

49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

For the reasons set out in the preamble, Title 49 of the Code of Federal Regulations is amended as follows:

PART 509—[AMENDED]

1. The authority citation for Part 509 continues to read as follows:

Authority: 44 U.S.C. 3507.

2. Section 509.2 is amended by adding the following entry in section order to read as follows:

§ 509.2 [Amended]

49 CFR Part or section containing information collection requirements	OMB Control No.
* * * * *	
Section 571.210	2127-0544
* * * * *	

PART 571—[AMENDED]

Section 571.210 of Title 49 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 571 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.210 [Amended]

2. S4.1.3 is amended by revising the first sentence to read as follows:

* * * * *

S4.1.3 Notwithstanding the requirement of paragraph S4.1.1, each vehicle manufactured on or after September 1, 1987, that is equipped with an automatic restraint at the front right outboard designated seating position that cannot be used for securing a child restraint system or cannot be adjusted by the vehicle owner to secure a child restraint system solely through the use of attachment hardware installed as an item of original equipment by the vehicle manufacturer, shall have, at the manufacturer's option, either anchorages for a Type 1 seat belt assembly at that position or a Type 1 or Type 2 seat belt assembly at that position.

3. The first sentence of S6 is revised to read as follows:

* * * * *

S6. *Owner's Manual Information.* The owner's manual in each vehicle with a GVWR of 10,000 pounds or less manufactured after September 1, 1987 shall include:

* * * * *

4. S6 (b) and (c) are revised to read as follows:

* * * * *

(b) In a vehicle with rear designated seating positions, a statement alerting vehicle owners that, according to accident statistics, children are safer when properly restrained in the rear seating positions than in the front seating positions.

(c) In each passenger car, a diagram or diagrams showing the location of the shoulder belt anchorages required by this standard for the rear outboard designated seating positions, if shoulder belts are not installed as items of original equipment by the vehicle manufacturer at those positions.

* * * * *

5. S7 is revised to read as follows:

* * * * *

S7. *Installation Instructions.* The owner's manual in each vehicle manufactured on or after September 1, 1987, with an automatic restraint at the front right outboard designated seating position that cannot be used to secure a child restraint system when the automatic restraint is adjusted to meet the performance requirements of S5.1 of Standard No. 208 shall have:

(a) A statement that the automatic restraint at the front right outboard designated seating position cannot be used to secure a child restraint and, as appropriate, one of the following three statements:

(1) A statement that the automatic restraint at the front right outboard designated seating position can be adjusted to secure a child restraint system using attachment hardware installed as original equipment by the vehicle manufacturer;

(2) A statement that anchorages for installation of a lap belt to secure a child restraint system have been provided at the front right outboard designated seating position; or

(3) A statement that a lap or manual lap or lap/shoulder belt has been installed by the vehicle manufacturer at the front right outboard designated seating position to secure a child restraint.

(b) In each vehicle in which a lap or lap/shoulder belt is not installed at the front right outboard designated seating position as an item of original equipment, but the automatic restraint at that position can be adjusted by the vehicle owner to secure a child restraint system using an item or items of original equipment installed in the vehicle by the vehicle manufacturer, the owner's manual shall also have:

(1) A diagram or diagrams showing the location of the attachment hardware provided by the vehicle manufacturer.

(2) A step-by-step procedure with a diagram or diagrams showing how to modify the automatic restraint system to secure a child restraint system. The instructions shall explain the proper routing of the attachment hardware.

(c) In each vehicle in which the automatic restraint at the front right outboard designated seating position cannot be modified to secure a child restraint system using attachment hardware installed as an original equipment by the vehicle manufacturer and a manual lap or lap/shoulder belt is not installed as an item of original equipment by the vehicle manufacturer, the owner's manual shall also have:

(1) A diagram or diagrams showing the locations of the lap belt anchorages for the front right outboard designated seating position.

(2) A step-by-step procedure and a diagram or diagrams for installing the proper lap belt anchorage hardware and a Type 1 lap belt at the front right outboard designated seating position. The instructions shall explain the proper routing of the seat belt assembly and the attachment of the seat belt assembly to the lap belt anchorages.

Issued on: August 12, 1986.

Diane K. Steed,

Administrator.

[FR Doc. 86-18498 Filed 8-18-86; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

[Docket No. 60107-6045]

Atlantic Mackerel, Squid, and Butterfish Fisheries

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

ACTION: Notice of squid specification increase.

SUMMARY: NOAA issues this notice to increase the Initial Optimum Yield (IOY) specification for *Loligo* squid as required by regulations governing the squid fisheries. This increase is assigned to the domestic annual harvest (DAH) and makes 500 metric tons (mt) available for joint venture processing (JVP). This action is intended to foster the goal of the Fishery Management Plan

for Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) by creating benefits for the U.S. fishing industry.

DATES: This increase is effective August 14, 1986. Comments are invited until August 29, 1986.

ADDRESS: Send comments to Salvatore A. Testaverde, Northeast Regional Office, NMFS, 2 State Fish Pier, Gloucester, MA 01930–3097. Mark on the outside of the envelope, "Comments on Squid Specifications 1986."

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, 617–281–3600, ext. 273.

SUPPLEMENTARY INFORMATION: Under § 655.22, final initial annual specifications for squid were published in the **Federal Register** (51 FR 17189, May 9, 1986) for the fishing year April 1, 1986, to March 31, 1987. Following the publication of these specifications, Amendment 2 to the FMP was implemented. Amendment 2 changed the fishing year for squid to begin on January 1. Proposed adjustments to the final initial annual specifications were published (51 FR 24880, July 9, 1986) for the transitional squid fishing year ending December 31, 1986. The regulations at § 655.21(b)(1)(v) provide that these specifications may be adjusted by the Regional Director after consultation with the Mid-Atlantic Fishery Management Council.

Two joint venture proposals were received. One between Unionpesca, an Italian fishing industry group, and International Seafood and Trading Company, a U.S. company, and one between Anavar, a Spanish fishing group, and Stonovar Trading, Inc., a U.S. company. These were presented to the Mid-Atlantic and New England Fishery Management Councils (Councils) for their recommendation. The proposals requested authorization for joint venture purchases "over-the-side" of 1,500 mt of *Loligo* squid by Italian processing vessels and 375 mt by Spanish processing vessels. Both Councils recommended approval for the amount of *Loligo* squid requested. The corresponding foreign fishing permits were approved; however, the entire amounts of *Loligo* squid requested were not released to the joint venture operations to allow the Regional Director flexibility in reallocating squid should the joint ventures fail for lack of squid abundance.

Both joint venture operations have been monitored and the balances of the amounts of squid approved were released as both joint venture operations continued to perform. To date JVP operations have been allocated 1,325 mt. These joint ventures are expected to continue to perform successfully given the relatively good abundance of *Loligo* squid. Consultations with the Councils confirm that their original recommendations to grant the entire amounts of *Loligo* squid requested by the joint ventures remain unchanged. Additional releases of *Loligo* squid require adjustments to the annual specifications. After a review of the squid abundance, prevailing market conditions, and the operations of the joint ventures, the Regional Director has determined that an increase in the IOY for *Loligo* squid to allow additional amounts to be released to the joint ventures will produce maximum net benefits to the United States.

In accordance with § 655.22(f), notice is hereby given that the IOY for *Loligo* squid of 23,557 mt is increased by 500 mt to total 24,057 mt. This increase of 500 mt allows DAH to be increased from 23,450 mt to 23,950 mt, which will provide for an increase in the JVP amount from 1,325 mt to 1,825. The proposed specifications for the transitional fishing year also are adjusted by 500 mt.

A prior opportunity for public comment before making this adjustment is not possible. Delaying the release of the additional 500 mt of *Loligo* squid would bring the joint venture operations to a halt and disadvantage U.S. harvesters. Public comments are invited for 15 days after the effective date of this adjustment as to whether this adjustment should be continued, modified, or rescinded. Responses to public comments will be published in the **Federal Register** as soon as practicable.

Other Matters

This action is taken under 50 CFR Part 655 and is in compliance with Executive Order 12291.

In view of the need to avoid disruption of domestic and foreign fisheries, NOAA has determined that delaying the effective date of this notice is impracticable, unnecessary, and contrary to the public interest.

List of Subjects in 50 CFR Part 655

Fisheries, Reporting and recordkeeping requirements.

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

Dated: August 14, 1986.

Carmen J. Blondin,

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

[FR Doc. 86–18686 Filed 8–14–86; 5:02 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 51, No. 160
Tuesday, August 19, 1986

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1496

Procurement of Processed Agricultural Commodities For Donation Under Title II, Pub. L. 480

AGENCY: Commodity Credit Corporation.

ACTION: Proposed rule, extension of comment period.

SUMMARY: A proposed rule was published in the **Federal Register** on Monday, July 21, 1986, at 51 FR 26164. The comment period for the proposed rule originally was limited to 30 days. Several groups significantly affected by the proposed rule have requested additional time to more fully evaluate the impact of the proposed rule changes. Accordingly, the comment period is hereby extended to September 19, 1986, in order to give the public more time to comment on the proposed rule.

DATE: Comments on the proposed rule must be received on or before September 19, 1986, in order to be assured of consideration.

ADDRESSES: Send comments on this proposed rule to Director, Commodity Operations Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, DC 20013. All written submissions made pursuant to this rule will be available for public inspection during regular business hours in room 5758 South Building, USDA, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Merle K. Brown, Commodity Operations Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture. Telephone (202) 447–4254 or 447–3995.

Signed at Washington, DC, on August 13, 1986.

William C. Bailey,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 86–18643 Filed 8–14–86; 12:18 pm]
BILLING CODE 3410–05–M

Rural Electrification Administration

7 CFR Part 1772

Issuance of Revised REA Bulletin 345–67, REA Specification for Filled Telephone Cables

AGENCY: Rural Electrification Administration, U.S. Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications by issuing revised Bulletin 345–67, REA Specification for Filled Telephone Cables PE–39 to include the material and performance requirements for: (1) Service pairs in screened cables. (2) cables designed to operate on carrier systems with a 3.152 Mb/s bit rate (T1C), and (3) the raw materials used in insulating the conductors and jacketing the cables. This action will impact REA borrowers in that they will be able to install a wider range of filled telephone cables. It will also provide REA borrowers with an economic and efficient means of furnishing increased subscriber services using digital transmission technologies. This revision will not adversely affect cable manufacturers because no design changes in presently manufactured products will be required.

DATE: Public comments must be received by REA no later than October 20, 1986.

ADDRESS: Submit written comments to M. Wilson Magruder, Director, Telecommunications Staff Division, Rural Electrification Administration, Room 2835, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: M. Wilson Magruder, Director, Telecommunications Staff Division, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382–8663. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by issuing revised Bulletin 345–67. REA Specification for Filled Telephone Cables, PE–39. REA will request approval for Incorporation by Reference from the Director of the Federal Register. This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. This action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; (3) result in significant adverse effects on competition, employment, investment or productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 432 *et seq.* (1976)) and, therefore, does not require an environmental impact statement or an environmental assessment. This regulation contains no information or record keeping requirement which requires approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*). This program is listed in the Catalog of Federal Domestic Assistance under No. 10.851, Rural Telephone Loans and Loan Guarantees and 10.852, Rural Telephone Bank Loans. For the reasons set forth in the Final Rule related Notice to 7 CFR Part 3015, Subpart V (50 FR 47034, November 14, 1985), this program is excluded from the scope of Executive

Order 12372 which requires intergovernmental consultation with State and local officials.

Copies of the document are available upon request from the address indicated above. Interested persons are invited to submit comments on this action. Written comments must be sent to the address stated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours at the above address.

Background

REA has issued a series of publications entitled "bulletins" which serve to implement the policy, procedures and requirements for administering its loans and loan guarantee programs and the security instruments which provide for and secure REA financing. In the bulletin series REA issues standards and specifications for the construction of telephone facilities financed with REA loan funds. REA is proposing to revise Bulletin 345–67 the REA Specification for Filled Telephone Cables, PE–39. This specification was last issued in November 1981. The PE–39 designation is an arbitrary set of letters and numbers assigned by REA to identify telephone materials and equipment specifications.

Filled telephone cables with a solid insulation are used by REA telephone borrowers in the construction of outside plant facilities. The cables are used as the transport media for transmission of voice, data, pictures and signals between telephone subscribers.

The current specification does not allow service pairs in screened cables because the majority of REA borrowers have a small subscriber base and have not needed the full carrier transmission capacity that a screened cable provides. Thus, all the cable pairs were not utilized for carrier transmission which allowed unused pairs to be used as service pairs. With REA borrowers' continuing growth, there is greater probability that all screened cable pairs will be used for carrier transmission necessitating REA approval of the use of service pairs for voice order and interrogation functions.

The current specification also does not include requirements for cables designed to transmit a digital line running at 3.152 million bits per second (this is the industry designated T1C carrier system). Up until now there was very little demand for transmission links on REA borrower systems that were capable of handling this high bit rate. Technology, however, is changing and so are the services that the REA borrowers are required to provide. Many of the subscribers are now asking for data communications, digital facsimile and video teleconferencing tariffs. To be sure that cables used for current and future T1C installations are of the highest quality, REA is incorporating requirements into the specification for cables intended for T1C carrier applications.

The reason that raw material insulating and jacketing requirements are not in the existing specification is that these requirements are covered by REA Specifications PE–200 and –210. REA incorporated the raw material requirements covered by these two specifications into the revised REA Specification PE–39. REA will be incorporating the applicable raw materials requirements in PE–200 and PE–210 into all the wire and cable specifications as they are revised. When this has been accomplished PE–200 and PE–210 will be withdrawn.

This action establishes REA requirements for a wider range of filled telephone cables with solid insulation without affecting current designs or manufacturing techniques of cable manufacturers. This wider selection of cables will provide REA borrowers with an economic and efficient means of furnishing increased subscriber services using digital transmission technologies.

List of Subjects in 7 CFR Part 1772

Loan Programs—communications, Telecommunications, Telephone.

PART 1772—[AMENDED]

In view of the above, REA is proposing to amend 7 CFR Part 1772 by issuing a revised Bulletin 345–67.

1. The authority cited for Part 1772 is revised to read as follows, and all authorities following the sections are removed.

Authority: 7 U.S.C. 901 et seq., 7 U.S.C. 1921 et seq.

2. The table in § 1772.97 would be amended by revising the entry 345–67 to read as follows:

§ 1772.97 Incorporation by Reference of Telephone Standards and Specifications.

* * * * *

345–67 ..... PE–39 ..... REA Specification for Filled Telephone Cables.

* * * * *

Dated: August 13, 1986.

Harold V. Hunter,

Administrator.

[FR Doc. 86–18641 Filed 8–18–86; 8:45 am]

BILLING CODE 3410–15–M

7 CFR Part 1772

Issuance of Revised REA Bulletin 345–22, REA Specification for Voice Frequency Loading Coils

AGENCY: Rural Electrification Administration, U.S. Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications by issuing a revised Bulletin 345–22, REA Specification for Voice Frequency Loading Coils, PE–26, to: (1) Allow use of mini loading coils, (2) establish the performance requirements for mini loading coils, (3) allow use of a universal loading coil, (4) clarify the quantity of samples to be tested, (5) eliminate fuel oil from the environmental tests, and (6) update the specification to reflect current industry standards. Manufacturers of loading coils and the REA telephone borrowers and other telephone operating companies who install such equipment will be impacted in that REA requirements will reflect state of the art technology and will permit the construction of the best, most cost-effective facilities possible. This action will not affect the current designs or manufacturing techniques of loading coil manufacturers.

DATE: Public comments must be received by REA no later than October 20, 1986.

ADDRESS: Submit written comments to M. Wilson Magruder, Director, Telecommunications Staff Division, Rural Electrification Administration, Room 2835, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: M. Wilson Magruder, Director, Telecommunications Staff Division, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382–8663. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.). REA proposes to amend 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by issuing revised Bulletin 345–22, REA Specification for Voice Frequency Loading Coils, PE–26. REA will request approval for

Incorporation by Reference from the Director of the Federal Register. This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. This action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; (3) result in significant adverse effects on competition, employment, investment or productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 432 *et seq.* (1976)) and, therefore does not require an environmental impact statement or an environmental assessment. This regulation contains no information or record keeping requirement which requires approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*). This program is listed in the Catalog of Federal Domestic Assistance under No. 10.851, Rural Telephone Loans and Loan Guarantees and 10.852, Rural Telephone Bank Loans. For the reasons set forth in the Final Rule related Notice to 7 CFR Part 3015, Subpart V (50 FR 47034, November 14, 1985), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Copies of the document are available upon request from the address indicated above. Interested persons are invited to submit comments on this action. Written comments must be sent to the address stated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours at the above address.

Background

REA has issued a series of publications entitled "bulletins" which serve to implement the policy, procedures and requirements for administering its loan and loan guarantee programs and the security instruments which provide for and secure REA financing. In the bulletin series REA issues standards and specifications for the construction of telephone facilities financed with REA loan funds. REA is proposing to revise Bulletin 345–22, the REA Specification for Voice Frequency Loading Coils, PE–26. This specification was last issued in October 1978. The PE–26 designation is an arbitrary set of letters and numbers assigned by REA to identify telephone materials and equipment specifications.

The controlling objective in a telephone system design is to provide adequate transmission between any two subscribers wherever located. Loading coils are used in cases where the estimated level of transmission for a proposed subscriber line design does not meet the limits necessary to provide satisfactory two-way conversations and where it has been found that other means of improving the transmission are not satisfactory from an economic point of view in comparison with the loaded subscriber line.

The current REA loading coil specification does not permit the use of mini coils. This limitation was included because the performance of mini loading coils had not been proven, and further surge current testing was needed. This testing has been completed and mini loading coils have proven satisfactory in field applications. The requirements for the design and electrical performance of mini loading coils resulted from extensive laboratory testing by REA.

Limits were set forth in the present specification which put restrictions on the applications of loading coil assemblies with filled plastic cable stubs. Cable manufacturers are now making a filled cable stub capable of being installed in any application without danger of the filling compound dripping.

The proposed specification incorporates a universal loading coil assembly for all applications.

The quantity of loading coils to be tested by the manufacturer was not clear in the present specification. The proposed revision clarifies this ambiguity.

One of the environmental tests in the existing specification requires the exposure of the loading coil filling compound to fuel oil, and as a result the specimen cannot increase in weight by more than ten percent. It is now known that this is not a viable test and is being eliminated in the proposed revision.

To summarize, the proposed revision will: (1) establish REA requirements for both standard and mini loading coils without affecting the current designs or manufacturing techniques of loading coil manufacturers, (2) provide REA borrowers usage of a universal loading coil assembly for all types of installations at a reduced cost, (3) allow borrowers to select the type of loading coil which best meets their needs, and (4) benefit the telephone industry in cost savings from the use of mini loading coils. This would be without any degradation in voice frequency transmission.

List of Subjects in 7 CFR Part 1772

Loan Programs—communications, Telecommunications, Telephone.

PART 1772—[AMENDED]

In view of the above, REA is proposing to amend 7 CFR Part 1772 by issuing a revised Bulletin 345–22.

1. The authority cited for Part 1772 is revised to read as follows, and all authorities following the sections are removed.

Authority: 7 U.S.C. 901 et seq., 7 U.S.C. 1921 et seq.

2. The table in § 1772.97 would be amended by revising the entry 345–22 to read as follows:

§ 1772.97 Incorporation by Reference of Telephone Standards and Specifications.

* * * * *

345–72 . . . . . PE–26 . . . . . REA Specification for Voice Frequency Loading Coils.

* * * * *

Dated: August 13, 1986.

Harold V. Hunter,

Administrator.

[FR Doc. 86–18640 Filed 8–18–86; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 357

[Department of the Treasury Circular, Public Debt Series No. 2–86]

Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills

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

ACTION: Notice of intent to publish revised proposed rule.

SUMMARY: Notice is hereby given to investors and other participants in the Government securities market that the proposed rule governing Treasury securities maintained in the commercial book-entry system (referred to as the "Treasury/Reserve Automated Debt Entry System" or "TRADES"), which was published in the Federal Register on March 14, 1986 (51 FR 8846), will be revised and published again in proposed

form for public comment prior to final adoption.

FOR FURTHER INFORMATION CONTACT: Virginia Rutledge, Attorney-Advisor, Office of the Assistant General Counsel (Banking & Finance), Department of the Treasury (202–535–4890), or Cynthia Reese, Senior Attorney and Special Assistant, Office of the Chief Counsel, Bureau of the Public Debt (202–376–4320).

SUPPLEMENTARY INFORMATION: The proposed regulations governing securities held in TRADES were originally published on March 14, 1986, with a public comment period that expired on May 13, 1986. In response to several requests from interested parties, on May 9, 1986, a notice was published in the **Federal Register** (51 FR 17205) extending the comment period to June 6, 1986.

A number of detailed comments were received proposing modifications to certain portions of the proposed rule. Consideration is being given to modifications based on these suggestions. Because these modifications could alter significantly certain portions of the rule as originally published on March 14, 1986, the Department has determined that it will again publish the rule, as revised, in proposed form, with provision for a 30-day comment period. It is anticipated that the proposed rule, as revised, will be published in the next several weeks.

Dated: August 13, 1986.

W. M. Gregg,

Commissioner of the Public Debt.

[FR Doc. 86–18616 Filed 8–18–86; 8:45 am]

BILLING CODE 4810–10–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 447

45 CFR Parts 1 and 19

[BERC–356–P]

Medicare and Medicaid Programs; Limits on Payments for Drugs

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would: (1) Eliminate current Departmental procedures for setting limits on payments for drugs supplied under certain Federal health programs; and (2) set forth three alternative approaches to revise Medicaid rules concerning the methodology for determining upper limits for drug reimbursement. The alternative proposed policies would enable the Federal and State governments to take advantage of savings that are currently available in the marketplace for multiple source drugs. They also would maintain State flexibility in the administration of the Medicaid program.

DATE: To be considered, comments must be mailed or delivered to the appropriate address, as provided below, and must be received by 5:00 p.m. on September 18, 1986.

ADDRESSES: Mail comments in writing to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BERC–356–P, P.O. Box 26676, Baltimore, Maryland 21207.

Please address a copy of comments on information collection requirements to: Fay Iudicello, Office of Information and Regulatory Affairs, Room 3208, New Executive Office Building, Washington, DC 20503.

In commenting, please refer to file code BERC–356–P.

If your prefer, you may deliver your comments to one of the following addresses:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC, or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

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

FOR FURTHER INFORMATION:

For issues related to PhIP or MAC, contact: Anthony Lovecchio, (301) 594–4010.

For issues related to CIP, contact: Walton Francis, (202) 245–0291.

SUPPLEMENTARY INFORMATION:

I. Background

A. Existing System

In 1976, the Department implemented drug reimbursement rules at 45 CFR Part 19 under the authority of statutes pertaining to upper payment limits for Medicaid and other programs. The authority to set an upper payment limit for services available under the Medicaid program is provided under section 1902(a)(30)(A) of the Social Security Act.

The Department rules are intended to ensure that the Federal government acts as a prudent buyer of drugs under certain Federal health programs. The rules set limits on payments for drugs supplied under Medicaid and other programs. Of the Federal programs involved, these rules have the greatest impact on the Medicaid program. Specifically, these regulations provide that the amount the Department recognizes for drug reimbursement or payment purposes will not exceed the lowest of—

- The maximum allowable cost (MAC) of the drug, as established by HCFA's Pharmaceutical Reimbursement Board for certain multiple source drugs (generic drugs), plus a resonable dispensing fee;
- The estimated acquisition cost (EAC) of the drug (the price generally and currently paid by providers for a particular drug in the package size most frequently purchased by providers), as determined by the program agency, plus a reasonable dispensing fee; or
- The provider's usual and customary charge to the public for the drug.

The regulations provide that the MAC will not apply if the prescriber has certified in his own handwriting that a specific brand of that drug is medically necessary for the patient.

The regulation at 45 CFR Part 19 also establish within HCFA a Pharmaceutical Reimbursement Board (PRB). The PRB identifies multiple source drugs for which significant amounts of Federal funds are or may be expended and is responsible for establishing the MAC for those drugs. The process by which a MAC is established includes PRB consultation with the Food and Drug Administrative (FDA), opportunity for public comment on a proposed notice of the MAC limit published in the **Federal Register**, a public hearing, and publication of the final MAC determination in the **Federal Register**. The PRB sets the MAC at the lowest unit price at which the drug is widely and consistently available. In addition to limitating the level of payment for multiple source drugs, the MAC program tends to promote substitution of lower cost (generic) drug products for brand-name drugs, since the latter are frequently available only at prices higher than the MAC limits.

Similar to the Department regulations (45 CFR Part 19) that set limits to Federal payments for drugs are the Medicaid regulations at 42 CFR 447.331 through 447.334. The regulations at §§ 447.331 through 447.334 limit the

amounts that State Medicaid agencies may claim for Federal matching purposes under the Medicaid program. These limits are the same as those specified in 45 CFR Part 19. Thus, the Medicaid agency must claim no more for each drug than the lowest of—

- The MAC of the drug, as established by the HCFA PRB for certain multiple source drugs, plus a reasonable dispensing fee;
- The EAC of the drug (that is, the Medicaid State agency's best estimate of the price generally paid by providers) plus a reasonable dispensing fee; or
- The provider's usual and customary charge to the public for the drug.

The Medicaid regulations also provide that the MAC will not apply if the prescriber has certified in his own handwriting that a certain brand of that drug is medically necessary for the patient.

B. Problems and Concerns

In 1983, a Departmental Task Force was established to review the Department's drug reimbursement regulations at 45 CFR Part 19. Specific concerns presented to the Task Force include—

- The quality of multiple source drugs;
- The interpretation of "widely and consistently available" as related to the process used by the PRB in setting MAC limits;
- The adequacy of drug reimbursement; and
- Problems in administering the MAC and EAC programs (for example, the short time that the Medicaid agencies have to implement MAC limits once they become effective, and the lack of a mechanism for raising the MAC limits quickly when necessary due to changes in the market).

We agree that the process of approving a MAC for a specific drug is lengthy. This has been of concern particularly since the passage of the Drug Price Competition and Patent Term Extension Act of 1984 (Pub. L. 98–417). This law streamlines the FDA approval process for certain drugs. The result of this law is that therapeutically equivalent (generic) drugs will be coming into the marketplace more quickly than in the past. As evidenced by the current MAC program, we are interested in encouraging the use of therapeutically equivalent drugs. We would like to adopt a drug reimbursement system that would allow us promptly to adjust reimbursement upper limits to reflects the availability of new drug equivalents as they enter the marketplace.

Based on the concerns addressed above and the Department's desire to take advantage of savings that are currently available in the marketplace for multiple source drugs, we would revise our procedures for establishing upper limits for drug reimbursement.

II. Provisions of the Regulations

We propose to remove the Departmental rules at 45 CFR Part 19 that limit drug reimbursement under certain Federal health programs: The programs that are affected by these rules include: Medicaid, Medicare, Public Health Service (for example, Indian Health Services), and other Departmental grantees.

We would remove these rules because they have little impact upon programs other than Medicaid and, as we previously mentioned, similar rules exist in the Medicaid regulations. To the extent that specific limits are useful for those other programs, other authorities exist for applying such limits. We expect that the agencies responsible for regulations that implement or refer to 45 CFR Part 19 will revise those regulations if and when these proposed rules are adopted in final.

For the most part, the MAC and EAC limits set forth in 45 CFR Part 19 are no longer relevant to the Medicare program. Medicare, generally, does not reimburse for self-administered outpatient drugs. Payment for drugs prescribed in a hospital inpatient setting, except the relatively small number of specialized institutions or parts of institutions that are excluded from the system and paid on a reasonable cost basis, is included in the prospective rates for all hospitals. Thus, we would delete the references to the MAC program and Part 19 contained in the current Medicare regulations (42 CFR 405.433) that describe the allowance costs for drugs.

We are proposing to adopt one of three alternative approaches to the current Medicaid rules (42 CFR 447.331 through 447.334) regarding upper limits for drug reimbursement, and we invite public comment on all three as well as suggestions for alternatives which would improve any of the three, including possible combinations of options. The three approaches are discussed below and include the Pharmacists' Incentive Program, a proposed revision of the existing MAC program, and the Competitive Incentive Program.

Under the final rule which will adopt one of these approaches, State agencies would be required to adhere to the upper limits set by the adopted approach. However, in accordance with State flexibility in the administration of the Medicaid program, a State agency would be permitted to utilize an alternative drug reimbursement system if aggregate payments under that system would not exceed the upper limits set by the adopted approach. Specifically, the maximum amount of State drug expenditures that would quality for Federal financial participation (FFP) could not exceed, in the aggregate, the upper limit of payment for certain drugs established by HCFA under the approach adopted under the final rule.

Irrespective of whether a State agency follows the approach established by HCFA or utilizes an alternative drug payment system, the agency must describe the methodology in the State plan which would be subject to the usual State plan approval process. (The State plan describes the State's Medicaid program and is subject to HCFA approval.) Any change in the methodology would have to be reflected in an approved State plan amendment. If the State agency utilizes an alternative drug reimbursement system, the agency would be required to provide HCFA with acceptable assurances regarding the upper limits. These assurances would be the basis for approval of the State plan and subsequent State plan amendments. In addition, a State would be required to make an annual finding that its alternative drug payment rates are, in the aggregate, equal to or less than those that would occur under the payment approach established by HCFA. State agencies would not generally be required to submit their annual findings to HCFA for review. Instead, they would be required to provide HCFA with assurances that the findings have been made. These findings would be monitored through State assessments and other evaluations or auditing procedures to review the State documentation underlying the assurance without the need for specialized annual reporting by the States. Consistent with other aspects of the Medicaid program, if HCFA found a problem with a State's assurance, HCFA could request the State to provide data supporting its assurance.

Based on comments from the Medicaid State agencies, we also considered removing the requirement at 42 CFR 447.333 that the agency must periodically survey pharmacy operating costs in order to determine a reasonable dispensing fee. This has been a controversial portion of the current regulations because while State agencies are required to conduct periodic surveys, they are not required to base dispensing fees specifically on

the survey results. State Medicaid agencies have contended that the requirement is both burdensome and costly. On the other hand, it has been contended by pharmacy groups that dispensing fees should be established at levels which specifically reflect costs. Although we have not included a proposal to remove the requirement for the surveys, we specifically invite comments on this issue and on alternative approaches.

Although not a subject of these proposal regulations, the Department has received a number of suggestions regarding administrative mechanisms for Medicaid prescription drug reimbursement. The thrust of these suggestions is to simplify administration of the payment process through the use of vouchers or other innovative mechanisms such as "smart cards." We would encourage States to use the flexibility accorded to them to develop payment mechanisms with the potential to simplify the administrative process, while reducing potential fraud and abuse. We also encourage others to further develop promising new technologies for these purposes.

Discussion of Alternatives

A. Pharmacists' Incentive Program Alternative

The Pharmacists' Incentive Program (PhIP) would replace the Federal MAC program. It is designed to encourage pharmacists to be prudent purchasers of drugs and to substitute less costly, therapeutically equivalent drug products (as determined by the FDA) for more costly brand name drug products. PhIP would accomplish this objective by providing an economic incentive to pharmacists to engage in product selection.

Under PhIP, upper limits would apply to multiple source drugs which meet the following requirements:

- All of the formulations of the drug approved by FDA have been evaluated as therapeutically equivalent in the most current edition of their publication, *Approved Drug Products with Therapeutic Equivalence Evaluations* (including supplements or any successor publications).
- At least three suppliers advertise the drug (which has been classified by the FDA as category "A" in the FDA's *Approved Drug Products with Therapeutic Equivalence Evaluations*, including supplements or any successor publications) in the most current edition of the *Red Book* or *Blue Book*. The purpose of the three supplier requirement is to ensure that the drug equivalents are in fact widely available, thereby avoiding one of the major criticisms of the MAC program.

We would include the requirement that drugs be therapeutically equivalent as evaluated by the FDA. Specifically, we would require that the FDA has rated the drug in one of the "A" categories representing therapeutic equivalence. Such findings are currently included in its publication, *Approved Drug Products with Therapeutic Equivalence Evaluations* (including supplements). We would use the FDA's evaluations of therapeutic equivalency (category "A") because the FDA has the experience and expertise to make these determinations. The FDA prepares these evaluations to promote public education in the area of drug product selection, to advise State health agencies and pharmacists in the administration of drug product selection laws, and to foster containment of health care costs. The publication is available on a subscription basis (stock #917–001–00000–6) from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

In a State using the PhIP upper limits, pharmacists would be encouraged to purchase as prudently as possible because, in addition to the dispensing fee they receive under existing regulations, they would retain the difference between what they pay for the drug product and the upper limit of payment established by HCFA for the particular drug. In essence, this would be a prospective pricing system for multiple source drugs.

The PhIP upper limit of payment for a multiple source drug would be set at a percentage of the least costly multiple source drug advertised in a specific quantity or volume. The specific advertised quantity we would use is 100 tablets or capsules, or the smallest package size commonly advertised. In the case of liquids, we would use the commonly advertised size. We would use these measures because we recognize that small pharmacies are unable to stock large quantities of many drugs. If a provider dispenses a drug in a quantity smaller than 100 tablets or the specific quantity upon which the PhIP calcualtion was based, payment would be made on a proportionate basis.

In determining the advertised price and commonly advertised size of a drug, we are proposing to use the *Red Book* and *Blue Book*. The *Red Book* and *Blue Book* are annual publications that list drugs and their wholesale prices. We would use the *Red Book* and *Blue Book* as our sources of drug costs because they are widely recognized and available nationally. (These publications are available from Drug Topics *Red Book*, P.O. Box 553, Oradell, New Jersey 07649 and from American Druggist *Blue Book*, Hearst Corporation, 555 W 57th Street, New York, New York 10019). Although we have referred to the *Red Book* and *Blue Book* in our discussions, we specifically invite comments and suggestions on the use of other nationally available sources of drug costs.

Initially, we are proposing to set the PhIP upper limits at 150 percent of the lower of the *Red Book* or *Blue Book* price for the least costly multiple-source drug. We would set the mark-up to 150 percent (or a slight different amount, depending on public comment and further analysis) in order to meet the following two objectives: (1) That the mark-up be high enough to assure that pharmacists can normally obtain and stock and equivalent product without losing money on acquisition costs of incurring the expense of department from normal purchasing channels, and (2) that the mark-up not be so high as to cost the Medicaid program unnecessary money. In other words, the 150 percent (or some alternative such as 140 percent of the average of the three lowest priced therapeutically equivalent multiple source drugs) is intended to balance the interests of both pharmacists and the government in achieving effeciency, economy and quality of care as specified in section 1902(a)(30) of the Act. When the PhIP formula is applied to the lowest price products in the *Red Book* or *Blue Book*, the pharmacist can choose among numerous supplier for a drug. Further, we believe the use of advertised prices in either the *Red Book* or *Blue book* would assure an adequate payment amount because a range of discounts are frequently available to pharmacists to purchasse drug products at prices lower than the advertised price. Also, most of the multiple source drugs under consideration for PhIP limits are high volume drugs which many pharmacists purchase in larger package sixes (for example, bottles of 500's, 1000's or larger). When pharmacists purcahse in these larger package sizes, the per unit drug product cost in lower, further providing the pharmacist and even greater financial incentive.

At the proposed upper limits for multiple source drugs, pharmacists would have the opportunity to select among the products of several suppliers. Based on a review of pricing patterns among suppliers of multiple source drugs using *Red Book* entries for drugs for which there are three or more therapeutically equivalent products, we found that there is a sizeable number of

suppliers whose prices tend to cluster at the lowest point of the pricing spectrum. Therefore, when the upper payment limit for a multiple source drug is determined at 150 percent of the least costly multiple-source drug, the pharmacist generally would have the opportunity to select among the product from several suppliers.

We did an analysis to determine whether there would be a sufficient number of suppliers offering a drug product at or below the proposed PhIP upper limit for a multiple source drug. We applied the proposed PhIP upper limit for multiple source drugs to 62 drugs for which all suppliers products are therapeutically equivalent and there are three or more suppliers in the marketplace. From the 62 drugs, we derived 128 upper limits because we included more than one strength for some drugs (for example, Ampicillin 250 mg. and 500 mg.). In calculating prices and the number of suppliers advertising a particular drug, we used the *Red Book*. We found that the number of suppliers advertising the drug at prices at or below the PhIP upper limit ranged from two to 39. Of the 128 proposed limits, 77 had at least 50 percent or more of the suppliers offering their products at or below the PhIP limit; 33 had eight or more suppliers advertising at or below the limit; 15 had from four to seven; and three had only two or three suppliers.

In applying the PhIP formula in our analysis, we used a package size of 1000 tablets for the drug Butabarbital Sodium. Butabarbital Sodium is a high volume drug and is marketed by 24 of 26 suppliers in the 100 package size only. Thus, in this instance, we used the 1000 rather than the 100 tablet package size because that was the commonly advertised size. Generally, we anticipate that the commonly advertised package size and the size we would use in determining the upper limit would be 100 tablets.

As a result of our analysis and for the other reasons discussed above, we believe that the upper limit for multiple source drugs that would be established under the proposed PhIP approach (plus the dispensing fee which the agency would continue to pay) would be sufficiently high to ensure the availability of drugs and provide an economic incentive to pharmacists, and would be sufficiently low (when compared to the payment limit for brand name drugs) to generate savings.

The determination of the specific upper limit for a multiple source drug under the PhIP proposal can be explained using the drug hydrochlorthiazide with spironolactone as an example. Wholesale prices for hydrochlorthiazide with spironolactone, as advertised in the *Red Book*, vary from $4 to $23.75 per 100 tablets. Under PhIP, the specific upper limit for hydrochlorthiazide with spironolactone would be $6 (150 percent of $4 = $6). The pharmacist would receive $6 plus his dispensing fee (on average $3) for a total of $9 per 100 tablets. The pharmacist would be motivated to purchase as prudently as possible because he or she would retain the difference between what he or she paid for the drug and the payment level of $6 per 100. If the pharmacist purchases this product in bottles of 1,000 tablets, the pharmacist's return would be greater because the cost per 100 tablets would be less. The combined Federal-State savings for this drug alone could be as high as $17.75 per 100 tablets, that is, the difference between the cost of the most expensive drug product and the upper limit.

In order to ensure that the PhIP upper limits for multiple source drugs would be reasonable for extremely low cost and high cost drugs, we propose to set minimum and maximum PhIP incentive factors. These incentive factors would be paid in addition to the dispensing fee that would cover operating costs. The minimum incentive or mark-up factor would be $1.50 over the cost of the least costly advertised drug product in quantitites of 100 tablets or capsules, or other commonly advertised size. The maximum incentive or mark-up factor would be $4.00 over the cost of the least costly advertised drug product in quantities of 100 tablets or capsules, or other commonly advertised size. The purpose of these limits would be to ensure reasonable minimum and maximum incentives to the pharmacist while also ensuring a savings to the Medicaid program. We invite comments on the amounts used for these purposes.

As in existing regulations in 42 CFR Part 447 and 45 CFR Part 19, the specific upper limits for multiple source drugs would not apply if the prescriber has certified in his or her own handwriting that a specific brand of that drug is medically necessary for the patient.

The proposed regulations for PhIP would set the upper limit of payment for physician (prescriber) certified brand name drugs, multiple source drugs for which a specific upper limit would not have been established, and single source drugs, as the lower of—

- The EAC, as determined by the State Medicaid agency, plus a reasonable dispensing fee; or
- The provider's usual and customary charge to the general public for the drug.

We anticipate that initially about 60 multiple source drugs would meet the criteria for establishment of limits under the proposed PhIP. The MAC limits that are currently in effect would remain in effect until the PhIP rules are finalized. The PhIP limits would then replace the MAC limits.

As a convenience to States and pharmacies, the proposed regulations specify that we would publish the list of multiple source drugs to which the specific PhIP upper limits would apply, as well as any revisions or updates to the list, through the State Medicaid Program issuance system. As new multiple source drugs receive FDA approval and enter the marketplace, we would include them in this program if they meet the criteria required to establish PhIP limits. Additionally, we would create new limits as prices change. We would publish the limits for the new drugs and the changes through the State Medicaid Program issuance system. This process would allow us to revise quickly a limit should we find that for some reason the established limit is no longer appropriate. For example, we may raise a limit if we should find that a particular product which we had used to establish the limit for a multiple source drug becomes unavailable.

We would specify that we may remove a drug from the list if we find that total Medicaid expenditures would be reduced by less than $50,000 annually for any multiple source drug for which a specific upper limit has been determined. We would include this provision to ensure a level of savings that would justify the added administrative burden to pharmacies and the Federal and State governments. We believe that this level of savings also would justify any costs to the State agencies from administering a limit. We believe that by setting this threshold of expected savings we may resolve the concerns related to the MAC program that some MAC limits have been set on low-volume drugs; that in these cases, the administrative expense for setting these limits might outweigh any savings and, furthermore, that it is the low-volume drugs that pharmacists have difficulty obtaining at the MAC price level.

Because the proposed PhIP would be a Medicaid upper limit, State agencies may use an alternative drug reimbursement system. If the agency uses an alternative drug reimbursement system, it would be required to provide HCFA with acceptable assurances and to make an annual finding that under its alternative methodology (that would be described in its State plan), the aggregate Medicaid expenditures for

multiple source drugs for which specific upper limits have been established by HCFA are equal to or less than the expenditures that would have been made under the specific upper limits. The comparison of Medicaid drug expenditures is limited to those multiple source drugs for which payment levels have been set by HCFA. As discussed in the introduction to section II, of this preamble, a State agency would be required to submit the assurance to HCFA; however, it would generally not be required to submit to HCFA the actual findings that an alternative method of payment does not exceed the upper limits established by HCFA. Instead, these findings would be kept on record by the State agency. HCFA would monitor the findings during the course of its routine State assessment or audit activities. If HCFA found a problem with a State's assurance, HCFA could, however, request the State to submit data to support its assurance.

The PhIP limits that would be developed initially would not apply to drugs sold to pharmacies in unit dose packages and used in institutions. The cost of drugs furnished in unit dose packaging would exceed the proposed limits which, generally, are based on cost per 100 tablets. The Department may, at some future time, determine separate PhIP limits for unit dose drugs used in institutions.

In summary, PhIP would be based on a specific formula that would establish payment levels above which Federal financial participation (FFP) would not be recognized. Thus, the Department and States would be able to take advantage of the economies that exist in the marketplace. Under PhIP, the pharmacist would be reimbursed the costs of a drug at a percentage of the lowest priced multiple source drug, plus the normal dispensing fee. While PhIP would reimburse drug ingredients at a rate that is above the lowest cost at which they may be obtained, it would have the advantages of being easily administrable (once drug prices are obtained), easily updated for new drug prices, and likely to produce substantial savings for both the provider and the Medicaid program when a drug's price varies a great deal from manufacturer to manufacturer. For example, a 50 percent mark-up could be available to the pharmacist who fills prescrpitions with the very lowest priced equivalent product available.

B. Revision of the MAC Program Alternative

Another alternative would be to revise the current MAC program. Under this approach, we would streamline and improve the process for establishing MAC limits. We would remove the Departmental regulations concerning upper limits for drugs and eliminate the PRB and the procedures for establishing MAC limits. We would incorporate some of the existing MAC provisions of 45 CFR Part 19 into 42 CFR Part 447. We would provide that the MAC program be operated directly by HCFA rather than under a special board. We would publish the proposed MAC limits in the **Federal Register**; utilize a comment period; and after considering all of the comments, publish the final notice in the **Federal Register**. However, the process would be shortened by not conducting a public hearing before the PRB. Our experience has shown that the information presented at MAC hearings in the past duplicated the written comments submitted, and the hearings were necessarily expensive to all concerned. In addition, we would remove the requirement for specialized consultation with FDA and replace it with a requirement concerning the FDA's published evaluation of therapeutic equivalency. These changes would expedite the process of establishing a MAC limit, while ensuring an opportunity for public comment concerning the appropriateness of any proposed limit.

Under our proposed revision to the MAC program, the State Medicaid agency's payment for drugs could not exceed the lowest of—

•The MAC of the drug, as established by the HCFA for certain multiple source drugs, plus a reasonable dispensing fee;

•The EAC of the drug, as determined by the Medicaid agency, plus a reasonable dispensing fee; or

•The provider's usual and customary charge to the general public for the drug.

As in existing regulations in 42 CFR Part 447 and 45 CFR part 19, we would provide that the MAC would not apply if the prescriber has certified in his or her own handwriting that a certain brand of that drug is medically necessary for the patient.

As noted, the identification of drugs to which a MAC may be applied would be similar to the provisions of 45 CFR 19.5(a). However, we also would add requirements concerning the FDA's evaluation of therapeutically equivalent drugs, the number of suppliers advertising the drug, and the level of savings to be expected from the establishment of a MAC. Thus, HCFA would identify for the potential application of a MAC those multiple source drugs which meet the following requirements:

•All of the formulations of the drug approved by FDA have been evaluated as therapeutically equivalent in the most current edition of their publication, *Approved Drug Products with Terapeutic Equivalence Evaluations* (including supplements or any successor publications).

•At least three suppliers advertise the drug (which has been classified by the FDA as category "A" in the FDA's *Approved Drug Products with Terapeutic Equivalence Evaluations* including supplements or any successor publications) in the most current edition of the *Red Book* or *Blue Book*.

•Significant amounts of Federal funds are or may be expended for that drug under the Medicaid program.

•There are or may be significantly different prices for that drug.

•HCFA expects to reduce total State and Federal Medicaid expenditures by at least $50,000 annually for any drug for which a MAC limit is to be determined.

As mentioned in the discussion of PhIP, we would include the provision regarding the FDA's evaluation of therapeutic equivalency for all brands of a drug to ensure that substituted drugs would be therapeutically equivalent.

We would specify that HCFA expects to reduce total Medicaid expenditures by at least $50,000 annually for any multiple source durg for which a specific upper limit is to be determined. We would choose this level of savings because we believe that it would justify the added administrative burden to pharmacies and Federal and State governments. By setting this threshold of expected savings, we hope to resolve the concerns that some MAC limits have been set on some low-volume drugs; that in these cases the administrative expense for setting these limits might outweigh any savings and, furthermore, that it is the low-volume drugs that pharmacists have difficulty obtaining at the MAC price level.

In order to ensure that the products proposed for MAC limits would be widely and consistently available, we would survey drug wholesalers for assurances that they: (1) Are carrying the multiple source products at or below the proposed MAC limits; or (2) would carry the products in the event that limits are established. Initially, we would conduct the survey to determine the prices at which the multiple source drugs that meet the MAC criteria are widely and consistently available. Thereafter, we would conduct the survey as new multiple source drugs which meet the MAC criteria enter the marketplace. Surveys of wholesalers would be done in sufficient geographic detail to ensure that products are generally available throughout the

country before a mandated Federal MAC limit would be established. If, as a result of the survey, it was determined that a product would be widely and consistently available nationally, but at differing prices, we would set regional MAC limits. This would be similar to the existing provisions of 45 CFR 19.5(c) under which the PRB may make a separate price determination for each locality if it finds that a drug is or will be unavailable at the same lowest unit price in all localities.

The proposed rule would provide that if we do not receive adequate data from wholesalers, we would use other relevant data. For example, this might include published drug prices and assurances from distributers of their ability to meet the Medicaid market demand.

We would waive specific MAC limits in a State, upon the State Medicaid agency's request and satisfactory demonstration that a particular volume of the drug is too low to justify administering the limit or that there are availability problems in that State for that particular product under the MAC limit. This change would minimize administrative costs and burdens on pharmacies while preserving the bulk of program savings. This modification would address the concern that certain States may have unique distribution problems which make it difficult for pharmacies to obtain a product at or below a MAC limit in a particular locality. Further, prescribing patterns may be such that the frequency with which a certain drug is prescribed in that State may be well below the national pattern.

We would include a provision to suspend or raise temporarily a MAC limit if we confirm reports that the product is no longer "widely and consistently available" at or below the limit. Confirmation would be achieved by contacting either wholesalers or manufacturers, or both. The modification is proposed in order to accommodate those circumstances in which the price of a product subject to a MAC limit suddenly increases (for example, because the ingredient becomes more expensive or one manufacturer stops production). Because under current reguations a MAC limit cannot be raised without recourse to ordinarily applied MAC procedures, the MAC limit must be suspended and any savings from the limit foregone until the product can be subjected to the regular limit setting process. Under the proposal, we would advise State agencies by telegram of the temporary suspension or increase in the current MAC limit and publish a notice of the temporary action in the **Federal Register.** This would ensure that we are not disadvantaging the pharmacy providers by limiting their payment for a specific drug to less than their cost. The increased limit would be in effect until HCFA can issue a new limit that has gone through the entire limit setting process.

In the notice establishing the MAC limit, we would specify a contact point to which complaints about problems obtaining particular products can be addressed. All complaints would be evaluated to determine if the MAC limit should be temporarily suspended or raised.

Because these proposed MAC program revisions would establish a Medicaid upper limit, State agencies may use an alternative drug reimbursement system. If the agency uses an alternative drug reimbursement system, it would be required to provide assurances and to make an annual finding that under its alternative methodology (that would be described in its State plan), the aggregate Medicaid expenditures for multiple source drugs for which MAC limits have been established by HCFA are equal to or less than the expenditures that would have been made under the MAC limits. The comparison of Medicaid drug expenditures is limited to those multiple source drugs for which MAC limits have been set by HCFA. As discussed in the introduction to section II. of this preamble, a State agency woud be required to submit the assurances to HCFA; however, it would not generally be required to submit to HCFA its actual findings that an alternative method of payment does not exceed the MAC limits established by HCFA. Instead, it would provide an assurance that this finding has been made. If HCFA found a problem with a State's assurance, HCFA could, however, request that the State provide data supporting its assurance.

C. *Competitive Incentive Program Alternative*

Another alternative would be to establish a new Competitive Incentive Program (CIP) to replace the MAC and EAC programs (which are described in current regulations at 42 CFR 447.331 through 447.333). Under CIP, the starting point for establishing an upper limit for reimbursement for all drugs would be the price that the pharmacy charges a majority of its private retail customers for that drug, at that time, and in that quantity.

1. Single source drugs

Generally, for all but the leading brand of multiple source drugs, the CIP payment would be the individual pharmacist's retail price less a fixed discount (for example, 5 to 10 percent). Thus, Medicaid would participate in the retail pharmaceutical market in a way similar to that of a pharmacy's non-Medicaid customer or third party payor. By establishing an upper limit that would pay for drugs in a manner similar to the way other pharmacy customers or third party payors reimburse pharmacies, we would avoid the need to have a Federal or State administrative process for establishing the cost of ingredients or reasonable dispensing fees. By avoiding this process, we also would avoid the shortcomings and administrative costs inherent in the control of reimbursement on the basis of estimated provider costs.

Critics of the present EAC requirements point to the reliance on published prices to establish acquisition costs and to surveys of costs to establish dispensing fees are being of doubtful accuracy and difficult to administer fairly. Under CIP, we would instead rely on the competitive retail market to set the ceiling on drug reimbursement.

CIP would be based on the pharmacist's retail prices and would depend upon the competitive market place to regulate prices. There are, however, providers whose competition is limited. Examples of such a provider would be a pharmacy which has a business that is entirely Medicaid or a pharmacy which has no nearby competitor. Arguably, these pharmacies could have higher prices without fear of losing a substantial amount of business. Thus, to protect the Medicaid program from potentially excessive drug charges, we would limit payment through the application of a screen of charges. (At a minimum, the screen would cover the several hundred high volume drugs that account for 75 percent or more of Medicaid prescriptions.)

We would establish the upper limit of payment for drugs (other than certain multiple source drugs, which are discussed below) as the lower of—

- A specific percentage (for example, a mandatory discount of 5 to 10 percent) of the individual pharmacist's retail price; or
- The results of a screen of Statewide charges for the particular drug.

The mandatory discount for single source drugs would permit us to capture some of the benefits of volume business and maintain the level of savings achievable under the EAC requirement. The discount would be consistent with common trade practices, which grant special discounts to particular

categories of customers (for example, senior citizens, volume purchasers, or, in this case, the Medicaid program). The screen of Statewide charges would operate in the same manner as a similar screen that would be established for the reimbursement of certain multiple source drugs, and is discussed in greater detail, below. In this case, the screen of charges would be based on the charges for the particular drug for which reimbursement is sought.

We note that in theory we could achieve any given level of savings by adjustments either in the mandatory discount or the screen. For example, in the limiting case there might be no discount at all but the screen might be set at (say) no more than the median price. This, however, would require a more comprehensive and accurate screen than the one discussed below, perhaps including geographic areas smaller than a State. We invite comments on these tradeoffs.

2. Multiple source drugs

As under PhIP and MAC, CIP would have provisions to generate incentives for pharmacists to substitute lower cost terapeutic equivalents. Under CIP, this would take the form of a separate upper limit of payment for multiple source drugs which meet the following requirements:

- All of the formulations of the drug approved by FDA have been evaluated as therapeutically equivalent in the most current edition of their publication, *Approved Drug Products with Therapeutic Equivalence Evaluations* (including supplements or any successor publications).
- At least three suppliers advertise the drug (which has been classified by the FDA as category "A" in the FDA's *Approved Drug Products with Therapeutic Equivalence Evaluations*, including supplements or any successor publications) in the most current edition of the *Red Book* or *Blue Book*.

We would publish the list of drugs meeting these requirements and any revisions to the list in Medicaid program instructions. If a multiple source drug did not meet these requirements, the upper limit discussed for single source drugs would apply.

For the multiple source drugs meeting the above requirements, the upper limit would be the lowest of—

- A mandatory discount (for example, 25 percent) applied to the individual provider's charges to private, retail customers for the leading brand name that corresponds to the multiple source drug;
- The individual provider's charges to private, retail customers for the multiple source drug dispensed less the discount (for example, 5 to 10 percent) applied to all drugs; or
- The results of a screen of Statewide charges for all generic equivalents of the multiple source drug dispensed.

We have not yet determined specific percentages to be used in the discounted prices under CIP. This is because we are currently performing the analysis to determine the appropriate levels. It is our intention to set the discount rates (in conjunction with the screen) at levels that would approximate current savings under the EAC program for single source drugs, and that would, for miltiple source drugs, provide a substantial incentive for pharmacists to dispense a generic product while minimizing losses if the pharmacist has a temporary supply shortage and must dispense the leading brand in a particular case. We invite the public to comment on what they believe are appropriate levels.

We used the example of a 25 percent mandatory discount of the leading brand of multiple source drugs because, generally, non-brand multiple source drugs are priced well below the price of the leading brand product. Thus, by using this discount, we would create an incentive for the provider to dispense lower cost therapeutically equivalent drugs. Assuming that the mark-ups on both products are similar, and reflect primarily the costs of dispensing, the provider would in effect lose his dispensing fee unless he dispensed the multiple source equivalent. Thus, consistent with the goals of the current MAC program, we would achieve savings through the recognition of the availability of multiple source drugs.

The determination of the specific upper limit for a multiple source drug under the CIP proposals can be explained using the drug hydrochlorthiazide with spironolactone as an example. Wholesale prices for this drug, as recently advertised in the *Red Book*, vary from about $4 to about $24 per 100 tablets. Assuming that a pharmacist marks up each product he or she carries by $5, the retail price could vary from about $9 to about $29. Under CIP, at a 25 percent discount applied to the leading brand, the upper limit for reimbursement for that particular pharmacist would be 75 percent of $29 or about $21.75, less than the advertised (though not necessarily actual) ingredient cost. However, if the pharmacist dispensed the lowest priced product, he or she would receive (at a 5 percent discount) $8.55, almost $5 above his or her acquisition cost (and slightly below the proposed PhIP limit—see the discussion in section II.A, above). If a product with slightly higher wholesale and retail prices (for example, $6 and $11) were involved, the CIP limit, would be $10.45 at a 5 percent discount, somewhat higher than the corresponding PhIP limit. While the structure of incentives created under CIP is similar to that of PhIP, there would be two significant differences: (1) Under CIP, the limit would vary for each pharmacy depending on its particular pricing structure for that drug; and (2) the incentive under CIP would not tend to reward dispensing the very lowest priced multiple source equivalent—CIP is "neutral" in its incentives among equivalents.

Of course, like PhIP and MAC, CIP would allow the dispensing of the brand name product if the prescribing physician has certified in his or her own handwriting that a specific brand of that drug is medically necessary for the patient. The upper limit applied in these cases would be the single source discount factor.

As discussed above, we would specify that the upper limit for both multiple source and other drugs be set at the lower of the applicable mandatory discount applied to the provider's retail charges or the results of a screen. The use of the screen would ensure that the government does not pay an unreasonable amount for drugs in those few cases in which a pharmacy does a majority of its business with Medicaid and hence does not face normal competitive constraints against raising prices. (Stores which face competition could raise prices only by losing sales to non-Medicaid customers who would shop elsewhere.) We would require the State agency to establish screens for at least the several hundred highest volume drugs. The State could use billing data on each drug (including each multiple source equivalent in the case of multiple source drugs) for a given time period to establish the screen for a succeeding time period. We would allow States three months in which to collect charge data before establishing their fee screens so that there would be no need to undertake a special data collection effort.

This use of charge data is not a radical departure from current rules, since State agencies currently pay the lower of the provider's usual and customary charge, the EAC plus a dispensing fee, or MAC plus a dispensing fee. To further simplify the screen requirements, in determining the Medicaid Statewide charges for a drug, the agency could use a statistically valid representative sample of charges or impute charges based on statistical relationships in cases in which sufficient

data on a paticular drug/dosage/dispensary size combination were not available., We also would allow State agencies to update the screen of charges no more frequently than annually, although use of computerized billing data would provide the basis for more frequent updates should the agency so choose.

We would require that the screen be set at a specific percentage (for example, 125 percent) of the Statewide median charge for the specific drug or that the State agency apply an equivalent screen. We would require that any alternative screen applied to the Statewide charges would result in the same or greater savings than would occur under the screen of charges set at a percentage of the median. This would allow the agency flexibility in setting the screen. For example, it would permit the agency to use a screen already established by its Medicaid fiscal intermediary or a screen that would limit payment up to a percentage of the prevailing charge for the drug within a certain geographic area provided that the savings would at least equal those provided by a screen of a percentage (determined by the Secretary) of the median charge.

Finally, we would require State agencies establish screens only on the largest volume drugs which account for 75% (or such percentage as the Secretary may later determine) of Medicaid claims in the State, and to allow statistical imputation of screens for any dosage forms and package sizes for those drugs that are furnished so infrequently as to provide little data for a screen. This would allow the State to limit screen calculations to a few hundred drugs rather than tens of thousands of drug/dosage form/dosage size combinations. Any State could elect, of course, to cover more drugs depending on its own judgment as to programming and other costs involved. We welcome comment on these or other options to assure that establishing screens is not administratively burdensom and also on whether these options are needed at all given the power of modern date processing

We would include a provision that in unusual circumstances, HCFA may set an upper limit for a particular drug or locality different from those already described. We would include this provision because it would allow us to adjust the limit should a problem occur in the setting of the limits. It would allow us to apply the limit for single source drugs to a multiple source drug if we find that for some reason the established multiple source limit is no longer appropriate. For example, we may find that there are no longer three or more suppliers advertising the product in the *Red Book* or *Blue Book*. We would notify each affected State agency through program issuances of the revised upper limit and the reasons for the revision. The problems of updating the list of drugs to which the CIP upper limit for multiple source drugs applies would be less of an administrative burden than under MAC or PhIP since only the drugs' availability and not price changes would be addressed. Unlike PhIP, neither HCFA nor the State agencies would have to calculate a specific limit based upon the lowest priced multiple source equivalent. Price updates would be automatic based on the charges presented by each pharmacy.

Because the CIP proposal would establish a Medicaid upper limit, State agencies would be permitted to use an alternative drug reimbursement system. If the agency adopts an alternative drug reimbursement system, it would be required to provide assurances and to make an annual finding that under its alternative methodology (that would be described in its State plan), the aggregate Medicaid expenditures for all drugs are equal to or less than the expenditures that would have been made under the CIP limits. As discussed in the introduction to section II of this preamble, a State agency would be required to submit the assurances to HCFA; however, it would not generally be required to submit to HCFA its actual findings that an alternative method of payment does not exceed the CIP limits. Instead, it would provide an assurance that this finding has been made. If HCFA found a problem with a State's assurance, HCFA could, however, request that the State provide data to support its assurance.

In summary, CIP would have objectives similar to those of PhIP to the extent that both proposals would encourage substitution of non-brand multiple source drugs for brand name drugs. Under CIP, the administrative costs necessary to determine pharmacists' costs of obtaining drugs and to set dispensing fees (which are considerations under the MAC and EAC programs and would be under PhIP) would be eliminated, although there would be some costs as a consequence of the need to use fee screens. Overall, the marketplace would establish the basis for government payments.

III. Regulatory Impact Analysis

A. *Introduction*

Executive order 12291 (E.O. 12291) requires us to prepare and publish an initial regulatory impact analysis for any proposed regulations that are likely to meet criteria for a "major rule". A major rule is one that would result in:

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

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or any geographical 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.

We cannot predict with certainty what impact any of the three options may have on the economy either in the form of potential savings for the Medicaid program or reductions in payments to individual pharmacy providers because of limited data. Although we do not expect an aggregate annual effect on the economy over the next five years to exceed $100 million from any of the three proposed alternatives, savings may approach $100 million and we have not yet developed precise savings estimated. Therefore, we have prepared a voluntary impact analysis.

In addition, consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 though 612), we prepare and publish an initial regulatory flexibility analysis for proposed regulations unless the Secretary certifies that the regulations would not have a significant impact on a substantial number of small entities. For purposes of the RFA, we consider most pharmacies and pharmacists to be small entities.

While we do not know how many pharmacists participate in the Medicaid program, we believe that our proposal to modify the present method of paying for prescription drugs will have a significant effect on many of the participating pharmacists. Under current rules, Medicaid pays all pharmacies in a State the same amount for a given drug regardless of the pharmacy's retail price (except in the cases in which a pharmacy charges less than the acquisition cost plus dispensing fee). As a result, Medicaid realizes a larger discount from pharmacies that charge higher prices than the average (generally, independent pharmacies). Under the PhIP and MAC reform options, this practice would not change significantly. However, under CIP, the discount would be proportional to the retail price (as long as the price Medicaid pays does not exceed the charge established for the particular drug) thus, equalizing the discount

Medicaid would take. As a result, some pharmacies would benefit (typically smaller independents) while other pharmacies (typically larger chains) might experience some reductions in drug revenues. All three options would reduce the disruption of supply channels, as compared to the current rules. Therefore, we believe that any one of these options would be likely to have a significant economic effect on a substantial number of pharmacies and accordingly, we have prepared an initial regulatory flexibility analysis combined with an economic impact analysis.

B. *Entities Affected*

Whichever alternative is selected and implemented, the primary direct effects would be on States, drug retailers, and drug manufacturers. As discussed earlier in this preamble, the reimbursement system we adopt would not be mandatory for any State. Rather, a State would have the flexibility to adopt any reasonable payment system, provided that it did not result in payments higher than would result from the selected alternative. Nonetheless, whatever systems are adopted by States, direct and indirect effects on the market for drugs and the behavior of the major actors of that market could have an impact on manufacturers, wholesale distributors, retailers, and others.

In FY 1985 the Medicaid program paid approximately $2.4 billion for prescription drugs, of which $1.3 billion was Federal.

C. *Objectives*

The Medicaid program objective under all three proposed alternatives is to achieve savings through payments based on the use of lower priced multiple source equivalents while providing sufficient incentives to ensure adequate pharmacy participation in the Medicaid program. The differences among the three options lie in the approach each takes to achieving the stated objective, and the administrative mechanisms required to implement each approach.

Under all three options the government will achieve substantial savings through substantially increasing the proportion of drugs for which generic rather than leading brand versions are dispensed. The savings will not come from pharmacists (who may actually gain in some cases) but from substituting lower-priced versions of a drug for higher-priced versions. Also manufacturers and distributors of the lower priced therapeutically equivalent substitutes would tend to benefit as a result of increased sales and market share. We do not have at this time an estimate of dollar savings for each option, but expect that on a full year basis the combined Federal/State savings would be approximately $80 million annually and may approach $100 million annually as the number of drugs with generic substitutes increases.

D. *Pharmacists' Incentive Program (PhIP).*

PhIP would take as its starting point the lowest advertised price of the least costly form equivalent to the brand-named drug and add either a fixed minimum amount or a fixed percentage to the average wholesale price up to a maximum of $4.00 over the wholesale price. In addition, the pharmacist would be paid a dispensing fee established by the State.

PhIP differs from the current MAC method in that it proposes to establish reimbursement levels using a standard formula based on data that are readily available to us as well as to State Medicaid agencies and the general public. Because PhIP would operate automatically to set payment limits for multiple source drugs at rates related to the lowest advertised price, without the substantial lags and administrative costs inherent in the MAC system, we would expect to achieve greater savings than we are realizing under the current system.

In addition to receiving a dispensing fee and an amount above the wholesale price, we would allow pharmacists to retain any savings they were able to realize from prudently purchasing and substituting available generic equivalents. This could give pharmacists an increased incentive to shop around for the best buy and to purchase the least costly form of a brand-name drug in addition to providing an incentive to participate in the Medicaid program.

By offering an incentive to purchase the least costly form of a multiple source drug available on the market, PhIP might have the effect of intensifying price competition among manufacturers and wholesale distributors. Should this occur, it could have the effect of slowing increases in drug wholesale prices, or alternatively of increasing the availability of (or effect of) discounts.

We believe that PhIP would not create additional administrative costs beyond current spending levels either for us or for the States.

E. Reform of Maximum Allowable Costs (MAC)

The proposed changes to the MAC system are administrative in nature and would not substantially alter the incentives of the existing system. Rather, by simplifying the procedures for adding drugs to those subject to a MAC limit, we would expect to achieve increased savings due to the application of MAC limits to a larger number of drugs. Further, as equivalents become available for a drug, a new MAC limit could be implemented earlier than has been previously possible, thus achieving savings more timely and effectively.

While the proposed MAC reforms would streamline the administrative process compared to the present system, it would still require a special data collection effort and an evaluation of the appropriate level at which to set individual drug prices, rather than setting prices on the basis of a standard formula. Also, we believe that the provisions to establish regional MAC payment levels, or to suspend a MAC price within a State should there be significant price variation across different areas of the country or if a drug is not available within a State at the MAC price, could make this regulation more difficult and costly to administer than the present system. However, States would have somewhat more flexibility than under the current MAC limits, especially since the limits could be applied in the aggregate rather than drug by drug. This flexibility would ameliorate some of the problems experienced under the current MAC system.

Also, on a per drug basis, MAC may achieve higher savings than PhIP or CIP because it would not provide any financial incentives in the form of either a bonus or payment above the cost of the lowest priced drug. As is presently the case, the proposed MAC reforms would reimburse the lower of the pharmacist's acquisition cost, the MAC limit or the pharmacist's customary charges. However, because of the cumbersomeness of the MAC setting process, there is a long delay between the time a drug is identified as being eligible for a MAC limit and the final establishment of a limit. In addition, resource constraints allow us to set MAC limits on only a few drugs at a time. Thus, while the savings per drug may be higher, the slowness of the MAC setting process could result in lower overall savings than might be achieved under either PhIP or CIP.

F. Competitive Incentive Program (CIP)

While seeking the same objectives as PhIP and MAC, CIP represents a signficant departure from either of these alternatives. Although they would use different measures of cost, both PhIP and the reformed MAC would base reimbursement on the presumed cost of the drug to the dispensing pharmacist. CIP, however, would use the customary retail prices pharmacists charge the public as the basis for determining

pricing levels, rather than the input cost of drugs to the pharmacist. Also, unlike PhIP or MAC, CIP is intended to be a comprehensive pricing scheme which would apply to both single source and multiple source drugs and would encompass dispensing fees. PhIP and MAC would apply only to multiple source drugs and dispensing fees would still be set separately.

CIP's use of the retail market price for setting Medicaid reimbursement levels presumes that retail prices are competitively set. The conditions which CIP relies on for achieving its objectives are: The presence of numerous customers and sellers in the market, the ability and willingness of customers to shift their business from one retail drug outlet to another as prices change, and that pharmacists will promptly alter their prices to meet new market conditions.

Based on the available data, we believe that these conditions exist generally throughout the country. A national survey (*Third Party-Induced Cost Shifting In Community Pharmacy Practice;* unpublished doctoral thesis by Jon T. Stone (Purdue University) December 1985, p. 229) of 502 pharmacies suggests that approximately 67.9 percent of prescriptions were paid for directly by individuals. Approximately 18.4 percent of prescriptions were covered by either Blue Cross/Blue Shield or commerical insurance plans. Medicaid claims amounted to approximately 17.2 percent. Where there is fairly broad consumer and seller participation in the market, as these data would suggest, retail drug prices should reflect with reasonable accuracy the equilibrium between supply and demand. Under these market conditions CIP would enable the Medicaid program to participate in the retail market much in the same manner as other purchasers or third party payors. By paying the retail prices for a drug less the applicable discounts, Medicaid would be assured the same access to pharmaceuticals and pharmacies as are other consumers and third party payors while enjoying the protection the market place offers from unwarranted price increases. We note, in this context, that the increases in physician charges experienced over the last 20 years occurred under "usual, customary and reasonable" reimbursement systems used by Medicare and most other third party insurers, which covered a far higher percentage of total billings than the percentage of prescription drugs covered by Medicaid.

We can hypothesize two types of markets in which the application of CIP could result in unwarranted cost increases to the Medicaid program. While the following hypothetical markets represent extreme cases which are unlikely to exist in the real world, they point up some of the complexities inherent in retail markets. One type would be a market in which Medicaid recipients were geographically concentrated in certain areas of a State, resulting in a relatively small number of pharmacies serving a high proportion of Medicaid recipients. In the areas of Medicaid concentration, the volume of drug sales would not vary with the prices pharmacists charged because Medicaid recipients generally would be insulated from the increases. Pharmacists in the areas of Medicaid concentration therefore, could raise their prices without the fear of losing revenues since Medicaid would be the major purchaser. A screen would be required under CIP in order to avoid excessive payments.

At the opposite extreme would be a market which was dominated by other third party payors (for example Blue Cross/Blue Shield). If these third party payors were not sensitive to price, there could be inflationary pressures on drug prices. Given the great interest in the cost of health care, we believe it unlikely, even in such a hypothetical market dominated by other third party payors, that price increases would be reimbursed without limit. Moreover, such third party control of payment for drugs is not characteristic of the present market.

None of the alternatives would offer protection against increases in manufacturers' or wholesalers' prices nor are they intended to; however, they could create pressures (as previously noted) for providing lower prices to pharmacists. Moreover, as a result of various noneconomic factors, such as convenience, and other matters of individual preference, all of the alternatives while increasing the incentive for substituting certain therapeutically equivalent brands (that is, those of lower price) for other brands of the same equivalent drug, will not result in such substitutions in all cases.

Although CIP's effectiveness would depend on the competitiveness of a State's retail market, it would offer some clear advantages over PhIP, the reformed MAC proposal, and the current EAC programs. Reimbursing pharmacists generally based on their usual and customary charges would eliminate the need for establishing separate Medicaid limits on drug payments. Assuming the retail market is reasonably efficient in setting drug prices, the market place would set a price that reflected a balance between demand and supply of the drug. This would save us and the States the administrative costs of having to develop payment limits, and it would remove the cause of many complaints pharmacists have made about the MAC/EAC program. They have claimed that MAC and EAC intrude needlessly into the way pharmacists conduct their business. Pharmacists claim that at times these programs have caused them to lose money because certain widely prescribed drugs were not available at the MAC or EAC limits.

Obtaining data for CIP should not result in additional administrative costs since the retail prices would have to be included on each bill the pharmacist submits for payment. Also, by allowing States three months in which to collect charge data before establishing their fee screens, there would be no need to undertake a special data collection effort. However, a State could incur additional costs in implementing CIP in order to establish the required screens.

Because CIP is based on charges, it generally would reflect variations in pharmacists' operating costs or the cost of purchasing drugs in particular areas of the State. However, the screen in CIP could arguably penalize the high cost pharmacist. While the cost of doing business may vary by location within a State and thus cause prices to vary, we believe that the proposed regulations would provide State agencies with sufficient flexibility in establishing Statewide charge screens to enable them to handle these types of difficulties. A State agency would be free to develop any type of screen and set it at any level it chooses as long as the agency achieves the same or greater savings than those which HCFA has determined based on the screen in 42 CFR 447.331(a)(3)(iii)(A)(*1*) or 447.331(b)(2)(i)(A) of the proposed rule, whichever is applicable.

The rationale for establishing a Statewide charge screen is to prevent payments of unusually high drug charges that may occur as a result of distortions in the market, and which some pharmacists may attempt to take advantage of for their own benefit. By establishing a Statewide screen, charge variations among pharmacies resulting from inefficiencies in the market would be reduced while still permitting the overall market to set Medicaid payment levels. As previously discussed, cost based price variations that a State determines to be legitimate could be

dealt with in a variety of ways within the framework of a Statewide screen.

G. Conclusion

We are proposing three different methodologies for controlling Medicaid drug costs. All three methodologies would produce savings principally through the substitution of lower priced therapeutically equivalent drugs.

The reformed version of MAC relies on a conventional regulatory approach of Federally administrative price limits for which we would provide FFP. It may achieve the most savings per prescription, and, if enforced strongly, could result in high aggregate savings. However, it may also incur the highest administrative costs and it affords the least benefit to pharmacists.

In contrast to MAC, PhIP and CIP would use financial incentives to achieve their savings goals. PhIP would offer pharmacists a bonus over the lowest wholesale price of a drug whenever they substituted a lower priced drug for a higher priced one. CIP would establish payment limits on the basis of a drug's retail price. In addition to offering an incentive for substituting a lower priced drug for a higher priced one, PhIP (but not CIP) would provide a disincentive to filling prescription with the highest price multiple source drug. CIP would be a comprehensive reimbursement scheme that could be used in place of the EAC program. PhIP and the reformed MAC program would have to be used in conjunction with a State's EAC program.

Both PhIP and CIP would rely on easily obtainable data and would employ formulas for establishing payment limits. Therefore, we believe both would be administrable although PhIP would be preferable from a purely administrative standpoint. In any case, whatever method we choose for establishing an upper limit, we presume that States will choose payment methods that are administratively acceptable to them.

VI. Paperwork Requirements

Sections 447.331(c), 447.332, and 447.333(b) of this proposed rule are subject to Executive Office of Management and Budget (EOMB) review under the Paperwork Reduction Act of 1980. A notice will be published in the **Federal Register** when EOMB approval is obtained. Other organizations and individuals desiring to submit comments on the information collection requirements should follow the directions in the ADDRESSES section of this preamble.

V. Responses to Comments

Because of the large number of items of correspondence we normally receive on a proposed rule, we are not able to acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments that we receive by the date and time specified in the "Dates" section of this preamble, and, if we decide to proceed with a final rule, we will respond to the comments in the preamble of that rule.

VI. List of Subjects

42 CFR Part 405

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Nursing homes, Reporting and recordkeeping requirements, Rural areas, X-rays.

42 CFR Part 447

Accounting, Administrative practice and procedure, Grant programs—health, Health facilities, Health professions, Medicaid, Reporting and recordkeeping requirements, Rural areas.

45 CFR Part 1

Organization and functions.

45 CFR Part 19

Administrative practice and procedure, Drugs, Health care, Health maintenance organizations, Medicare.

Alternative 1—PhIP

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

I. 42 CFR Part 405 would be amended as set forth below:

A. The authority citation for Subpart D continues to read as follows:

Authority: Secs. 1102, 1814(b), 1815, 1833(a), 1861(v), 1871, 1881, 1886, and 1887 of the Social Security Act as amended (42 U.S.C. 1302, 1395f(b), 1395g, 13951(a), 1395x(v), 1395hh, 1395rr, 1395ww, and 1395xx).

B. The table of contents for Subpart D is amended by removing § 405.433.

§ 405.433 [Removed]

C. Section 405.433 is removed.

PART 447—PAYMENTS FOR SERVICES

II. 42 CFR Part 447 would be amended as set forth below:

A. The authority citation for Part 447 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302) unless otherwise noted.

B. The table of contents is amended by adding a new § 447.301 and by revising the entry for § 447.332 as follows:

Subpart D—Payment Methods for Other Institutional and Noninstitutional Services

* * * * *

447.301 Definitions.

* * * * *

447.332 Specific upper limits for multiple source drugs.

* * * * *

C. Section 447.301 is added to Subpart D to read as follows:

§ 447.301 Definitions.

For the purposes of this subpart—

"Brand name" means any registered trade name commonly used to identify a drug.

Estimated acquisition cost" means the agency's best estimate of the price generally and currently paid by providers for a drug marketed or sold by a particular manufacturer or labeler in the package size of drug most frequently purchased by providers.

"Multiple source drug" means a drug marketed or sold by two or more manufacturers of labelers or a drug marketed or sold by the same manufacturer or labeler under two or more different proprietary names or both under a proprietary name and without such a name.

D. Section 447.331 is revised to read as follows:

§ 447.331 Drug: Upper limits of payment.

(a) *Multiple source drugs.* Except for brand name drugs that are certified in accordance with paragraph (c) of this section, the agency payment for multiple source drugs must not exceed the amount that would result from the application of the specific limits established in accordance with § 447.332 plus a reasonable dispensing fee established in accordance with § 447.333. If a specific limit has not been established under § 447.332, then the rule for "other drugs" set forth in paragraph (b) applies.

(b) *Other drugs.* The agency payment for brand name drugs certified in accordance with paragraph (c) of this section and drugs other than multiple source drugs for which a specific limit has been established under § 447.332 must not exceed the lower of the—

(1) Estimated acquisition cost plus a dispensing fee established in accordance with § 447.333; or

(2) The provider's usual and customary charge to the general public.

(c) *Certification of brand name drugs.* (1) The upper limit for payment for multiple source drugs for which a specific limit has been established under § 447.332 does not apply if a physician

certifies in his or her own handwriting that a specific brand is medically necessary for a particular recipient.

(2) The agency must decide what certification form and procedure are used.

(3) A checkoff box on a form is not acceptable but a notation like "brand necessary" is allowable.

(4) The agency may allow providers to keep the certification forms if the forms will be available for inspection by the agency or HHS.

E. Section 447.332 is revised as follows:

§ 447.332 Specific upper limits for multiple source drugs.

(a) *Establishment and issuance of a limit.* (1) HCFA may establish a specific upper limit for a multiple source drug if the following requirements are met:

(i) All of the formulations of the drug approved by the Food and Drug Administration (FDA) have been evaluated as therapeutically equivalent in the most current edition of their publication, *Approved Drug Products with Therapeutic Equivalence Evaluations* (including supplements or in successor publications).

(ii) at least three suppliers advertise the drug (which has been classified by the FDA as category "A" in its publication, *Approved Drug Products with Therapeutic Equivalence Evaluations*, including supplements or in successor publications) in the most current edition of the *Red Book* or *Blue Book*.

(2) HCFA publishes the list of multiple source drugs for which upper limits have been established and any revisions to the list in Medicaid program instructions.

(3) HCFA may remove a drug from the list if it finds that total State and Federal Medicaid expenditures would be reduced by less than $50,000 annually for that drug.

(b) *Specific upper limits*—(1) *General rule.* Except for cases in which a minimum or maximum mark-up factor applies as specified in paragraph (b)(2) of this section, the upper limit is equal to 150 percent of the least costly therapeutic equivalent that can be purchased by pharmacists in quantities of 100 tablets or capsules (or, if the drug is not commonly available in quantities of 100, the smallest package size commonly advertised) or, in the case of liquids, the commonly advertised size.

(2) *Exception.* (i) The minimum mark-up factor (which is separate from the State set dispensing fee) is $1.50 over the cost of 100 tablets or capsules (or, if the drug is not commonly available in quantities of 100, the smallest package size commonly advertised), or the commonly advertised size of the liquid.

(ii) The maximum mark-up factor (which is separate from the State set dispensing fee) is $4.00 over the cost per 100 tablets or capsules (or, if the drug is not commonly available in quantities of 100, the smallest package size commonly advertised), or the commonly advertised size of the liquid.

(c) *Alternative to specific upper limits.* The agency may use an alternative method of payment from that described as the specific upper limit for multiple source drugs in § 447.331 and in paragraph (b) of this section. If the agency adopts an alternative method of payment, it must describe the alternative in the State plan and provide HCFA with assurances that an annual finding has been made that under its alternative method, Medicaid expenditures for drugs for which specific upper limits have been established by HCFA are in the aggregate equal to or less than the expenditures that would have been made under the specific upper limits. In calculating its Medicaid drug expenditures under its alternative method of payment, the agency must include its payments for the same drugs for which payment levels have been set by HCFA in order that a valid comparison may be made. HCFA may, any time, request the agency to provide data supporting the assurance. Federal financial participation is available only up to the level of the aggregate expenditures which would have been made under the specific upper limits established by HCFA. The agency must maintain such records as HCFA finds are necessary to determine the Federal upper limit on payment.

SUBTITLE A—DEPARTMENT OF HEALTH AND HUMAN SERVICES; GENERAL ADMINISTRATION

III. 45 CFR Subtitle A would be amended as set forth below:

A. The Table of Contents for Subtitle A is amended by removing "Part 19, Limitations on Payment or Reimbursement for Drugs."

PART 1—HHS'S REGULATIONS

§ 1.2 [Amended]

B. In § 1.2 of Subpart A, the last bullet point entitled "Miscellaneous" is amended by removing the reference to Part 19.

PART 19—LIMITATIONS ON PAYMENT OR REIMBURSEMENT FOR DRUGS [REMOVED]

C. Subtitle A is amended by removing Part 19, "Limitations on Payment or Reimbursement for Drugs".

Alternative 2—MAC

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

I. 42 CFR Part 405 would be amended as set forth below:

A. The authority citation for Subpart D continues to read as follows:

Authority. Secs. 1102, 1814(b), 1815, 1833(a), 1861(v), 1871, 1881, 1886, and 1887 of the Social Security Act as amended (42 U.S.C. 1302, 1395f(b), 1395g, 1395l(a), 1395x(v), 1395hh, 1395rr, 1395ww, and 1395xx).

B. The table of contents for Subpart D is amended by removing § 405.433.

§ 405.433 [Removed]

C. Section 405.433 is removed.

PART 447—PAYMENTS FOR SERVICES

II. 42 CFR Part 447, Subpart D would be amended as set forth below:

A. The authority citation for Part 447 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302) unless otherwise noted.

B. The table of contents is amended by adding a new § 447.301, by revising the entry for § 447.332, by redesignating §§ 447.333 and 447.334 as §§ 447.335 and 447.336 respectively, and by adding new §§ 447.333 and 447.334 as follows:

Subpart D—Payment Methods for Other Institutional and Noninstitutional Services

* * * * *

447.301 Definitions.

* * * * *

447.332 Determination of maximum allowable cost.

447.333 Review and revision of MAC determinations.

447.334 Suspending, raising or waiving a MAC limit.

447.335 Dispensing fee.

447.336 Upper limits for drugs furnished as part of services.

* * * * *

§ 447.300 [Amended]

C. Section 447.300 is amended by changing the reference to "447.334" to read "447.336".

D. Section 447.301 is added to Subpart D to read as follows:

§ 447.301 Definitions.

For the purposes of this subpart—

"Brand name" means any registered trade name commonly used to identify a drug.

"Estimated acquisition cost" means the agency's best estimate of the price generally and currently paid by providers for a drug marketed or sold by a particular manufacturer or labeler in

the package size of drug most frequently purchased by providers.

"Multiple source drug" means a drug marketed or sold by two or more manufacturers or labelers or a drug marketed or sold by the same manufacturer or labeler under two or more different proprietary names or both under a proprietary name and without such a name.

E. Section 447.331 is revised to read as follows:

§ 447.331 Drugs: Upper limits of payment.

(a) *General rule.* The agency payment for drugs must not exceed the lowest of the following:

(1) The maximum allowable cost (MAC) of the drug, if any, established in accordance with § 447.332 plus a reasonable dispensing fee established in accordance with § 447.333;

(2) The estimated acquisition cost plus a dispensing fee established in accordance with § 447.333; or

(3) The provider's usual and customary charge to the general public.

(b) *Certification of brand name drugs.* (1) The MAC for a multiple source drug described in paragraph (a)(1) of this section does not apply if a physician certifies in his or her own handwriting that a specific brand is medically necessary for a particular recipient.

(2) The agency must decide what certification from and procedure are used.

(3) A checkoff box on a form is not acceptable but a notation like "brand necessary" is allowable.

(4) The agency may allow providers to keep the certification forms if the forms will be available for inspection by the agency or HHS.

(c) Alternative to specific upper limits. The agency may use an alternative method of payment from that described as the MAC for multiple source drugs established in accordance with § 447.332. If the agency adopts an alternative method of payment, it must describe the alternative in the State plan and provide HCFA with acceptable assurances that an annual finding has been made that under its alternative method, Medicaid expenditures for drugs for which MAC limits have been established by HCFA are in the aggregate equal to or less than the expenditures that would have been made under the MAC upper limits. In calculating its Medicaid drug expenditures under its alternative method of payment, the agency must include its payments for the same drugs for which MAC limits have been set by HCFA in order that a valid comparison may be made. HCFA may, at any time, request the agency to provide data supporting the assurance. Federal financial participation is available only up to the level of the aggregate expenditures which would have been made under the specific upper limits established by HCFA. The agency must maintain such records as HCFA finds are necessary to determine the Federal upper limit on payment.

F. Section 447.332 is revised as follows:

§ 447.332 Determination of maximum allowable cost.

(a) *Identification of drugs.* (1) HCFA may establish a MAC for a multiple source drug if the following requirements are met:

(i) All of the formulations of the drug approved by the Food and Drug Administration (FDA) have been evaluated as therapeutically equivalent in the most current edition of their publication, *Approved Drug Products with Therapeutic Equivalence Evaluations* (including supplements or in successor publications.

(ii) At least three suppliers advertise the drug (which has been classified by the FDA as category "A" in their publications, *Approved Drug Products with Therapeutic Equivalence Evaluations,* including supplements or in successor publications) in the most current edition of the *Red Book* or *Blue Book.*

(iii) Significant amounts of Federal funds are or may be expended for that drug under the Medicaid program.

(iv) There are or may be significantly different prices for that drug.

(v) HCFA expects to reduce total State and Federal Medicaid expenditures by at least $50,000 annually for that drug.

(b) *Initial determination of lowest unit price.* (1) For each drug identified in accordance with paragraph (a) of this section and for which all FDA-approved formulations are evaluated as therapeutically equivalent, HCFA makes an initial determination of the lowest price at which the drug is widely and consistently available to providers.

(2) In making this determination, HCFA may use, to the extent available, information obtained from wholesalers regarding the price currently charged to providers for the drugs for which a MAC is proposed. In the absence of adequate data from wholesalers in making these determinations, HCFA uses other relevent data.

(3) The determination of the lowest unit price at which the drug is widely and consistently available to providers is based on the package size of drug most frequently purchased by providers.

(4) If it appears to HCFA that a drug is or will be unavailable to providers in one or more localities at the same lowest unit price at which it is available elsewhere, HCFA makes a separate determination for each such locality.

(c) *Proposed MAC.* HCFA determines whether the lowest unit price should be proposed as the maximum allowable cost (MAC) for the drug.

(d) *Notice and comment.* HCFA publishes as a notice in the **Federal Register** each proposed MAC and a summary of the HCFA's reasons for its proposal. The notice invites interested persons and organizations to submit in writing comments on the proposed MAC. HCFA maintains for public inspection all public comments received regarding a proposed MAC.

(e) *Proposed final determination.* After considering the written comments and any other evidence included as part of the record, HCFA determines whether a MAC should be established for each drug for which a notice of proposed MAC was published and, if so, make a proposed final determination of a MAC for each drug.

(f) *Publication.* HCFA publishes notice of the final determination in the **Federal Register** with a statement of the reasons for the determination.

G. Sections 447.333 and 447.334 are redesignated as §§ 447.335 and 336 respectively. New §§ 447.333 and 447.334 are added and read as follows:

§ 447.333 Review and revision of MAC determinations.

(a) To assure that continued application of each MAC is justified, HCFA regularly reviews the list of drugs for which final MAC determinations have been made.

(b) Any individual or organization may at any time request in writing that a MAC determination be revised or withdrawn. The request must set forth—

(1) The specific change requested;

(2) The justification for the change; and

(3) Available data in support of the request.

(c) Whenever HCFA finds that there are substantial grounds for reviewing a MAC determination, it reviews the determination in accordance with the procedures set forth in § 447.332.

(d) If HCFA finds no substantial grounds for reviewing a MAC determination, HCFA notifies the person or organization requesting their review of its denial in writing. This notification also includes a statement of the reasons for the denial.

§ 447.334 Suspending, raising or waiving a MAC limit.

(a) *Raising a MAC limit.* (1) State agencies may request in writing that a MAC limit for a particular drug be suspended or raised temporarily if that drug becomes unavailable at or below the limit.

(2) If HCFA determines that the limit should be suspended or raised temporarily, HCFA issues a notice in the **Federal Register** specifying the temporary suspension or limit. The temporary suspension or limit is effective until HCFA issues a new limit that has been established in accordance with § 447.332.

(b) *Waiving a MAC limit.* Upon the agency's written request and favorable demonstration that a particular volume of drug is too low to justify administering the MAC limit or that there are availability problems in the State for the drug, HCFA may waive the MAC limit for the drug in that State.

SUBTITLE A—DEPARTMENT OF HEALTH AND HUMAN SERVICES; GENERAL ADMINISTRATION

III. 45 CFR Subtitle A would be amended as set forth below:

A. The table of contents for Subtitle A is amended by removing "Part 19, Limitations on Payment or Reimbursement for Drugs."

PART 1—HHS'S REGULATIONS

§ 1.2 [Amended]

B. In § 1.2 of Subpart A, the last bullet point entitled "Miscellaneous" is amended by removing the reference to Part 19.

PART 19—LIMITATIONS ON PAYMENT OR REIMBURSEMENT FOR DRUGS [REMOVED]

C. Subtitle A is amended by removing Part 19, "Limitations on Payment or Reimbursement for Drugs."

Alternative 3—CIP

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

I. 42 CFR Part 405, Subpart D would be amended as set forth below:

A. The authority citation for Subpart D continues to read as follows:

Authority: Secs. 1102, 1814(b), 1815, 1833(a), 1861(v), 1871, 1881, 1886, and 1887 of the Social Security Act as amended (42 U.S.C. 1302, 1395f(b), 1395g, 1395l(a), 1395x(v), 1395hh, 1395rr, 1395ww, and 1395xx).

B. The table of contents for Subpart D is amended by removing § 405.433.

§ 405.433 [Removed]

C. Section 405.433 is removed.

PART 447—PAYMENTS FOR SERVICES

II. 42 CFR Part 447 would be amended as set forth below:

A. The authority citation for Part 447 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302) unless otherwise noted.

B. The table of contents is amended by adding a new § 447.301, revising the entry for § 447.332 and by removing § 447.333 as follows:

Subpart D—Payment Methods for Other Institutional and Noninstitutional Services

* * * * *

447.301 Definitions.

* * * * *

447.332 Application of upper limits of payment.

447.334 Upper limits for drugs furnished as part of services.

* * * * *

C. Section 447.301 is added to Subpart D to read as follows:

§ 447.301 Definitions.

For the purposes of this subpart—

"Leading brand" means that drug which first obtained the new drug or antibiotic drug approval for that product.

"Multiple source drug" means a drug marketed or sold by two or more manufacturers or labelers or a drug marketed or sold by the same manufacturer or labeler under two or more different proprietary names or both under a proprietary name and without such a name.

D. Section 447.331 is revised to read as follows:

§ 447.331 Drugs: Upper limits of payment.

(a) *Multiple source drugs*—(1) *Application.* The upper limit of payment described in paragraph (a)(2) of this section applies to multiple source drugs which meet the following requirements:

(i) All formulations of the drug approved by the Food and Drug Administration (FDA) have been evaluated as therapeutically equivalent in the most current edition of the FDA publication, *Approved Drug Products with Therapeutic Equivalence Evaluations* (including supplements or in successor publications).

(ii) At least three suppliers advertise the drug (which has been classified by the FDA as category "A" in their publication, *Approved Drug Products with Therapeutic Equivalence Evaluations*, including supplements or in successor publications) in the most current edition of the *Red Book* or *Blue Book*.

(2) *Publication.* HCFA publishes in Medicaid program instructions the list and any revisions to the list of multiple source drugs that meet the requirements described in paragraph (a)(1) of this section and for which the upper limit for payment described in paragraph (a)(3) of this section apply.

(3) *Upper limit.* Except for brand name drugs that are certified in accordance with paragraph (c) of this section and unusual circumstances specified in paragraph (d) of this section, the agency payment for multiple source drugs that meet the requirements specified in paragraph (a)(1) of this section may not exceed the lowest of—

(i) A specific percentage (to be determined by HCFA) of the provider's retail price for the leading brand that corresponds to the multiple source durg;

(ii) A specific percentage (to be determined by HCFA and used under § 447.331(b) for other drugs) of the provider's retail price for the drug supplied; or

(iii) The results of a screen of Statewide charges for all generic equivalents of the multiple source drug dispensed.

(A) The screen of Statewide charges must be based on—

(*1*) A specific percentage (to be determined by HCFA) of the Statewide median charge for all generic equivalents of the multiple source drug dispensed.

(*2*) A method that results in the same or greater savings than would occur under the screen described in paragraph (a)(3)(iii)(A) (*1*) of this section.

(B) The screen of Statewide charges is updated no more frequently than annually.

(C) The increase in the screen from one update to the next must not exceed the increase in the prescription drug subcomponent of the Consumer Price Index for all Urban Consumers for the same period of time.

(b) *Other drugs.* The agency payment for drugs, other than multiple source drugs which meet the requirements specified in paragraph (a)(1) of this section, may not exceed the lower of—

(1) A percentage (to be determined by HCFA) of the provider's retail price; or

(2) The results of a screen of Statewide charges for that drug.

(i) The screen of Statewide charges must be based on—

(A) A specific percentage (to be determined by HCFA) of the Statewide median charge for the drug; or

(B) A method that results in the same or greater savings that would occur

under the screen described in paragraph (b)(2)(i)(A) of this section.

(ii) The screen of Statewide charges is updated no more frequently than annually.

(iii) The increase in the screen from one update to the next must not exceed the increase in the prescription drug subcomponent of the Consumer Price Index for all Urban Consumers for the same period of time.

(c) *Certification of brand name drugs.* (1) The upper limit for payment for multiple source drugs described in paragraph (a)(3) of this section does not apply if a physician certifies in his or her own handwriting that a specific brand is medically necessary for a particular recipient.

(d) *Unusual circumstances.* HCFA may set an upper limit for a particular drug or locality different from those described in paragraphs (a) and (b) of this section if it determines that unusual circumstances exist. HCFA notifies each affected State agency through program issuances of the revised upper limit and the reasons for the revision.

E. Section 447.332 is revised to read as follows:

§ 447.332 Application of upper limits of payment.

The agency may use an alternative method of payment from that described as the upper limit for drugs in § 447.331. If the agency adopts an alternative method of payment, it must describe the alternative in the State plan and provide HCFA with assurances that an annual finding has been made that under its alternative method, Medicaid expenditures for drugs are in the aggregate equal to or less than the expenditures that would have occurred under the payment method described as the upper limits for drugs in § 447.331. HCFA may, at any time, request the agency to provide data supporting the assurance. Federal financial participation is available only up to the level of the aggregate expenditures which would have been made under he specific upper limits established by HCFA. The agency must maintain such records as HCFA finds are necessary to determine the Federal upper limit on payment.

§ 447.333 [Removed]

F. Section 447.333 is removed.

SUBTITLE A—DEPARTMENT OF HEALTH AND HUMAN SERVICES; GENERAL ADMINISTRATION

III. 45 CFR Subtitle A would be amended as set forth below:

A. The table of contents for Subtitle A is amended by removing "Part 19, Limitations on Payment or Reimbursement for Drugs".

PART 1—HHS'S REGULATIONS

§ 1.2 [Amended]

B. In § 1.2 of Subpart A, the last bullet point entitled "Miscellaneous" is amended by removing the reference to Part 19.

PART 19—LIMITATIONS ON PAYMENT OR REIMBURSEMENT FOR DRUGS [REMOVED]

C. Subtitle A is amended by removing Part 19, "Limitations on Payment or Reimbursement for Drugs".

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program; 13.773, Medicare—Hospital Insurance; 13.774, Medicare—Supplementary Medical Insurance)

Dated: July 22, 1986.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: August 4, 1986.

Otis R. Bowen, M.D.,

Secretary.

[FR Doc. 86-18644 Filed 8-18-86; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-327, RM-5333]

Radio Broadcasting Services; Sarles, ND

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Timothy D. Martz. Action taken herein proposes the allocation of Channel 290 to Sarles, North Dakota, as the community's first local FM service, at the request of Timothy D. Martz.

DATES: Comments must be filed on or before October 3, 1986, and reply comments on or before October 20, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: James R. Bayes, Esq., Jerry V. Haines, Esq., Wiley & Rein, 1776 "K" Street, NW., Washington, DC 20006, (Counsel to Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-327, adopted July 31, 1986, and released August 12, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-18619 Filed 8-18-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-328, RM-5372]

Radio Broadcasting Services; Giddings, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Radio Lee County, Inc., proposing the substitution of FM Channel 268C2 for Channel 269A at Giddings, Texas, and the modification of license of Station KGID(FM), Channel 269A, to specify operation on the new channel. A site restriction of 26.9 kilometers (16.7 miles) south of the community is required.

DATES: Comments must be filed on or

before October 3, 1986, and reply comments on or before October 20, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: J. Dominic Monahan, Esquire, A. Kimberly Matthews, Esquire, Dow, Lohnes & Albertson, 1255 23rd Street, NW., Washington, DC 20037.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–328, adopted July 29, 1986, and released August 12, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–18620 Filed 8–18–86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86–329, RM–5235]

Television Broadcasting Services; Montgomery, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Troy State University proposing the assignment of UHF television Channel *63 to Montgomery, Alabama, as that community's second local noncommercial educational TV service.

DATES: Comments must be filed on or before October 3, 1986, and reply comments on or before October 20, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: M Scott Johnson, Esq., Gardner, Carton and Douglas, 1875 Eye Street NW., Suite 1050, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner or Stanley Schmulewitz, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–329, adopted July 28, 1986, and released August 12, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–18621 Filed 8–18–86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86–330, RM–5426]

Television Broadcasting Services; New Bedford, Massachusetts-Providence, Rhode Island

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Freedom WLNE–TV, Inc. to amend the Television Table of Assignments by consolidating the New Bedford, Massachusetts and Providence, Rhode Island assignments into a hyphenated New Bedford, Massachusetts-Providence, Rhode Island assignment market.

DATES: Comments must be filed on or before October 3, 1986, and reply comments on or before October 20, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Robert A. Marmet, Esq., Harold K. McCombs Jr., Esq., Marmet and McCombs, Professional Corporation, 1822 Jefferson Place NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–330, adopted July 28, 1986, and released August 12, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible ex parte contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-18622 Filed 8-18-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-331, RM-5471]

Radio Broadcasting Services; Corinth and Hadley, New York

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This document requests comments on a petition filed by Jedco Broadcasting Corporation proposing to substitute Channel 289B1 for Channel 228A at Corinth, New York and modify its license for Station WSCG-FM to specify the higher-powered channel. The channel allotment requires concurrence by the Canadian Government because Corinth is located within 320 kilometers of the U.S.-Canadian border. The allotment would create a 4.4 kilometer short-spacing to the application of Station CFGL, Channel 289C, Laval, Quebec, Canada, to change its transmitter site. Should other parties express an interest in Channel 289B1 at Corinth, the petitioner proposes that Channel 229B1 be allocated with a site restriction of 7.5 kilometers (4.6 miles) northwest.

DATES: Comments must be filed on or before October 3, 1986, and reply comments on or before October 20, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: William S. Green, Esq., Pierson, Ball & Dowd, 1200-18th Street NW., Washington, DC 20036 (Counsel to petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-331, adopted July 29, 1986, and released August 12, 1986. The full text of this Commission's decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-18623 Filed 8-18-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-388, RM-5506]

Radio Broadcasting Services; Lancaster, OH

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: The Commission proposes to allocate Channel 278A or Channel 279A to Lancaster, Ohio, as the community's second local FM service, at the request of John Garber and Associates. Channel 278A requires a site restriction of 5.7 kilometers (3.5 miles) north to avoid short-spacing to the buffer zone of Station WPAY-FM, Portsmouth, Ohio. Channel 279A requires a site restriction of 11.3 kilometers (7 miles) east to avoid short-spacing to Station WBBY, Westerville, Ohio, and to the buffer zone of Station WPAY-FM at Portsmouth. To determine whether there is a siting problem with Channel 278A, petitioner is requested to provide the Commission with a map showing the location of the Lancaster Fairfield County Airport. Petitioner has requested a waiver of the Commission's rules requiring protection to the buffer zone of Station WPAY-FM, Portsmouth, Ohio.

DATES: Comments must be filed on or before October 6, 1986, and reply comments on or before October 21, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Lauren A. Colby, Esq., 10 E. Fourth Street, P.O. Box 113, Frederick, Maryland 21701 (Counsel to petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-388 adopted August 4, 1986, and released August 13, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-18626 Filed 8-18-86; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 51, No. 160
Tuesday, August 19, 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

Soil Conservation Service

Productivity Improvement Review List and Estimated Dates for Beginning Studies (OMB A-76 Implementation)

AGENCY: Soil Conservation Service (SCS), USDA.

ACTION: Notice of intent to conduct productivity improvement reviews under the guidelines set forth in OMB Circular No. A-76.

SUMMARY: This notice provides locations and projected dates for starting productivity improvement studies within SCS through FY 1987. The SCS intends to conduct these reviews with their own forces. This is a notice of intent only and not a request for proposals.

Location and type of activity	Projected review start
District of Columbia, 50 states, and Caribbean Area: Information Resources Management	September 1986.
Eleven Western and Great Plains States: Snow Surveys.	October 1986.

FOR FURTHER INFORMATION CONTACT: W.J. Parker, Staff Leader, Productivity Improvement Programs, Soil Conservation Service, Department of Agriculture, P.O. Box 2890, Room 6019-S, Washington, DC 20013, telephone (202) 382-1861.

SUPPLEMENTARY INFORMATION: Reviews will be conducted under the guidelines of SCS Policy and OMB Circular No. A-76, Performance of Commercial Activities. Some of the listed activities may be evaluated in subunits or combined with other units for review.

Soil Conservation Service—Department of Agriculture, P.O. Box 2890, Washington, DC 20013

Attention: W. J. Parker; Telephone (202) 382-1861

X—Notice of intent To Conduct Productivity Improvement Reviews and Make Cost-Comparison Studies

Under the guidelines of Agency policy and OMB Circular No. A-76, the Soil Conservation Service (SCS) proposes to commence productivity improvement reviews which may eventually result in cost comparison studies being made. Activities include: (1) Information Resources Management: District of Columbia, 50 states and the Caribbean Area—start September 1986; and (2) Snow Surveys; Eleven Western and Great Plains states—start October 1986.

This is a notice of intent to conduct a management study only and is not a request for proposals. The SCS plans to use its own forces to conduct the management study.

Dated: August 8, 1986.

John W. Peterson,

Deputy Chief for Administration.

[FR Doc. 86-18677 Filed 8-18-86; 8:45 am]

BILLING CODE 3410-16-M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting; Louisiana Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Louisiana Advisory Committee to the Commission will convene at 8:30 a.m. and adjourn at 5:00 p.m., on September 12, 1986, at the Chateau Motor Hotel, La Petite & Lafayette 1 Rooms, 201 Lake Street, Shreveport, Louisiana. The purpose of the meeting is to conduct a community forum on civil rights implications of educational vouchers in Louisiana.

Persons desiring additonal information, or planning a presentation to the Committee, should contact J. Richard Avena, Director of the Southwestern Regional Office at (512) 229-5570, (TDD 512/229-5580). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five(5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC., August 13, 1986.

Yvonne E. Schumacher,

Program Specialist for Regional Programs.

[FR Doc. 86-18683 Filed 8-18-86; 8:45 am]

BILLING CODE 1335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 23-86]

Foreign-Trade Zone 65—Panama City, FL, Application for Extension for Berg Steel Pipe Corp. Zone Manufacturing Operation; Extension of Comment Period

The period for comments on the above case, involving an extension of zone manufacturing authority for Berg Steel Pipe Corporation in FTZ 65, Panama City, Florida (51 FR 25225, 7-11-86) is extended to September 23, 1986, to allow interested parties additional time in which to comment on the proposal.

Comments in writing are invited during this period. Submissions shall include 5 copies. Material submitted will be available at: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

Dated: August 14, 1986.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 86-18665 Filed 8-18-86; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[Docket Number ITA-AB-5-84]

Export privileges; Intraco Corp.

Facts

Pursuant to an amended charging letter of March 21, 1985, Respondent was charged with multiple reporting violations of the Export Administration Act of 1979 ("EAA"). Between August 1979 and May 1982, Intraco Corporation received twenty-three (23) letters of credit which contained requests or directives to engage in restrictive trade practices or boycotts and failed to report the receipt of such requests to the Department of Commerce as mandated by 15 CFR 369.6. Intraco Corporation acknowledged the receipt of twenty-

three restrictive trade practice or boycott requests and its failure to report. However, it disputed liability arguing, in the alternative, (1) the absence of intent, (2) confusion created by the regulations and advice received at a trade seminar, and (3) the belief that banks would no longer be able to implement letters of credit containing boycott requests.

After hearing the evidence, on August 28, 1985, the Administrative Law Judge (ALJ) issued his Decision and Order. The ALJ imposed a civil penalty of $115,000 (representing a $5,000 fine per incident), suspending $80,500 of that sum for two years, contingent upon the submission of a satisfactory antiboycott training plan within ninety days and the absence of boycott violations within the next two years. The ALJ also denied Respondent export privileges involving any U.S.-origin commodities and technical data being shipped to various Middle Eastern countries for a period of one year, suspending nine months of that sanction, based upon the same contingency as the civil monetary penalty.

The case has been referred to me pursuant to 15 C.F.R. Section 388.22(b) for final action.

Issues

1. Whether the ALJ applied the correct standard in deciding civil liability under the Reporting Requirements Section 15 CFR 369.6?

2. Whether the EAA authorizes denial of export privileges for violations involving reporting requirements?

Discussion

The ALJ interpreted the Act as requiring a general intent or general knowledge element in order to assess liability for violation and found that Respondent *voluntarily and intentionally* failed to report the receipt of boycott requests. Initial Decision, Finding No. 6 (August 28, 1985). Although 15 CFR 369.6 stipulates that "intent is a necessary element of any violation of this Part (369)," § 369.6(a)(2) expressly sets forth a "know or reason to know" standard applicable to the reporting of boycott or restrictive trade practice requests. In light of the language in the latter section, as well as, the legislative history and reasoning behind the reporting requirements, it seems more appropriate that the "intent" requirement cited in § 369.1 applies instead to the substantive boycott activities of § 369.2.

During the period of its reporting violations, Intraco Corporation was a professional international trading corporation and had a responsibility to familiarize itself with the Export Administration Regulations ("EAR") 15 CFR 369.1 *et seq.*, especially if it experienced confusion due to information it claims was disbursed at a trade seminar. While Respondent sought to shift reporting responsibility to the banks issuing the letters of credit, the Regulations expressly set forth the following reporting requirements as published in the **Federal Register** on July 5, 1978.

> Section 369.6(b)(2). Each U.S. person actually receiving a reportable request must report that request. However, . . . a bank, if authorized, may report on behalf of the beneficiary of a letter of credit.
>
> Section 369.6(b)(3) Where a person is designated to report on behalf of another, *the person receiving the request remains liable for any failure to report or for any representations made on his behalf.* Further, anyone reporting on behalf of another is not relieved of his own responsibility for reporting any boycott request which he receives, even if it is an identical request in connection with the same transaction.
>
> 43 Fed. Reg. 29078 (1978) (emphasis added).

Therefore, Intraco Corporation had a reason to know of its reporting responsibilities with regard to the twenty-three reportable requests between 1979 and 1982. For this reason, it is unnecessary to reach the issue of intent.

While reporting requirement violations warrant a civil monetary penalty as authorized under section 11(c) of the Export Administration Act, the denial of export privileges are not likewise authorized for such violations. Section 11(c)(2)(A) stipulates that "The authority under this Act to suspend or revoke the authority of any United States person to export goods or technology *may be used with respect to any violation of the regulations issued pursuant to section 8(a) of this Act."* However, section 8(a) does not include Reporting Requirement violations within the list of various prohibitions and exceptions. Section 8(a)(1)(F) prohibits the "paying, honoring, confirming, or otherwise implementing" a letter of credit with restricted language but does not include the procedural requirement of reporting here. In addition, a section 8 violation would require section 8 violation would require that a person take or knowingly agree to take the listed actions with an intent to comply with an unauthorized, boycott, in obvious conflict with the "know or reason to know" standard present in Reporting Requirements § 369.6. Secondly, EAA section 11 carefully distinguishes between the civil monetary penalties which may be imposed for "each violation of the Act or any regulation, order, or license issued under this Act" and the denial of export privileges "with respect to any violation of the regulations issued pursuant to section 8(a) of this Act."

Since Intraco Corporation has only been charged with failure to report, the denial of export privileges is inappropriate. Insofar as the monetary penalty is concerned, there is nothing in the record to indicate it is unreasonable under the circumstances.

Findings

1. Respondent, Intraco Corporation, is a corporation organized under the laws of the State of Michigan, with its principal office is Southfield, Michigan.

2. Intraco Corporation is a manufacturer's representative for U.S. companies around the world, particularly for Middle Eastern countries.

3. Intraco Corporation is a U.S. person under the Export Administration Act, as defined in 15 CFR 369.1(b).

4. Between October 1979 and May 1982, Respondent, Intraco Corporation, was involved in the sale of U.S. origin goods from Michigan to persons in Kuwait, Qatar, Lebanon. Bahrain, the United Arab Emirates, Oman, and Saudi Arabia, activities which were in the foreign commerce of the U.S. as defined in 15 CFR 369.1(d).

5. During the course of the transactions cited above, Respondent received twenty-three (23) letters of credit containing requests of directives to engage in restrictive trade practices of boycotts.

6. Respondent, Intraco Corporation had "reason to know" that its failure to report such requests was in violation of EAR 15 CFR 369.6 as published in the **Federal Register** on July 5, 1978.

7. In failing to report, Respondent violated 15 CFR 369.6 on twenty-three separate occasions.

8. The evidence does not reveal that Respondent received misleading information from the Department of Commerce, or that Intraco Corporation was relieved of any reporting obligations under 15 CFR 369.6 when boycott requests in letters of credit were passed on the Respondent by various banks.

9. The denial of export privileges in this case was an inappropriate penalty. The fine imposed by the ALJ is reasonable under the circumstances.

Order

1. Having reviewed the record and based on the facts addressed in this case, I hereby make the following Order: A civil penalty in the amount of $115,000 is hereby assessed against Intraco

Corporation. Further, Intraco Corporation shall pay or make arrangements acceptable to the Department for the payment of $34,500 within 20 business days of the effective date of this Order.

2. Payment of the balance of $80,500 will be suspended for two years from the effective date of this Order provided that: (a) Intraco Corporation submit within 90 days and have approved by the Deputy Assistant Secretary for Export Administration, a satisfactory plan for the training of its staff covering understanding of and compliance with the Export Administration Act. and; (b) Intraco Corporation will not have violated the antiboycott provisions of the Act, Part 369 of the Regulations, or this Order during the two-year period from the effective date of this Order. If Respondent complies with the above stipulations, the suspended $80,500 penalty will be vacated two years from the effective date of this Order.

3. The ALJ's Order denying Respondent export privileges is hereby vacated.

Dated: August 12, 1986.

Paul Freedenberg,

Assistant Secretary for Trade Administration.

[FR Doc. 86-18667 Filed 8-18-86; 8:45 am]

BILLING CODE 3510-25-M

[A-122-506]

Oil Country Tubular Goods (OCTG) From Canada: Amendment of Final Determination of Sales at Less Than Fair Value and Amendment to Antidumping Duty Order

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: As a result of correction of clerical errors, the Department of Commerce (the Department) is amending its final determination in this investigation and its antidumping duty order, and is directing the U.S. Customs Service to adjust the cash deposit as follows:

Manufacturer/producer/exporter	From (percent)	To (percent)
Algoma	14.26	13.00
Ipsco	40.85	33.78
Sonco	3.35	3.48
All others	19.38	16.65

EFFECTIVE DATE: August 19, 1986.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-5288.

SUPPLEMENTARY INFORMATION: On April 22, 1986, we published a final determination of sales at less than fair value for OCTG from Canada (51 FR 15029). On June 2, 1986, in accordance with section 735(d) of the Act (19 U.S.C. 1673d), the United States International Trade Commission (ITC) notified the Department that imports of this merchandise are materially injuring a United States industry. After being notified of these findings, the Department published an antidumping duty order (51 FR 21782).

The detection of clerical errors by counsel for petitioners and respondents has caused us to review all of our calculations in the investigation. We have discovered and have corrected other clerical errors in the calculations. Consequently, we are amending our final determination by changing the weighted-average margins.

We are also amending our antidumping duty order to reflect these weighted-average margins. Accordingly, the order is amended to read as follows: On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated Customs duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below.

Manufacturer/producer/exporter	Weighted-average margin (percent)
Algoma	13.00
Ipsco	33.78
Sonco	3.48
All others	16.65

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

August 8, 1986.

[FR Doc. 86-18666 Filed 8-18-86; 8:45 am]

BILLING CODE 3510-05-M

National Oceanic and Atmospheric Administration

Marine Mammals Permit Application; The North Gulf Oceanic Society (P351A)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name The North Gulf Oceanic Society.

b. Address P.O. Box 156, Cordova, Alaska 99574.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: Killer whales (*Orcinus orca*) 90.

4. Type of Take: Each animal maybe taken by harassment up to 5 times by the following methods; tangle immitators, bang pipe, amomonia-release gangions, operant conditioning using plastic explosives.

5. Location of Activity: Prince William Sound; and Bering Sea, Alaska.

6. Period of Activity: 2 Years.

Concurrent with the publication of this notice in the Federal Register, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, Room 805, 1825 Connecticut Avenue, NW., Washington, DC; and

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE. BIN C15700, Seattle, Washington 98115,

Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: August 13, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86-18685 Filed 8-18-86; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit; Carle Foundation Hospital

On June 27, 1986, notice was published in the **Federal Register** (51 FR 23456) that an application had been filed by the Carle Foundation Hospital, 611 West Park Street, Urbana, Illinois 61801, for a scientific research permit.

Notice is hereby given that on August 11, 1986, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following office(s):

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Room 805, Washington, DC; and

Northwest Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: August 13, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86–18684 Filed 8–18–86; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of the Restraint Limit for Certain Cotton Textile Products Produced or Manufactured in Malaysia

August 14, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on August 21, 1986. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

On July 29, 1986, a notice was published in the **Federal Register** (51 FR 27070) which established an import restraint limit for women's, girls' and infants' cotton skirts in Category 342, produced or manufactured in Malaysia and exported during the ninety-day consultation period beginning on June 27, 1986 and extending through September 24, 1986. Inasmuch as is it not feasible to schedule consultations before the end of the ninety-day consultation period, the Governments of the United States and Malaysia have agreed to extend the control period through December 31, 1986 at a prorated level of 30,179 dozen.

Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to cancel the directive of July 24, 1986 and prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton skirts in Category 342, exported during the period which began on June 27, 1986 and extends through December 31, 1986, in excess of the designated level.

The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of Malaysia, further notice will be published in the **Federal Register.**

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

August 21, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive cancels and supersedes the directive of July 24, 1986, issued to you by the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption or withdrawal from warehouse for consumption of certain cotton textile products in Category 342, produced or manufactured in Malaysia.

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977, December 22, 1981 and July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated July 1 and July 11, 1985, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on August 21, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 342, produced or manufactured in Malaysia and exported during the period which began on June 27, 1986 and extends through December 31, 1986, in excess of 30,179 dozen.[1]

Textile products in Category 342 which have been exported to the United States prior to June 27, 1986 shall not be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86–18664 Filed 8–18–86; 8:45 am]

BILLING CODE 3510-DR-M

Import Restraint Limits for Certain Wool Textile Products Produced or Manufactured in Czechoslovakia

August 14, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on August 20, 1986. For further information contact Eve Anderson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

On March 24 and May 22, 1986, notices were published in the **Federal**

[1] The limit has not been adjusted to account for any imports exported after June 26, 1986.

Register (51 FR 10421 and 19244) announcing that the Government of the United States had requested consultations with the Government of the Czechoslovak Socialist Republic regarding imports into the United States of women's, girls' and infants' wool coats in Category 435 and men's and boys' wool suits in Category 443, produced or manufactured in Czechoslovakia. Consultations were held June 3–5, 1986 and agreement reached between the two governments on a Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, beginning on June 1, 1986 and extending through May 31, 1989. The agreement establishes limits of 7,000 dozen (Category 435) and 6,000 dozen (Category 443) for goods exported during the first agreement year which began on June 1, 1986 and extends through May 31, 1987.

Accordingly, in the letter which follows this notice, the Chairman of CITA directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool textile products in Categories 435 and 443 in excess of the designated restraint limits.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

August 14, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Agreement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of June 25 and July 22, 1986 between the Governments of the United States and the Czechoslovak Socialist Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on August 20, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Categories 435 and 443, produced or manufactured in Czechoslovakia and exported during the twelve-month period which began on June 1, 1986 and extends through May 31, 1987.

Category	12-mo restraint limit [1] (dozen)
435	7,000
443	6,000

[1] The limits have not been adjusted to reflect any imports exported after May 31, 1986.

Wool textile products in Categories 435 and 443 which have been exported to the United States prior to June 1, 1986 shall not be subject to this directive.

Wool textile products in Category 435 and 443 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The limits set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 25 and July 22, 1986 between the Governments of the United States and the Czechoslovak Socialist Republic, which provide, in part, that: (1) The restraint limits may be exceeded by not more than 5 percent, provided that a corresponding reduction in equivalent square yards is made in another specific limit during the same agreement year; (2) the restraint limits may be increased by carryover and carryforward up to 11 percent of the applicable category limit except that no carryover shall be available in the first agreement year and no carryforward in the final agreement year; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the bilateral agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86–18663 Filed 8–18–86; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Prepare an Environmental Impact Statement for Construction/Operation of Research Department Explosive (RDX) Facility at Louisiana Army Ammunition Plant (AAP) Shreveport, LA

AGENCY: U.S. Army, Office of Deputy Chief of Staff, Research, Development and Acquisition.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: An Environmental Impact Statement will be prepared to support planning and decision making for expansion of the Louisiana Army Ammunition Plant at Shreveport, Louisiana

1. The primary purpose of the construction project is to expand the production facilities to include one Research Department Explosive (RDX) line with sufficient space for a potential second line. The proposed action for which an EIS will be prepared includes plant expansion as well as development of additional water supply, water and waste-water treatment, and power generation facilities.

2. Reasonable alternatives: The alternatives to be evaluated, in addition to no action, include variations in water supply and power generating facilities.

3. Scoping Process: Government agencies will be consulted as to the EIS Scope by means of planned meetings and by continuing communication. The general public will be asked for input by means of public scoping meetings to be held in Minden, Louisiana. Another public scoping meeting will be scheduled, as required, in Shreveport, Louisiana. These meetings will be held approximately 30 days after publication of this notice; specific meeting times and places will be published in the local newspapers.

4. Potentially Significant Issues So Far Identified include: safety, water resources, socio-economic effects, archaeological and historic resources,

control of hazardous waste, wildlife concerns and land use.

5. The draft environmental impact statement is expected to be available to the public in late January 1987.

6. Comments and questions regarding the environmental documents may be addressed to: Mr. Paul M. Hathorn, Environmental Resources Branch, Fort Worth District, Corps of Engineers, Post Office Box 17300, Fort Worth, Texas 76102–0300, Telephone (817) 334–2095.

Dated: July 3, 1986.

Lewis D. Walker,

Deputy for Environmental, Safety and Occupational Health, OASA(I&L).

Proposed Announcement/Information for Members of Congress

The Department of the Army announced today that a Notice of Intent will be published in the **Federal Register** to prepare environmental documentation for expansion of production facilities at Louisiana Army Ammunition Plant, Shreveport, Louisiana.

The Draft Environmental Impact Statement (EIS) will address construction of Research Department Explosive (RDX) line facilities with sufficient space for potential second line facilities. The Draft EIS will also address development of additional water supply, water and waste water treatment, and power generation facilities. Alternatives to be evaluated in addition to the no action alternative are variations in water supply and power generation facilities. The Draft EIS is expected to be available to the public for comment in late January 1987.

In order for interested individuals and organizations to submit information and comments for consideration by the Army and possible incorporation into the Draft EIS, public scoping will be conducted in Minden, Louisiana, with representatives of regulatory agencies, civic leaders, or other interested community representatives. Another public scoping meeting will be scheduled, as required, in Shreveport, Louisiana. Such meetings will be held approximately 30 days after this announcement; specific meeting time and location will be published in local newspapers.

Questions and comments regarding the scope of the analysis and/or specific issues which should be addressed in the analysis, should be submitted to Mr. Paul M. Hathorn, Environmental Resources Branch, Fort Worth District, Corps of Engineers, P.O. Box 17300, Fort Worth, Texas, 76102–0300, telephone (817) 334–2095. Persons desiring to be placed on a mailing list to receive additional information regarding the proposed meetings and copies of the Draft and Final Environmental Impact Statements may contact Mr. Hathorn at the address and telephone indicated above.

[FR Doc. 86–18654 Filed 8–18–86; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Agency Information Collection Activities Under OMB Review

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before September 18, 1986.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collections requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purposes of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Resources Management Service publishes this notice containing proposed information collection requests prior to the submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: August 14, 1986.

George P. Sotos,

Director, Information Resources Management Service.

Office of Postsecondary Education

Type of Review: Extension
Title: Application for Upward Bound Program
Agency Form Number: ED 40–2P
Frequency: Annually
Affected Public: State or local; non-profit institutions; small businesses organization
Reporting Burden: Responses: 400 Burden Hours: 6000
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: The form is used to apply for non-competing continuation grants under the Upward Bound Program.

Office of Postsecondary Education

Type of Review: New
Title: Reporting, Disclosure, and Recordkeeping Requirements for the National Direct Student Loan Program
Agency Form Number: E40–21P
Frequency: On occasion
Affected Public: Individuals or households; non-profit institutions; businesses or other for profit
Reporting Burden: Responses: 1; Burden Hours: 69,086
Recordkeeping Burden: Recordkeepers: 1 Burden Hours: 11,929.

Abstract: Subpart C of the National Direct Student Loan (NDSL) Program regulations establish reporting, disclosure and recordkeeping requirements for participating institutions of higher education to ensure that proper administrative standards and loan collection procedures are followed.

Office of Special Education and Rehabilitation Services

Type of Review: New
Title: Evaluation of Special Rehabilitation Projects and Demonstrations for Severely Disabled Individuals
Agency Form Number: B20–18P
Frequency: Once only
Affected Public: Individuals or households; state or local governments; non-profit institutions

Reporting Burden: Response: 33; Burden Hours: 117
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This report will evaluate the rehabilitation projects for severely disabled individuals and will be used to prepare a report to Congress describing the program and its impacts.

Office of Elementary and Secondary Education

Type of Review: Revision
Title: Instructions for Performance Status Report Law Related Education Program
Agency Form Number: ED 740–1,2
Frequency: Annually
Affected Public: State or local governments; non-profit institutions; small business organizations
Reporting Burden: Responses: 27; Burden Hours: 81
Recordkeeping Burden: Recordkeepers: 27; Burden Hours: 54

Abstract: These instructions are utilized by grantees to submit reports that monitor compliance with the terms and conditions of grant awards under the Law Related Education Program.

Office of Bilingual and Minority Affairs

Type of Review: Extension
Title: Application for Bilingual Education: State Educational Agency Program
Agency Form Number: T85–2P
Frequency: Annually
Affected Public: State or local governments
Reporting Burden: Responses: 57; Burden Hours: 7410
Recordkeeping Burden: Recordkeepers: 57; Burden Hours: 8208

Abstract: This form is used to apply for funding under the Bilingual Education State Education Agency Program.

[FR Doc. 86–18692 Filed 8–18–86; 8:45 am]
BILLING CODE 4000–01–M

Office of Postsecondary Education

Guaranteed Student Loan Program and Plus Program; Special Allowance

AGENCY: Department of Education.

ACTION: Notice of special allowance for quarter ending June 30, 1986.

The Assistant Secretary for Postsecondary Education announces a special allowance to holders of eligible loans made under the Guaranteed Student Loan Program (GSLP) or the PLUS Program. This special allowance is provided for under section 438 of the Higher Education Act of 1965 (the Act), as amended (20 U S.C. 1087–1).

Pursuant to the requirements of section 252 of Pub. L. 99–177, the Balanced Budget and Emergency Deficit Control Act of 1985 (popularly known as the Gramm-Rudman-Hollings Act), the President issued a sequestration order on February 4, 1986, directing implementation of the reductions contained in that law. Section 256 of Pub. L. 99–177 provides that if a sequestration order is issued, the special allowance formula for loans after the order takes effect and before the end of the fiscal year is adjusted by reducing the rate provided in section 438(b)(2)(A)(iii) of the Higher Education Act by .4 percent. The reduction will apply to the first four special allowance payments on loans made on or after March 1, 1986, and before October 1, 1986.

Except for loans subject to section 438(b)(2)(B) of the Act, 20 U.S.C. 1087–1(b)(2)(B), for the quarter ending March 31, 1986, the special allowance will be paid at the following rates:

	Applicable interest rate (percent)	Annual special allowance rate (percent)	Special allowance rate percent for quarter ending June 30, 1986
I. GSLP loans or PLUS loans made prior to October 1, 1981....	7	2.875	0.71875
	9	0.875	0.21875
II. GSLP loans or PLUS loans made on or after October 1, 1981:			
A. Loans not subject to reduction order	7	2.78	0.695
	8	1.78	0.445
	9	0.78	0.195
	12	0.00	0.00
	14	0.00	0.00
B. Loans subject to reduction order	7	2.38	0.595
	8	1.38	0.345
	9	0.38	0.095
	12	0.00	0.00

The Assistant Secretary determines the special allowance rate in the manner specified in the Act, for loans at each applicable interest rate by making the following four calculations:

(a) *Step 1.*

Determine the average bond equivalent rate of the 91-day Treasury Bill auctioned during the quarter for which this notice applies (6.28 percent for the quarter ending June 30, 1986);

(b) *Step 2.*

Subtract from that average the applicable interest rate (7, 8, 9, 12, or 14 percent) of loans for which a holder is requesting payment;

(c) *Step 3.*

(1) Add 3.5 percent to the remainder, and, in the case of loans made before October 1, 1981, round the sum upward to the nearest one-eighth of one percent; or

(2) Add 3.1 percent to the remainder, in case of loans subject to the reduction order pursuant to Pub. L. 99–177; and

(d) *Step 4.*

Divide the resulting percent in Step 3 (either (c)(1) or (c)(2), as applicable) by four.

FOR FURTHER INFORMATION CONTACT: Ralph B. Madden, Chief, Policy Section, Guaranteed Student Loan Branch, Division of Policy and Program Development, Department of Education on (202) 245–2475.

Dated: August 14, 1986.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program and PLUS Program)

[FR Doc. 86–18693 Filed 8–18–86; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Environmental Policy Act, Intent To Prepare an Environmental Impact Statement and To Conduct Public Scoping Meeting; Fernald, OH

AGENCY: Department of Energy.

ACTION: Notice is hereby given that the Department of Energy (DOE) intends to prepare an environmental impact statement (EIS) to assess the potential environmental impacts associated with the proposed renovation of the Feed Materials Production Center (FMPC) located near Fernald, Ohio, and with proposed remedial activities related to contamination from previous operations of the facility.

SUMMARY: DOE announces its intent to prepare an EIS in accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA), as amended, to assess the environmental implications of renovating the FMPC located near Fernald, Ohio, and of remedial actions for contamination from previous operations of the facility. The FMPC is owned by the DOE and is currently operated by Westinghouse Materials Company of Ohio.

DOE and the Environmental Protection Agency have negotiated and signed a compliance agreement to address environmental protection activities at the FMPC pursuant to the Clean Air Act and the Resource Conservation and Recovery Act (RCRA)

and to address remedial actions to be undertaken pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

The purpose of the proposed renovation is to ensure the continued production of uranium metal products to meet the goals of the nation's defense program while enhancing the environmental, safety and health (ES&H) conditions. The proposed renovation will consist of modification of existing facilities and the construction and operation of new and replacement facilities/systems to: (1) Improve ES&H conditions and facility reliability; (2) restore production capacity; and (3) manage waste materials. The management of low-level radioactive waste from operations, and the processing, offsite shipment, and disposal of currently stored and newly generated low-level radioactive wastes from operations were previoulsy addressed under NEPA in an environmental assessment (EA) (DOE/EA–0260). A finding of no significant impact was issued on June 10, 1985. The activities covered by that EA will not be evaluated in the scope of this EIS; however, the environmental impacts of those activities will be added to the cumulative environmental impacts of the renovation and remedial action projects. In view of the need to produce feed materials for the national defense programs and the commitment to enhance ES&H conditions, DOE is implementing some of the renovation activities on a priority basis provided the project does not have an adverse environmental impact and does not limit the choice of reasonable alternatives. Preparation of the EIS is intended to ensure that the cumulative environmental impacts of the renovation projects are appropriately addressed in the implementation of the overall renovation program.

In regard to remedial action projects, DOE anticipates that the environmental impact of the remedial actions at the FMPC covered in a site-wide Remedial Investigation/Feasibility Study (RI/FS), prepared pursuant to CERCLA and in accordance with the procedural requirements of the National Contingency Plan (40 CFR Part 300), will also be analyzed in this EIS. The purpose for the inclusion of the remedial actions in this EIS is to ensure that an integrated systems approach has been evaluated. The RI/FS procedure itself involves the evaluation of alternative actions, and a public notice and comment period with a public hearing to discuss the final RI/FS reports.

The DOE invites interested agencies, organizations and the public to submit comments or suggestions for consideration in connection with the scope of the EIS. Additionally, interested agencies, organizations and the general public are also invited to attend a public scoping meeting to be held in Crosby School, Hamilton County on September 3, 1986. Upon completion of the draft EIS, notice of its availability will be announced in the **Federal Register** and local news media, and comments will be solicited. Comments received on the draft EIS will be considered in preparing the final EIS.

ADDRESSES: Written comments or suggestions on the scope of the draft EIS and requests to speak at the scoping meeting may be submitted to Mr. James A. Reafsnyder, Site Manager, U.S. Department of Energy, P.O. Box 398705, Cincinnati, Ohio 45239, Attention: FMPC–EIS.

General information on the DOE NEPA process may be obtained from Dr. Robert J. Stern, Office of Environmental Guidance, EH–23, U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue S.W., Washington, D.C. 20585, (202) 252–4600.

DATES: Written comments postmarked by September 22, 1986, will be considered in the preparation of the draft EIS. A scoping meeting will he held at Crosby School, Hamilton County on September 3, 1986. Requests to speak at this meeting should be received by Mr. James A. Reafsnyder on later than August 29, 1986.

SUPPLEMENTARY INFORMATION

Background Information

The Feed Materials Production Center (FMPC) is a DOE-owned manufacturing facility for the production of uranium metal used in U.S. Defense Programs. The FMPC is located on a 1,050 acre site in a rural area about 20 miles northwest of downtown Cincinnati, Ohio. Most of the site, including all of the production and waste management activities, is located within Hamilton County, Ohio, with the exception of about 200 acres located in southern Butler County. The production facilities occupy approximately 136 acres in roughly the center of the site. The villages of Fernald, New Baltimore, Ross, Hamilton and Shandon are all located within a few miles of the plant. Hamilton, Ohio, is located approximately 10 miles to the northwest. The Great Miami River is about ¾ miles east of the site, and Paddy's Run Creek runs through the western edge of the site. The predominant aquifer under the plant generally flows southeasterly towards the Great Miami River. The topography of the site is relatively level, in that most of the production area is located on an elevated plain at about 600 feet above sea level.

On January 1, 1986, Westinghouse Materials Company of Ohio (WMCO) became the FMPC operating contractor; prior to this date NLO, Inc., operated the facility. A wide variety of chemical and metallurgical process steps are used at the FMPC to convert uranium hexafluoride and recycle materials to machined uranium ingots for fabrication of uranium billets and target element cores.

Large-scale chemical operations at the FMPC presently consist of dissolving recycle materials in nitric acid to produce a uranyl nitrate (UNH) feed solution for solvent extraction purification. Purified UNH solution is concentrated by evaporation and then thermally denitrated to uranium trioxide (UO_3). UO_3 is converted to uranium tetrafluoride (UF_4) for reduction to metal at the FMPC. Scrap materials generated in FMPC operations and those received from off-site are upgraded to chemcial processing requirements by either furnacing or wet chemical-hydrometallurgical processing.

Metal processing steps begin with the conversion to UF_4 to elemental uranium (derby metal) by reducing UF_4 with magnesium metal. Metallic scrap and briquettes, recycled from subsequent fabrication operations, are combined with derby metal and melted in a graphite crucible. At the proper temperature, the melt is bottom poured to a preheated graphite mold to form ingots, varying in weight, size, and shape according to their ultimate use. Cast ingots are machined and sent to the RMI Company Extrusion Plant in Ashtabula, Ohio, for extrusion into uranium billets that are shipped to Richland, Washington, and into target element cores that are returned to the FMPC for final processing prior to shipment to the Savannah River Plant in South Carolina. Other uranium metal products are shipped directly from the FMPC to Oak Ridge, Tennessee, and Rocky Flats, Colorado. The FMPC receives recycle and other materials from a variety of other DOE sites.

Past waste management practices at the FMPC have involved the temporary storage of low-level radioactive wastes in surface impoundments and in concrete silos. These impoundments and silos, as they currently exist, cannot be considered permanent disposal facilities because of their design, the nature of the waste contained, and their location.

Low-level radioactive waste solids and slurries having concentrations too low to permit economic recovery of uranium or thorium were placed in six storage pits as either dry or wet waste. Of these six waste pits, three are covered with a soil overburden while three remain open to receive surface runoff. All waste from current production operations is packaged and stored for subsequent treatment and disposal.

Concrete silos were also used in early operations for storing tailings from processing of refinery extraction raffinate. Concrete silos 1 and 2 are surrounded by an earthen embankment and contain radium-bearing residues. Silo 3 contains dry calcined residues from refinery processing of ore concentrates; Silo 4 is empty and has never been used.

Some liquid wastes are generated in operations at the FMPC. The three types of liquid waste streams are: process waste water, sanitary wastewater and stormwater. New water pollution control facilities are scheduled for demonstration operation in 1986 and 1987. The principal new facility is the biodenitrification system for process waste waters to reduce nitrates to acceptable levels prior to discharge to the Great Miami River. Other facilities provide for containing the coal pile runoff water; segregation of non-radioactive sludges; and conversion of the sewage treatment plant from chlorination to ultraviolet disinfection. New containment settling basins will allow excess stormwater to be held and cycled to treatment facilities, as necessary.

Most production plants within the FMPC have sump equipment for the collection and initial treatment of process waste water. Greater than 99 percent of the contained uranium is removed in these facilities. Effluents from the plant sumps are collected at the general sump for neutralization with lime followed by sedimentation. After sedimentation, the treated wastes are pumped to Plant 8 for interim processing. Filtrate is returned to the general sump and discharged to the Great Miami River with other clarified effluents in compliance with established discharge standards.

Sanitary waste water sometimes contains trace amounts of uranium derived from the plant laundry and showers. Treatment of the sewage in the Sewage Treatment Plant removes much of the uranium. The removed uranium is captured in the sewage sludge.

The stormwater system was designed to be uranium-free. Some uranium may enter the system through accidental spills and rainwater washing off storage pad areas. Control and recovery of any accidental uranium washed or spilled into the system is achieved through diversion facilities. Water can be diverted to the general sump for storage and treatment by closing the gate valve.

The system remains on recycle until the source has been determined and corrective action taken. The system is returned to routine operation when sampling indicates the absence of uranium.

Airborne releases from uranium metal production consist primarily of uranium dust and chemical fumes (e.g., nitric acid fumes) or reaction products. Other sources of air emissions are the steam plant and the solid waste incenerator, both of which emit gaseous and particulate materials.

Historic fluctuations in the need for feed materials have affected maintenance and capital improvements at FMPC. FMPC production peaked in 1960, and began to decline in 1964. During the 1970's, consideration was given to closing the FMPC. In 1981, it became apparent that feed materials requirements would increase; consequently, planning began for renovation that would enable FMPC to meet the projected programmatic demands through the remainder of this century in a manner that would enhance environmental, health and safety conditions. Renovation planning for the FMPC started in 1982, and the design activities began in 1983. Design efforts and implementation of these activities are continuing.

The proposed renovation projects at the FMPC will consist of modification of existing facilities and the construction and operation of new and replacement facilities/systems to (1) improve ES&H conditions and facility reliability; (2) restore production capacity, and (3) manage waste materials. These projects will assure the safe, reliable and environmentally acceptable operation of FMPC for the production of uranium feed materials for the nation's nuclear defense program.

Projects for enhancing ES&H conditions address worker protection, reduction of air emissions, air monitoring improvements, and reduction of liquid discharges. Worker protection projects include increased ventilation, containment systems, and systems for removing stored low-level radioactive materials for work and storage areas. Projects for reducing air emissions include installation of dust collectors and equipment for the destruction of nitrogen oxides. Air monitoring projects include stack emissions monitoring, isokinetic stack sampling, and the installation of stack alarms. Near-term projects for reduction of liquid discharges include a nitrate reduction facility, a storm water collection system, and systems for the treatment of radioactive liquid waste streams.

Ensuring continued uranium production will involve restoring throughput capacity in most production systems to previously installed levels. Projects include restoration of the UF_6 to UF_4 conversion capacity and general equipment modernization.

Waste management projects are concerned with waste handling facilities and systems to reduce the volume of FMPC wastes. Projects include a volume reduction facility, ferrous scrap metal management, and improved waste segregation capabilities. Activities addressed in DOE/EA–0260 that were mentioned in the Summary to this Notice are not included in the scope of this EIS but will be included in the cumulative environmental impact analyses.

Remedial action projects are concerned with contamination from previous operations and the associated disposal of recovered wastes. As mentioned before, large quantities of radioactive and/or potentially hazardous wastes have been stored in pits and silos at the facility. Projects will involve determining the appropriate level of decontamination and decommissioning of these areas and disposal of the recovered waste materials. The ultimate treatment and disposal of the wastes which have been placed in these pits and silos, as well as the management of general site contamination will also be the subject of the Remedial Investigation/Feasibility Study referred to in the Summary of this Notice.

Preliminary Identification of Environmental Issues and Alternatives

The following issues have been identified for analysis in the EIS. This list is presented to facilitate public comments on the scope of the EIS and is not intended to be all inclusive, nor is it intended to be a predetermination of impacts. The major environmental impacts are expected to result from the handling of contaminated construction wastes and the disposal of newly generated wastes. Issues identified to date are described as follows:

1. Disposal of contaminated construction rubble and atmospheric releases from construction activities.

2. Interim storage and permanent disposal of defined hazardous waste and mixed wastes currently stored

onsite or generated from future operations.

3. Atmospheric emissions, fugitive dust and noise from construction vehicles and equipment.

4. Potential occupational and public exposure to radioactive and defined hazardous substances during disposal action implementation.

5. Potential occupational and public exposure to radioactive and defined hazardous substances from residual materials after disposal actions have been implemented.

6. Atmospheric, liquid and solid waste discharges from the FMPC after renovation has been completed.

7. Enhanced characterization of existing air, surface and groundwater environmental releases at the FMPC.

8. Environmental improvements from implementing ES&H and remedial action projects.

9. Improved worker protection from better equipment, improved operating procedures, modern instrumentation, and more reliable ES&H control systems.

The following alternatives have been identified for analysis in the EIS. As in the case of the environmental issues identified, this list is presented to facilitate public comments on the scope of the EIS and is not intended to be all inclusive.

1. Reasonable alternative renovation and remedial action activities.

2. No action, which would preclude the renovation of facilities to re-establish production capabilities, would limit the enhancement of ES&H systems, and would maintain current waste management practices including the retention of accumulated wastes on site. The analysis of this alternative is required by Council on Environmental Quality NEPA regulations.

In view of the need to produce feed materials for the national defense programs and the commitment to enhance ES&H conditions, DOE is implementing some of the renovation and remedial action activities on a priority basis provided the project does not have an adverse environmental impact and does not limit the choice of reasonable alternatives. Preparation of the EIS is intended to ensure that the cumulative environmental impacts of the renovation and remedial action projects are appropriately addressed in the implementation of the overall renovation and remedial action program. Therefore, it is anticipated that the scope of the EIS will cover those individual projects only to the extent to which they contribute to the cumulative impacts.

DOE and the Environmental Protection Agency have negotiated and signed a compliance agreement to address environmental protection activities at the FMPC pursuant to the Clean Air Act and the Resource Conservation and Recovery Act (RCRA) and to address remedial actions to be undertaken pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

DOE anticipates that the environmental impacts of the remedial actions covered in an RI/FS, prepared pursuant to the compliance agreement and CERCLA and in accordance with the procedural requirements of the National Contingency Plan (40 CFR Part 300), will also be analyzed in this EIS. The scope of the EIS will include an analysis of the environmental impacts of the remedial actions to ensure that an integrated systems approach has been evaluated and that cumulative effects have been considered.

Comments received in the scoping process will be considered in the preparation of the draft EIS. The draft EIS will be made available to state and Federal agencies and the public for review and comment. Completion of the draft EIS is expected to take approximately two years from the issuance of this notice of intent.

Comments and Scoping Meeting

All interested parties are invited to submit written comments or suggestions concerning the scope of the issues that should be addressed in the draft EIS and to attend the scoping meeting in which oral comments and suggestions will be received. Those desiring to submit written comments or suggestions should submit them to James A. Reafsnyder at the address listed above no later than September 22, 1986. Those wishing to participate in the scoping process may also attend public scoping meeting to be held at Crosby School, Hamilton County on September 3, 1986. The meeting will begin at 7:30 p.m. Written and oral comments will be given equal consideration.

DOE will establish procedures governing the conduct of the meeting. The meeting will not be conducted as evidentiary hearings, and those who choose to make statements may not be cross-examined by other speakers. To provide DOE with as much pertinent information as possible and as many views as can be reasonably obtained, and to provide interested persons with equitable opportunities to express their views, the following procedures will be used:

1. Those individuals desiring to make oral comments should mail their requests to Mr. James A. Reafsnyder at the address listed above.

DOE reserves the right to arrange the times and schedules of presentations to be heard and to establish procedures governing the conduct of the meeting. Interested individuals and organizations should notify DOE in writing of their desire to speak by August 29, 1986. DOE will, in turn, notify prospective speakers before the meeting of the times and schedules for presentations. Requests should include a telephone number for such notification. Those persons wishing to speak on behalf of an organization should identify their affiliation in their request. Also persons who have not submitted a request to speak in advance may register to speak at the scoping meeting and will be called on to present their comments if time permits. Depending on the number of speakers, DOE reserves the right to place time limits on the speakers.

2. If any speaker desires to provide further information for the record subsequent to the meeting, it must be submitted in writing by September 22, 1986, Mr. James A. Reafsnyder at the address listed above.

Those not desiring to submit comments or suggestions at this time but who would like to receive a copy of the draft EIS for review and comment when it is issued should notify James A. Reafsnyder at the address listed above.

When the draft EIS is complete, its availability will be announced in the **Federal Register** and in local news media, and comments will again be solicited.

A transcript of the meeting will be taken, retained by DOE, and made available for inspection. The transcript will be located for review in the Freedom of Information Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue S.W., Washington, DC. 20585 between 9:00 a.m. and 4:00 p.m., Monday through Friday. Other locations where transcript will be available are:

- Department of Energy, Oak Ridge Operations Office, Public Document Room, 100 Administration Road, Oak Ridge, Tennessee 37831;
- Public Library of Cincinnati and Hamilton County;

—Main Library, 800 Vine St., Cincinnati, Ohio;
—Chevlot Branch Library, 3711 Robb Ave., Cincinnati, Ohio;
—Harrison Branch Library, 300 George St, Harrison, Ohio;
—Mt. Healthy Branch Library, 7608 Hamilton Ave., Cincinnati, Ohio; and

• U.S. Environmental Protection Agency, Region V, Public Reading Room, 230 South Dearborn Street, Chicago, Illinois 60604.

Dated at Washington, DC, this 15th day of August, for the United States Department of Energy.

Mary L. Walker,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 86-18786 Filed 8-18-86; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 86-41-NG]

Natural Gas Imports/Exports; Tricentrol United States, Inc.; Tricentrol Petroleum Marketing, Inc., Application To Export and Import Natural Gas

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Application for Blanket Authorization to Export and Import Natural Gas for Short-Term and Spot Sales.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on July 14, 1986, of an application from Tricentrol United States, Inc. (TUSI) and Tricentrol Petroleum Marketing, Inc. (TPMI), (hereinafter referred to collectively as applicants) for blanket authorization to export domestic natural gas to Canada and to import, in exchange, an equivalent volume of natural gas from Canada for sale to customers in the United States.

Applicants request authorization to export up to 60 MMcf per day of natural gas produced in Montana's Bearpaw field and to import an equivalent volume of Canadian gas over a term extending through October 31, 1992, for either their own accounts or for the accounts of others for ultimate sale to customers in the United States. The applicants state that they intend to use the existing facilities of an affiliate pipeline to transport the gas to an export point near Willow Creek, Montana, on the international border with the Province of Saskatchewan for sale and delivery to Consolidated Natural Gas Limited (Consolidated) or a Canadian affiliate of TUSI and TPMI. The applicants or their purchaser clients will repurchase natural gas from Consolidated or applicant's Canadian affiliate at the point of entry near Emerson, Manitoba, on the international border between Minnesota and the Province of Manitoba in volumes equivalent to those sold at the Willow Creek export point.

The application was filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 024-111. Protests, motions to intervene, notices of intervention, and written comments are invited. DATES: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than September 18, 1986.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 252-8162.

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW. Washington, DC 20585 (202) 252-6667.

SUPPLEMENTARY INFORMATION: TUSI, a Montana corporation, is a major producer and supplier in the Bearpaw field located in Montana. TPMI, a Delaware corporation, is a national marketer of natural gas that it purchases from various domestic and Canadian sources. Each has its principal place of business in Houston, Texas.

The applicants request that the application be considered on an expedited basis in order to permit U.S. producers in Montana to bring competitively priced natural gas to market for the benefit of U.S. consumers. An ERA decision on the applicant's request, particularly with respect to whether additional written comments or other procedures will be necessary in this case, will not be made until responses to this notice have been received.

The decision on the application to import natural gas will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicants assert that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

The decision on the application to export natural gas will be made consistent with the Secretary of Energy's Delegation Order to the ERA Administrator (49 FR 6690, February 22, 1984), under which the domestic need for the gas to be exported is the primary consideration in determining whether it is in the public interest. Parties that may oppose this application should comment in their responses on the issue of the domestic need for the gas as set forth in the Delegation Order with the knowledge that the applicants intend to import equivalent volumes of any authorized exports.

Public Comment Procedures

In response to the notice, any person may file a protest, motion to intervene, or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076-A, RG-23, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-9478. They must be filed no later than 4:30 p.m., September 18, 1986

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why ar oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there

are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based upon the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of the application filed by TUSI and TPMI is available for inspection and copying in the Natural Gas Division Docket Room, GA-076-A, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued In Washington, DC, August 14, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-18656 Filed 8-18-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER85-563-002 et al.]

Arkansas Power and Light Co. et al.; Electric Rate and Corporate Regulation Filings

August 13, 1986.

Take notice that the following filings have been made with the Commission:

1. Arkansas Power and Light Company

[Docket No. ER85-563-002]

Take notice that on August 1, 1986, Arkansas Power and Light Company (the Company) tendered for filing updated Rate Schedules M33 and M33A for the period beginning September 1, 1986.

The Company states that Rates Schedules M33 and M33A require the filing of annual updates to reflect the true-up to actual costs for the preceding year and also to reflect estimated charges for the period beginning September 1 of the current year.

Copies of this filing have been sent to the wholesale customers affected by the filing and the Public Service Commissions of Arkansas, Louisiana, Missouri and Tennessee.

Comment date: August 25, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Central Power and Light Company

[Docket No. ER86-636-000]

Take notice that on August 4, 1986, Central Power and Light Company ("CPL") tendered for filing an Agreement for Firm Transmission Service between CPL and South Texas Electric Cooperative ("STEC"), dated April 28, 1986. The Agreement provided for CPL to furnish firm transmission service to STEC for 60,000 kilowatts of power and associated energy from Brazos Electric Power Cooperative and for 40,000 kilowatts of power and associated energy from the Lower Colorado River Authority during the period March 23, 1985, to and through May 4, 1985. Because the Agreement terminated by its own terms and no new rate schedules or parts thereof were or are to be filed in place of the Agreement, CPL also tendered a Notice of Cancellation of the Agreement.

CPL requests an effective date of March 23, 1985, for the Agreement and an effective date of May 5, 1985, for the Notice of Cancellation and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been sent to the Public Utility Commission of Texas and South Texas Electric Cooperative.

Comment date: August 25, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. The Connecticut Light and Power Company, et al.

[Docket No. ER86-635-000]

Take Notice that on August 4, 1986, the Connecticut Light and Power Company (CL&P) tendered for filing as an initial rate schedule an agreement (the Agreement) between CL&P, Western Massachusestts Electric Company (WMECO, and together with CL&P, the NU Companies) and Atlantic City Electric Company (Atlantic). The Agreement, dated as of May 1, 1986 provides for the bilateral sale by the NU Companies or Atlantic of energy from their systems ("system energy") that may be available on a daily or weekly basis (a "transaction"). CL&P states that the timing of transactions cannot be accurately estimated but that the NU Companies or Atlantic would offer to sell such system energy to the other only when it was economical to do so. The buyer would only accept such offer if it was economical to do so.

The buyer will pay an energy reservation charge to the seller for each transaction in an amount equal to the megawatthours of system energy reserved for the buyer by the seller during a transaction multiplied by an energy reservation charge rate negotiated prior to each transaction. The buyer will pay an energy charge for each transaction in an amount equal to the megawatthours delivered by the seller during such transaction times an energy charge rate. The energy charge rate is the weighted average forecasted energy charge rate for the generating unit(s) which the seller determines to be available to provide such energy at the time of a transaction.

CL&P requests that the Commission waive its customary notice period and allow the Agreement to become effective on August 1, 1986.

WMECO and Atlantic have each filed a Certificate of Concurrence in this docket.

The Agreement has been executed by CL&P, WMECO and by Atlantic and copies have been mailed or delivered to each of them.

CL&P states that the filing is in accordance with Section 35 of the Commission's Regulations.

Comment date: August 25, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Public Service Company of New Mexico

[Docket No. ER86-634-000]

Take notice that on August 4, 1986, Public Service Company of New Mexico (PNM) submitted for filing Economy Energy Contract between PNM and Pacific Gas and Electric (PG and E) dated May 12, 1983, and Amendment No. 1 dated December 27, 1985. The Contract, as amended, permits the seller to offer economy energy at rates which permit the price to reflect the current market price of such energy or the seller's actual costs to generate such energy. PNM also submitted for filing information concerning PNM's fully allocated costs to provide economy energy service under this amended Contract.

Copies of the filing have been served upon PG and E and the New Mexico Public Service Commission.

Comment date: August 25, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. The Kansas Power and Light Company

[Docket No. ER86-632-000]

Take notice that on August 4, 1986, The Kansas Power and Light Company (KPL) tendered for filing a contract dated May 29, 1985, with the City of Girard, Kansas (City) for wholesale service to that Community. KPL states that this contract permits the City of Girard to receive service under rate schedule WSM-12/83. The effective

date of this service shall be January 31, 1987, in accordance with the agreement between the City and Kansas Gas and Electric, provided that on that date all necessary regulatory approvals have been granted and the Transmission Agreement between the City and Kansas Gas and Electric has become effective. In addition, KPL states that copies of the contract have been mailed to the City of Girard and the State Corporation Commission

Comment date: August 25, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. Louisiana Power and Light Company

[Docket No. ER86-626-000]

Take notice that on July 31, 1986, Louisiana Power and Light Company (LP&L) tendered for filing proposed changes in its FERC Electric Service Tariff No. 75, with the Town of Vidalia, Louisiana (Town). The proposed Phase II Rates would result in an increase in revenues to LP&L from sales to Town of $2,330,309 per year.

The proposed increase is necessary to compensate LP&L for cost increases which it has incurred since rates for the Town were previously established. The cost increases have resulted principally from the completion of LP&L' Waterford 3 generating unit, an 1104 MW nuclear-fueled generating unit which began commercial operation in September 1985, and the purchase by LP&L of 14% of the capacity and energy from Unit 1 of the Grand Gulf Nuclear Electric Station, which began commercial operation in July 1985.

LP&L stated that a copy of this filing was mailed to the Town of Vidalia, Louisiana, and the Louisiana Public Service Commission.

Comment date: August 26, 1986, in accordance with Standard Paragraph E at the end of this notice.

7. The Montana Power Company

[Docket No. ER86-637-000]

Take notice that on August 5, the Montana Power Company ("Montana"), tendered for filing a revised Appendix I as required by Exhibit C for retail sales in accordance with the provisions of the Residential Purchase and Sale Agreement ("Agreement") between Montana and the Bonneville Power Administration ("BPA").

The Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501. The Agreement provides for the exchange of electric power between Montana and BPA for the benefit of Montana's residential and farm customers.

Montana requests that the rate, subject to possible retroactive adjustments based on the Commission's review, have an effective date of November 25, 1985 and, therefore, requests waiver of the Commission's notice requirements.

A copy of the filing was served upon BPA.

Comment date: August 26, 1986, in accordance with Standard Paragraph E at the end of this notice.

8. Southern California Edison Company

[Docket No. ER86-633-000]

Take notice that, on August 4, 1986, Southern California Edison Company ("Edison") tendered for filing, an Amendment to the Power Contract designated Rate Schedule FERC No. 112, which has been executed by Edison and the California Department of Water Resources ("CDWR"):

Amendment No. 1 to the Power Contract

The Amendment provides for revised amounts of firm transmission service for existing transmission and adds an additional firm transmission service path.

The Amendment is proposed to become effective when executed by the Parties and accepted for filing by the Commission.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the California Department of Water Resources.

Comment date: August 26, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18632 Filed 8-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER86-639-000 et al.]

Arkansas Power and Light Co. et al.; Electric Rate and Corporate Regulation Filings

August 14, 1986.

Take notice that the following filings have been made with the Commission:

1. Arkansas Power and Light Company

[Docket No. ER86-639-000]

Take notice that on August 6, 1986, Arkansas Power & Light Company (AP&L) tendered for filing a proposed Agreement for purchase of electric service by Farmers Electric Cooperative Corporation (FECC) from AP&L.

The proposed Agreement, signed by AP&L and FECC, covers sales of power and energy by AP&L to FECC for the period from September 1, 1985 to August 31, 1995. Accordingly, AP&L has requested waiver of the Commission's notice requirements as well as waiver of various cost support filing requirements.

Comment date: August 27, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Boston Edison Company

[Docket No. ER86-405-000, Docket No. ER86-468-000, Docket No. ER86-517-000]

Take notice that on August 1, 1986, Boston Edison Company (Boston Edison) of Boston, Massachusetts, submitted for filing its response to the Commission's letter orders of June 12, 1986 in Docket No. ER86-468-000 and of July 9, 1986 in Docket Nos. ER86-405-000 and ER86-517-000. Boston Edison states that the purpose of its submittal is to provide information and data to cure deficiencies in its rate filings in these dockets which concern four substation agreements pursuant to which Cambridge Electric Light Company provides financial support for certain Boston Edison substations. Boston Edison has also submitted a July 9, 1984 letter concerning billing procedures as a supplement to its FPC Rate Schedule No. 101 which is under review in Docket No. ER86-468-000.

Boton Edison states that it has served copies of its filing on the affected customer, Cambridge Electric Light Company; on the Town of Belmont, which takes service from Cambridge; and on the Massachusets Department of Public Utilities.

Comment date: August 25, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Consolidated Edison Company of New York, Inc.

[Docket No. ER86-641-000]

Take notice that on August 7, 1986, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing Supplements to its Rate Schedules FERC No. 60 and 66, agreements to provide transmission service for the Power Authority of the State of New York (the Authority). The Supplements provide for an increase in the monthly transmission charge from $0.89 to $0.93 per kilowatt for transmission of power and energy sold by the Authority to Brookhaven National Laboratory and Grumman Corporation, thus increasing annual revenues under the Supplements by a total of $18,648.96. Con Edison has requested waiver of notice requirements so that the increase can be made effective as of July 1, 1986.

Con Edison states that a copy of this filing has been served by mail upon the Authority.

Comment date: August 28, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Iowa Public Service Company

[Docket No. ER86-640-000]

Take notice that on August 7, 1986, Iowa Public Service Company tendered for filing an executed Firm Power Service Agreement dated May 29, 1986, whereby Iowa Public Service Company will supply Union Electric Company with firm electric power commencing June 1, 1986 and continuing through September 20, 1986.

Iowa Public Service Company requests that the Commission waive its prior notice requirements and accept the Service Agreement for filing with an effective date of May 25, 1986.

Comment date: August 28, 1986, in accordance with Standard Paragraph E at the end of this document.

5. The Kansas Power and Light Company

[Docket No. ER86-546-000]

Take notice that on August 1, 1986, The Kansas Power and Light Company (KPL) tendered for filing an amended application relating to proposed changes in its Federal Energy Regulatory Commission Electric Service Tariff No. 123. The proposed changes would increase revenues from jurisdictional sales and service by $363,516 based upon the 12 month period ending June, 1987.

Service Schedule L, dated May 7, 1986, provides for the scheduling, controlling, and coordinating of capacity resources by KPL for Midwest Energy, Inc. Copies of the amended application have been mailed to Midwest Energy, Inc. and the State Corporation Commission of Kansas.

Comment date: August 25, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18669 Filed 8-18-86; 8:45 am]

BILLING CODE 6717-01-M

Availability of Environmental Assessment and Finding of No Significant Impact

August 15, 1986.

	Project No.
Matthew W. Foley & Elizabeth E. Rapalee	9691-000
Irvine Ranch Water District	9701-000
Central Maine Power Company	2302-003
Pennsylvania Hydroelectric Development Corporation	2803-001
City of Broken Bow	3555-001
RedArk Development Authority	8074-000
Metropolitan District	7048-001
Stewart Ranches, Inc.	7120-004
Larry Hensley	7930-000
Larry Hensley	7931-000
D.J. Pitman International Corporation	8955-000
Trans Mountain Construction Co.	9734-000
Vermont Marble Company	2558-006

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for major and minor licenses (or exemptions) listed below and has assessed the environmental impacts of the proposed developments.

Project No.	Project Name	State	Water body	Nearest town or county	Applicant
Exemptions					
9691-000	Wadhams Hydro	NY	Boquet River	Westport	Matthew W. Foley & Elizabeth E. Rapalee.
9701-000	Sand Canyon	CA	Sand Canyon Conduit.	Irvine	Irvine Ranch Water District.
Licenses					
2302-003	Lewiston Falls	ME	Androscoggin River	Lewiston & Auburn	Central Maine Power Company.
2803-001	Flat Rock Dam	PA	Schuylkill River	Philadelphia & Lower Merion Township.	Pennsylvania Hydro-electric Development Corporation.
3555-001 & 8074-000.	Hugo Dam	OK	Kiamichi River	Hugo	City of Broken Bow RedArk Devel Authority.
7048-001	Upper and Lower Collinsville.	CT	Farmington River	Canton, Avon & Burlington	Metropolitan District.
7120-004	Kekawaka Creek	CA	Kekawaka Creek	Trinity & Humboldt Counties.	Stewart Ranches, Inc.
7930-000	Fry Creek	CA	Fry Creek	Kyburz	Larry Hensley.
7931-000	29-Mile Creek	CA	29-Mile Creek	Kyburz	Larry Hensely.
8955-000	Oakland Mills Dam	IA	Skunk River	Mount Pleasant	D.J. Pitman International Corporation.
9734-000	Keystone Hydro	CO	Keystone Creek	Dillon	Trans Mountain Construction Co.
Amendments					
2558-006	Proctor Beldens Huntington.	VT	Otter Creek	Proctor, New Haven, and Weybridge.	Vermont Marble Company.

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environmental impact statements for these projects will not be prepared. Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825

North Capitol Street NE., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18670 Filed 8-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 9040-001]

Burlington Energy Development Associates; Surrender of Preliminary Permit

August 15, 1986.

Take notice that the Burlington Energy Development Associates, the permittee for the Gordon Dam Project No. 9040, has requested that the preliminary permit be terminated. The preliminary permit for Project No. 9040 was issued on August 8, 1985, and would have expired on July 31, 1988. The project would have been located on the Little River, in Worcester County, Massachusetts.

The permittee filed the request on July 28, 1986, and the preliminary permit for Project No. 9040 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18671 Filed 8-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-12-001]

Continental Energy; Stanley No. 1 Well (Haskell Co.); FERC No. JD81-01760; Petition for Reconsideration and Reopening of Final Well Determination

August 12, 1986.

On May 23, 1986, Continental Energy filed with the Federal Energy Regulatory Commission (Commission) a petition pursuant to section 503(d) of the Natural Gas Policy Act of 1978 (NGPA) [1] and § 275.205 of the Commission's regulations,[2] seeking reconsideration of the Commission's order issued in this docket November 7, 1983,[3] and seeking to reopen and reverse a final well determination described below.

On October 14, 1980, the Kansas Corporation Commission (Kansas) determined that gas produced from the captioned well did not qualify under section 103 of the NGPA.[4] Continental filed a protest with the Commission. The Commission took no action on the protest or Kansas' determination, and the determination became final on November 28, 1980, pursuant to § 275.202(a) of the Commission's regulations.[5] On May 24, 1982, Continental requested that the Commission reopen and remand the negative final determination to Kansas for reconsideration in the light of the holding in *L&B Oil Co. Inc.* v. *F.E.R.C.*[6] This request was denied by the Commission's above-mentioned order issued November 7, 1983.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest in accordance with Rule 214 [7] or 211 [8] of the Commission's Rules of practice and procedure. All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, not later than 15 days following publication of this notice in the **Federal Register.** All protests will be considered by the Commission, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of the petition are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18634 Filed 8-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 9265-001]

Fairview Associates; Surrender of Preliminary Permit

August 15, 1986.

Take notice that Fairview Associates, permittee for the proposed Cottonwood Creek Project No. 9265, has requested that its preliminary permit be terminated. The preliminary permit was issued on November 25, 1985, and would have expired on October 31, 1988. The project would have been located on Cottonwood Creek in Sanpete County, Utah. The permittee states that a preliminary study found that the project would not be economically feasible to develop at this time.

The permittee filed the request on August 1, 1986, and the preliminary permit for Project No. 9265 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18672 Filed 8-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA86-24-000]

Mississippi River Transmission Corp.; Petition for Exemption and Interim Relief

August 15, 1986.

On July 28, 1986, Mississippi River Transmission Corporation (MRT) filed a petition [1] pursuant to section 206(d) of the Natural Gas Policy Act of 1978 [2] and § 282.206(b) of the Federal Energy Regulatory Commission's regulations,[3] for exemption from the Commission's incremental pricing regulations under Title II of the NGPA.[4] MRT requests interim and permanent exemption from the imposition of incremental pricing surcharges on rates for direct gas sales to seven nonexempt industrial customers on its system.[5] It requests this relief so that it may, by eliminating incremental pricing surcharges, make its rates to these seven industrial customers market-competitive.

In support of its request for relief, MRT states that during the last several years, competition between natural gas and alternate fuels in its service area has contributed in part to a 65 percent decline in throughput of gas in its system. MRT asserts that its ability to

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[1] 15 U.S.C. 3413(d) (1982).

[2] 18 CFR 275.205 (1985).

[3] 25 FERC ¶61,200.

[4] 15 U.S.C. 3313 (1982).

[5] 18 CFR 275.202(a) (1985).

[6] 665 F.2d 758 (5th Cir. 1982).

[7] 18 CFR 385.214 (1985).

[8] 18 CFR 385.211 (1985).

[1] Although the petition was received by the Commission on June 20, 1986, the required filing fee was not received until July 28, 1986. Accordingly, the date of filing is July 28, 1986. *See* 18 CFR 381.103(b)(2)(iii) (1985).

[2] 15 U.S.C. 3346(d) (1982).

[3] 18 CFR 282.206(b) (1985).

[4] 15 U.S.C. 3341-3348 (1982).

[5] These seven direct industrial boiler fuel customers are: Allied Chemical Corporation, American Steel Foundries, Granite City Steel Division of National Steel Corporation, Laclede Steel Company, Olin Corporation, PPG Industries, and Shell Oil Company.

compete with alternative fuels is jeopardized by incremental pricing coupled with the fact that during the last several months prices for all grades of petroleum products have been falling drastically and frequently. It states that, in the absence of relief, the resulting price uncertainty and the potential charge of an incremental surcharge to industrial customers will create a substantial likehood that such customers will switch from natural gas to available alternate fuels, *e.g.*, fuel oil, refinery by-products, propane, coal, or purchased steam, or that they will reduce or cease operations. In this connection, MRT notes that all the seven customers for which it seeks exemption have alternate fuel capability and make their energy purchasing decisions on the basis of the least costly available fuel supply. MRT asserts that any reduction of its sales subject to incremental pricing would (1) shift to high priority customers fixed costs currently being recovered through industrial sales, (2) increase the average price of gas to MRT's remaining customers, and (3) increase MRT's exposure to take-or-pay penalties and additional load losses.

The procedures applicable to the conduct of this proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure.[6] Any person desiring to participate in this proceeding must file a motion to intervene under Subpart K within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18674 Filed 8-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST81-105-003, et al.]

Producer's Gas Co., et al.; Extension Reports

August 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 protest with reference to said extension reports should on or before August 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 385.211 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.

EXTENSION LIST

[July 1-5, 1986]

Docket No.	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Effective date	Expiration date **
ST81-105-003	Producer's Gas Co., 950 One Energy Square, Dallas, TX 75206	El Paso Natural Gas Co	06-25-86	D	10-24-86	
* ST84-898-001	Producer's Gas Co., 950 One Energy Square, Dallas, TX 75206	Mississippi River Transmission Co	06-25-86	D	04-13-86	09-23-86
ST85-354-001	SNG Intrastate Pipeline Inc., P.O. Box 2563, Birmingham, AL 35202.	Southern Natural Gas Co	07-01-86	D	10-04-86	

* This extension report was filed after the date specified by the Commission's Regulation, and shall be the subject of a further Commission order.
** 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. 86-18675 Filed 8-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-650-000, et al.]

Southwest Gas Corp., et al.; Natural Gas Certificate Filings

August 13, 1986.

Take notice that the following filings have been made with the Commission:

1. Southwest Gas Corporation

[Docket No. CP86-650-000]

Take notice that on August 4, 1986, Southwest Gas Corporation (Southwest), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP86-650-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authority to construct and operate a sales tap and appurtenant facilities under the certificate issued in Docket No. CP84-739-000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Southwest states that under the authorization issued in Docket No. CP84-739-000, Southwest was permitted to use the prior notice procedure of § 157.205 of the Commission's Regulations in connection with requests for authority to install and operate sales taps on its northern Nevada jurisdictional system to serve retail customers which are not being served by Southwest at any other location. Pursuant to such authorization Southwest proposes to establish a sales tap to be located in Douglas County, Nevada. Southwest states that the tap would be used to provide up to 0.8 Mcf of natural gas per day for use by a residential customer to meet Priority 1 requirements. Southwest estimates that the cost of the tap would be $2,170, which cost would be reimbursed to Southwest by the residential customer.

Southwest states that service to the residential customer would be rendered under the regulatory authority of the Public Service Commission of Nevada (PSCN) and in accordance with Southwest's rate schedules on file with

[6] 18 CFR 385.1101-.1117 (1985).

[1] Notice of these extension reports does not constitute a determination that a continuation of service will be approved.

the PSCN. Southwest further states that it has sufficient capacity available to provide for the proposed deliveries without any detriment or disadvantage to any of its existing customers, and that the relatively small volumes anticipated to be delivered would not affect Southwest's ability to serve its existing customers.

Comment date: September 29, 1986, in accordance with Standard Paragraph G at the end of this notice.

2. United Gas Pipe Line Co.

[Docket No. CP86-656-000]

Take notice that on August 7, 1986, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001 filed in Docket No. CP86-656-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a 2-inch sales tap to replace a 1-inch sales tap on United's 6-inch Canton line in Newton County, Mississippi, under the certificate issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United proposes to replace the sales tap, which serves Entex, Inc. (Entex), an existing distribution customer of United, for the resale of natural gas to residential customers in Entex's Newton, Mississippi, service area, in order to accommodate increased demand on Entex's system. It is stated that the proposed tap would permit the delivery to Entex of 350 Mcf of gas on an average day and 650 Mcf of gas on a peak day. It is further stated that deliveries at the proposed tap would be within Entex's maximum daily entitlement for the Newton, Mississippi, service area. It is explained that United is authorized to make deliveries to Entex in Docket No. CP83-200-000 and that United makes such deliveries pursuant to its Rate Schedule DG-N.

Comment date: September 29, 1986, in accordance with Standard Paragraph G at the end of this notice.

3. United Gas Pipe Line Company

[Docket No. CP86-657-000]

Take notice that on August 7, 1986, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP86-657-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to replace a two inch sales tap to deliver to Mississippi Valley Gas Company (Mississippi Valley) gas for resale in the Jackson, Hinds County, Mississippi, area, under United's blanket certificate issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United indicates that the proposes sales tap would enable it to sell and deliver to Mississippi Valley, the local distributor, an estimated daily average of 650 Mcf of gas or up to 1,050 Mcf of gas per peak day for resale to an industrial customer, the Southwest Asphalt Company, in the Jackson, Hinds County, Mississippi, area. United would make the sale to Mississippi Valley under its Rate Schedule DG-N pursuant to an effective service agreement dated February 7, 1980. United states the proposed sale, which will increase Mississippi Valley's Maximum Daily Quantity (MDQ) to a total quantity of 123,629 Mcf of gas per day, reflects the overall growth of the economy in the Jackson area. United alleges that it has sufficient pipeline capacity and gas supply to render the proposed service with no detrimental effect on its existing customers.

Comment date: September 29, 1986, in accordance with Standard Paragraph G at the end of this notice.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18633 Filed 8-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP74-41-039 et al.]

Texas Eastern Transmission Corp. et al.; Filing of Pipeline Refund Reports

August 13, 1986.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports. The date of filing and docket number are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on or before August 22, 1986. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.
7-3-86	Texas Eastern Transmission Corp.	RP74-41-039.
7-3-86	MIGC, Inc.	RP84-15-009.
7-21-86	Eastern Shore Natural Gas Co	CP85-89-004.
7-21-86	Eastern Shore Natural Gas Co	RP72-134-033.
7-29-86	Algonquin Gas Transmission Co.	RP72-110-041.

[FR Doc. 86-18635 Filed 8-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST86-1637-000 et al.]

United Texas Transmission Co. et al.; Self-Implementing Transactions

August 14, 1986.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Subpart F of Part 157 and Part 284 of the Commission's Regulations, and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).[1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to §284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate in sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff

[1] Notice of transactions does not constitute a determination that service will continue in accordance with Order No. 436, Final Rule and Notice Requesting Supplemental Comments, 50 FR 42372 (Oct. 18, 1985).

action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(EU)" indicates transportation by an interstate pipeline company on behalf of an end-user pursuant to a blanket certificate issued under § 284.223 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution comapny pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "C/F(157)" indicates intrastate pipeline transportation which is incidental to a transportation pipeline to an end-user pursuant to a blanket certificate under 18 CFR 157.209. Similarly, a "G/F(157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Any person desiring to be heard or to make any protest with reference to a transaction reflected in this notice should on or before August 25, 1986, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it is determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date	Transportation rate (¢/MMBtu)
ST86-1637	United Texas Transmission Co	Texas Eastern Transmission Corp	06-02-86	C		
ST86-1638	United Gas Pipe Line Co	City of Pensacola	06-02-86	B		
ST86-1639	do	Gulf Coast Energy, Inc	06-02-86	B		
ST86-1640	do	Consumers Power Co	06-02-86	B		
ST86-1641	United Texas Transmission Co	Texas Eastern Transmission Corp	06-02-86	C		
ST86-1642	Delhi Gas Pipeline Corp	United Gas Pipe Line Co	06-02-86	C		
ST86-1643	do	do	06-02-86	C		
ST86-1644	ONG Transmission Co	Panhandle Eastern Pipe Line Co	06-02-86	C	10-30-86	10.00
ST86-1645	Mountain Fuel Resources, Inc	Coors Energy Co	06-03-86	B		
ST86-1646	do	Cascade Natural Gas Corp., et al	06-03-86	B		
ST86-1647	Acadian Gas Pipeline System	ANR Pipeline Co	06-04-86	C		
ST86-1648	Delhi Gas Pipeline Corp	Cincinnati Gas and Electric Co	06-05-86	C		
ST86-1649	do	Texas Eastern Transmission Corp	06-05-86	C		
ST86-1650	Michigan Gas Storage Co	Consumers Power Co	06-05-86	B		
ST86-1651	do	do	06-05-86	B		
ST86-1652	do	do	06-05-86	B		
ST86-1653	Consolidated Gas Transmission Corp	Hope Gas, Inc	06-05-86	B		
ST86-1654	do	Elizabethtown Gas Co., et al	06-05-86	B		
ST86-1655	United Texas Transmission Co	Texas Eastern Transmission Corp	06-05-86	C		
ST86-1656	Michigan Gas Storage Co	Consumers Power Co	06-05-86	B		
ST86-1657	ANR Pipeline Co	Wisconsin Fuel and Light Co	06-05-86	B		
ST86-1658	do	Michigan Consoldiated Gas Co	06-05-86	B		
ST86-1659	do	Bridgeline Gas Distribution Co	06-05-86	B		
ST86-1660	do	Wisconsin Public Service Co	06-05-86	B		
ST86-1661	do	Michigan Consclidated Gas Co	06-05-86	B		
ST86-1662	United Texas Transmission Co	Texas Eastern Transmission Corp	06-05-86	C		
ST86-1663	ANR Pipeline Co	Wisconsin Natural Gas Co	06-05-86	B		
ST86-1664	Panhandle Eastern Pipe Line Co	Battle Creek Gas Co	06-06-86	B		
ST86-1665	do	Great River Gas Co	06-06-86	B		
ST86-1666	do	City of Monroe	06-06-86	B		
ST86-1667	Transok, Inc	Citizens Gas and Coke Utility	06-06-86	C	11-03-86	26.25
ST86-1668	Panhandle Eastern Pipe Line Co	Cimarron River-Quinque System	06-06-86	B		
ST86-1669	Texas Eastern Transmission Corp	Terre Haute Gas Corp	06-06-86	B		
ST86-1670	Columbia Gulf Transmission Corp	Texas Gas Exploration Corp	06-06-86	G(EU)		
ST86-1671	Transok, Inc	Panhandle Eastern Pipe Line Co	06-06-86	C	11-03-86	26.25
ST86-1672	Equitable Gas Co	Columbia Gas of Pennsylvania, Inc	06-06-86	B		
ST86-1673	Tennessee Gas Pipeline Co	ANR Pipeline Co	06-09-86	G		
ST86-1674	Arkla Energy Resources	Arkansas Louisiana Gas Co	06-09-86	B		
ST86-1675	Houston Pipe Line Co	Western Kentucky Gas Co	06-09-86	C		
ST86-1676	Delhi Gas Pipeline Corp	Texas Gas Transmission Corp	06-09-86	C		
ST86-1677	Panhandle Eastern Pipe Line Co	University of IL at Urbana-Champaign	06-09-86	F(157)		
ST86-1678	do	Illinois Power Co	06-09-86	B		
ST86-1679	do	Macon Municipal Utilities	06-09-86	B		
ST86-1680	do	do	06-09-86	B		
ST86-1681	ONG Transmission Co	Panhandle Eastern Pipe Line Co	06-11-86	C	11-08-86	10.00
ST86-1682	Michigan Gas Storage Co	Battle Creek Gas Co	06-11-86	B		
ST86-1683	El Paso Natural Gas Co	Washington Natural Gas Co	06-11-86	B		
ST86-1684	ANR Pipeline Co	Peoples Gas Light & Coke Co	06-11-86	B		
ST86-1685	El Paso Natural Gas Co	Washington Water Power Co	06-11-86	B		
ST86-1686	Louisiana Resources Co	ANR Pipeline Co	06-11-86	C	11-08-86	25.00
ST86-1687	ANR Pipeline Co	Wisconsin Natural Gas Co	06-11-86	B		
ST86-1688	do	do	06-11-86	B		
ST86-1689	do	do	06-11-86	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date	Transportation rate (¢/MMBtu)
ST86-1690	....do	....do	06-11-86	B		
ST86-1691	....do	....do	06-11-86	B		
ST86-1692	....do	....do	06-11-86	B		
ST86-1693	Michigan Gas Storage Co	Consumers Power Co	06-12-86	B		
ST86-1694	....do	....do	06-12-86	B		
ST86-1695	....do	....do	06-12-86	B		
ST86-1696	....do	....do	06-12-86	B		
ST86-1697	....do	....do	06-12-86	B		
ST86-1698	....do	....do	06-12-86	B		
ST86-1699	Texas Eastern Transmission Corp	Central Hudson Gas and Electric Co	06-12-86	B		
ST86-1700	....do	Cincinnati Gas and Electric Co	06-12-86	B		
ST86-1701	....do	National Gas and Oil Corp	06-12-86	B		
ST86-1702	....do	Houston Pipe Line Co	06-12-86	B		
ST86-1703	United Gas Pipe Line Co	Peoples Gas Light and Coke Co	06-13-86	B		
ST86-1704	....do	Victoria Gas Corp	06-13-86	B		
ST86-1705	....do	Escambia County Utility	06-13-86	B		
ST86-1706	....do	Columbia Gas of Pennsylvania, Inc	06-13-86	B		
ST86-1707	....do	Mississippi Valley Gas Co	06-13-86	B		
ST86-1708	Houston Pipe Line Co	Northern Illinois Gas Co	06-13-86	C		
ST86-1709	Transwestern Pipeline Co	Consumers Power Co	06-13-86	B		
ST86-1710	United Gas Pipe Line Co	Peoples Natural Gas Co	06-13-86	B		
ST86-1711	....do	....do	06-13-86	B		
ST86-1712	Texas Gas Transmission Corp	Dome Gas Co	06-13-86	B		
ST86-1713	....do	Western Kentucky Gas Co	06-13-86	B		
ST86-1714	....do	Ohio Valley Gas Corp	06-13-86	B		
ST86-1715	....do	Indiana Gas Co	06-13-86	B		
ST86-1716	....do	Terre Haute Gas Corp	06-13-86	B		
ST86-1717	Arkla Energy Resources	Arkla Energy Resources (Louisiana Intrastate Segment).	06-13-86	B		
ST86-1718	Texas Gas Transmission Corp	Ohio Valley Gas Corp	06-13-86	B		
ST86-1719	....do	Terre Haute Gas Corp	06-13-86	B		
ST86-1720	....do	Hanley and Bird	06-13-86	B		
ST86-1721	....do	Western Kentucky Gas Co	06-13-86	B		
ST86-1722	....do	Niagara Mohawk Power Corp	06-13-86	B		
ST86-1723	....do	East Ohio Gas Co	06-13-86	B		
ST86-1724	....do	Peoples Natural Gas Co	06-13-86	B		
ST86-1725	....do	Indiana Gas Co	06-13-86	B		
ST86-1726	....do	National Fuel Gas Distribution Corp	06-13-86	B		
ST86-1727	....do	Indiana Gas Co	06-13-86	B		
ST86-1728	....do	Michigan Fuel Gas Distribution Co., et al	06-13-86	B		
ST86-1729	Houston Pipe Line Co	New Jersey Natural Gas Co	06-13-86	C		
ST86-1730	....do	Louisville Gas and Electric Co	06-13-86	C		
ST86-1731	Trunkline Gas Co	Consumers Power Co	06-16-86	B		
ST86-1732	Panhandle Eastern Pipe Line Co	Illinois Power Co	06-16-86	B		
ST86-1733	....do	Public Service Co. of Colorado	06-16-86	B		
ST86-1734	....do	Union Electric Co	06-16-86	B		
ST86-1735	....do	....do	06-16-86	B		
ST86-1736	Trunkline Gas Co	Consumers Power Co	06-16-86	B		
ST86-1737	Panhandle Eastern Pipe Line Co	....do	06-16-86	B		
ST86-1738	....do	Northern Indiana Fuel and Light Co	06-16-86	B		
ST86-1739	Consolidated Gas Transmission Corp	Rochester Gas and Electric Corp	06-16-86	B		
ST86-1740	....do	....do	06-16-86	B		
ST86-1741	....do	....do	06-16-86	B		
ST86-1742	Columbia Gas Transmission Corp	Weirton Service Pipeline Co., Inc	06-16-86	B		
ST86-1743	Panhandle Eastern Pipe Line Co	Great River Gas Co	06-16-86	B		
ST86-1744	....do	Central Illinois Light Co	06-16-86	B		
ST86-1745	....do	Illinois Power Co	06-16-86	B		
ST86-1746	ANR Pipeline Co	Wisconsin Public Service Co	06-05-86	B		
ST86-1747	....do	....do	06-05-86	B		
ST86-1748	....do	Michigan Consolidated Gas Co	06-05-86	B		
ST86-1749	....do	....do	06-05-86	B		
ST86-1750	....do	....do	06-05-86	B		
ST86-1751	....do	Wisconsin Natural Gas Co	06-05-86	B		
ST86-1752	....do	....do	06-05-86	B		
ST86-1753	....do	....do	06-05-86	B		
ST86-1754	Panhandle Eastern Pipe Line Co	Illinois Power Co	06-16-86	B		
ST86-1755	....do	Union Electric Co	06-16-86	B		
ST86-1756	Trunkline Gas Co	Consumers Power Co	06-16-86	B		
ST86-1757	....do	....do	06-16-86	B		
ST86-1758	Consolidated Gas Transmission Corp	Rochester Gas and Electric Corp	06-16-86	B		
ST86-1759	....do	Niagara Mohawk Power Corp	06-16-86	B		
ST86-1760	....do	Hope Gas, Inc	06-16-86	B		
ST86-1761	....do	New York State Electric and Co	06-16-86	B		
ST86-1762	....do	East Ohio Gas Co	06-16-86	B		
ST86-1763	....do	Niagara Mohawk Power Corp	06-16-86	B		
ST86-1764	....do	Rochester Gas and Electric Corp	06-16-86	B		
ST86-1765	....do	....do	06-16-86	B		
ST86-1766	....do	....do	06-16-86	B		
ST86-1767	....do	Hanley and Bird	06-16-86	B		
ST86-1768	....do	National Fuel Gas Distribution Corp	06-16-86	B		
ST86-1769	....do	Peoples Natural Gas Co	06-16-86	B		
ST86-1770	....do	Niagara Mohawk Power Corp	06-16-86	B		
ST86-1771	....do	New York State Electric and Gas Co	06-16-86	B		
ST86-1772	....do	Hope Gas, Inc	06-16-86	B		
ST86-1773	....do	....do	06-16-86	B		
ST86-1774	....do	....do	06-16-86	B		
ST86-1775	....do	Reliance Pipeline Co	06-16-86	B		
ST86-1776	....do	East Ohio Gas Co	06-16-86	B		
ST86-1777	Delhi Gas Pipeline Corp	Texas Eastern Transmission Corp	06-16-86	C		
ST86-1778	ANR Pipeline Co	Wisconsin Public Service Co	06-16-86	B		
ST86-1779	....do	....do	06-16-86	B		
ST86-1780	....do	Illinois Power Co	06-16-86	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date	Transportation rate (¢/MMBtu)
ST86-1781	....do	Wisconsin Power and Light Co	06-16-86	B		
ST86-1782	....do	Michigan Consolidated Gas Co	06-16-86	B		
ST86-1783	....do	....do	06-16-86	B		
ST86-1784	Texas Gas Transmission Corp	Ohio Valley Gas Corp	06-16-86	B		
ST86-1785	....do	Indiana Gas Co	06-16-86	B		
ST86-1786	....do	Mountaineer Gas Co	06-16-86	B		
ST86-1787	....do	Indiana Gas Co	06-16-86	B		
ST86-1788	Consolidated Gas Transmission Corp	Rochester Gas and Electric Corp	06-16-86	B		
ST86-1789	Mid Louisiana Gas Co	Louisiana Intrastate Gas Corp	06-17-86	B		
ST86-1790	ANR Pipeline Co	City Gas Co	06-18-86	B		
ST86-1791	....do	Michigan Consolidated Gas Co	06-18-86	B		
ST86-1792	Acadian Gas Pipeline System	Columbia Gas Transmission Corp	06-18-86	C		
ST86-1793	ANR Pipeline Co	Michigan Consolidated Gas Co	06-18-86	B		
ST86-1794	....do	....do	06-18-86	B		
ST86-1795	....do	....do	06-18-86	B		
ST86-1796	Producer's Gas Co	Consolidated Edison Co. of NY, Inc	06-19-86	D		
ST86-1797	PGC Pipeline	Niagra Mohawk Power Corp., et al	06-19-86	D		
ST86-1798	....do	Washington Gas Light Co	06-19-86	D		
ST86-1799	Panhandle Eastern Pipe Line Co	Utilicorp United, Inc	06-19-86	B		
ST86-1800	....do	East Ohio Gas Co	06-19-86	B		
ST86-1801	....do	Consumers Power Co	06-19-86	B		
ST86-1802	Michigan Gas Storage Co	....do	06-19-86	B		
ST86-1803	....do	....do	06-19-86	B		
ST86-1804	....do	....do	06-19-86	B		
ST86-1805	Panhandle Eastern Pipe Line Co	Illinois Power Co	06-19-86	B		
ST86-1806	Trunkline Gas Co	Bay State Gas Co., et al	06-19-86	B		
ST86-1807	Panhandle Eastern Pipe Line Co	Utilicorp United, Inc	06-19-86	B		
ST86-1808	....do	....do	06-19-86	B		
ST86-1809	Valero Transmission Co	Valero Interstate Transmission Co	06-19-86	C		
ST86-1810	....do	Columbia Gas of Ohio, Inc., et al	06-19-86	C		
ST86-1811	Panhandle Eastern Pipe Line Co	Illinois Power Co	06-19-86	B		
ST86-1812	Alogonquin Gas Transmission Co	Orange and Rockland Utilities, Inc	06-19-86	B		
ST86-1813	Arkla Energy Resources	Arkansas Louisiana Gas Co	06-19-86	B		
ST86-1814	ANR Pipeline Co	Michigan Consolidated Gas Co	06-19-86	B		
ST86-1815	....do	Wisconsin Power and Light Co	06-19-86	B		
ST86-1816	....do	Michigan Consolidated Gas Co	06-19-86	B		
ST86-1817	....do	....do	06-19-86	B		
ST86-1818	....do	....do	06-19-86	B		
ST86-1819	Algonquin Gas Transmission Co	Central Hudson Gas & Electric Corp	06-19-86	B		
ST86-1820	....do	Providence Gas Co	06-19-86	B		
ST86-1821	....do	Colonial Natural Gas Co	06-19-86	B		
ST86-1822	Valero Interstate Transmission Co	Valero Transmission Co	06-19-86	B		
ST86-1823	Panhandle Eastern Pipe Line Co	Consumers Power Co	06-20-86	C		
ST86-1824	ONG Transmission Co	ANR Pipeline Co	06-20-86	C	11-17-86	10.00
ST86-1825	United Gas Pipe Line Co	Colony Natural Gas Corp	06-23-86	B		
ST86-1826	....do	Hope Natural Gas Co	06-23-86	B		
ST86-1827	....do	Eastex Gas Transmission Co	06-23-86	B		
ST86-1828	....do	PeopleService, Inc	06-23-86	B		
ST86-1829	....do	Hope Gas, Inc	06-23-86	B		
ST86-1830	Sea Robin Pipeline Co	Pennsylvania Gas and Water Co	06-23-86	B		
ST86-1831	United Gas Pipe Line Co	Quivira Gas Co	06-23-86	B		
ST86-1832	....do	Mississippi Gulf South Trans. Co	06-23-86	B		
ST86-1833	Sea Robin Pipeline Co	Clark-Mobile Counties Gas District	06-23-86	B		
ST86-1834	....do	Memphis Light, Gas and Water Div	06-23-86	B		
ST86-1835	Trunkline Gas Co	Consumers Power Co	06-23-86	B		
ST86-1836	Panhandle Eastern Pipe Line Co	Central Illinois Public Service Co	06-23-86	B		
ST86-1837	Panhandle Eastern Pipe Line Co	Battle Creek Gas Co	06-23-86	B		
ST86-1838	....do	MGTC, Inc	06-23-86	B		
ST86-1839	....do	Battle Creek Gas Co	06-23-86	B		
ST86-1840	Transwestern Pipeline Co	San Diego Gas and Electric Co	06-23-86	B		
ST86-1841	Trunkline Gas Co	Consumers Power Co	06-23-86	B		
ST86-1842	Panhandle Eastern Pipe Line Co	Village of Morton	06-23-86	B		
ST86-1843	....do	Indiana Gas Co	06-23-86	B		
ST86-1844	Texas Gas Transmission Corp	Terre Haute Gas Corp	06-23-86	B		
ST86-1845	ANR Pipeline Co	Michigan Consolidated Gas Co	06-23-86	B		
ST86-1846	Transwestern Pipeline Co	San Diego Gas and Electric Co	06-23-86	B		
ST86-1847	Panhandle Eastern Pipe Line Co	Central Illinois Public Service Co	06-23-86	B		
ST86-1848	ANR Pipeline Co	Iowa Southern Utilities Co	06-23-86	B		
ST86-1849	....do	Wisconsin Public Service Co	06-23-86	B		
ST86-1850	....do	Michigan Consolidated Gas Co	06-23-86	B		
ST86-1851	....do	....do	06-23-86	B		
ST86-1852	....do	....do	06-23-86	B		
ST86-1853	....do	Wisconsin Natural Gas Co	06-23-86	B		
ST86-1854	El Paso Natural Gas Co	Intermountain Gas Co	06-23-86	B		
ST86-1855	United Gas Pipe Line Co	Shreveport Intra. Gas Trans., Inc	06-23-86	B		
ST86-1856	Texas Gas Transmission Corp	Louisville Gas and Electric Co	06-23-86	B		
ST86-1857	....do	Memphis Light, Gas and Water Div	06-23-86	B		
ST86-1858	....do	....do	06-23-86	B		
ST86-1859	....do	....do	06-23-86	B		
ST86-1860	....do	Rochester Gas and Electric Corp	06-23-86	B		
ST86-1861	Columbia Gulf Transmission Co	United Cities Gas Co	06-23-86	B		
ST86-1862	United Gas Pipe Line Co	Memphis Light, Gas and Water Div	06-23-86	B		
ST86-1863	Texas Gas Transmission Corp	Terre Haute Gas Corp	06-23-86	B		
ST86-1864	Arkla Energy Resources	Arkansas Louisiana Gas Corp	06-23-86	B		
ST86-1865	Texas Gas Transmission Corp	Memphis Light, Gas and Water Div	06-23-86	B		
ST86-1866	....do	Louisville Gas and Electric Co	06-23-86	B		
ST86-1867	Arkla Energy Resources	Arkansas Louisiana Gas Co	06-23-86	B		
ST86-1868	ONG Transmission Co	Panhandle Eastern Pipe Line Co	06-24-86	C	11-21-86	10.00
ST86-1869	....do	....do	06-24-86	C	11-21-86	10.00
ST86-1870	....do	....do	06-24-86	C	11-21-86	10.00
ST86-1871	Transok, Inc	Baltimore Gas and Electric Co	06-24-86	C	11-21-86	26.25
ST86-1872	Texas Eastern Transmission Corp	East Ohio Gas Co	06-24-86	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date	Transportation rate (¢/MMBtu)
ST86-1873	ANR Pipeline Co	Michigan Consolidated Gas Co	06-24-86	B		
ST86-1874	Louisiana Resources Co	various local distribution companies	06-24-86	C	11-21-86	25.00
ST86-1875	Texas Eastern Transmission Corp	City of Cairo	06-24-86	B		
ST86-1876	ANR Pipeline Co	Wisconsin Natural Gas Co	06-24-86	B		
ST86-1877	do	Michigan Consolidated Gas Co	06-24-86	B		
ST86-1878	do	do	06-24-86	B		
ST86-1879	Texas Eastern Transmission Corp	Union Electric Co	06-24-86	B		
ST86-1880	do	Peoples Natural Gas Co	06-24-86	B		
ST86-1881	do	City of Pulaski Natural Gas Depart	06-24-86	B		
ST86-1882	do	Huntingburg Municipal Gas System	06-24-86	B		
ST86-1883	do	Smyrna Natural Gas System	06-24-86	B		
ST86-1884	Panhandle Eastern Pipe Line Co	Western Gas Supply Co	06-25-86	B		
ST86-1885	Trunkline Gas Co	Consumers Power Co	06-25-86	B		
ST86-1886	Panhandle Eastern Pipe Line Co	Central Illinois Public Service Co	06-25-86	B		
ST86-1887	Texas Gas Transmission Corp	Niagara Mohawk Power Corp	06-25-86	B		
ST86-1888	do	Peoples Natural Gas Co	06-25-86	B		
ST86-1889	do	do	06-25-86	B		
ST86-1890	do	do	06-25-86	B		
ST86-1891	do	do	06-25-86	B		
ST86-1892	do	Rochester Gas and Electric Corp	06-25-86	B		
ST86-1893	Panhandle Eastern Pipe Line Co	Northern Indiana Public Service Co	06-25-86	B		
ST86-1894	do	Battle Creek Gas Co	06-25-86	B		
ST86-1895	Colorado Interstate Gas Co	Cody Gas Co	06-26-86	B		
ST86-1896	ANR Pipeline Co	Wisconsin Natural Gas Co	06-26-86	B		
ST86-1897	do	Michigan Consolidated Gas Co	06-26-86	B		
ST86-1898	do	Wisconsin Natural Gas Co	06-26-86	B		
ST86-1899	do	Wisconsin Public Service Co	06-26-86	B		
ST86-1900	do	do	06-26-86	B		
ST86-1901	do	do	06-26-86	B		
ST86-1902	do	Wisconsin Gas Co	06-26-86	B		
ST86-1903	do	Wisconsin Natural Gas Co	06-26-86	B		
ST86-1904	do	Michigan Power Co	06-26-86	B		
ST86-1905	do	do	06-26-86	B		
ST86-1906	do	Wisconsin Gas Co	06-26-86	B		
ST86-1907	Colorado Interstate Gas Co	Union Electric Co., et al	06-27-86	B		
ST86-1908	Panhandle Eastern Pipe Line Co	Indiana Gas Co	06-27-86	B		
ST86-1909	do	Southeastern Michigan Gas Co	06-27-86	B		
ST86-1910	do	Indiana Gas Co	06-27-86	B		
ST86-1911	do	do	06-27-86	B		
ST86-1912	Mountain Fuel Resources, Inc	Stauffer Wyoming Pipeline Co	06-27-86	B		
ST86-1913	Colorado Interstate Gas Co	Indiana Gas Co., et al	06-27-86	B		
ST86-1914	Panhandle Eastern Pipe Line Co	Indiana Gas Co	06-27-86	B		
ST86-1915	Producer's Gas Co	Citizens Resources Corp	06-27-86	D		
ST86-1916	do	Cincinnati Gas and Electric Co	06-27-86	D		
ST86-1917	PGC Pipeline, Inc	Tenngasco Exchange Corp	06-27-86	D		
ST86-1919	Tennessee Gas Pipeline Co	Texas Eastern Transmision Corp	06-27-86	G		
ST86-1920	Transwestern Pipeline Co	City of Long Beach	06-27-86	B		
ST86-1921	do	Southern California Gas Co	06-27-86	B		
ST86-1922	do	City of Long Beach	06-27-86	B		
ST86-1923	Texas Gas Transmission Corp	Commonwealth Gas Pipeline Corp	06-27-86	B		
ST86-1924	do	Quivira Gas Co	06-27-86	B		
ST86-1925	do	Louisville Gas and Electric Co	06-27-86	B		
ST86-1926	do	do	06-27-86	B		
ST86-1927	Panhandle Eastern Pipe Line Co	Central Illinois Public Service Co	06-27-86	B		
ST86-1928	United Gas Pipe Line Co	Willmut Gas and Oil Co	06-30-86	B		
ST86-1939	ONG Transmission Co	Northern Natural Gas Co	06-30-86	C		
ST86-1930	Ohio River Pipeline Corp	Indiana Gas Co	06-30-86	B		
ST86-1931	Delhi Gas Pipeline Corp	Central Illinois Public Service Co	06-30-86	C		
ST86-1932	do	Peoples Natural Gas Co	06-30-86	C		
ST86-1933	do	Southern Natural Gas Co	06-30-86	C		
ST86-1934	do	Colorado Interstate Gas Co	06-30-86	C		
ST86-1935	do	Texas Gas Transmission Corp	06-30-86	C		
ST86-1936	do	Western Kentucky Gas Co	06-30-86	C		
ST86-1937	do	Texas Eastern Transmission Corp	06-30-86	C		
ST86-1938	El Paso Natural Gas Co	Gas Co. of New Mexico	06-30-86	B		
ST86-1939	United Gas Pipe Line Co	B & A Pipeline Co	06-30-86	B		
ST86-1940	do	Endevco Pipeline Co	06-30-86	B		
ST86-1941	do	New Orleans Public Service, Inc	06-30-86	B		
ST86-1942	do	Quivira Gas Co	06-30-86	B		
ST86-1943	do	City of Pensacola	06-30-86	B		
ST86-1944	Trunkline Gas Co	Consumers Power Co	06-27-86	B		
ST86-1945	El Paso Natural Gas Co	West Texas Gas, Inc	06-30-86	B		
ST86-1946	do	Southern Union Gas Co	06-30-86	B		
ST86-1947	United Gas Pipe Line Co	Iowa Southern Utilities	06-30-86	B		
ST86-1948	El Paso Natural Gas Co	San Diego Gas and Electric Co	06-30-86	B		
ST86-1949	Panhandle Gas Co	Faustina Pipe Line Co	06-30-86	D		
ST86-1950	Producer's Gas Co	Entrade Corp	06-25-86	D		
ST86-1951	Panhandle Gas Co	Consumers Power Co	06-30-86	D		
ST86-1952	do	Philadelphia Gas Works	06-30-86	D		
ST86-1953	Oasis Pipe Line Co	West Texas Gas, Inc	06-30-86	C		
ST86-1954	ANR Pipeline Co	Michigan Power Co	06-30-86	B		
ST86-1955	do	Wisconsin Public Service Co	06-30-86	B		
ST86-1956	do	Wisconsin Gas Co	06-30-86	B		
ST86-1957	do	Great River Gas Co	06-30-86	B		
ST86-1958	do	Michigan Consolidated Gas Co	06-30-86	B		
ST86-1959	do	do	06-30-86	B		
ST86-1960	El Paso Natural Gas Co	Pacific Gas and Electric Co	06-30-86	B		
ST86-1961	Texas Gas Transmission Corp	Rochester Gas and Electric Corp	06-30-86	B		
ST86-1962	do	do	06-30-86	B		
ST86-1963	United Gas Pipe Line Co	KM Texas Pipeline Corp	06-30-86	B		
ST86-1964	do	Dayton Power and Light Co	06-30-86	B		
ST86-1965	Delhi Gas Pipeline Corp	United Gas Pipe Line Co	06-30-86	C		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date	Transportation rate (¢/MMBtu)
ST86-1966	....do	....do	06-30-86	C		
ST86-1967	ONG Transmission Co	Northern Natural Gas Co	06-30-86	C	11-27-86	10.00
ST86-1968	Mississippi Fuel Co	Transcontinental Gas Pipe Line Corp	06-30-86	C	11-27-86	14.63
Below are four Revised Petitions for Rate Approval. They are noticed at this time to give interested parties the appropriate 150-day comment period.						
ST86-1144	MGTC, Inc.	MIGC, Inc.	06-18-86	C	11-15-86	03.12
ST86-1152	....do	....do	06-18-86	C	11-15-86	03.12
ST86-1154	....do	....do	06-18-86	C	11-15-86	03.12
ST86-1254	....do	....do	06-18-86	C	11-15-86	03.12

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.
[2] The intrastate pipeline has sought Commission approval of its transportation rate pursuant to § 284.123(b)(2) of the Commission's Regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 86-18676 Filed 8-18-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. QF86-956-000 et al.]

Waste Management, Inc., et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

August 15, 1986.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Waste Management, Inc.

[Docket No. QF86-956-000]

On August 1, 1986, Waste Management, Inc. of 3003 Butterfield Road, Oak Brook, Illinois 60521, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Milford, Connecticut. The facility will utilize mass combustion technology using unprocessed household and commercial refuse and trash as primary energy source. The electric power poroduction capacity of the facility will be 23 MW. The primary energy source will be municipal solid waste.

2. American REF-FUEL Company of Middlestate Connecticut

[Docket No. QF86-961-000]

On August 4, 1986, American REF-FUEL Company of Middlestate Connecticut (Applicant), of P.O. Box 3115, Houston, Texas 77253, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Middletown, Connecticut. The facility will consist of two biomass-fired waterwall steam generators and a condensing turbine generator. The net electric power production capacity will be 4.4 megawatts. The primary energy source will be biomass in the form of municipal solid waste. Oil, natural gas, or coal will be used for ignition, start-up, and other permissible uses defined under section 3(17) (B) of the Federal Power Act as amended by section 201 of PURPA.

3. CIBRO Petroleum Products Inc.

[Docket No. QF86-806-000]

On June 26, 1986, CIBRO Petroleum Products, Inc. (Applicant), of the Port of Albany, Albany, New York 12202, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in the Port of Albany, New York. The facility will consist of two combustion turbine generators, two waste heat recovery steam generators equipped with supplementary firing, and a extraction-condensing steam turbine generator. Steam recovered from the facility will be used in the refining processes. The primary energy source for the facility will be petroleum distillate. The maximum net electric power production capacity of the facility will be 8.24 MW. The installation of the facility will begin in January, 1987.

4. Milford Cogeneration Limited Partnership

[Docket No. Q86-960-000]

On August 4, 1986, Milford Cogeneration Limited Partnership (Applicant), of 202 R Brattle Street, Cambrige, Massachusetts 02138, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Milford Connecticut and will consist of a combustion turbine generator, a heat recovery steam generator, and a steam turbine generator. The electric power production of the facility will be 55 MW. Thermal energy recovered from the facility will be utilized in distillation, pasturization, drying, baking, space hearing, and other thermal processes. The primary energy source will be natural gas. Installation for the facility will begin in 1987.

5. UAH-Cencogen Group

[Docket No. Q86-957-000]

On August 1, 1986, UAH-Cencogen Group (Applicant), of 80 Eighth Avenue, Suite 711, New York, New York 10011, submitted for filing an application for certification for a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 7.5 megwatt hydroelectric facility (FERC P. 9159) will be located at the West Delaware Tunnel outlet in Sullivan County, New York.

A separate application is required for a hydroelectric project license, preliminary permit for exemption from licensing. Comments of such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

6. USS, a Division of USX Corporation

[Docket No. Q86-946-000]

On July 29, 1986, USS, a Division of USX Corporation (Applicant), of 600 Grant Street, Pittsburgh, Pennsylvania 15230, submitted for filing an application for certification for a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing

The topping-cycle cogeneration facility will be located in Chicago, Illinois. The facilty will consist of a steam generator and an extraction/condensing turbine generator. Extraction stream produced will be use of feedwater heating, and waste heat associated with the production of stream is reused in product heating operations. The electric power production capacity of the facility will be 65 MW. The primary energy sources will be natural gas and No. 6 fuel oil. The facility was installed in 1951.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18673 Filed 8-18-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51630; FRL-3045-1]

Toxic and Hazardous Substances Control; Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 86-15175 beginning on page 25251 in the issue of Friday, July 11, 1986, make the following corrections:

1. On page 25251, third column, in "P-86-1193", sixth line, insert "/" between "Kg" and "yr.".

2. On page 25252, first column, in "P-86-1198", fourth line, "Textile" was misspelled.

3. On the same page, second column, in "P-86-1206", three lines from the botton, "20" should have read "207".

4. In the third column, in "P-86-1211", third line, "polyoxyethyleneaniline" was misspelled.

5. On page 25253, second column, in "P-86-1217", last line, approval" should have read "approved".

BILLING CODE 1505-01-M

[A-6-FRL-3066-8]

Approvals of PSD Permits and Extension of a PSD Permit; Region 6

Notice is hereby given that the Environmental Protection Agency (EPA), Region 6, has issued Prevention of Significant Deterioration (PSD) permits to the following:

1. PSD-TX-642M-1—Amoco Chemicals Company: Chocolate Bayou petrochemical and polymer manufacturing plant located on FM Road 2004, approximately 15 miles south of Alvin, Brazoria County, Texas. PSD-TX-642M-1 modifies PSD-TX-642 to authorize the use of plant produced fuel gas in the gas turbine and heat recovery steam generator instead of limiting fuel to natural gas only. This modified permit was issued on April 2, 1986.

2. PSD-TX-402M-2—Amoco Oil Company: Petroleum refinery located near the intersection of Logan Street and 5th Avenue South in Texas City, Galveston County, Texas. PSD-TX-402M-2 modifies PSD-TX-402M-1 to reflect the actual SRU carbon monoxide emissions and to amend Special Provision No. 4 to delete the requirement to operate stack oxygen meters in accordance with the permit attachment "Use of Flue Gas Oxygen Meters as BACT for Combustion Controls." This modified permit was issued on April 30, 1986.

3. PSD-TX-654M-1—Marathon Oil Company: Yates natural gas processing plant located approximately two miles southwest of Iraan, Pecos County, Texas. PSD-TX-654M-1 modifies PSD-TX-654 to authorize: (1) The increase of the sweetening unit heater from 60 to 66 million Btu's per hour; (2) the increase of the A2 acid gas compressor from 1600 horsepower (hp) to 2000 hp; (3) the installation of a larger turbine driven residue gas compressor rather than the 1547 hp reciprocating engine driven compressor; (4) the deletion of the boiler, B2, from the facilities; and (5) the installation of a back-up electric generator so that there will be two turbine driven generators with heat recovery for steam generation. This modified permit was issued on April 30, 1986.

4. PSD-TX-683—Arco Oil and Gas Company: This permit, issued on April 30, 1986, authorizes the construction of a CO_2 separation plant at the existing Willard Unit located on State Highway 274, approximately two miles north of Denver City, Yoakum County, Texas.

5. PSD-LA-533—Conoco, Incorporated: This permit, issued on May 28, 1986, authorizes the modification of the existing refinery located on Highway 10, due west of Westlake, Calcasieu Parish, Louisiana.

6. PSD-LA-539—Border Chemical: This permit, issued on May 29, 1986, authorizes the modification of the existing chemical plant located on the east bank of the Mississippi River, approximately one mile east of Geismar, Ascension Parish, Louisiana.

7. PSD-TX-686—Liquid Energy Corporation: This permit, issued on June 4, 1986, authorizes the modification of the existing gas processing plant located on State Highway 114, approximately four miles west of Bridgeport, Wise County, Texas.

8. PSD-TX-685—Wichita Falls Energy Investments, Incorporated: This permit, issued on June 10, 1986, authorizes the construction of a natural gas fired cogeneration facility at 4515 Allendale Road, Wichita Falls, Wichita County, Texas.

9. PSD-TX-627M-1—J.M. Huber Company (formerly owned by Phillips 66 Company): PSD-TX-627M-1 modifies PSD-TX-627 to authorize the actual emissions of nitrogen oxides (147 tons per year) and sulfur dioxide (2892.5 tons per year) instead of the permitted emissions (157.1 tons per year and 3,150 tons per year, respectively). This modified permit was issued on June 13, 1986.

10. PSD-TX-699—Formosa Plastics Corporation, Texas: This permit, issued on June 13, 1986, authorizes the construction of a natural gas fired turbine cogeneration unit at the existing polyvinyl chloride plant located at 101 Formosa Drive, approximately one mile north of Point Comfort, Calhoun County, Texas.

11. PSD-TX-706—Shell Western E&P, Incorporated: This permit, issued on June 18, 1986, authorizes the construction of a natural gas fired boiler at the existing gas processing plant located off FM Road 2437,

approximately five miles southeast of Sheridan, Colorado County, Texas.

12. PSD–TX–679—Trend Exploration Limited: This permit, issued on June 18, 1986, authorizes the construction of a gas processing plant to be located on FM Road 779, approximately 3.25 miles southwest of Alba, Rains County, Texas.

13. PSD–TX–674—3M: This permit, issued on June 20, 1986, authorizes the construction of a reciprocating cogeneration unit at the research facility located on FM Road 2222, approximately four miles northwest of Austin, Travis County, Texas.

14. PSD–TX–682—Amoco Production Company: This permit, issued on June 25, 1986, authorizes the construction of a cryogenic CO_2 removal plant to be located on County Road P–16, approximately 4.5 miles northeast of Denver City, Yoakum County, Texas.

15. PSD–TX–655—Enterprise Products Company: This permit, issued on June 26, 1986, authorizes the modification of the existing propylene-propane fractionation plant located on FM Road 1942, approximately one mile northwest of Mont Belvieu, Chambers County, Texas.

These permits have been issued under EPA's Prevention of Significant Deterioration of Air Quality Regulations at 40 CFR 52.21, as amended August 7, 1980. The time period established by the Consolidated Permit Regulations at 40 CFR 124.19 for petitioning the Administrator to review any condition of the permit decisions has expired. Such a petition to the Administrator is, under 5 U.S.C. 704, a prerequisite to the seeking of judicial review of the final agency action. No petitions for review of these permits have been filed with the Administrator.

Notice is hereby given that the Environmental Protection Agency (EPA), Region 6, has extended the expiration date of the following Prevention of Significant Deterioration (PSD) permit:

1. PSD–TX–365—Central Power and Light: This permit, effective on November 26, 1981, authorizes the modification of the existing coalfired power plant located on Schroeder Road, approximately three miles northeast of Fannin, Goliad County, Texas. The company has postponed the start of construction due to changes in the load growth projection and financial considerations. This additional extension was granted on April 15, 1986, to a new expiration date of November 26, 1987.

The PSD regulation at 40 CFR 52.21(r)(2) states that the Administrator may extend the 18-month period in which construction must commence if the company shows that an extension is justified.

A notice of EPA's proposed action to extend this PSD permit was published in a newspaper in the affected area of the facility.

Documents relevant to the above actions are available for public inspection during normal business hours at the Air, Pesticides and Toxics Division, U.S. Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270.

Under section 307(b)(1) of the Clean Air Act, judicial review of the approval of these actions is available, if at all, only by the filing of a petition for a review in the United States Fifth Circuit Court of Appeals, for sources in Texas and Louisiana, within 60 days of August 19, 1986. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This notice will have no effect on the National Ambient Air Quality Standards.

The Office of Management and Budget has exempted this information notice from the requirements of section 3 of Executive Order 12291.

Dated: August 8, 1986.

Frances E. Phillips,

Acting Regional Administrator, Region 6.

[FR Doc. 86–18649 Filed 8–18–86; 8:45 am]

BILLING CODE 6560–50–M

[SAB–FRL–3066–6]

Science Advisory Board Dioxin Toxic Equivalency Methodology Subcommittee; Open Meeting

Under Pub. L. 92–463, notice is hereby given of a meeting of the Science Advisory Board's Dioxin Toxic Equivalency Methodology Subcommittee on September 8–9, 1986 at the U.S. Environmental Protection Agency, Room 1101 West Tower, 401 M Street, SW., Washington, DC 20460. The meeting will begin at 9:00 a.m. on September 8 and will adjourn no later than 3:00 p.m. on September 9, 1986.

The purpose of the meeting is to enable the Subcommittee to discuss and evaluate an April 1986 document prepared by EPA's Risk Assessment Forum and entitled: Interim Procedures for Estimating Risks Associated with Exposures to Mixtures of Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (CDDs and CDFs).

To obtain a copy of the document please contact the Technical Information Staff, Office of Research and Development, 401 M Street SW., Washington, DC 20460 or call, (202) 382–7345.

The meeting is open to the public. Any member of the public wishing to attend, obtain information, or submit written comments should contact Dr. Terry F. Yosie, Director, Science Advisory Board or Mrs. Joanna Foellmer located at 401 M Street SW., Washington, DC 20460 or call (202) 382–4126 by close of business September 2, 1986.

Dated: August 12, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86–18648 Filed 8–18–86; 8:45 am]

BILLING CODE 0560–50–M

[OW–10–FRL–3066–7]

Modification of NPDES General Permits for Oil and Gas Operations on the Outer Continental Shelf (OCS) and In State Waters of Alaska: Bering Sea and Beaufort Sea

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Modification of NPDES General Permits.

SUMMARY: The Regional Administrator, Region 10, (the Region) is proposing to modify the National Pollutant Discharge Elimination System (NPDES) general permits for the Bering and Beaufort Seas, which appeared in the **Federal Register** on June 7, 1984 (49 FR 23734). The Bering Sea general permit authorizes discharges from offshore operations in all areas offered for lease by the U.S. Department of the Interior's Minerals Management Service (MMS) during Federal Lease Sales 70 (St. George Basin) and 83 (Navarin Basin). The Beaufort Sea general permit authorizes discharges from offshore facilities in areas offered for lease by: (1) MMS during Federal Lease Sales 71 and 87, (2) the State of Alaska in State Lease Sales 36, 39, 43, and 43A, and (3) MMS or the State of Alaska in Federal/State Lease Sale BF and contiguous inshore State lease sales, except for the area generally known as the Stefansson Sound Boulder Patch. The permits do not authorize discharges into any wetlands adjacent to the territorial waters of the State of Alaska or from facilities defined as "coastal" or "onshore" (see 40 CFR Part 435 Subparts C and D). The Agency is modifying the general permits for the Bering and Beaufort Seas in response to the court decision in *American Petroleum Institute, et al.* v. *EPA, et al.*, 787 F.2d 965 (5th Cir. 1986). The court vacated the

condition in both permits prohibiting the discharge of drilling muds containing diesel oil and remanded this condition to the Agency for further proceedings consistent with the opinion. The court vacated the condition because the court determined that EPA had failed to comply with the Agency's regulations in designating diesel oil as an indicator pollutant and in regulating diesel oil as a "toxic" pollutant. EPA believes that today's notice proposing to reestablish the prohibition on the discharge of muds and cuttings contaminated with diesel oil fully complies with the applicable regulations and the court's decision.

Only this condition of the permits is to be reopened and modified, in accordance with 40 CFR 124.5(c)(2). All other conditions of the existing permits shall remain in effect. A new administrative record has been developed to support the proposed modification.

The notice of the final general permits (49 FR 23734, June 7, 1984) set forth the principal facts and the significant factual, legal, and policy questions considered in the development of the terms and conditions of the original permits. The basis for the proposed modification is given in the fact sheet published below.

DATES: Interested persons may submit comments on the draft modification to the permits to EPA Region 10, at the address below. Comments must be received in the regional office by September 19, 1986. Persons wishing to request that a public hearing be held must do so by writing to the address listed below by the close of the public comment period. A request for a public hearing shall state the nature of the issues to be raised as well as the requestor's name and telephone number.

ADDRESS: The administrative record for the proposed modification to the permits is available for public review at EPA, Region 10, Ocean Programs Section, at the address which follows. Comments should be sent to: Environmental Protection Agency, Region 10, Attn: Ocean Programs Section M/S 430, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Janis Hastings, Region 10, at the above address or telephone (206) 442-8504. Copies of today's notice and the permits may be obtained by writing to the above address or by calling Kris Flint at (206) 442-8155.

SUPPLEMENTARY INFORMATION:

Supplementary Information and Fact Sheet

Organization of This Notice

I. Statutory Basis for Permit Conditions

A. Technology-Based Effluent Limitations

Sections 301(b), 304, 401, 402, and 403 of the Clean Water Act provide the basis for the permit conditions contained in the permit. The proposed modified permit condition is a technology-based effluent limitation. A discussion of the basis for this modification follows in Part II.

NPDES permits for industrial dischargers must incorporate effluent limitations which are based on the treatment technology that can be applied to particular classes of industrial dischargers. The Clean Water Act provides for the implementation of technology-based effluent limitations in two stages. First, dischargers are required to achieve effluent limitations which reflect the application of the best practicable control technology currently available (BPT). Second, dischargers must achieve effluent limitations which result from best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT).

Technology-based effluent limitations guidelines are developed by EPA on a nationwide industry-by-industry basis. Oil and gas exploratory operations authorized to discharge under the general permits for the Bering and Beaufort Seas are included in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435, Subpart A). EPA promulgated BPT effluent limitations guidelines for this category on April 13, 1979 (44 FR 22069).

BAT and BCT effluent limitations guidelines and new source performance standards (NSPS) were proposed for the Offshore Subcategory on August 26, 1985 (50 FR 24592). The Agency currently expects to promulgate these guidelines and standards in 1988. However, all permits issued after July 1, 1984, are required by section 301(b)(2) of the Act to contain effluent limitations for all categories and classes of point sources which: (1) Control "toxic pollutants" (listed in 40 CFR 401.15) through the use of BAT, and (2) represent BCT for the control of "conventional pollutants" (pH, BOD, oil and grease, suspended solids, and fecal coliform). In no case may BCT or BAT be less stringent than BPT. Permits must impose effluent limitations which control all other pollutants, termed "nonconventional pollutants," by means of BAT not later than July 1, 1987.

In the absence of effluent limitations guidelines for the Offshore Subcategory, permit conditions must be established using best professional judgment (BPJ) procedures (40 CFR 122.43, 122.44, and 125.3). The draft modification to the permits is a BAT effluent limitation based on EPA Region 10's best professional judgment. In addition to the general permits for the Bering and Beaufort Seas, BPJ determinations for offshore oil and gas exploratory operations were incorporated into a general permit for Norton Sound (50 FR 23578, June 4, 1985). The modification proposed today establishes the same permit requirement as contained in the Norton Sound general permit.

As required by section 304(b)(2)(B) of the Act, in developing the BPJ/BAT permit conditions, EPA considered the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Director deemed appropriate.

The types of equipment and processes employed in exploratory drilling operations are well known to EPA. Region 10 has issued numerous general and individual permits for such operations. The records for this permit modification and those earlier permits thoroughly discuss the types of equipment, facilities, and processes employed in exploratory drilling operations. With regard to the engineering aspects of the application of various types of control techniques, there are no BAT permit limitations based on installation of control equipment. The BAT permit limitation in the proposed modification can be achieved through product substitution,

the technology basis for the limitation. While the primary determinant of BAT is pollutant removal capability, EPA has given substantial weight to the reasonableness of cost of the effluent limitations. EPA has considered the quantity and nature of discharges expected after application of BAT, the general environmental effects of the pollutants, and the costs of the required pollution control. These evaluations are discussed below with respect to the modified limitation where applicable.

B. Ocean Discharge Criteria

Section 403 of the Act requires that an NPDES permit for a discharge into marine waters located seaward of the inner boundary of the territorial seas be issued in accordance with guidelines for determining degradation of the marine environment. These guidelines, referred to as the Ocean Discharge Criteria (40 CFR Part 125, Subpart M), and section 403 are intended to "prevent unreasonable degradation of the marine environment and to authorize imposition of effluent limitations, including a prohibition of discharge, if necessary, to ensure this goal" (45 FR 65942, October 3, 1980).

The Regional Administrator has concluded on the basis of the existing record for the permits that discharges from exploratory oil and gas facilities operating in compliance with the final terms and conditions as modified by today's proposal will not cause unreasonable degradation of the marine environment pursuant to the Ocean Discharge Criteria guidelines.

II. Prohibition on the Discharge of Diesel Oil

A. Summary of Basis for Modification

The general permits for the Bering and Beaufort Seas were challenged by the American Petroleum Institute (API), Atlantic Richfield Company, Conoco Inc., Exxon Corporation, and Mobil Oil Corporation. In a decision dated April 18, 1986, six out of seven challenged conditions were upheld. *API, et al.*, v. *EPA, et al.*, 787 F.2d 965 (5th Cir. 1986). The seventh condition, a prohibition on the discharge of drilling muds containing diesel oil, was vacated and remanded to the Agency for further proceedings consistent with the opinion. The permit modification proposed today has been developed to respond to the issues raised by the court.

The court remanded the diesel oil prohibition in the Bering and Beaufort Seas permits based on a determination that EPA's regulation of diesel oil under BAT was not in accordance with EPA's regulations. The court noted that diesel oil belongs among the "oil and grease" family of conventional pollutants, which are identified at 40 CFR 401.16 and limited by BCT. EPA's regulations provide, however, that conventional pollutants may be used as indicators of toxic pollutants and thereby controlled under BAT. As noted by the court, such BAT limitations must be established in accordance with a specific provision of NPDES regulations, 40 CFR 125.3(h)(1), as amended by 49 FR 38046, September 26, 1984. EPA has carefully evaluated the most appropriate means of regulating diesel oil and has determined that diesel oil should be controlled as an indicator of toxic pollutants. In this proposed modification, EPA has explained why this proposal fully complies with the requirements in 40 CFR 125.3(h)(1). The Region has also provided new information in the record which expands the technical basis for the use of diesel oil as an indicator.

While the court's remand was based on the above considerations (787 F.2d at 975–976), the court also recommended that EPA carefully analyze the "operational, safety and cost concerns, as well as the actual evaluation of the toxicity of the diesel oil when used solely in the infrequent application as a 'pill.' " 787 F.2d at 976. (See Part II.D., below, for a discussion of the use of diesel pills.) The court's concerns are summarized as follows. If mineral oil does not suffice as a substitute for diesel oil for freeing stuck drill pipe, then diesel oil would be required in these instances. A consequence of the diesel oil prohibition would therefore be to require barging of muds ashore once diesel oil had been added to a mud system in order to free stuck pipe. Barging would not only be costly (industry estimates reported by the court range from $200,000–$400,000 per well) but also potentially risky, depending on climatic conditions. Furthermore, if it were true that discharged muds rapidly disperse, there may be little potential for harm to marine life. 787 F.2d at 976–977.

As a potential approach to this issue, the court noted that in 1984 industry had proposed in comments on the Bering/Beaufort permits that the discharge of muds should be allowed:

> following application of a diesel pill, so long as (1) the pill itself and an appropriate buffer zone of mud were removed from the discharge and (2) the overall oil content of the residual drilling mud did not increase beyond a specified limit. See Response to Comment 18, 49 FR 23745. 787 F.2d at 977.

The court suggested that EPA may pursue this alternative proposal on remand, especially since the EPA/industry study "commenced after the record was closed in this case," or, that "cooperating with industry, it [EPA] may develop another approach to these operations." *Id.*

EPA has carefully evaluated the above issues. Since issuance of the Bering and Beaufort permits, EPA's Industrial Technology Division, in coordination with API, has been developing the "EPA/API Diesel Pill Monitoring Program" as a research study to determine the effectiveness of pill recovery as a means to remove diesel oil from drilling mud systems and the acceptability of the remaining drilling mud for discharge. The proposed BAT effluent limitations guidelines for the offshore oil and gas industry (50 FR 34592, August 26, 1985) prohibit the discharge of drilling muds which have contained a diesel pill, based on the technology of product substitution of mineral oil for diesel oil (50 FR 34607–9). EPA is pursuing the Diesel Pill Monitoring Program (DPMP) at the request of industry to examine diesel pill removal as an alternative approach to regulation under the national guidelines for this industry (50 FR 34621).

The DPMP study plan requires that the pill be removed along with buffer zones of at least 50 barrels on either side of the pill prior to discharging the rest of the drilling mud. The pill and associated drilling mud buffer zones are not discharged. Samples of the drilling mud before pill addition and after pill removal are shipped to an onshore laboratory for analysis of diesel oil content and toxicity.

The Gulf of Mexico was selected for this study because of the large number and diversity of drilling operations. Participation in the program is required for operators who use diesel pills and intend to discharge the muds under the NPDES general permit for offshore oil and gas operations in the Gulf of Mexico. This permit was issued on June 27, 1986 (51 FR 24897, July 9, 1986). During the experimental study the discharged drilling mud containing residual diesel oil is subject to limitations of 1,000 barrels per hour (bbl/hr) flowrate and no free oil. Free oil is determined by visual observation of the surface of the receiving water for a sheen. The program will last from one to two years from the date of issuance of the permit. EPA will then evaluate the data and, under 40 CFR 124.5, develop a modification of the general permit for the Gulf of Mexico based on the study results. The modified permit will include a final provision specifying under what conditions, if any, the discharge of drilling muds and cuttings may continue

following the use of a diesel pill. The Gulf of Mexico general permit excludes from the study operators who discharge in the vicinity of areas of biological concern, where discharge rate limitations of less than 1,000 bbl/hr apply, or in areas where shunting is required by MMS lease stipulations due to environmental concerns. The discharge of drilling muds to which diesel was added is prohibited in these areas.

EPA does not propose to allow the discharge of diesel oil-contaminated muds in the frontier arctic regions of Alaska prior to evaluating the results from the Gulf of Mexico. In the absence of data on the effectiveness of pill recovery, product substitution is a reasonable and appropriate basis for limiting the toxic pollutants arising from the use of diesel oil in muds discharged from exploratory wells in the Bering and Beaufort Seas offshore of Alaska. Diesel oil-contaminated muds and cuttings were prohibited from discharge in the Beaufort Sea beginning in 1983 (48 FR 54881, December 7, 1983) and in the Bering Sea since the beginning of exploratory drilling (49 FR 23734, June 7, 1984). After evaluation of the Diesel Pill Monitoring Program results, EPA will then reconsider the alternative approach to limiting toxic pollutants which allows the discharge of muds from which a diesel pill has been removed. (See 40 CFR 124.5 and 122.62 regarding requirements for permit modifications.)

EPA has conducted further investigation of the suitability of mineral oil as a substitute for diesel oil and has placed numerous technical references and other information compiled during the two years since issuance of the original Bering/Beaufort permits in the administrative record. As discussed in detail below, this information fully supports the conclusion that mineral oils perform effectively in applications in which diesel oil has been commonly used in the past.

B. Proposed Effluent Limitation on Diesel Oil

The permit modification proposed today prohibits the discharge of muds which have been contaminated by diesel oil (*i.e.*, those drilling muds which have contained diesel oil) or drill cuttings associated with these muds. This prohibition was incorporated in the original permits. Diesel oil, which is sometimes added to a water-based mud system, is a complex mixture of petroleum hydrocarbons, known to be highly toxic to marine organisms. Diesel oil may contain from 20 to 60 percent by volume aromatic hydrocarbons. The light molecular weight aromatic hydrocarbons, such as benzenes, naphthalenes, and phenanthrenes, constitute the most toxic major components of petroleum products. Mineral oils, with their lower aromatic hydrocarbon content and generally lower toxicity, contain lower concentrations of toxic pollutants than do diesel oils. Diesel oil also contains a number of nonconventional pollutants, including polynuclear aromatic hydrocarbons such as methylnaphthalene, dimethylnaphthalene, methylphenanthrene, and other alkylated forms of each of the listed toxic pollutants.

C. Diesel Oil as an Indicator of Toxic Pollutants

While the limitation on diesel oil thereby controls the toxic as well as nonconventional pollutants present in diesel oil, the Agency's primary concern Is to control the toxic pollutants. The pollutant "diesel oil" is being used as an "indicator" of the listed toxic pollutants present in diesel oil which are controlled through compliance with the effluent limitation (*i.e.*, no discharge). The technology basis for this limitation is product substitution of less toxic mineral oil for diesel oil.

The Agency selected "diesel oil" as an "indicator" as an alternative to establishing limitations on each of the speclfic toxic and nonconventional pollutants present in the diesel oil-contaminated waste streams. NPDES regulations at 40 CFR 125.3(h)(1) authorize a permit writer to establish limitations for a conventional pollutant which are more stringent than BCT, or limitations for a nonconventional pollutant which shall not be subject to modification under section 301(c) or (g) of the Act, where (in either case): (1) The pollutant has been identified as an indicator in effluent limitations guidelines, or (2) the permit writer makes findings warranting use of the pollutant as an indicator.

In the absence of BAT guidelines, EPA has acted pursuant to the second provision, 40 CFR 125.3(h)(1)(ii). First, 40 CFR 125.3(h)(1)(ii)(B) requires EPA to identify the toxic pollutants to be controlled by the limitation on diesel oil. The listed toxic pollutants found in various diesel oils, which will be controlled by the limitation, include naphthalene, benzene, ethylbenzene, phenanthrene, toluene, fluorene, and phenol. All of the above toxic pollutants were present in a diesel oil identified as "Alaska diesel" (Requejo *et al.* 1984).

Second, 40 CFR 125.3(h)(1)(ii) (A) and (C) require findings that (1) the indicator limitation reflects BAT-level control of discharges of one or more toxic pollutants which are present in the waste stream, and

(2) establishing effluent limits on the specific toxic pollutants would be economically or technically infeasible. A treatment system does not exist that could be installed and used on a rig to reduce toxic pollutants in diesel oil-contaminated drilling fluids prior to discharge. Thus, the BAT-leve1 control for the specific toxic pollutants would be the same as for the case where diesel oil is limited as an indicator pollutant: reductions achievable through use of mineral oil in place of diesel oil.

Studies show that when the amount of diesel oil is reduced in drilling muds, the concentrations of toxic pollutants and the overall toxicity of the fluid generally are reduced (Breteler *et al.* 1985, Duke and Parrish 1984, Requejo *et al.* 1984, Science Applications, Inc. 1984). Mineral oils, with their lower aromatic hydrocarbon content, contain lower concentrations of toxic pollutants than do diesel oils. While concentrations of toxic pollutants vary among different diesel oils, available data clearly establish that diesel oils as a class contain significantly higher levels of toxic pollutants than do mineral oils as a class.

As an example, in an analysis of toxic pollutants in three mineral oils and six diesel oils, naphthalene was detected in only one of the three mineral oil samples, at a level of 0.05 mg/ml. In contrast, naphthalene was detected in all six diesel oils at levels ranging from 0.48 mg/m1 to 3.25 mg/ml. While the levels of naphthalene may vary in diesel oil, they routinely and significantly exceed the levels detected in mineral oils. Similarly striking results occurred in the analyses for benzene, ethylbenzene, fluorene, phenanthrene, and phenol, and for the alkylated homologues of each of these toxic pollutants, including naphthalene. This issue was also addressed in the response to Comment 7 of the Norton Sound general permit, 50 FR 23586–88.

A calculation of the predicted BAT levels of control for specific toxic pollutants can be made by multiplying the known concentrations of specific pollutants in mineral oils (*e.g.*, Requejo *et al.* 1984) by the known or estimated concentration of oil in the drilling mud. The results of these calculations for numerous toxic pollutants and classes of nonconventional pollutants are contained in the administrative record. The concentrations of these pollutants will vary, as expected, depending on the amount and specific type of mineral oil used. Concentrations of toxic pollutants

resulting from as much as 5 percent by volume "Mineral Oil A" were predicted to range from undetectable amounts of benzene, ethylbenzene, fluorene, phenanthrene, and phenol to 2.5 mg/l of naphthalene. Calculations for 5 percent "Mineral Oil B and C" resulted in undetectable amounts of benzene, ethylbenzene, naphthalene, and phenol and from 0.5 to 7.5 mg/l fluorene and 2 to 10 mg/l phenanthrene. No other toxic pollutants were detected. Thus, for Mineral Oils A, B, and C the sums of the Concentrations of these toxic pollutants were 2.5, 17.5, and 2.5 mg/l, respectively. It should be noted that a concentration of 5 percent mineral oil is more than twice the amount of oil generally expected (approximately 2 percent) based on Region 10's previous authorizations for mineral oil discharge. Therefore, a more realistic estimate of toxic pollutant concentrations is less than one-half of the above amounts, or approximately 1 to 7 mg/l. These toxic pollutant levels can be compared with a total of 25 to 67 mg/l of the above pollutants when various diesel oils are used. This calculation assumes diesel pill removal, resulting in a residual diesel oil concentration in the mud of 1.5 percent by volume. (This diesel oil concentration is derived from a 1985 industry estimate that 60 percent of a diesel pill may be recovered.) The calculation does not take into account the concentrations of hydrocarbons which may already be present in such a mud from the use of a mineral oil lubricant. The above studies confirm that it is reasonable and appropriate to conclude that BAT-level control of toxic pollutants (*i.e.*, reduction in concentrations through substitution of mineral oil for diesel oil) will be achieved by regulating diesel oil as an indicator pollutant.

Region 10 also has concluded under 40 CFR 125.3(h)(1)(ii)(C) that the alternative of establishing effluent limitations for each of the seven toxic pollutants present in diesel oil is not economically or technically feasible at this time. As discussed above, the level achievable by BAT controls on the specific toxics can be calculated using available data on the three mineral oils which have been extensively characterized. However, the limited data on the many diesel and mineral oils, mud formulations, and various additives used, and on the unquantified changes in toxic pollutant concentrations during drilling all frustrate an attempt to develop specific toxic pollutant effluent limitations at this time.

Not only is it scientifically infeasible to establish limitations on the specific toxic pollutants, but to comply with specific limitations on each of the toxic pollutants would be costly and technically complex. The analytical costs for specific pollutant analyses would be much greater than the cost of analyzing for diesel oil by gas chromatography alone. The high cost of compliance monitoring may include awaiting results of analyses which must be conducted onshore, possibly outside the State of Alaska. Either operators would have to delay discharge until monitoring results confirmed compliance or they would discharge and risk permit noncompliance. A permit limitation that prohibits the discharge of diesel oil allows a determination of permit compliance prior to discharge. Thus, a prohibition on the discharge of diesel oil is economically and technologically feasible.

D. Mineral Oil as a Substitute for Diesel Oil

The prohibition on the discharge of diesel oil is a technology-based BAT limitation based on product substitution. Low toxicity mineral oils are available as product substitutes for diesel oil and do not impose unreasonable additional costs on industry. EPA's findings regarding technological aspects of product substitution are detailed below, preceded by a general discussion of drilling fluid applications.

Drilling fluids can be classified into two major categories, water-based and oil-based, depending on the primary liquid phase component. Water-based muds are used in the vast majority of wells and are the only kind of muds permitted to be discharged; oil-based muds are prohibited from discharge under both BPT and BCT limitations on free oil. Water-based muds may contain oil for one of two major applications: (1) As an additive for enhanced lubrication, and (2) as a pill (also known as a "spot" or "spotting fluid"). In previous permit proceedings, industry has not requested the use of diesel oil as a lubricant but rather has requested diesel oil only for the pill application.

In the pill application approximately 100 barrels (4,200 gallons) of oil-based fluid is added as a slug to the water based mud system and circulated into the well. This is done to free the rotary drill pipe in cases where it becomes lodged at some point along one side of the well and embedded in the filter cake. This condition, also called "differential sticking," can worsen over time, generally requiring greater force and a longer spotting/soaking time to free the pipe the longer the situation remains uncorrected. If an oil-based spotting fluid is indicated, the oil-based pill is circulated to the point of sticking and generally allowed to remain for a number of hours, after which an attempt is made to turn and free the pipe. The pill may eventually be allowed to mix throughout the water-based drilling mud, which circulates through the well, back up to the mud pit on the rig, and into the well again. It may also be recovered as it first comes up out of the well; however, some residual oil will mix with and remain in the mud. If the attempt to free stuck pipe is unsuccessful, then the drill pipe, drill bit, and other expensive equipment may have to be disconnected and abandoned in the well below the point of sticking. If conditions appear promising, extra time and money may then be spent "fishing," in which specialized tools may be used in an attempt to recover the lost equipment. ("Fishing" is a general term which usually refers to attempts to retrieve anything lost in the hole, but it can also refer to attempts to free stuck drill pipe even if the equipment is not disconnected from the upper drill string and left in the well.) If all else fails. the well may have to be redrilled at an angle from the stuck point on down, or abandoned. Thus, stuck pipe, which is estimated to occur in nearly one-third of all wells drilled (Burgbacher 1985), is potentially a time-consuming and costly drilling problem (Love 1983, Outmans 1974).

Diesel oil has had longstanding use in oil well drilling, both as a lubricant and a spotting agent, because it is a relatively low cost oil and is readily available from a rig's fuel tanks. Mineral oil is less convenient since it must be stored separately in barrels or in a storage tank; however, once available, mineral oil pills are mixed onsite in the same fashion as a diesel pill (see also "Cost Considerations," Part II.E.). The use of diesel oil has nonetheless declined considerably in recent years due to concerns over the toxicity of diesel oils. Furthermore, refined, low aromatic content mineral oils are preferred on some exploratory wells since they are non-fluorescent, as opposed to diesel oil, which is fluorescent (Clements and Hinds 1983). If the carrier mud is non-fluorescent (*i.e.*, does not contain diesel oil), then during logging of an exploratory well an oil-bearing formation can be discriminated from formations that do not contain oil by the fluorescence of the crude oil-contaminated cuttings. Product substitutes for the traditional use of diesel oil as a lubricant in water-based muds are therefore widely used, and industry acknowledges the availability and operational acceptability of such

products. For the "pill" application, however, industry has requested to be allowed to use diesel oil-based spotting fluids provided that as much of the pill is removed as possible prior: to discharge of the remaining mud.

With respect to prohibiting the discharge of muds which have been contaminated by the use of a diesel pill, two major issues arise: (1) Whether alternatives such as mineral oil pills are operationally acceptable as substitutes for diesel pills, and (2) whether the BAT control technology should be based on removal of the diesel pill rather than on substitution of mineral oil for diesel oil. (For discussion of the second issue, see Part II.F.)

Regarding the first issue, available data clearly establish that acceptable alternatives exist to the use of diesel oil in oil-based spotting fluids. Low toxicity mineral oils are available that have suitable physical properties (*e.g.*, viscosity, pour point, and thermal stability) for drilling applications (Bennett 1983, Boyd *et al.* 1983, Salisbury and Jachnik 1984, Whitfill 1986). Chemical packages specially formulated to be compatible with mineral oil have been developed (Clapper and Salisbury 1984, Clements and Hinds 1983, Salisbury and Jachnik 1984). The development of suitable additives is important because oil-based fluids (both drilling and spotting fluids) require emulsifiers, surfactants/dispersants, viscosifiers, and barite, in addition to the base oil. Most oil-based fluids also include emulsified water as an integral component for viscosity; the chemical additives are important in forming and stabilizing the water-in-oil emulsion and in wetting and dispersing mud solids. Given the long history of diesel oil use, there are numerous existing chemical additive packages that are tailored to the specific properties of diesel oil. Such additives may have different solubilities and behaviors in mineral oils, which most notably differ from diesel oils in their lower aromatic hydrocarbon content. Most emulsifiers and other additives formulated for conventional diesel oil-based fluids can however be used with mineral oils (Bennett 1983, Hinds and Clements 1982). Nonetheless, the cost and efficiency of such formulations are not necessarily optimized for mineral oil as they are for diesel oil, possibly resulting in some sacrifice of drilling cost (in drilling applications, as opposed to spotting applications) and performance (Cowan and Brookey 1984). The conventional diesel oil additives themselves may also be highly toxic (Hinds and Clements 1983, Jones *et al.* 1983). As a result, when the base oil is changed to a mineral oil, the types of chemical emulsifiers and other additives are generally adjusted to achieve the most effective performance and in some cases to lower the toxicity.

Major drilling mud companies market specially formulated mineral oil-based spotting fluids. Information on a number of products currently available for use is contained in the administrative record. In many cases information provided by the supplier documents the spotting fluid performance by case histories and overall statistics on success of freeing stuck pipe. Operators under Region 10's permits, including the existing Bering and Beaufort Seas permits, routinely request authorization in advance of discharge of such products. Differential sticking is not an uncommon drilling problem. It is planned for in advance even though drilling conditions do not ultimately dictate the use of an oil-based pill in most exploratory wells offshore of Alaska.

The above studies and other data demonstrate the successful performance of mineral oil-based drilling and spotting fluids in both the laboratory and in numerous field applications. Case histories of the successful use of mineral oil spotting fluids in actual drilling situations are provided in Bennett (1983), Boyd *et al.* (1984), Pruett (1984), and Whitfill (1986) as well as in written information provided by suppliers. Success rates of various mineral oil-based fluids used as spotting agents to free differentially stuck pipe have been reported to be in excess of 85 percent (Bennett 1983). The first mineral oil-based fluid was available commercially in 1975 as a spotting fluid for differentially stuck pipe (Bennett 1983). Since that time, as a consequence of the increasing concerns over the toxicity of diesel oil and of the product developments over the past decade, mineral oil-based fluids have become widely used as drilling muds in addition to their initial spotting fluid application. Case histories of the effectiveness of mineral oil-based fluids for drilling are provided in Hinds and Clements (1983) and Salisbury and Jachnik (1984).

Although oil-based drilling muds (aside from the spotting fluid application) are not an issue for this permit modification, it should be noted that mineral oils have gained wide acceptance as substitutes for diesel oils in these muds. In the North Sea, for example, drilling from production platforms located in deep water involves large horizontal well displacements using directional drilling techniques. Although much more expensive than water-based muds, oil-based muds have been favored for this application to reduce the torque and drag on the drill stem and to maintain borehole stability. Over half of the wells drilled in the United Kingdom Sector of the North Sea in 1983 used oil-based muds, and over half of these used mineral oil (Davies *et al.* 1984). As a result of environmental guidelines first proposed in 1982, 71 percent of the North Sea wells used mineral oil-based muds by 1984; diesel oil-based muds were used in only 5 percent of the wells (Davies 1986). By 1985, mineral oil-based muds were used almost exclusively in these fields. *Id.* The primary concern with conventional, diesel oil-based mud systems has been the toxicity of the diesel oil-contaminated cuttings, even after they are separated from the muds and washed by cuttings washers. The oil-based muds themselves are not discharged. The dramatic shift away from diesel oil-based muds attests to the successful formulation of chemical additives compatible with low toxicity mineral oils. The successful performance of mineral oil-based muds has clearly been demonstrated in these applications. This performance is consistent with their success in spotting applications.

Even though mineral oil spotting fluids can be substituted for diesel oil products, the success of freeing stuck pipe or retrieving the drill string by fishing is limited. A survey by the American Petroleum Institute (API) noted that either diesel or mineral oil was used to free stuck pipe in fishing operations in 29 percent of 655 wells surveyed in 1983 (Burgbacher 1985). (Since the words "fishing" and "freeing stuck pipe" were used interchangeably in the survey report, it appears that the survey encompassed all stuck pipe situations in which mineral or diesel oil was used. However, this point needs clarification since "fishing" is sometimes used in a narrower sense to apply only to operations where the drill pipe must be disconnected at the point of sticking, the upper portion of the drill pipe withdrawn, and a fishing tool deployed to free the stuck pipe.) In the API survey diesel oil was successful in only 48 percent of 151 fishing operations. The mineral oil success rate in 84 cases during 1983–1984 was 33 percent. While the success of fishing with mineral oil might be slightly less than the diesel oil success rate in this survey, the relative performance of the oils cannot be assessed without information on the comparability of drilling situations. For example, Love (1983) determined that the chances of freeing stuck pipe in 113

cases and the potential success of fishing operations were related to specific conditions at each well. Success decreased with increasing angle of the well, mud weight, amount of open hole, API fluid loss of the mud, and bottom-hole-assembly length. The chances of success dropped off substantially when a numerical index calculated from the above factors exceeded a certain level. Critical information on whether these factors were comparable for the wells treated using the two kinds of oil is not included in the API survey. Hence, the relative difficulty of freeing the stuck pipe and fishing cannot be directly compared between the two groups of wells. Also, it is unknown whether the wells treated unsuccessfully with mineral oil were also diesel pill failures. In fact, one detailed case history demonstrates the success of mineral oil where diesel oil failed (Pruett 1984a). In conclusion, the API survey is inconclusive regarding the relative effectiveness of the two types of oil in freeing stuck pipe. Other studies noted above demonstrate the favorable performance of mineral oil pills. The API survey also does not consider the more recent experience gained with mineral oil products. EPA invites any more recent or supplementary data available on this issue.

In conclusion, regarding the technology of product substitution, mineral oil-based fluids have a demonstrated product development and performance as substitutes for diesel oil-based fluids. This determination is based on the following: (1) The availability and successful formulation and use of chemical additives that are compatible with mineral oils, (2) the commercial availability of mineral oil spotting fluids, and (3) the demonstrated performance of mineral oil spotting fluids as documented by published case histories and performance statistics.

E. Cost Considerations

EPA has evaluated the cost of the diesel oil prohibition based on product substitution as a treatment technology. Nonetheless, operators are not prevented from electing to use diesel oil and barge the contaminated mud for land disposal to meet the permit terms. The costs associated with this alternative have not been evaluated since barging is not the technology basis for the effluent limitation.

One cost of product substitution is the added expense of using mineral oil instead of diesel oil. Available data show that mineral oil costs Alaskan operators approximately $2.60 per gallon more than does diesel oil. The costs incurred with mineral oil use rather than diesel oil for 50 barrels (2,100 gallons) of oil (the amount generally expected in a 100-barrel concentrated spotting formulation to free stuck drill pipe) would therefore be equal to approximately $5,500. To date approximately one in ten wells drilled under the Bering and Beaufort Seas general permits have used a mineral oil pill. The frequency of differential sticking of drill pipe requiring the use of oil-based spotting formulations is therefore low for these exploratory operations; this cost would not be incurred for each operation.

One advantage of diesel oil is its ready availability from a rig's fuel tanks. Costs may be associated with the handling and storage required for mineral oil. Mineral oil must be stored in 55-gallon drums, other similar containers, or an auxiliary tank. Storage space for mineral oil spotting fluids can be made available on gravel islands and large rigs designed for harsh weather conditions characteristic of offshore Alaska, if the operator requires the ready availability of such materials. Offshore operators can also store drilling supplies at a marine support facility or on supply barges (Lewis 1983). These materials are supplied to the rig as needed by either supply boats, aircraft, or trucks driven over ice. While the transport of mineral oil would entail some cost. EPA assumes that this would not be an unusual expense given the need to transport other supplies in a similar manner.

EPA has also quantified the increased cost associated with the use of a mineral oil pill in place of a diesel pill by assuming that mineral oil would be stored in a rented tank on the rig. The details of this analysis are Contained in the administrative record. Based on API estimates, the cost of tank rental for mineral oil storage may add an additional $1,200. The total cost per mineral oil pill is then estimated to be $22,765 ($7,665 for oil, $13,900 for chemical additives, and $1,200 for storage tank rental). Estimates of the total cost for use of diesel pills range from $19,700 up to $32,200 (for hauling the contaminated mud ashore). If removal and barging of the mineral oil pill is required to meet limitations on toxicity or free oil, the increased cost of a mineral pill over a diesel pill may be attributed primarily to the increased cost of mineral oil ($5,500), chemical additives ($4,700), and tank storage ($1,200), resulting in a total increased cost of $11,400. Participation of operators in the Diesel Pill Monitoring Program for the use of diesel pills would add an additional $4,000 to the cost of diesel oil use, thereby reducing the relative cost of mineral oil use by this amount.

The cost of drilling an exploratory well is approximately $40 to $50 million in the Beaufort Sea, not including the island or drilling structure, and roughly $20 to $30 million in the Bering Sea. The increased cost due to a mineral oil pill is approximately 0.05 percent or less of the total drilling cost. The cost associated with the prohibition on the discharge of diesel oil clearly is economically achievable for Alaskan offshore operations.

F. Alternative to Diesel Oil Prohibition: Removal of Diesel Pill and Oil Limitation

One suggested alternative to the diesel oil prohibition would be to allow the discharge of drilling muds in which a diesel pill had been used, provided that the pill is removed and the residual drilling mud meets specified limitations on the oil content (see Part II.A., above). Such an approach depends on accomplishing effective pill removal such that the drilling mud can meet all other effluent limitations. The oil content limitation would be set at a level which not only reflects BAT control of toxic pollutants in diesel oil but also provides adequate safeguards for the marine environment. The effectiveness of pill recovery in removing diesel oil from drilling muds has not yet been demonstrated. The Diesel Pill Monitoring Program will address this issue.

Industry commenters on Region 10's permits have suggested in the past that "no discharge of diesel oil" be defined to mean that muds containing diesel oil cannot be discharged unless the diesel oil is present only in trace amounts (i.e., less than 0.5 percent by volume as measured in the API retort test) and results from the residual left after recovering a diesel pill to free stuck pipe. Region 10 has expressed several concerns with industry's proposed limitation of 0.5 percent diesel oil.

(1) It is uncertain, based on available data, that a limitation of 0.5 percent oil could be met after pill removal. The record provides an estimate that drilling muds may potentially be contaminated with approximately 1.5 percent by volume of diesel oil after pill removal.

(2) Even if pill removal can ultimately ensure compliance with a limitation of 0.5 percent, the API retort test for oil content is not sufficiently sensitive to reliably detect increases of 0.5 percent (by volume), based on available data. Measurements of even 1 percent oil can be inconsistent due to the limited

precision and accuracy of the test method at low concentrations. The API retort test is discussed in detail in the record. Available data therefore indicate that this test method is not adequate for limiting diesel oil in drilling muds.

(3) In view of the above considerations, the proposed approach cannot be expected to prevent significant increases in the levels of toxic pollutants in discharged muds (see Part II.C., above). The toxicity of such muds would also be substantially increased, as discussed in Part II.G., below.

In light of these concerns and the availability of diesel oil substitutes, EPA has determined that for arctic areas offshore of Alaska the most appropriate means at this time of regulating the toxic pollutants contained in diesel oil is to prohibit the discharge of muds and cuttings contaminated with diesel oil. Should EPA conclude on the basis of the Diesel Pill Monitoring Program results that pill recovery is an effective means to remove diesel oil from drilling mud, Region 10 will reconsider the diesel oil prohibition contained in the permits.

G. Environmental Considerations

The prohibition on the discharge of diesel oil is a technology-based BAT limitation designed to control the discharge of toxic pollutants present in diesel oil. An environmental assessment under section 403(c) was therefore not the basis for the limitation. EPA has, however, considered the general environmental effects of diesel oil-contaminated muds in developing the proposed diesel oil prohibition.

Diesel oil is highly toxic to marine organisms. Certain diesel oils, such as the frequently used No. 2 diesel fuel oil "are among the most toxic petroleum products to marine organisms" (National Research Council, "NRC" 1983, p. 105). The NRC report, as well as recent EPA research, confirm the correlation between the presence of diesel oil in muds and the resulting toxicity to marine organisms (Duke and Parrish 1984). The high toxicity is not a surprising finding. Diesel oil has a high aromatic hydrocarbon content, and toxicity has been correlated with aromatic content.

As noted above, drilling muds could potentially contain approximately 1.5 percent (15,000 ppm) diesel oil by volume even after the removal of a diesel pill. In seawater diesel oil is acutely toxic at concentrations ranging from 0.1 to 1,000 ppm (NRC 1983). Bioassays conducted by EPA on drilling muds discharged in the Gulf of Mexico show that muds with diesel oil concentrations greater than or equal to 0.14 percent (1,400 ppm) by volume (0.06 percent by weight) had LC_{50} values less than (*i.e.*, they were more toxic than) 30,000 ppm for the suspended particulate phase (SPP) (Duke and Parrish 1984). Such muds would therefore not meet the primary toxicity criterion used by Region 10 to limit the toxicity of proposed drilling mud systems. For example, two different types of used muds containing approximately one percent diesel oil by volume (0.4 percent by weight) and tested with the mysid shrimp *Mysidoopsis bahia* had LC_{50} values of 726 and 17,633 ppm in suspended particulate phase tests and 92 and 733 ppm in whole mud tests. Tests on the grass shrimp *Palaemonetes intermedius* with the same two muds resulted in LC_{50} values of 658 and 1,706 ppm in whole mud tests. These values are up to two orders of magnitude more toxic than Region 10's toxicity criterion for drilling mud discharges.

Not only is diesel oil potentially toxic to organisms in the water column, but it also poses a potential longer term threat to bottom-dwelling "benthic" organisms. Benthic communities and those organisms dependent on the benthos for food are particularly vulnerable to drilling mud discharges. Solids from drilling muds can accumulate on the seafloor, causing burial, changes in sediment texture, and chemical toxicity. Sediment-associated toxic constituents can affect a benthic community and cause alterations in community structure through interference with larval settlement and recruitment, burrow construction, feeding behavior, reproductive success, and survival. In diesel oil-contaminated drilling muds, most of the hydrocarbons are expected to be sorbed to the clay component (NRC 1983). Shallow-water environments such as the nearshore Beaufort Sea are a particular concern since the solids in the discharge may mix with ambient seawater for only short periods of time prior to deposition. A substantial portion of toxic constituents derived from diesel oil may therefore be transported to the seafloor. In deeper, higher energy environments, the longer mixing times during settling of drilling mud solids to the seafloor are expected to result in a greater proportion of toxic aromatic hydrocarbons partitioning into the aqueous (seawater) phase. Few studies, however, have addressed the environmental fate of oil-containing drilling muds (Conklin and Rao 1984), particularly in the arctic marine environment. The uptake of petroleum hydrocarbons from diesel oil-contaminated drilling fluids has also not been well studied (NRC 1983).

In the field, effects on benthic community structure (reduced numbers of species) have been observed from drilling mud containing 0.4 percent by weight (1 percent by volume) diesel oil mixed with sand in 1:3 and 1:10 mixtures (Tagatz *et al.* 1985). In laboratory studies, softshell clams and grass shrimp exposed to drilling mud solids overlaying clean sediment suffered high mortalities when the muds originally contained 5 percent by volume diesel oil (Breteler *et al.* 1985). In the same study and the same type of solid phase test, drilling mud originally containing as much as 5 percent mineral oil caused few adverse effects; in only one out of three species did some burrowing impairment and low levels of mortality (2 percent) occur. The solid phase of mud containing 0.5 percent mineral oil was not toxic. However, sublethal effects on burrowing behavior were observed in a clam and a sandworm exposed to solid phases of drilling mud containing 0.5 percent diesel oil.

In summary, laboratory studies have demonstrated the higher toxicity of diesel oils relative to mineral oils. There have been limited studies which have examined the effects of diesel oil-contaminated drilling muds on benthic communities, and little is known about the fate of the diesel oil associated with drilling muds in the marine environment. Since diesel oil is known to be highly toxic, substitution of low toxicity mineral oils for diesel oil in drilling muds will reduce the potential hazard to marine organisms from these discharges.

In conclusion, Region 10 has evaluated alternative control technologies (product substitution of mineral oil for diesel oil as opposed to diesel pill removal) and alternative control parameters (no diesel oil as opposed to a limit on API retort oil content). The Region has determined that the prohibition on the discharge of diesel oil-contaminated drilling muds is reasonable and appropriate since complete diesel pill recovery is unproven and substitution of a mineral oil pill for a diesel pill is technologically feasible and economically achievable.

III. Other Legal Requirements

A. Oil Spill Requirements

Section 311 of the Act prohibits the discharge of oil and hazardous materials in harmful quantities. Routine discharges specifically controlled by the permits are excluded from the provisions of section 311. However, these permit modifications do not

preclude the institution of legal action or relieve permittees from any responsibilities, liabilities, or penalties for other, unauthorized discharges of oil and hazardous materials which are covered by section 311 of the Act.

B. Endangered Species Act

Based on information in the Final Ocean Discharge Criteria Evaluations and in the Final Environmental Impact Statements prepared for the lease sales covered by the general permits, EPA has concluded that this permit modification will have no effect on the continued existence of any endangered or threatened species or on its critical habitat. EPA is requesting comments from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service and will consider their comments in making the final modification decisions.

C. Coastal Zone Management Act

EPA has determined that the activities authorized by these modifications are consistent with local and state Coastal Management Plans. The proposed modifications and consistency determinations will be submitted to the State of Alaska for state interagency review at the time of public notice. The requirements for State Coastal Zone Management Review and approval must be satisfied before the modifications may be issued.

D. Marine Protection, Research and Sanctuaries Act

No marine sanctuaries as designated by this Act exist in the vicinity of the permit areas.

E. State Water Quality Standards and State Certification

Since state waters are included in the area covered by the Beaufort Sea general permit, the provisions of section 401 regarding certification of compliance with state water quality standards apply. Since state waters are not included in the Bering Sea general permit area, the provisions of section 401 do not apply to the Bering Sea permit.

F. Exective Order 12291

The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12291 pursuant to section 8(b) of that order.

G. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in these draft modifications under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. Most of the information collection requirements have already been approved by the Office of Management and Budget (OMB) in submissions made for the NPDES permit program under the provisions of the Clean water Act. The final modifications will explain how the information collection requirements respond to any OMB or public comments.

H. Regulatory Flexibility Act

After review of the facts presented in the notice of intent printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b). that these permit modifications will not have a significant impact on a substantial number of small entities. This certification is based on the fact that the regulated parties have greater than 500 employees and are not classified as small businesses under the Small Business Administration regulations established at 49 FR 5024 et seq. (February 9, 1984). These facilities are classified as Major Group 13—Oil and Gas Extraction SIC 1311 Crude Petroleum and Natural Gas.

Dated: July 23, 1986.

Nora L. McGee,

Acting Regional Administrator, Region 10.

References

Bennett, R.B. 1983.
New drilling fluid technology—Mineral oil mud. Proceedings, IADC/SPE 1983 Drilling Conference, New Orleans, LA. Paper No. IADC/SPE 11355.

Boyd, P.A., D.L. Whitfill, T.S. Carter, and J.P. Allamon. 1984.
Low-viscosity base fluid for low-toxicity oil mud systems. Proceedings 5th Offshore South East Asia Conference, Session 14: Drilling/geothermal. Singapore. 22 pp.

Breteler, R.J., P.D. Boehm, J.M. Neff, and A.G. Requejo. 1985.
Acute toxicity of drilling muds containing hydrocarbon additives and their fate and partitioning among liquid, suspended, and solid phases. Prepared by Battelle New England Marine Research Laboratory for the American Petroleum Institute. 107 pp. plus appendices.

Burgbacher, J. 1985.
Letter dated October 30, 1985, to Dennis Ruddy, Industrial Technology Division, EPA, with two-page attachment.

Clapper, D.K. and D. Salisbury. 1984.
New emulsifiers are finding use in oil-based muds. World Oil *199*, 125–145.

Clements, W.R. and A.A. Hinds. 1983.
No toxicity is goal of mineral oil muds. Drilling Contractor, Jan. 1983, pp. 32–34.

Conklin, P.J. and K.R. Rao. 1984.
Comparative toxicity of offshore and oil-added drilling muds to larvae of the grass shrimp *Paleamonetes intermedium*. Arch. Environ. Contam. Toxicol. *13*. 685–690.

Cowan, J. and T. Brookey. 1984.
An overview of low toxicity oils. Transactions, IADC/SPE 1984 Drilling Technology Conference, Dallas, TX, pp. 309–334.

Davies, J.M., J.M. Addy, R.A. Blackman, J.R. Blanchard, J.E. Ferbrache, D.C. Moore, H.J. Sommerville, A. Whitehead, and T. Wilkinson. 1984.
Environmental effects of the use of oil-based drilling muds in the North Sea. Mar. Pollut. Bull. *15*, 363–370.

Davies, S. 1986.
An assessment of the development of cuttings cleaning systems within the context of North Sea offshore drilling. Proceedings, 1986 Conference on Oil Based Drilling Fluids—Cleaning and Environmental Effects of Oil Contaminated Drill Cuttings. Trondheim, Norway, pp. 71–78.

Duke, T.W. and P.R. Parrish. 1984.
Results of the drilling fluids research program sponsored by the Gulf Breeze Environmental Research Laboratory, 1976–1984, and their application to hazard assessment. U.S. EPA, Gulf Breeze, FL. EPA–600/4–84–055. 93 pp.

Hinds, A.A. and W.R. Clements. 1982.
New oil mud passes environmental tests. Presented, SPE/AIME 57th Annual Fall Technical Conference. New Orleans, LA. Paper No. SPE 11113.

Jones, M., J.A. Burgbacher, M. Churan, and M. Hulse. 1983.
Efficiency of a single-stage cuttings washer with a mineral oil invert emulsion and its environmental significance. Proceedings. SPE 58th Annual Technical Conference and Exhibition. San Francisco, CA. Paper No. SPE 12121.

Lewis, S.R. 1983.
Long-range planning assures success of Bering Sea drilling. Proceedings, IADC/SPE 1983 Drilling Conference, New Orleans, LA. Paper No. IADC/SPE 11370.

Love, T.E. 1983.
Stickiness factor—a new way of looking at stuck pipe. Proceedings, IADC/SPE 1983 Drilling Conference, New Orleans, LA. Paper No. IADC/SPE 11383.

National Research Council. 1983.
Drilling Discharges in the Marine Environment. National Academy Press, Washington, DC 180 pp.

Outmans, H.D. 1974.
Spot fluid quickly to free differentially stuck pipe. Oil and Gas Journal, July 15, 1974, pp. 65–68.

Pruett, J.O. II. 1984.
IMCO introduces KENOL ES mineral oil mud to California offshore. Pacific Oil World, October 1984, pp. 60–61.

Pruett. J.O, II. 1984a.
Mineral oil-base mud: A proven solution to stuck pipe. Unpublished manuscript, IMCO Services. 8 pp.

Requejo. A.G., P.D. Boehm, W.G. Steinhauer, D. Cobb, and J. Brown. 1984.
Organic chemical characterization of diesel and mineral oils used as drilling mud additives. Prepared by Battelle New England Research Laboratory for Offshore Operators Committee.

Salisbury. D.P. and R. Jachnik. 1984.

Additive compatibility for low toxicity muds. The Oilman, April 1984, pp. 55–56.
Science Applications, Inc. 1984.
Drilling mud assessment chemical analysis reference volume. Prepared for U.S. EPA Environmental Research Laboratory, Gulf Breeze, FL. NTIS Report No. PB84–170000.
Tagatz, M.E., G.R. Plaia, and C.H. Deans. 1985.
Responses of macrobenthos colonizing estuarine sediments contaminated with drilling mud containing diesel oil. Bull. Environ. Contam. Toxicol. *35*, 112–120.
Whitfill, D.L. 1986.
Economic and environmental gains from improved oil base drilling fluids. Presented at National Conference on Drilling Muds, Norman, OK. 12 pp.

NPDES General Permit Numbers—AKG283000 (Bering Sea) and AKG284000 (Beaufort Sea)

For the reasons set forth above, EPA is proposing to modify Part II.A.1. of NPDES Permit No. AKG283000 (Bering Sea) and Permit No. AKG284000 (Beaufort Sea) which appeared in the **Federal Register** June 7, 1984 (49 FR 23734) by reinstating the following provisions:

II.A.1. *General Requirements.*

a. * * *

* * * * *

Effluent characteristic	Discharge limitation	Monitoring requirements: Frequency	Monitoring requirements: Method	Reported value(s)
*	*	*	*	*
Diesel oil content of drilling muds.	No discharge of diesel oil.	* * *	* * *	* * *

* * * * *

b. *Prohibition on the discharge of oil-based muds or diesel oil and associated cuttings.* The discharge of oil-based drilling muds (containing oil as the continuous phase with water as the dispersed phase) is prohibited. The discharge of water-based drilling muds which have contained diesel oil or of cuttings associated with any muds which have contained diesel oil is also prohibited. Compliance with the limitation on diesel oil shall be demonstrated by analysis of drilling mud collected from the end-of-well mud system. In all cases, the determination of the presence or absence of diesel oil shall be based on a comparison of the GC spectra of the sample and of diesel oil in storage at the facility (see Part II.A.1.a., above).

[FR Doc. 86–18646 Filed 8–18–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1610]

Petitions for Reconsideration and Clarification and Applications for Review of Actions in Rulemaking Proceedings

August 12, 1986.

Petitions for reconsideration and clarification and applications for review have been filed in the Commission rule making proceedings listed in this Public Notice and published pursuant to 47 CFR § 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor, International Transcription Service (202–857–3800). Oppositions to these petitions and applications must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Furnishing of Customer Premises Equipment and Enhanced Services by American Telephone and Telegraph Company. (CC Docket No. 85–26) Number of petitions and applications received: 2

Subject:
Amendment of § 64.702 of the Commission's Rules and Regulations (Third Computer Inquiry); and
Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Thereof
Communications Protocols under Commission's Rules and Regulations. (CC Docket No. 85–229) Number of petitions received: 9

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–18625 Filed 8–18–86; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL HOME LOAN BANK BOARD

Notice of Appointment of Receiver; Peninsula Savings and Loan Association

Notice is hereby given that, pursuant to the authority contained in section 406(c)(2) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(2) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for the purpose of liquidation for Peninsula Savings and Loan Association, Soldotna, Alaska, on August 8, 1986.

Dated: August 11, 1986.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 86–18502 Filed 8–18–86; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No. 202–010637–016.
Title: North Europe-U.S. Atlantic Conference.
Parties:
Atlantic Container Line (G.I.E.)
Dart-ML Limited
Hapag-Lloyd AG
Sea-Land Service, Inc.
United States Lines, Inc.
Trans Freight Lines
Compagnie Generale Maritime (CGM)
Nedlloyd Lijnen, B.V.
Gulf Container Line (GCL), B.V.

SYNOPSIS: The proposed amendment would modify the independent action provisions of the agreement to comply with the Commission's regulations.

Agreement No. 213–010886–002.
Title: Costa/Italia/Trasatlantica Space Charter and Sailing Agreement
Parties:
Costa Container Lines S.p.A.
"Italia" di Navigazione, S.p.A.
Compania Trasatlantica Espanola, S.A.

Synopsis: The proposed amendment would permit the parties, in all or any portion of the agreement trade (between U.S. Atlantic Ports, north of and excluding Jacksonville, Florida; and ports on the Mediterranean Sea, the Iberian Peninsula, the Continent of Africa (including the Canary Islands), the Black Sea, the Arabian/Persian Gulf and adjacent waters, the Red Sea and

Gulf of Aden and ports in India and Pakistan and between inland and coastal points via such ports) in which all parties are not members of a conference or rate agreement to discuss and agree upon rates and terms of service. The parties would have no obligation to adhere to any agreement reached, but could do so voluntarily.

Dated: August 14, 1986.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 86-18661 Filed 8-18-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Asia Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank 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 September 10, 1986.

A **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Asia Bancshares, Inc.*, Flushing, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Asia Bank, N.A., Flushing, New York. Comments on this application must be received by September 8, 1986.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Union National Financial Corporation*, Mount Joy, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The Union National Mount Joy Bank, Mount Joy, Pennsylvania.

C. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Banc One Corporation*, Columbus, Ohio; to acquire 100 percent of the voting shares of The Citizens State Bank, Sturgis, Michigan. Comments on this application must be received by September 11, 1986.

D. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Appalachian Financial Corporation*, Philippi, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Barbour County Bank, Philippi, West Virginia.

E. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *HomeBanc Corporation*, Guntersville, Alabama; to acquire 100 percent of the voting shares of The Home Bank of Albertville, Albertville, Alabama, a *de novo* bank.

2. *LHS Commercial Banks, Inc.*, Panama City, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Springfield Commercial Bank, Springfield, Florida, and Lynn Haven Commercial Bank, Lynn Haven, Florida.

F. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Portage County Bancshares, Inc.*, Almond, Wisconsin; to become a bank holding company by acquiring 10 percent of the voting shares of M&I Bank of Portage County, Almond, Wisconsin.

Board of Governors of the Federal Reserve System, August 13, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-18617 Filed 8-18-86; 8:45 am]

BILLING CODE 6210-01-M

United Saver's Bancorp, Inc., et al.; Applications To Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in section 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reseve Bank indicated or the offices of the Board of Governors not later than September 8, 1986.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *United Saver's Bancorp, Inc.*, Littleton, New Hampshire; to engage *de novo* through its subsidiary, United Saver's Acceptance Corp., Hanover, New Hampshire, in making, acquiring and servicing loans or other extensions of credit for the company's account and the account of others, specifically in the business of consumer and commercial finance, including sales and inventory financing, direct consumer lending, factoring, mortgage banking, commercial and industrial lending and leasing, pursuant to § 225.25(b)(1) (i), (iii), (iv) and (v) and § 225.25(b)(5) of the Board's Regulation Y. These activities will be conducted in New England and New York State.

B. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33

Liberty Street, New York, New York 10045:

1. *Bankers Trust New York Corporation,* New York, New York; to engage *de novo* in providing data processing and related activities as described in § 225.25(b)(7) of the Board's Regulation Y. These activities will be conducted throughout the world. Comments on this application must be received by September 3, 1986.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago Illinois 60690:

1. *First United Financial Services, Inc.,* Arlington Height, Illinois; to engage *de novo* through its subsidiary Arlington Commercial Finance Company, Reno, Nevada, in making acquiring, and servicing loans or other extensions of credit, including letters of credit, for the company's account pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve Sysem, August 13, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-18618 Filed 8-18-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Mental Health Small Grant Review Committee; Meeting

AGENCY: Alcohol, Drug Abuse, and Mental Health Administration, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming meetings of the agency's national advisory bodies and initial review committee. These committees will be open for discussion of administrative announcements and program developments. The committees will be performing initial review of applications for Federal assistance. Therefore, portions of the meetings will be closed to the public as determined by the Administrator, ADAMHA, in accordance with 5 U.S.C. 552(b)(6) and 5 U.S.C. app. 2 10(d). Notice of these meetings is required under the Federal Advisory Committee Act, Pub. L. 92-463.

Committee Name: Mental Health Small Grant Review Committee.

Date and Time: September 5: 9:30 a.m.

Place: The Carlyle Suites, 1731 New Hampshire Avenue, NW., Washington, DC 20009.

Status of Meeting: Open—September 5: 9:30-10:30 a.m. Closed—Otherwise.

Contact: Barbara McCracken, Room 9C05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4843.

Purpose: The Committee is charged with the initial review of applications for research in all disciplines pertaining to alcohol, drug abuse, and mental health for support of research in the areas of psychology, psychiatry, and the behavioral and biological sciences, with recommendations to the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, and the National Advisory Council on Drug Abuse.

* * * * * *

Committee Name: National Advisory Mental Health Council.

Date and Time: September 15-17: 9:00 a.m.

Place: September 15—National Institutes of Health, Building 31, Conference Room 10, 9000 Rockville Pike, Bethesda, Maryland 20892. September 16-17—Parklawn Building, Conference Rooms I & J (September 16) Conference Room M (September 17).

Status of Meeting: Open—September 15: 9:00 a.m.—5:00 p.m. Closed—Otherwise.

Contact: Rachel Driver, Parklawn Building, Room 9-105, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-1216.

Purpose: The Council advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health regarding policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research and training in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and amount of, these grants.

* * * * * *

Committee Name: National Advisory Council on Drug Abuse.

Date and Time: September 16-17: 9:00 a.m.

Place: National Institutes of Health, Building 31C, Conference Room 8, 9000 Rockville Pike, Bethesda, Maryland 20892.

Status of Meeting: Open—September 16: 9:00 a.m.—12 noon; September 17: 9:00 a.m.—5:00 p.m. Closed—Otherwise.

Contact: Sheila Gardner, Room 10A-03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-6460.

Purpose: The Council advises and makes recommendations to the Secretary, Department of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, including prevention and treatment research, and research training. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes final recommendations on grant applications.

As time permits on September 16, from 3:00-5:00 p.m., the Council will hear statements from interested organizations in the drug abuse field. Persons interested in appearing should contact the Executive Secretary to be scheduled. The oral presentations shall be no longer than 10 minutes, although written statements may be submitted in supplement.

* * * * * *

Committee Name: National Advisory Council on Alcohol Abuse and Alcoholism.

Date and Time: September 18: 10:30 a.m.

Place: National Institutes of Health, Wilson Hall, Building 1, 9000 Rockville Pike, Bethesda, Maryland 20892.

Status of Meeting: Open—September 18: 10:30-5:00 p.m. Closed—Otherwise.

Contact: Mr. James Vaughan, Room 16C-20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4375.

Purpose: The Council advises the Secretary, Department of Health and Human Services regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and adherence to Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

* * * * * *

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of committee members may be obtained as follows: NIAAA: Ms. Diana Widner, Committee Management Officer, Room 16C20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4375. NIDA: Ms. Mary Kielkopf, Committee Management Officer, Room 10-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-1644. NIMH: Ms. Joanna

Kieffer, Committee Management Officer, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4333.

Brenda L. Williamson,

Acting Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

August 13, 1986.

[FR Doc. 86–18610 Filed 8–18–86; 8:45 am]

BILLING CODE 4160–20–M

Food and Drug Administration

[Docket No. 86C–0301]

Surgidev Corp.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Surgidev Corp. has filed a petition proposing that the color additive regulations be amended to provide for the safe use of the color additive [phthalocyaninato(2-)] copper to color polymethylmethacrylate monofilament as supporting haptics for intraocular lenses.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(d)(1), 74 Stat. 402–403 (21 U.S.C. 376(d)(1))), notice is given that a petition (CAP 6C0200) has been filed by Surgidev Corp., 5743 Thornwood Dr., Goleta, CA 03117, proposing that § 74.3045 *[Phthalocyaninato(2-)] copper* (21 CFR 74.3045) be amended to provide for the safe use of [phthalocyaninato(2-)] copper to color polymethylmethacrylate monofilament as supporting haptics for intraocular lenses.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: August 11, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86–18614 Filed 8–18–86; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 86F–0312]

American Cyanamid Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that American Cyanamid Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of acrylamide polymer with sodium 2-acrylamido-2-methylpropanesulfonate as a component of paper and paperboard in contact with dry food.

FOR FURTHER INFORMATION CONTACT: Mary Lipien, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3940) has been filed by American Cyanamid Co., One Cyanamid Plaza, Wayne, NJ 07470, proposing that § 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180) be amended to provide for the safe use of acrylamide polymer with sodium 2-acrylamido-2-methylpropanesulfonate as a component of paper and paperboard in contact with dry food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: August 1, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86–18613 Filed 8–18–86; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 85F–0427]

Calgon Corp.; Amended Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is amending the filing notice for a food additive petition filed by Calgon Corp. to amend the food additive regulations to provide for the safe use of the copolymer of acrylic acid and 2-acrylamido-2-methyl propane sulfonic acid as a scale inhibitor in the manufacture of paper and paperboard intended for use in contact with food. The previous filing notice is amended to include the use of ammonium/alkali metal mixed salts of the copolymer in addition to the acid form of the copolymer.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 17, 1985 (50 FR 42095), FDA published a notice that a petition (FAP 5B3886) had been filed by Calgon Corp., Pittsburgh, PA 15230, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of the copolymer of acrylic acid and 2-acrylamido-2-methyl propane sulfonic acid as a scale inhibitor in the manufacture of paper and paperboard intended for use in contact with food. Subsequently, Calgon Corp. amended the petition to include the use of ammonium/alkali metal mixed salts of the copolymer in addition to the acid form of the copolymer.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: August 2, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86–18615 Filed 8–18–86; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 86F–0316]

Dow Chemical Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Dow Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for additional safe uses of vinylidene

chloride/methyl acrylate copolymers in contact with food.

FOR FURTHER INFORMATION CONTACT: Mary Lipien, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3938) has been filed by the Dow Chemical Co., Midland, MI 48674, proposing that § 177.1990 *Vinylidene chloride/methyl acrylate copolymers* (21 CFR 177.1990) be amended to provide for additional safe uses of vinylidene chloride/methyl acrylate copolymers in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: August 11, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-18611 Filed 8-18-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86F-0307]

Minnesota Mining & Manufacturing Co., Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Minnesota Mining & Manufacturing Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of vinylidene fluoride-hexafluoropropene copolymer as an adjuvant in the production of olefin polymers intended to contact food.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B3902) has been filed by Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, MN 55144, proposing that § 177.1520 *Olefin polymers* (21 CFR 177.1520) be amended to provide for the safe use of vinylidene fluoride-hexafluoropropene copolymer as an adjuvant in the production of olefin polymers intended to contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: August 11, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-18612 Filed 8-18-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0184]

CTL Inc.; Premarket Approval of CustomEyesTM-45 L, CustomEyesTM-45 L Toric, CustomEyesTM-55 L, CustomEyesTM-55 L Toric, and CTL-M

Correction

In the document beginning of page 23834, in the issue of Tuesday, July 1, 1986, make the following corrections:

1. On page 23834, third column, in the heading fourth line before "L" insert "-55".

2. On the same page, in the "Summary", in the seventh line, before "45", "-" should read "–".

3. On the same page, in the eighth line, before the second "55", "-" should read "-".

4. On page 23835, first column, third line, before "45", "-" should read "-".

5. On the same page, second column fifth line, "CDR" should read "CDRH".

6. On the same page, in the third column, at the end of the document, the FR document number "FR Doc. 86-19738" should read "FR Doc. 86-14738".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Flathead Indian Irrigation Project, Montana; Changes of Irrigation Operation and Maintenance Assessment Rate

August 4, 1986.

AGENCY: Bureau of Indian Affairsa, Interior.

ACTION: Withdrawal of public notice.

SUMMARY: The Bureau of Indian Affairs is withdrawing a public notice published in the Thursday, June 19, 1986, issue of the **Federal Register** (51 FR 22357). The public notice was lacking critical supplementary information and will be resubmitted for publication in the near future. The public notice addressed the irrigation operation and maintenance assessment rates at the Flathead Indian Irrigation Project, Montana.

DATES: This notice shall become effective when published and remain in effect until changed by public notice.

FOR FURTHER INFORMATION CONTACT: Mort S. Dreamer, Irrigation and Power Engineer, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, DC 20245, telephone number: (202) 343-5696.

Ronald L. Esquerra,

Deputy to the Assistant Secretary-Indian Affairs (Operations).

[FR Doc. 86-18605 Filed 8-18-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[CO-050-06-4830-12]

Canon City District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 that the Canon City District Advisory Council Meeting will be held Thursday, September 25, 1986, 8 a.m. to 3 p.m., in the Community Room of the First National Bank Building, 9th and Royal Gorge Boulevard, Canon City, Colorado. The meeting agenda will include:

1. BLM participation in the Quail Mountain ski area joint review.

2. Management of Arkansas River recreation.

3. Northeast RMP/implementation.

4. Project Pride workshop followup.
5. The Colorado Horse/Inmate Program.
6. Reports from Area Managers on current programs.
7. Public presentations to the council (open invitation).

The meeting is open to the public. Persons interested may make oral presentations to the council at 8:30 a.m. or they may file written statements for the council's consideration. The District Manager may limit the length or oral presentations depending on the number of people wishing to speak.

ADDRESS: Anyone wishing to make a presentation to the council orally or in writing should notify the District Manager, Bureau if Land Management, P.O. Box 311, 3080 East Main, Canon City, Colorado 81212 by September 23, 1986.

FOR FURTHER INFORMATION CONTACT: Glenn Wallace, (303) 275–063.

SUPPLEMENTARY INFORMATION: Summary minutes of the meeting will be available for public inspection and reproduction during regular working hours at the District Office approximately 30 days following the meeting.

Stuart L. Freer,

Associate District Manager.

[FR Doc. 86–18653 Filed 8–18–86; 8:45 am]

BILLING CODE 4310-JB-M

[ES 970–06–4121–14–2410; ES 35269 and ES 34711]

Competitive Coal Lease Offering by Sealed Bid; Bell County, KY

AGENCY: Bureau of Land Management, Interior.

ACTION: Competitive coal lease offering by sealed bid.

SUMMARY: Notice is hereby given that as a result of two future interest coal lease applications filed by Cairnes Coal Company (ES 34711) and Charter Coal Company (ES 35269) for certain coal resources in the Kentucky Ridge State Forest, these coal resources will be offered for competitive leasing by sealed bid in accordance with the provisions of the Mineral Lands Leasing Act of 1947 (61 Stat. U.S.C. 351–359), as amended. Since the application filing dates, the mineral rights for the lands involved in each tract have vested to the Commonwealth of Kentucky (25 percent) and the United States (75 percent), effective November 12, 1985; therefore, the requested tracts will now be offered for competitive sale under 43 CFR 3425 and the regulations of the Commonwealth of Kentucky. Bidders are requested to submit one bid for 100 percent of the minerals in either or both tracts. The successful qualified bidder for each tract will be awarded two leases, one for 75 percent of the tract's mineral interests from the Bureau of Land Management, and one for 25 percent of the tract's mineral interests from the Commonwealth of Kentucky.

DATES AND ADDRESSES: The sale will be held at 2:00 p.m., Wednesday, September 25, 1986, at the Kentucky Room of the Capitol Plaza Hotel, 405 Wilkinson Boulevard, Frankfort, Kentucky 40601.

All sealed bids must be submitted to the Bureau of Land Management prior to the scheduled sale. Bids should be sent by certified mail, return receipt requested, to Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304 to arrive before 4:00 p.m., September 24, 1986; or hand-delivered between 1:00 p.m. and 1:45 p.m. on September 25, 1986 to the authorized Bureau of Land Management officer at the Kentucky Room of the Capitol Plaza Hotel in Frankfort, Kentucky.

If a tow-stage sale is necessary, the second stage of the sale will be held at 1:00 p.m., Tuesday, September 30, 1986 in the Public Room of the Eastern State Office, 350 South Pickett Street, Alexandria, Virginia 22304.

Detailed chemical analysis other then those listed under **SUPPLEMENTARY INFORMATION** are available upon request from the Bureau of Land Management, Eastern States Office, Branch of Fluid and Solid Minerals. Also complete legal descriptions of the tracts mentioned in this notice are available from the Eastern States Offices.

Bidding instructions and bidder qualifications are included in the Detailed Statement of the Lease Sale. Copies of the Statement and of the proposed coal leases are available at the Bureau of Land Management, Eastern States Office. Case file documents are also available for public inspection at the Eastern States Office.

FOR FURTHER INFORMATION CONTACT: Ms. Ida V. Doup, Buruea of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, (703) 274–0156.

SUPPLEMENTARY INFORMATION: The coal resources being offered are to be mined by underground methods from the Path Fork coal seam and the Lower Splint (Red Springs No. 9), Lower Hignite, Poplar Lick, Buckeye. Springs (Jackrock), and Mason (Minge) Seams in Bell County, Kentucky.

The two lease applications respectively include the two parcels described below:

Parcel One

Application ES 34711 (Davisburg Coal Tract)

Bell County, Kentucky, Kentucky Ridge State Forest, Tract 1101a

Containing 1,090 acres, more or less.

Parcel Two

Application ES 35269 (Ferndale Tract)

Bell County, Kentucky, Kentucky Ridge State Forest, Tracts 1012 and 1101b

Containing 654 acres, more or less.

Each tract will be leased to the qualified bidder of the highest cash amount, provided that the high bid for the tract equals or exceeds the fair market value (FMV) of the tract as determined by the authorized officer after the sale. The Department of the Interior has established a minimum bid of $100.00 per acre for each tract; however, the minimum bid is not to be considered as representing the amount for which the tract will actually be leased, since the FMV will be determined in a separate postsale analysis. If identical high sealed bids are received for a tract, the tied high bidders will be asked to submit follow-up sealed bids until a unique high bid is received. All tie-breaking bids must be submitted within 5 minutes after the authorized officer's announcement at the sale that identical high bids have been received.

Coal lease sales involving more than one tract may be subject to a two-stage lease sale and postsale evaluation process. If two or more tracts are offered for sale on the same date and one or more (but not all) of those tracts received two or more bids, then only the bids on the multiple-bid tracts will be opened and announced at the sale. The bids on tracts receiving only single bids will not be opened or announced at that time. Instead, multiple-bid tracts that qualify as comparable sales will be used in postsale re-evaluation of tract values for the single-bid tracts. The bids on the single-bid tracts will be opened and announced only after this re-evaluation process is completed. Please see the **DATES AND ADDRESSES** section for specific information on scheduling, should such a second date be necessary.

The approximate analysis of the coal in the sale tracts is as follows:

PATH FORK SEAM

1. Moisture (%)	2.2–5.8
2. Ash (%)	2.7–14.1
3. Sulfur (%)	0.6–1.1
4. Btu/lb	12,760–14,780
5. Approx. tons in place	1,615,845

LOWER SPLINT (READ SPRINGS NO. 9) SEAM	
1. Moisture (%)	2.3–7.0
2. Ash (%)	3.3–9.7
3. Sulfur (%)	0.5–1.3
4. Btu/lb	12,300–14,400
5. Approx. tons in place	119,940
LOWER HIGNITE SEAM	
1. Moisture (%)	2.1–7.0
2. Ash (%)	4.4–13.8
3. Sulfur (%)	0.7–1.6
4. Btu/lb	12,600–14,200
5. Approx. tons in place	881,800
POPLAR LICK SEAM	
1. Moisture (%)	3.1–8.4
2. Ash (%)	2.6–9.7
3. Sulfur (%)	0.6–1.3
4. Btu/lb	12,100–14,600
5. Approx. tons in place	2,413,300
BUCKEYE SPRINGS (JACKROCK SEAM)	
1. Moisture (%)	1.7–7.6
2. Ash (%)	1.6–12.7
3. Sulfur (%)	0.6–2.9
4. Btu/lb	12,200–14,600
5. Approx. tons in place	92,940
MASON (MINGE) SEAM	
1. Moisture (%)	3.2–7.6
2. Ash (%)	1.6–12.7
3. Sulfur (%)	0.6–2.9
4. Btu/lb	12,800–14,800
5. Approx. tons is place	1,691,790

Rental and Royalty

Any lease issued as a result of this offering will stipulate payment of an annual rental of $3.00 per acre and a royalty to the United States of 8 percent of the value of the coal produced by underground mining methods. The value of the coal shall be determined in accordance with 43 CFR 3485.2.

Pieter J. VanZanden,

Acting State Director.

[FR Doc. 86–18655 Filed 8–18–86; 8:45 am]

BILLING CODE 4310-GJ-M

[ES–940–06–4520–12 (ES–036434, Group 536)]

Filing of Plat of an Island; Minnesota

August 11, 1986.

1. On July 14, 1986, the plat representing the survey of an island in Sakatah Lake, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., on September 25, 1986.

The tract shown below describes the island omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 109 N., R. 22 W., Tract 37

2. Tract 37 rises approximately 6–8 feet above the ordinary high water mark of Sakatah Lake and is composed of silt loam. Tree species consist of basswood, elm, and oak, with a maximum age of 100+ years.

3. The present water level of the lake compares favorably with that of the original meander line, therefore, the elevation and upland character of the island along with the depth and width of the channel between the upland and the island are considered evidence that the island did exist in 1858, the year Minnesota was admitted into the Union.

The original survey in 1854 did not note the presence of the island.

4. Tract 37 is more than 50 percent upland in character within the purview of the Swamp and Overflow Act of September 28, 1850 (9 Stat. 519). Therefore, the island is held to be public land.

5. The survey was made upon application by the State of Minnesota, under the authority of section 211 of the Act of October 21, 1976.

6. Except for valid existing rights, this island will not be subject to application, petition, location, or selection under any public law until September 25, 1986.

7. Interested parties protesting the determination that this island is public land of the United States, must present valid proof showing that the island did not exist at the time of statehood or that it was attached to the mainland at the time of the original survey. Such protests must be submitted in writing to the Deputy State Director for Cadastral Survey, Bureau of Land Management, Eastern States Office, prior to 7:30 a.m., September 25, 1986.

8. All inquiries concerning the color-of-title claims should be filed with the Deputy State Director for Lands and Renewable Resources, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, after September 25, 1986.

9. Copies of the plat will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Lane J. Bouman,

Deputy State Director for Cadastral Survey.

[FR Doc. 86–18609 Filed 8–18–86; 8:45 am]

BILLING CODE 4310-GJ-M

[ES–940–06–4520–12 (ES–036435, Group 537)]

Filing of Plat of Survey of Islands; Minnesota

August 11, 1986.

1. On July 14, 1986, the plat representing the survey of islands in Swan Lake, which were omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, as 7:30 a.m., on September 25, 1986.

The tracts shown below describe the islands omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 110 N., R. 29 W.

Tracts 37 and 38.

2. Tract 37 rises approximately 3 feet above the ordinary high water mark of Swan Lake and is composed of silt loam. Tree species consist of pole size ash, elm, and willow.

3. Tract 38 rises approximately 4 feet above the ordinary high water mark of Swan Lake and is composed of silt loam. Tree species consist of pole size ash, elm, and hackberry.

4. The present water level of the lake compares favorably with that of the original meander line; therefore, the elevation and upland character of the islands along with the depth and width of the channel between the upland and the islands are considered evidence that the islands did exist in 1858, the year Minnesota was admitted into the Union. The original survey in 1854 did not note the presence of these islands.

5. The islands are more than 50 percent upland in character within the purview of the Swamp and Overflow Act of September 28, 1850 (9 Stat. 519). Therefore, the islands are held to be public land.

6. The survey was made upon application by the State of Minnesota, under the authority of section 211 of the Act of October 21, 1976.

7. Except for valid existing rights, these islands will not be subject to application, petition, location, or selection under any public law until September 25, 1986.

8. Interested parties protesting the determination that these islands are public land of the United States, must present valid proof showing that these islands did not exist at the time of statehood or that they were attached to the mainland at the time of the original survey. Such protests must be submitted in writing to the Deputy State Director for Cadastral Survey, Bureau of Land Management, Eastern States Office, prior to 7:30 a.m., September 25, 1986.

9. All inquiries concerning the color-of-title claims should be filed with the Deputy State Director for Lands and Renewable Resources, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, after September 25, 1986.

10. Copies of the plat will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Lane J. Bouman,

Deputh State Director for Cadastral Survey.

[FR Doc. 86-18608 Filed 8-18-86; 8:45 am]

BILLING CODE 4310-GJ-M

[NV-930-06-4212-13; N-29324]

Opening of Public Lands in Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of conveyance and order providing for opening of public lands.

SUMMARY: On December 20, 1985, the United States issued an exchange conveyance document to Willowlane, Inc. and Fallon Ice and Cold Storage Co., Inc., for the following described Federal lands pursuant to section 206 of the Act of October 21, 1976 (43 U.S.C. 1716):

Mount Diablo Meridian, Nevada

T. 13 S., R. 71 E.,
Sec. 9, lots 14, 18, 20 and 22.

Comprising 14.04 acres in Clark County, Nevada.

In exchange for these lands, the United States acquired the following non-Federal lands:

Mount Diablo Meridian, Nevada

T. 13 N., R. 19 E.,
Sec. 9, NW¼NW¼.
T. 14 N., R. 19 E.,
Sec. 28, SE¼NE¼;

Comprising 80 acres in Douglas County, Nevada.

The purpose of this exchange was to acquire non-Federal lands within the Toiyabe National Forest having high public values. The public interest was served through completion of this exchange.

The values of the Federal lands and the non-Federal lands in the exchange were appraised at $57,500.00 and $46,000.00, respectively. An equalization payment in the amount of $11,500.00 was paid to the United States. Title to the non-Federal lands was accepted on December 16, 1985. In accordance with 43 CFR 2200.3(c), these lands are hereby transferred to the Secretary of Agriculture as part of the Toiyabe National Forest and are subject to all the laws, rules and regulations applicable thereto.

DATES: At 10 a.m. on September 18, 1986, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

FOR FURTHER INFORMATION CONTACT: Forest Supervisor, Toiyabe National Forest, 1200 Franklin Way, Sparks, Nevada 89431.

Dated: August 6, 1986.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 86-18607 Filed 8-18-86; 8:45 am]

BILLING CODE 4310-HC-M

[OR-050-06-4322-02]

Prineville District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Prineville District Advisory Council will be held September 18, 1986. The meeting will be in the form of a field tour leaving the Prineville BLM office located at 185 East 4th Street, Prineville, Oregon at 8:00 AM.

The purpose of the tour and the agenda will center on the preliminary issues and alternatives to be analyzed in the resource management plan/environmental impact statement to be developed for the Brothers/LaPine Planning Area located in the south half of the Prineville District. The Rangeland Program Summary update for the 1983 Brothers Grazing Management Environmental Impact Statement will also be discussed.

The public is welcome to attend. Public transportation will not be provided. Persons wishing to go on the tour should contact the District Manager at the above address by September 11, 1986.

James L. Hancock,

District Manager.

[FR Doc. 86-18652 Filed 8-18-86; 8:45 am]

BILLING CODE 4310-33-M

[M-66978; MT-020-06-4212-14]

Realty Action; Noncompetitive Sale of Public Land in Yellowstone County, MT

AGENCY: Bureau of Land Management, Miles City District, Billings Resource Area Office.

ACTION: Notice of realty action—noncompetitive sale of public land in Yellowstone County, Montana.

SUMMARY: The surface estate of the following described land has been examined and found suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at not less than the appraised fair market value of $1000. The lands will not be offered for sale until 60 days after the date of this notice.

Principal Meridian

T. 3 N., R. 27 E.,
Sec. 24, SE¼SE¼SE¼.
Containing 10 acres.

The land is located approximately four miles northeast of Shepherd, Yellowstone County, Montana.

The land will be offered for sale in a direct-noncompetitive sale to Yellowstone Feeders, Inc. c/o Henry Weschenfelder. The land described is hereby segregated from appropriation under the public land laws, including the mining laws until patent is issued or 270 days from the date of publication of this notice, whichever occurs first. The sale will be made subject to:

1. All valid existing rights and reservations of record.

2. A reservation to the United States of all mineral values together with the right to explore, prospect for, mine and remove same under applicable laws and regulations.

The proposed sale is consistent with the Bureau's planning system and was identified for disposal in the 1983 final Billings Resource Management Plan. The purpose of this sale is to eliminate a minor trespass problem and lessen management costs in an area where the public has no access.

DATES: For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301. Objections will be reviewed by the State Director who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information related to this sale including the environmental assessment and land report is available for review at the Billings Resource Area Office, 810 East Main Street, Billings, Montana 59105.

Dated: August 11, 1986.

Mat Millenbach,

District Manager.

[FR Doc. 86-18651 Filed 8-18-86; 8:45 am]

BILLING CODE 4310-DN-M

[ID-050-4212-12; I-21566]

Realty Action, Exchange of Public Lands in Idaho

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action, I–21566, exchange of public lands in Boundary and Bonner Counties, Idaho.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 56 N., R. 5 W.,
Sec. 3: S½SE¼;
Sec. 10: E½SE¼.
T. 56 N., R. 3 W.,
Sec. 12: S½SE¼.
T. 56 N., R. 2 W.,
Sec. 19: Lots 1, 2, 3, 4, E½SW¼, SE¼.
T. 62 N., R. 3 E.,
Sec. 10: Lot 4, SE¼SW¼, SW¼SE¼;
Sec. 15: Lots 1, 2.
T. 64 N., R. 4 W.,
Sec. 35: SW¼SW¼.

Containing 817.43 Acres.

In exchange for these lands, the Federal Government will acquire scattered sections of non-Federal lands in Blaine, Butte, and Minidoka counties from the State of Idaho, described as follows:

T. 3 N., R. 25 E.,
Sec. 36: All.
T. 2 N., R. 25 E.,
Sec. 16: All;
Sec. 36: All.
T. 2 N., R. 26 E.,
Sec. 16: All;
Sec. 36: All.
T. 1 N., R. 23 E.,
Sec. 36: All.
T. 1 N., R. 24 E.,
Sec. 16: All.
T. 1 N., R. 26 E.,
Sec. 36: All.
T. 1 N., R. 27 E.,
Sec. 16: All.
T. 1 S., R. 23 E.,
Sec. 16: All.
T. 1 S., R. 24 E.,
Sec. 16: All.
T. 1 S., R. 25 E.,
Sec. 36: All.
T. 1 S., R. 26 E.,
Sec. 36: All.
T. 1 S., R. 27 E.,
Sec. 16: All.
T. 2 S., R. 25 E.,
Sec. 16: All;
Sec. 36: All.
T. 2 S., R. 26 E.,
Sec. 36: All.
T. 2 S., R. 27 E.,
Sec. 16: All.
T. 3 S., R. 25 E.,
Sec. 36: All.
T. 3 S., R. 26 E.,
Sec. 36: All.
T. 3 S., R. 27 E.,
Sec. 16: All.
T. 4 S., R. 23 E.,
Sec. 36: All.
T. 4 S., R. 24 E.,
Sec. 16: All;
Sec. 36: All.
T. 4 S., R. 25 E.,
Sec. 16: W½W½NW¼SW¼, S½SW¼, SE¼;
Sec. 36: All.
T. 4 S., R. 26 E.,
Sec. 36: All.
T. 5 S., R. 24 E.,
Sec. 16: All.
T. 5 S., R. 25 E.,
Sec. 16: All.

Containing 18,170.00 Acres.

The purpose of the exchange is to dispose of scattered, difficult to manage public lands while acquiring State-owned lands which would complement management of the Bureau's Great Rift Wilderness Study Area. The exchange is consistent with the Bureau's planning and has been discussed with Federal, State and local governmental agencies, public land user groups and individuals through participation in the Bureau's Land Use Planning Process. The public interest will be well served by making the exchange. The exchange will include both surface and mineral estates.

The acreage of the lands to be exchanged may be adjusted so that the acreage exchanged will be equal in value as supported by appraisal.

The terms and conditions applicable to the exchange are the reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), "Any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed, and shall be returned to the applicant, ..."

Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Shoshone District Office, 400 West F Street, Shoshone, Idaho 83352.

For a period of 45 days, interested parties may submit comments to the Shoshone District Office, at the address listed above.

For Further Information Contact: Ervin Cowley, Bureau of Land Management, P.O. Box 2B, Shoshone, Idaho 83352. Telephone: (208) 886–2206.

Dated: August 6, 1986.

Jon Idso,

District Manager.

[FR Doc. 86–18606 Filed 8–18–86; 8:45 am]

BILLING CODE 4310–GG–M

Fish and Wildlife Service

Notice of Receipt of Applications for Endangered and Threatened Species Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT–710634

Applicant: International Animal Exchange, Ferndale, MI.

The applicant requests a permit to purchase in foreign commerce for shipment to the Taipei Municipal Zoo in Taipei, Taiwan, one pair of brown hyenas (*Hyaena brunnea*) captive born at the Natal Zoological Gardens. The applicant requests to purchase said animals from Mr. Wolfgang Delfs, Windhoek, Namibia. The applicant contends that these animals will be used in unspecified conservation education activities and will enhance the survival of the species. Taiwan is not a party to the Convention on International Trade in Endangered Species

PRT–710891

Applicant: International Animal Exchange, Ferndale, MI.

The applicant requests a permit to purchase in interstate commerce and export to the Taipei Municipal Zoo in Taipei, Taiwan, one male clouded leopard (*Neofelis nebulosa*). The leopard was born at the Dresden Zoo, German Democratic Republic, and is not owned by the Minnesota Zoo, Apple Valley, MN. The applicant contends that this animal will be used in unspecified conservation education activities and will enhance the survival of the species. Taiwan is not a party to the Convention on International Trade in Endangered Species.

PRT–710636

Applicant: International Animal Exchange, Ferndale, MI.

The applicant requests a permit to purchase in foreign commerce one pair of black rhinocerus (*Diceros bicornis*) for shipment to the Taipei Municipal Zoological Gardens, Taipei, Taiwan. The female was born at and is to be purchased from the Asa Zoological Park, Hiroshima, Japan. The male was born at and is to be purchased from the Nagoya Higashiyama Grand Park, Nagoya, Japan. The applicant contends that these animals will be used in unspecified education activities and will enhance the survival of the species. Taiwan is not a party to the Convention on

International Trade in Endangered Species.

PRT–710935

Applicant: Jim Thomas, Sacramento, CA.

The applicant requests a permit to import a trophy of a bontebok (*Damaliscus dorcas dorcas*) which was a member of a captive herd maintained by Gerrit S. Visser, Orange Free State, Repulic of South Africa. The herd is maintained for the purpose of sport hunting. The applicant contends that permission to import this trophy will enhance the liklihood of the continued maintenance of this herd and thereby enhance the likelihood of the survival of the species.

PRT–709933

Guy Baldassarre, Auburn University, Al.

The applicant requests a permit to capture 15 piping plovers (*Charadrius melodus*) in mist nests. Radio transmitters and color bands will then be attached to these birds to record the following data: Patterns of habitat use in relation to tidal cycles and day length, location and time spent on feeding areas, and seasonal changes in habitat use. Other piping plovers will be captured and color banded to determine movement patterns and habitat selection.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 611, 1000 North Glebe Road, Arlington, Virginia 22201, or by writing to the Director, U.S. Fish and Wildlife Service of the above address.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitted comments.

Dated: August 14, 1986.

R.K. Robinson,

Acting Chief, Federal Wildlife Permit Office.

[FR Doc. 86–18682 Filed 8–18–86; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 9, 1986. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by September 31, 1986.

Carol D. Shull,

Chief of Registration, National Register.

ARIZONA

Gila County

Houston Mesa Ruins (NA1902; NA9753; AZ 0:11:20 (ASM)

Yavapai County

Cottonwood, *Building at 826 North Main Street (Cottonwood MRA)*, 826 N. Main
Cottonwood, *Clemenceau Public School (Cottonwood MRA)*, 1 N. Willard
Cottonwood, *Edens House (Cottonwood MRA)*, 1015 N. Cactus St.
Cottonwood, *Master Mechanic's House (Cottonwood MRA)*, 333 S. Willard
Cottonwood, *(Smelter Machine Shop (Cottonwood MRA)*, 360 S. Sixth St.
Cottonwood, *Strahan House (Cottonwood MRA)*, 725 E. Main
Cottonwood, *Superintendent's Residence (Cottonwood MRA)*, 315 S. Willard
Cottonwood, *Thompson Ranch (Cottonwood MRA)*, 2874 US 89A
Cottonwood, *UVX Smelter Operations Complex (Cottonwood MRA)*, 361 S. Willard
Cottonwood, *Willard House (Cottonwood MRA)*, 114 W. Main

CALIFORNIA

Los Angeles County

Claremount, *Pitzer House*, 4353 N. Towne

Tulare County

Tenalu

COLORADO

Denver County

Denver, *Alamo Placita Park (Denver Park and Parkway System TR)*, Roughly bounded by Speer Blvd., First Ave., and Clarkson St.
Denver, *Berkeley Lake Park (Denver Park and Parkway System TR)*, Roughly bounded by N. side of Berkeley Lake, Tennyson St., W. Forty-sixth Ave., and Sheridan Blvd.
Denver, *Cheesman Park (Denver Park and Parkway System TR)*, Roughly bounded by E. Thirteenth Ave., High St., E. Eighth Ave., and Franklin St.
Denver, *Cheesman Park Esplanade (Denver Park and Parkway System TR)*, Roughly bounded by Eighth Ave., High St., Seventh Ave. Pkwy., and Williams St.
Denver, *City Park (Denver Park and Parkway System TR)*, Roughly bounded by E. Twenty-third Ave., Colorado Blvd., E. Seventeenth Ave., and York St.
Denver, *City Park Esplanade (Denver Park and Parkway System TR)*, City Park Esplanade from E. Colfax Ave., to E. Seventeenth Ave.
Denver, *City Park Golf (Denver Park and Parkway System TR)*, Roughly bounded by E. Twenty-sixth Ave. Pkwy., Colorado Blvd., E. Twenty-third Ave., and York St.
Denver, *Clermont Street Parkway (Denver Park and Parkway System TR)*, Clermont St. Pkwy., from E. Third Ave., to E. Sixth Ave.
Denver, *Cranmer Park (Denver Park and Parkway System TR)*, Roughly bounded by E. Third Ave., Cherry St., E. First Ave., and Bellaire St.
Denver, *Downing Street Parkway (Denver Park and Parkway System TR)*, Downing St. Pkwy., from E. Bayaud Ave. to E. Third Ave.
Denver, *East Fourth Avenue Parkway (Denver Park and Parkway System TR)*, E. Fourth Ave. Pkwy. from Gilpin St. to Williams St.
Denver, *East Seventeenth Avenue Parkway (Denver Park and Parkway System TR)*, E. Seventeenth Ave. Pkwy. from Colorado Blvd. to Monaco St. Pkwy.
Denver, *East Seventh Avenue Parkway (Denver Park and Parkway System TR)*, E. Seventh Ave. Pkwy. from Williams St. to Colorado Blvd.
Denver, *East Sixth Avenue Parkway (Denver Park and Parkway System TR)*, E. Sixth Ave. Pkwy. from Colorado Blvd. to Quebec St.
Denver, *Forest Street Parkway (Denver Park and Parkway System TR)*, Forest St. Pkwy. from E. Seventeenth Ave. to Montview Blvd.
Denver, *Highland Park (Denver Park and Parkway System TR)*, Roughly bounded by Highland Park Pl., Federal Blvd., and Fairview Pl.
Denver, *Hungarian Freedom Park (Denver Park and Parkway System TR)*, Roughly bounded by Speer Blvd., First Ave., and Clarkson St.
Denver, *Inspiration Point (Denver Park and Parkway System TR)*, Roughly bounded by W. Fiftieth Ave., Sheridan Blvd., W. Forty-ninth Ave., and Fenton St.
Denver, *Monaco Street Parkway (Denver Park and Parkway System TR)*, Monaco St., Pkwy. from E. First Ave. to Montview Blvd.
Denver, *Montclair Park (Denver Park and Parkway System TR)*, Roughly bounded by E. Twelfth ave., Onieda St., and Richthofen Pkwy.
Denver, *Montview Boulevard (Denver Park and Parkway System TR)*, Montview Blvd. from Colorado Blvd. to Monaco St. Pkwy.
Denver, *Richthofen Monument (Denver Park and Parkway System TR)*, Richthofen Pkwy. at Oneida St.
Denver, *Richthofen Place Parkway (Denver Park and Parkway System TR)*, Richthofen Pl. Pkwy. from Monaco St. Pkwy. to Oneida St.
Denver, *Rocky Mountain Lake Park (Denver Park and Parkway System TR)*, Roughly bounded by US 70, Federal Blvd., W. Forty-sixth Ave., and Lowell Blvd.
Denver, *South Marion Street Parkway (Denver Park and Parkway System TR)*, S. Marion St. Pkwy. from E. Virginia Ave. to E. Bayaud Ave. at Downing St.
Denver, *Speer Boulevard (Denver Park and Parkway System TR)*, Speer Blvd. from W. Colfax Ave. to Downing St.

Denver, *Sunken Gardens (Denver Park and Parkway System TR)*, Roughly bounded by Speer Blvd., W. Eighth Ave., Delaware St., and Elati St.
Denver, *University Boulevard (Denver Park and Parkway System TR)*, University Blvd. from E. Iowa Ave. to E. Alameda Ave.
Denver, *Washington Park (Denver Park and Parkway System TR)*, Roughly bounded by E. Virginia Ave., S. Franklin St., E. Louisiana Ave., and S. Downing St.
Denver, *West Forty-sixth Avenue Parkway (Denver Park and Parkway System TR)*, W. Forty-sixth Ave. Pkwy. from Stuart St. to Grove St.
Denver, *Williams Street Parkway (Denver Park and Parkway System TR)*, Williams St. Pkwy. from E. Fourth Ave. to E. Eighth Ave.

DISTRICT OF COLUMBIA

Washington

Holmead, Anthony Site

FLORIDA

Dade County

Miami, *Greenwald, I. and E., Steam Engine #1058*, 3898 Shipping Ave.

Palm Beach County

Delray Beach, *Seaboard Airline Railroad Station*, 1525 W. Atlantic Ave.

GEORGIA

Bartow County

Rydal vicinity, *Pine Log Methodist Church, Campground, and Cemetery*, GA 140, W of US 411

Henry County

Locust Grove, *Locust Grove Institute Academic Building*, 3644 GA 42

IDAHO

Bonner County

Dover, *Dover Church*, Washington between Third and Fourth
Sandpoint, *Sandpoint Communtity Hall*, 204 S. First Ave.

Canyon County

Nampa, *Wiley, H. Orton, House*, 524 E. Dewey

Cassia County

Albion, *Albion Methodist Church*, 102 N. St.

Idaho County

Lower Salmon River Archaeological District (also in Lewis and Nez Perce Counties)

Latah County

Potlatch, *American Legion Cabin (Potlatch MRA)*, US 95
Potlatch, *Boarding House (Potlatch MRA)*, 850 Pine St.
Potlatch, *Commercial Historic District (Potlatch MRA)*, Roughly Pine St. between Seventh and Fifth
Potlatch, *Four-Room House (Potlatch MRA)*, 1015 Pine St.
Potlatch, *Nob Hill Historic District (Potlatch MRA)*, Roughly bounded by Spruce, Third, Cedar, and Fourth
Potlatch, *Terteling, Joseph A., House (Potlatch MRA)*, 1015 Fir St.
Potlatch, *Three-Room House (Potlatch MRA)*, 940 Cedar St.
Potlatch, *Workers' Neighborhood Historic District (Potlatch MRA)*, Roughly Spruce St. between Eighth and Fifth

Nez Perce County

Peck, *American Woman's League Chapter House*, 217 N. Main St.

Shoshone County

Avery, *Red Ives Ranger Station*, SE of Avery on Forest Service Rd. 218

Twin Falls County

Twin Falls, *Twin Falls Bank and Trust Company Building*, 102 Main Ave., S.

Washington County

Weiser, *Fisher, James M., House*, 598 Pioneer Rd.

KENTUCKY

Marshall County

Benton, *Stilley House*, 925 Birch St.

LOUISIANA

Ouachita Parish

Monroe, *Downtown Monroe Historic District*, Roughly bounded by Catalpa St., I-20, Ouachita River, and Jefferson St.

MAINE

Piscataquis County

Willard Brook Quarry

MARYLAND

Somerset County

Allen vicinity, *Brentwood Farm*, Allen Rd.

MASSACHUSETTS

Berkshire County

Washington, *Eames, Philip, House (Washington MRA)*, Stone House Rd.
Washington, *Lower Historic District (Washington MRA)*, Washington Mountain Rd.
Washington, *Saint Andrew's Chapel (Washington MRA)*, Washington Mountain Rd.
Washington, *Sibley—Cocoran House (Washington MRA)*, Valley Rd.
Washington, *South Center School House (Washington MRA)*, Washington Mountain Rd.
Washington, *Upper Historic District (Washington MRA)*, Roughly between Branch and Frost Rds. on Washington Mountain Rd.
Washington, *Clark—Eames House (Washington MRA)*, Middlefield Rd.
Washington, *(Washington MRA), Middlefield* Rd.

MISSISSIPPI

Adams County

Washington, *Washington Methodist Church*, Main and Church Sts.

NEW HAMPSHIRE

Belknap County

Laconia, *Gross, Ossian Wilbur, Reading Room*, 188 Elm St.

Cheshire County

Richmond, *Veterans' Memorial Hall*, NH 32

Grafton County

Holderness, *North Holderness Freewill Baptist Church—Holderness Historical Society Building*, Owl Brook Rd.

Rockingham County

Sandown, *Sandown Depot, Boston and Maine Railroad*, Depot Rd.

NEW YORK

Greene County

Lexington, *Lexington House*, NY 42

Rockland County

Pearl River, *Salyer, Edward, House*, 241 S. Middletown Rd.

OKLAHOMA

Muskogee County

Muskogee, *Surety Building (Pre-Depression Muskogee Skyscrapers TR)*, 117 N. Third

Payne County

Stillwater, *Murphy House*, 419 S. Monroe

Tulsa County

Tulsa, *Philcade Building*, 511 S. Boston Ave.

TEXAS

Bexar County

San Antonio, *Halff, A.H., House*, 601 Howard St.
San Antonio, *Prospect Hill Missionary Baptist Church*, 1601 Buena Vista
San Antonio, *St. Anthony Hotel*, 300 Travis St.

Grayson County

Sherman, *Birge, Capt. Noble Allan, House*, 727 W. Birge

Potter County

Amarillo, *Atchison, Topeka, and Santa Fe Railway Company Depot and Locomotive No. 5000*, 307 S. Grant

Val Verde County

Del Rio, *Cassinelli Gin House*, Corner of Pecan and Academy Sts.

VIRGINIA

Alleghany County

Millboro vicinity, *Douthat State Park Historic District*, VA 629 (also in Bath County)

Washington County

Abingdon, *Abingdon Historic District (Boundary Increase)*, Roughly on Valley St. bounded by Jackson St., Whites Mill Rd., E. & W. Main, Park St., Plumb Alley & Academy Dr.

WEST VIRGINIA

Doddridge County

St. Clara, *Gamsjager—Wysong Farm*, CR 66.

[FR Doc. 86-18642 Filed 8-18-86; 8:45 am]
BILLING CODE 4310-70-M

Upper Delaware National Scenic and Recreational River; 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: August 22, 1986 7:00 p.m.

INCLEMENT WEATHER RESCHEDULE DATE: September 12, 1986[1]

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, NY 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 involvent 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, 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, NY 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, River Road, 1¾ miles North of Narrowsburg, NY, Damascus Township, Pennsylvania.

Dated: August 5, 1986.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 86–18658 Filed 8–18–86; 8:45 am]

BILLING CODE 4310-70-M

[1] Announcements of cancellation due to inclement weather will be made by radio stations WDNH, WDLC, WSUL, and WVOS.

DEPARTMENT OF JUSTICE

Antitrust Division

National Cooperative Research Notification; International Magnesium Development Corp.

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. 98–462 ("the Act"), International Magnesium Development Corporation has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing the addition of the Honda Research and Development Company, Ltd. as a party to the joint venture.

The notification identifying the original parties to the joint venture agreement, and describing the nature and objectives of that agreement, is published at 51 FR 23609 (June 30, 1986).

The additional notification was filed for the purpose of extending the protections of the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the current identities of the parties to the joint venture agreement are given below.

The parties to the joint venture are:

A/S Kongsberg Vapenfabrikk
Amax Magnesium
Billiton International Metals R.V.
Chromasco, Division of Timminco Limited
Dow Chemical U.S.A.
Hitchcock Industries, Inc.
Honda Research and Development Company, Ltd.
International Magnesium Development Corporation
Magnesium Elektron Limited
Montangessellschaft mbH
Norsk Hydro A S
Northwest Alloys, Inc.
Pechiney Electrometallurgie

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 86–18602 Filed 8–18–86; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published July 24, 1986 (51 FR 26614). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk(*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 A.M. and Subcommittee meetings usually begin at 8:30 A.M. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the September 1986 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone: 202/634–3265, ATTN: Barbara Jo White) between 8:15 A.M. and 5:00 P.M., Eastern Time.

ACRS Subcommittee Meetings

Nuclear Plant Chemistry, August 26, 1986, Washington, DC—CANCELLED.

Thermal Hydraulic Phenomena, August 27, 1986, Washington, DC. The Subcommittee will continue its review of the RES-proposed revision to the ECCS Rule (10 CFR 50.46 and Appendix K).

Decay Heat Removal Systems, September 9, 1986, Washington, DC. The Subcommittee will review NRR's Action Plan to address concerns with the reliability of certain plants' AFW systems.

Containment Requirements, September 23, 1986, Washington, DC. The Subcommittee will review a draft position paper on containment performance design objective as an addition to the Safety Goal Policy, and a draft of a proposed generic letter on containment requirements for severe accidents.

Severe (Class 9) Accidents, September 24, 1986, Washington, DC. The Subcommittee will review the NRR Implementation Plan for Severe Accidents and the IDCOR Methodology for Individual Plant Evaluation.

International Operating Experience, September 25, 1986 — CANCELLED.

Joint Seabrook/Occupational and Environmental Protection Systems, September 25, 1986, Washington, DC.

The Subcommittees will gather and exchange information with the NRC Staff and PSNH. The Subcommittees will review efforts by the applicant to reduce the size of the emergency planning zone (EPZ). This effort uses results of thue Seabrook Probabilistic Safety Assessment to justify a smaller EPZ. A primary focus will be the credit taken for the strength and leak tightness of the Seabrook containment. A status report on emergency planning around Seabrook will also be discussed.

Decay Heat Removal Systems, September 26, 1986, Washington, DC. The Subcommittee will continue its review of NRR's proposed resolution position for USI A-45, "Shutdown Decay Heat Removal Systems."

Reactor Operations, October 8, 1986, Washington, DC. The Subcommittee will review recent operating events at nuclear reactors.

Waste Management, October 30 and 31, 1986, Washington, DC. The Subcommittee will review selected radioactive waste management topics with the Division of Waste Management.

Metal Components, November 12 (tour), near Pittsburgh, PA and November 13, 1986 (tentative), Washington, DC. The Subcommittee will visit Beaver Valley 2 on the 12th and (1) hear a status report of the Whipjet program (application of broad scope GDC-4 criteria) as applied to lead plant BVPS-2; and (2) review public comments on NUREG-0313, Revision 2 (long range fix for BWR-IGSCC problems).

Extreme External Phenomena, November 20, 1986, Washington, DC. The Subcommittee will continue its review of the Diablo Canyon long-term seismic program.

Spent Fuel Storage, November 21, 1986, Washington, DC. The Subcommittee will continue its review of 10 CFR Part 72 and Monitored Retrievable Storage (MRS).

Regional Operations, Date to be determined (September/October), Chicago, IL. The Subcommittee will begin its review of the activities of the NRC Regional Offices. This meeting will focus on the activities of the Region III Office.

AC/DC Power Systems Reliability, Date to be determined (October/November), Washington, DC. The Subcommittee will review the proposed Station Blackout rule (SECY-85-163).

Seabrook Units 1 and 2, Date to be determined (fall/winter), Washington, DC. The Subcommittee will review the application for a full power operating license for Seabrook 1 and 2.

Metal Components, Date to be determined (November/December), Oak Ridge, TN. The Subcommittee will review the HSST program, including dosimetry program by HEDL.

Structural Engineering, January 21 and 22, 1987, Albuquerque, NM. The Subcommittee will review containment integrity and Category I structures, programs, and test facilities.

ACRS Full Committee Meeting

September 11-13, 1986: Items are *tentatively* schedule.

*A. *Meeting with NRC Commissioners*—Discuss ACRS report on the proposed NRC policy statement on certification of nuclear power plant standard designs.

*B. *Criteria for Emergency Core Cooling Systems*—Proposed revision of 10 CFR Part 50.6 Acceptance Criteria for ECCS for Light Water Reactors and 10 CFR Part 50, Appendix K, ECCS Evaluation Models.

*C. *NRC Regulatory Process and Procedures*—Report of ACRS subcommittee regarding the incident investigation procedures of NRC.

*D. *Improved Light Water Reactors*—Discuss proposed ACRS comments regarding characteristics of improved light water reactors.

*E. *Implementation of Severe Accident Policy Plan, Removal of Radioactivity from the Containment Atmosphere*—Discuss proposed changes in the NRC Standard Review Plan regarding removal of radioactive iodine from the containment atmosphere.

*F. *Seabrook Nuclear Power Station Units 1 and 2*—Proposed changes in the Emergency Planning Zone for this facility.

*G. *Babcock and Wilcox Company LWRs* The members will meet with representatives of the B&W Company to hear and discuss a presentation regarding activities related to long-term safety of B&W LWRs.

*H. *Auxiliary Feedwater Systems Reliability*—Report of ACRS subcommittee regarding proposed resolution of USI A-124, Auxiliary Feedwater System.

*I. *International Operating Experience*—Report by NRC Staff representatives regarding the Chernobyl Nuclear Plant accident.

*J. *Long-Term Planning*—Discuss proposed ACRS comments regarding development of a long-range plan for NRC activities.

*K. *ACRS Subcommittee Activity*—Reports of recent assigned subcommittee activities, including research related to primary system integrity, function inspection of safety systems, status of the NRC SALP program, scram systems reliability, the seismic margins programs, ACRS procedures and practices, and ACRS planning.

*L. *Seismic Qualification of Equipment*—Plan for seismic qualification of safety-related equipment in nuclear power plants.

*M *Qualification of Nuclear Power Plant Personnel*—Discuss proposed ACRS comments regarding use of aptitude testing to select nuclear power plant personnel.

*N. *Future ACRS Activities*—Discuss anticipated ACRS subcommittee activities and proposed items for full Committee consideration.

O. *Activities of ACRS Members (Closed)*—Discuss non-ACRS activities of ACRS members, as appropriate.

October 9-11, 1986—Agenda to be announced.

November 6-8, 1986—Agenda to be announced.

December 11-13, 1986—Agenda to be announced.

Dated: August 14, 1986.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 86-18688 Filed 8-18-86; 8:45 am]

BILLING CODE 7590-01-M

Hurley Medical Center; Evidentiary Hearing

In matter of: Hurley Medical Center, One Hurley Plaza, Flint, Michigan; Docket Nos. 30-01993 and 70-1396; License Nos. 21-00338-02; SNM-1393 (EA 85-89).

August 13, 1986.

Notice is hereby given that a public evidentiary hearing in the above named matter will convene at 9:00 a.m. DST on October 15, 1986 at the Magistrate's Courtroom, U.S. District Court, Federal Building, 600 Church Street, Flint, Michigan.

The parties to the hearing are the Staff of the Nuclear Regulatory Commission and the Hurley Medical Center of Flint, Michigan.

The Hurley Medical Center is the holder of NRC licenses which authorize it to possess and use radioactive materials in accordance with the terms of the licenses.

The issues to be heard are:

(a) Whether the Licensee was in noncompliance with the Commission's requirements as set forth in the August 22, 1985, Notice of Violation and Proposed Imposition of Civil Penalties; and

(b) Whether the February 24, 1986 Order Imposing Civil Monetary Penalties should be sustained.

Ivan W. Smith,

Administrative Law Judge.

Bethesda, Maryland.

August 13, 1986.

[FR Doc. 86-18667 Filed 8-18-86; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Request for Extension of Approval Under the Paperwork Reduction Act of the Information Collection Requirement

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval of extension.

SUMMARY: The Pension Benefit Guaranty Corporation has requested approval by the Office of Management and Budget for an extension of the expiration date of a currently approved information collection requirement (1212-0022) without any change in the substance or in the method of collection. The PBGC's regulation on Mergers and Transfers Between Multiemployer Plans, 29 CFR Part 2672, contains this information collection requirement. The current OMB approval is scheduled to expire on September 30, 1986. The effect of this notice is to advise the public of the PBGC's request for OMB approval of this extension.

ADDRESSES: All written comments (at least three copies) should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention Desk Officer for the Pension Benefit Guaranty Corporation, 3208 New Executive Office Building, Washington, DC 20503. The request for an extension will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, 2020 K Street NW., Washington, DC 20006, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: John Carter Foster, Attorney-advisor, Regulations Division, Corporate Policy and Regulations Department (35100), 2020 K Street NW., Washington, DC 20006; telephone 202-956-5050 (202-956-5059 for TTY and TDD). These are not toll-free numbers.

Issued at Washington, DC, on this 14th day of August 1986.

Kathleen P. Utgoff,

Executive Director.

[FR Doc. 86-18668 Filed 8-18-86; 8:45 am]

BILLING CODE 7700-01-M

DEPARTMENT OF STATE

[Public Notice 977]

Foreign Assistance Determination: Yugoslavia

Pursuant to the authority vested in me by section 620(f)(2) of the Foreign Assistance Act of 1961, as amended, and by Executive Order No. 12163, as amended, section 1-201(a)(11), I hereby determine that the removal of Yugoslavia from the list of countries subject to the limitations of section 620(f) of the Foreign Assistance Act is important to the national interest of the United States. I therefore direct that Yugoslavia be henceforth removed, for an indefinite period, from the application of section 620(f) of the Foreign Assistance Act.

George P. Shultz,

Secretary of State.

August 5, 1986

[FR Doc. 86-18604 Filed 8-18-86; 8:45 am]

BILLING CODE 4710-10-M

[Public Notice CM-8/988]

Discretionary Grant Programs: Application Notice Establishing Closing Date for Transmittal of Certain Fiscal Year 1987 Applications

AGENCY: The Department of State invites applications from national organizations with interest and expertise in conducting research and training concerning the USSR and Eastern Europe to serve as intermediaries administering national, competitive programs under the Soviet and Eastern European Research and Training Act. All grants will be annual and based on an open, national competition among applying organizations.

Authority for this program is contained in the Soviet-Eastern European Research and Training Act of 1983.

SUMMARY: The purpose of this application notice is to inform potential applicant organizations of fiscal and programmatic information and closing dates for transmittal of applications for awards in Fiscal Year 1987 under a program administered by the Department of State.

Organization of Notice: This notice contains three parts. Part I lists the closing date covered by this notice. Part II consists of a statement of purpose and priorities of the program. Part III provides the fiscal data for the program.

Part I

Closing Date for Transmittal of Applications

An application for an award must be mailed or hand-delivered by September 19, 1986.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of State, INR/LAR, Soviet-Eastern European Studies Advisory Committee, Washington, DC 20520.

An applicant must show proof of mailing consisting of *one* of the following:

(1) a legibly dated U.S. Postal Service postmark.

(2) a legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) a dated shipping label, invoice, or receipt from a commercial canter.

(4) any other proof of mailing acceptable to the U.S. Department of State.

If an application is sent through the U.S. Postal Service, the Department of State does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail. Late applications will not be considered and will be returned to the applicant.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the U.S. Department of State, INR/LAR, Soviet-Eastern European Studies Advisory Committee, Room 207 or Room 233, 1730 K Street, NW., Washington, DC.

The Soviet-Eastern European Studies Advisory Committee will accept hand-delivered applications between 9:00 a.m. and 4:00 p.m. (Washington, DC time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:00 p.m. on the closing date.

Part II

Program Information

In the Soviet-Eastern European Research and Training Act of 1983 the Congress declared that independently verified factual knowledge about the countries of that area is "of utmost importance for the national security of the United Staes, for the furtherance of our national interests in the conduct of foreign relations, and for the prudent management of our domestic affairs." Congress also declared that the development and maintenance of such knowledge and expertise "depends upon the national capability for advanced research by highly trained and experienced specialists, available for service in and out of Government." The Act authorizes the Secretary of State to provide financial support for Advanced research, training and other related functions.

The full purposes of the Act and the eligibility requirements are set forth in Pub. L. 98–164, Title VIII, 97 Stat. 1047–50. Under Title VIII, the countries include Albania, Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Romania, USSR, and Yugoslavia.

The Act establishes an Advisory Committee to recommend grant policies and recipients. The Secretary of State, after consultation with the Advisory Committee, approves policies and make final determination on awards.

Applications for funding under the Act are invited from organizations prepared to conduct competitive programs in the field of Soviet and Eastern European and related studies. Applying organizations or institutions should have the capability to conduct *competitive award programs that are national in scope.* Programs of this nature are those that make awards which are based upon an open, nationwide competitive incorporating peer group review mechanisms. Applications sought are those that would contribute to the development of a stable, long-term, national program of unclassified, advanced research and training on the Soviet Union and Eastern Europe by proposing:

(1) *National programs* which award contracts to American institutions of higher education or not-for-profit corporations in support of postdoctoral or equivalent level research projects, such contracts to contain shared-cost provisions;

(2) *National programs* which offer graduate, postdoctoral and teaching fellowships for advanced training in Soviet and Eastern European and related studies, including training in the languages of the Soviet Union and Eastern Europe, such training to be conducted, on a share-cost basis, at American institutions of higher education;

(3) *National programs* which provide fellowships and other support for American specialists enabling them to conduct advanced research in the field of Soviet, Eastern European and related studies; and those which facilitate research collaboration between Government and private specialists in these fields;

(4) *National programs* which provide advanced training and research on a reciprocal basis in the Soviet Union and in the countries of Eastern Europe by faciliting access for American specialists to research facilities and resources in those countries;

(5) *National programs* which facilitate public dissemination of research methods, data and findings; and those which propose to strengthen the national capability for advanced research or training on the Soviet Union and Eastern Europe in ways not specified above.

Note.—The Advisory Committee will not consider applications from individuals to further their own training or research, or from institutions or organizations whose proposals are not for competitive award programs that are national in scope as defined above. Moreover, support for publications, library activities and conferences will be constrained by the following policies:

—*Publications.* Title VIII funds should not be used to subsidize journals, newsletters and other periodical publications except in unique or special circumstances, in which cases the funds should be supplied by peer-review organizations with national competitive programs.

—*Library Activities.* Title VIII funds should not be used for library preservation, cataloging or modernization. However, a national peer-review organization with Title VIII funds could offer modest support to efforts directed toward developing an effective, long-term and well-coordinated strategy to address the serious library needs of the field.

—*Conferences.* Proposals for conferences, like those for research projects and training programs, should be assessed according to their relative contribution to the advancement of knowledge and to the qualitative improvement of the professional cadres in the field. Therefore, Title VIII grants generally should not be made solely to support a particular conference or series of conferences. Rather conference funding should come from one or more of the national peer-review organizations receiving Title VIII funds, with proposed conferences being evaluated competitively against research, fellowship or other proposals for achieving the purposes of the grant.[1]

In making its recommendations, the Committee will seek to encourage a coherent, long-term, and stable effort directed toward developing and maintaining a national capability in Soviet and Eastern European studies. Program proposals can be for conduct of any of the functions enumerated, but in making its recommendations, the Committee will be concerned to develop a balanced national effort which, over the life of the Act, will ensure attention to all the countries of the area, though with emphasis on the USSR.

Part III

Available Funds

Congress has authorized $5.0 million and the House of Representatives has appropriated $4.559 million for Title VIII funding for Fiscal Year 1987. Awards cannot be made until the Senate has acted and the full Congress has approved the appropriations bill for the Department of State.

The Department legally cannot commit funds that may be appropriated in subsequent fiscal years. Thus multi-year projects cannot receive assured funding unless such funding is supplied out of a single year's appropriation. Generally, grant agreements will permit the expenditure from a particular year's grant to be made over two or more years.

Applications

Applications must be prepared and submitted in 20 copies in the form of a statement, the narrative part of which should not exceed 20 double-spaced pages. This must be accompanied by a 1 page executive summary, a budget, and vitae of professional staff. Proposers may append other information they consider essential, though bulky submissions are discouraged.

Budget

Applicants should familiarize themselves with OMB Circular No. A–110, "Grants and Agreements with Institutions of Higher Education . . . Uniform Administrative

[1] These policies were adopted by the Advisory Committee after it reviewed a June, 1986 report on the deliberations of a Workshop on Publications, Library Activities, and Conferences. The Workshop, a joint undertaking of the Congressional Research Service and the American Association for the Advancement of Slavic Studies, was held at the request of the Advisory Committee. Copies of the report, prepared by John P. Hardt and Jean F. Boone, are available from them at the Congressional Research Service, Room 203, Madison Bldg., The Library of Congress, Washington, DC 20540.

Requirements," and indicate or provide the following information:

(1) Whether the organization falls under OMB Circular No. A–21, "Cost Principles for Educational Institutions," or OMB Circular No. A–122, "Cost Principles for Nonprofit Organizations;"

(2) A budget request containing total amount, a detailed program budget, and a detailed administrative budget listing direct administrative expenses and indirect costs. *NB* Indirect costs are limited to 10 percent of total grant agreements.

(3) The applicant's cost-sharing proposal, if applicable, containing appropriate details and cross references to the requested budget. Applicants who are requesting Title VIII funds to supplement a program having other sources of support should submit a current budget for the total program and an estimated future budget for it showing how specific lines in the budget would be effected by the allocation of requested Title VIII grant funds;

(4) Whether payment is requested on a reimbursable basis or by advance methods; re the latter, for grants above $120,000, advance funds will be made through a letter of credit, but if less than $120,000, advance of funds will be made by Treasury checks through wire transfers;

(5) The organization's most recent audit report (the most recent U.S. Government audit report if available) and the name, address and point of contact of the audit agency.

Technical Review

The Soviet-Eastern European Advisory Committee will evaluate applications on the basis of the following criteria:

(1) responsiveness to the substantive provisions set forth above in *Part II, Program Information* (40 points);

(2) the professional qualifications of the applicant's key personnel and their experience conducting national competitive award programs of the type the applicant proposes in the Soviet-Eastern European field (40 points); and

(3) budget and cost effectiveness (20 points).

Further Information

For further information, contact Dr. E. Raymond Platig, Executive Director, Soviet-Eastern European Studies Advisory Committee, INR/LAR, U.S. Department of State, Washington, DC 20520. Telephone: (202) 632–2025 or 632–5879.

Dated: August 11, 1986.

E. Raymond Platig,

Executive Director, Soviet-Eastern European Studies Advisory Committee.

[FR Doc. 86–18678 Filed 8–18–86; 8:45 am]

BILLING CODE 4710–32–M

[Public Notice CM–8/986]

Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on September 18, 1986 in the first floor Theater, Communications Satellite Corporation, 950 L'Enfant Plaza, SW., Washington, DC. The meeting will begin at 9:00 a.m.

Study Group 4 deals with matters relating to systems of radiocommunications for the fixed service using satellites. The purpose of the meeting will be to continue the plan of work for the Study Group during the 1986–1990 period.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, DC. 20520; telephone (202) 674–2592.

Dated: August 7, 1986.

Richard E. Shrum,

Chairman U.S. CCIR National Committee.

[FR Doc. 86–18679 Filed 8–18–86; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–8/985]

Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on Thursday, September 18, 1986 at 9:30 a.m. in Room 1207, Department of State, 2201 C Street, NE., Washington, DC.

The agenda is as follows:

1. Report on activities since the last CCITT Study Group VII meeting;
2. Consideration of contributions to the CCITT Study Group VII meeting (September 29, Geneva); and
3. Any other business.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl Barbely, State Department, Washington DC; telephone (202) 647–6700. All attendees must use the C Street entrance to the building.

Dated: August 6, 1986.

Earl S. Barbely,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 86–18680 Filed 8–18–86 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM81982]

Study Groups A and C of The U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Groups A and C (relating only to Special "S" activities) of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on Tuesday, September 9, 1986 at 9:30 a.m. in Room 1205, Department of State, 2201 C Street, NW., Washington, DC.

The morning session, scheduled from 9:30 a.m. until 12:30 p.m., will be (a) a debriefing of the activities of CCITT Study Group III Working Parties 5 and 6 (June 17–26, Kobe, Japan); (b) preparations for the upcoming CCITT Study Group III meeting (October 1–17, Geneva); and (c) debriefing of the results of CCITT Study Group Special "S" meeting (May–June 4, Geneva). The afternoon session, scheduled from 1:30 p.m. until 4:30 p.m., will cover issues regarding the upcoming meetings of CCITT Study Groups I and VIII (November/December, Geneva).

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl Barbely, State Department, Washington, DC.;

telephone (202) 647–6700. All attendees must use the C Street entrance to the building.

Dated: July 17, 1986.

Earl S. Barbely,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 86–18681 Filed 8–18–86; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: August 13, 1986.

The Department of Treasury has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0241
Form Number: IRS Form 6177
Type of Review: Extension
Title: General Assistance Program Determination

OMB Number: 1545–0215
Form Number: IRS Forms 5712 and 5712–A
Type of Review: Revision
Title: Election to be Treated as a Possessions Corporations Under Section 936 Election to Use the Cost Sharing or Profit Split Method Under Section 936(h)(5)

Clearance Officer: Garrick Shear, (202) 566–6150, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Robert Neal, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

U.S. Customs Service

OMB Number: 1515–0088
Form Number: None
Type of Review: Extension
Title: Foreign Assembler's Declaration (with Endorsement by the Importer

Clearance Officer: Vince Olive (202) 566–9181, U.S. Custom Service, Room 6321, 1301 Constitution Avenue, NW., Washington, DC 20229.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Office of the Secretary

OMB Number: 1505–0021
Form Number: TD F 90–22.1
Type of Review: Revision
Title: Report of Foreign Bank and Financial Accounts

Clearance Officer: Douglas J. Colley, (202) 566–6671, Office of the Secretary, Room 7221, ICC Building, 1201 Constitution Avenue, NW., Washington, DC 20220.

OMB Reviewer: Robert Neal, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

S. F. Timothy Mullen,

Department Reports Management Office.

[FR Doc. 86–18662 Filed 8–18–86; 8:45 am]

BILLING CODE 4810–25–M

Office of the Secretary

[Department Circular—Public Debt Series—No. 28–86]

Treasury Notes of August 31, 1988, Series AD–1988

Washington, August 14, 1986.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $10,000,000,000 of United States securities, designated Treasury Notes of August 31, 1988, Series AD–1988 (CUSIP No. 912827 TY 8), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated September 2, 1986, and will accrue interest from that date, payable on a semiannual basis on February 28, 1987, August 31, 1987, February 29, 1988, and August 31, 1988. They will mature August 31, 1988, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of $5,000, $10,000, $100,000, and $1,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D. C. 20239, prior to 1:00 p.m., Eastern Daylight Saving time, Wednesday, August 20, 1986. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, August 19, 1986, and received no later than Tuesday, September 2, 1986.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders

totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Tuesday, September 2, 1986. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, August 28, 1986. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Tuesday, September 2, 1986. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 86-18736 Filed 8-15-86; 12:15 pm]

BILLING CODE 4810-40-M

Customs Service

[T.D. 86-151]

Reimbursable Service—Excess Cost of Preclearance Operation

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19

CFR 24.18(d)), the biweekly reimbursable excess cost for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning August 31, 1986.

Installation	Biweekly excess cost
Montreal, Canada	$18,208
Toronto, Canada	31,117
Kindley Field, Bermuda	10,755
Nassau, Bahama Islands	24,825
Vancouver, Canada	12,752
Winnipeg, Canada	2,759
Freeport, Bahama Islands	17,542
Calgary, Canada	7,774
Edmonton, Canada	4,739

Dated: August 7, 1986.

D. Lynn Gordon,

Acting Comptroller.

[FR Doc. 86-18659 Filed 8-18-86; 8:45 am]

BILLING CODE 4820-02-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation of Authority of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "The Age of Correggio and the Carracci: Emilian Painting of the 16th and 17th Centuries" (see list [1]) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the foreign lenders and the National Gallery of Art. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art in Washington, DC, beginning on or about December 19, 1986, to on or about February 16, 1987; and at the Metropolitan Museum of Art, New York City, beginning on or about March 19, 1987, to on or about May 24, 1987, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

[1] A copy of this list may be obtained by contacting Mr. John Lindburg of the Office of General Counsel of USIA. The telephone number is 202-485-7976, and the address is Room 700, 301 4th Street, SW., Washington, DC 20547.

Dated: August 14, 1986.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 86-18696 Filed 8-18-86; 8:45 am]

BILLING CODE 8230-01-M

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation of Authority of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhbit, "Matisse: Mastery of Light and Pattern—The Early Years in Nice" (see list [1]) imported from abroad for the temporary exhibition without profit within the United States are cultural significance. These objects are imported pursuant to loan agreements between the foreign lenders and the National Gallery of Art. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art in Washington, DC, beginning on or about November 2, 1986, to on or about March 29, 1987, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: August 14, 1986.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 86-18694 Filed 8-18-86; 8:45 am]

BILLING CODE 8230-01-M

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation of Authority of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhbit, "Russia: The Land, the People, Russian Painting 1840-1910" (see list [1]) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement between the Soviet Ministry of Culture and the Smithsonian Institution Traveling Exhibition Service. I also determine that the temporary exhibition or display of the listed exhibit objects at the Renwick Gallery, Smithsonian Institution, in Washington, DC, beginning on or about October 17, 1986, to on or about January 5, 1987; at the Smart Gallery, University of Chicago, Chicago, Illinois, beginning on or about January 22, 1987 to on or about March 8, 1987; and at the Fogg Art Museum, Harvard University, Cambridge, Massachusetts, beginning on or about April 13, 1987, to on or about July 14, 1987, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: August 14, 1986.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 86-18695 Filed 8-18-86; 8:45 am]

BILLING CODE 8230-01-M

[1] A copy of this list may be obtained by contacting Mr. John Lindburg of the Office of General Counsel of USIA. The telephone number is 202-485-7976, and the address is Room 700, 301 4th Street, SW., Washington, DC 20547.

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S Advisory Commission on Public Diplomacy will be held September 10, 1986, in Room 600, 301 4th Street, SW., Washington, DC at 10:00 a.m.

The Commission will meet with Mr. Stephen H. Rhinesmith, Coordinator of the President's U.S.-Soviet Exchange Initiative, and Mr. Gregory Guroff, Deputy Coordinator, to discuss U.S.-Soviet exchange programs. It will also meet with Ms. Angie Garcia, Director of USIA's Office of Personnel, and Mr. Barry Fulton, Chief of Foreign Service Personnel, to discuss Agency personnel administration.

Please call Gloria Kalamets, (202) 485-2468, if you are interested in attending the meeting since space is limited and entrance to the building is controlled.

Dated: August 13, 1986.

Charles N . Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 86-18697 Filed 8-18-86; 8:45 am]

BILLING CODE 8230-01-M

202-485-7976, and the address is Room 700, 301 4th Street, SW., Washington, DC 20547.

Sunshine Act Meetings

Federal Register
Vol. 51, No. 160
Tuesday, August 19, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m. Monday, August 25, 1986.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21th Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: August 15, 1986.

Barbara R. Lowrey,

Associate Secretary of the Board.

[FR Doc. 86–18790 Filed 8–15–86; 3:27 pm]

BILLING CODE 6210–01–M

2

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, September 3, 1986.

PLACE: Board Hearing Room 8th Floor, 1425 K Street, NW., Washington, DC

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of August, 1986.

2. Other priority matters which may come before the board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Charles R. Barnes, Executive Director, Tel: (202) 523–5920.

Date of notice: August 14, 1986.

Charles R. Barnes,

Executive Director, National Mediation Board.

[FR Doc. 86–18738 Filed 8–15–86; 12:15 pm]

BILLING CODE 7550–01–M

Reader Aids

Federal Register
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LIST OF PUBLIC LAWS

Last List August 18, 1986

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202–275–3030).

H.R. 1740/Pub. L. 99–380

To direct the Secretry of the Interior to release a reversionary interest in certain lands in Orange County, Florida which were previously conveyed to Orange County, Florida. (Aug. 14, 1986; 100 Stat. 809; 1 page) Price: $1.00

H.R. 1795/Pub. L. 99–381

To exempt certain lands in the State of Mississippi from a restriction set forth in the Act of April 21, 1806. (Aug. 14, 1986; 100 Stat. 810; 1 page) Price: $1.00

S. 1073/Pub. L. 99–382

Japanese Technical Literature Act of 1986. (Aug. 14, 1986; 100 Stat. 811; 2 pages) Price: $1.00

LIST OF ACTS REQUIRING PUBLICATION IN THE FEDERAL REGISTER, 1985

Additions to Table III, March 15, 1985 through January 15, 1986

This table lists the subject matter, public law number, and citations to the U.S. Statutes at Large and U.S. Code for those acts of the first session of the 99th Congress which require Federal agencies to publish documents in the Federal Register. Table III appears in the CFR Index and Finding Aids volume revised as of January 1, 1986.

Description of Act	*Citation*
Pacific Salmon Treaty Act of 1985	Public Law 99-5; 99 Stat. 11; 16 U.S.C. 3635.
Cocopah Indian Tribe of Arizona, lands in trust	Public Law 99-23; 99 Stat. 49.
Export Administration Amendments Act of 1985	Public Law 99-64; 99 Stat. 124; 50 U.S.C. app. 2404; 99 Stat. 137, 138; 50 U.S.C. app. 2406; 99 Stat. 150; 50 U.S.C. app. 2411.
International Security and Development Cooperation Act of 1985	Public Law 99-83; 99 Stat. 221; 22 U.S.C. 2371; 99 Stat. 224; 49 U.S.C. app. 1515; 99 Stat. 226; 49 U.S.C. app. 1515a.
Supplemental Appropriations Act, 1985	Public Law 99-88; 99 Stat. 318.
Indian Education Technical Amendments Act of 1985	Public Law 99-89; 99 Stat. 380; 25 U.S.C. 2001.
National Science, Engineering, and Mathematics Authorization Act of 1986.	Public Law 99-159; 99 Stat 889; 42 U.S.C. 1864.
Public debt limit, increase	Public Law 99-177; 99 Stat. 1072; 2 U.S.C. 901.
Continuing appropriations for fiscal year 1985, and for other purposes	Public Law 99-190; 99 Stat. 1288; 99 Stat. 1290.
Food Security Act of 1985	Public Law 99-198; 99 Stat. 1378; 15 U.S.C. 713a-14; 99 Stat. 1410; 7 U.S.C. 1444-1; 99 Stat. 1471; 7 U.S.C. 1431; 99 Stat. 1586; 7 U.S.C. 2020; 99 Stat. 1653, 1654; 42 U.S.C. 7545 note.
California-Nevada boundary, land title clearance	Public Law 99-200; 99 Stat. 1664.
Maryland-National Capital Park and Planning Commission, land conveyance.	Public Law 99-215; 99 Stat. 1725.
Low-Level Radioactive Waste Policy Act Amendments, etc	Public Law 99-240; 99 Stat. 1853; 42 U.S.C. 2021e.

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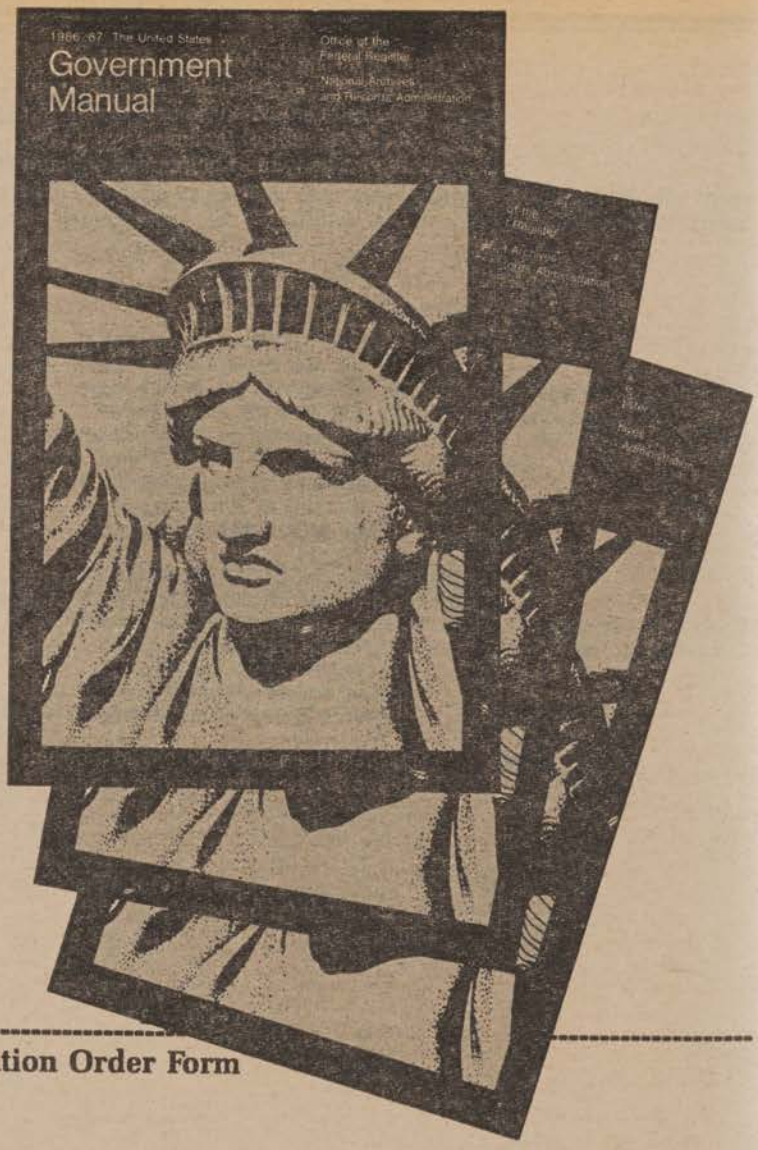
The United States Government Manual 1986/87



As the official handbook of the Federal Government, the *Manual* is the best source of information on the activities, functions, organization, and principal officials of the agencies of the legislative, judicial, and executive branches. It also includes information on quasi-official agencies and international organizations in which the United States participates.

Particularly helpful for those interested in where to go and who to see about a subject of particular concern is each agency's "Sources of Information" section, which provides addresses and telephone numbers for use in obtaining specifics on consumer activities, contracts and grants, employment, publications and films, and many other areas of citizen interest. The *Manual* also includes comprehensive name and subject/agency indexes.

Of significant historical interest is Appendix A, which describes the agencies and functions of the Federal Government abolished, transferred, or changed in name subsequent to March 4, 1933.

The *Manual* is published by the Office of the Federal Register, National Archives and Records Administration.

$19.00 per copy

Publication Order Form

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