9-4-86
Vol. 51 No. 171
Pages 31605-31756

Federal Register

Thursday
September 4, 1986

Briefings on How to Use the Federal Register—
For information on briefings in Washington, DC, see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $300.00 per year, or $150.00 for 6 months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

How To Cite This Publication: Use the volume number and the page number. Example: 51 FR 12345.

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

Contents

Federal Register

Vol. 51, No. 171

Thursday, September 4, 1986

Separate Parts In This Issue

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.

7 CFR
301 31605

8 CFR
Proposed Rules:
214 31637

9 CFR
Proposed Rules:
92 31637

14 CFR
39 (2 documents) 31607, 31608
Proposed Rules:
21 31644
23 31644
39 31647
71 31648

17 CFR
Proposed Rules:
150 31648

18 CFR
Proposed Rules:
37 31651

26 CFR
1 (2 documents) 31610, 31613
602 (2 documents) 31610, 31613

32 CFR
Proposed Rules:
40 31651

34 CFR
Proposed Rules:
614 31754

36 CFR
13 31619
1254 31617

39 CFR
Proposed Rules:
111 31673

40 CFR
271 31618

41 CFR
Proposed Rules:
201-33 31674

43 CFR
36 31619

44 CFR
65 31635
Proposed Rules:
67 (2 documents) 31675, 31678

48 CFR
Proposed Rules:
1317 31687
1352 31687

50 CFR
36 31619

Rules and Regulations

Federal Register
Vol. 51, No. 171
Thursday, September 4, 1986

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 86-313]

Citrus Canker—Compensation for Destroyed Plants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the Citrus Canker regulations by providing compensation for scion plants and seed plants that were destroyed pursuant to orders that were issued by inspectors. This document further amends the regulations by providing that compensation will be paid for all plants that are listed in § 301.75–15 of the regulations and that were destroyed pursuant to orders issued by inspectors through January 29, 1986.

DATES: Effective date of this interim rule August 29, 1986. Written comments concerning this interim rule must be received on or before November 3, 1986.

ADDRESSES: Written comments should be submitted to Steven R. Poore, Acting Assistant Director, Regulatory Coordination Group, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 728, Federal Building, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 86–313. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: B. Glen Lee, Emergency Programs Coordinator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 611 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–6365.

SUPPLEMENTARY INFORMATION:

Background

Citrus canker, a disease caused by the bacterial pathogen, *Xanthomonas campestris pv. citri* (Hasse) Dawson, is a devastating disease which is known to affect plants and plant parts (including fruit) of citrus and citrus relatives (Family Rutaceae). Infection by the pathogen causing citrus canker can result in defoliation and other serious damage to the leaves and twigs of susceptible plants. Infected fruit become unmarketable and often drops from a tree prematurely. Citrus canker is a very aggressive disease which can rapidly infect susceptible plants, and can lead to extensive economic losses throughout entire citrus growing areas. Citrus canker presents a severe threat to citrus producing and packing industries and poses a burden on interstate and international commerce.

Because of the finding of citrus canker in Florida, regulations captioned "Subpart-Citrus Canker" (contained in 7 CFR 301.75 *et seq.* and referred to below as the regulations) were established by the United States Department of Agriculture (USDA) to regulate the interstate movement from anywhere in Florida of certain articles designated as regulated articles.

The regulations in § 301.75–15 include provisions concerning the payment of compensation for plants destroyed in Florida pursuant to an order issued by an inspector because of citrus canker.

Section 301.75–15 of the regulations provides that USDA shall pay compensation for plants destroyed in Florida because of citrus canker pursuant to an order issued on or after October 17, 1984. Compensation shall be paid as follows:

Class of plant	Compensation to be paid by USDA [1]
Field Grown Nursery Plants:	
Seedling	$0.0135
Liner	.1385
Budded tree	.8450
Greenhouse Grown Nursery Plants:	
Seedling	.0315
Liner	.2660
Budded tree	.9825
Container Plants:	
One (1) gallon	1.315
Two (2) gallons	1.710
Three (3) gallons	2.100
Grove Plants:	
Reset or new planting	3.740
Rates of compensation for scion and seed plants.	

[1] The amount of compensation to be paid by USDA for plants ordered destroyed by an inspector represents fifty percent (50%) of the replacement value of the plants as determined by the Deputy Administrator. The replacement values for plants were determined based on information provided by the Citrus Canker Indemnity Work Group (a group composed of representatives of USDA–ERS, USDA–APHIS, the University of Florida, and the Florida Department of Agriculture and Consumer Services) and representatives from the citrus industry.

In addition to the plants that have been listed in § 301.75–15, scion plants and seed plants were destroyed because of citrus canker and pursuant to orders issued by inspectors. However, rates of compensation for scion plants and seed plants had not been established at the time the destruction orders were issued.

This document amends the compensation provisions in § 301.75–15 by providing that the following compensation will be paid by USDA for scion plants and seed plants destroyed because of citrus canker pursuant to a destruction order issued by an inspector:

Age of plant (years)	Dollar value
1	$8.69
2	14.19
3	20.07
4	25.41
5	30.15
6	34.45
7	38.36
8	41.92
9	45.15
10	48.09
11	50.77
12	53.20
13	55.41
14	57.41
15	59.24
16	60.90
17	62.41
18	63.78
19	65.02
20	66.16
21	67.19
22	68.13
23	68.98
24	69.75
25	70.45

The amount of compensation to be paid by USDA for such scion and seed plants represents fifty percent (50%) of the replacement value of the plants as determined by the Deputy Administrator. The replacement value of the plants is based on the average cost of purchasing, planting, and maintaining the plants.

Payment of Compensation for Orders Issued Through January 29, 1986

This document also amends § 301.75–15 by establishing a termination date for the payment of compensation for plants destroyed pursuant to a destruction order issued by an inspector. The Secretary of Agriculture has determined that funds are only available to pay compensation for plants that were ordered destroyed through January 29, 1986, and that such compensation would be paid at the rate of fifty percent of the replacement value of the plants. The Department has also determined that no authorized inspector has issued an order for the destruction of plants in Florida because of citrus canker after January 29, 1986. The Secretary of Agriculture has determined that this action would allow for the best use of the available Federal funds in the citrus canker eradication effort in Florida, and that the remainder of the economic losses incurred as a result of the destruction of plants because of citrus canker should be absorbed by the State of Florida, the citrus industry, or both.

Compensation Procedures

This document also amends § 301.75–16 of the regulations entitled, "Claim for compensation" by adding provisions which require that a person seeking compensation for scion or seed plants submit, in addition to PPQ Form 751, a copy of the current registration/validation issued by the Office of Budwood Registration, of the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, for such scion and seed plants. It is necessary to require that such current registration/validation be submitted in order to ensure that compensation is paid by USDA only for verified scion and seed plants.

Executive Order 12291 and Regulatory Flexibility Act

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

This rule provides for the payment of compensation for scion and seed plants destroyed because of citrus canker pursuant to an order issued by an inspector. In addition, this rule provides that compensation will be paid by USDA for plants destroyed pursuant to an order issued by an inspector only through January 29, 1986.

It appears that an insignificant number of nurseries that are eligible to receive compensation for scion and seed plants under the Citrus Canker regulations would be deemed a small entity under the Regulatory Flexibility Act. (5 U.S.C. 601 *et seq.)*

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

Emergency Action

In accordance with section 105(b)(2) of the Federal Plant Pest Act (7 U.S.C. 150dd(b)(2)), the amount of compensation which the Secretary determines may be paid for articles destroyed after the declaration of an extraordinary emergency, shall be final. Thus, the amount to be paid is solely within the Secretary's discretion. Similarly, the decision not to issue destruction orders after January 29, 1986, and not to pay compensation reflects a policy decision by the Secretary of Agriculture that would allow for the best use of available Federal funds in the citrus canker eradication effort in Florida.

The Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim rule in order to provide compensation for those persons who had scion and seed plants destroyed. This situation requires immediate action to provide for such compensation.

Further, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedure with respect to this interim rule are unnecessary; and good cause is found for making this interim rule effective upon signature. Comments will be solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Executive Order 12372

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

Paperwork Reduction Act

In accordance with section 1504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the information collection provisions that are included in "Subpart-Citrus Canker" (7 CFR 301.75 *et seq.*) have been approved by the Office of Management and Budget (OMB) and have been assigned OMB Control Number 0579–0083.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant disease, Plant pests, Plants (Agriculture), Quarantine, Transportation, Citrus canker.

PART 301—DOMESTIC QUARANTINE NOTICES

Under the circumstances described above, "Subpart-Citrus Canker" (contained in 7 CFR 301.75 *et seq.*) is amended as follows:

1. The authority citation for "Subpart-Citrus Canker" is revised to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 161, and 162, 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. Section 301.75–15 is revised to read as follows:

§ 301.75–15 Compensation for destroyed plants.

Compensation by the United States Department of Agriculture shall be paid for plants destroyed in Florida because of citrus canker pursuant to an order issued by an inspector that was issued between October 17, 1984, through January 29, 1986. Compensation shall be based on inspector's inventories of destroyed plants. Compensation shall be as follows:

Class of plant	Compensation to be paid by USDA[1]
Field grown nursery plants:	
Seedling	$0.0135
Liner	.1385
Budded tree	.8450
Greenhouse grown nursery plants:	
Seedling	.0315
Liner	.2660
Budded tree	.9825
Container plants:	
One (1) gallon	1.315
Two (2) gallons	1.710

Class of plant	Compensation to be paid by USDA[1]
Three (3) gallons	2.100
Grove plants:	
Reset or new planting	3.740
Scion plants and seed plants:	
Age of plant (years)	Dollar value
1	$8.69
2	14.19
3	20.07
4	25.41
5	30.15
6	34.45
7	38.36
8	41.92
9	45.15
10	48.09
11	50.77
12	53.20
13	55.41
14	57.41
15	59.24
16	60.90
17	62.41
18	63.78
19	65.02
20	66.16
21	67.19
22	68.13
23	68.98
24	69.75
25	70.45

[1] The amount of compensation to be paid by USDA for plants ordered destroyed by an inspector represents fifty percent (50%) of the replacement value of the plants as determined by the Deputy Administrator. The replacement values for plants were determined based on information provided by the Citrus Canker Indemnity Work Group (a group composed of representatives of USDA-ERS, USDA-APHIS, the University of Florida, and the Florida Department of Agriculture and Consumer Services) and representatives from the citrus industry.

3. Section 301.75–16 is revised to read as follows:

§ 301.75–16 Claim for compensation.

(a) A claim for compensation to be paid by the United States Department of Agriculture for economic losses resulting from the destruction of plants must be presented to an inspector before compensation will be made. The claim must be made on PPQ Form 751. The claimant must state whether the items for which compensation is requested are, or are not, subject to a mortgage, lien, or other security or beneficial interest held by any person other than the claimant. If the claimant is the owner and states that there is no mortgage, lien, or other such interest on the items, payment will be made to the owner. If the claimant states that there is a mortgage, lien, or other such interest, PPQ Form 751 shall be signed by the claimant and by each person holding a mortgage, lien, or other such interest on the items, consenting to the payment of any compensation allowed to the person specified thereon, and payment will be made to such person.

(b) A person seeking compensation for scion or seed plants shall submit, in addition to PPQ Form 751, a copy of the current registration/validation issued by the Office of Budwood Registration, of the Forida Department of Agriculture and Consumer Services, Division of Plant Industry for such scion and seed plants.

Done at Washington, DC, this 29th day of August 1986.

Donald F. Husnik,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 86–19903 Filed 9–3–86; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86–ANE–25; Amdt. 39–5371]

Airworthiness Directives; Garrett Turbine Engine Company Model TPE331–25AA, –25AB, –25DA, –25DB, –25FA, –43A, –43BL, –47A, –55B, –1, –2, –2UA, –3U, –3UW, –5, –6, –6A, –8, –10, –10G, –10R, –10U, –10UA, –10UF, –10UG, –10UGR, –10UR, –11U, –11UA, –12, and TSE331–3U Turboprop and Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known owners and operators of certain Garrett Turbine Engine Company Models TPE–331–25AA, –25AB, –25DA, –25DB, –25FA, –43A, –43BL, –47A, –55B, –1, –2, –2AU, –3U, –3UW, –5, –6, –6A, –8, –10, –10G, –10R, –10U, –10UA, –10UF, –10UG, –10UGR, –10UR, –11U, –11UA, –12, and TSE331–3U turboprop and turboshaft engines by individual priority letter. The AD requires accomplishing spectrometric analysis of oil samples, inspection of torsion shaft and the turbine oil scavenge pump drive spur gear shaft assembly, rework or replacement of the turbine oil scavenge pump, replacement of the beryllium-copper nut, and change of engine oil and oil filter. This AD is needed to prevent the failure of the beryllium-copper nut on the turbine end of the tiebolt shouldered shaft which could result in unstacking of the engine rotor.

DATES: Effective September 5, 1986 as to all persons except those persons to whom it was immediately effective by Priority Letter AD 86–12–02, issued June 5, 1986, which contained this amendment.

Compliance Schedule—As prescribed in the body of the AD.

Incorporation by Reference—Approved by the Director of the Federal Register effective on September 5, 1986.

ADDRESSES: The applicable service bulletin (SB) may be obtained from:

Garrett Turbine Engine Company (GTEC), P.O. Box 5217, Phoenix, Arizona 85010; telephone (602) 231–1000.

A copy of the SB is contained in Rules Docket Number 86–ANE–25, in the Office of the Regional Counsel, New England Region, Federal Aviation Administration, Room 311, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Moring, Propulsion Section, ANM–174W, Federal Aviation Administration (FAA), Northwest Mountain Region, Western Aircraft Certification Office, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009–2007; telephone (213) 297–1382.

SUPPLEMENTARY INFORMATION: On June 5, 1986, Priority Letter AD 86–12–02 was issued and made effective immediately as to all known U.S. owners and operators of certain GTEC engines. The priority letter AD requires accomplishing a spectrometric analysis of oil samples collected in accordance with a schedule provided in Garrett Service Bulletin No. TPE331–72–0530(SB 0530) or FAA approved equivalent. Priority letter AD action was necessary to prevent additional failures in service of the beryllium-copper nut on the turbine end of the tiebolt shouldered shaft and subsequent unstacking of the engine rotor.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual priority letters issued June 5, 1986, as to all known U.S. owners and operators of certain GTEC engines. The FAA has determined that accomplishment of actions required by Paragraph 2 of Garrett SB TPE331–72–0533 and TPE331–72–0534, both dated May 9, 1986, correct the unsafe condition which is the basis for this AD. Therefore, engines inspected and modified in accordance with these two Garrett SB's are exempt from the requirements of this AD. These conditions still exist in unmodified engines and the AD is hereby published

in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Conclusion

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

List of Subjects in 14 CFR Part 39

Engines, Air Transportation, Aircraft, Aviation Safety, Incorporation by Reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

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

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

§ 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

Garrett Turbine Engine Company: Applies to GTEC Model TPE331-25AA, -25AB, -25DA, -25DB, -25FA, -43A, -43BL, -47A, -55B, -1, -2, -2UA, -3U, -3UW, -5, -6, -6A, -8, -10, -10G, -10R, -10U, -10UA, -10UF, -10UG, -10UGR, -10UR, -11U, -11UA, -12, and TSE331-3U turboprop and turboshaft engines.

Compliance required as indicated unless already accomplished:

To prevent the failure of the beryllium-copper nut on the turbine end of the tiebolt shouldered shaft and resultant major damage to the engine, accomplish the following:

(a) Engines with less than 100 engine operating hours since new or since installation of a turbine oil scavenge pump assembly for any reason are to have an initial oil sample taken and processed in accordance with the instructions provided in Paragraph 2 of Garrett Service Bulletin (SB) No. TPE331-72-0530, dated May 9, 1986, (SB 0530), or FAA approved equivalent. This is to be accomplished at not less than 20 hours or more than 25 hours since new or after the installation of that pump assembly, or within 5 engine operating hours after the effective date of this AD, whichever occurs later unless Paragraph (e) below has been accomplished. Additional oil samples are to be taken and processed at not more than 25 operating hour intervals thereafter until a total of 100 operating hours has been accumulated since new or since installation of that pump assembly or until Paragraph (e) below has been accomplished.

(b) Engines with 100 or more, but less than 500 engine operating hours since new or since installation of a turbine oil scavenge pump assembly for any reason on the effective date of this AD, are to have an oil sample taken and processed in accordance with the instructions provided in paragraph 2 of SB 0530 or FAA approved equivalent within the next 50 engine operating hours after the effective date of this AD. This inspection is not required if Paragraph (e) below has been accomplished.

Notes: (1) Garrett recommends that oil samples continue to be taken at regular intervals after accomplishment of this AD in accordance with the Spectrometric Oil Analysis Program (SOAP) described in Garrett Service Information Letter No. P331-97. While the FAA encourages this program, it is not mandatory per this AD.

(2) Engines which have not had the turbine oil scavenge pump assembly removed for any reason during the 500 hours of operation prior to the effective date of this AD are not required to have the oil sampled for beryllium per this AD.

(c) If oil sample analysis indicates beryllium content of oil is in excess of 0.2 (two-tenths) parts per million, accomplish paragraph (e) before further flight.

(d) If oil sample analysis indicates beryllium content of oil is in excess of 0.1 (one-tenth) parts per million, but equal to or less than 0.2 (two-tenths) parts per million, accomplish Paragraph (e) within the next 5 engine operating hours.

(e) Engines which exceed the limits for beryllium content in the engine oil are to have the torsion shaft inspected, the turbine oil scavenge pump reworked or replaced, the beryllium-copper nut replaced, the turbine oil scavenge pump drive spur gear shaft assembly inspected, and the engine oil and filter changed in accordance with Paragraph 2 of SB 0530 or equivalent approved by the Manager, Weatern Aircraft Certification Office. The inspection of the torsion shaft does not apply to the following engine models which have "strain-gage" torque sensors:

TPE331-10G TPE331-10UG TPE331-10UGR
TPE331-11U TPE331-11UA TPE331-12

(f) This AD does not apply to engines which have been inspected and modified in accordance with Paragraph 2 of Garrett SB Nos. TPE331-72-0533, dated May 9, 1986, and TPE331-72-0534, dated May 9, 1986, or equivalent approved by the Manager, Western Aircraft Certification Office.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and FAR 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Western Aircraft Certification Office, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007.

Upon submission of substantiating data by an owner or operator, through an FAA Maintenance Inspector, the Manager, Western Aircraft Certification Office may adjust the compliance time specified in this AD.

Garrett Turbine Engine Company SB No. TPE331-72-0530 dated May 9, 1986, identified and described in this document, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Garrett Turbine Engine Company, P.O. Box 5217, Phoenix, Arizona 85010. This document may also be examined at the Office of the Regional Counsel, Federal Aviation Administration, Rules Docket Number 86-ANE-25, 12 New England Executive Park, Burlington, Massachusetts 01803, weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m., or at the Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California.

This amendment becomes effective September 5, 1986, as to all persons except those persons to whom it was made immediately effective by priority letter AD 86-12-02, issued June 5, 1986, which contained this amendment.

Issued in Burlington, Massachusetts, on August 12, 1986.

Jack A. Sain,

Acting Director, New England Region.

[FR Doc. 86-19861 Filed 9-3-86; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 86-ANE-32; Amendment 39-5399]

Airworthiness Directives; Grob Werke GmbH & Co. KG (Burkhart Grob) Models G103 TWIN II & G103A TWIN II ACRO Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Grob-Werke GmbH G103 TWIN II & G103A TWIN II ACRO gliders which requires a dimensional inspection, and modification as required, of the stop pad of the outer airbrake pivot levers. This action was prompted by the determination that the stop pad on the outer airbrake pivot levers could be jammed by the wing skin. This condition, if not corrected, could result in loss of control of the airbrake system.

DATE: Effective September 10, 1986.

Compliance Schedule: As prescribed in the body of the AD.

Incorporation by Reference—Approved by the Director of the Federal Register effective on September 10, 1986.

ADDRESSES: The technical information and modification parts specified in this AD may be obtained from Grob Systems, Inc., Aircraft Division, I–75 and Airport Drive, Bluffton, Ohio 45817. A copy of the technical notes is contained in the Rules Docket, FAA, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts, 08103, and may be examined between the hours of 8:00 am and 4:30 pm, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Munro Dearing, Brussels Aircraft Certification Office, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 15 Rue de la Loi B–1040 Brussels, Belgium, Telephone 513.38.30 ext. 2710, or John J. Maher, ANE–172, New York Aircraft Certification Office, Aircraft Certification Division, FAA, New England Region, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, telephone No. (516) 791–6221.

SUPPLEMENTARY INFORMATION: Grob-Werke GmbH has determined that the stop pad on the outer airbrake pivot levers may be jammed by the wing skin. The manufacturer has issued Technical Information, TM 315–31, dated October 7, 1985, which requires the installation of an additional stop pad on the outer airbrake pivot levers on certain serial numbered gliders if the length of the original stop pad does not measure between 36 mm and 40 mm. The Luftfahrt-Bundesamt (LBA), who has responsibility and authority to maintain the continuing airworthiness of these gliders in the Federal Republic of Germany, has issued an AD requiring compliance with the provisions of Technical Information No. TM 315–31 on gliders operated under the Federal Republic of Germany registration. The FAA relies upon the certification of the LBA, combined with FAA review of pertinent documentation, in finding compliance of the design of these gliders with the applicable United States airworthiness requirements, and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Grob Technical Information No. TM 315–31 and the issuance of AD No. 85–236 Grob by LBA. Based on the foregoing, the FAA has determined that the condition addressed by Grob Technical Information No. TM 315–31 is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States. Applicability information was provided because not all aircraft serial numbers of the named models were affected by the AD.

Therefore, an AD is being issued to require a dimensional inspection, and modification as required, of the stop pad on the outer airbrake pivot lever on certain serial numbered Grob-Werke GmbH Models b103 TWIN and Model G103A TWIN II ACRO gliders. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 39

Air Transportation, Aircraft, Aviation Safety, Incorporation by Reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

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

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

§ 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

Grob Werke GmbH (Burkhart Grob): Applies to Models G103 TWIN II and G103A TWIN II ACRO gliders serial numbers 33879—(K–117) through 34012–(K–245) certificated in any category.

Compliance is required as indicated unless already accomplished.

To prevent jamming of the outer airbrake pivot lever which could result in the loss of airbrake control, accomplish the following:

(a) Within the next 10 hours time-in-service after the effective date of this AD, measure the airbrake pivot lever stop pad length in accordance with Part 1 of the "Instructions" section of Grob Technical Information No. TM 315–31, dated October 7, 1985.

(b) If a stop pad of a length of less than 36 mm is found during the inspection required by Paragraph (a) of this AD, or if a stop pad is found that can be wedged under the wingskin, before further flight, install a stop pad extension in accordance with part 2 of the "Instructions" section of Grob Technical Information No. TM 315–31, dated October 7, 1985, and Grob Repair Instructions No. 315–31, dated October 7, 1985.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Brussels Aircraft Certification Office, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 15 Rue de la Loi B–1040 Brussels, Belgium, Telephone No. 513.38.30 ext. 2710 or the Manager, New York Aircraft Certification Office, Aircraft Certification Division, FAA, New England Region, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, Telephone No. (516) 791–6680.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Brussels Aircraft Certification Office or the Manager, New York Aircraft Certification Office, may adjust the compliance time specified in this AD.

Grob Technical Information No. TM 315–31, dated October 7, 1985, and Grob Repair Instructions No. 315–31, dated

October 7, 1985, identified and described in this document, are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Grob Systems, Inc., Aircraft Division, I–75 and Airport Drive, Bluffton, Ohio 45817. These documents also may be examined at the Office of Regional Counsel, ANE–7, FAA New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, Room 311, Rules Docket 86–ANE–32, between the hours of 8:00 am and 4:30 pm; Monday thru Friday, except Federal holidays.

This amendment becomes effective on September 10, 1986.

Issued in Burlington, Massachusetts on August 15, 1986.

Jack A. Sain,

Acting Director, New England Region.

[FR Doc. 86–19860 Filed 9–3–86; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8098]

Income Taxes; Returns Relating to Cash Payments in Excess of $10,000 Received in a Trade or Business

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the requirement of reporting cash in excess of $10,000 received in a trade or business. Changes to the applicable law were made by the Tax Reform Act of 1984. The regulations affect any person who, in the course of a trade or business in which such person is engaged, receives cash in excess of $10,000 in 1 transaction (or 2 or more related transactions). The regulations provide these persons with the guidance necessary to comply with the law.

DATES: The regulations apply to cash payments received after December 31, 1984.

FOR FURTHER INFORMATION CONTACT: Arthur E. Davis of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:LR:T), 202–566–3238, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On May 23, 1985, the **Federal Register** published temporary regulations (T.D. 8025; 50 FR 21239) and proposed amendments (50 FR 21308) to the Income Tax Regulations (26 CFR Part 1) under section 60501 of the Internal Revenue Code of 1954. These amendments were proposed to conform the regulations to section 146 of the Tax Reform Act of 1984 (Pub. L. 98–369, 98 Stat. 685). Twenty-eight written comments responding to this notice were received.

On September 19, 1985, a public hearing concerning these proposed regulations was held. Nine commentators spoke at this hearing. After consideration of all written comments and oral comments received at the public hearing regarding the proposed amendments those amendments are adopted as revised by this Treasury decision.

Public Comments

Section 6050I provides that an information return must be made by any person engaged in a trade or business who receives, in the course of that trade or business, cash in excess of $10,000 in 1 transaction (or 2 or more related transactions). Several comments were received suggesting that an exception to the reporting requirements be established for attorney's fees. Because section 6050I and legislative history to section 6050I make no provision for an exception of this type, the final regulations do not adopt the suggestion.

Several commentators requested that the regulations provide that each betting window at a pari-mutuel racetrack be considered a separate recipient for purposes of the reporting requirement. The proposed regulations included a rule which generally reached that result. The final regulations clarify this rule by adding an example illustrating that betting windows at a pari-mutuel racetrack are separate recipients if in the ordinary course of business the operator of each betting window does not have reason to know the identity of persons making wagers at other betting windows.

Question and answer 12 of the proposed regulations provided rules for reporting multiple cash payments relating to the same transaction. The final regulations adopt those rules without change. However, because of compliance concerns, the Internal Revenue Service is considering amending those rules to require, under the authority of section 6050I(b)(2)(D), reporting of the total amount of cash paid in multiple payments relating to the same transaction. If the Service issues a rule requiring the reporting of the total amount of cash in a transaction, the rule will apply prospectively only and there will be an opportunity for public comment on the rule.

Special Analysis

Although a notice of proposed rulemaking soliciting public comments was issued, the Internal Revenue Service concluded when the notice was issued that the regulations are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these regulations are not subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6). The Treasury Department has determined that these final regulations are not major rules under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 29, 1983. Accordingly, a Regulatory Impact Analysis is not required.

Paperwork Reduction Act

The collection of information requirements contained in these regulations have been submitted to the Office of Management and Budget ("OMB") in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB.

Drafting Information

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

List of Subjects

26 CFR 1.600–1—1.6109–2

Income taxes, Administration and procedure, Filing requirements.

26 CFR Part 602

OMB control numbers under the Paperwork Reduction Act.

Adoption of amendments to the regulations.

Accordingly, 26 CFR Part 1 and Part 602 are amended as follows:

PART 1—[AMENDED]

Income Tax Regulations

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

Authority: 26 U.S.C. 7805. * * * Section 1.6050I–1 also issued under 26 U.S.C. 6050I.

Par. 2. The following new § 1.6050I–1 shall be added immediately before § 1.6050I–1T to read as follows:

§ 1.6050I–1 Returns relating to cash in excess of $10,000 received in a trade or business.

(a) *Reporting requirement*—(1) *In general.* Any person (as defined in section 7701(a)(1)) who, in the course of a trade or business in which such person is engaged, receives cash in excess of $10,000 in 1 transaction (or 2 or more related transactions) shall, except as otherwise provided, make a return of information with respect to the receipt of cash.

(2) *Cash received for the account of another.* Cash in excess of $10,000 received by a person for the account of another must be reported under this section. Thus, for example, a person who collects delinquent accounts receivable for an automobile dealer must report with respect to the receipt of cash in excess of $10,000 from the collection of a particular account even though the proceeds of the collection are credited to the account of the automobile dealer (*i.e.*, where the rights to the proceeds from the account are retained by the automobile dealer and the collection is made on a fee-for-service basis).

(3) *Cash received by agents*—(i) *General rule.* Except as provided in paragraph (a)(3)(ii) of this section, a person who in the course of a trade or business acts as an agent (or in some other similar capacity) and receives cash in excess of $10,000 from a principal, must report the receipt of cash under this section.

(ii) *Exception.* An agent who receives cash from a principal and uses all of the cash within 15 days in a cash transaction (the "second cash transaction") which is reportable under section 6050I or section 5312 of Title 31 of the United States Code and the regulations thereunder (31 CFR Part 103), and who discloses the name, address, and taxpayer identification number of the principal to the recipient in the second cash transaction need not report the initial receipt of cash under this section. An agent will be deemed to have met the disclosure requirements of this paragraph (a)(3)(ii) if the agent discloses only the name of the principal and the agent knows that the recipient has the principal's address and taxpayer identification number.

(iii) *Example.* The following example illustrates the application of the rules in paragraphs (a)(3) (i) and (ii) of this section:

Example. B, the principal, gives D, an attorney, $75,000 in cash to purchase real property on behalf of B. Within 15 days D purchases real property for cash from E, a real estate developer, and discloses to E, B's name, address, and taxpayer identification number. Because the transaction qualifies for the exception provided in paragraph (a)(3)(ii) of this section, D need not report with respect to the initial receipt of cash under this section. The exception does not apply, however, if D pays E by means other than cash, or effects the purchase more than 15 days following receipt of the cash from B, or fails to disclose B's name, address, and taxpayer identification number (assuming D does not know that E already has B's address and taxpayer identification number), or purchases the property from a person whose sale of the property is not in the course of that person's trade or business. In any such case, D is required to report the receipt of cash from B under this section.

(b) *Multiple payments.* The receipt of cash deposits or cash installment payments (or other similar payments or prepayments) relating to a single transaction (or two or more related transactions) are reported under this section in different manners depending on the dollar amounts of the initial and subsequent payments. Reporting of multiple payments is effected as follows:

(1) *Initial and subsequent payments in excess of $10,000.* If the initial payment exceeds $10,000 and any subsequent payment exceeds $10,000, the recipient must report each payment that exceeds $10,000. These payments must be reported separately (or if the payments are made less than 15 days apart, the recipient may (if it so elects) make a single report with respect to such payments).

(2) *Initial payment only in excess of $10,000.* If the initial payment exceeds $10,000 but no subsequent payment exceeds $10,000, the recipient must report with respect to the initial $10,000 payment (within 15 days of receipt of the initial payment), but need not report with respect to any subsequent payment.

(3) *Initial payment of $10,000 or less.* If the initial payment does not exceed $10,000, the recipient must aggregate the initial payment and subsequent payments made within one year of the initial payment until such aggregate amount exceeds $10,000, and report with respect to the aggregate amount within 15 days after receipt of the payment that causes the aggregate amount to exceed $10,000. Any subsequent payment which by itself exceeds $10,000 must be separately reported.

(c) *Meaning of terms.* The following definitions apply for purposes of this section—

(1) The term "cash" means the coin and currency of the United States or of any other country, which circulate in and are customarily used and accepted as money in the country in which issued. Cash includes United States notes and Federal Reserve notes, but does not include bank checks, travelers checks, bank drafts, wire transfers or other negotiable or monetary instruments not customarily accepted as money.

(2) The term "trade or business" has the same meaning as under section 162 of the Internal Revenue Code of 1954.

(3)(i) The term "transaction" means the underlying event precipitating the payer's transfer of cash to the recipient. Transactions include (but are not limited to) a sale of goods or services; a sale of real property; a sale of intangible property; a rental of real or personal property; an exchange of cash for other cash; the establishment or maintenance of or contribution to a custodial, trust, or escrow arrangement; a payment of a preexisting debt; a conversion of cash to a negotiable instrument; a reimbursement for expenses paid; or the making or repayment of a loan. A transaction may not be divided into multiple transactions in order to avoid reporting under this section.

(ii) The term "related transactions" means any transaction conducted between a payer (or its agent) and a recipient of cash in a 24-hour period. Additionally, transactions conducted between a payer (or its agent) and a cash recipient during a period of more than 24 hours are related if the recipient knows or has reason to know that each transaction is one of a series of connected transactions.

(iii) The following examples illustrate the definition of paragraphs (c)(3) (i) and (ii).

Example (1). A person has a tacit agreement with a gold dealer to purchase $36,000 in gold bullion. The $36,000 purchase represents a single transaction under paragraph (c)(3)(i) of this section and the reporting requirements of this section cannot be avoided by recasting the single sales transaction into 4 separate $9,000 sales transactions.

Example (2). An attorney agrees to represent a client in a criminal case with the attorney's fee to be determined on an hourly basis. In the first month in which the attorney represents the client, the bill for the attorney's services comes to $8,000 which the client pays in cash. In the second month in which the attorney represents the client, the

bill for the attorney's services comes to $4,000, which the client again pays in cash. The aggregate amount of cash paid ($12,000) relates to a single transaction as defined in paragraph (c)(3)(i) of this section, the sale of legal services relating to the criminal case, and the receipt of cash must be reported under this section.

Example (3). A person intends to contribute a total of $45,000 to a trust fund, and the trustee of the fund knows or has reason to know of that intention. The $45,000 contribution is a single transaction under paragraph (c)(3)(i) of this section and the reporting requirement of this section cannot be avoided by the grantor's making five separate $9,000 cash contributions to a single fund or by making five $9,000 cash contributions to five separate funds administered by a common trustee.

Example (4). K, an individual, attends a one day auction and purchases for cash two items, at a cost of $9,240 and $1,732.50 respectively (tax and buyer's premium included). Because the transactions are related transactions as defined in paragraph (c)(3)(ii) of this section, the auction house is required to report the aggregate amount of cash received from the related sales ($10,972.50), even though the auction house accounts separately on its books for each item sold and presents the purchaser with separate bills for each item purchased.

Example (5). F, a coin dealer, sells for cash $9,000 worth of gold coins to an individual on three successive days. Under paragraph (c)(3)(ii) of this section the three $9,000 transactions are related transactions aggregating $27,000 if F knows, or has reason to know, that each transaction is one of a series of connected transactions.

(4)(i) The term "recipient" means the person receiving the cash. Except as provided in paragraph (c)(4)(ii) of this section, each store, division, branch, department, headquarters, or office ("branch") (regardless of physical location) comprising a portion of a person's trade or business shall for purposes of this section be deemed a separate recipient.

(ii) A branch that receives cash payments will not be deemed a separate recipient if the branch (or a central unit linking such branch with other branches) would in the ordinary course of business have reason to know the identity of payers making cash payments to other branches of such person.

(iii) *Examples.* The following examples illustrate the application of the rules in paragraphs (c)(4) (i) and (ii) of this section:

Example (1). N, an individual, purchases regulated futures contracts at a cost of $7,500 and $5,000, respectively, through two different branches of Commodities Broker X on the same day. N pays for each purchase with cash. Each branch of Commodities Broker X transmits the sales information regarding each of N's purchases to a central unit of Commodities Broker X (which settles the transactions against N's account). Under paragraph (c)(4)(ii) of this section the separate branches of Commodities Broker X are not deemed to be separate recipients; therefore. Commodities Broker X must report with respect to the two related regulated futures contracts sales in accordance with this section.

Example (2). P, a corporation, owns and operates a racetrack. P's racetrack contains 100 betting windows at which pari-mutuel wagers may be made. R, an individual, places cash wagers of $3,000 each at five separate betting windows. Assuming that in the ordinary course of business each betting window (or a central unit linking windows) does not have reason to know the identity of persons making wagers at other betting windows, each betting window would be deemed to be a separate cash recipient under paragraph (c)(4)(i) of this section. As no individual recipient received cash in excess of $10,000, no report need be made by P under this section.

(d) *Exceptions to the reporting requirements of section 6050I*—(1) *Receipt of cash by certain financial institutions.* A financial institution as defined in subparagraphs (A), (B), (C), (D), (E), (F), (G), (J), (K), (R), and (S) of section 5312 (a)(2) of Title 31, United States Code is not required to report the receipt of cash exceeding $10,000 under section 6050I.

(2) *Receipt of cash by certain casinos having gross annual gaming revenue in excess of $1,000,000.* (i) *In general.* If a casino receives cash in excess of $10,000 and is required to report the receipt of such cash directly to the Treasury Department under 31 CFR 103.22(a)(2) and 103.25 and is subject to the recordkeeping requirements of 31 CFR 103.36, then the casino is not required to make a return with respect to the receipt of such cash under section 6050I and these regulations.

(ii) *Casinos exempt under 31 CFR 103.45(c).* Under the authority of section 6050I(c)(1)(A), the Secretary many exempt from the reporting requirements of section 6050I casinos with gross annual gaming revenue in excess of $1,000,000 that are exempt under 31 CFR 103.45(c) from reporting certain cash transactions to the Treasury Department under 31 CFR 103.22(a)(2) and 103.25. The determination whether a casino which is granted an exemption under 31 CFR section 103.45(c) will be required to report under section 6050I will be made on a case by case basis, concurrently with the granting of such an exemption.

(iii) *Reporting of cash received in a nongaming business.* Nongaming businesses (such as shops, restaurants, entertainment, and hotels) at casino hotels and resorts are separate trades or businesses in which the receipt of cash in excess of $10,000 is reportable under section 6050I and these regulations. Thus, a casino exempt under paragraph (d)(2) (i) or (ii) of this section must report with respect to cash in excess of $10,000 received in its nongaming businesses.

(iv) *Example.* The following example illustrates the application of the rules in paragraph (d)(2) (i) and (iii) of this section:

Example. A and B are casinos having gross annual gaming revenue in excess of $1,000,000. C is a casino with gross annual gaming revenue of less than $1,000,000. Casino A receives $15,000 in cash from a customer with respect to a gaming transaction which the casino reports to the Treasury Department under 31 CFR 103.22(a)(2) and 103.25. Casino B receives $15,000 in cash from a customer in payment for accommodations provided to that customer of Casino B's hotel. Casino C receives $15,000 in cash from a customer with respect to a gaming transaction. Casino A is not required to report the transaction under section 6050I or these regulations because the exception for certain casinos provided in paragraph (d)(2)(i) ("the casino exception") applies. Casino B is required to report under section 6050I and these regulations because the casino exception does not apply to the receipt of cash from a nongaming activity. Casino C is required to report under section 6050I and these regulations because the casino exception does not apply to casinos having gross annual gaming revenue of $1,000,000 or less which do not have to report to the Treasury Department under 31 CFR 103.22(a)(2) and 103.25.

(3) *Receipt of cash not in the course of the recipient's trade or business.* The receipt of cash in excess of $10,000 by a person other than in the course of the person's trade or business is not reportable under section 6050I. Thus, for example, F, an individual in the trade or business of selling real estate, sells a motorboat for $12,000, the purchase price of which is paid in cash. F did not use the motorboat in any trade or business in which F was engaged. F is not required to report under section 6050I or these regulations because the exception provided in this paragraph (d)(3) applies.

(4) *Receipt is made with respect to a foreign cash transaction*—(i) *In general.* Generally, there is no requirement to report with respect to a cash transaction if the entire transaction occurs outside the United States (the fifty states and the District of Columbia). An entire transaction consists of both the transaction as defined in paragraph (c)(3)(i) of this section and the receipt of cash by the recipient. If, however, any part of an entire transaction occurs in the Commonwealth of Puerto Rico or a possession or territory of the United States and the recipient of cash in that transaction is subject to the general

jurisdiction of the Internal Revenue Service under Title 26 of the United States Code, the recipient is required to report the transaction under this section.

(ii) *Example.* The following example illustrates the application of the rules in paragraph (d)(4)(i) of this section:

Example. W, an individual engaged in the trade or business of selling aircraft, reaches an agreement to sell an airplane to a U.S. citizen living in Mexico. The agreement, no portion of which is formulated in the United States, calls for a purchase price of $125,000 and requires delivery of and payment for the airplane to be made in Mexico. Upon delivery of the airplane in Mexico, W receives $125,000 in cash. W is not required to report under section 6050I or these regulations because the exception provided in paragraph (d)(4)(i) of this section ("foreign transaction exception") applies. If, however, any part of the agreement to sell had been formulated in the United States, the foreign transaction exception would not apply and W would be required to report the receipt of cash under section 6050I and these regulations.

(e) *Time, manner, and form of reporting*—(1) *Time of reporting.* The reports required by paragraph (a) of this section must be filed with the Internal Revenue Service by the 15th day after the date the cash is received. If a person elects to report as one payment several independently reportable payments received within a 15-day period (as described in paragraph (b)(1) of this section), the report must be filed with the Internal Revenue Service by the 15th day after the date the initial payment is received.

(2) *Form of reporting.* A report required by paragraph (a) of this section must be made on Form 8300. A return of information made in compliance with this paragraph must contain the name, address, and taxpayer identification number of the person from whom the cash was received; the name, address, and taxpayer identification number of the person on whose behalf the transaction was conducted (if the recipient knows or has reason to know that the person from whom the cash was received conducted the transaction as an agent for another person); the amount of cash received; the date and nature of the transaction; and any other information required by Form 8300. Form 8300 can be obtained from any Internal Revenue Service Forms Distribution Center.

(3) *Manner of reporting*—(i) *Where to file.* A person making a return of information under this section must file Form 8300 by mailing it to the address shown in the instructions to the form.

(ii) *Verification.* A person making a return of information under this section must verify the identity of the person from whom the reportable cash is received. Verification of the identity of a person who purports to be an alien must be made by examination of such person's passport, alien identification card, or other official document evidencing nationality or residence. Verification of the identity of any other person may be made by examination of a document normally acceptable as a means of identification when cashing or accepting checks (for example, a driver's license or a credit card). In addition, a return will be considered incomplete if the person required to make a return knows (or has reason to know) that an agent is conducting the transaction for a principal, and the return does not identify both the principal and the agent.

(iii) *Retention of returns.* A person required to make an information return under this section must keep a copy of each return filed for five years from the date of filing.

(f) *Requirement of furnishing statements*—(1) *In general.* Any person required to make an information return under this section must furnish a single, annual, written statement to each person whose name is set forth in a return ("identified person") filed with the Internal Revenue Service.

(2) *Form of statement.* The statement required by the preceding paragraph need not follow any particular format, but it must contain the following information:

(i) The name and address of the person making the return;

(ii) The aggregate amount of reportable cash received by the person who made the information return required by this section during the calendar year in all cash transactions relating to the identified person; and

(iii) A legend stating that the information contained in the statement is being reported to the Internal Revenue Service.

(3) *When statement is to be furnished.* Statements required under this paragraph (f) must be furnished to an identified person on or before January 31 of the year following the calendar year in which the cash is received. A statement shall be considered to be furnished to an identified person if it is mailed to the identified person at the identified person's last known address.

(g) *Cross-reference to penalty provisions*—(1) *Failure to file information return.* Any person who fails to make a return under section 6050I and paragraph (a) of these regulations shall be subject to the penalties provided in section 6652.

(2) *Failure to furnish statement.* Any person who fails to furnish any statement to identified persons under section 6050I and paragraph (f) of these regulations shall be subject to the penalties provided in section 6678.

(3) *Criminal penalties.* Any person who willfully fails to make a return under section 6050I and these regulations may be subject to criminal prosecution.

PART 602—[AMENDED]

OMB Control Numbers Under the Paperwork Reduction Act

Par. 3. The authority citation for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 4. Section 602.101(c) is amended by inserting in the appropriate place in the table "§ 1.6050I–1 * * * 1545–0892".

James I. Owens,

Acting Commissioner of Internal Revenue.

Approved:

J. Roger Mentz,

Assistant Secretary of the Treasury.

July 21, 1986.

[FR Doc. 86–19939 Filed 9–3–86; 8:45 am]

BILLING CODE 4830-01-M

---

26 CFR Parts 1 and 602

[T.D. 8100]

Income Tax; Taxable Years Beginning After December 31, 1953; OMB Control Numbers Under the Paperwork Reduction Act Cooperative Hospital Service Organizations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the treatment of certain cooperative hospital service organizations. Changes to the applicable tax law were made by the Revenue and Expenditure Control Act of 1968 and by the Tax Reform Act of 1976. The final regulations provide the public with the guidance needed to comply with those Acts and affect organizations seeking to qualify for tax exempt status as organizations described in section 501(e).

DATES: The regulations are effective generally for taxable years ending after June 28, 1968. In the case of an organization performing clinical services, the regulations are effective for taxable years ending after December 31, 1976. However, pursuant to the grant of section 7805(b) relief, an organization that has received a ruling or determination letter recognizing it as exempt under section 501(e) has until

January 2, 1987 to conform its operations to the requirements of the regulations.

FOR FURTHER INFORMATION CONTACT: Sylvia F. Hunt or Harry Beker of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention CC:EE) (202-566-6212).

SUPPLEMENTAL INFORMATION:

Background

On January 11, 1984, the Internal Revenue Service published proposed regulations in the **Federal Register** to amend the Income Tax Regulations (26 CFR Part 1) under sections 170 and 501 of the Internal Revenue Code of 1954 (49 FR 1384). By notice published in the **Federal Register** on March 26, 1984 (49 FR 11186), the public was invited to comment orally upon the issues addressed in the proposals. A public hearing was held on May 31, 1984.

This document contains final regulations under sections 170(b)(1)(A) and 501(e). These regulations are issued to conform the regulations to section 109(a) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 269) and section 1312(a) of the Tax Reform Act of 1976 (90 Stat. 1730) and are issued under the authority contained in section 7805 of the Code (68A Stat. 917; 26 U.S.C. 7805).

Comments and Revisions

After consideration of all comments received regarding the proposed regulations, those proposed regulations are adopted, as revised, by this Treasury decision.

Several comments indicated uncertainty as to the meaning of certain of the provisions in the proposed regulations and requested clarification of the positions announced. These recommendations have generally been adopted and are reflected in the final regulations. Thus, for example, an allocation will be deemed suficient if it consists of bookkeeping entries and written notice to the patron-hospitals; retention of net earnings may be based on the reasonably anticipated needs of the organization; permissible sources of investment income (particularly with respect to rents) have been clarified; radiology services are specifically included within the term "clinical"; and the term "voting rights" of patron-hospitals has been defined.

Other comments recommended more extensive changes concerning accounting and operation practices. These changes, it was noted, would allow greater flexibility for cooperative hospital service organizations. Where these recommendations are neither contrary to the statutory language nor inconsistent with Congressional intent, they have been incorporated in the final regulations. Thus, for example, capital contributions have been excluded from the definition of "net earnings" and need not satisfy the allocation and payment rules; the status of membership dues and related membership assessments, gifts and grants has been clarified; certain income derived from sources that are incidental to the conduct of exempt purposes or functions has been deemed permissible; a section 501(e) organization may own stock in and receive dividends from certain public corporations where such ownership is a condition for obtaining credit; de minimis services to other than patron-hospitals where mandated by a governmental unit as a condition for operating in a particular jurisdiction, or for other reasons, has been deemed permissible; and the effective date provision has been modified for a period sufficient to permit organizations that have already been recognized as exempt under section 501(e) to modify their operations to bring them into conformance with the requirements of the final regulations.

Certain comments, however, recommended changes that would permit cooperative hospital service organizations to engage in practices that are either beyond the scope of or directly contrary to the statutory language of section 501(e). Those recommendations were also inconsistent with the holding of *HCSC—Laundry v. United States*, 450 US 1 (1981). Accordingly, the final regulations do not incorporate recommendations that would, for example, permit a section 501(e) organization to engage in unrelated trade or business so long as those activities do not become the organization's primary purpose; establish wholly-owned for-profit subsidiaries; generally sell services to other than patron-hospitals; engage in any services which are identified by the organization as cost-effective if performed centrally; or pay dividends on the organization's capital stock.

Conforming changes are also made under § 1.170A-9(c)(1) and § 1.501(k)-1 of the Income Tax Regulations.

Nonapplicability of Executive Order 12291

The Commissioner of Internal Revenue has determined that this Regulation is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required.

Regulatory Flexibility Act

The Internal Revenue Service has concluded that the regulations herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Paperwork Reduction Act

The collection of information requirements contained in this regulation has been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB under control number 1545-0814.

Drafting Information

The principal author of these regulations is Harry Beker of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects

26 CFR 1.61-1—1.281-4

Income taxes, Deductions.

26 CFR 1.501(a)-1—1.528-10

Income taxes, Exempt Organizations, Cooperatives.

26 CFR Part 602

Reporting and Recordkeeping Requirements.

Adoption of Amendments to the Regulations

PART 1—[AMENDED]

Accordingly, the amendments to 26 CFR Parts 1 and 602 published as a notice of proposed rulemaking in the **Federal Register** on January 11, 1984 (49 FR 1384) are hereby adopted, as amended, to read as follows:

Paragraph 1: The authority citation for Part 1 continues to read in part:

Authority: 26 U.S.C. 7805 * * *.

Par. 2. Paragraph (c)(1) of § 1.170A-9 is revised to read as follows:

§ 1.170A-9 Definition of section 170(b)(1)(A) organization.

* * * * *

(c) *Hospitals and medical research organizations*—(1) *Hospitals.* An organization (other than one described

in subparagraph (2) of this paragraph) is described in section 170(b)(1)(a)(iii) if:

(i) It is a hospital, and

(ii) Its principal purpose or function is the providing of medical or hospital care or medical education or medical research.

The term "hospital" includes (A) Federal hospitals and (B) State, county, and municipal hospitals which are instrumentalities of governmental units referred to in section 170(c)(1) and otherwise come within the definition. A rehabilitation institution, outpatient clinic, or community mental health or drug treatment center may qualify as a "hospital" within the meaning of subdivision (i) of this subparagraph if its principal purpose or function is the providing of hospital or medical care. For purposes of this subdivision, the term "medical care" shall include the treatment of any physical or mental disability or condition, whether on an inpatient or outpatient basis, provided the cost of such treatment is deductible under section 213 by the person treated. An organization, all the accommodations of which qualify as being part of a "skilled nursing facility" within the meaning of 42 U.S.C. 1395x(j), may qualify as a "hospital" within the meaning of subdivision (i) of this subparagraph if its principal purpose or function is the providing of hospital or medical care. For taxable years ending after June 28, 1968, the term "hospital" also includes cooperative hospital service organizations which meet the requirements of section 501(e) and § 1.501(e)–1. The term "hospital" does not, however, include convalescent homes or homes for children or the aged, nor does the term include institutions whose principal purpose or function is to train handicapped individuals to pursue some vocation. An organization whose principal purpose or function is the providing of medical education or medical research will not be considered a "hospital" within the meaning of subdivision (i) of this subparagraph, unless it is also actively engaged in providing medical or hospital care to patients on its premises or in its facilities, on an inpatient or outpatient basis, as an integral part of its medical education or medical research functions. See, however, subparagraph (2) of this paragraph with respect to certain medical research organizations.

* * * * *

Par. 3. Section 1.501(e)–1 is redesignated as § 1.501(k)–1.

Par. 4. The following new § 1.501(e)–1 is added immediately after § 1.501(d)–1:

§1.501(e)–1 Cooperative hospital service organizations.

(a) *General rule.* Section 501(e) is the exclusive and controlling section under which a cooperative hospital service organization can qualify as a charitable organization. A cooperative hospital service organization which meets the requirements of section 501(e) and this section shall be treated as an organization described in section 501(c)(3), exempt from taxation under section 501(a), and referred to in section 170(b)(1)(A) (iii) (relating to percentage limitations on charitable contributions). In order to qualify for tax exempt status, a cooperative hospital service organization must—

(1) Be organized and operated on a cooperative basis,

(2) Perform, on a centralized basis, only one or more specifically enumerated services which, if performed directly by a tax exempt hospital, would constitute activities in the exercise or performance of the purpose or function constituting the basis for its exemption, and

(3) Perform such service or services solely for two or more patron-hospitals as described in paragraph (d) of this section.

(b) *Organized and operated on a cooperative basis*—(1) *In general.* In order to meet the requirements of section 501(e), the organization must be organized and operated on a cooperative basis (whether or not under a specific statute on cooperatives) and must allocate or pay all of its net earnings within 8½ months after the close of the taxable year to its patron-hospitals on the basis of the percentage of its services performed for each patron. To "allocate" its net earnings to its patron-hospitals, the organization must make appropriate bookkeeping entries and provide timely written notice to each patron-hospital disclosing to the patron-hospital the amount allocated to it on the books of the organization. For the recordkeeping requirements of a section 501(e) organization, see § 1.521–1(a)(1).

(2) *Percentage of services defined.* The percentage of services performed for each patron-hospital may be determined on the basis of either the value or the quantity of the services provided by the organization to the patron-hospital, provided such basis is realistic in terms of the actual cost of the services to the organization.

(3) *Retention of net earnings.* Exemption will not be denied a cooperative hospital service organization solely because the organization, instead of paying all net earnings to its patron-hospitals, retains an amount for such purposes as retiring indebtedness, expanding the services of the organization, or for any other necessary purpose and allocates such amounts to its patrons. However, such funds may not be accumulated beyond the reasonably anticipated needs of the organization. See, § 1.537–1(b). Whether there is an improper accumulation of funds depends upon the particular circumstances of each case. Moreover, where an organization retains net earnings for necessary purposes, the organization's records must show each patron's rights and interests in the funds retained. For purposes of this paragraph, the term "net earnings" does not include capital contributions to the organization and such contributions need not satisfy the allocation or payment requirements.

(4) *Nonpatronage and other income.* An organization described in section 501(e) may, in addition to net earnings, receive membership dues and related membership assessment fees, gifts, grants and income from nonpatronage sources such as investment of retained earnings. However, such an organization cannot be exempt if it engages in any business other than that of providing the specified services, described in paragraph (c), for the specified patron-hospitals, described in paragraph (d). Thus, an organization described in section 501(e) generally cannot have unrelated business taxable income as defined in section 512, although it may earn certain interest, annuities, royalties, and rents which are excluded from unrelated business taxable income because of the modifications contained in sections 512(b) (1), (2) or (3). An organization described in section 501(e) may, however, have debt-financed income which is treated as unrelated business taxable income solely because of the applicability of section 514. In addition, exempt status under section 501(e) will not be affected where rent from personal property leased with real property is treated as unrelated business taxable income under section 512(b)(A)(ii) solely because the rent attributable to the personal property is more than incidental or under section 512(b)(3)(B)(i) solely because the rent attributable to the personal property exceeds 50 percent of the total rent received or accrued under the lease. Exemption will not be affected solely because the determination of the amount of rent depends in whole or in part on the income or profits derived from the property leased. See, section 512(b)(3)(B)(ii). An organization described in section 501(e) may also derive nonpatronage income from sources that are incidental to the

conduct of its exempt purposes or functions. For example, income derived from the operation of a cafeteria or vending machines primarily for the convenience of its employees or the disposition of by-products in substantially the same state they were in on completion of the exempt function (e.g., the sale of silver waste produced in the processing of x-ray film) will not be considered unrelated business taxable income. See, section 513(a)(2) and § 1.513–1(d)(4)(ii). The nonpatronage and other income permitted under this subparagraph (4) must be allocated or paid as provided in subparagraph (1) or retained as provided in subparagraph (3).

(5) *Stock ownership*—(i) *Capital stock of organization.* An organization does not meet the requirements of section 501(e) unless all of the organization's outstanding capital stock, if there is such stock, is held solely by its patron-hospitals. However, no amount may be paid as dividends on the capital stock of the organization. For purposes of the preceding sentence, the term "capital stock" includes common stock (whether voting or nonvoting), preferred stock, or any other form evidencing a proprietary interest in the organization.

(ii) *Stock ownership as a condition for obtaining credit.* If by statutory requirement a cooperative hospital service organization must be a shareholder in a United States or state chartered corporation as a condition for obtaining credit from that corporate-lender, the ownership of shares and the payment of dividends thereon will not for such reason be a basis for the denial of exemption to the organization. See, e.g., National Consumer Cooperative Bank, 12 U.S.C. 3001 et seq.

(c) *Scope of services*—(1) *Permissable services.* An organization meets the requirements of section 501(e) only if the organization performs, on a centralized basis, one or more of the following services and only such services: data processing, purchasing (including the purchasing and dispensing of drugs and pharmaceuticals to patron-hospitals), warehousing, billing and collection, food, clinical (including radiology), industrial engineering (including the installation, maintenance and repair of biomedical and similar equipment), laboratory, printing, communications, record center, and personnel (including recruitment, selection, testing, training, education and placement of personnel) services. An organization is not described in section 501(e) if, in addition to or instead of one or more of these specified services, the organization performs any other service (other than services referred to under paragraph (b)(4) that are incidental to the conduct of exempt purposes or functions).

(2) *Illustration.* The provisions of this subparagraph may be illustrated by the following example.

Example. An organization performs industrial engineering services on a cooperative basis solely for patron-hospitals each of which is an organization described in section 501(c)(3) and exempt from taxation under section 501(a). However, in addition to this service, the organization operates laundry services for its patron-hospitals. This cooperative organization does not meet the requirements of this paragraph because it performs laundry services not specified in this paragraph.

(d) *Patron-hospitals*—(1) *Defined.* Section 501(e) only applies if the organization performs its services solely for two or more patron-hospitals each of which is—

(i) An organization described in section 501(c)(3) which is exempt from taxation under section 501(a),

(ii) A constituent part of an organization described in section 501(c)(3) which is exempt from taxation under section 501(a) and which, if organized and operated as a separate entity, would constitute an organization described in section 501(c)(3), or

(iii) Owned and operated by the United States, a State, the District of Columbia, or a possession of the United States, or a political subdivision or an agency or instrumentality of any of the foregoing.

(2) *Business with nonvoting patron-hospitals.* Exemption will not be denied a cooperative hospital service organization solely because the organization (whether organized on a stock or membership basis) transacts business with patron-hospitals which do not have voting rights in the organization and therefore do not participate in the decisions affecting the operation of the organization. Where the organization has both patron-hospitals with voting rights and patron-hospitals without such rights, the organization must provide at least 50 percent of its services to patron-hospitals with voting rights in the organization. Thus, the percentage of services provided to nonvoting patrons may not exceed the percentage of such services provided to voting patrons. A patron-hospital will be deemed to have voting rights in the cooperative hospital service organization if the patron-hospital may vote directly on matters affecting the operation of the organization or if the patron-hospital may vote in the election of cooperative board members. Notwithstanding that an organization may have both voting and nonvoting patron-hospitals, patronage refunds must nevertheless be allocated or paid to all patron-hospitals solely on the basis specified in paragraph (b) of this section.

(3) *Services to other organizations.* An organization does not meet the requirements of section 501(e) if, in addition to performing services for patron-hospitals (entities described in subdivisions (i), (ii) or (iii) of subparagraph (1)), the organization performs any service for any other organization. For example, a cooperative hospital service organization is not exempt if it performs services for convalescent homes for children or the aged, vocational training facilities for the handicapped, educational institutions which do not provide hospital care in their facilities, and proprietary hospitals. However, the provision of the specified services between or among cooperative hospital service organizations meeting the requirements of section 501(e) and this section is permissible. Also permissible is the provision of the specified services to entities which are not patron-hospitals, but only if such services are de minimis and are mandated by a governmental unit as, for example, a condition for licensing.

(e) *Effective dates.* An organization, other than an organization performing clinical services, may meet the requirements of section 501(e) and be a tax exempt organization for taxable years ending after June 28, 1968. An organization performing clinical services may meet the requirements of section 501(e) and be a tax exempt organization for taxable years ending after December 31, 1976. However, pursuant to the authority contained in section 7805(b) of the Internal Revenue Code, these regulations shall not become effective with respect to an organization which has received a ruling or determination letter from the Internal Revenue Service recognizing its exemption under section 501(e) until January 2, 1987.

PART 602—[AMENDED]

Par. 5. The authority citation for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 6. Section 602.101(c) is amended by inserting the following item in the appropriate place in the table:

§ 602.101 OMB control numbers.

* * * * *

(c) * * *

§ 1.501(e)–1	1545–0814

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954, (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Comissioner of Internal Revenue.

Approved:

J. Roger Mentz,

Assistant Secretary of the Treasury.

August 15, 1986.

[FR Doc. 86–19940 Filed 9–3–86; 8:45 am]

BILLING CODE 4830–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1254

Use of Archival Research Rooms in NARA Field Facilities

AGENCY: National Archives and Records Administration.

ACTION: Final rule.

SUMMARY: This rule establishes regulations relating to archival research rooms in Presidential libraries and National Archives field branches. The regulation prohibits the use of personal copiers in research rooms that have self-service copiers and limits other personal property that may be brought into research rooms where original records are used. These changes are being made to enhance the security of records being used by the public and to ensure proper handling of records while they are being reproduced.

EFFECTIVE DATE: October 1, 1986.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas or Nancy Allard at 202–523–3214 (FTS 523–3214).

SUPPLEMENTARY INFORMATION: This rule extends to the National Archives field branches and Presidential libraries certain research room procedures which have been implemented at the National Archives Building and the Washington National Records Center. The rule will also affect researchers using agency records stored in Federal Records Centers where the records center and the National Archives Field Branch share a common research room.

The new procedures will prohibit the use of personal paper-to-paper copiers in research rooms where self-service copiers are available; require researchers to store most of their personal belongings in lockers or other storage facilities provided by NARA; and require inspection of items brought into and removed from the research room. In some facilities, NARA will also provide researchers with specially marked lined and unlined notepaper and notecards. These procedures will apply in research rooms where original records are used; they will not apply in microfilm research rooms which are physically separated from textual research rooms.

Two comments were received in response to the notice of proposed rulemaking published on May 9, 1986 (51 FR 17207) concerning the need for NARA to provide a self-service copier in the research room if personal copiers were banned. At present, it is not economically feasible to install self-service copiers in all locations, particularly in some of the Presidential libraries. Therefore, NARA has modified the procedures to allow researchers to use personal paper-to-paper copiers in archival research rooms where NARA does not provide a self-service copier. Researchers must obtain prior permission from the facility director to bring in the copier to ensure that the copier can be accommodated. Because we are concerned that the documents being copied on self-service copiers and personal copiers are handled properly by the researcher, we have also added procedures for monitoring copying by researchers and criteria for determining which documents may be copied safely by researchers. These procedures and criteria are drawn from procedures used in the National Archives Building (see 36 CFR 1254.71).

These procedures will be implemented in the Presidential libraries and National Archives field branches at Fort Worth, TX, and Laguna Niguel, CA, on the effective date of this rule. Implementation of the procedures in other NARA field branches will take place over the next several years when resources permit modifications in those facilities to allow installation of lockers and separation of the textual records research room from the microfilm research room in each branch.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

List of Subjects in 36 CFR Part 1254

Archives and records.

For the reasons set forth in the preamble, Chapter XII of Title 36 of the Code of Federal Regulations is amended as follows:

PART 1254—AVAILABILITY OF RECORDS AND DONATED HISTORICAL MATERIALS

1. The authority citation for Part 1254 continues to read as follows:

Authority: 44 U.S.C. 2101–2118.

2. Section 1254.27 is added to read as follows:

§ 1254.27 Additional rules for use of certain research rooms in National Archives field branches and Presidential libraries.

(a) When directed by the appropriate director, the following procedures shall be observed in Federal Records Center, National Archives field branch and Presidential library archival research rooms where original documents are used. These procedures are in addition to the procedures specified elsewhere in this Part.

(b) Researchers shall present a valid researcher identification card to the guard or research room attendant on entering the room. All researchers are required to sign each day the Daily Registration Book at the entrance to the research room. Researchers will also record the time they leave the research room at the end of the visit for that day. Researchers are not required to sign in or out when leaving the area temporarily.

(c) Researchers may not bring into the research room overcoats, raincoats, hats, and similar apparel, and briefcases, suitcases, daypacks, purses, or similar containers of personal property. In facilities where NARA provides notepaper and notecards, researchers also may not bring into the research room notebooks, notepaper, notecards, folders or other containers for papers. In facilities where NARA provides a self-service copier, researchers may not bring into the research room personal copying equipment including personal paper-to-paper copiers. These items may be stored at no cost in lockers or other storage facilities in the NARA facility. The following exceptions may be granted:

(1) Hand-held wallets and coin purses for carrying currency, coins, credit cards, keys, drivers licenses and other identification cards may be brought into research rooms, but are subject to inspection when the researcher enters or leaves the room. The guard or research room attendant shall judge whether the wallet or purse may be considered small for purposes of this section;

(2) Notes, references, lists of records to be consulted, and other materials may be admitted if the chief of the

branch administering the research room or the senior attendant on duty in the research room determines they are essential to a researcher's work requirements. Materials will be presented to the attendant when the researcher enters the research room. If the materials are approved for admission, they may be stamped to indicate that they are the researcher's property;

(3) Typewriters, personal computers, tape recorders, and hand-held cameras may be admitted by the guard or research room attendant provided that they are inspected, approved, and tagged prior to admittance. The chief of the branch administering the research room or the senior attendant on duty in the research room will review the determination made by the guard or research room attendant if requested to do so by the researcher. In facilities where personal paper-to-paper copiers are permitted, the researcher must obtain prior written approval from the facility director to bring in the copier. The request to bring a personal copier should state the space and power consumption requirements and the intended period of use; and

(4) Notepaper and notecards provided by the National Archives and electrostatic copies made on copying machines in NARA research rooms which are marked with the statement "Reproduced at the National Archives" may be brought back into the research room on subsequent visits but must be presented on entry to the guard or research room attendant for inspection.

(d) NARA may furnish specially marked lined and unlined notepaper and notecards, without charge, to researchers for use in the research rooms. Unused notepaper and notecards should be returned to the research room attendant at the end of the day.

(e) The personal property of all researchers, including notes, electrostatic copies, typewriter cases, tape recorders, cameras, personal computers, and other personal property, will be inspected before removal from the research room. Guards and research room attendants may request that a member of the research room staff examine such personal items prior to their removal from the research room.

(f) Researchers may use NARA self-service copiers or authorized personal paper-to-paper copiers to copy documents, in accordance with NARA document handling instructions and after review of the documents by the research room attendant to determine their suitability for copying. The chief of the branch administering the research room or the senior archivist on duty in the research room will review the determination of suitability, if requested by the researcher. The following types of documents are not suitable for copying on a self-service or personal copier:

(1) Bound archival volumes;

(2) Records fastened together by staples, clips, acco fasteners, rivets, or similar fasteners, where folding or bending the record may cause damage;

(3) Records larger than 11 inches by 14 inches;

(4) Records with uncancelled security classification markings;

(5) Records with legal restrictions on copying; and

(6) Records in poor physical condition in the judgment of the research room attendant.

Dated: August 14, 1986.

Claudine J. Weiher,

Acting Archivist of the United States.

[FR Doc. 86-19889 Filed 9-3-86; 8:45 a.m.]

BILLING CODE 7515-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[SW-4-FRL-3074-3]

Georgia; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Final rule on Georgia's application for program revision.

SUMMARY: Georgia has applied for Final Authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Georgia's application and has decided that Georgia's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final Authorization. Thus, EPA is granting Final Authorization to Georgia for the program revisions, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984.

EFFECTIVE DATE: Final Authorization for Georgia shall be effective at 1:00 p.m. on September 18, 1986.

FOR FURTHER INFORMATION CONTACT: Otis Johnson, Jr., Chief, Waste Planning Section, Residuals Management Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland St., NE, Atlanta, Georgia 30365, (404) 347-3016.

SUPPLEMENTARY INFORMATION:

A. Background

States with Final Authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occurs. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260–266, and 124, and 270. Also, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") extensively amended RCRA, thereby necessitating State program revisions. HSWA allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for Final Authorization for the HSWA requirements.

B. Georgia

Georgia initially received Final Authorization on August 21, 1984. On September 26, 1985, Georgia submitted a program revision application for additional program approvals. On July 7, 1986, EPA published a proposed rule (51 FR 24549) to tentatively approve Georgia's application for program revisions in accordance with 40 CFR 271.21(b)(4).

Only one comment was received during the public comment period. The commenter questioned Georgia's testing methods for analyzing hazardous constituents in ground water. EPA has reviewed Georgia's testing requirements and believes they are at least as stringent as EPA's. A hearing was not held because significant interest was not expressed by the public.

EPA has reviewed Georgia's application and has made a final decision that Georgia's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final Authorization. Consequently, EPA is granting Final Authorization to Georgia for the program modifications.

Effective September 18, 1986, Georgia will be authorized to implement, in lieu

of EPA, all changes made to the Federal program from the date the State received Final Authorization up to and including the July 15, 1985 codification rule (50 FR 28702), except for the authority to implement RCRA section 3005(j). A detailed discussion of the revisions for which Georgia is granted Final Authorization is included in EPA's tentative decision published July 7, 1986 (51 FR 24549).

C. Joint Permitting

After the passage of the Hazardous and Solid Waste Amendments of 1984 (HSWA), responsibilities for hazardous waste permitting in Georgia were split between EPA and the State. EPA was responsible for issuing the HSWA portion of permits until Georgia was granted authorization for all or a portion of the HSWA provisions. Georgia has been responsible for the non-HSWA portion of permits under the authority granted to the State in EPA's Final Authorization decision of August 21, 1984. In addition, the State has been assisting EPA in administering the permitting provisions of HSWA.

Effective September 18, 1986, EPA will suspend issuance of Federal permits in those areas for which the State is receiving authorization, and will transfer in a timely manner all pending permit applications and pertinent file information to Georgia for processing.

Upon authorization and in accordance with 40 CFR 124.5, EPA will terminate the RCRA permits it has issued to facilities, if requested by the RCRA permittee, once Georgia incorporates the terms and conditions of the Federal permits in the State RCRA hazardous waste permits issued to those facilities. When EPA promulgates standards for additional processes or regulations mandated by HSWA not covered by this authorization, EPA will issue and enforce RCRA permits in the State for those HSWA requirements until the State receives authorization for those revisions.

Georgia is not authorized by the Federal government to operate the RCRA program on Indian Lands. This authority will remain with EPA.

D. Decision

I conclude that Georgia's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Georgia is granted final authorization to operate its hazardous waste program as revised. Georgia now has responsibility for issuing permits to treatment, storage, and disposal facilities within its borders incorporating standards based on the revised program and carrying out other aspects of the RCRA program, subject to HSWA. Georgia also has primary enforcement responsibilities for these revisions, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

Compliance With Executive Order 12291: The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act: Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Georgia's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: August 22, 1986.

Jack E. Ravan,

Regional Administrator.

[FR Doc. 86-19907 Filed 9-3-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 36

Fish and Wildlife Service

50 CFR Part 36

National Park Service

36 CFR Part 13

Bureau of Land Management

Transportation and Utility Systems in and Across, and Access Into, Conservation System Units in Alaska

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This final rulemaking implements the provisions of Title XI of the Alaska National Interest Lands Conservation Act (ANILCA), 94 Stat. 2371, Pub. L. 96-487, concerning transportation and utility systems (TUS) in Alaska when any portion of the route of the system will be within any conservation system unit (CSU), national recreation area or national conservation area. These provisions detail the procedures that must be followed to obtain any Federal approval needed for a TUS. In addition, the regulations address special access, temporary access and access to inholdings.

EFFECTIVE DATE: October 6, 1986.

FOR FURTHER INFORMATION CONTACT: Ted Bingham, Bureau of Land Management, 343-5441; Cynthia deFranceaux, National Park Service, 343-4279; or Jim Gillett, Fish and Wildlife Service, 343-5333; Main Interior Building, 18th and C Streets, NW., Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The proposed rulemaking implementing Title XI of ANILCA (Title XI) was published in the **Federal Register** on July 15, 1983 (48 FR 32506), with a 120-day comment period. During the comment period, timely written comments were received from 42 sources; 12 from corporations, 10 from organizations, 9 from governmental agencies, and 11 from individuals. A handful of comments were also received after the comment period had expired. In addition, hearings were held at Juneau, Fairbanks, and Anchorage, Alaska on September 12, 14, and 16, 1983, respectively. The general tenor of the comments cannot be easily characterized. Certain sections of the proposed regulations generated large numbers of comments with almost equal numbers presenting favorable and unfavorable views. Only those sections of the proposed rulemaking that were the subject of comments are discussed in this preamble. In addition to the changes discussed below, minor editorial changes were also made.

43 CFR Part 36

Section 36.1 Applicability and Scope

Several commenters recommended that the discussion of applicability and scope be broken down into sections that clearly separate the distinct situations to which the regulations apply. This suggestion has been followed in order to clarify that these regulations apply to four types of access in Alaska within or

across CSUs or other special areas: (1) TUSs, (2) access to inholdings, (3) special access; and (4) temporary access.

Several commenters questioned or demonstrated confusion regarding the applicability of these regulations to all or part of a TUS which partially crosses a CSU. In response to those questions, the regulations have not been changed. It is the opinion of the Department of the Interior (Interior) that when part of a TUS crosses a CSU, the entire route of the TUS is subject to Federal approvals and to these regulations. Some commenters expressed concern that this interpretation might confer additional authority on Federal agencies; no such additional grant of authority is intended and none have been conferred by these regulations.

Several commenters stated that the regulations should expressly mention the role of the Secretary of Transportation. Section 1104(b)(2) of ANILCA clearly sets forth the situations in which the Secretary of Transportation has decision-making responsibility, or responsibility to provide planning or assistance to other Federal agencies. These are responsibilities rested by virtue of other statutes, and are not new responsibilities conferred by ANILCA. Nothing appears in these regulations regarding these responsibilities because it would be inappropriate for the Interior to make rules regarding the manner by which the Secretary of Transportation exercises his/her responsibilities.

One commenter asked whether these regulations would require an application for and govern the extension of a TUS outside of any CSU where an already constructed TUS crosses a CSU. These regulations will not apply to the extension of an existing TUS, unless the extension of the TUS causes a significant change in that part of the TUS already in existence within the CSU.

Other commenters discussed specific exclusions to the applicability of the regulations. One commenter requested that the regulations explicitly state that they apply neither to landing nor departing aircraft, nor to the passage of aircraft over CSUs. The statement is unnecessary since by their terms these regulations were not intended to apply to those situations but rather to those involving access to landing areas.

Another commenter requested that a reference be included to state that these regulations do not apply to the provisions of the Alaska Natural Gas Transportation Act of 1976 (Pub. L. 94–586). Section 1327 of ANILCA makes an exemption which will be quoted here rather than cross-referenced in the regulations. It provides:

> Nothing in this Act shall be construed as imposing any additional requirements in connection with the construction and operation of the transportation system designated by the President and approved by the Congress pursuant to the Alaska Natural Gas Transportation Act of 1976 (P.L. 94–586; 90 Stat. 2903), or imposing any limitations upon the Secretary concerning such system.

One commenter asserted that TUSs to be constructed by Federal agencies incident to their management of the CSUs should not be exempted from the effect of these regulations. The commenter suggested that there should be separate requirements for major and minor TUS needs; minor TUSs could appropriately be exempted, but major TUSs, even for management purposes, should be subject to the full procedure. This proposed approach is contrary to the express provisions of the law. In section 1102(4)(A) of ANILCA, Congress expressly exempted management of CSUs from Title XI procedures for management related TUS needs. Interior recognizes that management agency TUS needs could occasionally require major construction with significant effects. This does not mean that major systems will be constructed without consideration of potential environmental effects; proposed TUSs of any significance will normally be addressed in management, conservation or area plans involving public participation. Agencies must comply with the requirements of the National Environmental Policy Act (NEPA) of 1969 as well. For these reasons, no change has been made in the final rule in this regard.

One commenter requested clarification regarding which laws and regulations administered by which agencies are meant within the ambit of "applicable law." Following is a list of those laws and regulations which will be the source of applicable law in the majority of situations. The list is intended only for illustrative purposes. Depending upon the agency and nature of the TUS many other laws and regulations could apply such as:

Bureau of Land Management: Title V of FLPMA, 43 U.S.C. 1761 *et seq.*; 30 U.S.C. 185.

Fish and Wildlife Service: Refuge Administration Act, 16 U.S.C. 668dd 50 CFR 29.21 *et seq.*

National Park Service: 16 U.S.C. 5 and 79; 23 U.S.C. 317 and 36 CFR 14.

None of the above-mentioned agencies have applicable laws providing the authority to approve the crossing of a designated wilderness area by a TUS. For many TUSs, the agencies can only provide the right-of-way or permit allowing use of the grounds where a TUS is proposed. Other Federal or State regulatory agencies have the authority or responsibility to approve the development of a TUS but not necessarily the authority to grant a right-of-way across certain lands.

Another commenter proposed an additional paragraph to expressly establish the precedence of these regulations over the general regulations of the Federal agencies insofar as transportation and access in Alaska CSUs are concerned. The requested statement is unnecessary. These regulations establish uniform procedures for the managing agencies to use in administering the body of applicable law pertaining to authorization and administration of TUSs. In other words, these regulations provide the procedural methodology regardless of an agency's existing regulations. However, the substantive standards of the existing statutory authorizations remain applicable to these TUSs.

One commenter stated that the areas to which these regulations apply were not clearly delineated. The proposed regulations did not list each of the CSUs and other areas subject to these regulations, but they were listed in the section-by-section analysis of the preamble. The CSUs in Alaska to which these regulations apply are as follows:

Administered by National Park Service

Alagnak National Wild River
Aniakchak National Monument and Preserve
Aniakchak National Wild River
Bering Land Bridge National Preserve
Cape Krusenstern National Monument
Charley National Wild River
Chilikadrotna National Wild River
Denali National Park and Preserve
Gates of the Arctic National Park and Preserve
Glacier Bay National Park and Preserve
John National Wild River
Katmai National Park and Preserve
Kenai Fjords National Park
Kobuk Valley National Park
Kobuk National Wild River

Lake Clark National Park and Preserve
Mulchatna National Wild River
Noatak National Preserve
Noatak National Wild River
North Fork of the Koyukuk National Wild River
Salmon National Wild River
Tinayguk National Wild River
Tlikakila National Wild River
Wrangell-Saint Elias National Park and Preserve
Yukon-Charley Rivers National Preserve

Administered by Fish and Wildlife Service

Alaska Maritime National Wildlife Refuge
Alaska Peninsula National Wildlife Refuge
Andreafsky National Wild River
Arctic National Wildlife Refuge
Becharof National Wildlife Refuge
Innoko National Wildlife Refuge
Ivishak National Wild River
Izembek National Wildlife Refuge
Kanuti National Wildlife Refuge
Kenai National Wildlife Refuge
Kodiak National Wildlife Refuge
Koyukuk National Wildlife Refuge
Nowitna National Wild River
Nowitna National Wildlife Refuge
Selawik National Wild River
Selawik National Wildlife Refuge
Sheenjek National Wild River
Tetlin National Wildlife Refuge
Togiak National Wildlife Refuge
Wind National Wild River
Yukon Delta National Wildlife Refuge
Yukon Flats National Wildlife Refuge

Administered by Bureau of Land Management

Beaver Creek National Wild River
Birch Creek National Wild River
Delta National Wild and Recreational River
Fortymile National Wild, Scenic and Recreational River
Gulkana National Wild River
Unalakleet National Wild River

Section 36.2 Definitions.

The proposed regulations defined "adequate and feasible access" in § 36.2(a). The section received a number of comments suggesting two opposite approaches. Many commenters stated that the definition should add more factors stressing environmental protection. Conversely, many commenters stated that economic considerations should be given more weight. No change was made. The definition provides enough flexibility to consider economic factors, and application processing as set forth in the regulations provided for consideration of environmental issues. We conclude that the definition originally proposed provided an adequate balance of interests. This definition was moved to section 36.10 in these final regulations because it is applicable only to access to inholdings. Further discussion of this issue can be found under that section.

The proposed regulations defined the word "area" in § 36.2(f) (§ 36.2(g) final regulations (final)). One commenter suggested that "units" was the appropriate term for areas administered by the National Park Service (NPS). Whatever the preferred general terminology for areas administered by the NPS, the areas covered by these regulations include land management units administered by the Fish and Wildlife Service (FWS) and the Bureau of Land Management (BLM) as well. The words "unit" and "area" have, however confusingly, been used interchangeably both in the law and proposed regulations. In this final rule, in order to be more uniform, the word "area" has been used whenever possible.

Section 36.2(g) of the proposed regulations (renumbered as § 36.2(f)) defined "compatible with the purposes for which the unit was established." Several commenters suggested that the definition be modified or deleted. The majority of commenters were concerned that most, if not all, proposals could be found to interfere with or detract from the purpose for which a unit was established. The majority of relevant comments suggested that the addition of "significantly" as a modifier in order to clarify that "compatible with the purposes for which the unit was established" means that the system will not significantly interfere with the purposes for which the unit was established. Interior agrees and this change was made. Other comments concerning (§ 36.2(g) § 36.2(f) final) suggested that the definition should include an express statement that the management purposes of the unit, and not just the purpose for which it was established, be considered. This change was not adopted because the management purposes of a unit are inherent in the purpose for which the unit was established, and the additional statement would be redundant.

A few comments discussed § 36.2(i) of the proposed regulations (§ 36.2(h) final). This section defines "economically feasible and prudent alternative route." These commenters requested that the definition be altered to further clarify and stress the need for economic comparisons; in particular they requested that greater weight be given to relative costs in determining the feasibility of alternate routes. After reconsideration of the proposed definition, Interior determined that a revision was called for and concluded that the definition in the proposed regulations could be improved. The new definition determines economic feasibility upon whether or not financing could be obtained for the project should the alternate route be required. In addition, the new definition provides an economic focus for determining prudence although non-economic factors could be included in the consideration. It provides that the alternate route will be considered to be prudent if the difference of its benefits minus its costs is equal to or greater than that of the benefits of the proposed TUS minus its costs. The definition allows consideration of a broad range of factors in determining prudence, such as resource and aesthetic values, as well as the impact on local populations.

A number of comments discussed the definitions of "improved rights-of-way" (§ 36.2(j) proposed regulations (proposed)) (§ 36.2(i) final), and "road" (§ 36.2(p) proposed) (deleted from the final). A number of commenters noted that many Alaskan routes would fall within the definition of "improved rights-of-way" and would not be within the definition of "roads" although they would be roads within common understanding. As the proposed regulations were drafted, many routes would have been neither "roads" nor "improved rights-of-way," and would have been inadvertently removed from the ambit of the regulations.

Many commenters also stated that the definition of "roads" was unnecessary. We agree that the definition of "roads" was confusing and unnecessary, and it has been eliminated. The definition of "improved rights-of-way" was frequently criticized. The definition pertains to section 1102(4)(b) of ANILCA which describes improved rights-of-way as the type of routes used by snow machines, air cushion vehicles, and other all-terrain vehicles. The proposed definition was taken almost verbatim from the legislative history of that section. We intend to differentiate improved rights-of-way, and eliminate from Title XI processing, those snow machine and dog sled trails that have no terrain alteration and only minor vegetation control, but which may be marked by flagging or otherwise for directional control.

One comment pertained to the definition of "other systems of general transportation" (§ 36.2(l) proposed) (§ 36.2(k) final). The commenter requested that the definition be expanded to include related facilities. This change was not made because related structures and facilities are

provided for in the definition of a TUS (§ 36.2(r) proposed) (§ 36.2(p) final).

Some commenters stated that the definition of "public values" (§ 36.2(m) proposed) (§ 36.2(l) final), should be stated with more specificity. The definition was left unchanged. While stated in broad terms, it provides sufficient direction for the agencies to make rational decisions in specific cases.

Numerous comments were received on the apparent conflict between the definition of "related structures and facilities" and the definition of a TUS (§ 36.2(n) proposed) (§ 36.2(m) final). Many comments also noted the apparent discrepancy between the section-by-section analysis in the preamble and the specific wording of the proposed regulation. The preamble seemed to say that related structures and facilities were included within the TUS, as did the general language of the proposed regulation, but specific subsections of the same excluded many related structures. The exceptions were an error, and have been removed from the final regulations. The inclusion or exclusion of related facilities within the TUS will be considered on a case-by-case basis at the time an application is submitted. The test will be whether the related facility is reasonably necessary to the operation of the TUS.

Section 36.3 Preapplication

One comment was received which supported the concept of encouraging preapplication contacts. A minor change in paragraph (a) adds the words "resource concerns" in order to highlight one of the principal subjects to be addressed in any preapplication meeting. It is intended that the Federal agency express to the applicant its concerns for particular resources within the unit so the applicant may have a definite understanding of the resources and the constraints within which the applicant will be required to operate.

Varying comments expressed a broad range of views regarding the requirements for permits for preapplication activities. As the proposed regulations were drafted, all preapplication activities on lands administered by the NPS and the FWS would require permits. For lands administered by the BLM, permits would not be required for those preapplication activities which would not ordinarily cause any appreciable disturbance or damage to the lands involved and which would not ordinarily require a right-of-way or temporary use permit.

Some commenters stated that preapplication permits should be required in all situations before any preapplication work is performed. Another commenter stated that information gathering should be allowed only after the filing of an application for a TUS and that any activities having a significant effect should be postponed until their effects would be considered through the NEPA process. In addition, that commenter argued that no statutory authority exists for preapplication activities. Yet another commenter thought that some preapplication activities, such as core drilling, could impact the environment and should be addressed in a NEPA compliance document separate from the TUS environmental document.

In contrast, other commenters asserted that all preapplication activities must be allowed without any permit requirements. They reasoned that no statutory authority regulates preapplication activities; therefore, there should be no restrictions, hindrance or other formalism prior to the performance of preapplication activities. These commenters argued that if the BLM requires no permits, neither should the NPS. Additionally, special permits should be required only for those activities not otherwise permitted by the agencies under existing law or practice. Another commenter suggested that the federal agencies should be required to respond to requests for preapplication permits within 30 days of the request.

The final rule remains largely as proposed. The range of comments supports the conclusion that the proposed rule represented a reasonable approach to balance the needs of the applicants to gather information preparatory to developing an application and the needs of the managing agencies to manage the lands in a manner that is consistent with their general authorities. Approved permits or other approvals are to be issued under existing authority in accordance with NEPA requirements, agency mandates, and the purposes for which the area was established.

Another series of comments was concerned with the standard under which a preapplication activity permit would be analyzed and issued or disapproved. They sought more explicit guidance pertaining to the standard to be applied. In response, the final rule has been changed to state that the proposed preapplication activity be found by the appropriate federal agency to be compatible with the purposes for which the unit was established. Otherwise, the standards outlined in the proposed regulations have been preserved. Activities will be permitted that are necessary to adequately complete the consolidated application form for a TUS. Those activities may not cause significant or permanent damage to the values for which the unit was established; the resulting impacts from preapplication activities must be temporary, not significant, and cause no interference with other authorized uses or activities.

Several commenters noted that preapplication activities are subject to the provisions of section 810 of ANILCA (section 810) concerning the effects of activities of subsistence uses. The final rule has been modified to require an agency determination that the activities will not significantly restrict subsistence uses.

Section 36.4 Filing of Application

A number of commenters suggested that a single agency be designated for receipt of all applications. While such a procedure would be more convenient to the applicants, these regulations apply to applications for TUSs in, through or across CSUs which are under the management of four agencies, three within Interior and one within the Department of Agriculture. Interior lacks authority to issue regulations binding another Department to Interior's receipt of an application. However, these regulations have provided that a filing with one of Interior's agencies will be deemed a filing with all of them. This provision, together with preapplication procedures where applicants are urged to participate in a preapplication conference where they will be advised in the efficient preparation of their application, should simplify the filing.

A number of commenters suggested replacing the term "Standard Form 299" with "the consolidated application form." Some of these comments were based on the pending review and revision of Standard Form 299, Application for Transportation and Utility Systems and Facilities on Federal Lands (SF 299). Since the form has now been revised and reissued, there is no need for the suggested change.

Two commenters suggested that either the SF 299 be revised to specifically request all information that may ultimately be required of an applicant, or alternatively that all such information be identified during the preapplication meetings and agreed upon by the applicant. This is not possible. The SF 299 was designed to provide basic data needed by any appropriate federal agency for all types of TUSs. It is flexible enough to allow the applicant to attach any special information that may additionally be required by an agency pertaining to specific or unique types of TUSs. An application form that

identified all information that might potentially be required would be extremely complex, cumbersome and unreasonable. Currently each Federal agency has regulations and informational material which specifies the type of information that must be included in an application for a specific right-of-way, lease, license, permit, etc., from that agency. These requirements can easily be identified during a preapplication session.

One commenter objected to the 15 day period during which agencies may receive applications, as contrary to law and inviting invalid applications. The law requires that applications be filed with all appropriate Federal agencies on the same day. To facilitate reasonable implementation of this provision, the proposed regulations allowed a 15 day period during which Federal agencies may receive applications, and the filing day would be deemed to be the last day on which an agency receives an application. This grace period has been preserved. It would be unnecessarily burdensome and costly to require an applicant to file the application literally on the same day in locations as diverse as Anchorage, Alaska, Seattle, Washington, and Washington, DC.

Section 36.5 Application Review

A number of commenters requested that a single agency be established as a clearinghouse for all applications. Just as Interior cannot designate a single agency to receive all applications, so it cannot designate a single agency as the clearinghouse; doing so would include agencies outside of Interior within the purview of Interior's regulations. Accordingly, no single agency can be designated as a clearinghouse.

Similarly, many commenters suggested replacing the term "appropriate Federal agency" with the term "lead agency." According to this concept, the lead agency would then assure that all other appropriate Federal agencies are involved. In order to accommodate this suggestion, the lead agency paragraph which appeared in the proposed regulations under the discussion of NEPA compliance has been brought forward in the final regulations of this section on application review. It has also been slightly revised. When the application is received, one of the four area managing agencies will be identified initially as the lead agency. For the purposes of this initial identification, the agency selected will be the agency having the most land (defined not in terms of area measurement but in terms of the most lineal surface crossed by the proposed TUS) under its jurisdiction. This procedure will allow for immediate identification of a lead agency to begin timely coordination of the application review process. The regulation also provides that another agency may ultimately be designated as the lead agency for the remainder of the process.

Several commenters were concerned with the provisions pertaining to requests for additional information. Some commenters suggested that any additional information requested be limited to that directly related to the TUS application. It is implicit in the process that any information requested must be reasonably related to the TUS application and the agency's required review. However, what is required may include any number of things that are not currently foreseeable, particularly in light of those situations where the agency may be mandated to consider viable alternatives to the specific application. Another commenter similarly suggested that additional information requested should be limited to matters discussed in the preapplication meetings. This latter suggestion would overly restrict the agency in gathering information that it may be required by law to collect before granting an application.

Interior has considerable experience in processing applications for similar types of systems as those covered under Title XI. Interior has learned that applications which supply inadequate information far outnumber those applications which are complete when initially filed. Failure to supply adequate information jeopardizes the applicant's ability to proceed with a project. The agency may be unable to prepare an Environmental Impact Statement (EIS) or may produce an inadequate EIS leading to disapproval of the application. The proposed regulations are intended to avoid this result. Therefore, no change has been made in the regulations.

Section 36.6 NEPA Compliance

Comments were received regarding compliance with section 810. This section provides a procedure for allowing public participation in the decision when a proposed activity would significantly restrict subsistence uses. Specifically, clarification was requested regarding whether the section 810 analysis and decision would be made by the lead agency. The clarification is as stated here: the lead agency will be responsible for ensuring compliance with section 810 pursuant to § 36.6(b)(4). Whether the actual compliance will be performed by each of the involved agencies, independently or in cooperation, or as a part of the NEPA process, is left to the discretion of the lead agency and other involved agencies and will be resolved on a case-by-case basis. In order to clarify that section 810 compliance is required independently of whether an EIS is required, the regulation was slightly reordered.

Two commenters noted that the Council on Environmental Quality (CEQ) regulations require public involvement to the extent practicable in the preparation of Environmental Assessments (EA). They were concerned that the statement of no public hearings being required in the preparation of an EA would be misleading. The statement has been omitted. However, the agencies are expected to follow their normal practices which ordinarily would not involve public hearings in EA preparation.

Some commenters suggested that the requirement that hearings on EISs be held in Washington, DC was unnecessary. The statute mandates that hearings be held both in Alaska and Washington, DC. The requirement is therefore necessary.

Comments were also received which suggested that the solicitation and consideration of comments be separated from the EIS hearing requirement. The final regulations have been modified accordingly.

The preamble to the proposed regulations requested comments regarding the provision on recovery of costs for EIS preparation. No comments were received. As the discussion in the preamble noted, BLM is in the process of preparing new cost recovery regulations pursuant to FLPMA section 304(b), 43 U.S.C. 1734. Under ANILCA, agencies are to recover their EIS preparation costs in a manner consistent with that provision. The BLM regulations are still not in place. Until regulations specifying the procedure for application of that provision are in place, total costs will be presumed to be recoverable. If an applicant can make a showing that a reduced assessment is justified, a new amount will be negotiated.

See BLM Instruction Memorandum 85–3721, April 9, 1985. These regulations are deferring to the interim guidance of the Instruction Memorandum and completion of the final BLM regulations by not making any attempt to more specifically define the meaning of FLPMA § 304(b).

Section 36.7 Decision Process

Comments were made opposing and favoring the use of two decision-making processes. Although two processes may cause some confusion upon a superficial

reading of the regulations, two processes are required by ANILCA itself and the provisions in the regulations come directly from the statute. Where there is an already existing body of law to be applied, that law is to be followed. Where there is no law, there is a procedure created by ANILCA pursuant to which application for a TUS may be made. When there is no existing law applying to part of a TUS, there will most likely be some existing law for the other part. Some of the decision-making will therefore involve agencies which do and do not have existing authority. Those agencies that have authority will be able to process the permits and approvals and prepare the documents that will be transmitted to Congress. Those agencies that do not have authority will only be able to prepare their recommendations. The final decision on the whole project will rest with Congress, although it is not expected that Congress will revisit those determinations already made by agencies having preexisting Congressionally delegated authority.

Some commenters suggested that the proposed standards for reviewing impacts seemed to restrict an agency to considering effects occurring within its own land base. However, the regulations are not intended to have that result.

At times, NEPA requires an agency to look at impacts beyond the borders of the land within its management jurisdiction, and ANILCA does not alter the NEPA requirements. Environmental statements will continue to examine all significant impacts to the human environment including secondary and cumulative effects.

Comments were also made that the determination of significant impact under § 36.7(a)(1) should be made through a public participation process. The regulations have not been changed. The NEPA process provides a substantial opportunity for public involvement.

A few commenters also requested that the decision process specifically take into account the requirements of section 810. Accordingly, § 36.7(a)(2)(ix) has been added to require agencies to make specific findings regarding the impacts, if any, on subsistence uses.

Section 36.8 Administrative Appeal

Comments were received that § 36.8(a) provided inadequate guidance for exercising the statutory appeal rights under section 1106 of ANILCA. No change has been made because Interior cannot regulate matters outside of its jurisdiction. For that same reason Interior cannot legally provide for administrative appeals of denials issued under § 36.7(b).

Section 36.9 Issuing Permits

A few commenters suggested that all TUS right-of-way permits should include requirements to reasonably minimize adverse impacts on subsistence resources and uses. No change was made in the final regulations because this was already provided for in § 36.9(b)(5) which requires the protection of the interests of individuals living in the general area of the right-of-way permit who rely on the fish, wildlife and biotic resources of the area for subsistence purposes.

Some commenters suggested changes to the requirements for the terms and conditions. Except for adding the words "maximum and" when discussing the right-of-way width in § 36.9(b)(4), the proposed regulations repeat the statutory requirements. Accordingly, comments suggesting changes in the statutory language have not been adopted, and the words "maximum and," added to the statutory language in the proposed regulations, have been deleted.

Section 36.10 Access to Inholdings

This section is the most controversial of these regulations. Overall, the comments ranged from those recommending deletion of the entire section as unnecessary or inconsistent with area purposes, to those perceiving the section as needed, to those arguing that the access to inholdings provisions in section 1110(b) of ANILCA (1110(b)) should not be treated separately from the remainder of Title XI.

Section 36.10(b) has been modified slightly to correct an error in drafting the proposed regulation. The change clarifies that this part is to address all access issues in CSUs, and it was incorrect to also refer to "other applicable law."

A number of comments were received about the definitions pertaining to this section. The definition section has been supplemented so that the principal terms regarding or applying only to access to inholdings are found in this section rather than in the definition § 36.2.

The term "adequate and feasible access" received a number of comments. Some agreed with the interpretation followed in the proposed rule which includes all forms of access without limitation within the scope of section 36.10. Others preferred the narrower definition found in the interim or present regulations of the NPS and FWS which guaranteed access but limited it to pedestrian or vehicular means of transportation, arguing that the proposed definition was too broad. Other commenters argued that the law was intended to provide for small scale personal use access only and not pipelines or transmission lines. We have reviewed these comments and determined that the proposed definition of adequate and feasible will be retained with minor modifications. The definition has been restructured into a single sentence.

The reason for retaining the definition as stated in the proposed rule is our conclusion that it reflects Congressional intent. First, we find no justification for distinguishing between small private routes and larger systems. The criteria for applicability within the statute itself pertain to the type of inholding, not the type of system. Second, the statute clearly states that the access right is for "economic and other purposes;" not merely for ingress and egress. Third, the legislative history clearly states that the grant of access must be broadly construed:

> The Committee understands that the common law guarantees owners of inholdings access to their land, and that rights of access might also be derived from other statutory provisions, including other provisions of this title, or from constitutional grants. This provision is intended to be an independent grant *supplementary to all other rights of access*, and shall not be construed to limit or be limited by any right of access granted by the common law, other statutory provisions, or the Constitution. (emphasis supplied)
>
> H. Rept. No. 97, Part 1, 96th Congress, 1st Sess. 1979, 240; also, S. Rept. No. 413, 96th Congress, 1st Sess. 1979, 249.

A number of comments stated that a definition of the terms "effectively surrounded" was necessary. A number of alternative means of deriving a definition were suggested. We have retained the definition from the proposed regulations which was based on the following excerpt from Senate Report 96–413, 96th Cong., 1st Sess., 1979, 248–249:

> The Committee adopted a specific standard regarding access which is designed to include inholders and other landowners where lands are effectively surrounded by a unit or units established by this Act. The Committee finds that in certain instances, there will be a need for access to be effected across such units and expects the Secretary to be reasonable and fair in his judgments regarding access in these situations.
>
> The most obvious situations involve those of physical barriers which would prevent feasible access except across a unit. Such barriers can include rugged mountain terrain, extensive marsh areas, shallow water depths, and presence of ice for large periods of the year. The Committee does not intend to limit the application of the term "effectively surrounded" to only those situations. Rather,

the Committee expects the Secretary to judge these situations on a case-by-case basis and to work with the inholder to come to a reasonable solution which will assure that adequate and feasible access for economic and other purposes can be realized.

The agencies are expected to use this guidance from Congress in making determinations.

Several commenters suggested changes in the definition of "inholding." Some argued that the term should be narrowly defined to include only those property rights which are permanent in nature such as State lands, native and other privately owned lands, valid mining claims and permanent right of occupancy inherited by devise or descent at common law. Under that theory administratively created rights of occupancy which are discretionary in nature, such as leaseholds, would not be inholdings. Other comments took an opposite view and argued that the word "leasehold" should be inserted in the definition. Another comment argued that rights acquired subsequent to the passage of ANILCA are not inholdings.

Upon consideration of these comments, Interior has determined that the proposed regulation will be changed in the final rule. The proposed definition uses identical language to that set forth in 1110(b). The statute establishes the circumstances where the Secretary of the Interior is required to give such access rights as may be necessary to assure adequate and feasible access. It resolves the issues raised by the comments. For instance, 1110(b) lists the term "valid occupancy" as an interest to which it applies. This included a valid leasehold. Likewise the statute makes no distinction between inholdings in existence at the time of ANILCA or inholdings interests created subsequent to ANILCA.

Application Filing Requirements

Several commenters requested a simpler application form for access to inholdings than the SF 299 currently being used. Because of the great variety in size and nature of inholdings, the variety of potential access needs, and the potential range of environmental consequences, the agencies will continue to use SF 299 because it is adaptable to a variety of situations. However, the information required for each application should be tailored by the applicant and the applicable Federal agency. This can best be accomplished through a preapplication meeting.

In response to comments suggesting the need for multiple application to the Federal government, an alternative procedure for mining access has been inserted in the final rule. Mining claimants may address their access needs in their proposed plan of operations instead of on the SF 299. However, the appropriate Federal agency may require the mining claimant to file a SF 299, if in its discretion, more complete information is necessary.

With respect to documentation of the property interest held by an applicant, a few comments were made expressing concern that the Federal agencies ensure that inholdings are valid prior to issuing approval for access. One commenter stated that requirements for determining validity should be addressed in the regulations. Particular concern was expressed about unpatented mining claims. Interior takes the position that is not necessary to regulate the procedures to determine valid inholdings. However, Interior does expect the applicable bureaus within Interior to ensure valid rights to the greatest extent practicable.

Application Processing and NEPA Compliance

A number of commenters stated in a variety of ways that the procedures for application processing and NEPA compliance should be more specifically tailored to the needs of inholders. The procedures for the application processing and NEPA compliance provided in the proposed regulations have been retained. Because of the variety of access needs that might be applied for, the procedures must cover the complex as well as the simple access situations. However, agency processing can be tailored to the complexity of the proposal on a case-by-case basis. Applications will all be filed, reviewed and processed in the same manner as under §§ 36.4, 36.5 and 36.6. Agencies with frequent applications can however, establish internal procedures involving shorter time periods or other means of handling applications that involve minor degrees of access and have little impact on the environment.

Comments were specifically invited on proposed regulation § 36.10(h) which would have excluded applicants for access to inholdings from paying reasonable fees, charges, or rent. About one-fourth of the comments received responded to this invitation, with a nearly equal split for or against the proposed rule.

Upon further review, we find it would be inappropriate to exclude applicants for access to inholdings from paying reasonable fees. Nearly all recent legislation authorizing the granting of a right-of-way across Federal lands has required, at least, a payment for the use of Federal lands. Congress has also directed that, where identifiable, the user of public lands or resources pay a reasonable amount for such use. This policy is applicable to inholders. However, this policy should not result in unfair charges. Applicable law will apply to determine appropriate fees, which may include fee application processing, permit issuance, monitoring and land use.

Restrictions on Access

Many comments were received on § 36.10(e) which implements that portion of 1110(b) giving the Secretary of the Interior the authority to reasonably regulate access to inholdings. Some commenters argued that the regulation was too permissive in granting the landowners their choice of route. Others argued that too much discretion was given to the agencies. We have concluded that the proposed regulations have properly balanced the applicant's right of access with Interior's right to reasonably regulate. If there is an alternate, adequate and feasible route that has no or fewer significant adverse impacts on natural or cultural values, then it is reasonable the alternate route rather than the applicant's selected route be required. If the applicant's route truly jeopardizes public health or safety, then it is reasonable to use an alternate route.

Some commenters objected to reliance on management plans for guidance as to the appropriate level of access because such plans are not referenced in ANILCA. Although the law does not specifically mention management plans with respect to access to inholdings, management plans for CSUs provide background for understanding the valuable resources, concerns, public use, and management strategies pertaining to a CSU.

Appeal Process

One comment was received suggesting that the proposed regulation be amended to read: "An applicant denied a route or method of access applied for or when the method of access is deemed unnecessary under the provisions of this section may appeal. . . ." Upon further consideration of the matter of appeals relative to "guaranteed" access, the final regulation has been changed to reflect that access cannot be denied but that a particular route or method may be denied. The final agency decision is the final administrative decision.

Multiple Use Right-of-Way

The preamble to the proposed rule solicited comments on the following issue: Whether a potentially multiple

use right-of-way should be for the exclusive use of the applicant or whether the right-of-way should be open to public use or the use by other inholders. Some commenters stated that the concept of multiple use should be construed to include acquisition of reciprocal rights-of-way across other private or State lands which may be crossed by a TUS outside the CSU. Others were concerned that potential impacts from a multiple use right-of-way could be considered as factors against an original applicant. The regulations would have to define the basis of sharing; that multiple impacts associated with a TUS should not be assumed and applied to the initial applicant for a TUS. One commenter stated that other potential users of an existing TUS should be required to submit an application if it sought any expansion, change in use or increased use or impacts. Another opposed opening access routes initially granted to inholders for use by the public. One commenter argued that a right-of-way granted to inholders should be closed to fee paying guests of a CSU. Another commenter stated that if an inholder assumes the costs of construction he should not have to share the access with anyone. One agency commented that it should have the right to use any access route to carry out agency function. One comment recommended that if any agency and an inholder cannot agree on exclusive use or public use, the decision should be submitted to binding arbitration.

Some commenters addressed the means of fair costs or compensation related to multiple use of a right-of-way. Various methods suggested include: reaching agreement with the original applicant for reimbursement; binding arbitration if no agreement can be reached; and as a last resort, rate, a formula involving the original cost of facilities and other related factors by vesting the original TUS builder with certain exclusive rights, which other parties to reach equitable settlement with the builder.

Considering the complexities of the multiple use of a right-of-way, it is Interior's intention to pursue this issue in further study. Until the study is completed, the issue will be dealt with on a case-by-case basis.

Section 36.11 Special Access

This section implements the provisions of section 1110(a) of ANILCA (1110(a)), concerning special access across CSUs, national recreation and national conservation areas, and those public lands designated as wilderness study areas.

Comments were received requesting a more specific definition of "adequate snow cover." The proposed regulations and the statute authorize the use of snowmachines in areas, but that use is limited to "periods of adequate snow cover or frozen river conditions." Interior agrees that the definition should be as specific as possible. In response to this comment, the definition has been revised to provide more guidance on when the snow cover will be viewed as adequate.

A number of comments were received requesting a clarification on the relationship between the provisions of this section and the subsistence provisions of Title VIII of ANILCA (Title VIII). One commenter suggested that the regulations need to define more precisely the limits upon access for subsistence activities. Nothing in this section is intended to limit or restrict the rights of rural residents as specified in Title VIII. Accordingly, a new paragraph (b) has been added to this section to clarify that the regulations contained in this section in no way restrict the rights of rural residents as specified in Title VIII and agency regulations implementing those provisions. A related question asks how the BLM will address subsistence issues, since, unlike the NPS and the FWS, it has not promulgated regulations to implement the provisions of Title VIII. BLM does not intend to promulgate Title VIII regulations in the near future, but internal BLM procedures require satisfying Title VIII requirements prior to granting a right-of-way in Alaska.

Some commenters criticized the proposed regulations on motorboat and aircraft use within areas, in that those uses are not restricted to traditional activities and travel to and from villages and homesites as in the statutory authorization. These commenters preferred the more restrictive language of the statute. Interior is of the view that it has the discretion to broaden the authorization beyond that required in the statute in light of other authorizations. Executive Order 11644 (E.O. 11644), on off-road vehicles (ORV), does not apply to motorboats or aircraft, so Interior is not limited by its requirements in authorizing these uses. After review of the impacts of these uses on the areas, including a review of the experience of the NPS and the FWS with their current regulations which are identical in addressing motorboat and aircraft use, it was decided that deleting the limiting language of the statutory authorization would not significantly increase the use of areas by motorboats and airplanes. Such use would not be in derogation of the values and purposes for which these areas were established, and would provide for greater enjoyment of these areas by visitors. Accordingly, to allow for access to the areas, the restrictions on motorboat and fixed wing aircraft use have not been increased in the final regulations.

Another commenter suggested that snowmachines should be treated, except for subsistence purposes, similar to other ORVs, in that they should be restricted to designated areas or trails. Interior views this suggested revision as contrary to the specific statutory provisions for snowmachine use in areas which is limited only to use for traditional activities and for travel to and from villages and homesites. The statutory authorization is not limited by E.O. 11644.

A number of comments were received on the ORV provisions of this section. Some argued that the proposal was too restrictive, and that the areas should be open to greater ORV use. Others argued that ORV use should be further limited to assure that the values and purposes for the areas are adequately protected. Section 1110(a) does not authorize general ORV use. Accordingly, with the exception of snowmachines, which are specifically addressed in section 1110(a), other applicable laws must be used to determine appropriate ORV use in these areas. Interior believes that as proposed, the regulation of ORVs in areas provides the proper balance between adequate ORV use and protection of the purposes and values for which the areas were established. Under these provisions, the use of ORVs in locations other than established roads and parking areas or in areas designated pursuant to E.O. 11644, is prohibited, unless pursuant to a valid permit. Under this procedure, individuals could apply for and receive permits for ORV use on existing trails in non-wilderness areas upon a finding that the use would be compatible with the purposes and values for which the areas were established. Permitted ORVs are exempted from E.O. 11644, which controls ORV use, and thus, this procedure offers the maximum ORV use allowable under current law. Persons desiring the opening of specific new trails may petition Interior to initiate rulemaking under 43 CFR Part 14, to open new trails under the provisions of E.O. 11644.

Section 36.11(g) has also been revised to clarify that areas will be designated for ORV use according to E.O. 11644 and regulations promulgated by the agencies to implement the Order. In addition, the provision in the proposed regulations that closures and openings would be

according to § 36.11(h) has been deleted. Since that section has been revised to apply only to uses authorized by section 1110(a) (snowmachines, motorboats, airplanes, and nonmotorized surface transportation methods), it is no longer appropriate for closure and opening provisions of that section to apply to ORVs. Other established agency law will apply.

Some commenters suggested that a definition of "traditional activity" should be included in these regulations. Under these regulations, the use of snowmachines is limited to "for traditional activities and travel to and from villages and homesites." One suggestion was made that the regulations should limit access to traditional activities to the means traditionally employed, and should define what those means are. Another commenter argued that access for a traditional activity is only permissible in areas where the activity has traditionally occurred. Because these regulations apply to a number of areas under the administrative jurisdiction of three agencies, it has been decided that it would be unwise, and perhaps impossible to develop a definition that would be appropriate for all areas under all circumstances. Exactly what "traditional activities" are must be decided on a case-by-case basis. Once the agencies have had the opportunity to review this question for each area under their administration, it may be possible to specifically define "traditional activity" for each area. Accordingly, these regulations do not contain a definition of "traditional activity."

Other comments suggested that the provisions of this section should not apply to parks and monuments which predated ANILCA. The argument is made that Congress did not intend to open the pre-ANILCA areas to the uses described in section 1110(a), since these pre-ANILCA areas had been closed to such uses prior to the enactment of ANILCA. Interior does not find any statutory support for this position, since section 1110(a) provides no exception for the pre-ANILCA areas. Accordingly, no exception for pre-ANILCA areas is provided for in these regulations.

A number of comments were received on the aircraft provisions of this section. A few objected to any restrictions being placed upon helicopter use, arguing that helicopters are a widely used means of transportation in Alaska, and that there is no reason to distinguish helicopters from fixed-wing aircraft. Others suggested that the provisions be amended to specifically allow emergency use of helicopters in areas without a permit, and also to allow helicopter use if pursuant to a memorandum of understanding with the appropriate Federal agency. Interior does not read the statutory authorization "airplane" of section 1110(a) as including helicopters. Accordingly, it is within its discretion to restrict helicopter use. Interior's experience has shown that uncontrolled helicopter use may have negative impacts on the purposes and values for which the various areas were established, especially upon the wildlife. Accordingly, Interior believes that helicopter use must be controlled through a general permit system to protect the purposes and values for which the areas were established. However, the proposed regulations have been revised to allow for emergency use without a permit, since it would not be practical to require a permit under emergency circumstances, or use without a permit pursuant to a memorandum of understanding, since the memorandum of understanding can contain provisions to assure adequate protection of the areas.

A few commenters suggested that the words "in accordance with the paragraph" be deleted from paragraph (e)(1) of the proposed regulations, without explanation as to why the request was made. The provisions proposed to be amended read: "Fixed-wing aircraft may be landed and operated on lands and water within areas, except where such use is prohibited or otherwise restricted by the appropriate Federal agency in accordance with this paragraph." Interior agrees that the quoted language is limiting, and unnecessary. Accordingly, it has been deleted.

Comments were received suggesting that owners of downed aircraft be permitted to remove valuable parts from the aircraft at the time of rescue without a permit. The proposed regulations required a permit prior to the removal of any downed aircraft on area lands. This proposal has been modified to permit the removal of valuable aircraft parts to the extent authorized by other federal laws and regulations.

A comment was received that downed aircraft should be removed from all public lands, and should not be limited to areas administered by the NPS and the FWS. Interior agrees, and § 36.11(f)(3) has been revised accordingly.

Another commenter argued that the aircraft authorization is too broad in that it fails to restrict wheeled aircraft access to designated sites during non-winter conditions. This is contrary to Interior's reading of the statutory authorization of section 1110(a), in that the authorized use applies to "airplanes," which Interior would interpret to include wheeled aircraft.

It has also been noted that Interior does not have the authority to regulate flight paths and altitudes of aircraft. This is a function of the Federal Aviation Administration. Therefore, a technical change has been made to the language of § 36.11(f)(1) dealing with aircraft harassment of wildlife.

Closures

Some comments suggested that the regulations should specify standards for the three types of closures: emergency, temporary, and permanent. The proposed regulations, as well as the present regulations of the NPS and the FWS provide a standard only for emergency closures. No standard is provided for temporary and permanent closures. Interior agrees that standards should be provided for all types of closures developed in these regulations. The standard for closure of areas to the uses authorized by section 1110(a) is "that such use would be detrimental to the resource values of the unit or area." In reviewing the issue of the standards for closures under the provisions of section 1110(a), Interior has concluded that this standard must be applied to all types of closures developed in these regulations. For purposes of this section, only if it is determined that a proposed use otherwise authorized by this section would be detrimental to the resource values of a particular area may that area be closed to the use, unless closure is authorized under other agency law. In the proposed and present regulations, the standard established for emergency closures and restrictions is as follows: "In determining whether to close an area or restrict an activity on an emergency basis, the area manager shall be guided by factors such as public health and safety, fire danger, resource protection, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation, and other management considerations necessary to ensure that the activity or area is being managed in a manner compatible with the purposes for which the area was established." After reviewing this standard, Interior has determined that it is not appropriate for the closures provided for under this provision. Our review of section 1110(a) leads us to conclude that the closure of areas to the authorized uses (snowmachines, motorboats, airplanes, and nonmotorized surface transportation methods) should occur

only under the standards of the law which this section is to implement. Accordingly, the final regulations have been amended to provide that no closure to any use authorized under this section may be made unless the "area manager determines that the use would be detrimental to the values of the unit or area."

It is Interior's view however, that these uses may be limited or restricted pursuant to other applicable law. The Secretary of the Interior has authority in the areas administered by Interior to close areas or restrict use for a variety of reasons, such as for health and safety. We do not believe that the provisions of this section of ANILCA were intended to preclude the Secretary from utilizing other statutory authorizations to restrict these uses. The proposed and interim regulations attempted to incorporate these other laws the standard, stated above, for emergency closures. After reconsideration of these closure provisions as a result of the comments made about the standard for closure under section 1110(a), Interior has determined that these regulations should be limited to closures under the authority of that section. Accordingly, by, limiting these regulations to closures authorized by section 1110(a), it was determined that the category of closure "emergency" was no longer necessary, and as such is covered by other established authority. Regulations providing for the closure of areas for reasons other than under the provisions of section 1110(a) include: For the NPS, 36 CFR 1.5; for the FWS, 50 CFR 25.21; and for the BLM, 43 CFR 8364.

One commenter suggested that section 1110(a) does not require notice and hearings for temporary or emergency closures, and that the regulations should be amended to allow temporary and emergency closures for a reasonable period of time without notice and hearings. We do not believe the statute authorizes the discretion to make any closures before a notice and hearing. As with the standards discussed above, section 1110(a) does not distinguish between the various types of closures developed in these regulations. The statutory language clearly provides that the authorized uses "shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary of Interior finds that such use would be detrimental to the resources values of the unit or area." Accordingly, the regulations require notice and hearing prior to any of the forms of closures.

A few commenters pointed out that the taking of fish and wildlife are addressed in the appropriate agency regulations and suggested that it not be addressed here. Since section 1110(a) does not address the taking of fish and wildlife, Interior agrees with this suggestion and it has been adopted.

One commenter suggested that the regulations be amended so that animal owners and users have to respect the private property rights of others under penalty of being required to obtain a permit which can be revoked if abuses continue. This suggestion cannot be adopted since these provisions do not apply to privately owned lands.

Another commenter suggested that the regulations require an EA or an EIS for each access request under these regulations. Interior is of the view that the provisions of NEPA will address the need for an EA or an EIS, and that the provisions of section 1110(a) did not amend those provisions. NEPA was enacted to assure that agencies adequately consider environmental impacts in proposed agency actions. Interior does not see a need to revise the requirements of NEPA for the purposes of ths special access provisions of this section.

One commenter suggested that the provisions of § 36.11(j), which provide for criminal penalties for violations of the special access provisions, be deleted entirely as being unauthorized. Interior believes that this enforcement tool is needed for these special access provisions, since, for the most part, permits are not required. Interior is authorized to promulgate this penalty provision in these regulations pursuant to the provisions of 16 U.S.C. 3 for areas administered by the NPS; 16 U.S.C. 668dd for areas administered by the FWS, and 43 U.S.C. 1733 for areas administered by the BLM.

Section 36.12 Temporary Access

Commenters suggested that reference should be made to compliance with NEPA and section 810. This has been done in § 36.12(d). One commenter suggested that this section should not include lands designated for wilderness study or managed to maintain the wilderness character. Section 1111(a) of ANILCA (1111(a)), the statutory authorization for this regulatory provision on temporary access, specifically includes these lands. Accordingly, the regulation has not been revised as suggested.

Another commenter suggested that the proposed language requiring "permanent harm" justify denial does not allow enough administrative flexibility to protect resources. This standard comes directly from the statutory provision and it supercedes any other law that might have a different standard. Therefore, the regulatory provisions has not been revised in this final rule.

One commenter noted that section 1111(a) does not distinguish between developed and undeveloped land in regard to obtaining a special access permit, but merely to "State or private land." Interior agrees with this comment, and the definition of "temporary access" has been revised in the final regulation by deleting the word "undeveloped" as a modifier to "State or private lands."

Finally, one commenter suggested that the permits issued under section 36.12 should be limited to a duration of not more than one year, and should not be renewable. The regulation does limit temporary access to one year. However, Interior believes there may be some circumstances when it would be appropriate to renew a temporary access permit and that it should not be limited by such a restriction.

Section 36.13 Special Provisions

One commenter requested more opportunity for public involvement in siting of the access for surface transportation purposes across the Gates of the Artic National Preserve in § 36.13(a). We note that the regulations, in accordance with the statutory authorization (section 201(4)(b) through (d) of ANILCA), indicate that the environmental and economic analysis for determining the route of the right-of-way is to be prepared in accordance with the procedural requirements of § 36.6, which applies to other TUSs. Interior believes section 36.6 provides ample opportunity for the public to comment, and no additional provisions concerning public involvement have been added in the final regulations. One commenter requested that § 36.13(a)(5) should be amended to add the provision that the right-of-way would be issued in accordance with the provisions of section 1107 of ANILCA, as directed by section 201(4)(d) of ANILCA. Interior agrees and reference to § 36.9 of the regulations, which implements section 1107 of ANILCA, has been added.

Finally, other commenters objected to the underlying statutory basis for this section. No changes were made to the regulations as a result of these comments.

Paperwork Reduction Act

The information collection requirements contained in this rulemaking have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned

clearance numbers 1024–0026 and 1004–0060.

Economic Effect

Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This finding is based on the minimal positive economic impact on salvage aircraft companies, local repair shops, filling stations, parts stores and retail outlets for access vehicles. Small entities will also be minimally impacted by the various permit provisions regarding access.

Enviromental Considerations

As requested by NEPA, Interior has prepared an EA and made a Finding of No Significant Impact. Copies of these documents are available at the address listed at the beginning of this rulemaking.

The primary authors of these regulations are William P. Horn, Assistant Secretary for Fish and Wildlife and Parks, Washington, DC; Brian Koula, Division of Conservation and Wildlife, Office of the Solicitor, Washington, DC; Richard Stenmark, Alaska Regional Office, NPS, Anchorage, Alaska; Adam Misztal, Division of Refuge Management, FWS, Washington, DC; and Theodore Bingham, Division of Rights-of-Way, BLM, Washington, DC.

Lists of Subjects

43 CFR Part 36

Alaska, Transportation, Utilities, Access, Rights-of-Way, Conservation system units.

36 CFR Part 13

Aircraft, Alaska, National parks, Penalties, Traffic regulations.

50 CFR Part 36

Alaska, Recreation and recreation areas, Traffic regulations, Wildlife refuges.

Accordingly, Titles 36, 43 and 50 are amended as set forth below.

TITLE 36—[AMENDED]

PART 13—[AMENDED]

1. The authority citation for Part 13 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 462(k), 3101 et seq., § 13.65(b) also issued under 16 U.S.C. 1361, 1531.

§§ 13.10 through 13.16 [Removed and reserved]

2. Sections 13.10 through 13.16 of Title 36 are removed and reserved.

TITLE 50—[AMENDED]

PART 36—[AMENDED]

1. The authority citation for Part 36 is revised to read as follows:

Authority: 16 U.S.C. 460(k) et seq., 668dd et seq., 742(a) et seq., 3101 et seq., and 44 U.S.C. 3501 et seq.

§§ 36.21 through 36.24 [Removed and reserved]

2. Sections 36.21 through 36.24 of Title 50 are removed and reserved.

TITLE 43—[AMENDED]

Accordingly, 43 CFR is amended by adding a new Part 36 to read as follows:

PART 36—TRANSPORTATION AND UTILITY SYSTEMS IN AND ACROSS, AND ACCESS INTO, CONSERVATION SYSTEM UNITS IN ALASKA

Sec.

Authority: 16 U.S.C. 1, 3, 668dd *et seq.*, and 3101 *et seq.*; 43 U.S.C. 1201.

§ 36.1 Applicability and scope.

(a) The regulations in this part apply to any application for access in the following forms within any conservation system unit (CSU), national recreation area or national conservation area within the State of Alaska which is administered by the Bureau of Land Management (BLM), Fish and Wildlife Service (FWS) or National Park Service (NPS):

(1) A transportation or utility system (TUS) is any portion of the route of the system within any of the aforementioned areas and the system is not one which the Department or agency having jurisdiction over the unit or area is establishing incident to its management of the unit or area;

(2) Access to inholdings within these areas, as well as within public lands administered by the BLM designated as wilderness study areas;

(3) Special access within these areas, as well as within public lands administered by the BLM designated as wilderness study areas;

(4) Temporary access within the aforementioned areas, as well as the National Petroleum Reserve in Alaska and public lands administered by the BLM designated as wilderness study areas or managed to maintain the wilderness character or potential thereof.

(b) Except as specifically provided in this part, applicable law shall apply with respect to the authorization and administration of TUSs.

§ 36.2 Definitions.

As used in this part, the term:

(a) "ANILCA" means the Alaska National Interest Lands Conservation Act (94 Stat. 2371; Pub. L. 96–487).

(b) "Applicable law" means a law or regulation of general applicability, other than Title XI of ANILCA, under which a Federal department or agency has jurisdiction to grant an authorization (including but not limited to, a right-of-way, permit, license, lease or certificate) without which a TUS cannot, in whole or in part, be established or operated.

(c) "Applicant" means an individual, partnership, corporation, association or other business entity, and a Federal, State or local government entity including a municipal corporation submitting an application under this part.

(d) "Appropriate Federal agency" means a Federal agency (or the agency official to whom the authority has been delegated) that has jurisdiction to grant any authorization without which a TUS cannot, in whole or in part, be established or operated.

(e) "Area" means a CSU, National Recreation Area, or National Conservation Area in Alaska administered by the NPS, the FWS or the BLM.

(f) "Compatible with the purposes for which the unit was established" means that the system will not significantly interfere with or detract from the purposes for which the area was established.

(g) "Conservation System Unit" (CSU) means any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System or the National Wilderness Preservation System administered by the NPS, the FWS or the BLM.

(h) "Economically feasible and prudent alternate route" means an alternate route must meet the requirements for being both economically feasible and prudent. To be economically feasible, the alternate route must be able to attract capital to finance its construction and an alternate route will be considered to be prudent only if the difference of its benefits minus its costs is equal to or greater

than that of the benefits of the proposed TUS minus its costs.

(i) "Improved right-of-ways" means routes which are of a permanent nature and would involve substantial alteration of the terrain or vegetation such as grading and graveling of surfaces or other such construction. Trail right-of-ways which are annually or periodically marked, brushed, or broken for off-road vehicles are excluded.

(j) "Incident to its management of the unit or area" means a type of TUS which is used directly or indirectly in support of authorized activities, and which is built by or for the Federal agency which has jurisdiction over the area.

(k) "Other system of general transportation" means private and commercial transportation of passengers and/or shipment of goods or materials.

(l) "Public values" means those values relating to the purposes for which the area was established as defined by the enabling legislation for the area.

(m) "Related structures and facilities" means those structures, facilities and right-of-ways which are reasonably and minimally necessary for the construction, operation and maintenance of a TUS, and which are listed as part of the TUS on the consolidated application form, Standard Form 299, "Application for Transportation and Utility Systems and Facilities on Federal Lands" (SF 299).

(n) "Right-of-way permit" means a right-of-way permit, lease, license, certificate or other authorization for all or part of a TUS in an area.

(o) "Secretary" means the Secretary of the Interior.

(p) "Transportation or utility system" (TUS) means any of the systems listed in paragraphs (p) (1) through (7) of this section, if a portion of the route of the system will be within an area and the system is not one that the Department or agency having jurisdiction over the area is establishing incident to its management of the area. The systems shall include related structures and facilities.

(1) Canals, ditches, flumes, laterals, pipes, pipelines, tunnels and other systems for the transportation of water.

(2) Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels and any refined product produced therefrom.

(3) Pipelines, slurry and emulsion systems and conveyor belts for the transportation of solid materials.

(4) Systems for the transmission and distribution of electric energy.

(5) Systems for transmission or reception of radio, television, telephone, telegraph and other electronic signals and other means of communication.

(6) Improved rights-of-way for snowmachines, air cushion vehicles and other all-terrain vehicles.

(7) Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks and other systems of general transportation.

§ 36.3 Preapplication.

(a) Anyone interested in obtaining approval of a TUS is encouraged to establish early contact with each appropriate Federal agency so that filing procedures and details may be discussed, resource concerns and potential constraints may be identified, the proposal may be considered in agency planning, preapplication activities may be discussed and processing of an application may be tentatively scheduled.

(b) Reasonable preapplication activities in areas shall be permitted following a determination by the appropriate Federal agency that the activities are necessary to obtain information for filing the SF 299, that the activities would not cause significant or permanent damage to the values for which the area was established or unreasonably interfere with other authorized uses or activities and that it would not significantly restrict subsistence uses. In areas administered by the NPS or the FWS, a permit shall be obtained from the appropriate agency prior to engaging in any preapplication activities. Prior to approval and issuance of such a permit, the appropriate Federal agencies must find that the proposed preapplication activity is compatible with the purposes for which the area was established.

§ 36.4 Filing of application.

(a) A SF 299, which may be obtained from an appropriate Federal agency, shall be completed by the applicant according to the instructions on the form. The form shall be filed on the same day (except in compliance with paragraph (c) of this section) with each appropriate Federal agency from which an authorization, such as a permit, license, lease or certificate is required for the TUS. Filing with any appropriate Interior agency in Alaska shall be considered to be a filing with all of its agencies. Any filing fee required by the appropriate Federal agency pursuant to applicable law must be paid at the time of filing.

(b) Prior to filing the SF 299, the applicant shall determine whether additional information to that requested on the form is required by the appropriate Federal agencies. If so, the applicant shall file the additional information as an attachment to the SF 299.

(c) When, because of separate filing points, an applicant is not able to file with each appropriate Federal agency on the same day, the applicant shall file all applications as soon as possible. All applications must be filed within a 15 calendar day period. For purposes of the time requirements provided for in this part, the application shall not be considered to have been filed until the last appropriate Federal agency receives the application. The lead agency, determined pursuant to § 36.5(a), shall determine the date of filing or that the application was not filed within the 15 day period and inform all appropriate Federal agencies.

(d) The information collection requirements contained in these regulations have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance numbers 1024–0026 and 1004.0060. The information collected by the appropriate Federal agency will be used to determine whether or not to issue a permit to obtain a benefit. A response is required to obtain or retain a benefit.

§ 36.5 Application review.

(a) When there is more than one appropriate Federal agency, the Federal agency having management jurisdiction over the longest lineal portion of the right-of-way requested in the TUS application shall be the lead agency for the purpose of coordinating appropriate Federal agency actions in the review and processing of the SF 299, as well as for the purpose of compliance with the provisions of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*

(1) By agreement among the appropriate Federal agencies, a different Federal agency may be designated the lead agency for any or all parts of the review, processing or NEPA compliance.

(2) Upon identification of the lead agency, other involved agencies will provide assistance as requested by the lead agency.

(b) Upon receipt of an application, the lead agency will review it and determine the filing date pursuant to § 36.4. If it is determined that the applicant has not met the 15 calendar day filing deadline, pursuant to § 36.4(c) of this part, the lead agency shall notify each appropriate Federal agency to return the application to the applicant without further action.

(c) Within 60 days of the date of filing, each appropriate Federal agency shall

inform the applicant and the lead agency, in writing, whether the application on its face:

(1) Contains the required information; or

(2) Is insufficient, together with a specific listing of the additional information the applicant must submit.

(d) When the application is insufficient, the applicant must furnish the specific information requested within 30 days of receipt of notification of deficiency:

(1) If the applicant needs more time to obtain information, additional time may be granted by the appropriate Federal agency upon request of the applicant, provided the applicant agrees that the application filing date will change to the date of filing of the specific additional information.

(2) Unless extended pursuant to the provisions of paragraph (d)(1) of this section, failure of the applicant to respond within the 30 day period will result in return of the application without further action.

(3) The lead agency shall keep all appropriate Federal agencies informed of actions occurring under paragraph (d)(1) and (2) of this section in order that such agencies may note their application records accordingly.

(e) Within 30 days of the receipt of additional information requested by the appropriate Federal agency, the applicant shall be notified in writing whether the supplemental information is sufficient.

(1) If the applicant fails to provide all the requested information, the application shall be rejected and returned to the applicant along with a list of the specific deficiencies.

(2) When the applicant furnishes the additional information, the application will be reinstated, and it will be considered filed as of the date the final supplemental information is actually received by the appropriate Federal agency.

(3) The lead agency shall notify appropriate Federal agencies of any final rejection under paragraph (e)(1) of this section.

§ 36.6 NEPA compliance and lead agency.

(a) The provisions of NEPA and the Council for Environmental Quality regulations (40 CFR Parts 1500–1508) will be applied to determine whether an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required, or that a categorical exclusion applies.

(1) The lead agency, with cooperation of all appropriate Federal agencies, shall complete an EA or a draft environmental impact statement (DEIS) within nine months of the date the SF 299 was filed.

(2) If the lead agency determines, for good cause, that the nine-month period is insufficient, it may extend such period for a reasonable specific time. Notification of the extension, together with the reasons therefore, shall be provided to the applicant and published in the **Federal Register** at least 30 days prior to the end of the nine-month period.

(3) If the lead agency determines that an EIS is not required, a Finding of No Significant Impact (FONSI) will be prepared.

(4) If an EIS is determined to be necessary, the lead agency shall hold a public hearing on the joint DEIS in Washington, DC, and at least one location in Alaska.

(5) The appropriate Federal agencies shall solicit and consider the views of other Federal departments and agencies, the Alaska Land Use Council, the State, affected units of local government in the State and affected corporations formed pursuant to the Alaska Native Claims Settlement Act. After public notice, the agencies shall receive and consider statements and recommendations regarding the application submitted by interested individuals and organizations.

(6) The lead agency shall ensure compliance with section 810 of ANILCA.

(b) When an EIS is determined to be necessary, within three months of completing the DEIS or within one year of the filing of the application, whichever is later, the lead agency shall complete the EIS and publish a notice of its availability in the **Federal Register.**

(c) Cost reimbursement.

(1) The costs to the United States of application processing, other than costs for EIS preparation and review as provided in paragraph (c)(2) of this section, shall be reimbursed by the applicant, if such reimbursement is required pursuant to the applicable law and procedures of the appropriate Federal agency incurring the costs.

(2) The reasonable administrative and other costs of EIS preparation shall be reimbursed by the applicant, according to the BLM's cost recovery procedures and regulations implementing section 304 of FLPMA, 43 U.S.C. 1734.

§ 36.7 Decision process.

There are two separate decision processes. The first is used when the appropriate Federal agencies have an applicable law to issue a right-of-way permit and the area involved is outside the National Wilderness Preservation System. The second is used when an area involved in the application is within the National Wilderness Preservation System or an appropriate Federal agency has no applicable law with respect to issuing a right-of-way permit across all or any area covered by a TUS application.

(a) When the appropriate Federal agencies have an applicable law and the area involved is outside the National Wilderness Preservation System:

(1) Within four months of the date of the notice of availability of a FONSI or final EIS, each appropriate Federal agency shall make a decision based on applicable law to approve or disapprove the TUS and so notify the applicant in writing.

(2) Each appropriate Federal agency in making its decision shall consider and make detailed findings supported by substantial evidence as to the portion of the TUS within that agency's jurisdiction, with respect to:

(i) The need for and economic feasibility of the TUS;

(ii) Alternative routes and modes of access, including a determination with respect to whether there is any economically feasible and prudent alternative to routing the system through or within an area and, if not, whether there are alternate routes or modes which would result in fewer or less severe adverse impacts upon the area;

(iii) The feasibility and impacts of including different TUSs in the same area;

(iv) Short and long term social, economic and environmental impacts of national, State or local significance, including impacts on fish and wildlife and their habitat and on rural, traditional lifestyles;

(v) The impacts, if any, on the national security interests of the United States, that may result from approval or denial of the application for the TUS;

(vi) Any impacts that would affect the purposes for which the Federal unit or area concerned was established;

(vii) Measures which should be instituted to avoid or minimize negative impacts;

(viii) The short and long term public values which may be adversely affected by approval of the TUS versus the short and long term public benefits which may accrue from such approval; and

(ix) Impacts, if any, on subsistence uses.

(3) To the extent the appropriate Federal agencies agree, the decisions may be developed jointly, singularly or in some combination thereof.

(4) If an appropriate Federal agency disapproves any portion of the TUS, the application in its entirety is disapproved and the applicant may file an

administrative appeal pursuant to section 1106(a) of ANILCA.

(b) When an area involved is within the National Wilderness Preservation System or an appropriate Federal agency has no applicable law with respect to granting all or any part of a TUS application:

(1) Within four months of the date of publication of the notice of the availability of the final EIS or FONSI, each appropriate Federal agency shall determine whether to tentatively approve or disapprove each right-of-way permit within its jurisdiction that applies with respect to the TUS and the Secretary of the Interior shall make notification pursuant to section 1106(b) of ANILCA.

(i) The Federal agency having jurisdiction over a portion of a TUS for which there is no applicable law shall recommend approval of that portion of the TUS if it is determined that:

(A) Such system would be compatible with the purposes for which the area was established; and

(B) There is no economically feasible and prudent alternate route for the system.

(ii) If there is applicable law for a portion of the TUS which is outside the National Wilderness Preservation System, the applicable law shall be applied in making the determination to approve or disapprove that portion of the TUS.

(2) The notification shall be accompanied by a statement of the reasons and findings supporting each appropriate Federal agency's position. The findings shall include, but not be limited to, the findings required in paragraph (a)(2) of this section. The notification shall also be accompanied by the final EIS, the EA or statement that a categorical exclusion applies and any comments of the public and other Federal agencies.

§ 36.8 Administrative appeals.

(a) If any appropriate Federal agency disapproves a TUS application pursuant to section 36.7(a), the applicant may appeal the denial pursuant to section 1106(a) of ANILCA.

(b) There is no administrative appeal for a denial issued under the provisions of section 36.7(b).

§ 36.9 Issuing permit.

(a) Once an application is approved under the provisions of § 36.7(a), a right-of-way permit will be issued by the appropriate Federal agency or agencies, according to that agency's authorizing statutes and regulations or, if approved pursuant to the provisions of section 36.7(b), according to the provisions of Title V of the the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701) or other applicable law. The permit shall not be issued until all fees and other charges have been paid in accordance with applicable law.

(b) All TUS right-of-way permits shall include, but not be limited to, the following terms and conditions:

(1) Requirements to ensure that to the maximum extent feasible, the right-of-way is used in a manner compatible with the purposes for which the affected area was established or is managed;

(2) Requirements for restoration, revegetation and curtailment of erosion of the surface of the land;

(3) Requirements to ensure that activities in connection with the right-of-way will not violate applicable air and water quality standards and related facility siting standards established pursuant to law;

(4) Requirements, including the minimum necessary width, designed to control or prevent:

(i) Damage to the environment (including damage to fish and wildlife habitat);

(ii) Damage to public or private property; and

(iii) Hazards to public health and safety.

(5) Requirements to protect the interests of individuals living in the general area of the right-of-way permit who rely on the fish, wildlife and biotic resources of the area for subsistence purposes; and

(6) Requirements to employ measures to avoid or minimize adverse environmental, social or economic impacts.

(c) Any TUS approved pursuant to this part which occupies, uses or traverses any area within the boundaries of a unit of the National Wild and Scenic Rivers System shall be subject to such conditions as may be necessary to assure that the stream flow of, and transportation on, such river are not interfered with or impeded and that the TUS is located and constructed in an environmentally sound manner.

(d) In the case of a pipeline described in section 28(a) of the Mineral Leasing Act of 1920, a right-of-way permit issued pursuant to this part shall be issued in the same manner as a right-of-way is granted under section 28, and the provisions of subsections (c) through (j), (1) through (q), and (u) through (y) of section 28 shall apply to right-of-way permits issued pursuant to this part.

§ 36.10 Access to inholdings.

(a) This section sets forth the procedures to provide adequate and feasible access to inholdings within areas in accordance with section 1110(b) of ANILCA. As used in this section, the term:

(1) "Adequate and feasible access" means a route and method of access that is shown to be reasonably necessary and economically practicable but not necessarily the least costly alternative for achieving the use and development by the applicant on the applicant's nonfederal land or occupancy interest.

(2) "Area" also includes public lands administered by the BLM designated as wilderness study areas.

(3) "Effectively surrounded by" means that physical barriers prevent adequate and feasible access to State or private lands or valid interests in lands except across an area(s). Physical barriers include but are not limited to rugged mountain terrain, extensive marsh areas, shallow water depths and the presence of ice for large periods of the year.

(4) "Inholding" means State-owned or privately owned land, including subsurface rights of such owners underlying public lands or a valid mining claim or other valid occupancy that is within or is effectively surrounded by one or more areas.

(b) It is the purpose of this section to ensure adequate and feasible access across areas for any person who has a valid inholding. A right-of-way permit for access to an inholding pursuant to this section is required only when this part does not provide for adequate and feasible access without a right-of-way permit.

(c) Applications for a right-of-way permit for access to an inholding shall be filed with the appropriate Federal agency on a SF 299. Mining claimants who have acquired their rights under the General Mining Law of 1872 may file their request for access as a part of their plan of operations. The appropriate Federal agency may require the mining claimant applicant to file a SF 299, if in its discretion, it determines that more complete information is needed. Applicants should ensure that the following information is provided:

(1) Documentation of the property interest held by the applicant including, for claimants under the General Mining Law of 1872, as amended (30 U.S.C. 21–54), a copy of the location notice and recordations required by 43 U.S.C. 1744;

(2) A detailed description of the use of the inholding for which the applied for right-of-way permit is to serve; and

(3) If applicable, rationale demonstrating that the inholding is effectively surrounded by an area(s).

(d) The application shall be filed in the same manner as under § 36.4 and shall be reviewed and processed in accordance with §§ 36.5 and 36.6.

(e)(1) For any applicant who meets the criteria of paragraph (b) of this section, the appropriate Federal agency shall specify in a right-of-way permit the route(s) and method(s) of access across the area(s) desired by the applicant, unless it is determined that:

(i) The route or method of access would cause significant adverse impacts on natural or other values of the area and adequate and feasible access otherwise exists; or

(ii) The route or method of access would jeopardize public health and safety and adequate and feasible access otherwise exists; or

(iii) The route or method is inconsistent with the management plan(s) for the area or purposes for which the area was established and adequate and feasible access otherwise exists; or

(iv) The method is unnecessary to accomplish the applicant's land use objective.

(2) If the appropriate Federal agency makes one of the findings described in paragraph (e)(1) of this Section, another alternate route(s) and/or method(s) of access that will provide the applicant adequate and feasible access shall be specified by that Federal agency in the right-of-way permit after consultation with the applicant.

(f) All right-of-way permits issued pursuant to this section shall be subject to terms and conditions in the same manner as right-of-way permits issued pursuant to § 36.9.

(g) The decision by the appropriate Federal agency under this section is the final administrative decision.

§ 36.11 Special access.

(a) This section implements the provisions of section 1110(a) of ANILCA regarding use of snowmachines, motorboats, nonmotorized surface transportation, aircraft, as well as off-road vehicle use.

As used in this section, the term:

(1) "Area" also includes public lands administered by the BLM and designated as wilderness study areas.

(2) "Adequate snow cover" shall mean snow of sufficient depth, generally 6–12 inches or more, or a combination of snow and frost depth sufficient to protect the underlying vegetation and soil.

(b) Nothing in this section affects the use of snowmobiles, motorboats and nonmotorized means of surface transportation traditionally used by rural residents engaged in subsistence activities, as defined in Tile VIII of ANILCA.

(c) The use of snowmachines (during periods of adquate snow cover and frozen river conditions) for traditional activities (where such activities are permitted by ANILCA or other law) and for travel to and from villages and homesites and other valid occupancies is permitted within the areas, except where such use is prohibited or otherwise restricted by the appropriate Federal agency in accordance with the procedures of paragraph (h) of this section.

(d) Motorboats may be operated on all area waters, except where such use is prohibited or otherwise restricted by the appropriate Federal agency in accordance with the procedures of paragraph (h) of this section.

(e) The use of nonmotorized surface transportation such as domestic dogs, horses and other pack or saddle animals is permitted in areas except where such use is prohibited or otherwise restricted by the appropriate Federal agency in accordance with the procedures of paragraph (h) of this section.

(f) Aircraft.

(1) Fixed-wing aircraft may be landed and operated on lands and waters within areas, except where such use is prohibited or otherwise restricted by the appropriate Federal agency, including closures or restrictions pursuant to the closures of paragraph (h) of this section. The use of aircraft for access to or from lands and waters within a national park or monument for purposes of taking fish and wildlife for subsistence uses therein is prohibited, except as provided in 36 CFR 13.45. The operation of aircraft resulting in the harassment of wildlife is prohibited.

(2) In imposing any prohibitions or restrictions on fixed-wing aircraft use the appropriate Federal agency shall:

(i) Publish notice of prohibition or restrictions in "Notices to Airmen" issued by the Department of Transportation; and

(ii) Publish permanent prohibitions or restrictions as a regulatory notice in the United States Flight Information Service "Supplement Alaska."

(3) Except as provided in paragraph (f)(3)(i) of this section, the owners of any aircraft downed after December 2, 1980, shall remove the aircraft and all component parts thereof in accordance with procedures established by the appropriate Federal agency. In establishing a removal procedure, the appropriate Federal agency is authorized to establish a reasonable date by which aircraft removal operations must be complete and determine times and means of access to and from the downed aircraft.

(i) The appropriate Federal agency may waive the requirements of this paragraph upon a determination that the removal of downed aircraft would constitute an unacceptable risk to human life, or the removal of a downed aircraft would result in extensive resource damage, or the removal of a downed aircraft is otherwise impracticable or impossible.

(ii) Salvaging, removing, possessing or attempting to salvage, remove or possess any downed aircraft or component parts thereof is prohibited, except in accordance with a removal procedure established under this paragraph and as may be controlled by the other laws and regulations.

(4) The use of a helicopter in any area other than at designated landing areas pursuant to the terms and conditions of a permit issued by the appropriate Federal agency, or pursuant to a memorandum of understanding between the appropriate Federal agency and another party, or involved in emergency or search and rescue operations is prohibited.

(g) Off-road vehicles.

(1) The use of off-road vehicles (ORV) in locations other than established roads and parking areas is prohibited, except on routes or in areas designated by the appropriate Federal agency in accordance with Executive Order 11644, as amended or pursuant to a valid permit as prescribed in paragraph (g)(2) of this section or in §§ 36.10 or 36.12.

(2) The appropriate Federal agency is authorized to issue permits for the use of ORVs on existing ORV trails located in areas (other than in areas designated as part of the National Wilderness Preservation System) upon a finding that such ORV use would be compatible with the purposes and values for which the area was established. The appropriate Federal agency shall include in any permit such stipulations and conditions as are necessary for the protection of those purposes and values.

(h) Closure procedures.

(1) The appropriate Federal agency may close an area on a temporary or permanent basis to use of aircraft, snowmachines, motorboats or nonmotorized surface transportation only upon a finding by the agency that such use would be detrimental to the resource values of the area.

(2) Temporary closures.

(i) Temporary closures shall not be effective prior to notice and hearing in the vicinity of the area(s) directly affected by such closures and other locations as appropriate.

(ii) A temporary closure shall not exceed 12 months.

(3) Permanent closures shall be published by rulemaking in the **Federal Register** with a minimum public comment period of 60 days and shall not be effective until after a public hearing(s) is held in the affected vicinity and other locations as deemed appropriate by the appropriate Federal agency.

(4) Temporary and permanent closures shall be (i) publishing at least once in a newspaper of general circulation in Alaska and in a local newspaper, if available; posted at community post offices within the vicinity affected; made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected vicinity; and designated on a map which shall be available for public inspection at the office of the appropriate Federal agency and other places convenient to the public; or (ii) designated by posting the area with appropriate signs; or (iii) both.

(5) In determining whether to open an area that has previously been closed pursuant to the provisions of this section, the appropriate Federal agency shall provide notice in the **Federal Register** and shall, upon request, hold a hearing in the affected vicinity and other locations as appropriate prior to making a final determination.

(6) Nothing in this section shall limit the authority of the appropriate Federal agency to restrict or limit uses of an area under other statutory authority.

(i) Except as otherwise specifically permitted under the provisions of this section, entry into closed areas or failure to abide by restrictions established under this section is prohibited.

(j) Any person convicted of violating any provision of the regulations contained in this section, or as the same may be amended or supplemented, may be punished by a fine or by imprisonment in accordance with the penalty provisions applicable to the area.

§ 36.12 Temporary access.

(a) For the purposes of this section, the term:

(1) "Area" also includes public lands administered by the BLM designated as wilderness study areas or managed to maintain the wilderness character or potential thereof, and the National Petroleum Reserve—Alaska.

(2) "Temporary access" means limited, short-term (i.e., up to one year from issuance of the permit) access which does not require permanent facilities for access to State or private lands.

(b) This section is applicable to State and private landowners who desire temporary access across an area for the purposes of survey, geophysical, exploratory and other temporary uses of such non-federal lands, and where such temporary access is not affirmatively provided for in §§ 36.10 and 36.11. State and private landowners meeting the criteria of §36.10(b) are directed to use the procedures of § 36.10 to obtain temporary access.

(c) A landowner requiring temporary access across an area for survey, geophysical, exploratory or similar temporary activities shall apply to the appropriate Federal agency for an access permit by providing the relevant information requested in the SF 299.

(d) The appropriate Federal agency shall grant the desired temporary access whenever it is determined, after compliance with the requirements of NEPA, that such access will not result in permanent harm to the area's resources. The area manager shall include in any permit granted such stipulations and conditions on temporary access as are necessary to ensure that the access granted would not be inconsistent with the purposes for which the area was established and to ensure that no permanent harm will result to the area's resources and section 810 of ANILCA is complied with.

§ 36.13 Special provisions.

(a) Gates of the Arctic National Park and Preserve.

(1) Access for surface transportation purposes across Gates of the Arctic National Park and Preserve (from the Ambler Mining District to the Alaska Pipeline Haul Road (Dalton Highway)) shall be permitted in accordance with the provisions of this section.

(2) Upon the filing of an application in accordance with section 36.4 for a right-of-way across the western (Kobuk River) unit of the preserve, including the Kobuk Wild River, the Secretary shall give notice in the **Federal Register**, and other such notice as may be appropriate, of a 30 day period for other applicants to apply for access. The original application and any additional applications received during the 30 day period will be reviewed in accordance with section 36.5.

(3) The Secretary and the Secretary of Transportation shall jointly prepare an environmental and economic analysis solely for the purpose of determining the most desirable route for the right-of-way and terms and conditions which may be required for the issuance of that right-of-way. This analysis shall be completed within one year and the draft thereof within nine months of the receipt of the application and shall be prepared in lieu of an EIS which would otherwise be required under section 102(2)(C) of NEPA. This analysis shall be deemed to satisfy all requirements of that Act and shall not be subject to judicial review. This analysis shall be prepared in accordance with the procedural requirements of § 36.6.

(4) The Secretaries, in preparing this analysis, shall consider the following:

(i) Alternate routes including the consideration of economically feasible and prudent alternate routes across the preserve which would result in fewer, or less severe, adverse impacts upon the preserve.

(ii) The environmental, social and economic impacts of the right-of-way including impacts upon wildlife, fish, and their habitat, and rural and traditional lifestyles including subsistence activities and measures which should be instituted to avoid or minimize negative impacts and enhance positive impacts.

(5) Within 60 days of the completion of the enviornmental and economic analysis, the Secretaries shall jointly agree upon a route for issuance of the right-of-way across the preserve. Such right-of-way shall be issued in accordance with the provisions of § 36.9.

(b) Yukon-Charley Rivers National Preserve.

(1) Any application filed by Doyon, Limited, for a right-of-way to provide access in a southerly direction across the Yukon River from its landholdings in the watersheds of the Kandik and Nation Rivers shall be processed in accordance with this part.

(2) No right-of-way shall be granted which would cross the Charley River or which would involve any lands within the watershed of the Charley River.

(3) An application shall be approved by the appropriate Federal agency if it is determined that there exists no economically feasible or otherwise reasonably available alternate route.

(c) Oil and Gas Pipelines—Arctic Slope Regional Corporation.

(1) Upon the filing by Arctic Slope Regional Corporatation for an oil and gas TUS across lands identified in section 1431(j) of ANILCA, the appropriate Federal agency shall review the filing, determine the alignment and location of facilities across/on Federal lands, and issue such authorizations as are necessary with respect to the establishment of the TUS.

(2) No environmental document pursuant to NEPA shall be required.

(3) Investigations as to the proper final alignment of the pipeline and location of related facilities are at the discretion of the Federal agency and the costs associated with such investigations are not recoverable under § 36.36.

(d) Forty Mile Component of National Wild and Scenic Rivers System. The classification of segments of the Forty Mile Components as Wild Rivers shall not preclude access across those river segments where the appropriate Federal agency determines such access is necessary to permit commercial development of asbestos deposits in the North Fork drainage.

Dated: July 2, 1986.

Ann McLaughlin,

Under Secretary.

[FR Doc. 86-19734 Filed 9-3-86; 8:45 am]

BILLING CODE 4310-70, 4310-55-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-6728]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Administrator reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fourth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the FIRM(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 65.4.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Arizona: Maricopa	City of Phoenix	July 29, 1986 and August 5, 1986, *Arizona Business Gazette.*	The Honorable Terry Goddard, Mayor, City of Phoenix, City Hall, 25 West Washington, Phoenix, Arizona 85003.	July 10, 1986	040051
Illinois: Lake	Village of Lincolnshire	July 31, 1986, August 7, 1986, *The Deerfield Review.*	The Honorable Evelyn Cooper, Mayor, Village of Lincolnshire, 175 Olde Half Day Road, Lincolnshire, Illinois 60069.	July 24, 1986	170378
Texas: Tarrant	City of Arlington	March 24, 1986, March 31, 1986, *The Arlington Daily News.*	The Honorable Harold Patterson, Mayor of the City of Arlington, P.O. Box 231, Arlington, Texas 76010.	Mar. 6, 1986	485454
Texas: Dallas, Denton, and Collin.	City of Carrollton	June 30, 1986, July 7, 1986, *Times Chronicle.*	The Honorable Milburn Gravley, Mayor of the City of Carrollton, Carrollton, Texas 75011-0535.	July 1, 1986	480167
Texas: Dallas	City of Irving	February 21, 1986, February 28, 1986, *The Irving Daily News.*	The Honorable Bobby Joe Raper, Mayor of the City of Irving, Dallas County, P.O. Box 2288, Irving, Texas 75061.	Feb. 7, 1986	480180
Texas: Dallas	City of Irving	July 22, 1986, July 29, 1986, *Irving Daily News.*	The Honorable Bobby Joe Raper, Mayor of the City of Irving, Dallas County, P.O. Box 2288, Irving, Texas 75061.	July 11, 1986	480180B
Texas: Dallas	City of Irving	August 22, 1986, August 29, 1986, *Irving Daily News.*	The Honorable Bobby Joe Raper, Mayor of the City of Irving, Dallas County, P.O. Box 2288, Irving, Texas 75061.	Aug. 18, 1986	480180

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Texas: Bexar	City of San Antonio	July 18, 1986, July 25, 1986, *San Antonio Express.*	The Honorable Henry Cisneros, Mayor of the City of San Antonio, Bexar County, P.O. Box 9066, San Antonio, Texas 78285.	July 3, 1986	480045

Issued: August 20, 1986.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 86-19900 Filed 9-3-86; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 51, No. 171
Thursday, September 4, 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 JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Temporary Alien Workers Seeking Classification Under the Immigration and Nationality Act

Correction

In FR Doc. 86–17938 beginning on page 28576 in the issue of Friday, August 8, 1986, make the following corrections:

§ 214.2 [Corrected]

1. On page 28581, third column, in § 214.2(h)(2)(i)(A), fifth line, "I–120H" should read "I–129H".
2. On page 28587, third column, in §214.2(h)(8)(iii), second line, "notified of" should read "notified on".
3. On page 28588, third column, in § 214.2(h)(13)(ii)(C), third line, "of the" should read "for the".
4. On the same page, same column, in § 214.2(h)(14), second line, "of filing" should read "or filing".
5. On page 28589, second column, the paragraph designation "(6)" should read "(16)".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 86-019]

Importation of Horses; Mares From Countries Affected With CEM

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to permit the importation into the United States from countries affected with contagious equine metritis (CEM) of mares over 731 days of age that have not undergone a clitoral sinusectomy, when specific requirements to prevent their introducing CEM into the United States are met. This action appears to be warranted to provide an additional means of importing such mares into the United States, when this can be done without undue risk to livestock of the United States. This document also proposes to clarify the regulations concerning the anatomical location of specimens taken from mares being tested for CEM, the supervision of certain surgery, topical treatment and specimen collection required for certain stallions and mares imported from CEM countries, and the number and frequency of certain specimens required from mares and stallions imported from CEM countries.

DATE: Written comments on this rule must be received on or before October 6, 1986.

ADDRESSES: Written comments must be submitted to Steven R. Poore, Acting Assistant Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments must indicate that they are in response to docket number 86–019. Written comments may be inspected in Room 728 of the Federal Building between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Allan A. Furr, Import-Export Animals and Products Staff, VS, APHIS, USDA, Room 806, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8499.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR 92 (referred to below as the regulations) regulate the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various diseases, including contagious equine metritis (CEM). CEM is a venereal disease of horses that affects fertility and breeding.

Section 92.2(i) of the regulations, among other things, authorizes the importation of certain mares into the United States from countries affected with CEM, when specific requirements to prevent their introducing CEM into the United States are met, and when the animals imported are moved into approved States for further inspection, treatment, and testing.

Specifically, § 92.2(i)(2)(iii) of the regulations, among other things, authorizes the importation of thoroughbred mares imported for permanent entry from the Federal Republic of Germany, the United Kingdom, Ireland, and France, when certain testing requirements are met, and when the mares have at no time since reaching 731 days of age been on a premises where breeding is carried out. A thoroughbred horse that has not been on a breeding premises since reaching 731 days of age is highly likely to be in training. Because CEM is a venereal disease, and because standard procedure in the horse industry prohibits training and breeding from being carried out on the same premises, CEM is highly unlikely to exist in or be transmitted by horses that are in training rather than being used for breeding. In addition, the thorough recordkeeping that is maintained concerning the activities of a thoroughbred horse provides a well-documented record of the fact that the horse has never been bred and has never been on a breeding premises.

Additionally, § 92.2(i)(2)(v) of the regulations authorizes the importation of mares over 731 days of age from CEM countries, when the clitoral sinuses of such mares have been removed in the country of origin, and when certain other treatment and testing requirements are met. The Department has determined that if a mare is infected with CEM, the CEM organism is highly likely to reside in the clitoral sinuses of the mare. Consequently, when the clitoral sinuses of the mare are removed and certain other treatment and testing requirements are met, there is very little risk of the mare being affected with or transmitting CEM.

In addition to the provisions for importing mares into the United States according to paragraph §§ 92.2(i)(2)(iii) and 92.2(i)(2)(v), discussed above, it appears that mares that are not thoroughbreds in training or that have not undergone a clitoral sinusectomy can under certain conditions be imported from CEM countries into the United States with the same degree of protection against the transmission of CEM that is afforded by the current regulations. These required conditions would ensure that a mare has never been affected with CEM and would

establish treatment and testing requirements to provide additional assurance that the mare is free of CEM when imported into the United States.

Therefore, it is proposed to establish provisions for the importation of mares over 731 days of age that have not undergone a clitoral sinusectomy, and that are imported from CEM countries, as indicated below. The provisions of § 92.2(i)(2) that prohibit the importation of horses from certain countries would not apply to:

(i) * * *

(2) * * *

(vi) Any mare over 731 days of age imported, if:

(A) The mare is accompanied by an import permit as required in § 92.4; and,

(B) The mare is accompanied by a certificate which contains the information required by § 92.17, which is either signed by a salaried veterinarian of the National Veterinary Services of the country of origin or signed by a veterinarian authorized by the National Veterinary Services of the country of origin and endorsed by a salaried veterinarian of the National Veterinary Services of the country of origin, thereby representing that the veterinarian signing the certificate was authorized to do so, and, which in addition, states:

(*1*) That the mare has never resided in a country in which CEM is known to exist, unless such country has had in effect for no less than 5 years preceding the mare's importation into the United States a Code of Practice containing requirements and procedures designed to contain and eradicate CEM, and unless such country is one in which CEM is a disease notifiable or reportable to the National Veterinary Services of the country of origin for the breed of which the mare is a registered member;

(*2*) That the CEM organism has never been recovered from the mare and the mare has at no time been affected with CEM;

(*3*) That the mare has at no time been bred by a stallion that is known to have been affected with CEM;

(*4*) That during the 12 months preceding its importation into the United States, the mare has not been on a premises on which CEM has within such 12-month period been diagnosed in any horse on such premises;

(*5*) The results of all cultures required by paragraph (i)(2)(vi) of this section and the name of the laboratory that conducted such cultures; and

(*6*) That all specimens required to be cultured have been found negative for CEM; and

(C) The certificate required by § 92.2(i)(2)(vi)(B) is issued for each country in which the mare has resided during the five years preceding its importation into the United States, and accompanies each mare that is imported into the United States under the provisions of this paragraph. Dates during which the mare was in each country shall be included as part of the certificate.

(D) Records of the mare's breeding history for each year the mare has been bred during the 5 years preceding its importation into the United States are available for inspection by a salaried representative of the National Veterinary Services of the country of origin. Such records shall include the names of stallions by which the mare was bred, and shall indicate that such stallions have at no time been affected with CEM. Such records shall also indicate that the mare has at no time been affected with CEM when bred, based on bacteriological results from cultures that were taken by a veterinarian each time the mare was bred and that were analyzed by a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin. Such bacteriological results shall be certified by a salaried veterinarian of the National Veterinary Services of the country of origin or signed by a veterinarian authorized by the National Veterinary Services of the country of origin and endorsed by a salaried veterinarian of the National Veterinary Services of the country of origin, thereby representing that the veterinarian signing the record of such bacteriological results was authorized to do so; and

(E) A licensed veterinarian, who either is, or is acting under the supervision of, the veterinarian signing the certificate specified in paragraph (i)(2)(vi)(B) of this section, collects a specimen from each clitorial sinus of the mare within 2 hours prior to the treatment required by paragraph (i)(2)(vi)(F) of this section and submits such specimens to a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin. Such required supervision, the dates of collection and culturing, and the results of such cultures shall be recorded on the certificate specified in paragraph (i)(2)(vi)(B) of this section; and

(F) For 5 consecutive days, a licensed veterinarian, who either is, or is acting under the supervision of, the veterinarian signing the certificate specified in paragraph (i)(2)(vi)(B) of this section, aseptically cleans and washes (scrubs) the external genitalia and vaginal vestibule, including the clitoral fossa and clitoral sinuses, with a solution of not less than 2 percent chlorhexidine in a detergent base and then fills the clitoral fossa and clitoral sinuses and coats the external genitalia and vaginal vestibule with an ointment of not less than 0.2 percent nitrofurozone. Such required supervision and the dates of treatment shall be recorded on the certificate specified in paragraph (i)(2)(vi)(B) of this section; and

(G) After an interim of 7 days following the 5th consecutive day of scrubbing the external genitalia and the vaginal vestibule and filling the clitorial fossa and clitoral sinuses, a licensed veterinarian, who either is, or is acting under the supervision of, the veterinarian signing the certificate specified in paragraph (i)(2)(vi)(B) of this section, on 3 separate occasions collects a set of specimens comprised of a specimen from the clitoral fossa and a specimen from each of the clitoral sinuses, at intervals of not less than 7 days between the collection of each set of specimens, and each specimen is cultured with negative results for CEM at a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin. The last of the 3 sets of specimens collected during this procedure is collected and cultured within 30 days of the date of export of the mare described on the certificate. Such required supervision, the dates of collection and culturing, and the results of such cultures shall be recorded on the certificate specified in paragraph (i)(2)(vi)(B) of this section; and

(H) The mare described on the certificate is not bred from the time treatment required by this paragraph was begun through the date of export.

The provisions in § 92.2(i)(2)(vi)(B), quoted above, would require that a mare never has resided in a country in which CEM is known to exist, unless such country has had in effect for no less than 5 years preceding the mare's importation into the United States a Code of Practice containing requirements and procedures designed to contain and eradicate CEM, and unless such country is one in which CEM is a disease notifiable or reportable to the National Veterinary Services for the breed of which the mare is a registered member.

One of the key factors in reducing the risk that a mare from a CEM-affected country is affected with the disease is the existence in the country of a Code of Practice containing requirements and procedures designed to contain and eradicate CEM. A Code of Practice is a voluntary system of procedures designed to reduce disease spread, that is established by the veterinarians and horse industry in a country.

From the Department's perspective, an acceptable Code of Practice is one which includes procedures for the following: testing for and treatment of the disease, quarantine of horses that are affected with or suspected of being affected with the disease, certification of whether horses have been affected with or exposed to the disease, and hygiene for personnel conducting treatments and specimen collections.

The existence of a Code of Practice in a CEM country significantly reduces the risk that a mare that is bred in that country will contract CEM during the breeding process. Additionally, a Code of Practice provides for a system of recordkeeping through which the government of the country of origin can certify whether a mare has ever been directly exposed to CEM during the mare's breeding history.

The proposed requirement that a CEM-affected country has had in effect a Code of Practice for a minimum of 5 years preceding the mare's importation into the United States appears to be necessary to ensure that the Code of Practice has been in effect a sufficient length of time to both control the disease in the country and to establish a

breeding history record sufficient to track the breeding history of the mare for a period of time adequate to help ensure that the mare is not affected with CEM upon importation into the United States.

The proposed requirement that a CEM-affected country be one in which the disease is notifiable or reportable for the breed of which the mare is a registered member appears to be necessary for an authorized veterinarian to be able to reliably certify that the CEM organism has never been recovered from the mare and that the mare has at no time been affected with CEM—two requirements that are discussed below. In most CEM-affected countries, the disease is not reportable or notifiable for all horses, but only for certain breeds registered for pedigree with a breeding association recognized in the country of origin. In order for a mare to qualify for importation under the proposed regulations, it would have to be a member of a breed for which CEM is notifiable or reportable. The Department has determined that there is little likelihood that a mare residing in a country in which CEM is a notifiable or reportable disease for the mare's breed would be affected with the disease without such incidence of CEM being reported to officials of the National Veterinary Services of such country.

Section 92.2(i)(2)(vi)(B)(*2*), quoted above, would require both that the CEM organism never has been recovered from the mare in question, and that the mare has at no time been affected with CEM. Both requirements appear to be necessary. Any mare from which the CEM organism has at any time been recovered (isolated and cultured) presents a significant risk of transmitting the CEM organism to other horses, unless all of the requirements in § 92.2(i)(2)(v), including the requirement for a sinusectomy, have been met. Additionally, a mare can be determined, through a serological test, to be affected with CEM, even if the CEM organism has not been recovered from the mare. If a mare is so determined to be affected with CEM, it is likely to transmit the CEM organism to other horses, unless all of the requirements in § 92.2(i)(2)(v), including the requirement for a clitoral sinusectomy, have been met.

Section 92.2(i)(2)(vi)(B)(*3*), quoted above, would require that any mare imported from a CEM country without having undergone a clitoral sinusectomy has at no time been bred by a stallion that is known to have been affected with CEM. There is a significant risk that a stallion that so covers a mare will transmit the CEM organism to the mare, and that unless the mare undergoes a clitoral sinusectomy and other specified treatment, the mare will subsequently transmit the CEM organism to other horses.

Section 92.2(i)(2)(vi)(B)(*4*), quoted above, would require that during the 12 months preceding the mare's importation into the United States, the mare in question has not been on a premises on which CEM has been diagnosed in any horse during that period. If CEM were so diagnosed in any other horse on the premises, there is a risk that the CEM organism would be transmitted to the mare that is offered for importation. If CEM were diagnosed in another horse on the premises *before* the 12-month period preceding the mare's importation, however, there would be sufficient time prior to importation to determine whether the mare in question has contracted CEM from any other horse on the premises.

Section 92.2(i)(2)(vi)(B) would require that a mare imported into the United States pursuant to § 92.2(i)(2)(vi), be accompanied by a certificate that contains the information required by § 92.17 and that states in addition that certain criteria regarding the mare's residence, breeding history, and testing for CEM, as quoted in § 92.2(i)(2)(vi)(B)(*1*) through (*6*), have been met. Proposed § 92.2(i)(2)(vi)(C) would require that such a certificate be issued for each country in which the mare has resided for the 5 years preceding the mare's importation into the United States. The Department believes that this 5-year requirement is necessary to provide adequate documentation that the criteria quoted above have been met for a sufficient length of time to ensure that the mare is not affected with CEM when imported into the United States.

The provisions in § 92.2(i)(2)(vi)(D), quoted above, would require that records of the mare's breeding history for each of the years the mare was bred during the 5 years preceding its importation into the United States be available for inspection by a salaried representative of the National Veterinary Services of the country of origin. This requirement appears to be necessary to provide officials of the National Veterinary Services of the country of origin with documentation that would allow them to determine if either the mare or any stallion by which the mare was bred was affected with CEM at the time of such breeding. Maintaining the records for 5 years would provide documentation sufficient to track the breeding history of the mare for a period of time adequate to help ensure that the mare is not affected with CEM upon importation into the United States.

Proposed § 92.2(i)(2)(vi)(F), quoted above, would establish provisions for scrubbing the external genitalia and vaginal vestibule of the mare prior to exportation, and for filling and packing specified areas of the mare's genitalia with an ointment of not less than 0.2 percent nitrofurozone. This treatment appears to be necessary to provide a further safeguard against the contagion of CEM in the mare.

Also, certain tests, discussed below, would be required to assure that the mare is free of CEM before it is imported into the United States.

Proposed § 92.2(i)(2)(vi)(E), quoted above, would require that a specimen be collected by a licensed veterinarian from each of the clitoral sinuses of the mare within 2 hours prior to the treatment specified in proposed § 92.2(i)(2)(vi)(F), and that the specimens be submitted by the licensed veterinarian to a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin. The collection of these specimens and their culture appear to be necessary to identify those mares that are harboring the CEM organism and that therefore would not be eligible for importation into the United States.

Proposed § 92.2(i)(2)(vi)(G), quoted above, would require post-treatment cultures in order to provide further evidence that the mare is free of CEM.

The Department would impose the requirement that the necessary tests for CEM be performed in a laboratory approved to culture for the disease by the National Veterinary Services of the country of origin, in order to ensure the accuracy of the tests.

An interval of not less than 7 days between the topical treatment specified above and the first collection of post-treatment specimens, and intervals of not less than 7 days between each set of specimens, are necessary to allow any CEM organisms that may exist to grow, so that they may be detected. The Department would require 3 separate sets of specimens because it is not always possible to grow a CEM culture from 1 specimen, even if the organism does exist in the animal being tested. The experience of equine practitioners in Kentucky and elsewhere who have tested horses affected with CEM indicates that 3 separate sets of specimens, collected from the prescribed anatomical areas at an interval of at least 7 days between each set, provide a sufficient diversity of specimens so that a test of such specimens for CEM is considered accurate.

Proposed § 92.2(i)(2)(vi)(G) would require that the last of the 3 sets of specimens which would be required by this procedure be collected and cultured within 30 days of the date of export of the mare to the United States. This requirement would be imposed to reduce the likelihood of a mare's becoming affected with CEM after the last test and prior to exportation. The Department believes that requiring exportation within 30 days of the last test for CEM would provide an importer with a reasonable time during which to arrange for the importation, without creating a significant risk of the mare's becoming affected with CEM following the date of the last test and prior to exportation.

Proposed § 92.2(i)(2)(vi)(H) would require that a mare not be bred from the time the treatment described in § 92.2(i)(2)(vi) was begun through the date of export. This requirement would ensure that the mare does not become affected with CEM by such breeding at any time from the start of the required procedures through the date of exportation.

As stated in § 92.2(i)(2)(vi) (E), (F), and (G), the certificate accompanying the mare must, among other things, state that either a salaried veterinarian of the National Veterinary Services of the country of origin, or an otherwise authorized veterinarian, either performed or directly supervised the topical treatment and specimen collection procedures set forth in § 92.2(i)(2)(vi). The Department would require this certification to ensure that the procedures in § 92.2(i)(2)(vi) have in fact been complied with.

Section 92.17 of the regulations requires, among other things, that horses imported from any port of the world be accompanied by a certificate showing that such horses have not been in any country listed in § 92.2(i)(1) as affected with CEM during the 12 months immediately prior to their importation into the United States. Horses which are imported from countries listed in § 92.2(i)(1) under the exemptions in §§ 92.2(i)(2) (i) through (v) are presently exempt from that requirement.

This proposal would provide that mares over 731 days of age imported from countries listed in § 92.2(i)(1) for permanent entry under the exemption in proposed § 92.2(i)(2)(vi) would also be exempt from the requirement in § 92.17 that the certificate accompanying them indicate that the horses have not been in any country listed in § 92.2(i)(1) during the 12 months immediately preceding their importation into the United States. Such horses would be exempt from that requirement because they appear to present no risk of introducing CEM into the United States.

As is required for mares over 731 days of age imported from CEM-affected countries after having undergone a clitoral sinusectomy, this amendment would provide additional procedures for mares over 731 days of age that have not undergone a clitoral sinusectomy, following their importation from CEM-affected countries into the United States. These procedures, which are described below, are believed necessary to provide further assurance that CEM will not be disseminated in the United States.

Proposed § 92.4(a)(8) would require, among other things, that any mare over 731 days of age from a CEM-affected country, for which a permit is requested pursuant to § 92.2(i)(2)(vi) of the regulations, must be consigned to a State which the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has approved to receive such mares. Import permits would be issued for such mares only if such a State is indicated as the place to which the mare is consigned. Section 92.4(a)(8)(ii) would list those States which have been approved to receive mares over 731 days of age pursuant to § 92.2(i)(2)(vi).

For a State to be approved to receive mares from CEM-affected countries pursuant to § 92.2(i)(2)(vi), the State would be required to have entered into a written agreement with the Deputy Administrator, Veterinary Services, whereby the State agrees to enforce its laws and regulations to control CEM and to abide by the conditions of approval established by the regulations in Part 92.

This procedure is believed necessary to provide added assurance that a State will control the movement of mares over 731 days of age that have not undergone a clitoral sinusectomy and that are imported from CEM-affected countries, to ensure that CEM is not disseminated in the United States.

Section 92.4(a)(9) would require the State to have laws or regulations in effect to require additional inspection, treatment, and testing of such mares to further insure their freedom from CEM. This proposal would establish the minimum standards a State must meet in order to be approved to receive mares over 731 days of age that have not undergone a clitoral sinusectomy and that are imported from CEM-affected countries for permanent entry. These standards contain treatment, testing, and handling procedures which are believed necessary to ensure that such mares being imported into the United States are free from CEM.

Further, to be approved, the State would be required to quarantine mares over 731 days of age from CEM-affected countries imported pursuant to § 92.2(i)(2)(vi) of the regulations until the mares have been treated and found free of CEM in accordance with the provisions of § 92.4(a)(9). The quarantine of such mares is deemed to be necessary to ensure that the mares, if affected with CEM, do not transmit the disease to other horses in the United States. To be approved, a State would be required to have laws and regulations to ensure that mares over 731 days of age from CEM-affected countries that are imported pursuant to § 92.2(i)(2)(vi) are treated in the State as follows: on 5 consecutive days, an accredited veterinarian shall aseptically clean and wash the external genitalia, vaginal vestibule, clitoral fossa, and clitoral sinuses with a solution of not less than 2 percent chlorhexidine in a detergent base and then fill the clitoral fossa and clitoral sinuses and coat the external genitalia and vaginal vestibule with an ointment of not less than 0.2 percent nitrofurozone.

For pregnant mares, after an interim of 7 days following the 5th consecutive day of scrubbing the external genitalia and vaginal vestibule and filling the clitoral fossa and clitoral sinuses, an accredited veterinarian would on 3 separate occasions collect a set of specimens comprised of a specimen from the clitoral fossa and a specimen from each clitoral sinus, at intervals of not less than 7 days between the collection of each set of specimens. The specimens would then be submitted to a State or Federal animal disease diagnostic laboratory for culture. Seven days after the mare foals, an accredited veterinarian would be required to collect one specimen from the endometrium of the uterus of the mare and one specimen from the foal. If the foal is female, this specimen would be collected from the vaginal vestibule. If the foal is a male, this specimen would be collected from the prepuce. Each of these specimens would be required to be submitted to a State or Federal animal disease diagnostic laboratory for culture.

For nonpregnant mares, an accredited veterinarian would on 3 separate occasions collect a set of specimens comprised of a specimen from the clitoral fossa and a specimen from each clitoral sinus, at intervals of not less than 7 days between the collection of each set of specimens, with 1 additional specimen collected from the endometrium of the uterus during estrus. All such specimens would be required to

be submitted to a State or Federal animal disease diagnostic laboratory for culture.

If any specimen required by § 92.4(a)(9) for mares imported pursuant to § 92.2(i)(2)(vi) were positive for CEM, the mare would not be released from quarantine unless certain criteria were met. To obtain release from quarantine, the mare would be required to undergo a clitoral sinusectomy performed by an accredited veterinarian, and the clitoral sinuses would be required to be submitted to a State or Federal animal disease diagnostic laboratory. Subsequent to the removal of the clitoral sinuses, a negative culture would be required to be collected from the clitoral fossa by an accredited veterinarian on 3 separate occasions, at intervals of not less than 7 days. The first culture would be requred to be collected not less than 1 year from the date of the last positive culture. One additional specimen would be collected from the endometrium of the uterus. As discussed above, the Department believes that the CEM organism in a mare affected with the disease resides primarily in the mare's clitoral sinuses. Removal of the clitoral sinuses of a mare testing positive for CEM appears to be necessary to help ensure that the mares does not transmit CEM to other horses. Additionally, experience has shown that many mares will cleanse themselves of the CEM organism over time, and a 1-year waiting period is believed to be a necessary adjunct to the clitoral sinusectomy and antibiotic topical treatment.

Clarifications

As noted above, certain mares over 731 days of age are currently authorized importation into the United States under the provisions of § 92.2(i)(2)(v). Among those provisions, § 92.2(i)(2)(v)(B) currently reads that "a licensed veterinarian [shall collect] a specimen from the clitoral sinus of the mare within 2 hours prior to surgery." In actuality, each mare has three, rather than one, clitoral sinuses, and, in practice, licensed veterinarians are already taking a specimen from each of the three sinuses. Accordingly, it is proposed to amend § 92.2(i)(2)(v)(B) to reflect this practice and to clarify the Department's intent.

This document would also clarify the current regulations regarding the supervision of certain surgery, topical treatment, and specimen collection required for certain stallions and mares imported from CEM-affected countries pursuant to § 92.2(i)(2) (iv) and (v). The regulations require that certificate accompany certain stallions and mares imported into the United States from CEM-affected countries pursuant to 92.2(i)(2) (iv) and (v). This certificate must be signed either by a salaried veterinarian of the National Veterinary Services of the country of origin, or by a veterinarian authorized by the National Veterinary Services of the country of origin. Presently, the regulations require that certain specified surgery, topical treatment, and specimen collection required by the regulations be performed by a licensed veterinarian under the supervision of the veterinarian signing the certificate. In practice, however, the veterinarian carrying out the specified medical procedures is in many cases the same veterinarian signing the certificate. This is in accord with the Department's intent and the intent of the regulations. This document would therefore amend the wording of the regulations to clarify that in those cases where the same veterinarian carries out of the medical procedures and signs the certificate, no supervision of the medical procedures is necessary.

Additionally, this document would clarify the provisions in § 92.2(iii)(C), § 92.2(i)(2)(v) (E) and (G), § 92.4(a)(6)(iii)(C), and § 92.4(a)(9)(iii)(C) that require the collection of 3 separate specimens or sets of specimens from certain stallions and mares to make it clear that what is being required is one specimen or set of specimens on 3 separate occasions, rather than 3 specimens or sets of specimens on each of 3 different occasions.

Executive Order 12291 and Regulatory Flexibility Act.

This action has been reviewed in accordance with Executive Order 12291 and has been classified as not a major rule. The Department has determined that this action will not have a significant annual effect on the economy; will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have 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.

The primary effect of this document would be to reduce the time necessary to prepare a mare for importation and to lower the cost of such importation, without increasing the risk of disseminating CEM in the United States. The proposed changes would not significantly change the number of mares currently imported into the United States.

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

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the information collection provisions that are included in this rule have been approved by the Office of Management and Budget (OMB) and have been given the OMB control number 0579–0040.

Executive Order 12372

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

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, 9 CFR Part 92 would be amended as follows:

1. The authority citation for Part 92 would continue to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 92.1, a new definition of Code of Practice would be added as paragraph (cc), to read as follows:

§ 92.1 Definitions.

* * * * *

(cc) *Code of Practice.* A voluntary system of procedures designed to reduce disease spread, that is established by the veterinarians and horse industry in a country and that includes procedures for the following: testing for and treatment of the disease, quarantine of horses that are affected with or are suspected of being affected with the disease, certification of whether horses have been affected with or exposed to the

disease, and hygiene for personnel conducting treatments and specimen collections.

3. In § 92.2, paragraphs (i)(2)(iii)(C), (i)(2)(iv) (A) and (B), (i)(2)(v)(A)*(2)(i)*, (i)(2)(v)(B), (i)(2)(v)(E), and (i)(2)(v)(G) would be revised, paragraph (i)(2)(vi) would be redesignated as (i)(2)(vii), and a new paragraph (i)(2)(vi) would be added, as follows:

§ 92.2 General prohibitions; exceptions.

* * * * *

(i) * * *

(2) * * *

(ii) * * *

(C) For stallions over 731 days of age, that negative cultures were conducted from sets of specimens collected on 3 separate occasions from each of the surfaces of the urethral fossa, the urethra, and the penile sheath for each set of specimens, at intervals of not less than 7 days between the collection of each set of specimens, and that the last set of specimens was collected within 30 days of the date of exportation; and

* * * * *

(iv) * * *

(A) On 5 consecutive days the prepuce, penis, including the fossa glandis, and urethral sinus of the stallion described on the certificate were aseptically cleaned and washed (scrubbed) while in full erection with a solution of not less than 2 percent of a surgical type of chlorhexidine and were then thoroughly coated (packed) with an ointment of not less than 0.2 percent nitrofurozone, either by or under the supervision of the veterinarian signing the certificate;

(B) After an interim of 7 days following the 5th consecutive day of scrubbing and packing required in paragraph (i)(2)(A) of this section, 3 separate sets of 3 specimens each were collected from the stallion described on the certificate, at intervals of not less than 7 days between the collection of each set, from the surface of the fossa glandis, urethral sinus, and the penile sheath respectively, either by or under the supervision of the veterinarian signing the certificate, and that all of the 9 specimens collected were cultured negative for CEM in a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin;

* * * * *

(v)(A) * * *

(2) * * *

(i) That the veterinarian signing the certificate either performed or directly supervised the surgery, topical treatment, and specimen collection required by paragraphs (i)(2)(v)(B), (i)(2)(v)(C), (i)(2)(v)(D), (i)(2)(v)(E), and (i)(2)(v)(G) of this section.

* * * * *

(B) A licensed veterinarian collects a specimen from each clitoral sinus of the mare within 2 hours prior to the surgery required by paragraph (i)(2)(v)(C) of this section, and submits such specimens to a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin; and

* * * * *

(E) After an interim of 7 days following the 5th consecutive day of scrubbing the external genitalia and the vaginal vestibule and filling the clitoral fossa, a licensed veterinarian on 3 separate occasions collects a specimen from the clitoral fossa, at intervals of not less than 7 days between the collection of each specimen, and each specimen is cultured with negative results for CEM at a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin. For any nonpregnant mare, a licensed veterinarian collects an additional specimen during estrus from the endometrium of the uterus and the specimen is cultured with negative results for CEM at a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin. The last of the 3 specimens collected from the clitoral fossa during this procedure is collected within 30 days of the date of export of the mare described on the certificate; and

* * * * *

(G) Any specimen required by paragraph (i)(2)(v)(B), (i)(2)(v)(C), (i)(2)(v)(D), or (i)(2)(v)(E) of this section is found to be positive for CEM, and a licensed veterinarian on 3 separate occasions collects an additional specimen from the clitoral fossa, at intervals of not less than 7 days between the collection of each specimen, with the first additional specimen collected not less than 1 year from the date of the last positive culture, and each additional specimen is cultured with negative results at a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin. One additional specimen shall be collected from the endometrium of the uterus during estrus. The last of the 3 specimens collected from the clitoral fossa shall be collected within 30 days prior to the date of export.

* * * * *

(vi) Any mare over 731 days of age imported, if:

(A) The mare is accompanied by an import permit as required in § 92.4; and,

(B) The mare is accompanied by a certificate which contains the information required by § 92.17, which is either signed by a salaried veterinarian of the National Veterinary Services of the country of origin or signed by a veterinarian authorized by the National Veterinary Services of the country of origin and endorsed by a salaried veterinarian of the National Veterinary Services of the country of origin, thereby representing that the veterinarian signing the certificate was authorized to do so, and, which in addition, states:

(1) That the mare has never resided in a country in which CEM is known to exist, unless such country has had in effect for no less than 5 years preceding the mare's importation into the United States a Code of Practice containing requirements and procedures designed to contain and eradicate CEM, and unless such country is one in which CEM is a disease notifiable or reportable to the National Veterinary Services of the country of origin for the breed of which the mare is a registered member;

(2) That the CEM organism has never been recovered from the mare and the mare has at no time been affected with CEM;

(3) That the mare has at no time been bred by a stallion that is known to have been affected with CEM;

(4) That during the 12 months preceding its importation into the United States, the mare has not been on a premises on which GEM has within such 12-month period been diagnosed in any horse on such premises;

(5) The results of all cultures required by paragraph (i)(2)(vi) of this section and the name of the laboratory that conducted such cultures; and

(6) That all specimens required to be cultured have been found negative for GEM; and

(C) The certificate required by § 92.2(i)(2)(vi)(B) is issued for each country in which the mare has resided during the 5 years preceding its importation into the United States, and accompanies each mare that is imported into the United States under the provisions of this paragraph. Dates during which the mare was in each country shall be included as part of the certificate; and

(D) Records of the mare's breeding history for each year the mare has been bred during the 5 years preceding its importation into the United States are available for inspection by a salaried representative of the National Veterinary Services of the country of origin. Such records shall include the names of stallions by which the mare

was bred, and shall indicate that such stallions have at no time been affected with CEM. Such records shall also indicate that the mare has at no time been affected with CEM when bred, based on bacteriological results from cultures that were taken by a veterinarian each time the mare was bred and that were analyzed by a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin. Such bacteriological results shall be certified by a salaried veterinarian of the National Veterinary Services of the country of origin or signed by a veterinarian authorized by the National Veterinary Services of the country of origin and endorsed by a salaried veterinarian of the National Veterinary Services of the country of origin, thereby representing that the veterinarian signing the record of such bacteriological results was authorized to do so; and

(E) A licensed veterinarian, who either is, or is acting under the supervision of, the veterinarian signing the certificate specified in paragraph (i)(2)(vi)(B) of this section, collects a specimen from each clitoral sinus of the mare within 2 hours prior to the treatment required by paragraph (i)(2)(vi)(F) of this section and submits such specimens to a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin. Such required supervision, the dates of collection and culturing, and the results of such cultures shall be recorded on the certificate specified in paragraph (i)(2)(vi)(B) of this section; and

(F) For 5 consecutive days, a licensed veterinarian, who either is, or is acting under the supervision of, the veterinarian signing the certificate specified in paragraph (i)(2)(vi)(B) of this section, aseptically cleans and washes (scrubs) the external genitalia and vaginal vestibule, including the clitoral fossa and clitoral sinuses, with a solution of not less than 2 percent chlorhexidine in a detergent base and then fills the clitoral fossa and clitoral sinuses and coats the external genitalia and vaginal vestibule with an ointment of not less than 0.2 percent nitrofurozone. Such required supervision and the dates of treatment shall be recorded on the certificate specified in paragraph (i)(2)(vi)(B) of this section; and

(G)After an interim of 7 days following the 5th consecutive day of scrubbing the external genitalia and the vaginal vestibule and filling the clitoral fossa and clitoral sinuses, a licensed veterinarian, who either is, or is acting under the supervisor of, the veterinarian signing the certificate specified in paragraph (i)(2)(vi)(B) of this section, on 3 separate occasions collects a set of specimens comprised of a specimen from the clitoral fossa and a specimen from each of the clitoral sinuses, at intervals of not less than 7 days between the collection of each set of specimens, and each specimen is cultured with negative results for CEM at a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin. The last of the 3 sets of specimens collected during this procedure is collected and cultured within 30 days of the date of export of the mare described on the certificate. Such required supervision, the dates of collection and culturing, and the results of such cultures shall be recorded on the certificate specified in paragraph (i)(2)(vi)(B) of this section; and

(H) The mare described on the certificate is not bred from the time treatment required by this paragraph was begun through the date of export.

* * * * *

5. Section 92.4 would be amended by revising paragraphs (a)(6)(iii)(C)(*1*), (a)(8)(i) and the introductory paragraph of (ii), and the introductory paragraph of (a)(9), (a)(9)(ii), and (a)(9)(iii), and by adding a new paragraph (a)(9)(iii)(D) to read as follows:

§ 92.4 Import permits for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds, and for animal specimens for diagnostic purposes;[1] and reservation fees for space at quarantine facilities maintained by Veterinary Services.

(a) * * *

(6) * * *

(iii) * * *

(C) *For mares after breeding.* For each mare: (*1*) Cultures for CEM shall be conducted from sets of specimens that are collected from each of the mucosal surfaces of the cervix, the clitoral fossa, and the clitoral sinuses on the second, fourth, and seventh day after the breeding.

* * * * *

(8)(i) For mares over 731 days of age from countries listed in § 92.2(i)(1) and for which a permit is requested pursuant to § 92.2(i)(2)(v) or § 92.2(i)(2)(vi), a permit will be issued only if the mare for which the permit is issued is to be consigned to a State which the Deputy Administrator, Veterinary Services, has approved to receive mares over 731 days of age in accordance with the provisions of paragraph (a)(9) of this section.

(ii) The following States have been approved to receive mares over 731 days of age pursuant to § 92.2(i)(2)(v) and § 92.2(i)(2)(vi):

* * * * *

(9) In order for a State to be approved to receive mares over 731 days of age pursuant to § 92.2(i)(2)(v) or § 92.2(i)(2)(vi), the following conditions must be met:

* * * * *

(ii) The State must agree to quarantine all mares over 731 days of age imported from countries listed in § 92.2(i)(1) pursuant to § 92.2(i)(2)(v) or § 92.2(i)(2)(vi), until such mares have been treated in accordance with the provisions of this paragraph, and

(iii) the State must have laws and regulations to insure that mares over 731 days of age imported from countries listed in § 92.2(i)(1), pursuant to § 92.2(i)(2)(v) or § 92.2(i)(2)(vi), have been treated and handled in the following manner:

(A) For 5 consecutive days, an accredited veterinarian shall aseptically clean and wash (scrub) the external genitalia and vaginal vestibule, including the clitoral fossa, with a solution of not less than 2 percent chlorhexidine in a detergent base and then fill the clitoral fossa and coat the external genitalia and vaginal vestibule with an ointment of not less than 0.2 percent nitrofurozone; except that, in the case of mares over 731 days of age imported pursuant to § 92.2(i)(2)(vi), an accredited veterinarian shall also clean and wash the clitoral sinuses with a solution of not less than 2 percent chlorhexidine in a detergent base and fill the clitoral sinuses with an ointment of not less than 0.2 percent nitrofurozone.

(b) After an interim of 7 days following the 5th consecutive day of the topical treatment required by § 92.4(a)(9)(iii)(A):

(*1*) For any pregnant mare over 731 days of age, an accredited veterinarian shall on 3 separate occasions collect a specimen from the clitoral fossa and, if the clitoral sinuses are present, a specimen from each clitoral sinus, at intervals of not less than 7 days between the collection of each specimen or set of specimens, and shall submit each specimen or set of specimens to a State or Federal animal disease diagnostic laboratory for culture. Seven days after the mare foals, an accredited veterinarian shall collect 1 specimen from the endometrium of the uters of the mare and 1 specimen from the foal, and

---

[1] * * *

each specimen shall be submitted by the accredited veterinarian to a State or Federal animal disease diagnostic laboratory for culture. If the foal is female, this specimen shall be collected from the vaginal vestibule; and, if male, the specimen shall be collected from the prepuce.

(2) For any nonpregnant mare over 731 days of age, an accredited veterinarian shall on 3 separate occasions collect a specimen from the clitoral fossa and, if the clitoral sinuses are present, a specimen from each clitoral sinus, at an interval of not less than 7 days between the collection of each specimen or set of specimens, with one additional specimen collected from the endometrium of the uterus during estrus, and shall submit each specimen to a State or Federal animal disease diagnostic laboratory for culture.

(C) For any mare imported from countries listed in § 92.2(i)(1) pursuant to § 92.2(i)(2)(v), if any specimen required by this section or by § 92.2(i)(2)(v)(H) is found to be positive for CEM, the mare shall not be released from State quarantine except as provided in this paragraph. For such mare, an accredited veterinarian shall on 3 separate occasions collect a specimen from the clitoral fossa, at intervals of not less than 7 days between the collection of each specimen, with the first specimen collected not less than 1 year from the date of the last positive culture; and one additional specimen shall be collected from the endometrium of the uterus during estrus. If each of such specimens are negative of CEM, the mare may be released from quarantine.

(D) For any mare imported from countries listed in § 92.2(i)(1) pursuant to § 92.2(i)(2)(vi), if any specimen required by this section is found to be positive for CEM, the mare shall not be released from State quarantine except as provided in this paragraph. For such mare, an accredited veterinarian shall remove the clitoral sinuses of the mare and submit such clitoral sinuses to a State or Federal animal disease diagnositic laboratory. An accredited veterinarian shall then on 3 additional separate occasions collect a specimen from the clitoral fossa, at intervals of not less than 7 days between each specimen, with the first specimen collected subsequent to the clitoral sinusectomy required by this paragraph, and not less than 1 year from the date of the last positive culture; and 1 additional specimen shall be collected from the endometrium of the uterus during estrus. If each of such specimens are negative for CEM, the mare may be released from quarantine.

§ 92.17 [Amended]

6. Section 92.17 would be amended by revising the clause in the first sentence that presently reads "and, except as provided in § 92.2(i)(2)(i), (ii), (iii), (iv), and (v), the horses have not been in any country listed in § 92.2(i)(1) as affected with CEM during the 12 months immediately prior to their importation into the United States;" to read "and, except as provided in § 92.2(i)(2)(i), (ii), (iii), (iv), (v), and (vi), the horses have not been in any country listed in § 92.2(i)(1) as affected with CEM during the 12 months immediately prior to their importation into the United States;".

Done at Washington, DC, this 28th day of August 1986.

J. K. Atwell,

Deputy Administrator.

Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc. 86-19801 Filed 9-3-86; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 027CE, Notice No. 23-ACE-27]

Special Conditions; Piper PA-42 Series Airplanes With Electronic Flight Instrument Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for incorporation of Electronic Flight Instrument Systems (EFIS) in the Piper PA-42 series airplanes. These airplanes will have novel and unusual design features when compared to the state of technology envisaged in the airworthiness standards applicable to these airplanes when EFIS is installed. These novel and unusual design features include the use of cathode-ray tube electronic flight instrument systems for which the applicable regulations do not contain adequate or appropriate airworthiness standards. This notice contains the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to that provided by the applicable airworthiness standards.

DATE: Comments must be received on or before October 3, 1986.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 027CE, Room No. 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 027CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: David M. Warner, Aerospace Engineer, Regulations and Policy Office [ACE-110], Aircraft Certification Division, Central Region, Federal Aviation Administration, Room 1656, 601 East 12th Street, Federal Office Building, Kansas City, Missouri 64106; telephone [816] 374-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communication received on or before the closing date for comments specified above will be considered by the Administrator before taking further rulemaking action on this proposal. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 027CE." The postcard will be dated, stamped and returned to the commenter. The proposal's contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Type Certification Basis

The type certification basis for the Piper Model PA-42 is as follows: Part 23 of the Federal Aviation Regulations effective February 1, 1965, as amended by Amendments 23-1 through 23-16; § 23.1385(c) as amended by Amendment 23-17; § 23.1145 as amended by Amendment 23-18; §§ 23.45, 23.49, 23.65, 23.67, 23.77, and 23.1581 as amended by Amendment 23-21; § 23.1145(a) as amended by Amendment 23-23; § 25.977

as amended by Amendment 25–26; Special Condition No. 23–90–S0–3, Amendment 1, Docket No. 19591; § 55 of SFAR 23 effective January 20, 1970; fuel venting section of SFAR 27–1 effective January 1, 1975; FAA Southern Region, Engineering and Manufacturing Branch letter of August 7, 1980, showing the equivalent level of safety finding to § 23.201(e); and Part 36 including Amendments 1 through 6, effective January 25, 1977.

The type certification basis for the Piper Model PA–42–720 includes: § 23.1447 (c) and (d) as amended by Amendment 23–20, and the requirements cited for the Model PA–42.

The type certification basis for the Piper Model PA–42–1000 includes: § 23.1111 as amended by Amendment 23–17; §§ 23.1327 and 23.1547 as amended by Amendment 23–20; FAA Atlanta Aircraft Certification Office letter of July 9, 1984, showing the equivalent level of safety findings to §§ 23.201, 23.203, 23.205, and 23.207; Part 36, including Amendments 1 through 12 effective August 1, 1981; and the requirements cited for the Model PA–42–720.

On July 11, 1986, Piper Aircraft Corporation, Vero Beach, Florida, notified the FAA of their intention to install dual Collins Electronic Flight Instrument Systems (EFIS) in the Piper Model PA–42–720. On October 10, 1985, the FAA Small Airplane Certification Directorate notified all FAA Aircraft Certification Offices that, notwithstanding previous agency actions relative to EFIS, incorporation of EFIS in small airplanes was a novel and unusual relative to the current amendment of Part 23 and that for all such installations, special conditions would be proposed. Prior to that time, Piper had installed and approved a single EFIS in the Model PA 42–720. These proposed special conditions do not affect those approvals prior to this Notice.

These EFIS installations incorporate electronic attitude director indicator (EADI) and electronic horizontal situation indicator (EHSI) in lieu of traditional mechanical or electromechanical displays providing similar information to the flight crew.

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101 do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane or installation. Special conditions, as appropriate, are issued in accordance with § 11.49, after public notice as required by § 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis, as provided by § 21.101(b)(2).

The proposed type design of the EFIS installation in the Piper PA 42–720 contains a number of novel or unusual design features not envisioned by the applicable Part 23 airworthiness standards. Special conditions are considered necessary because the airworthiness standards of Part 23 do not contain adequate or appropriate safety standards for the novel or unusual design features of the EFIS installation in the Piper PA 42–720.

Special conditions that result from this Notice for installation of EFIS will also be applicable to all PA–42 series airplanes for installation of similar EFIS without further amendment of the special conditions.

Piper has proposed cathode-ray tube (CRT) electronic display units for primary attitude, heading, and navigational cockpit displays. The cockpit instrument panel configuration would feature five EFIS displays, an electronic attitude director (EADI) and electronic horizontal situation indicator (EHSI) in the left and right instrument panels and a multi-function display in the center panel. All other displays; i.e., airspeed, altitude, vertical speed, etc., will be conventional instruments.

Emissive color on a CRT display will inevitably appear different than reflective colors on conventional electro-mechanical displays. Different intensities and color temperatures of ambient illumination will also affect the perceived colors. Therefore, display legibility must be adequate for all cockpit lighting conditions, including direct sunlight.

Features of this system are novel and unusual relative to the applicable airworthiness requirements. Current small airplane airworthiness requirements are based on "single-fault" or "fail-safe" concepts and, when promulgated, the FAA did not envision use of complex, safety-critical systems in small airplanes. The current small airplane requirements envisioned instruments that were single function; i.e., a failure would cause loss of only one instrument function, although several instrument functions may have been housed in a common case.

Flight instruments for the pilot are required to be grouped in front of the pliot so deviation from looking forward along the airplane flight path is minimized when the pilot shifts from viewing the flight path to viewing the flight instruments.

For instrument flight, the airplane must be equipped with the minimum flight instruments listed in the operating rules. This minimum listing of instruments includes all instruments that have long been accepted as the minimum for continued safe flight. Back-up instruments for these instruments are not required by the small airplane airworthiness requirements because the FAA has long accepted that the small airplanes could be safely flown following a single instrument failure. The basic airman certification program for an instrument flight rules (IFR) rating has long included the required demonstration of ability to fly the airplane safely following failure of any one of the previously cited instruments and has not required, as basic IFR rating requirement, that all IFR rated airmen must demonstrate abilities using other back-up instruments.

A special condition is proposed which would allow installation of electronic displays that feature design characteristics where a single malfunction or failure could affect more than one primary instrument, display, or system. The proposed special condition would also provide requirements to assure adequate reliability of system design functions that are determined to be essential for continued safe flight and landing of the airplane.

In installations where electronic displays take the place of traditional instruments, the reliability must not be less than that of the traditional instruments. This is in regard to the collective reliability of the traditional instruments rather than the reliability of a single traditional instrument. For this reason, the proposed special condition includes requirements for identifying complex, safety critical systems, and defines requirements needed for their certification.

The proposed special condition will also require a detailed examination of each item of equipment/component of the electronic display system, and installation of the system, to determine if the airplane is dependent upon its function for continued safe flight and landing or if its failure would significantly reduce the capability of the airplane or the ability of the crew to cope with these adverse operating conditions. Each component of the installation identified by such an examination as being critical to the safe operation of the airplane would be required to meet the proposed special condition.

The present § 23.1309 has been used as a means of evaluating systems since being incorporated into 14 CFR Part 23

by Amendment 23-14, dated December 20, 1973. The "single-fault" or "fail-safe" concept of § 23.1309, along with experience based on service-proven designs and good engineering judgment have been used to successfully evaluate most airplane systems and equipment. However, the FAA is finding it difficult to apply the "single fault" concept as a means of determining the effect or likelihood of certain failure conditions to complex systems like those proposed for the EFIS installation. Therefore, the FAA considers it necessary to include the proposed additional system analysis requirements in the certification basis. This will also allow the use of the latest available "rational method" of safety analysis of the systems to assure a level of safety intended in the applicable requirements.

The development of rational methods for safety assessment of systems is based on the premise that an inverse relationship exists between the probability of a failure condition and its effect on the airplane. That is, the more serious the effect, the lower the probability must be that the related failure condition will occur.

Use of these methods for safety assessment of systems does not mandate use of numerical analysis. An applicant may use numerical analysis to assist in showing compliance but, in many cases, adequate data is not available for preparing a stand-alone numerical analysis for showing compliance. Therefore, in small airplane certification, an analysis based on identification of failure modes and their consequences is frequently better substantiation of compliance with the various required levels of system reliability than a numerical analysis alone.

If it is determined that the airplane includes systems that perform more critical functions, it will be necessary to show that those systems meet more stringent requirements. Systems that perform a function that is needed for continued safety of flight and landing of the airplane, and whose failure would be catastrophic, would be required to meet requirements that establish either that there will be no failures of that system, or that a failure is extremely improbable.

The special condition also requires that the occurrence of systems failures which would significantly reduce the airplane's capability, or the ability of the crew to cope with adverse operating conditions, and thereby potentially catastrophic, be improbable. It is recognized that any system(s) failure will reduce the airplane's or crew's capability by some degree, but that reduction may not be of the degree as to lead to potentially catastrophic results.

The proposed special condition provides reliability requirements which are based on the criticality of the system's function and will provide the standards needed for certification of complex, safety-critical systems being proposed for installation.

The FAA has considered the features proposed for the EFIS installation and has concluded that, notwithstanding the existing small airplane requirements which did not envision the use of such complex or critical systems, special conditions can be promulgated for the affected systems, in lieu of applicable requirements, that will provide the intended level of safety. Accordingly, the special condition is proposed.

Conclusion

This action affects only specified model series airplanes. It is not a rule of general applicability and applies only to the series and models of airplanes identified in this proposed special condition.

List of Subjects in 14 CFR Parts 21 and 23.

Aviation safety, Aircraft, Air transportation, and Safety.

The authority citation for these special conditions is as follows:

Authority: Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) [Revised Pub. L. 97-449, January 12, 1983]; 14 CFR 21.16 and 21.101; and 14 CFR 11.28 and 11.29(b).

The Proposed Special Condition

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes the following special condition:

1. In lieu of § 23.1309(b) and applicable requirements of Part 23 of the Federal Aviation Regulations to the contrary, for instruments, systems, and installations whose design incorporates electronic displays that feature design characteristics where a single malfunction or failure could affect more than one primary instrument display or system, and/or system design functions that are determined to be essential for continued safe flight and landing of the airplane, the following special condition applies:

(a) System and associated components must be examined separately and in relation to other airplane systems to determine if the airplane is dependent upon its function for continued safe flight and landing, and if its failure would significantly reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions. Each system and each component identified by this examination upon which the airplane is dependent for continued safe flight and landing, or whose failure would significantly reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions, must be designed and examined to comply with the following additional requirements:

(1) It must be shown that there will be no single failure or probable combination of failures under any anticipated operating condition which would prevent the continued safe flight and landing of the airplane or it must be shown that such failures are extremely improbable.

(2) It must be shown that there will be no other single failure or probable combination of failures under any anticipated operating condition which would significantly reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions or it must be shown that such failures are improbable.

(3) Warning information must be provided to alert the crew to unsafe system operating conditions, and to enable them to take appropriate corrective action. This warning information must not tend to intitiate crew action which would create additional hazards.

(4) Compliance with the requirements of this special condition must be shown by analysis and, where necessary, by appropriate ground, flight, or simulator tests. The analysis must consider:

(i) Modes of failure, including malfunctions and damage from foreseeable sources;

(ii) Consequences of a single failure or probable combination of failures (latent or undetected);

(iii) Appropriate levels of reliability as determined by the severity of consequences;

(iv) The resulting effects on the airplane and occupants, considering the state of flight and operating conditions; and

(v) The crew warning cues, corrective action required, and the capability of detecting faults.

(5) Numerical analysis may be used to support the engineering examination.

(b) Each item of equipment of each system, and each installation whose functioning is essential for safe operation and that requires a power supply, is an "essential load" on the power supply. The power sources and its distribution system must be able to

supply the following power loads in probable operating combinations and for probable durations:

(1) Loads connected to the power distribution system with the system functioning normally.

(2) Essential equipment of each system (loads) after failure of:

(i) Any one engine on the airplane;

(ii) Any power converter, or energy storage device; or

(iii) Essential loads for which an alternate source of power is required by this special condition, after any failure or malfunction in any one power supply system, distribution systems, or other utilization system.

(c) In determining compliance with paragraph (b)(2) of this special condition, the power loads may be assumed to be reduced or shed under a monitoring procedure consistent with safety.

(d) In showing compliance with this section with regard to the electrical power system and to equipment design and installation, critical environmental and atmospheric conditions must be considered. For electrical generation, distribution, and utilization equipment required by or used in complying with this special condition, the ability to provide continuous, safe service under foreseeable environmental and atmospheric conditions may be shown by tests, design analysis, or reference to previous comparable service experience on other airplanes.

(e) Electronic display units, including those incorporating more than one function, may be installed in lieu of mechanical or electro-mechanical instruments if:

(1) The display units:

(i) Are easily legible under all lighting conditions encountered in the cockpit, including direct sunlight;

(ii) In any normal mode of operation do not inhibit the primary display of attitude;

(iii) Incorporate sensory cues for the pilot that are equivalent to those in the instrument being replaced by the electronic display units; and

(iv) incorporate visual displays of instrument markings required by §§ 23.1541 through 23.1543, or visual displays that alert the pilot to abnormal operational values, or approaches to unsafe values, of any parameter required to be displayed by Part 23 requirements.

(2) The display units, including their systems and installations, must be designed so that one display of information essential to continued safe flight and landing will remain available to the crew, without need for immediate action for continued safe operation, after any single failure or probable combination of failures that is not shown to comply with paragraph (a)(1) of this special condition.

Issued in Kansas City, Missouri, on August 22, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-19859 Filed 9-3-86; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 86-NM-141-AD]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede two existing AD's which require purging and grease packing of wing spar mounted and aft fuselage mounted fuel fire shutoff valves on McDonnell Douglas Model DE-10 and KC-10A (military) airplanes. This proposal would require modification, reidentification, and/or rotation, as applicable, of these fuel fire shutoff valves. This action is prompted by reports of restricted movement of emergency fire handles that are necessary to discharge the fire agent. This condition, if not corrected, could result in loss of fuel shutoff and fire extinguishing capabilities.

DATES: Comments must be received on or before October 28, 1986.

ADDRESS: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-141-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Roy A. McKinnon, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6327.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-141-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

On April 30, 1986, the FAA issued Amendment 39-5305 (51 FR 17007; May 8, 1986), AD 86-09-10, which requires purging and grease packing the No. 2 engine aft fuselage mounted fuel fire shutoff valve bodies, and the No. 1 and No. 2 engine wing spar mounted fuel fire shutoff valve bodies on McDonnell Douglas Model DC-10 and KC-10A (Military) airplanes. That AD was prompted by reports of numerous incidents in which the engine fuel fire shutoff valves could not be closed, due to water accumulating in the valve mechanism cavity and subsequently freezing. After issuance of that AD, the FAA issued Amendment 39-5375 (51 FR 27526; August 1, 1986), AD 86-16-08, which requires purging the gate groove of the wing spar mounted valves of any water accumulation. That action was determined to be necessary to minimize the potential for loss of fuel shutoff and fire extinguishing capabilities due to ice forming in the valve gate grooves. The requirements of AD 86-09-10 and AD 86-16-08 were intended as interim

procedures until a permanent solution to the problem could be designed.

McDonnell Douglas has issued DC-10 Service Bulletin 28-168, dated April 16, 1986, which described as modification (drilling a drain hole) to prevent the water accumulation and subsequent ice formation from occurring, and reidentification of the No. 2 engine aft fuselage mounted fuel fire shutoff valve. McDonnell Douglas DC-10 Service Bulletin 28-55, Revision 3, dates December 19, 1980, also described a similar modification for the wing spar mounted fuel fire shutoff valves which will prevent water from accumulating. The FAA has determined that the modifications described in these service bulletins will act as a permanent solution to the problems addressed by the AD's previously issued.

Since this condition is likely to exist or develop on other airplanes of this same type design, this AD would supersede AD 86-09-10 and AD 86-16-08 to require the accomplishment of the modifications to the wing spar mounted fire shutoff valves and aft fuselage mounted fuel fire shutoff valves in accordance with the two McDonnell Douglas service bulletins mentioned above.

Approximately 180 U.S. registered Model DC-10 series airplanes would be affected by the requirements of paragraph A. of this AD (modification in accordance with McDonnell Douglas Service Bulletin 28-168); approximately 86 airplanes would be affected by the requirements of paragraph B. (modification in accordance with McDonnell Douglas Service Bulletin 28-55). It is estimated that it would take 5 manhours for each airplane modified in accordance with Service Bulletin 28-168, and 43 manhours per airplane modified in accordance with Service Bulletin 28-55. The average labor cost would be $40 per manhour. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be $183,920.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model DC-10 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend §39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

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

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

2. By superseding Amendment 39-5305 (51 FR 17007; May 8, 1986), AD 86-09-10; and Amendment 39-5375 (51 FR 27526; August 1, 1986), AD 86-16-08; with the following new airworthiness directive:

§ 39.13 [Amended]

McDonnell Douglas: Applies to McDonnell Douglas Model DC-10-10, -15, -30, -40, and KC-10A (Military) series airplanes, certificated in any category. To prevent loss of fuel shutoff and fire extinguishing capabilities, accomplish the following within the next twelve (12) months after the effective date of this AD, unless previously accomplished:

A. Modify and reidentify engine No. 2 aft fuselage mounted fuel fire shutoff valve in accordance with the Accomplishment Instructions of McDonnell Douglas DC-10/KC-10A Service Bulletin 28-168, dated April 16, 1986, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Modify, reidentify, and rotate engine No. 1 and engine No. 2 wing spar mounted fuel fire shutoff valves, and modify and reidentify engine No. 3 wing spar mounted fuel fire shutoff valves, in accordance with the Accomplishment Instructions of McDonnell Douglas DC-10 Service Bulletin 28-55, Revision 3, dated December 19, 1980, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. An alternate means of compliance with this AD which provides an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a base for accomplishment of the requirements of this AD.

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

Issued in Seattle, Washington, on August 27, 1986.

Joseph W. Harrell,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-19863 Filed 9-3-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 86-ASO-15]

Proposed Alteration of VOR Federal Airways V-325 and V-463—Georgia

Correction

In FR Doc. 86-17715 beginning on page 28389 in the issue of Thursday, August 7, 1986, make the following correction:

§ 71.123 [Corrected]

On page 28389, third column, in § 71.123, in the heading "V-235 [Revised]", "235" should have read "325".

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 150

Revision of Federal Speculative Position Limits

AGENCY: Commodity Futures Trading Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has long established and enforced speculative position limits for futures contracts on various agricultural commodities. For the most part, these limits were established by the Commodity Exchange Authority, and Commission's predecessor agency. Generally, the appropriateness of the particular levels of these speculative position limits has not been reviewed in recent years. In this regard, the Commission has received petitions for rulemaking from the Chicago Board of Trade and the New York Cotton Exchange to revise certain of these limits.

Accordingly, the Commission is publishing, as part of this Advance Notice of Proposed Rulemaking, a series of questions concerning Federal speculative position limits. The Commission seeks public comment to assist in determining the need for revisions to these speculative position

limits. In addition to answers to the specific questions raised, the Commission welcomes comments regarding any other pertinent issues.

DATE: Comments must be received by November 3, 1986.

ADDRESS: Comments should be sent to the Office of the Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, and should make reference to "Amendment of Federal Speculative Position Limits."

FOR FURTHER INFORMATION CONTACT: Blake Imel, Deputy Director, or Paul M. Architzel, Chief Counsel, Division of Economic Analysis, at the above address. Telephone: (202) 254–3203 or (202) 254–6990, respectively.

SUPPLEMENTARY INFORMATION: Speculative position limits have been a tool for the regulation of the futures markets for over half a century. The Congress early recognized that position limits were an effective means of preventing unreasonable or unwarranted price fluctuations. As the Congress reported, one purpose of the Commodity Exchange Act, 7 U.S.C. 1 *et seq.* (1982) ("Act"), was

> to provide a measure of control over those forms of speculative activity which too often demoralize the markets to the injury of producers and consumers and the exchanges themselves.

H.R. Rep. No. 421, 74th Cong., 1st Sess. 1 (1935).

In section 4a(1) of the Act, 7 U.S.C. 6a(1), the Congress declared that:

> [E]xcessive speculation in any commodity under contracts of sale of such commodity for future delivery made on or subject to the rules of contract markets causing sudden or unreasonable fluctuations or unwarranted changes in the price of such commodity, is an undue and unnecessary burden on interstate commerce in such commodity.

Thus, the Congress provided the Commission with the authority to:

> fix such limits on the amount of trading which may be done or positions which may be held by any person under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market as the Commission finds are necessary to diminish, eliminate, or prevent such burden.

Section 4a(1) of the Act.

Pursuant to this authority, the Commission's predecessor agency, the Commodity Exchange Authority, established speculative position limits for many of the futures contract on those commodities which were then regulated under the Act. These included limits on grains, cotton, soybeans, corn, wheat and other agricultural commodities. *See*, 17 CFR Part 150.

Each of these speculative position limits contains a limit on net positions held in any one future and all futures combined, a hedge-exemption and, where applicable, a provision subjecting positions which are spread or arbitrage positions between futures and option contracts to exchange-set speculative position limits approved pursuant to § 1.61 of the Commission's rules. In conjunction with these speculative position limits, and in order adequately to enforce them, traders are required to file futures and cash market reports with the Commission. *See* 17 CFR Parts 18 and 19. For the most part, those position limit levels which were in existence at the time the Commission was created in 1975 remain in effect.

With the adoption of Commission Rule 1.61, the Commission has required that all contract markets have speculative position limits. Since that time, the Commission systematically has reviewed and approved speculative position limits for almost all contract markets having exchange-set speculative position limits including those in effect prior to the promulgation of Rule 1.61. In light of its nearing the completion of that task, [1] the Commission believes that it is appropriate to re-examine Federal speculative position limits at this time.

In addition, the New York Cotton Exchange submitted petitions on April 22, 1980, May 19, 1982 and February 8, 1985 to raise the speculative positions limits in cotton and the Chicago Board of Trade ("CBOT"), on July 24, 1986, petitioned the Commission to bring soybean oil and soybean meal futures contracts under Federal speculative position limits. The CBOT reasoned that:

> By amending Part 150 of CFTC regulations as proposed, the Commission would be providing consistency with all other agricultural commodities traded at the CBOT. Federal speculative position limits for all other agricultural commodities traded at the CBOT, with the exception of soybeans, have been in effect since 1938.

Petition of Rulemaking of the Chicago Board of Trade, dated July 24, 1986.

The CBOT's petition to bring soybean meal and soybean oil futures contracts under Federal speculative position limits included certain unique exemptions from such limits in those contracts. These exemptions include enumerated categories in addition to those established for *bona fide* hedging under existing Federal speculative position limits.[2]

In light of the above, the Commission is requesting public comment on the possible revision of current Federal speculative position limits and is requesting responses on the following specific issues. The Commission will evaluate these comments in conjunction with the data which the Commission itself develops concerning the appropriatenes of current speculative position limits.

(1) Do current levels of speculative position limits on futures contracts on agricultural commodities need to be revised?

Commenters may wish to address the relative levels of open contracts and trading volume in specific futures contracts on these commodities over the years. Commenters should discuss why higher speculative position limits are appropriate if the levels of open contracts and trading volume are near the levels existing at the time the current limits were established or amended. For example, at least one agricultural commodity, cotton, is trading at volumes

---

[1] Notwithstanding the Commission's comprehensive review of exchange-set speculative limits, under section 5a(12) of the Act and Commission Rule 1.61, an exchange at any time may adopt and submit for Commission approval adjustments to its exchange-set speculative levels.

[2] The text of these provisions for soybean meal and soybean oil, in pertinent part, are as follows:

[soybean meal]

Proposed § 150.13(b) Bona fide hedging. The foregoing limits upon position shall not be construed to apply: (1) To bona fide hedging transactions as defined in § 1.3(z) of this Chapter; nor (2) to positions commonly known in the trade as "crush" or "reverse crush" spreading positions; nor (3) to transactions or positions in soybean meal futures by a processor or merchandiser or dealer in feed ingredients other than soybean meal, to the extent that the bona fide purpose and the reasonable effect of such transactions or positions are to offset the price risk incident to the ownership, purchase, or sale of such feed ingredients, provided such risk is not otherwise off-set; nor (4) to sales or short positions by a processor of soybenas, to the extent that such sales or short positions are off-set in quantity by the meal content of such soybeans owned or purchased by such processor, provided the price risk incident to such ownership or purchase is not otherwise off-set.

[soybean oil]

Proposed § 150.14(b) Bona fide hedging. The foregoing limits upon position shall not be construed to apply: (1) to bona fide hedging transactions as defined in § 1.3(z) of this Chapter; nor (2) to positions commonly known in the trade as "crush" or "reverse crush" spreading positions; nor (3) to transactions or positions in crude soybean oil futures by a processor or merchandiser of or dealer in an edible fat or oil other than crude soybean oil, to the extent that the bona fided purpose and the reasonable effect of such transactions or position are to offset the price risk incident to the ownership, purchase, or sale of such edible fat or oil, provided such risk is not otherwise off-set; nor (4) to sales or short positions by a processor of edible oil-bearing seeds or similar oil-bearing raw materials, to the extent that such sales or short positions are off-set in quantity by the oil content of such edible oil-bearing seeds or similar oil-bearing raw materials owned or purchased by such processor, provided the price risk incident to such ownership or purchase is not otherwise off-set.

equivalent to those experienced at the time its speculative position limit was set.

(2) Are the terms and conditions of each of the particular contracts in sufficient conformity with conditions in the cash market to ensure a deliverable supply that is adequate to deter speculative abuses in the event that the limits are increased?

Commenters are requested to address the matter of raising limits in the delivery month as a matter separate from increasing the limits more generally in all or particular contract months.

(3) What is the impact of changes to the speculative position limit on the hedging utility of the contract?

The Commission is particularly interested in receiving comments concerning the impact on hedging, if any, of increasing position limits in particular commodities and of establishing higher "back month" limits possibly coupled with different limits for the spot month.

(4) Should Federal speculative position limits for the same commodity vary by contract market?

Currently, Federal speculative position limits are set at the same level for all contract markets in the same commodity. However, the relative liquidity of various contract markets varies as well as the relative size of positions in those markets. Should Federal speculative position limits reflect those differences? Does a uniform level address adequately the specific characteristics of different contract markets?

(5) Should Federal speculative position limits be cumulative for all contract markets in the same commodity?

Different contract markets for the same commodity may draw on the same deliverable supplies. Commenters may wish to address the extent to which particular contract markets draw from the same deliverable supply as others and how that should affect the establishment of speculative position levels. In this regard, commenters should address whether the Commission should establish cumulative speculative position limits for different contract markets in the same commodity. If such levels are not cumulative, should levels for individual contract markets be set at different levels?

(6) Have changes in the Commission's definition of "*bona fide* hedging transactions and positions" made unnecessary the exemption for spread positions between individual cotton futures?

Section 150.2(b) of the Commission's rules concerning position limits for cotton provides an exemption for spread or straddle positions between individual cotton futures. A major rationale for the establishment of this exemption in 1940 was to facilitate commercial risk shifting positions which may not have conformed to the so-called mechanical definition of bona fide hedging which was then contained in section 4(a)(3) of the Act. However, such positions could now be classified as hedging pursuant to the more general definition of hedging contained in Commission Rule 1.3(z)[3] Accordingly, if the spread exemption were eliminated from §150.2 of the Commission's rule, those persons desiring to establish spread positions in excess of the speculative limits for purposes of *bona-fide* hedging could make application to the Commission pursuant to paragraph (3) of Commission Rule 1.3(z) and the requirements of Commission Rule 1.47.

The Commission is interested in receiving comments concerning the elimination of this spread provision in view of the fact that the existing exemption for cotton permits the establishment of large speculative spread positions involving delivery months in different crop years. Such large spread positions across different crop years, under certain circumstances, could be nearly equivalent to the establishment of large one-sided speculative positions which are subject to specific limitations under the current rules.

(7) With respect to the exemptions for the soybean meal and soybean oil contracts proposed by the CBT, what are the circumstances under which positions commonly known to the trade as "crush" and "reverse crush" spreading positions conform with the general definition of hedging in Commission Rule 1.3(z)?

The Commission requests that commenters provide an appropriate description of such positions, including the ratio of futures contracts in soybeans, soybean oil and soybean meal normally considered to constitute a crush or reverse crush position, and any necessary temporal relation, including the crop years, for each of the legs of such positions. The Commission further requests that commenters address the risks and market impact attendent to such positions in excess of the proposed speculative limits in the event certain of these positions do not otherwise constitute *bona fide* hedging. In such cases commenters should address whether such non-hedging crush and reverse crush spread positions should be exempted from the limits. Comments on this matter also should address the relation of the crop years in which the various legs of the positions are placed. In addition, persons commenting may wish to address the appropriateness of placing a higher numerical limit on such non-hedging positions, rather then establishing an outright exemption.

(8) Also with respect to the proposed exemptions for the soybean meal and soybean oil contracts, are the specific exemptions contained in Rules 150.13(b)(3) and (4) and 150.14(b)(3) and (4) as proposed by the CBT (*see* footnote 1) unnecessary?

It appears that parts (b)(3) and (b)(4) of the CBOT's proposed rules for soybean oil and meal would be largely covered by the enumerated listing of exempted positions in Commission Rule 1.3(z)(2). In addition, it appears that any such hedging transactions not so covered would be permitted under the more general language of paragraph (1) of Rule 1.3(z). Accordingly, the Commission seeks comment on whether these sections are unnecessary and could be eliminated.

[3] In particular, a cotton merchant may contract to purchase and sell cotton in the cash market in relation to the futures prices in different delivery months for cotton, *i.e.*, a basis purchase and a basis sale. Prior to the time when the price is fixed for each leg of such a cash position the merchant is subject to a variation in his merchandising margin which is attributable to the price variation in the two futures contracts utilized for price basing. This variation can be offset by purchasing the future on which the sales were based on selling the future on which purchases were based. Since the definition of hedging previously contained in section 4(a)(3) of the Act pertained to cash market sales and purchases at a fixed price, this transaction may not have conformed to that definition. The Commission believes that the same transaction will conform to its current general definition in paragraph (1) of Regulation 1.3(z) under economically appropriate circumstances.

List of Subjects in 17 CFR Part 150

Arbitrage, Contract markets, Hedging, Speculative position limits, Commodity futures.

Issued in Washington, DC this 28th day of August, 1986, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 86-19922 Filed 9-3-86 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 37

[Docket No. RM86-12-000]

Generic Determination of Rate of Return on Common Equity for Public Utilities; Staff Submittal

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking; staff submittal.

SUMMARY: On July 21, 1986, the Commission issued a notice of proposed rulemaking involving the generic determination of rate of return on common equity for public utilities (51 FR 27050, July 29, 1986). By memorandum dated August 26, 1986, the Commission staff has placed in the record computer printouts with listings of rates of return on common equity allowd by state regulatory commissions since 1977.

DATES: The computer printouts were made available August 27, 1986.

ADDRESS: A copy of this document is available for inspection and copying through the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-19932 Filed 9-3-86; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 40

[DoD Directive 5500.7]

Standards of Conduct

AGENCY: Office of the Secretary, DOD.

ACTION: Proposed rule.

SUMMARY: This part is designed to prescribe standards of conduct required of all DoD personnel, regardless of assignment. It is being formulated to reflect statutory and regulatory changes since the last DoD Directive 5500.7 was issued on January 15, 1977 (42 FR 3646). This action will provide updated guidelines of DoD personnel to observe when making decisions or taking action.

DATE: Comments due on or before November 3, 1986.

ADDRESS: Comments should be submitted to the Department of Defense Office of General Counsel, Office of Legal Counsel, Pentagon, Washington, DC 20301-1600.

FOR FURTHER INFORMATION CONTACT: David W. Ream or Captain Randi E. DuFresne, Department of Defense, Office of General Counsel, Office of Legal Counsel, Pentagon, Washington, DC 20301-1600. Telephone 202/695-3272.

SUPPLEMENTARY INFORMATION: Since the issuance of DoD Directive 5500.7 in January of 1977, the Ethics of Government Act of 1978, Pub. L. 95-521, October 26, 1978, as amended, has been passed and numerous Executive Branch directives in government ethics and standards of conduct related areas have been promulgated. Since material, listed as references in the proposed new directive, comprise a substantial body of law and regulation, with considerations not addressed in the previous 1977 directive. Critical new topics in these areas include the establishment of a DoD Hotline, allowing for ready reports of standards of conduct violations to the DoD Inspector General, as well as post-government employment restrictions and reporting requirements for former DoD employees. The Digest of Laws concerning conflict of interest rules applicable to DoD personnel has been updated and a discussion of the requirement for certain DoD personnel to file a financial disclosure report (SF 278) has been incorporated.

The large volume of government directives and the major statutory changes concerning standards of conduct over the last ten years reflect that the area of government ethics is dynamic and constantly evolving thereby requiring that a current set of guidelines be provided to DoD personnel concerning the responsibilities related to their employment.

List of Subjects in 32 CFR Part 40

Conflict of interests.

Accordingly, 32 CFR Part 40 is revised to read as follows:

PART 40—STANDARDS OF CONDUCT

Sec.

Authority: E.O. 11222; Pub. L. 87-651; 3 U.S.C. 301

§ 40.1 Reissuance and purpose.

(a) This part reissues 32 CFR Part 40 and implements Pub. L. 95-521, 5 CFR Part 734, Executive Order 11222, and 5 CFR Part 735.

(b) This part prescribes standards of conduct required of all DoD personnel, regardless of assignment.

(c) Penalties for violations of these standards include the full range of statutory and regulatory sanctions of civilian and military personnel.

§ 40.2 Applicability and scope.

This part applies to all DoD personnel and to the Office of the Secretary of Defense (OSD), the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, the Inspector General, and the Defense Agencies (hereafter referred to collectively as "DoD Components"), including nonappropriated fund activities.

§ 40.3 Definitions.

Designated agency ethics officials. An officer or employee of a component who has been appointed, pursuant to component procedures, to administer the provisions of the Ethics in Government Act. The term is abbreviated, DAEO. The DAEO for the Office of the Secretary of Defense is the General Counsel.

DoD personnel. All civilian officers and employees, including special government employees, of all the offices, agencies, and departments in DoD (including nonappropriated fund activities), all regular and reserve officers (commissioned and warrant) and enlisted members of the Army, Navy, Air Force, and Marine Corps on active duty, and reserve officers (commissioned and warrant) and enlisted members on *inactive* duty for training. This definition includes professors and cadets of the military service academies.

Gratuity. Any gift, favor, entertainment, hospitality, transportation, loan, any other tangible item, and any intangible benefits, including discounts, passes, and promotional vendor training, given or

extended to or on behalf of DoD personnel, their immediate families, or households, for which fair market value is not paid by the recipient or the U.S. Government.

Inside information. Information not generally available to the public and obtained by reason of one's official DoD duties or position. Information is available if it would be released in response to an appropriately framed request under the Freedom of Information Act. See 32 CFR Part 286.

Personal commercial solicitation. Any effort to contact an individual to conduct or transact matters involving business, finance, or commerce. This does not include off-duty employment of DoD personnel as employees in retail stores. See 32 CFR Part 43.

Special government employee. A person who is retained, designated, appointed, or employed to perform, with or without compensation, not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis. The term also includes a reserve officer who is serving on active duty involuntarily or for training for any length of time, and one who is serving voluntarily on extended active duty for 130 days or less. It does not include enlisted personnel.

§ 40.4 Policy.

(a) *General requirements.* (1) Government service or employment is a public trust requiring DoD personnel to place loyalty to country, ethical principles, and the law above private gain and other interests. DoD personnel shall not make or recommend any expenditure of funds or take or recommend any action known or believed to be in violation of U.S. laws, executive orders, or applicable directives, instructions, or regulations.

(2) DoD personnel shall become familiar with the scope of, authority for, and limitations of the activities for which they are responsible. DoD personnel also shall acquire a working knowledge of appropriate statutory standards of conduct prohibitions and restrictions. The most commonly encountered of these provisions, which include conflict of interest laws, general post employment restrictions, laws particularly applicable to retired regular officers, and other laws applicable to all DoD personnel, are summarized in § 40.7. Except for filing regulations, the same standards apply to all DoD personnel even where certain laws or regulations are limited to only certain personnel.

(3) If the propriety of a proposed action or decision is in question because it may be contrary to law or regulation, DoD personnel shall consult DoD Component legal counsel, or, if appropriate, the Component's Designated Agency Ethics Official or subordinate ethics counselors for guidance. This will promote the proper and lawful conduct of DoD programs and activities.

(4) Practices that may be accepted in the private business world are not necessarily acceptable for DoD personnel. Sound judgment must be exercised. All personnel must be prepared to account fully for the manner in which that judgment has been exercised.

(5) DoD personnel shall adhere strictly to the DoD program of equal opportunity regardless of race, color, religion, sex, age, national origin, or handicap in accordance with 32 CFR Part 191 and 32 CFR Part 56.

(6) DoD personnel shall avoid any action, whether or not specifically prohibited by this part, that might result in or reasonably be expected to create the appearance of any of the following:

(i) Using public office for private gain,

(ii) Giving preferential treatment to any person or entity,

(iii) Impeding government efficiency or economy,

(iv) Losing independence or impartiality,

(v) Making a government decision outside official channels, or

(vi) Affecting adversely the confidence of the public in the integrity of the government.

(7) In accordance with Pub. L. 96–303 DoD Components shall display copies of the Code of Ethics for Government Service in appropriate areas of Federal buildings in which at least 20 persons are regularly employed as civilian emloyees. See Code of Ethics, § 40.8.

(b) *Conflicts of interest prohibitions*— (1) *Affiliations and financial interests.* DoD personnel shall not engage in any personal, business, or professional activity, nor hold direct or indirect financial interest that conflicts with the public interests of the United States related to the duties and responsibilities of their DoD positions. For the purpose of this prohibition, the private interests of a spouse, minor child, and household members are treated as private interests of the DoD personnel.

(2) *Using "Inside Information".* DoD personnel shall not engage in any personal, business, or professional activity, not enter into any financial transaction that involves the direct or indirect use of "inside information" for personal advantage to themselves or others.

(3) *Using official DoD position.* DoD personnel shall not use their DoD positions to induce, coerce, nor in any manner influence any person, including subordinates, to provide any personal benefit, financial or otherwise, to themselves or others.

(i) *Contributions of gifts to superior.* DoD personnel shall not solicit a contribution from other DoD personnel for a gift to an official superior, make a contributions or a gift to an official superior, or accept a gift or contribution from subordinate DoD personnel. This prohibition also applies to gifts or contributions to immediate family members of an official superior. This paragraph does not prohibit voluntary gifts of nominal value or voluntary contributions of nominal amounts (or acceptance thereof) on personal occasions such as marriage, transfer, illness, or retirement, as long as any gift acquired with such contributions does not exceed a reaonable value under the circumstances.

(ii) *Use of civilian and military title.* DoD personnel shall not use their official titles or positions in connection with any commercial enterprise or to endorse any commercial product, subject to the following:

(A) Such personnel may make speeches or publish books or articles that identify them by reference to their title or position, provided that the material is approved for public release in accordance with DoD procedure. See DoD Directive 5230.9.[1]

(B) Retired military personnel and members of reserve components not on active duty, may use their military titles in connection with commercial enterprises, provided they indicate their retired or reserve status. However, the use of military titles is prohibited if it casts discredit on any DoD Component or gives the appearance of sponsorship, sanction, endorsement, or approval by any DoD Component. Overseas commanders of DoD Components may further restrict the use of titles, including use by retired military personnel and members of reserve components not on active duty, in overseas areas to avoid confusing foreign governments or populations on the status of such individuals.

(4) *Release of acquisition information.* DoD personnel shall not release any information concerning proposed acquisitions or purchases by any DoD contracting activity, except in accordance with authorized procedures.

[1] Copies may be obtained, if needed from the U.S. Naval Publications and Forms Center, Code 301, 5801 Tabor Avenue, Philadelphia, PA 19120

(5) *Statements or commitments with respect to award of contracts.* DoD personnel other than contracting officers shall not make any commitment or promise relating to award of a contract nor make any representation that reasonably can be construed as such a commitment.

(6) *Membership in associations.* DoD personnel who are members or officers of nongoverment associations or organizations shall avoid activities on behalf of the association or organization that are incompatible with their official DoD positions. See 32 CFR Part 91 and 32 CFR Part 237a.

(7) *Commercial dealings involving DoD personnel.* To eliminate the appearance of coercion, intimidation, or pressure from rank, grade, or position, DoD personnel shall not make personal commercial solicitations or solicited sale to DoD personnel who are junior in rank or grade, and their family members, at any time, on or off-duty.

(i) This prohibition includes, but is not limited to, the solicitation and sale of insurance, stocks, mutual funds, real estate, and any other commodities, goods, or services.

(ii) This prohibition does not include the sale or lease, by a person, of a privately-owed former residence or of personal property not held for commercial or business purposes.

(iii) For civilian personnel this prohibition applies only to personnel under their supervision at any level.

(8) *Assignment of reserves for training.* DoD personnel who assign reserves for training shall not assign them to duties in which they will obtain information that they or their private sector employers could use to gain unfair advantage over civilian competitors. Reservists must disclose to superiors or assignment personnel information necessary to ensure that no conflict exists between their duty assignment and their private interests.

(9) *Dealing with personnel.* DoD personnel shall not knowingly deal, on behalf of the government, with present or former military or civilian personnel of the government whose participation in the transaction violates a statute described in § 40.7 or any provision or policy set forth in this part.

(10) *Honoraria.* DoD personnel shall not accept honoraria for official activities. See 18 U.S.C. 209, 40.7. They shall not suggest charitable contributions in place of such honoraria. Even when acting in a personal rather than official capacity, there are restrictions:

(i) DoD personnel shall not accept an honorarium of more than $2,000 (excluding expenses for travel, subsistence and agents' fees or commissions) for any appearance, speech, or article made in a personal capacity. See 2 U.S.C. 441i.

(ii) DoD personnel shall not accept an honorarium from groups doing business with DoD because of the potential for a conflict of interest or the appearance of a conflict of interest. Before accepting any honorarium, DoD personnel should consult their ethics counselors.

(11) *Negotiating for employment.* DoD personnel shall not participate, personally and substantially, on behalf of the government in any particular matter in which an organization with which they are negotiating for employment, or have any arrangement concerning future employment, has a financial interest. See 18 U.S.C 208, 40.7.

(i) DoD personnel who have any contract regarding future employment with an entity shall not participate in any official action involving the entity. Written, formal disqualification normally will be required. Disqualification statements shall be filed with the individual's supervisor and with his agency's designated agency ethics official (DAEO) (or designee). Disqualification statements need not be filed if the discussions are with entities not having, nor expected to have, business with the DoD individual or officer. A disqualification may be withdrawn if employment discussions end without an employment agreement.

(ii) Additional, persons involved in the performance of procurement functions should see the detailed reporting and disqualification procedures to which they are subject. See 10 U.S.C. 2397a, 40.7, and 40.13.

(12) *Outside employment of DoD personnel.* DoD personnel may not engage in outside employment or other outside activity, with or without compensation, that is not compatible with the performance of their government duties, may reasonably be expected to bring discredit upon the government or DoD Component concerned, or its otherwise inconsistent with the requirements of this part. This include the requirement to avoid actions that reasonably can be expected to create a conflict of interest or the appearance of a conflict of interest.

(i) *No enlisted members* of the Armed Forces on active duty may be ordered or permitted to leave their post to engage in a civilian pursuit or business, or a professional activity in civil life if it interferes with the customary or regular employment of local civilians in their art, trade, or profession.

(ii) Off-duty employment of military personnel by an entity involved in a strike is permissible if the person was on the payroll of the entity before the strike began and if the employment is otherwise in conformance with the provisions of this part. After a strike begins and while it continues, no military personnel may accept employment with the involved entity at the strike location.

(iii) DoD personnel are encouraged to engage in teaching, lecturing, and writing. See *Honoraria,* paragraph (10) of this section. However, they shall not, either with or without compensation, engage in activities that are dependent on information obtained as a result of their government employment, except under the following circumstances:

(A) The information has been published or is generally available to the public,

(B) The information will be made available to the public under FOIA, or

(C) The head of the employing DoD Component, or designee, gives written authorization for the use of nonpublic information on the basis that the use is in the public-interest. See DoD Directive 5230.9.

(iv) Presidential appointees shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, when the subject matter:

(A) Is devoted substantially to DoD responsibilities, programs, or operations, or

(B) Draws substantially on official material that has not become part of the body of public information.

(c) Gratuities, reimbursement, and other benefits from outside sources. (1) DoD personnel and members of their families shall not accept gratuities from those who have or seek business with the Department of Defense or from those whose business interests are affected by DoD functions. No matter how innocently the gratuity is tendered or received, acceptance may be a source of embarrassment to the Department of Defense, may affect the objective judgment of the DoD personnel involved, and may impair public confidence in the integrity of government.

(2) DoD personnel and their families shall not solicit, accept, nor agree to accept any gratuity for themselves, members of their families, or others, either directly or indirectly from, or on behalf of, any source that:

(i) Is engaged in or seeks business or financial relations of any sort with any DoD Component,

(ii) Conducts operations or activities that are either regulated by a DoD Component or significantly affected by DoD decisions, or

(iii) Has interests that may be substantially affected by the performance of nonperformance of the official duties of DoD personnel.

(3) The prohibitions in paragraph (c)(1) and (2) of this section do not apply to the following:

(i) The continued participation in employee welfare or benefit plans of a former employer when permitted by law and approved by the appropriate supervisor with the advice of the Designated Agency Ethics Official (DAEO) or appropriate ethics counselors;

(ii) The acceptance of unsolicited advertising or promotional items that are less than $10 in retail value;

(iii) Trophies, entertainment, prizes, of awards for public service or achievement in an individual capacity, or given in games or contests that do not relate to official duties and are clearly open to a broad segment of the public generally or that are officially approved for DoD personnel participation;

(iv) Benefits available to the public (such as university scholarships covered by DoD Directive 1322.6 [2] and free exhibitions by DoD contractors at public trade fairs;

(v) Discounts or concessions realistically available to all personnel in the Component, provided that such discounts or concessions are not used to obtain any item for the purpose of resale at a profit;

(vi) Participation by DoD personnel in civic and community activities that also involve a DoD contractor, when any relationship between DoD personnel and the contractor is indirect (such as participation in a Little League or Combined Federal Campaign luncheon that is subsidized by a defense contractor);

(vii) Activities engaged in by officials of a DoD Component and officers in command, or their representatives, with local civic or military leaders as part of authorized community relations programs of the 32 CFR Part 237;

(viii) The participation of DoD personnel in widely attended gatherings of mutual interest to government and industry, sponsored or hosted by universities or industrial, technical, and professional associations (not by individual contractors) provided that they have been approved in accordance with 32 CFR Part 237a;

(ix) Situations in which participation by DoD personnel at public ceremonial activities of mutual interest to industry, local communities, and the DoD Component concerned serves the intersts of the government and acceptance of the invitation must be approved by the DAEO of the employing DoD Component, or his or her designee;

(x) When on official government business, space available use of previously scheduled transportation to or from the contractor's place of business provided by the contractor for its own employees, and contractor-provided transportation, meals or overnight accommodations when arrangements for government or commercial transportation, meals, or accommodations are clearly impracticable, and the person reports the circumstances in writing to his or her superior or supervisor as soon as possible;

(xi) Attendance at vendor training sessions when the vendor's products or systems are provided under contract to the Department of Defense and the training is to facilitate the use of those products or systems by DoD personnel;

(xii) Attendance or participation of DoD personnel in gatherings (including social events such as reception) that are hosted by foreign governments or international organizations when:

(A) Acceptance of the invitation is approved by the DAEO of the employing DoD Component, or his or her designee, or

(B) Attendance or participation is authorized by other exceptions as in paragraph (c)(7) or (c)(13) of this section

(C) The social event involves a routine or customary social exchange with officials of foreign governments (including military forces) in pursuit of official duties;

(xiii) Customary exchanges of gratuities between DoD personnel and their friends and relatives and the friends and relatives of their spouse, minor children, and members of their household when the circumstances clearly indicates that it is the relationship, rather than the business of the person concerned, that is the motivating factor for the gratuity and it is clear that the gratuity is not paid for by the government or any DoD contractor;

(xiv) Acceptance of transportation and related travel expenses from a potential employer in connection with a job interview, provided that the recipient, before departure on that trip, notifies his or her immediate superior or supervisor of these travel arrangements and that he or she files a written disqualification statement concerning any possible official actions involving the potential employer, including some evidence that the potential employer offers the same benefits to all similarly situated applicants, not only those employed within the Department of Defense (see § 40.4(b)(11)(i));

(xv) On an occasional basis only, acceptance of coffee, donuts, and similar refreshments of nominal value offered as a normal courtesy incidental to the performance of duty;

(xvi) With respect to attendance at ceremonies and acceptance of gratuities in connection with the christening or launching of a Navy vessel, rollout of Air Force plane, Army vehicle, or similar occasion (see § 40.4(d)).

(4) The guidance in paragraphs (c)(4)(i) through (v) of this section applies when government contractors provide training, orientation, and refresher courses to government personnel. These courses range from executive orientation course in which all expenses are borne by the contractor to annual seminars devoted to technical developments in which the only "gratuity" may be lectures given free of charge.

(i) When a course is given pursuant to a contractual undertaking with the government, the course itself is not a gratuity. The furnishing of meals, lodging, and transportation to the extent required by the contract is likewise not a gratuity. However, the furnishing of such accommodations, if not required by the contract, is a gratuity if appropriate charge therefore is not made to the individual. If lodging, meals, transportation, or other accommodations are furnished as a part of a contract, travel and other expenses chargeable to the government will be reduced according to applicable regulations.

(ii) Attendance at tuition-free training or refresher courses, or other educational meetings, offered by contractors (although not required to do so by the contract) may be authorized when attendance is clearly in the best interest of the government, and provided the contractor waives all claims against the government for such training. In these cases, the training or instruction itself will not be regarded as a gratuity reportable under paragraph (c)(6) of this section.

(iii) Selection of personnel to attend such courses will be made by the government and not by the contractor. Invitations to persons to attend courses at the expense of the contractor may not be accepted by the individual recipient.

(iv) Authorized attendance at such courses will be considered official business, with payment of transportation and per diem as well as reimbursement for any tuition or other training expenses paid by the government. Attendance will not be

[2] See footnote 1 to § 40.4(b)(3)(ii)(A)

authorized if there is any doubt of the contractor's intention to impose appropriate charges for meals, lodging, and entertainment not required by contracts, as may be furnished in connection with the course.

(5) Procedures for ROTC staff members receiving payments or other benefits offered by educational institutions are set forth in 32 CFR Part 92.

(6) DoD personnel who receive gratuities, or have gratuities received for them, under circumstances that do not conform to the standards of this section will promptly report the circumstances to their immediate superior for review and to the appropriate ethics counselor. Ultimate disposition of the gratuity will be determined by the ethics counselor.

(7) DoD personnel may not accept form any source, other than the United States Government, either personal reimbursement for expenses incident to official travel or in kind accommodations, subsistence, transportation, or service, except as indicated below. Where acceptance is authorized, DoD personnel will not accept, either in kind or for cash reimbursement, benefits that are extravagant or excessive in nature. Such reimbursement will be considered gifts to the United States Government, pursuant to statutory gift acceptance authority, and not as a reimbursement to the official concerned. Nevertheless, officials will report such reimbursements if required by the applicable financial disclosure report. When accommodations, subsistence, or services in kind are furnished to DoD personnel by sources other than the United States Government and are authorized by this paragraph, appropriate deductions will be reported and made in the travel, per diem, or other allowances payable.

(i) Persons who are to be speakers, panelists, project officers, or other bona fide participants in the activity attended may accept accommodations, subsistence, transportation, or services furnished in kind in connection with official travel only from sources specifically authorized by 5 U.S.C. 4111 (Certain Tax Exempt Organizations), or other statutory authority, and only when acceptance is approved by their superior, consistent with guidance from the Designated Agency Ethics Official or an ethics counselor.

(ii) Persons may accept travel, or reimbursement for travel expenses, from a foreign government as provided in DoD Directive 1005.13[3]

[3] See footnote 1 to § 40.4(b)(3)(ii)(A)

(d) *Ship launch and similar ceremonies—(1) Attendance at ceremonies.* (i) The "ceremonies" covered by this provision are those associated with the launch or commissioning of a naval vessel, the roll-out on an aircraft, and all similar events.

(ii) Acceptance of an invitation to attend a ceremony shall be approved by the commanding officer or head of the activity to which the invitee belongs.

(iii) Attendance is permitted at appropriate functions incident to the ceremony, such as a dinner preceding the ceremony and the reception following it, as long as the function is not lavish, excessive, or extravagant.

(2) *Acceptance of gifts.* (i) DoD personnel who are official participants may accept a tangible thing of value as a gift or memento in connection with the ceremony as long as its retail value does not exceed $100 and the cost is not born by the government.

(ii) When a gift exceeds the $100 limit the recipient shall pursue one of these alternatives:

(A) Return the gift to the donor,

(B) Retain the gift after reimbursing the donor the full value of the gift, or

(C) Forward the gift to the appropriate component official for disposition as a gift to the government.

(e) *Use of government facilities, property, and personnel.* (1) DoD personnel have a duty to protect and conserve government property. Government property, facilities, and work assistance will be used only for official government business. This includes, but is not limited to, telephone calls, stationery, stenographic services, typing assistance, duplication equipment and services, chauffeur services, and computer facilities. DoD personnel shall not directly or indirectly use, or allow the use of, government property of any kind, including property leased to the government, for other than official purposes.

(2) These prohibitions do not prevent the limited use of government facilities for approved activities to promote authorized DoD community relations; however, the activities must not interfere with military missions or government business. See 32 CFR Part 237 for community relations guidance.

(i) Government equipment and clerical support may be authorized for the preparation of papers to be presented to professional associations, if appropriate to the mission of the office concerned, when approved pursuant to Component regulations.

(ii) Telephone callss may be made on a limited basis to overcome problems when official business interferes with personal plans.

(f) *Gambling, betting, and lotteries.* DoD personnel shall not participate in any unauthorized gambling activity while on property owned, controlled, leased by the government otherwise while on duty for the government. This includes lotteries, pools, games for money or property, or the sale or purchase of number slips or ticket. This paragraph does not prevent activities that are:

(1) Necessitated by an employee's law enforcement duties,

(2) Specifically approved by the Head of the DoD Component, or

(3) Otherwise authorized by law, such as the sale on DoD premises of state lottery tickets by blind vendors licensed pursuant to the laws of that state.

(g) *Indebtedness.* DoD personnel shall pay their just financial obligations in a timely manner, particularly those imposed by law (such as federal, state or local taxes) so that their indebtedness does not adversely affect the government as their employer. DoD Components are not required to determine the validity or amount of disputed debts.

§ 40.5 Responsibilities.

(a) The *heads of DoD Components* shall:

(1) Through a formal written delegation of authority, appoint a Designated Agency Ethics Official (DAEO) who is qualified to manage and supervise the Component's ethic and standards of conduct program for both civilian and military personnel.

(2) Appoint an Alternate Agency Ethics Official who will serve in the absence of the DAEO, and

(3) Provide sufficient resources (including investigative, audit, legal, and administrative staff) to enable the DAEO to administer the Component's ethics program in a positive and effective manner.

(b) The *designated agency ethics official* shall:

(1) Coordinate and approve final disposition of all matters relating to standards of conduct, conflicts of interest, and financial disclosure covered by this part,

(2) Ensure the proper collection, review, and handling of all financial disclosure reports, including those submitted by Presidential appointees for confirmation purposes, certain executive personnel (SF's 278, see § 40.10) and certain designated military and civilian personnel (DD Forms 1555, see § 40.9).

(3) Initiate and maintain a counseling, education, and training program

concerning all ethics and standards of conduct matters, including post-employment restrictions,

(4) Administer a system for periodic evaluation of the Component's ethics program, to include the disclosure reporting system,

(5) Initiate prompt, effective action to remedy violations, potential violations, and appearances of violations of laws or regulations relating to applicable standards of conduct, conflicts of interest, or financial disclosure requirements,

(6) Select deputy ethics officials who may, in turn, designate ethics counselors to provide advice and assistance to Component personnel,

(7) Provide advice and assistance to Component personnel not otherwise assigned an ethics counselor, and

(8) Maintain liaison with the Office of Government Ethics (OGE), Office of Personnel Management (OPM), and provide to OGE all information required by law or regulation.

(c) The *general counsel, DoD*, shall:

(1) Serve as the DAEO for the OSD,

(2) Perform all responsibilities of a DAEO as set out in the preceding paragraph,

(3) Provide legal guidance and assistance to the DAEO, Department of Defense, and to the DAEOs of all DoD Components,

(4) Represent the Department of Defense to the OGE on matters relating to ethics and standards of conduct, and

(5) Have the authority to modify or supplement any of the enclosures to this part in a manner consistent with the policies set forth in this part.

§ 40.6 Procedures.

(a) *Reporting suspected violations by DoD personnel.* (1) Suspected violations of the criminal statutes listed at § 40.7 and of the standards of conduct imposed by this part shall be reported promptly to the immediate supervisor of those persons suspected, to the DAEO, appropriate ethics counselor, or law enforcement official.

(2) Reports of any violations also may be made to the Inspector General, DoD, in accordance with DoD Directive 7050.1 [4] and DoD Directive 5240.4.[5]

(3) DoD personnel shall cooperate with official investigations of possible violations.

(b) *Resolution of a violation or its appearance.* (1) Resolution of real or apparent standards of conduct violations shall be accomplished promptly.

(2) DoD Components are encouraged to establish a procedure that enables consultation and administrative action to resolve violations at the lowest possible command level in accordance with applicable laws, Executive Orders, and this part.

(3) Resolution will be accomplished through use of one or more of the following measures:

(i) Disqualification from particular official actions (see (b) paragraph (4) of this section);

(ii) Limitation of duties;

(iii) Divestiture;

(iv) Transfer or reassignment;

(v) Resignation;

(vi) Exemption under 18 U.S.C. 208(b) (see § 40.7);

(vii) Other appropriate action as provided by statute or administrative procedure.

(4) DoD personnel who have affiliations or financial interests that create conflicts of interest, or the appearance of conflicts of interest, with their official duties must disqualify themselves from any official activities related to those affiliations, interests, or entities involved, unless otherwise expressly authorized by action taken under 18 U.S.C. 208 (§ 40.7).

(i) Written notice of disqualification must be delivered to a person's superior or supervisor and immediate subordinates whenever it appears likely that the person's official duties may affect the affiliations, interests, or entities involved.

(ii) If such persons cannot adequately perform their official duties after such disqualification, they must divest their interests or be removed from their positions.

(iii) DoD Components shall provide for the periodic review of a disqualification by an individual's superior to ensure its effectiveness.

(c) *Financial disclosure procedures*—(1) *Statement of affiliations and financial interests (DD Form 1555).* (i) The following DoD personnel must submit initials and annual Statements of Affiliation and Financial Interest (DD Form 1555) unless they are expressly exempted or are required to file a Financial Disclosure Report (SF 278) under paragraph (c)(2) of this section:

(a) Commanders and deputy commanders of major installations, activities, and operations, as determined by the Heads of the DoD Components.

(b) DoD personnel classified at GS/GM–15 or below under 5 U.S.C. 5332, or a comparable pay level under other authority, and members of the military below the rank of O–7, when the official responsibilities of such personnel require them to exercise judgment in making government decision or in taking government action for contracting or procurement, regulating or auditing private or other nonfederal enterprise, or other activities in which the final decision or action may have economic impact on the interests of any nonfederal activity,

(c) Special government employees, except those exempted by § 40.9.

(ii) DoD Components shall ensure that personnel officers, in coordination with supervisors and ethics counselors, develop systems to identify all positions and persons required to file DD Forms 1555. See Federal Personnel Manual, Chapter 734, paragraph 2–3.

(iii) Additional guidance about the applicability, submission, and review of DD Forms 1555 is in § 40.9.

(2) *Financial disclosure report (SF 278).* (i) The DoD personnel listed below are required by the Ethics in Government Act of 1978 to file Standard Form 278. Instructions are in § 40.10 (persons required to file SF 278 are not required to file DD Form 1555):

(A) General and Flag officers (paygrade O–7 and above),

(B) Members of the Senior Executive Service (SES),

(C) General schedule (GS) employees, grade 16 and above,

(D) Personnel (including special government employees) whose rate of pay is fixed, other than under the GS, at a rate equal to or greater than the minimum rate of pay for GS–16 (GS/GM 15s are not required to file SF 278 even though their pay is higher than that of a GS/GM 16),

(E) Employees in the excepted service in positions of a confidential or policymaking character (Schedule C employees). This requirement does not apply to positions that have been excluded by the Director of the Office of Government Ethics.

(ii) DoD Components shall ensure that personnel officers, in coordination with supervisors and ethics counselors, develop systems to identify all positions and persons required to file SFs 278. See Federal Personnel Manuals, Chapter 734 paragraph 2–3.

(iii) Compliance with the financial disclosure provisions of the Ethics in Government Act shall be enforced by administrative, civil, or criminal remedies, as appropriate. These are discussed more fully at § 40.10.

(iv) Additional guidance about the submission, review, and public availability of SFs 278 is in § 40.10.

(d) *Post service or post employment procedures.* (1) DoD Personnel, upon completing service with the Department of Defense, shall review the post service

[4] See footnote 1 to § 40.4(b)(3)(ii)(A).

[5] See footnote 1 to § 40.4(b)(3)(ii)(A).

reporting procedures and restrictions imposed by law and regulation and determine those that apply to future employment and dealing with agencies of the federal government, especially the Department of Defense.

(i) Certain former military officers and DoD civilian personnel who, within 3 years of retirement, release, or departure from the Department of Defense, are employed by a contractor that was awarded at least $10 million in DoD contracts in the fiscal year in which employed, must file DD Form 1787 (Report of DoD and Defense Related Employment) as required in 32 CFR Part 166.

(ii) Any person who is a Presidential appointee in federal employment and who acted as the primary government representative in the negotiation or settlement of a government contract is barred for two years from accepting employment with that contractor. Detailed implementation provisions are set out in § 40.12.

(iii) Additional post government service statutory restrictions are set out at § 40.7.

(2) Each retired regular officer of the Armed Force shall file annually with the Military Department in which he or she holds retired status a DD Form 1357 (Statement of Employment) (§ 40.11). Filing shall be within 30 days after retirement and annually for three years following retirement.

(i) The Military Departments shall establish procedures for the submission and review of DD Form 1357 to ensure compliance with applicable statutes and regulations.

(ii) Changes to DD Form 1357 must be filed within 30 days after the information in the previous statement has ceased to be accurate.

(3) DoD Components shall establish administrative procedures for submission, receipt, review, and disposition of reported violations of statutory or administrative post service or post employment restrictions. See 5 CFR Part 737 Office of Personnel Management Regulation (Regulations Concerning Post Employment Conflict of Interest).

(i) Upon a determination that information about a reported statutory violation is substantial, the DoD Component concerned may forward that information to the Director, Office of Government Ethics, and to the Criminal Division, Department of Justice or take other appropriate action.

(ii) DoD Components shall establish procedures to initiate an administrative disciplinary proceeding where information about a reported statutory or administrative violation has been substantiated.

(iii) DoD Components shall take disciplinary action if a statutory or administrative violation is substantiated. This may include prohibiting the person from making, on behalf of any other person except the United States, any formal or informal appearance before, or with the intent to influence any oral or written communication to, the Component concerned on any matter of business for a period not to exceed five years.

§ 40.7 Digest of laws.

(a) *Conflict of interest laws applicable to DoD personnel*—(1) 18 U.S.C. 203.

(i) Subsection (a) prohibits officers or government employees (other than enlisted personnel) from directly or indirectly receiving or seeking compensation for services rendered or to be rendered before any department or agency in connection with any contract, claim, controversy or particular matter in which the United States is a party or has a direct and substantial interest. The purpose of this section is to reach any situtation, including those where there is no intent to be corrupted or to provide preferential treatment, in which the judgment or efficiency of a government agency might be influenced because of payments or gifts, made by reason of the position occupied, to that official in a manner otherwise than provided by law.

(ii) Subsection (b) makes it unlawful to offer or pay compensation, the solicitation or receipt of which is barred by subsection (a).

(2) 18 U.S.C. 205.

(i) This section prohibits government personnel (other than enlisted personnel) from acting as agent or attorney for anyone else before a department, agency, or court in connection with any particular matter in which the United States is a party or has a direct and substantial interest.

(ii) The following exemptions are allowed:

(A) Section 205 does not prevent government personnel from giving testimony under oath or making statements required to be made under penalty of perjury or contempt or from representing another person, without compensations in a disciplinary, loyalty, or other personnel administration proceeding.

(B) Section 205 also authorizes a limited waiver of its restrictions and those of section 203 for the benefit of an officer or employee, including a special government employee, who represents his or her parents, spouse, or child, or a person or estate he or she serves as a fiduciary. The waiver is available only if approved by the official making appointment to the position. In no event does the waiver extend to the appointee's representation of any such person in matters in which he or she has participated personally and substantially or which, even in the absence of such participation, are the subject of his or her official responsibility.

(C) Finally, section 205 gives the head of a department or agency the authority to allow a special-government employee to represent his or her regular employer or other outside organization in the performance of work under a government grant or contract if the department or agency head certifies and publishes in the **Federal Register** that the national interest requires such representation.

(3) 18 U.S.C. 208.

(i) Subsection (a) requires executive branch personnel (other than enlisted personnel) to refrain from personal and substantial participation as government personnel through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any particular matter in which, to their knowledge, they, their spouses, minor children, or partners have a financial interest or in which business or nonprofit organizations with which such personnel are connected or are seeking employment have a financial interest. A "particular matter" may be less concrete than an actual contract, but is something more specific than rule making or abstract scientific principles. The test is whether the individual might reasonably anticipate that his government action, or the decision in which he participates or with respect to which he advises, will have a direct and predictable effect upon such financial interests.

(ii) Subsection (b) permits agencies to grant an exemption in writing from subsection (a) if the outside financial interest is deemed in advance not substantial enough to affect the integrity of government services. Categories of financial interests may also be made nondisqualifying by a general regulation published in the **Federal Register**. Shares of a widely held, diversified mutual fund or regulated investment company have been exempted as being too remote or inconsequential to affect the integrity of the services of government personnel.

(4) 18 U.S.C. 209. Subsection (a) prevents executive branch personnel (other than enlisted personnel) from receiving, and anyone from paying them,

any salary or supplementation of salary from a private source as compensation for their government service. Subsection (b) permits participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer. Subsection (c) exempts special government employees and anyone serving the government without compensation. Subsection (d) exempts contributions, awards, or other expenses under the awards, or other expenses under the Government Employees Training Act. See 5 U.S.C. 4111 (a).

(5) 10 U.S.C. 2397a. This section applies to DoD employees at pay rates of GS–11 or higher and to officers in pay grades O–4 or higher. Such officials must report any contract they have had, or will have, with DoD contractors regarding future employment with the DoD contractor in any DoD procurement. Such officials must also disqualify themselves from any participation in DoD procurement related to the DoD contractor. The penalty for violation is a bar from employment with the DoD contractor for 10 years after government service and up to $10,000.

(b) *Post Government Service Statutory Restrictions.*—(1) 10 U.S.C. 2397.

(i) Any Presidential appointee in federal employment who acts as a primary government representative in the negotiation of a government contract or the settlement of a contract with a defense contractor is prohibited for two years after the termination of such activities from accepting employment with that contractor. The penalty for violating this prohibition is a prison term of up to one year and a fine of up to $5,000. A contractor who violates this prohibition shall forfeit up to $50,000 in liquidated damages which shall be provided for in the contract.

(ii) For purposes of this provision, the term, "Presidential appointee in federal employment" includes civilian officials appointed to their positions by the President of the United States with the advice and consent of the senate.

(2) 18 U.S.C. 207.

(i) *Permanent restriction on representation.* All former officers or employees (other than enlisted personnel) are permanently prohibited from knowingly representing anyone other than the United States or, with an intent to influence, making any oral or written communication on behalf of someone, in connection with a particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which the individual participated personally and substantially government (18 U.S.C. 207(a)).

(ii) *Two-year restriction on representation.* (A) Former officers or employees who terminate government service on or after July 1, 1979, are subject to a restriction that lasts for 2 years after termination of service. Such persons may not act as agent or attorney or otherwise represent others in formal or informal appearances before the government in connection with particular matters that were pending under the former employee's official responsibility during the final year of service. This restriction includes oral or written communications as described in paragraphs (b)(2)(i) (18 U.S.C. 207(b)(i)).

(B) "Official responsibility" includes the direct administrative or operating authority, whether intermediate or final, either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct government actions (18 U.S.C. 202(b)). Ordinarily, the scope of an employee's official responsibility is determined by reference to the pertinent statute, regulation, Executive Order, job description, or delegation of authority.

(iii) *Additional restrictions applicable to senior employees.* (A) A "senior employee" includes all civilian officials at the executive level and all three and four star generals and flag officers. It also includes other persons holding positions designated as "senior employee" positions by the Director, Office of Government Ethics, as involving significant decision-making or supervisory responsibility. A list of designated positions is published annually in the **Federal Register.**

(B) For 2 years after leaving government service, a former senior employee may not assist in the representation of another person by personal presence at an appearance before the Government on any particular matter in which he or she personally and substantially participated while in government service (18 U.S.C. 207(b)(ii)). While such employees could, for example, work on a contract with which they were involved while in government service, they may not render assistance while in attendance at any meeting, negotiations, or proceedings with the government.

(C) For 1 year after leaving government service a former senior employee may not represent another person or himself or herself in attempting to influence his or her former agency in any matter pending before, or of substantial interest to, that agency. (18 U.S.C. 207(c)). This provisions does not require that the former employee have had any prior involvement in the particular matter. The prohibition does not apply to communications made by a former senior employee who is an elected official or employee of a state or local government, acting on behalf of that government, or to communications on behalf of a degree-granting institution of higher learning, or nonprofit hospitals or medical institutions by a former senior employee who is principally employed by those institutions or medical organizations. It also does not apply to purely social or informational communications, responses to requests from the former agency, or to expressions of personal views when the former senior employee has no pecuniary interest. The provision results in a 1 year "cooling off" period to prevent the possible use of personal influence based on past government affiliations to facilitate the transaction of business.

(D) *Exceptions to post government service restrictions. (1)* Title 18 U.S.C. 207's restrictions do not apply to communications made solely for the purpose of furnishing scientific or technological information in accordance with procedures established by the DoD Component concerned.

(2) Title 18 U.S.C. 207's restrictions do not apply when the head of a DoD Component, in accordance with established procedures, certifies that a former officer or employee has outstanding scientific or technological qualifications and that the national interest would be served by that person's participation in a particular matter.

(c) Laws particularly applicable to retired regular officers—(1) *Claims.* (i) A retired regular officer of the Armed Forces may not, within 2 years of retirement, act as agent or attorney for prosecuting any claim against the government, or assist in the prosecution of such a claim, or receive any gratuity or any share of or interest in such a claim in consideration for having assisted in the prosecution of such a claim, if such claim involves the Military Department in whose service he or she holds a retired status (18 U.S.C. 283).

(ii) A retired regular officer of the Armed Forces may never act as an agent or attorney for prosecuting any claim against the government, or assist in the prosecution of such a claim, or receive any gratuity or any share of or interest in such a claim in consideration for having assisted in the prosecution of such a claim if such a claim involves any subject matter with which he or she was directly connected while on active duty (18 U.S.C. 283).

(2) *Selling.*

(i) A retired regular officer is prohibited, at all times, from representing any person in the sale of anything to the government through the Military Department in whose service he or she holds a retired status (18 U.S.C. 281).

(ii) Payment may not be made from any appropriation, to an officer on a retired list of the Regular Army, the Regular Navy, the Regular Air Force, the Regular Marine Corps, the Regular Coast Guard, the National Oceanic and Atmospheric Administration, or the Public Health Service, for a period of 3 years after his or her name is placed on that list, who is engaged for himself, herself or others in selling, or contracting or negotiating to sell, supplies or war materials to an agency of the Department of Defense, the Coast Guard, the National Oceanic and Atmospheric Administration, or the Public Health Service. See 37 U.S.C. 801(b) as amended, October 9, 1962, Pub. L. 87-777 formerly 5 U.S.C. 59(c).

(iii) For the purpose of this statute, "selling" means:

(A) Signing a bid, proposal, or contract,

(B) Negotiating a contract,

(C) Contacting an officer or employee of any of the foregoing departments or agencies to obtain or negotiate contracts, negotiate or discuss changes in specifications, price, cost allowances, or other terms of contract, or settle disputes concerning performance of a contract, or

(D) Any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract is subsequently negotiated by another person.

(3) *Employment in the Department of Defense.* A retired regular officer of the Armed Forces may not be appointed to a position in the civil service in the Department of Defense (including nonappropriated fund instrumentalities) within 180 days following retirement unless the conditions set out in DoD Directive 1402.1 [6] are met. Specifically:

(i) The appointment is authorized by the Secretary of a Military Department, or designee, and, if appropriate, by the Office of Personnel Management,

(ii) The minimum rate of basic pay for the position has been increased under 5 U.S.C. 5305, or

(iii) A state of national emergency exists.

(d) Other laws applicable to DoD personnel. Engaging in the following activities may subject present and former DoD personnel to criminal or other penalties:

(1) Aiding, abetting, counseling, commanding, inducing, or procuring another to commit a crime under any criminal statute (see 18 U.S.C. 201);

(2) Concealing or failing to report to proper authorities the commission of a felony under any criminal statute if such personnel knew of the actual commission of the crime (see 18 U.S.C. 4);

(3) Conspiring with one or more persons to commit a crime under any criminal statute or to defraud the United States, if any party to the conspiracy does any act to effect the object of the conspiracy (see 18 U.S.C. 371);

(4) Lobbying with appropriated funds (see 18 U.S.C. 1913);

(5) Disloyalty and striking (see 5 U.S.C. 7311, 18 U.S.C. 1918);

(6) Disclosure of classified information (see 18 U.S.C. 793 and 798, 50 U.S.C. 783); and disclosure of trade secrets and other confidential information (see 18 U.S.C. 1905);

(7) Habitual use of intoxicants to excess (see 5 U.S.C. 7352);

(8) Misuse of a government vehicle (see 31 U.S.C. 638a(c)(2));

(9) Misuse of the mailing privilege (see 18 U.S.C. 1719);

(10) Deceit in an examination or personnel action in connection with government employment (see 18 U.S.C. 1917);

(11) Committing fraud or making false statement in a government matter (see 18 U.S.C. 1001);

(12) Mutilating or destroying a public record (see 18 U.S.C. 2071);

(13) Counterfeiting and forging transportation requests (see 18 U.S.C. 641);

(14) Embezzlement of government money or property (see 18 U.S.C. 641); failing to account for public money (see 18 U.S.C. 643); private use of public money (see 18 U.S.C. 653); and embezzlement of the money or property of another person in the possession of an employee by reason of his government employment (see U.S.C. 654);

(15) Unauthorized use of documents relating to claims from or by the government (see 18 U.S.C. 285);

(16) Certain political activities (see 5 U.S.C. 7321-7327 and 18 U.S.C. 600, 601, 602, 603, 606, and 607, these statutes apply to civilian employees; regulations govern military personnel (see DoD Directive 1344.10 [7]).

(17) Any person (including a special government employee) who is required to register under the Foreign Agents Registration Act of 1938 (see 18 U.S.C. 219), serving the government as an officer or employee (the section does not apply to (i) retired regular officers who are not on regular duty, or reserves who are not on active duty or who are on active duty for training, or (ii) a special government employee in any case in which the department head certifies to the Attorney General that his or her employment by the United States Government is in the national interest);

(18) Soliciting contributions for gifts or giving gifts to superiors, or accepting gifts from subordinates (see 5 U.S.C. 7351, this statute applies only to civilian employees; regulations set out at subparagraph D.2.c. (1) in DoD Directive 5500.7 [8] governs military personnel);

(19) Accepting of excessive honoraria (see 2 U.S.C. 441i);

(20) Accepting without statutory authority, any present, emolument, office or title, or employment of any kind whatever, from any king, prince, or foreign state by any person holding any office or profit in or trust of the Federal Government, including all retired military personnel and regular enlisted personnel (U.S. Constitution, Art. I, Sec. 9, cl 8, exceptions to this prohibition are authorized under 37 U.S.C. 908);

(21) Union activities of military personnel (10 U.S.C. 976);

(22) Violation of merit system principles (see 5 U.S.C. 2301);

(23) Prohibited personnel practices (see 5 U.S.C. 2302);

(24) Civilian presidential appointees occupying full-time positions, appointment to which is required to be made with the advice and consent of the senate, in any calendar year earning outside income in excess of 15 percent of their government salary (see 5 U.S.C. App. 4, sec. 210);

(25) Employment of an officer of the Regular Navy or the Regular Marine Corps, other than a retired officer, by a person furnishing naval supplies or war materials to the United States (see 37 U.S.C. 801(a)).

§40.8 Code of ethics for government service.

Any person in government service should:

(a) Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.

(b) Uphold the constitution, laws, and legal regulations of the United States

[6] See footnote 1 to § 40.4(b)(3)(ii)(A).

[7] See § 40.4(b)(3)(ii)(A)

[8] See § 40.4(b)(3)(ii)(A)

and of all governments therein and never be a party to their evasion.

(c) Give a full day's labor for a full day's pay; giving the performance of his or her duties his or her earnest and best thought.

(d) Seek to find and employ more efficient and economical ways of getting tasks accomplished.

(e) Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself/herself or his/her family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his/her governmental duties.

(f) Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.

(g) Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his/her government duties.

(h) Never use any information coming to him or her confidentially in the performance of governmental duties as a means for making private profit.

(i) Expose corruption whatever discovered.

(j) Uphold these principles, ever conscious that public office is a public trust.

§40.9 Confidential statement of affiliations and financial interests.

(a) DoD personnel required to submit statements. DoD personnel required to file a statement of Affiliations and Financial Interests (DD Form 1555) on an annual basis are listed at subparagraph F.3.a.(1) of DoD Directive 5500.7.

(1) Except as provided in paragraph (a)(1)(i) (A) and (B) of this section, each member of any DoD advisory committee or DoD Component advisory committee who is not required to file an SF 278 shall, before appointment, file a DD Form 1555.

(i) Categories of special Government employees who are not required to file DD Forms 1555 unless specifically required by the Designated Agency Ethics Official (DAEO) to do so are as follows:

(A) Physicians, dentists, and allied medical specialists engaged only in providing service to patients,

(B) Veterinarians providing only veterinary services,

(C) Lecturers participating in educational activities,

(D) Chaplains performing only religious services,

(E) Individuals in the motion picture and television fields who are utilized only as narrators or actors in DoD productions,

(F) An employee who is not a "consultant" or "expert" as defined in chapter 304, Federal Personnel Manual,

(G) Reservists on active duty for less than 30 consecutive days during the calendar year,

(ii) The DAEO may determine that the submission of statements is not necessary for certain positions because of the remoteness of any impairment of the integrity of the Government and the degree of supervision and review of the incumbent's work. Such determinations will be documented fully and retained by the DAEO of the Component concerned.

(b) Review of positions. All positions in the categories indicated in paragraph (a) of this section will be review annually by the appropriate supervisor in consultation with the DAEO or designee.

(1) If, as a result of this review, a determination is made that the incumbent of the position must file a DD Form 1555, he or she will be so informed in writing by the appropriate personnel officer, and the requirement for such filing will be included in the appropriate document describing the duties and responsibilities of the position.

(2) A person who believes that he or she has been improperly required to file a DD Form 1555 may request a review of the decision through established grievance procedures of the DoD Component.

(c) Submission and review of statements. (1) DD Form 1555 will be filed in the manner described below:

(i) *Initial statements.* Before the assumption of duties in a position that requires the filing of the DD Form 1555, the reporting individual must file the required statement either with his or her new superior and supervisor, or with the DAEO or

(ii) *Annual statements.* DD Forms 1555 will be filed by October 31 of each year for all affiliations and financial interests held as of September 30 of that year. Even though no change occur, a complete statement is required.

(iii) *Excusable delay.* The DAEO or designee may grant an extension of time to file a DD Form 1555 when the extension is necessitated by duty assignment, infirmity, or other good cause. Any extension in excess of 30 days requires the concurrence of the DAEO or his or her designee. Any late statement must include a notation of any extension of time granted.

(2) Personnel of the Unified Commands will submit their statements through their superiors and supervisors to the DAEO or designee in the Office of the Legal Advisor to the Unified Command. Commanders who have a dual responsibility as commanders of both joint commands and DoD Components will submit their statements through Military Service channels.

(3) Military Department and other DoD Component personnel will submit their statements through their immediate supervisors or supervisors for review and forwarding to officials designated in the regulations of their Components.

(4) Before the commencment of service or assumption of new duties and annually thereafter, all statements will be reviewed and approved by the DAEO or Deputy DAEO and the immediate superior or supervisor.

(d) Interests of relatives of DoD personnel. The interest of a spouse, minor child, or any member of one's household shall be reported as if it were an interest of the individual.

(e) Information not known by DoD personnel. DoD personnel shall request submission on their behalf of required information known only to other persons. The submission may be made with a request for confidentiality that will be honored even if it includes a limitation on disclosure to the DoD personnel concerned.

(f) Information not required to be submitted. DoD personnel are not required to submit any information relating to their connection with or interest in a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or similar organization not conducted as a business for profit.

However, educational and other institutions doing research and development or related work involving grants of money from or contracts with the government shall be included in a person's statement.

(g) Confidentiality of statement of DoD personnel. Each Form 1555 shall be held in confidence. A DoD Component shall not disclose information from a statement except for good cause, as determined by the DAEO or his or her designee, or by the Office of Government Ethics. Persons designated to review and process the statements are responsible for maintaining the statements in confidence. They shall not allow access to or disclosure from the statements except to carry out the purposes of this part. Inspections by government officials charged with the responsibility for determining the proper operation of the financial disclosure

reporting system fall within this exemption.

(h) Retention of statements. DD Forms 1555 shall be retained for 6 years from the date of filing.

(i) Effect of filing a DD form 1555 on other requirements. Submission does not permit DoD personnel to participate in matters in which their participation is prohibited by law, Executive order, or regulation.

BILLING CODE 3810-01-M

Appendix A to § 40.9——DD Form 1555

IF ADDITIONAL SPACE IS REQUIRED
USE SEPARATE SHEETS REFERENCING ITEM NUMBERS BELOW

CONFIDENTIAL STATEMENT OF AFFILIATIONS AND FINANCIAL INTERESTS
DEPARTMENT OF DEFENSE PERSONNEL
(INCLUDING SPECIAL GOVERNMENT EMPLOYEES)
DATA REQUIRED BY THE PRIVACY ACT

AUTHROYTY: Executive Order 11222.

PRINCIPAL PURPOSE: Information is required from categories of DoD personnel specified in DoD Directive 5500.7 Section F.3.a and Enclosure 5 or implementing regulations to enable supervisors and other responsible DoD officials to determine whether there are actual or apparent conflicts of interest between the individual's present and prospective official duties and the individual's non-federal affiliations and financial interests.

ROUTINE USE: This information shall be treated as confidential except as determined by the component head concerned or the Office of Government Ethics.

DISCLOSURE: Filing is voluntary in the sense that no criminal penalties will follow from refusal to file. However, the refusal to provide requested information may result in such measures as suspension of consideration for appointment, reassignment of duties, disciplenary action, or termination of employment.

1.NAME (Last - First - MI)	2.SOCIAL SECURITY NO. ☐☐☐-☐☐-☐☐☐☐
3.TITLE OR POSITION	4.WORK TELEPHONE NO. ☐☐☐-☐☐☐-☐☐☐☐
5.DoD COMPONENT ADDRESS (include office symbol)	6.GRADE OR RANK

PART I

TO BE COMPLETED BY DoD PERSONNEL INDICATED IN SECTION F.3.a. AND ENCLOSURE 5 OF DoD DIRECTIVE 5500.7 OR IMPLEMENTING REGULATIONS

7.NON-FEDERAL AFFILIATIONS AND FINANCIAL INTERESTS; see instructions

NAME OF ORGANIZATION	ADDRESS OF ORGANIZATION	YOUR AFFILIATION	NATURE OF FINANCIAL INTEREST (stock,pension,,,)

DD FORM 1555 (Draft)

8. CREDITORS: list all creditors other than conventional loans on customary terms. If none, write "none."

NAME AND ADDRESS OF CREDITOR	NATURE OF DEBT

9. INTERESTS IN REAL PROPERTY: list all other than personal residence you occupy, note any DoD contractor relationships, present of future.

ADDRESS OF PROPERTY	NATURE OF INTEREST (owner, mortgagee...)	TYPE OF PROPERTY (apts., farm...)

PART II

TO BE COMPLETED ONLY BY "SPECIAL GOVERNMENT EMPLOYEES" (see instructions)

10. NUMBER OF DAYS YOU EXPECT TO PERFORM GOVERNMENT SERVICE

a. FOR DoD COMPONENT
b. FOR OTHER AGENCIES
c. TOTAL (a. + b.)

d. DAYS WORKED FOR PRESENT DoD COMPONENT DURING 365 DAYS PRIOR TO PRESENT APPOINTMENT

e. DAYS WORKED FOR ANY DoD COMPONENT DURING 365 DAYS PRIOR TO PRESENT APPOINTMENT

11. FEDERAL GOVERNMENT EMPLOYMENT: list all other agencies with whom you are presently employed

AGENCY NAME AND ADDRESS	TITLE OR POSITION	NUMBER OF DAYS	DATE FROM	DATE TO

DD FORM 1555 (Draft)

PART III

ALL FILERS CERTIFY

12. I CERTIFY THAT THE STATEMENTS I HAVE MADE ARE TRUE, COMPLETE, AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT NONE OF THE REPORTED AFFILIATIONS/FINANCIAL INTERESTS ARE IN CONFLICT WITH MY OFFICIAL DUTIES. I HAVE READ AND UNDERSTOOD DoD DIRECTIVE 5500.7 "STANDARDS OF CONDUCT" OR IMPLEMENTING REGULATIONS.

SIGNATURE	DATE

PART IV

EVALUATION AND REVIEW
(see instructions)

I have reviewed the above statement inlight of the present and prospecitve duties of the individual to ensure that both actual and apparent conflicts of interest are avoided. My evaluation is:

- ☐ No affiliation/financial interests reported.
- ☐ Reported affiliations/financial interests are unrelated to assigned or prospective duties, and no conflicts appear to exist.
- ☐ Assigned duties require participation in matters involving or which may involve the highlighted affiliations/financial interests. This conflict will be resolved by: ☐ Change of assigned duties; ☐ Divestiture of the interests and relief of incumbent from all related duties pending divestitute; ☐ Disqualification; ☐ Other. Detailed advice attached. Notice of corrective action will follow.
- ☐ The highlighted reported affiliations/financial interests are related to assigned or prospective duties, fut have been determined by the appropriate appointing official to be not so substantial as to affect the integrity of the individual's services. A copy of the formal determination and rationale is attached.
- ☐ The prospective employee's duties will require participation in matters involving the highlighted reported affiliations/financial interests and the appointment cannot be consummated until divestiture of these affiliations/financial interests is completed.

SIGNATURE	PRINTED NAME	DATE

As a Designated Agency Ethics Official of designee, I have examined the foregoing Statement and Evaluation.

- ☐ I concure with the supervisor's evaluation
- ☐ I do not concure with the supervisor's evaluation. Advice attached.

INSTRUCTIONS

Before the assumption of duties in a position that requires the filing of DD Form 1555, this DD Form 1555 must be filed with the new superior of supervisor, or with the Designated Agency Ethics Official or designee. A new DD Form 1555 shall be filed by October 31 of each year and shall include all affiliations and financial interests as of September 30 of that year. A new DD Form 1555 shall be filed each year even though no changes in affiliations or financial interests occur. Extensions may be granted for good cause by a Designated Agency Ethics Official or designee. For required information not known by you but known by another person, you are required to request the submission of the information on your behalf. Personnel who are required to file Financial Disclosure Report SF 278 are exempted from filing this DD Form 1555. Personnel required to file SF 278 are listed in DoD Directive 5500.7, F.3.b.

DD FORM 1555 (Draft)

PART I. This part must be completed by the following personnel:

a. Commanders and deputy commanders of major installations, activities, and operations (as determined by the Heads of the DoD Components), and DoD personnel classified at GS/GM-15 or below under 5 U.S.C. §5332, or a comparable pay level under other authority, and members of the military below the rank of O-7, when the official responsibilities of such personnel require them to exercise judgment in making government decisions or in taking government action for contracting or procuring, regulating or auditing private or other nonfederal enterprise, or other activities in which the final decision or action may have economic impact on the interests of any nonfederal activity.

b. Special government employees, except for the following categories of personnel unless specifically required to file by the Designated Agency Ethics Official: physicians, dentists, and allied medical specialists engaged only in providing service to patients; veterinarians providing only veterinary services; lecturers participating only in educational activities; chaplains performing only religions services; individuals in the motion picture and television fields who are utilized only as narrators or actors in DoD productions; reservists on active duty for less than 30 consecutive days during the calendar year; others from whom the Designated Agency Ethics Official determines DD Form 1555 is not necessary.

THE INTERESTS OF A SPOUSE, MINOR CHILD, AND ANY MEMBER OF YOUR HOUSEHOLD SHALL BE REPORTED IN THE SAME MANNER AS IF THEY WERE YOUR OWN INTERESTS.

1-6. Fill in appropriate information.

---

7. List the names of all corporations, firms, partnerships, and other business enterprises, nonprofit or educational organizations, or other institutions in which you: (a) are (or were since your last filing of a DD Form 1555) affiliated as an employee, officer, owner, director, member, trustee, partner, advisor, agent, representative, or consultant, as a person on leave from such affiliation, or as a person with an understanding or with plans for affiliation in the future; (b) have any continuing financial interests, such as through a pension or retirement plan, shared income, continuing termination payments, or other arrangement as a result of any current of prior employment or business or professional association; or (c) have any financial interest through the legal or beneficial ownership of stock, stock options, bonds, securities, or other arrangements including trusts.

Identify with an asterisk any affiliations or financial interests which you have acquired since last filing DD Form 1555.

Associations with, or interests in, nonprofit professional, charitable, religious, social, fraternal, recreational, public service, civic, or political organizations, need not be reported if the association or interest is not one of ownership nor maintained to conduct business for profit. ASSOCIATION WITH, OR INTERESTS IN, EDUCATIONAL OR OTHER INSTITUTIONS DOING RESEARCH OR DEVELOPMENT RELATED WORK INVOLVING GRANTS FROM OR CONTRACTS WITH THE GOVERNMENT MUST BE REPORTED IN THIS FORM.

The amounts of financial interests need not be reported unless specifically required by the Designated Agency Ethics Official or designee.

---

8. List all creditors other than those who have given you conventional loans on customary commercial terms. If none, write "none."

9. List your interests in real property other than the personal residence you occupy. Note any relationships with DoD contractors, present of prospective, related to interests in real estate.

PART II.

This part must be completed only by special government employees with the exception of those listed as exempted in Part I, b., above.

10. a. Fill in the number of days you expect to work for the DoD Component to which you will submit this DD Form 1555.

b. Fill in the total number of days you expect to work for other FEDERAL agencies.

c. Fill in the total.

d. Fill in the number of days you worked for the DoD Component to with you will submit this DD Form 1555 during the 365 days prior to the beginning date of your present appointment.

e. Fill in the number of days you worked for ANY DoD Component during the 365 days prior to the beginning date of your present appointment.

11. List all other federal agencies with whom you are presently employed.

PART III. All filers must certify by signature and date.

PART IV. All DD Forms 1555 must be submitted to supervisors or superiors for evaluation. All DD Forms 1555 must be reviewed by the Designated Agency Ethics Official or designee.

DD FORM 1555 (Draft)

BILLING CODE 3810-01-C

§ 40.10 Financial disclosure report (SF 278).

(a) DoD personnel required to file SF 278. DoD personnel required to file a Financial Disclosure Report (SF 278) are listed at subparagraph F.3.b.(1) of DoD Directive 5500.7. These personnel occupy "covered positions."

(1) A person who is nominated to or assumes a covered position is not required to file an SF 278 if the Secretary of Defense or DAEO of the Component concerned determines that the person is not reasonably expected to perform the duties of the position for more than 60 days in the calendar year. However, if the person performs the duties of the office or position for more than 60 days in the calendar year, as SF 278 shall be filed within 15 days after the 61st day of duty.

(2) A person otherwise required to file an SF 278, but who is expected to perform the duties of the position for less than 130 days in the calendar year, may request a waiver of any or all reporting requirements from the Director, Office of Government Ethics, if the person is not a full-time employee of the government, is able to provide specially needed services, and does not have outside employment of financial interests likely to create a conflict of interest.

(3) Personnel of the OSD and OJCS will submit their statements through their superiors or supervisors for review and forwarding to the DAEO, DoD.

(b) Time of filing. An SF 278 shall be submitted under the circumstances described below.

(1) *Nomination report.* Each civilian nominated to a position requiring senate confirmation shall submit an SF 278 according to the procedures established by the DoD Component concerned. The DoD Component shall ensure that a full and complete SF 278 is filed within 5 days of the transmittal of the nomination to the senate. General and flag officers and 0–7 designees are not required to file nomination reports with respect to their nomination for promotion to 0–7 and above.

(2) *Assumption report.* DoD personnel shall submit an SF 278 before assuming a covered position. This requirement does not apply if the individual has left another covered position within 30 days before assuming a new position, or already has filed with respect to nomination for the new position.

(3) *Annual report.* DoD personnel, including special government employees' occupying a covered position for more than 60 days during a calendar year shall submit an SF 278 annually according to the procedures established by the DoD Component concerned.

(4) *Termination report.* DoD personnel occupying a covered position shall submit an SF 278 no sooner than 15 days before and no later then 30 days after the date of departure from that position. The termination report will cover the portion of the present calendar year up to the date of termination and, if the annual report has not yet been filed, the preceding calendar year.

(c) Contents of reports. Instructions for completing SFs 278 are included a part of the report forms. Additional guidance for personnel in covered positions is available for ethics counselors or legal counsel.

(d) Submission and review of reports.

(1) Regulations of the individual Components will prescribe the offices to which SFs 278 will be submitted for preliminary and final review. Procedures may include supervisory and/or legal review before submission to DAEO.

(i) OSD civilian presidential appointees and DAEOs submit their SFs 278 directly to the General Counsel, OSD, for final review.

(ii) DoD personnel employed by or assigned to OSD and OJCS submit their SFs 278 to their immediate superior or supervisor for a preliminary review and then to the General Counsel or designee, for final review.

(iii) Personnel on detail to other Executive Branch Agencies follow the filing procedures of those agencies.

(2) Final review of an SF 278 is completed when the reviewing official has signed the SF 278, indicating that each item is completed and that the report discloses no unresolved conflict or appearance of a conflict of interest under applicable laws and regulations.

(i) If the reviewing official, after reviewing an SF 278, believes additional information is required, the reporting individual shall be notified of the additional information required and the date by which it must be submitted. The reporting individual shall submit the requested information directly to the reviewing official.

(ii) If the reviewing official, after reviewing the SF 278, is of the opinion, on the basis of information submitted, that the reporting person is not in compliance with applicable laws and regulations, the following steps shall be taken:

(A) The person shall be notified in writing of the preliminary determination.

(B) If the person is determined to be not in compliance, he or she shall be notified in writing of that determination. After an opportunity for personal consultation, if practicable, the reviewing official shall notify the person in writing of the remedial measures outlined in paragraph F.2.c. of the DoD Directive 5500.7 that should be taken to bring the person into compliance. The notification shall specify a date by which such measures must be taken.

(1) When the reviewing official determines that a reporting person has fully complied with the remedial measures, a notation to that effect shall be made in the comment section of the SF 278. The reviewing official shall then sign and date the SF 278 and send written notice of that action to the person.

(2) If steps assuring compliance with applicable laws and regulations are not taken by the date established, the reviewing official shall report the matter to the head of the DoD Component for appropriate action, or, in the case of a civilian Presidential appointee, the matter shall be referred to the President. The Office of Government Ethics also shall be notified.

(e) Public availability of SFs 278. SFs 278 must be made available for public examination upon request 15 days after the report is filed unless otherwise exempted pursuant to law. Receipt of the report by a DoD Component for final review constitutes official filing and establishes the date from which the 15 days shall run.

In most cases, this means the reports are available to the public before final review is completed. Reporting persons are personally responsible for ensuring that their reports are accurate, complete, and timely.

(f) Retention SFS 278. SFs 278 shall be retained for 6 years from the date of filing.

(g) Penalties. Compliance with the financial disclosure provisions shall be enforced by administrative, civil, or criminal remedies, as appropriate.

(1) *Action within the DoD component.* The head Of tthe DoD Component may take appropriate action, including a change in assigned duties or adverse action, in accordance with applicable law or regulation, against any person who fails to file an SF 278, or who falsifies or fails to report required information.

(2) *Action by the attorney general.* The head of the Dod Component is required to refer the the Attorney General the name of any person whom he or she has reasonable cause to believe has willfully failed to file an SF 278 on time or has willingly falsified or failed to file information required to be reported. Such referral does not bar additional administrative or judicial enforcement. The Attorney General may

bring a civil action in the U.S. District Courts against any person who knowingly and willfully falsifies or fails to file or report any required information. The court may assess a civil penalty not to exceed $5,000. Knowing or willful falsification of information required to be filed may also result in criminal prosecution under 18 U.S.C. 1001, leading to a fine of not more than $10,000, or imprisonment for not more than 5 years, or both.

(3) *Misuse of reports.*

(i) The Attorney General may bring a civil action against a person who abtains or uses an SF 278 filed pursuant to the Ethics in Government Act for the following reasons:

(A) Any unlawful purpose,

(B) Any commercial purpose, other than by news and communications media for dissemination to the general public,

(C) Determing or establishing the credit rating of any individual,

(D) Use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(ii) The court in which such action is brought may assess against such person a penalty in any amount not to exceed $5,000. This is in addition to any other legal remedy available.

BILLING CODE 3810-01-M

§ 40.11 Statement of employment (DD Form 1357)

IF ADDITIONAL SPACE IS REQUIRED
USE BLANK SHEETS REFERENCING ITEM NUMBERS BELOW

STATEMENT OF EMPLOYMENT
Regular Retired Officers

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 37 U.S.C. §801 (c) and 5 U.S.C. §5532

PRINCIPAL PURPOSE: Information is required from retired regular officers to enable DoD personnel to determine whether such officers are engaged in activities prohibited by law or regulation, including those that could result in the loss or reduction in retired pay due to other federal employment.

ROUTINE USE: This information shall be forwarded to the Military Department in which the individual holds a retired status and is appropriately reviewed to assure compliance with applicable statutes and regulations.

DISCLOSURE: Filing is voluntary in the sense that no criminal penalties will follow from refusal to file. However, the refusal to provide requested information may result in further investigation which may lead to the withholding of retired pay and the referral of the matter to the Comptroller General of the United States or other federal agencies.

1. I AM A REGULAR RETIRED OFFICER OF
☐ ARMY
☐ NAVY
☐ AIR FORCE
☐ MARINES
☐ OTHER

RETIREMENT DATE
Day Month Year

2. I AM PRESENTLY EMPLOYED ☐ YES ☐ NO

IF YES, COMPLETE ALL ITEMS OF THIS FORM. IF NO, SKIP TO ITEM NUMBER 11.

3. NAME OF EMPLOYER

4. DATE OF EMPLOYMENT
Day Month Year

5. EMPLOYER SELLS, OR OFFERS FOR SALE TO DoD COMPONENTS, THE COAST GUARD THE PUBLIC HEALTH SERVICE, OR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, GOODS OR SERVICES.

☐ YES ☐ NO

IF YES, COMPLETE ALL ITEMS BELOW. IF NO, SKIP TO ITEM NUMBER 11.

6. ADDRESS OF EMPLOYER
a. Street
b. City
d. State
e. Zip Code
f. Telephone No. of Employer

7. DESCRIPTION OF GOODS OR SERVICES

8. MY POSITION TITLE IS

9. DESCRIPTION OF DUTIES

DD FORM 1357 (Draft)

10. MY DUTIES INCLUDE ONE OR MORE OF THE FOLLOWING ACTIVITIES IN REGARD TO AN ORGANIZATION SPECIFIED IN ITEM 5
(1) signing a bid, proposal, or contract, (2) negotiating a contract, (3) contacting an officer or employee of the agency for the purpose of (i) obtaining or negotiating contracts, (ii) negotiatins or discussing changes in specifications, price, cost allowances, or other contract terms, or (iii) settling disputes concerning performance of a contract, (4) any other liaison activity toward the ultimate consumation of a sale even though the actual contract is later negotiated by another.
☐ NO ☐ YES If YES attach explanatory details

11. I CERTIFY THE ABOVE INFORMATION IS TRUE, COMPLETE, AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND I HAVE RECEIVED, READ AND UNDERSTOOD DoD DIRECTIVE 5500.7 OR THE IMPLEMENTING REGULATION ISSUED BY THE DoD COMPONENT FROM WHICH I HAVE RETIRED. I ALSO CERTIFY I WILL FILE A NEW STATEMENT OF EMPLOYMENT WITHIN 30 DAYS AFTER THE INFORMATION IN THIS STATEMENT CEASES TO BE ACCURATE. I UNDERSTAND THAT IF I HAVE BEEN RETIRED FOR LESS THAN THREE YEARS AND HAVE BEEN EMPLOYED BY A DEFENSE CONTRACTOR, I MIGHT ALSO BE SUBJECT TO THE REQUIREMENT TO FILE A REPORT OF DoD AND DEFENSE RELATED EMPLOYMENT (DD FORM 1787) PURSUANT TO 50 U.S.C. §1436 AND DoD DIRECTIVE 7700.15.

SIGNATURE	DATE
NAME TYPED OR PRINTED	SOCIAL SECURITY NUMBER ☐☐☐-☐☐-☐☐☐☐

INSTRUCTIONS

1. Check the service from which you retired. If "other," write in the name of the service. Include date of retirement. **YOU MUST FILE YOUR FIRST STATEMENT OF EMPLOYMENT (DD FORM 1357) WITHIN 30 DAYS OF YOUR RETIREMENT DATE.**

2. If you are presently employed, complete all items of this form. If you are not presently employed, proceed to item 11. **YOU MUST SUBMIT A NEW STATEMENT OF EMPLOYMENT (DD FORM 1357) WITHIN 30 DAYS AFTER THE INFORMATION IN THIS FORM HAS CEASED TO BE ACCURATE. THE REQUIREMENT TO FILE CONTINUES FOR THREE YEARS AFTER RETIREMENT. IF YOU BECOME EMPLOYED, CHANGE JOBS, OR TAKE ON NEW DUTIES, YOU MUST FILE A NEW DD FORM 1357 WITHIN 30 DAYS AFTER THE CHANGE UNLESS MORE THAN 3 YEARS HAVE PASSED SINCE YOUR RETIREMENT DATE.**

3. through 5. Fill in the appropriate information.

6. If your present employer sells, or offers for sale, any goods of services to any of the named organizations, check "yes" and complete all following items. If not, proceed to item 11.

7. Describe the goods or services that your employer sells, or offers for sale, to any of the organizations named in item 6.

8. and 9. Fill in the appropriate information.

10. If your duties include any of the listed activities in regard to the organizations named in item 6, check "yes." **IF YOU CHECK "YES," ATTACH A SHEET WITH EXPLANATORY DETAILS.**

11. Be sure to include your social security number.

DD FORM 1357 (Draft)

BILLING CODE 3810-01-C

§ 40.12 Post-Government-Service employment of senior defense officials

(a) Two year post government service employment limitation on Presidential appointees.

(1) For the period defined below, a Presidential Appointee employed by or serving in any component of the Department of Defense shall not accept post-government employment:

(i) With any defense contractor he or she has dealt with,

(ii) As a primary government representative,

(iii) In the negotiation or settlement of a government contract.

(2) This bar on employment extends for two years from the date the Presidential Appointee last acted in such capacity with that contractor.

(3) Knowing violation of these provisions may result in the following penalties:

(i) Upon conviction, the appointee may be fined up to $5,000 or imprisoned for a period up to one year,

(ii) The employing contractor shall forfeit up to $50,000 in liquidated damages pursuant to contractual requirements.

(b) Definitions. For purposes of this post government limitation, terms used shall have the following meanings:

(1) *Defense contractor.* An individual or business entity that provides services, supplies, or both (including construction) to any component of the Department of Defense under a contract directly with the Department of Defense. Individuals and business entities holding contracts with a combined net cost of not more than $25,000 in any calendar year shall not be considered "contractors," for purposes of this regulation, during such year.

(2) *Presidential appointee.* Civilian officials appointed to their positions by the President of the United States with the advice and consent of the senate.

(3) *Primary government representative.* To act as a "respresentative" requires personal and substantial participation in the transaction, by personal presence, telephone conversation, or similar involvement with representatives of the contractor. If more than one government representative is involved in any particular transaction, it is the officer supervising the government's effort in that matter.

(4) *Negotiation and settlement.* Exchange of views between representatives of the government and a contractor regarding respective liabilities and responsibilities of the parties on a particular contract. It includes deliberations regarding contract specifications, terms of delivery, allowability of costs, pricing of change orders, etc.

§ 40.13 Potential employment contacts.

(a) Report of potendial employment contracts—(1) *Reports required.* A covered defense official (as defined in paragraph (d)(1), who has participated in the performance of a procurement function in connection with a contract awarded by any component of the Department of Defense, who contact, or is contacted by, any representative of that contractor regarding his or her future employment with that defense contractor, shall:

(i) In writing, promptly report the contact to his supervisor and to his agency's designated agency ethics official (DAEO) (or designee), and

(ii) For any period for which future employment opportunities for the official have not been rejected by the official or the contractor, disqualify himself or herself from all participation in the performance of procurement functions relating to contracts of the defense contractor and such disqualification shall be in writing and shall be filed with the supervisor and the DAEO.

(2) *Limited exception.* A defense official is not required to report the first contact with a defense contractor or to disqualify him or herself if the official terminates the contact immediately. However, if an additional contact of the same or similar nature is made by or with the contractor; the official shall report the contact and all contacts of the safe of similar nature by or with the contractor during the 90-day period ending on the date the additional contact is made.

(3) *Contents of reports. (i) Reports of contacts shall include:*

(A) The name, title, agency address and telephone number of reporting official,

(B) The name of the defense contractor concerned,

(C) The date of such contact covered by the report,

(D) A brief description of the substance of each contact.

(ii) Reports of disqualification, where required, shall accompany reports of contacts and shall include:

(A) The name of contractor,

(B) Extent of disqualification (this may be a description of duties the official cannot perform as a result of the disqualification),

(C) Identification of the individual or office that will handle duties during disqualification period,

(D) An explanation of any other steps required to avoid potential conflict of interest.

(iii) A disqualification is considered to remain in effect until canceled in writing. Such cancellation shall include:

(A) A copy of the original disqualification,

(B) An explanation of the reason for the cancellation,

(C) Effective date of the cancellation.

(4) *Processing of reports.* (i) The original of each report of contact, disqualification and cancellation of disqualification shall be filed with the supervisor. The reporting individual shall simultaneously file a copy with the agency ethics official.

(ii) The date and time of receipt shall be noted on each report.

(iii) Supervisors and ethics officials taking remedial actions in connection with any report shall keep a brief record of such action with each report.

(b) *Enforcement and implementation.* (1) The Head of each Component shall establish procedures to identify persons who fail to file required reports or to take necessary disqualification action, shall establish procedures for agency hearings, and shall establish other implementing regulations as required by 10 U.S.C. 2397a.

(2) Penalties that may be imposed pursuant to component regulations shall include:

(i) Prohibition of employment with the defense contractor for up to 10 years from date of separation from employment or service with the Department of Defense,

(ii) Administrative penalty not to exceed $10,000.

(c) *Advisory opinions.* (1) Designated Agency Ethics Officials or designees shall counsel DoD officers and employees and guide in specific instances regarding the need for reports or disqualification action.

(2) If a written opinion of the DAEO or designee is desired, it shall be given in response to a written request from the officer or employee. Such request for an opinion shall contain a full account of the relevant facts.

(3) There shall be a rebuttable presumption in favor of a covered defense official that failure to report a contact with a defense contractor, or failure to disqualify himself from participation in the performance of certain procurement functions, is not a violation if the defense official has received an opinion in writing from the DAEO stating that a report or disqualification by the official was not necessary.

(d) *Definitions.* For purposes of this provision, terms used shall have the following meanings:

(1) *Covered defense official.* Any individual serving as a civilian officer or employee of the Department of Defense in a position for which the rate of pay is equal to or greater than the minimum rate of pay for GS–11 under the General Schedule or any officer on active duty in the Armed Forces in a pay grade of O–4 or higher.

(2) *Defense contractor.* An individual or business entity that provides services, supplies, or both (including construction) to any component of the Department of Defense under a contract directly with the Department of Defense. Individuals and business entities holding contracts with a combined net cost of not more than $25,000 in any calendar year shall not be considered "contractors," for purposes of this regulation, during such year.

(3) *Designated agency ethics official.* An officer or employee who has been appointed, pursuant to component procedures, to administer the provisions of the Ethics in Government Act.

(4) *Employment.* A relationship under which an individual receives compensation paid directly or indirectly to the individual for the services.

(5) *Procurement function.* Includes, with respect to a contract, any function relating to:

(i) The negotiation, award, administration, or approval of the contract,

(ii) The selection of a contractor,

(iii) The approval of changes in the contract,

(iv) Quality assurance, operation and developmental testing, the approval of payment, or auditing under the contract, or,

(v) The management of the procurement program.

(e) *Delegation of authority.* The Head of each DoD Component is hereby delegated the authority of the Secretary of Defense to make determinations and to impose sanctions.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86–19746 Filed 9–3–86; 8:45 am]

BILLING CODE 3810-01-M

POSTAL SERVICE

39 CFR PART 111

Supplements to Second-Class Publications

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposal is to clarify the existing postal regulations and procedures concerning the mailing of supplements to second-class publications. In addition, there are proposed substantive rules which would allow the mailing of supplements to bound second-class publications when they are sent together under the same cover, and prescribe the proper name of addressing copies of second-class publications which are enclosed in plastic wrappers with supplements.

DATE: Comments must be received on or before October 4, 1986.

ADDRESS: Written comments should be mailed or delivered to the Director, Office of Classification and Rates Administration, U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, DC 20260–5360. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8430, at the above address.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Young (202) 268–5321.

SUPPLEMENTARY INFORMATION: Supplements may be included in copies of newspapers and other periodical publications mailed at the second-class rates of postage under the requirements prescribed in section 425.4, Domestic Mail Manual, and the policies developed by the Postal Service in administering these provisions. This proposed rule would codify these policies into the Domestic Mail Manual, as well as certain new substantive provisions. A description of these proposed changes follows:

Section 425.4 provides no guidance concerning the content of a supplement. The Postal Service considers a supplement to consist of one or several printed sheets, containing advertising or nonadvertising matter, or a combination of both. It is proposed that this definition be added in section 425.41.

The postal regulations (sections 422.231 and 422.6b) impose limitations on the percentage of advertising that may be contained in issues of second-class publications. The advertising content of a supplement must be measured and taken into consideration when determinations are made concerning the total percentage of advertising matter in each issue. This requirement is not published in the regulations. Therefore, it is being proposed that that requirements be added as section 425.42b.

It is permissible to prepare a second-class newspaper or other periodical publication in two or more editions and prepare a supplement for inclusion in one or more of them. Thus, if copies of an issue are prepared in two editions, it is permissible to include supplements in copies of one of the editions which are addressed for delivery in particular areas such as, for example, within the county of publication of Zones 1 and 2. A statement on Form 3541, *Statement of Mailing—2nd Class Publications Except Requester Publications* or Form 3541–A, *Statement of Mailing-Second-Class/ Requester Publications,* must be file with the copies of each edition presented for mailing. These requirements are not published in section 425.4. Therefore, it is proposed that the requirements concerning supplements in editions be published in section 425.43.

A supplement is not required to be bound in bound second-class publications because it is recognized that it is supplementing a publication. However, the mailing of a loose supplement with a bound publication creates processing problems for the Postal Service since they may become separated. Accordingly, we propose to add a new section which requires that when a loose supplement is mailed with a copy of a bound second-class publication, the two of them must be mailed together under cover (in an envelope, sleeve, or paper or plastic wrapper) to preclude the possibility of the supplement becoming separated from the main publication while they are being handled in the mails. Additionally, under current policy, if a supplement is mailed by itself, it is subject to the applicable third- or fourth-class rates of postage, according to weight. It is proposed that these requirements be published in sections 425.44 and 425.46b.

Pages prepared as supplements and printed materials subject to the third-class rates frequently have the same physical appearance which may lead to misunderstandings when the publication is presented for mailing. Thus, it is suggested that publishers identify printed materials prepared as supplements. Suggested methods of identifying supplements to a publication are listed in proposed section 425.45.

Second-class publications must be formed of printed sheets. Thus, for example, merchandise samples, swatches of material and envelopes containing coupons which could not form bona fide pages of a second-class publication may not be included within copies of a supplement to a second-class publication unless postage at the appropriate third-class rate is paid on

them. This limitation is set forth in proposed section 445.46.

Finally, proposed section 452.lg sets forth the proper manner of addressing second-class publications which are enclosed in plastic wrappers. This new requirement will facilitate the handling of these copies in the mails.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. of 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendments of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

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

Authority: 5 U.S.C. 552(a): 39 U.S.C. 101, 401, 404, 407, 408, 3001–3011, 3201–3219, 3403–3405, 3621, 5001; 42 U.S.C. 1973cc–13, 1973cc–14.

2. Revise 425.4 to read as follows:

425.4 Supplements.

.41 Definition. A supplement consists of one or several printed sheets, containing advertising or nonadvertising matter, or a combination of both. It must be germane to the issue, having been omitted in the interest of space, time, or convenience.

.42 General Conditions. Publishers may include supplements in the regular issue of a newspaper or other periodical publication as second-class mail provided:

a. The supplements are folded and mailed with the regular issue.

b. The advertising content of the supplement is measured and taken into consideration when determining the total percentage of advertising matter in each issue.

.43 Editions. Supplements may be included in copies of editions. A separate mailing statement must be filed for each edition.

.44 Bound Publications. Loose supplements may be mailed together with bound publications when the combination is:

a. Totally enclosed in an envelope, plastic wrapper (polybag), or paper wraper; or

b. When the combination is contained in a sleeve and the supplements are inserted within the pages of the publications or secured in such a manner that they will not be separated from the publications while in the mails.

.45 Identification. Publishers are not required to identify supplements. However, to preclude misunderstandings, it is recommended that supplements be identified in one or more of the following ways:

a. Include the material in the pagination of the copies of the second-class publication.

b. List the materials in a table of contents, or elsewhere in the copies of the second-class publication.

c. Show the second-class title and date of issue in the foot- or date-lines of the material.

d. Show the second-class title preceded by the words "Supplement to" on the material.

.46 Limitations.

a. Third-class materials such as merchandise samples, swatches of materials and envelopes containing coupons are not includible as supplements or as parts of supplements to publications mailed at the second-class rates of postage. See section 136.31.

b. supplements may not be mailed by themselves at the second-class rates of postage, but are subject to the applicable third- or fourth-class rates of postage according to weight. See section 425.1.

3. In 452.1, add new subsection g as follows:

452.1 General Addressing.

* * * * *

g. Addresses, including address strips, may appear on a label carrier (card or paper stock) which must be placed on top of publications which are enclosed in a plastic wrapper (polybag). The label carrier should be positioned in the manner shown in Exchibit 452.6. To avoid problems in mail processing, label carriers which are not the same size as the publication must be prepared in one of the following ways:

(1) Attached to the publication or supplement placed inside the plastic wrapper; or

(2) Secured in such a manner so as to prevent the label carrier from shifting inside the plasctic wrapper.

An appropriate amendment to 39 CFR 111 to reflect these changes will be published if the proposal is adopted.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 86–19920 Filed 9–3–86; 8:45 am]

BILLING CODE 7710–12–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 201–33

Revision of Reuse of Automatic Data Processing Equipment Provisions in the Federal Information Resources Management Regulations

AGENCY: Information Resources Management Service, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed final regulation revises FIRMR Part 201–33 to separate policy and procedural provisions and makes a number of changes to update the provisions. Agencies have indicated a need for a review and update of the provisions so that other agency reuse assignments of excess ADPE can be accomplished expeditiously and the excess property removed from holding agency responsibility. The intended effect is to shorten the reuse transfer cycle and make the process more efficient and effective.

DATE: Comments are due November 3, 1986.

ADDRESS: Comments should be submitted to the General Services Administration (KMPR), Project 86.14A, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Roger W. Walker, Regulations Branch (KMPR), Information Resources Management Service, telephone (202) 566–0194 or FTS, 566–0194. The full text of the proposed rule is available upon request.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for purposes of Executive Order 12291 of February 17, 1981. GSA decisions are based on adequate information concerning the need for, and the consequences of the rule. The rule is written to ensure maximum benefits to Federal agencies. This is a Governmentwide management, acquisition and use regulation that will have little or no net cost effect on society.

List of Subjects in 41 CFR Part 201–33

Computer technology, Government property mangement, Information resources activities.

Dated: June 27, 1986.

Francis A. McDonough,

Deputy Commissioner for Federal Information Resources Management.

[FR Doc. 86–19833 Filed 9–3–86; 8:45 am]

BILLING CODE 6820–25–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6729]

Proposed Flood Elevation Determinations; Alabama et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule

SUMMARY: Technical information or comments are solicited on the proposed modified base (100-year) flood elevation listed below for selected locations in the nation. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed modified base (100-year) flood elevation determinations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which if adopted by a local community, will govern future construction within the flood plain area. The elevation determination, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevation prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed modified base flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Alaba na	City of Montgomery, Montgomery, Elmore, Autauga, and Lowndes Counties.	Alabama River	Approximately 0.9 mile downstream of confluence of Catoma Creek.	*158	*158
			Just downstream of Interstate 65	*163	*164
			About 1,600 feet upstream of confluence of Galbraith Creek.	*168	*168
		West End Ditch	At confluence with the Alabama River	*160	*161
			About 200 feet downstream of U.S. Highways 31 and 82.	*162	*162
Maps available for inspection at the Engineering Department, City Hall, P.O. Box 1111, Montgomery, Alabama.					
Send comments to The Honorable Emory Folmar, Mayor, City of Montgomery, City Hall, P.O. Box 1111, Montgomery, Alabama 36192.					
Florida	City of Temple Terrace, Hillsborough County.	Hillsborough River	About 1,500 feet downstream of 56th Street	None	*22
			Just downstream of Fowler Avenue	None	*29
Maps available for inspection at the City Clerk's Office, P.O. Box 16960, Temple Terrace, Florida.					
Send comments to The Honorable Edward B. Simmon, Mayor, City of Temple Terrace, City Hall, P.O. Box 16950, Temple Terrace, Florida 33687.					
Indiana	City of Auburn, DeKalb County	Cedar Creek	About 600 feet downstream of the Chessie System	*852	*852
			About 1,250 feet downstream of 9th Street	*857	*857
			About 1,550 feet upstream of First Street	*861	861
Maps available for inspection at the City Hall, P.O. Box 506, Auburn, Indiana.					
Send comments to The Honorable Burt Dickman, Mayor, City of Auburn, City Hall, P.O. Box 506, Auburn, Indiana 46706.					
Missouri	City of Belton, Cass County	Oil Creek	Just upstream of 155th Street	*975	*977
			Just downstream of 162nd Street	*1,005	*1,003
			Just downstream of 163rd Street	*1,007	*1,007
Maps available for inspection at the City Hall, P.O. Box 230, Belton, Missouri.					
Send comments to The Honorable Gary L. Mallory, Mayor, City of Belton, P.O. Box 230, Belton, Missouri 64012.					
Missouri	City of Grandview, Jackson County.	Oil Creek	About 0.48 mile downstream of 155th Street	*969	*969

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Just downstream of 155th Street	*975	*977
Maps available for inspection at the Engineering Department, Attn: Harry Finley, 1200 Main Street, Grandview, Missouri.					
Send comments to The Honorable Harry Wilson, Mayor, City of Grandview, 1200 Main Street, Grandview, Missouri 64030.					
Missouri	Unincorporated areas, Platte Creek.	Burlington Creek	About 2,200 feet downstream of 49th Street	*763	*764
			Just upstream of 49th Street	*772	*775
			About 900 feet upstream of Paradise Valley Road	*782	*797
Maps available for inspection at the City Hall, P.O. Box 406, Platte City, Missouri.					
Send comments to The Honorable Ralph Wittmeyer, Commissioner of Platte County, P.O. Box 406, Platte City, Missouri 64079.					
Missouri	City of Riverside, Platte County	Missouri River	About 0.86 mile downstream of the confluence of Line Creek.	*756	*757
			About 0.55 mile upstream of Fairfax Bridge	*759	*758
			About 0.31 mile upstream of the confluence of Burlington Creek.	*762	*762
		Burlington Creek	At confluence with the Missouri River	*762	*762
			Just downstream of State Highway 9	*762	*762
			Just upstream of State Highway 9	*763	*764
			About 400 feet upstream of Paradise Valley Road	*763	*764
		Line Creek	At confluence with the Missouri River	*756	*757
			Just downstream of Northwest Platte Road	*756	*757
Maps available for inspection at the City Hall, P.O. Box 9135, Riverside, Missouri.					
Send comments to The Honorable Michael Holmes, Mayor, City of Riverside, P.O. Box 9135, Riverside, Missouri 64168					
New Hampshire	Lebanon, City, Grafton County	Mascoma River	Approximately 580 feet downstream of the Mascoma Street bridge.	*508	*509
			Approximately 400 feet upstream of the Hanover Street bridge.	*576	*575
Maps available for inspection at the City Hall, 51 North Park Street, Lebanon, New Hampshire.					
Send comments to The Honorable James Hogan, Mayor of the City of Lebanon, Grafton County, 51 North Park Street, Lebanon, New Hampshire 03766.					
New Jersey	Nutley, township, Essex County	Third River	Downstream corporate limits	*45	*43
			Upstream side of Vreeland Avenue	*58	*57
			Approximately 570 feet downstream of Chestnut Street	*60	*61
			Downstream side of Chestnut Street	*62	*64
			Upstream side of Centre Street	*71	*70
		St. Pauls Branch	Downstream side of Elm Place	*59	*54
			Downstream side of dam	*81	*78
		Passaic River	Upstream corporate limits	*13	*14
Maps available for inspection at the Municipal Engineer's Office, 1 Kennedy Drive, Nutley, New Jersey.					
Send comments to Mr. Peter Scarpelli, Director, Department of Public Works, 1 Kennedy Drive, Nutley, New Jersey 07110.					
New York	Babylon, town, Suffolk County	Atlantic Ocean	Entire shoreline within community	*15	*15
		Fire Island Inlet	At confluence with Atlantic Ocean	*15	*15
			At Captree State Park	*12	*9
		Great South Bay	At Western Concourse, extended	*8	*10
			At western end of Harding Avenue	*6	*9
Maps available for inspection at the Engineering Division, Department of Planning and Development, Town Hall, 200 East Sunrise Highway, North Lindenhurst, New York.					
Send comments to The Honorable Anthony Noto, Supervisor of the Town of Babylon, Suffolk County, 200 East Sunrise Highway, North Lindenhurst, New York 11757-2598.					
New York	Bellport (village), Suffolk County	Great South Bay	Shoreline at Browns Lane (extended)	*6	*10
			Approximately 350 feet south of intersection of Point Road and Thorn Hedge Road.	*5	*7
			Approximately 650 feet southeast along Point Road from intersection of Point Road and Thorn Hedge Road.	*5	*6
Maps available for inspection at the Village Hall, 144 South Country Road, Bellport, New York.					
Send comments to The Honorable Frank C Trotta, Mayor of the Village of Bellport, Suffolk County, P.O. Box 3, Bellport, New York 11713.					
New York	Greenburgh, town, Westchester County.	Sprian Brook	Downstream corporate limits	None	*180
			2nd upstream coprorate limits	None	*187
Maps available for inspection at 320 Knollwood Road, Greenburgh, New York.					
Send comments to the Honorable Susan Polchin, Town Clerk of the Town of Greenburgh, Westchester County, P.O. Box 205, Elmsford, New York 10523.					
New York	Islip, town, Suffolk County	Atlantic Ocean	Atlantic Ocean shoreline at Atlantic Avenue, extended	*14	*15
			Intersection of Beachwood Avenue and Neptune Walk	*9	*10
		Great South Bay	Shoreline at East Bay Street, extended	*7	*10
			Intersection of Tower Mews Avenue and Forest Drive	*5	*4
Maps available for inspection at the Planning Department, Town Hall, 655 Main Street, Islip, New York.					
Send comments to The Honorable William T. Tyler, Islip Town Clerk, Suffolk County, 655 Main Street, Islip, New York 11751.					
New York	Southampton, Town, Sufforlk County	Atlantic Ocean	At SouthamptionEasthampton corporate limits	*14	*13
			Shoreline of Fairfield Pond	*11	*9
			Shoreline west of Village of Westhampton and Southamtopn Beach corporate limits.	*14	*15
		Moriches Bay	At confluence with Clam Creek	*11	*10

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			At Apacuck Point	*9	*11
			At intersection of South County Road and Baynor Drive.	*7	*9
			Shoreline at Rogers Lane Extended	*9	*12
		Quantuck Bay	Shoreline at Delarfield Street extended	*9	*11
			Shoreline at Quantuck Bay Road extended	*7	*9
		Shinnecock Bay	At Pine Neck Point	*9	*11
			Entire shoreline of Doves Creek	*7	*8
			At Ponquogue Point	*9	*10
			Shoreline at Sweet Briar Road extended	*9	*12
		Mecox Bay	Shoreline at Crescent Avenue extended	*8	*11
			Entire shoreline of Burnett Creek	*7	*9
			Wickapogue Road extended	*10	*8

Meps available for inspection at the Town Clerk's Office, Town Hall, 116 Hampton Road, Southampton, New York.

Send comments to The Honorable Martin Long, Supervisor of the Town of Southampton, Suffolk County, 116 Hampton Road, Southampton, New York 11968.

New York	Southampton, village, Suffolk County.	Atlantic Ocean	At western corporate limits	*14	*14
			At Halsey Neck Lane extended	*14	*13
			At Phillips Pond	*10	*8
		Shinnecock Bay	Shoreline of Heady Creek at Pennies Landing extended.	*7	*8
			At north end of Shinnecock Road extended	*8	*10

Maps available for inspection at the Village Hall, 23 Main Street, Southampton, New York.

Send comments to The Honorable Williams A. Hattrick, Mayor of the Village of Southampton, Suffolk County, 23 Main Street, Southampton, New York 11968.

New York	Westhampton Beach, village, Suffolk County.	Atlantic Ocean	Entire shoreline within community	*14	*15
		Moriches Bay	Shoreline at west end of Fisk Avenue	*9	*11
			At Pond Point	*8	*10
			At Pickett Point	*10	*12
			Shoreline at South Road extended	*7	*9
		Moneybogue Bay	At Cross Lane extended	*9	*11
			At intersection of Stevens Lane and Mitchell Road	*7	*9
		Quantuck Bay	Shoreline at Sunswyck Lane extended	*9	*11
			Shoreline of Aspatuck River at Mortimer Street extended.	*7	*9

Maps available for inspection at the Village Office, Sunset Avenue, P.O. Box 991, Westhampton Beach, New York.

Send comment to The Honorable Robert W. Morgan, Jr., Mayor of the Village of Westhampton Beach, Suffolk County, Sunset Avenue, P.O. Box 991, Westhampton Beach, New York 11979.

Ohio	City of Franklin, Warren County	Carlisle Drain	About 0.86 mile downstream of the divergence with Dry Run.	*674	*669
			Just downstream of the divergence with Dry Run	*675	*671
		Dry Run	At mouth	*673	*673
			Just downstream of Conrail	*674	*674
			Just upstream of Conrail	*674	*671
			About 0.67 mile upstream of Conrail	*676	*673
		Tommys Run	Just downstream of the confluence of Greens Run	*702	*702
BI			About 400 feet upstream of the confluence of Greens Run.	*702	*709

Maps available for inspection at the City Manger, 35 East Forth Street, Franklin, Ohio.

Send comment to the Honorable William Thomas, Mayor, City of Franklin, 35 East North Street, Franklin, Ohio 45005.

Ohio	Unincorporated areas of Montgomery County.	Holes Creek	Just upstream of Mad River Road	*800	*799
			About 400 feet upstream of Interstate 675	*894	*893
			About 2.0 miles upstream of State Highway 725	*910	*909

Maps available for inspection at the Recorders Office, 451 W. 3rd. Street, 5th Floor, Dayton, Ohio.

Send comments to The Honorable Claude Malone, County Administrator, Montgomery County, 451 West 3rd Street, Dayton, Ohio 45422.

Ohio	City of Newark, Licking County	South Fork Licking River	Just upstream of confluence with Licking River landward of levee.	None	*814
			Just downstream of South 2nd Street landward of levee.	None	*814
			About 600 feet upstream of National Drive landward of levees.	None	*816

Maps available for inspection at the City Hall, 40 W. Main Street, Newark, Ohio.

Send comments to The Honorable William S. Moore, Mayor, City of Newark, City Hall, 40 W. Main Street, Newark, Ohio 43055.

Pennsylvania	Berwick, township, Adams County.	Spring Run	Approximately 525 feet upstream of corporate limits	*518	*519
			Approximately 1,700 feet	*523	*522

Maps available for inspection at the Hanover Evening Sun, 135 Baltimore Road, Hanover, Pennsylvania.

Send comments to The Honorable Kenneth Wolfe, Chairman of the Board of Supervisors of the Township of Berwick, Adams County, 351 Green Springs Road, Hanover, Pennsylvania 17331.

Texas	Edinburg, city, Hidalgo County	Ponding Area	East of Jackson Road and north of Pin Oak Road	None	*98

Maps available for inspection at the City Hall, 117 North 10th Street, Edinburg, Texas.

Send comments to The Honorable Richard Alamia, Mayor of the City of Edinburg, Hidalgo County, P.O. Box 1079, Edinburg, Texas 78540.

Texas	Harris County	Cypress Creek, unincorporated areas.	Approximately 900 feet downstream of confluence of Dry Gully.	*115	*113

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			At confluence of Pillot Gully	*119	*118
			Approximately 1.3 miles downstream of confluence of Snake Creek and Mound Creek.	None	*180
			Approximately 0.6 mile downstream of confluence of Snake Creek and Mound Creek.	None	*182
			Approximately 1,800 feet downstream of confluence of Snake Creek and Mound Creek.	None	*184
		Horsepen Creek	Approximately 0.6 mile downstream of West Little York Road.	*109	*110
			Upstream side of FM 529	*116	*117
			Downstream side of State Route 6	*120	*121
		Tributary 32.23 to Greens Bayou	Upstream side of Spears Road	None	*104
			Approximately 0.8 mile upstream of T.C. Jester Boulevard.	None	*107
		Wiliams Gully	Approximately 1.2 miles downstream of confluence of Tributary 2.01 to Williams Gully.	*58	*57
			At confluence of Tributary 2.01 to Williams Gully	*63	*57
			Approximately 2.3 miles upstream of confluence of Tributary 2.01 to Williams Gully.	*68	*62

*Elevation in feet NGVD 1973 Releveling.

Maps available for inspection at the Harris County Engineering Department, Sweeny Building, 301 Main Street, Houston, Texas.

Send comments to The Honorable Jon Lindsay, Harris County Judge, Harris County Administration Building, 1001 Preston, Houston, Texas 77002.

Texas	Nueces County	Oso Creek	Approximately 11,000 feet upstream of FM 2444	*16	*17
			Approximately 1,400 feet upstream of State Route 43	*17	*18
			Downstream side of State Route 286	*18	*19
		Oso Creek Tributary No. 6	At confluence with Oso Creek	*16	*17

Maps available for inspection at the County Courthouse, 901 Leopard, Room 103, Nueces, Texas.

Send comments to The Honorable Robert N. Barnes, Nueces County Judge, P.O. Box 2157, Corpus Christi, Texas 78401.

Texas	Pittsfield, city, Berkshire County	Southwest Branch	Upstream side of Conrail bridge	*984	*976
			Approximately 1,100 feet downstream of Cadwell Road.	*984	*978
			Approximately 80 feet upstream of Cadwell Road	*984	*982
			Approximately 800 feet upstream of Cadwell Road	*986	*985

Map available for inspection at the Pittsfield Planning Board, 70 Allen Street, Room 205, Pittsfield, Massachusetts.

Send comments to The Honorable Charles Smith, Mayor of the City of Pittsfield, Berkshire County, City Hall, 70 Allen Street, Pittsfield, Massachusetts 01201.

Virginia	Cedar Bluff, town, Tazewell County.	Clinch River	Upstream side of Mill Dam	*1,954	*1,955
			Approximately 2. mile upstream of Mill Dam	*1,956	*1,957

Maps available for inspection at the Town Hall, Valley Drive, Cedar Bluff, Virginia.

Send comments to The Honorable Richard H. Lee, Mayor of the Town of Cedar Bluff, Tazewell County, P.E., Box 182, Cedar Bluff, Virginia 24609.

Issued August 20, 1986.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 86-19899 Filed 9-3-86; 8:45 am]
BILLING CODE 6718-03-M

Federal Insurance Administration

44 CFR Part 67

[Docket No. FEMA-6730]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the

second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ALABAMA	
Ashville (Town), St. Clair County	
Big Canoe Creek:	
About 400 feet downstream of U.S. Highway 231	*549
About 2,700 feet upstream of Pinedale Road	*556
Maps available for inspection at the City Hall, P.O. Drawer 70, Ashville, Alabama 35953.	
Send comments to The Honorable William J. Murray, Mayor, Town of Ashville, City Hall, P.O. Drawer 70, Ashville, Alabama 35953.	
ARIZONA	
Cochise County, (Unincorporated Areas)	
Graveyard Gulch: At the downstream side of San Juan Capistrano Avenue	*4,450
Buena #3 North Extension: 1,700 Feet due north of intersection of Colombo Avenue and Charleston Highway	*4,420
Savanna Drive Drainage: Intersection of stream and center of Leonardo Da Vinci Drive	*4,398
Coyote Wash: At the downstream side of Fry Boulevard (State Highway 90)	*4,392
Coyote Wash: At the City of Sierra Vista corporate limits immediately east of the Fort Huachuca Military Reservation boundary	*4,674
Unnamed Wash: Intersection of State Highway 92 and the stream	*4,550
Unnamed Wash: 100 feet downstream from the center of Fry Boulevard (Highway 90) crossing	*4,339
Stream E Tributary: At the Fort Huachuca Military Reservation boundary	*4,656
Stream K: Downstream side of the Highway 92 crossing	*4,619
Stream E Tributary No. 2: Center of El Camino Real, 530 feet south of its intersection with Stream E Tributary	*4,552
Stream J: 50 feet downstream from the center of Highway 92 crossing	*4,597
Maps are available for review at the Department of Public Works, Cochise County Courthouse, Bisbee, Arizona.	
Send comments to The Honorable V.L. Thompson, Chairman, Cochise County Board of Supervisors, Cochise County Courthouse, Bisbee, Arizona 85603.	
Pinal County (Unincorporated Areas)	
Santa Rosa Wash: 200 feet upstream of the intersection of Parter Road and the Southern Pacific Railroad, along Parter Road	#1
Vekol Wash: 200 feet south of the Southern Pacific Railroad along the boundary between R2E and R3E	*1,152
Vekol Wash: 2,100 feet west of the intersection between Vekol Wash Tributary and McDavid Road, along McDavid Road extended	#1
Vekol Wash Tributary: Intersection of Hathaway Avenue and King Street, downstream of Southern Pacific Railroad	#2
Maps are available for review at the County Planning and Zoning Department, 1301 Pinal, Florence, Arizona.	
Send comments to the Honorable William Mathieson, Chairman, Pinal CountyBoard of Supervisors, P.O. Box 87, Florence, Arizona 85232.	
ARKANSAS	
Bald Knob (City), White County	
Gum Creek:	
Upstream of corporate limits	*213
Approximately 1,700 feet downstream of East 1st Street	*216
Downstream of corporate limits	*228
Overflow Creek Tributary:	
Downstream of Missouri Pacific Railroad	*212
Upstream of Union Street	*252
Approximately 1,400 feet upstream of Union Street	*267
Maps available for inspection at the City Hall, 305 Main Street, Bald Knob, Arkansas.	
Send comments to The Honorable Raymond Emde, Mayor of the City of Bald Knob, White County, City Hall, Bald Knob, Arkansas 72010.	
CALIFORNIA	
Fontana (City), San Bernardino County	
San Sevaine Channel: At the intersection of Southern Pacific Railroad and Base Line Avenue, upstream of the railroad bridge	*1,301
Maps are available for review at the Department of Public Works, 8353 Sierra Avenue, Fontana, California.	
Send comments to The Honorable Nathan Simon, Mayor, City of Fontana, 8353 Sierra Avenue, Fontana California 92335.	
Siskiyou County (Unincorporated Areas)	
Klamath River (Near Town of Klamath River): 200 feet upstream from center of Walker Road Bridge	*1,700
Scott River (Near Fort Jones): 100 feet upstream from center of State Highway 3	*2,723
Moffett Creek (Near Fort Jones): 100 feet upstream from center of Scott River Road	*2,725
Whitney Creek Alluvial Fan (Near Weed): Approximately 2,000 feet downstream from center of U.S. Highway 97	#1
Maps available for inspection at the Siskiyou County Public Works Department, 305 Butte Street, Yreka, California.	
Send comments to The Honorable Norma Frey, Chairman, Siskiyou County Board of Supervisors, Route 1, Box 63 E, Tulelake, California 96134.	
COLORADO	
Aspen (City), Pitkin County	
Castle Creek: 70 feet downstream of West Hallam Street	7,833
Maroon Creek: 240 feet downstream of State Highway 82	7,772
Roaring Fork River: 240 feet downstream of N. Mill Street	7,843
Maps are available for review at the Engineer's Office, 130 South Galena, 3rd Floor, Aspen, Colorado.	
Send comments to The Honorable William Sterling, Mayor, City of Aspen, 130 South Galena, Aspen, Colorado 81611.	
Basalt (Town), Pitkin County	
Roaring Fork River: 30 feet upstream of East Cottonwood Drive	6,594
Fryingpan River: 20 feet upstream of South Cottonwood Drive	6,607
Maps are available for review at the Town Hall, Basalt, Colorado.	
Send comments to The Honorable Bob Murray, Mayor, Town of Basalt, P.O. Box Q, Basalt, Colorado 81621.	
Pitkin County (Unincorporated Areas)	
Brush Creek: 30 feet upstream of State Highway 82 Bridge	*7,471
Castle Creek: 80 feet upstream of West Hallum Street Bridge	*7,837
Coal Creek: 20 feet upstream of State Highway 133 Bridge	7,169
Crystal River: 60 feet upstream of North Redstone Bridge	7,119
Crystal River: 60 feet upstream of Janeway Campground Bridge	6,734
Hunter Creek: 55 feet upstream of Red Mountain Road Bridge	7,837
Mareen Creek: 60 feet upstream of State Highway 82 Bridge	*7,778
Roaring Fork River: 80 feet upstream of Snowmass Creek Road Bridge	*6,851
Roaring Fork River: 75 feet upstream of Cemetery Lane Bridge	*7,709
Roaring Fork River: 25 feet upstream of Hemann Road Bridge	*8,021
Snowmass Creek: 50 feet upstream of Snowmass Creek Road at Snowmass Village	*8,279
Snowmass Creek: 80 feet upstream of State Highway 82 Bridge	*6,853
Maps are available for review at the Pitkin County Asset Management Office, 0100 Lone Pine Road, Aspen Colorado.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to The Honorable Helen Klanderud, Chairperson, Pitkin County Board of Commissioners, Pitkin County Courthouse, 506 East Main, Aspen, Colorado 81611.	
Rio Grande County (Unincorporated Areas)	
Rio Grande—vicinity of Monte Vista: At Gunbarrel Road (U.S. Highway 285)	*7,659
Rio Grande—vicinity of Del Norte: Approximately 260 feet east of the center of the intersection of First and Spruce Streets	*7,874
Rio Grande—vicinity of South Fork: At Gerrard Road (County Road 19)	*8,137
South Fork Rio Grande: At U.S. Highwy 160	*8,187
Maps are available for inspection at the County Commissioners Office, Rio Grande County Courthouse, 6th and Cherry Streets, Del Norte, Colorado.	
Send comments to The Honorable Vern Rominger, Chairman, Rio Grande County Board of Commissioners, P.O. Box 396, 6th and Cherry Streets, Del Norte, Colorado 81132.	
Snowmass Village (Town), Pitkin County	
Snowmass Creek: 0.23 miles downstream from Snowmass Creek Road	8,246
Brush Creek: 180 feet upstream from eastern corporate limit of Snowmass Village	7,859
Maps are available for review at the Town Hall, Snowmass Village, Colorado.	
Send comments to The Honorable Jeff Tippett, Mayor, Town of Snowmass Village, P.O. Box 5010, Snowmass Village, Colorado 81615.	
DELAWARE	
New Castle (City), New Castle County	
Delaware River: Entire shoreline within community	*10
Maps available for inspection at the City Administration Building, 220 Delaware, New Castle, Delaware.	
Send comments to The Honorable John F. Klingmeyer, Mayor of the City of New Castle, New Castle County, 220 Delaware, New Castle, Delaware 19720.	
Newport (Town), New Castle County	
Christina River:	
Approximately 375 feet downstream of corporate limits	*10
At upstream corporate limits	*12
Maps available for inspection at the Town Hall, 15 North Augustine Street, Newport, Delaware.	
Send comments to The Honorable Deborah Barney, Mayor of the Town of Newport, New Castle County, 15 North Augustine Street, P.O. Box 3053, Newport, Delaware 19804.	
GEORGIA	
Alma (City), Bacon County	
Hurricane Creek:	
About 1500 feet downstream of State Route 32	*142
About 600 feet upstream of U.S. Route 1	*150
Maps available for inspection at the City Manager's Office, City Hall, P.O. Box 429, Alma, Georgia.	
Send comments to the Honorable James E. Dean, Mayor, City of Alma, City Hall, P.O. Box 429, Alma, Georgia 31510.	
Bainbridge (City), Decatur County	
Flint River:	
About 2.4 miles downstream of U.S. Route 27	*91
About 2.85 miles upstream of U.S. Route 27 (Business)	*98
Maps available for inspection at the Building Inspection Department, City Hall, P.O. Box 158, Bainbridge, Georgia.	
Send comments to The Honorable B. K. Reynolds, Mayor, City of Bainbridge, City Hall, P.O. Box 158, Bainbridge, Georgia 31717.	
Cordele (City), Crisp County	
Gum Creek:	
About 1,700 feet downstream of Seaboard Coast Line Railroad	*277
Just upstream of U.S. Route 41	*287
Cordele Creek:	
About 1,700 feet downstream of Sixth Avenue	*283
Just upstream of Norfolk Southern Railway	*292
Malcolm Branch:	
Just upstream of Sixth Street	*288
Just downstream of Eighth Avenue	*303
Maps available for inspection at the City Hall, Community Development Department, Rm 240, P.O. Box 569, Cordele, Georgia.	
Send comments to The Honorable Perry M. Culpepper, Sr., Chairman, City Commission, City of Cordele, P.O. Box 569, Cordele, Georgia 31015.	
Floyd County (Unincorporated Areas)	
Coosa River:	
Just upstream of State Route 100	*585
About 2,000 feet upstream of confluence of Horseleg Creek	*596
Etowah River:	
About 3,500 feet upstream of Norfolk Southern Railway	*599
At county boundary	*618
Oostanaula River:	
About 2,500 feet downstream of Norfolk Southern Railway	*596
About 2.2 miles upstream of confluence of Armuchee Creek	*604
Armuchee Creek:	
At mouth	*602
At county boundary	*636
Booze Creek:	
At mouth	*637
Just downstream of Booze Mountain Road	*673
Dykes Creek:	
At mouth	*605
Just downstream of Halls Lake Dam	*644
Just upstream of Halls Lake Dam	*652
Just downstream of Gentry Road	*735
Little Armuchee Creek:	
At mouth	*622
At county boundary	*636
Little Cedar Creek:	
At mouth	*604
About 0.9 mile upstream of Norfolk Southern Railway	*628
Little Dry Creek:	
At mouth	*596
Just downstream of Possum Trot Road	*653
Silver Creek:	
About 0.4 mile downstream of Darlington Drive	*602
About 1.7 miles upstream of Lindale Road	*672
Prentis Branch:	
At mouth	*609
Just downstream of Eden Valley Road	*639
Tributary A:	
At mouth	*599
About 1,200 feet upstream of Turner Chapel Road	*600
Horseleg Creek:	
At confluence of South Fork Horseleg Creek	*607
About 500 feet upstream of Burnett Ferry Road	*614
South Fork Horseleg Creek:	
At mouth	*607
About 2,000 feet upstream of mouth	*617
Burwell Creek: Within community	*596
Maps available for inspection at the Code Enforcement Department, City of Rome, P.O. Box 1433, Rome, Georgia.	
Send comments to The Honorable C.T. Blankenship, Chairman, Floyd County Board of Commissions, P.O. Box 946, Rome, Georgia 30161.	
Hogansville (City), Troup County	
Yellowjacket Creek:	
About 1,150 feet downstream of State Route 54	*676
About 0.9 mile upstream of State Route 54	*682
Hogansville Branch:	
At mouth	*682
About 2,750 feet upstream of mouth	*696
Maps available for inspection at the Building Inspection Department, City Hall, Hogansville, Georgia.	
Send comments to The Honorable Susan Cook, Mayor, City of Hogansville, City Hall, 400 East Main Street, Hogansville, Georgia 30230.	
INDIANA	
La Fontaine (Town), Wabash County	
Grant Creek:	
About 1,750 feet downstream of State Route 15	*786
About 2,100 feet upstream of Main Street	*805
Maps available for inspection at the Town Hall, P.O. Box 207, 23 West Branson, Lafontaine, Indiana.	
Send comments to The Honorable Phillip Steicher, Town Board President, Town of La Fontaine, Town Hall, P.O. Box 207, 22 West Branson, Lafontaine, Indiana 46940.	
Lagro (Town), Wabash County	
Wabash River:	
About 3,000 feet downstream of America Road	*674
About 2,300 feet upstream of America Road	*679
Maps available for inspection at the Town Hall, P.O. Box 305, Lagro, Indiana.	
Send comments to The Honorable Anna M. Harvey, Town Board President, Town of Lagro, Town Hall, P.O. Box 305, 230 Buchanan, Lagro, Indiana 46941.	
KANSAS	
Bel Aire (City), Sedgewick County	
East Fork Chisholm Creek:	
Just upstream of Missouri Pacific Railroad	*1,376
Just downstream of 45th Street	*1,377
East Fork Chisholm Creek Tributary No. 3:	
Just upstream of 37th Street	*1,372
Just downstream of East Fork Chisholm Creek Tributary No. 3 Dam	*1,377
Just upstream of East Fork Chisholm Creek Tributary No. 3 Dam	*1,383
About 0.46 mile upstream of Harding Avenue	*1,387
East Fork Chisholm Creek Tributary No. 7:	
Just upstream of Missouri Pacific Railroad	*1,374
About 0.25 mile upstream of Forty Fifth Street	*1,405
Maps available for inspection at the City of Bel Aire, 4343 North Woodlawn,Wichita, Kansas.	
Send comments to The Honorable Dale Walter, Mayor, City of Bel Aire, 4343 North Woodlawn, Wichita, Kansas 67220.	
Junction City, (City), Geary County	
Smoky Hill River:	
At confluence of Republican River	*1,070
About 0.55 mile upstream of U.S. Highway 77	*1,089
Smoky Hill River Overflow:	
Just upstream of 6th Street	*1,074
About 1.9 miles upstream of 6th Street	*1,083
Republican River:	
At confluence with Smoky Hill River	*1,070
About 0.8 mile upstream of Washington Street	*1,074
Maps available for inspection at the City Engineer's Office, Municipal Building, P.O. Box 287, Junction City, Kansas.	
Send comments to The Honorable Alex Scott M.D., Mayor, City of Junction City, Municipal Building, P.O. Box 287, Junction City, Kansas 66441.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
MAINE	
Bowdoinham (Town), Sacadahoc County	
Kennebec River:	
At downstream corporate limits	*9
At the Obald Point	*13
At upstream corporate limits	*16
Merrymeeting Bay: Entire shoreline within community	*9
Abagadasset River: From confluence with Merrymeeting Bay to approximately .44 mile downstream confluence of Baker Brook	*9
Maps available for inspection at the Planning Board, Bowdoinham, Maine.	
Send comments to The Honorable Kathryn Ruth, Town Manager of the Town of Bowdoinham, Sagadahoc County, Town Offices, P.O. Box 85, Bowdoinham, Maine 04008.	
Dresden (Town), Lincoln County	
Kennebec River:	
At downstream corporate limits	*12
Upstream side of State Route 197	*17
At upstream corporate limits	*24
Maps available for inspection at the Town Hall, Dresden, Maine.	
Send comments to The Honorable Richard G. Main, First Selectman of the Town of Dresden, Lincoln County, P.O. Box 210, Dresden, Maine 04342.	
Hudson (Town), Penobscot County	
Pushaw Stream:	
Approximately 800 feet upstream of State Route 221	*138
At Jeep Trail Crossing	*143
At confluence with Little Pushaw Pond	*147
Maps available for inspection at the Selectman's Office, Hudson, Maine.	
Send comments to The Honorable Wayne Collins, First Selectman of the Town of Hudson, Penobscot County, Box 3, Hudson, Maine 04449.	
MASSACHUSETTS	
Malden (City), Middlesex County	
Town Line Brook:	
At downstream corporate limits	*6
Upstream side of first upstream bridge	*7
Upstream side of Lynn Street	*8
Lower Spot Pond Brook: Upstream side of Malden River Tunnel	*37
Malden River:	
At downstream corporate limits	*4
Upstream side of Medford Street	*5
Maps available for inspection at the City Engineer's Office, Malden Governor Center, 200 Pleasant Street, Malden, Massachusetts.	
Send comments to The Honorable James Conway, Mayor of the City of Malden, Middlesex County, Malden Governor Center, 200 Pleasant Street, Malden, Massachusetts 02148.	
MICHIGAN	
Chocolay (Township), Marquette County	
Chocolay River:	
At mouth	*604
About 3.4 miles upstream of State Highway 28	*617
Silver Creek:	
At mouth	*612
Just downstream of U.S. Highway 41	*633
Just upstream of U.S. Highway 41	*639
About 600 feet upstream of Willow Road	*653
Maps available for inspection at the Township Hall, Marquette, Michigan.	
Send comments to The Honorable Ivin Fenden, Supervisor, Township of Chocolay, 5010 U.S. 41, South, Marquette, Michigan 49885.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
MISSISSIPPI	
Warren County (Unincorporated Areas)	
Bliss Creek:	
Just downstream Illinois Central Gulf Railroad	*105
Just upstream Illinois Central Gulf Railroad	*111
About 1.2 miles upstream of Bypass 61	*129
Maps available for inspection at the County Courthouse, P.O. Box 351, Vicksburg, Mississippi.	
Send comments to The Honorable Thomas Ackers, President, Board of Supervisors, Warren County, County Courthouse, P.O. Box 351, Vicksburg, Mississippi 39180.	
MISSOURI	
Kirkwood (City), St. Louis County	
Kirkwood Creek:	
Just upstream of Big Bend Road	*568
About 800 feet upstream of Burlington Northern Railroad	*583
Sugar Creek:	
Just upstream of I-270 at corporate limits	*463
About 1,100 feet upstream of Second Private Road Crossing	*500
Meramec River:	
Downstream corporate limits	*425
Upstream corporate limits	*428
Maps available for inspection at the City Hall, 139 South Kirkwood, Kirkwood, Missouri.	
Send comments to The Honorable Michael G. Brown, Chief Administrative Officer, City of Kirkwood, City Hall, 139 South Kirkwood, Kirkwood, Missouri 63122.	
Miner (City), Scott County	
Shallow Flooding (St. John's Bayou Main Ditch):	
Just north of Ables Street	*309
Just north of County Highway HH	*312
Shallow Flooding (North Cut Ditch):	
About 0.5 mile south of Woods Lane	*309
About 0.3 mile east of intersection of County Highway HH and Main Street	*314
Maps available for inspection at the Miner City Hall, 103 H Road, Sikeston, Missouri.	
Send comments to The Honorable Bill James, Mayor, City of Miner, Miner City Hall, 103 H Road, Sikeston, Missouri 63801.	
Scott County (Unincorporated Areas)	
Mississippi River:	
At downstream County Boundary	*338
About 0.15 mile upstream of confluence of Headwater Diversion Channel	*353
Shallow Flooding (Ditch No. 1):	
Just downstream of State Highway 114	*300
About 0.5 mile upstream of County Highway ZZ	*306
Shallow Flooding (Ditch No. 2):	
At downstream County Boundary	*301
About 0.5 mile upstream of County Highway ZZ	*306
Shallow Flooding (Ditch No. 4):	
Just upstream of City of Sikeston corporate limits	*304
About 0.5 mile upstream of County Highway ZZ	*306
Shallow Flooding (St. Johns Bayou Main Ditch):	
At downstream County Boundary	*309
About 2.9 miles upstream of County Highway HH	*316
Shallow Flooding (North Cut Ditch):	
At downstream County Boundary	*308
Just downstream County Highway D	*323
Ramsey Creek Diversion Channel: Within Community	*353
Ramsey Creek:	
Just upstream of Burlington Northern railroad	*353
Just downstream of confluence of Illmo Branch	*354
Illmo Branch:	
Just upstream of confluence with Ramsey Creek	*354

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Just downstream of Interstate 55	*355
Maps available for inspection at the County Courthouse, Box 188, Benton, Missouri.	
Send comments to The Honorable Louie Hirchowitz, Presiding Commissioner, Scott County, County Courthouse, Box 188, Benton, Missouri 63736.	
Ste. Genevieve County (Unincorporated Areas)	
Mississippi River:	
About 5.1 miles downstream of state boundary	*393
At upstream county boundary	*406
North Gabouri Creek:	
About 1.3 miles upstream of Burlington Northern Railroad	*403
About 3.2 miles upstream of Burlington Northern Railroad	*463
South Gabouri:	
Just upstream of U.S. Highway 61	*413
Just downstream of Missouri Pacific Railroad	*470
Maps available for inspection at the County Courthouse, Ste. Genevieve, Missouri.	
Send comments to The Honorable Adrian J. Eheler, Presiding Commissioner, Ste. Genevieve County, County Courthouse, Ste. Genevieve, Missouri 63670.	
MONTANA	
Blaine County (Unincorporated Areas)	
Lodge Creek: 150 feet downstream of U.S. Highway 2, along Lodge Creek	*2,404
Lodge Creek (Overbank 1): Approximately 420 feet east of North Chinook Road, along north edge of Burlington Northern Railroad	*2,403
Lodge Creek (Overbank 2): 0.7 mile due east of Fort Belknap Canal crossing on Lodge Creek	*2,412
Milk River (near Chinook): 750 feet downstream from County Highway 529, along centerline of drainage	*2,410
Milk River (near Zurich): Intersection of Zurich Road and Paradise Valley Road	*2,377
Redrock Coulee: Intersection of Redrock Coulee and U.S. Highway 2	*2,411
Thirtymile Creek: 760 feet downstream from County Road 241, along centerline of drainage	*2,367
Maps are available for review at the Flood Plain Administrator's Office, Blaine County Courthouse, Chinook, Montana.	
Send comments to The Honorable Ordell Clindworth, Chairman, Blaine County Board of Commissioners, Blaine County Courthouse, Chinook, Montana 59523.	
Chinook (City), Blaine County	
Lodge Creek: Intersection of 13th Street and Missouri Street	*2,409
Milk River: 100 feet southwest of the center of the intersection of County Roads 240 and 529	*2,408
Maps are available for review at the Town Hall, Chinook, Montana.	
Send comments to The Honorable George Vandeven, Mayor, City of Chinook, P.O. Box 1177, Chinook, Montana 59523.	
Harlem (City), Blaine County	
Thirtymile Creek: At intersection of Water Street and Buckeye Avenue	*2,366
Maps are available for review at the City Engineer's Office, City Hall, Harlem, Montana.	
Send comments to The Honorable William Dave Boisvert, Mayor, City of Harlem, P.O. Box 485, Harlem, Montana 59526.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Livingston (City), Park County	
Yellowstone River: Intersection of I Street and Clark Street	
Maps are available for review at the City Superintendent's Office, 414 East Callender, Livingston, Montana.	*4,475
Send comments to The Honorable Bill R. Dennis, Mayor, City of Livingston, 414 East Callender, Livingston, Montana 59047.	
Malta (City), Phillips County	
Milk River: The intersection of South 2nd Avenue West and South 1st Street West	*2,249
Maps are available for review at the City Hall, Malta, Montana.	
Send comments to The Honorable Garry Adams, Mayor, City of Malta, Drawer L, Malta, Montana 59538.	
Phillips County (Unincorporated Areas)	
Milk River: 100 feet upstream from the center of US Highway 2	*2,248
Shallow Flooding: 500 feet south from the confluence of Alkali Creek and Milk River	*2,256
Maps are available for review at the County Clerk and Recorder's Office, Phillips County Courthouse, Malta, Montana.	
Send comments to The Honorable Sherman Doucette, Chairman, Phillips County Board of Commissioners, Box 7, Malta, Montana 59538.	
NEW YORK	
Alexander (Town), Genesee County	
Tonawanda Creek:	
Upstream side of U.S. Route 20	*930
Upstream side of Stroth Road	*945
Upstream corporate limits	*955
Approximately 3,700 feet upstream of upstream corporate limits	*962
Maps available for inspection at the Town Clerk's Home, 3361 Buffalo Street, Alexander, New York.	
Send comments to The Honorable Roy Worthington, Supervisor of the Town of Alexander, Genesee County, Gillette Road, Alexander, New York 14005.	
Alexander (Village), Genesee County	
Tonawanda Creek:	
Upstream corporate limits	*932
Downstream corporate limits	*930
Maps available for inspection at the Village Clerk's Home, Alexander, New York.	
Send comments to The Honorable Richard Charlau, Mayor of the Village of Alexander, Genesee County, 4 Bartz Drive, Alexander, New York 14005.	
Beekmantown (Town), Clinton County	
Lake Champlain: Entire shoreline within community	*102
Maps available for inspection at the Town Hall, Spellman Road, Beekmantown, New York.	
Send comments to The Honorable James Sears, Supervisor of the Town of Beekmantown, Clinton County, 9 A Brookbend Road, R.F.D. 1, Plattsburgh, New York 12901.	
Carmel (Town), Putnam County	
Muscoot River:	
Downstream corporate limits	*513
At confluence with Secor Brook	*513
Secor Brook:	
At confluence with Muscoot River	*513
Approximately 1,500 feet upstream of Secor Lake Road	*569
Plum Brook:	
Downstream corporate limits	*499
At Teakettle Spout Road	*606
Approximately 480 feet upstream of most upstream dam	*653
Michael Brook:	
At confluence with Croton Falls Reservoir	*306
At Kelly Road	*353
Approximately 1,165 feet upstream of Old New York Route 6	*418
Approximately .4 mile upstream of Fair Street	*508
At upstream corporate limits	*590
Middle Branch Croton River:	
At downstream corporate limits	*495
At upstream corporate limits	*510
Maps available for inspection at the Town Clerk's Office, Town Hall, Mahopac, New York.	
Send comments to The Honorable Richard Othmer, Supervisor of the Town of Carmel, Putnam County, McAlpin Avenue, Mahopac, New York 10541.	
Chazy (Town), Clinton County	
Lake Champlain: Entire shoreline within community	*102
Maps available for inspection at the Town Hall, Main Street, Route 9, Chazy, New York.	
Send comments to The Honorable Harold Jubert, Supervisor of the Town of Chazy, Clinton County, Main Street, Route 9, Chazy, New York 12921.	
Chesterfield (Town), Essex County	
Lake Champlain: Entire shoreline within community	*102
Maps available for inspection at the Town Office, Clinton Street, Keeseville, New York.	
Send comments to The Honorable Roger Poland, Supervisor of the Town of Chesterfield, Essex County, Town Office, Clinton Street, Keeseville, New York 12944.	
Cochecton (Town), Sullivan County	
Delaware River:	
At downstream corporate limit	*715
At Skinners Falls Bridge	*723
At Newman Road/State Route 371	*734
Upstream corporate limit	*748
Maps available for inspection at the Town Clerk's Office, Lake Huntington, New York.	
Send comments to The Honorable Jean McCoach, Supervisor of the Town of Cochecton, Sullivan County, P.O. Box 184, Cochecton, New York 12726.	
Essex (Town), Essex County	
Lake Champlain: Entire shoreline within community	*102
Maps available for inspection at the Town Hall, Essex, New York.	
Send comments to The Honorable Wallace Hill, Supervisor of the Town of Essex, Essex County, New York 12936.	
Fremont (Town), Sullivan County	
Delaware River:	
At downstream corporate limits	*790
At confluence of Hankins Creek	*806
Upstream side of Kellams Bridge	*816
At upstream corporate limits	*841
Hankins Creek:	
Upstream side of State Route 97 Bridge	*806
Upstream side of County Route 94 Bridge	*946
Approximately 345 feet upstream of Private Bridge	*1,074
Maps available for inspection at the Fremont Town Hall, Fremont Center, New York.	
Send comments to The Honorable Walter Sipple, Supervisor of the Town of Fremont, Sullivan County, Box 190, Hankins, New York 12741.	
Groton (Village), Tompkins County	
Owasco Inlet:	
At downstream corporate limits	*964
Upstream side of Spring Street	*997
Approximately 30 feet downstream of upstream corporate limits	*1,005
Maps available for inspection at the Village Hall, 108 Courtland Street, Groton, New York.	
Send comments to The Honorable Edward Westlake, Mayor of the Village of Groton, Tompkins County, 108 Courtland Street, Village Hall, Groton, New York 13073.	
Lenox (Town), Madison County	
Cowaselon Creek:	
At most downstream corporate limits	*386
Approximately 1,240' upstream of downstream corporate limits with the Village of Canastota	*392
At upstream corporate limits with the Village of Canastota	*403
Approximately 220' upstream of most upstream corporate limits	*419
Owlville Creek:	
At downstream corporate limits	*402
Upstream side of Beebe Bridge Road	*412
Upstream side of CONRAIL	438
Approximately 300' upstream of U.S. Route 5	*466
Approximately 930' upstream of Bruce Road	*496
Canastota Creek:	
At downstream corporate limits at U.S. Route 5	*464
Approximately .38 mile upstream of U.S. Route 5	*480
At upstream corporate limits	*497
Oneida Creek:	
At confluence with Oneida Lake	*373
Approximately 300' upstream of State Route 31	*382
At first upstream corporate limits	*386
Approximately 175' upstream of Swallow Road	*397
Oneida Lake: Entire shoreline within community	*373
Maps available for inspection at the Town Hall, 205 South Peterboro, Canastota, New York.	
Send comments to The Honorable John S. Patane, Supervisor of the Town of Lenox, Madison County, 205 South Peterboro Street, Canastota, New York 13032.	
Palatine (Town), Montgomery County	
Mohawk River:	
Approximately 2.4 miles upstream of corporate limits	*298
At Falling Hill Road (extended)	*300
Most upstream corporate limits	*310
Maps available for inspection at the Town Clerk's Office, Box 254 Arnold Lane, Nelliston, New York.	
Send comments to The Honorable Miles Frasier, Supervisor of the Town of Palatine, Montgomery County, R.D. 1, Box 167, Palatine Bridge, New York 13428.	
Peru (Town), Clinton County	
Lake Champlain: Entire shoreline within community	*102
Maps available for inspection at the Town Hall, North Main Street, Peru, New York.	
Send comments to The Honorable Michael J. Borden, Supervisor of the Town of Peru, Clinton County, P.O. Box 596, Peru, New York 12972.	
Philipstown (Town), Putnam County	
Clove Creek:	
At downstream corporate limits	*251
Upstream side of Horton Road	*327
Upstream side of East Mountain Road	*365
Upstream side of Campbell Road	*414

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 1.1 miles upstream of Campbell Road	*495
Canopus Creek:	
At downstream corporate limits	*97
Upstream side of County Route 13	*155
At upstream corporate limits	*185
Hudson River: Entire shoreline within community	*8

Maps available for inspection at the Town Clerk's Office, Town Hall, 238 Main Street, Cold Springs, New York 10516.

Send comments to The Honorable Anthony Mazzuca, Supervisor of the Town of Philipstown, Putnam County, Town Hall, 238 Main Street, P.O. Box 155, Cold Springs, New York 10516.

Rockland (Town), Sullivan County

Willowemoc Creek:	
Confluence with Beaver Kill	*1277
Upstream of State Route 17 westbound bridge (second upstream crossing)	*1316
Upstream side of Hazel Road	*1341
Upstream side of State Route 17 westbound bridge (fourth upstream crossing)	*1367
Downside side of covered bridge	*1400
Upstream side of County Route 178	*1431
Approximately 0.93 mile downstream of confluence of Sprague Brook	*1480
Confluence of Sprague Brook	*1510
Approximately 1000' upstream of Parkston Road	*1547
Beaver Kill:	
Confluence of Willowemoc Creek	*1277
Approximately 110' upstream of corporate limits	*1308
Stewart Brook:	
Confluence with Willowemoc Creek	*1293
Approximately 0.5 mile downstream of Huber Road (extended)	*1340
Approximately 1450' upstream of Huber Road (extended)	*1394
Cattail Brook:	
Confluence with Willowemoc Creek	*1422
Upstream of Hoos Road	*1469
Approximately 1170' upstream of Shandelee Road	*1524
Little Beaver Kill:	
Confluence with Willowemoc Creek	*1422
Approximately 1.0 mile upstream of confluence with Willowemoc Creek	*1428
Upstream of County Route 146	*1467
Upstream of Old Liberty Road	*1492
Approximately 220' upstream of corporate limits	*1517
Sprague Brook:	
Confluence with Willowemoc Creek	*1510
Upstream side of Grooville Road	*1566
Approximately 0.38 mile upstream of Grooville Road	*1610
Approximately 0.77 mile upstream of Grooville Road	*1659

Maps available for inspection at the Town Hall, Main Street, Rockland, New York.

Send comments to The Honorable Leon L. Siegel, Supervisor of the Town of Rockland, Sullivan County, P.O. Box 355, Livingston Manor, New York 12758.

Webster (Town), Monroe County

1st Tributary to Mill Creek:	
At confluence of Mill Creek	*297
Downstream side of Holt Road	*334
Upstream side of Shoemaker Road	*349
Upstream side of Klem Road	*362
Upstream side of CONRAIL	*375
Approximately 0.8 mile upstream of CONRAIL	*402
2nd Tributary to Mill Creek:	
At confluence with Mill Creek	*321
Approximately 80 feet downstream of Wall Road	*337
Approximately 110 feet upstream of Klem Road	*356
At CONRAIL	*388
Approximately 40 feet downstream of New York State Route 104	*405
1st Tributary to Fourmile Creek:	
At confluence with Fourmile Creek	*278
Approximately 80 feet downstream of Bridgeboro Drive	*305
Downstream side of Salt Road	*328
Upstream side of 3rd dam	*344
Downstream side of Schlegal Road	*362
Approximately 250 feet upstream of Basket Road	*382
Approximately .5 mile upstream of Basket Road	*393
West Creek:	
Approximately 40 feet downstream of corporate limits	*306
Upstream side of Whiting Road	*343
Downstream side of CONRAIL	*360
Tributary to 1st Tributary to Fourmile Creek:	
At confluence with 1st Tributary to Fourmile Creek	*378
Tributary to Fourmile Creek approximately 0.35 mile upstream of confluence with 1st Tributary to Fourmile Creek	*385

Maps available for inspection at the Town Hall, 1000 Ridge Road, Webster, New York.

Send comments to The Honorable Adrian Stanton, Supervisor of the Town of Webster, Monroe County, Town Hall, 1000 Ridge Road, Webster, New York 14580.

Woodbury (Town), Orange County

Downstream corporate limits	*289
Approximately 50 feet upstream of Interstate Route 87	*338
Downstream side of Old State Route 32	*398
Approximately 420 feet upstream of CONRAIL bridge	*432
Upstream side of Pine Hill Road	*475
Approximately 900 feet upstream of Estrada Road	*486

Maps available for inspection at the Woodbury Town Hall, Highland Mills, New York 10930.

Send comments to The Honorable Robert Till, Supervisor of the Town of Woodbury Town Hall, Orange County, P.O. Box D, Highland Mills, New York 10930.

NORTH CAROLINA

Town of Bridgeton, Craven County

Neuse River: Within community	*9

Maps available for inspection at the Town Hall, Bridgeton, North Carolina.

Send comments to The Honorable Peter S. Harmatuk, Mayor, Town of Bridgeton, P.O. Box 577, Bridgeton, North Carolina 28519.

Craven County (Unincorporated Areas)

Atlantic Ocean/Pamlico Sound/Neuse River:	
About 1500 feet northeast of the intersection of SR 1907 and SR 1905	*9
At intersection of Berkentine Drive and St. Michael Drive	*9
Atlantic Ocean/Pamlico Sound/Neuse River/Trent River: Within community	*9
Atlantic Ocean/Pamlico Sound/Neuse River/Hancock Creek: Just downstream of New Bern Road	*9
Atlantic Ocean/Pamlico Sound/Neuse River/Clubfoot Creek/Mitchell Creek: Within community	*9
Maple Cypress:	
Just upstream of SR 1400	*19
Just downstream of SR 1462	*29
Mauls Swamp:	
At confluence with Swift Creek	*13
Just downstream of SR 1637	*16
Mills Branch:	
At confluence with Neuse River	*9
About 2500 feet upstream of SR 1433	*17
Mills Branch Tributary:	
At confluence with Mills Branch	*9
Just downstream of SR 1616	*13
Mosley Creek:	
About 2000 feet upstream of confluence with Neuse River	*20
Just downstream of SR 1264	*43
Mosley Creek Tributary:	
About 1500 feet downstream of NC 55	*34
Just downstream of NC 55	*34
Samuels Creek: Within community	*9
Rocky Run:	
At confluence with Samuels Creek	*9
About 3800 feet upstream of Seaboard Coast Line Railroad	*21
Scotts Creek:	
At confluence with Neuse River	*9
About 2000 feet upstream of Airport Road	*21
Snake Branch:	
At confluence with Mitchell Creek	*9
Just downstream of SR 1711	*13
Swift Creek:	
Just upstream of SR 1482	*9
About 1.4 miles upstream of SR 1440	*14
Tucker Creek:	
About 1.5 miles downstream of U.S. Highway 70	*9
About 2600 feet upstream of Seaboard Coast Line Railroad	*21
Village Creek:	
Just upstream of SR 1472	*20
Just downstream of NC 55	*45
Wilson Creek:	
Just upstream of SR 1278	*14
About 1600 feet upstream of Seaboard Coast Line Railroad	*18

Maps available for inspection at the County Courthouse, P.O. Box 1425, New Bern, North Carolina.

Send comments to The Honorable Tyler B. Harris, County Manager, Craven County, County Courthouse, P.O. Box 1425, 405 Middle Street, New Bern, North Carolina 28560.

Havelock (City), Craven County

East Prong Slocum Creek:	
At Confluence with Sandy Branch	*9
About 2200 feet upstream of Gray Fox Road	*15
East Prong Slocum Creek Tributary:	
At Confluence with East Prong Slocum Creek	*9
About 1150 feet upstream of Cunningham Boulevard	*20
Southwest Prong Slocum Creek: Within Community	*9
Tucker Creek: Within Community	*9
Slocum Creek: Within Community	*9
Hancock Creek: Within Community	*9
Neuse River: Within Community	*9

Maps available for inspection at the City Hall, Havelock, North Carolina.

Send comments to The Honorable Thomas Mylett, Mayor, City of Havelock, P.O. Box 368, Havelock, North Carolina 28532.

New Bern (City), Craven County

Neuse River: Within community	*9
Trent River: Within community	*9
Jack Smith Creek: Within community	*9
Lawson Creek: Within community	*9

Maps available for inspection at the City Hall, New Bern, North Carolina.

Send comments to The Honorable Ella J. Bengel, Mayor, City of New Bern, P.O. Box 1129, New Bern, North Carolina 28560.

Southern Shores (Town), Dare County

Atlantic Ocean:	
About 500 feet east of the intersection of Porpoise Run and Ocean Boulevard	*11
Along shoreline	*12

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Atlantic Ocean/Currituck Sound:	
About 1800 feet west of the intersection of 12th Avenue and Duck Road	*7
At the intersection of Birch Lane and Holly Trail	*8
Maps available for inspection at the Town Hall, Kitty Hawk, North Carolina.	
Send comments to The Honorable Kem P. Pitts, Mayor, Town of Southern Shores, P.O. Box 272, Kitty Hawk, North Carolina 27949.	
Trent Woods (Town), Craven County	
Atlantic Ocean/Pamlico Sound/Pamlico River/ Neuse River/Trent River: Within community	*9
Jimmies Creek:	
At confluence with Wilson Creek	*9
Just downstream of Trent Road	*18
Morris Branch:	
At confluence with Wilson Creek	*9
Just downstream of River Road	*14
Trent River Tributary:	
At confluence with Trent River	*9
Just downstream of Longwood Drive	*17
Wilson Creek:	
At confluence with Trent River	*9
Just downstream of Trent Road	*12
Maps available for inspection at the Trent Woods Town Hall, New Bern, North Carolina.	
Send comments to The Honorable Leroy H. Price, Mayor, Town of Trent Woods, P.O. Box 188, New Bern, North Carolina 28560.	
OHIO	
Enon (Village), Clark County	
Mad River:	
Just downstream of State Route 4	*876
Just upstream of Enon Road	*879
Mud Run:	
Just upstream of Enon-Xenia Pike	*882
About 1.1 miles upstream of Hunter Road	*895
Maps available for inspection at the Municipal Building, Enon, Ohio.	
Send comments to The Honorable Charles Koons, Mayor, Village of Enon, Municipal Building, Box 63, Enon, Ohio 45323.	
OKLAHOMA	
Cache (Town), Comanche County	
West Cache Creek:	
At downstream limits	*1,237
At upstream corporate limits	*1,247
Crater Creek:	
Approximately 550 feet downstream of corporate limits	*1,224
Approximately 120 feet of Old U.S. Highway 62	*1,242
Approximately 150 feet upstream of St. Louis-San Francisco Railway	*1,247
At upstream corporate limits	*1,262
Approximately 0.6 mile upstream of U.S. Highway 62	*1,275
Rock Creek:	
At Old U.S. Highway 62	*1,240
At upstream corporate limits	*1,246
Tributary A—West:	
At confluence with Tributary A	*1,239
At upstream corporate limits	*1,242
Tributary A:	
At downstream corporate limits	*1,226
Approximately 40 feet upstream of St. Louis-San Francisco Railway	*1,238
Approximately 565 feet upstream of confluence of Tributary A-West	*1,239
Tributary B:	
At downstream corporate limits	*1,244
Approximately 75 feet upstream of U.S. Highway 62 bridge	*1,250
Approximately 1650 feet upstream of U.S. Highway 62 bridge	*1,255
At upstream corporate limits	*1,264
West Branch Blue Beaver Creek:	
At downstream corporate limits	*1,239
At approximately 300 feet upstream of corporate limits	*1,242
At approximately 50 feet downstream of U.S. Highway 62 bridges	*1,247
At upstream corporate limits	*1,255
Maps available for inspection at the City Hall, 520 C Avenue, Cache, Oklahoma.	
Send comments to The Honorable Hubert Meadows, Mayor of the Town of Cache, Comanche County, P.O. Box 466, Cache, Oklahoma 73527.	
PENNSYLVANIA	
Cornplanter (Township), Venango County	
Allegheny River:	
Downstream corporate limits	*1,002
Upstream corporate limits	*1,020
Oil Creek:	
Downstream corporate limits	*1,009
Downstream side of CONRAIL downstream crossing	*1,026
Downstream side of State Route 8 upstream crossing	*1,041
Upstream side of CONRAIL upstream crossing	*1,056
Cherry Run:	
Downstream corporate limits	*1,089
Upstream side of State Route 227 upstream crossing	*1,116
Approximately 0.73 mile upstream of State Route 227 upstream crossing	*1,158
Approximately 2,420 feet downstream of Old Barkson Road	*1,200
Approximately 140 feet upstream of Old Barkson Road	*1,234
Maps available for inspection at the Township Municipal Building, Oil City, Pennsylvania.	
Send comments to The Honorable G. Robert Thompson, Chairman of the Board of Supervisors of the Township of Cornplanter, Venango County, Plumber Road, Oil City, Pennsylvania 16301.	
East Chillisquaque (Township), Northumberland County	
Chillisquaque Creek:	
Approximately 400 feet downstream of the downstream corporate limits	*465
At State Route 45	*469
Maps available for inspection at the Potts Grove Fire Company, Potts Grove, Pennsylvania.	
Send comments to The Honorable Steve W. Croman, Chairman of the Board of Supervisors of the Township of East Chillisquaque, Northumberland County, P.O. Box 50, Potts Grove, Pennsylvania 17865.	
Ford City (Borough), Armstrong County	
Allegheny River:	
Downstream corporate limits	*788
Approximately 275 feet upstream from confluence of Fort Run	*791
Entire shoreline of Fort Run within community	*791
Maps available for inspection at the Municipal Offices, Ford City, Pennsylvania.	
Send comments to The Honorable Homer Pendleton, Council President of the Borough of Ford City, P.O. Box 112, 10th Street & 4th Avenue, Ford City, Pennsylvania 16226.	
Frenchcreek (Township), Venango County	
French Creek:	
At downstream corporate limits	*988
Confluence of Sugar Creek	*1,012
Downstream corporate limits with Utica	*1,032
Maps available for inspection at the Township Building, Franklin, Pennsylvania.	
Send comments to The Honorable Lyle Doverspike, Chairman of the Township of Frenchcreek Board of Supervisors, Venango County, R. D. 1 Polk, Polk, Pennsylvania 16342.	
Indiana (Borough), Indiana County	
Marsh Run:	
Downstream corporate limits	*1,242
Upstream side of Nixon Alley	*1,265
Upstream side of Oak Street	*1,273
Upstream corporate limits	*1,286
Whites Run:	
Downstream corporate limits	*1,244
Downstream side of Klondike Avenue	*1,258
Upstream corporate limits	*1,279
Maps available for inspection at the Municipal Building, Indiana, Pennsylvania.	
Send comments to The Honorable J. David Naylon, Borough President of the Borough of Indiana, Venango County, Municipal Building, 80 North 8th Street, Indiana, Pennsylvania 15701.	
Northampton (Township), Somerset County	
Wills Creek:	
Approximately 560 feet downstream of L.R. 55014	*1,593
Upstream side of L.R. 55014	*1,601
Approxiamtely 200 feet upstream of Chessie System	*1,621
Fitchner Run:	
At confluence with Wills Creek	*1,603
Upstream side of access road	*1,610
Approximately 70 feet upstream of T-377	*1,628
Maps available for inspection at the Municipal Office, Glencoe, Pennsylvania.	
Send comments to The Honorable John Lane, Chairman of the Township of Northampton Board of Supervisors, Somerset County, R.D. 1, Glencoe, Pennsylvania 15543.	
Rouseville (Borough), Venango County	
Oil Creek:	
Downstream corporate limits	*1,027
At confluence of Cherry Run	*1,030
Upstream corporate limits	*1,037
Cherry Run:	
At confluence with Oil Creek	*1,030
Upstream side of State Route 8	*1,037
Upstream side of State Route 227	*1,074
Upstream corporate limits	*1,089
Shallow Flooding:	
Area east of CONRAIL, west of State Route 8, 400 feet north of corporate limits	#2
At south corporate limits between CONRAIL and State Route 8	#1
Maps available for inspection at the Borough Building, Rouseville, Pennsylvania.	
Send comments to The Honorable Joseph E. Smith, Council President of the Borough of Rouseville, Venango County, 8 Main Street, Rouseville, Pennsylvania 16344.	
Sugarcreek (Borough), Venango County	
Allegheny River:	
Downstream corporate limits	*976
Upstream corporate limits	*990
French Creek:	
Downstream corporate limits	*996
At the confluence of Sugar Creek	*1,012
Approximately 1.5 miles upstream of Sugar Creek confluence	*1,020
Upstream corporate limits	*1,027
Sugar Creek:	
Confluence with French Creek	*1,012
Approximately 100 feet upstream of Sugar Creek Road	*1,027
Downstream side of U.S. Route 322	*1,060
Upstream side of McCleary Road	*1,082
Upstream corporate limits	*1,091

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Borough Manager's Office, Franklin, Pennsylvania.	
Send comments to The Honorable John McClelland, Mayor of the Borough of Sugarcreek, Venango County, 212 Fox Street, Franklin, Pennsylvania 16323.	
Summit (Township), Crawford County	
Inlet Run:	
At confluence with Conneaut Lake	*1,075
Upstream side of State Route 18	*1,090
Approximately 1,825 feet upstream of LR 20046	*1,127
Maps available for inspection at the Township Building, Summit, Pennsylvania.	
Send comments to The Honorable Lud Zarembinski, Chairman of the Board of the Township of Summit, Crawford County, Route 3, Linesville Box 330, Linesville, Pennsylvania 16424.	
White (Township), Indiana County	
Stoney Run:	
Downstream of corporate limits	*1,070
Upstream side of CONRAIL first crossing	*1,115
Approximately 0.3 mile upstream of Indian Spring Road	*1,177
At confluence of Whites and Marsh Run	*1,238
Marsh Run:	
At confluence with Stoney Run	*1,238
Approximately 528 feet upstream of corporate limits	*1,242
Whites Run:	
At confluence with Stoney Run	*1,238
At upstream corporate limits	*1,244
McCarthy Run:	
At confluence with Stoney Run	*1,140
Upstream side of Indian Springs Road	*1,200
Upstream side of Rustic Lodge Road	*1,245
Approximately 800 feet upstream of Warren Road	*1,265
Approximately .63 mile ustream of Benjamin Franklin Road	*1,302
Maps available for inspection at the Township Building, White, Pennsylvania.	
Send comments to The Honorable Rocco Vanity, Chairman of the Board of Supervisors of the Township of White, Indiana County, 950 Indian Springs Road, Indiana, Pennsylvania 15701.	
SOUTH CAROLINA	
Unincorporated Areas of Charleston County	
Atlantic Ocean:	
At Bream Drive	*8
About 3500 feet east of the intersection of Davidson Road and Parkers Ferry Road	*8
Just upstream of River Road bridge over Cedar Creek	*8
At the mouth of MacBeth Creek	*9
Along Wando River from confluence of Rathall Creek to the confluence of Mill Creek	*11
At the mouth of Church Creek	*12
At the mouth of Alligator Creek	*13
At the mouth of Dawho River	*15
At the mouth of Toogoodoo Creek	*15
At the mouth of Schooner Creek	*17
At the mouth of Venning Creek	*18
Along shoreline from about 1.0 mile northeast of Sandy Point to the Charleston County—Georgetown County boundary	*19
Along shoreline from Dewees Inlet to Northeast Point	*19
Along shoreline from about 2 miles southwest of the mouth of Captain Sams Inlet to the mouth of Stono Inlet	*19
Along shoreline from Jeremy Inlet to just northeast of the mouth of South Creek	*20
Along shoreline from just east of the mouth of Bull River to Sandy Point	*20
Along shoreline of Bull Bay from just west of mouth of Saltpond Creek to the mouth of Harbor River	*22
Sawmill Creek:	
At downstream county boundary	*46
At upstream county boundary	*54
Maps available for inspection at the County Courthouse, 2 Courthouse Square, Charleston, South Carolina.	
Send Comments to The Honorable Zan Furtwagas, County Administrator, Charleston County, County Courthouse, 2 Courthouse Square, Charleston, South Carolina 29401.	
Colleton County (Unincorporated Areas)	
Atlantic Ocean:	
Along Edisto River from about 2.7 miles downstream of Route 17 to about 6.4 miles upstream of U.S. Route 17	*8
At mouth of Two Sisters Creek	*22
Ireland Creek:	
At mouth	*32
Just upstream of Stevens Road	*52
Great Swamp:	
About 2.6 miles downstream of U.S. Route 17A	*23
About 0.95 miles upstream of U.S. Route 17A	*35
Maps available for inspection at the County Courthouse, P.O. Box 1176, Walterboro, South Carolina. Send comments to The Honorable David Carter, County Supervisor, Colleton County, County Courthouse, P.O. Box 1176, Walterboro, South Carolina 29488.	
Folly Beach (Township), Charleston County	
Atlantic Ocean:	
At intersection of Center Street and Indian Avenue	*12
At mouth of Second Sister Creek	*15
Along shoreline	*19
Maps available for inspection at the City Hall, P.O. Box 22, Folly Beach, South Carolina.	
Send Comments to The Honorable Bill Griffith, City Manager, Township of Folly Beach, P.O. Box 22, Folly Beach, South Carolina 29346.	
Marion (City), Marion County	
Catfish Canal:	
About 4,000 feet downstream of U.S. Route 76	*53
About 1,000 feet upstream of English Park Road	*56
Smith Swamp:	
About 2,500 feet downstream of State Route 19	*59
About 300 feet downstream of State Route 19	*61
Maps available for inspection at the Town Hall, P.O. Box 1190, Marion, South Carolina.	
Send comments to The Honorable Henry Gerald, Mayor, City of Marion, Town Hall, P.O. Box 1190, Marion, South Carolina 29571.	
McClellanville (Town), Charleston County	
Atlantic Ocean:	
About 400 feet northwest of the intersection of U.S. Route 17 and State Route 45	*14
At the intersection of Morrison Street and Baker Street	*15
Along shoreline of Intracoastal Waterway	*19
Maps available for inspection at the City Hall, 405 Penkincy Street, McClellanville, South Carolina.	
Send comments to The Honorable Rutledge Leland, Mayor, Town of McClellanville, City Hall, P.O. Box 181, McClellanville, South Carolina 29458.	
Nichols (Town), Marion County	
Lumber River:	
About 1.9 miles downstream of Seaboard Coast Line Railroad	*54
About 0.8 mile upstream of Seaboard Coast Line Railroad	*56
Maps available for inspection at the Town Hall, Nichols, South Carolina.	
Send comments to The Honorable Gary Strickland, Mayor, Town of Nichols, Town Hall, P.O. Box 32, Nichols, South Carolina 29581.	
Walterboro (City), Colleton County	
Great Swamp:	
About 1.97 miles downstream of U.S. Route 17A	*25
Just upstream of U.S. Route 17A	*34
Ireland Creek:	
At mouth	*32
About 0.6 mile upstream of U.S. Route 15	*43
Maps available for inspection at the City Hall, P.O. Box 109, Walterboro, South Carolina.	
Send comments to The Honorable Charles Bickley, Mayor, City of Walterboro, City Hall, P.O. Box 109, Walterboro, South Carolina 29488.	
TENNESSEE	
Kimball (Town), Marion County	
Kimball Cove Branch:	
Just downstream of Interstate 24	*614
Just downstream of Lee Highway	*644
Just upstream of Lee Highway	*653
About 1.0 mile upstream of Interstate 24	*802
Raulston Branch:	
Just downstream of Dixie Highway	*617
About 0.45 mile upstream of Old U.S. Route 64	*698
Battle Creek:	
About 0.5 mile downstream of Lee Highway	*614
About 1.6 miles upstream of Lee Highway	*617
Tennessee River:	
About 1.6 miles downstream of confluence of Glover Creek	*614
About 0.62 miles upstream of confluence of Glover Creek	*615
Maps available for inspection at the City Hall, P.O. Box 367, Jasper, Tennessee.	
Send comments to The Honorable Jim Lofty, Mayor, Town of Kimball, City Hall, P.O. Box 367, Jasper, Tennessee 37347	
Spring Hill (City), Maury & Williamson Counties	
McCutcheon Creek:	
At mouth	*656
About 1430 feet upstream of Duplex Road	*707
Haynes Peacock Creek:	
At mouth	*684
Just upstream of Beechcroft Road	*740
Jones-Fraser Branch	
At mouth	*684
Just upstream of Louisville & Nashville Railroad	*756
Maps available for inspection at the City Hall, Springhill, Tennessee.	
Send comments to The Honorable George Jones, Mayor, City of Springhill, City Hall, Springhill, Tennessee 37173.	
TEXAS	
Denton County	
Elm Fork Trinity River below Lewisville Lake:	
At County boundary	*448
At confluence with Indian Creek	*452
Elm Fork Trinity River above Lewisville Lake:	
At confluence with Lewisville Lake	*537
Approximately 120 feet upstream of FM 428	*542
At downstream side of Ray Roberts dam	*553

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Denton Creek:	
Approximately 100 feet upstream of State Route 121	*468
Approximately 0.6 mile upstream of confluence of Baker's Branch	*472
Marshall Branch:	
At confluence with Grapevine Lake	*564
At downstream side of State Route 114	*596
Timber Creek:	
Approximately 350 feet downstream of the County boundary	*597
Approximately 700 feet upstream of Woodland Trail Street	*629
Furneaux Creek:	
Approximately 50 feet downstream of Old Denton Road (FM 2281)	*467
Approximately 0.5 mile upstream of Old Denton Road	*472
Dudley Branch:	
At confluence with Elm Fork Trinity River	*451
Approximately 2.4 miles upstream of the Missouri-Kansas-Texas Railroad	*474
Approximately 50 feet upstream of Denton Road (FM 2281)	*477
Indian Creek:	
Approximately 5.2 miles upstream of confluence with Elm Fork Trinity River	*490
At upstream County boundary	*620
Hickory Creek:	
At confluence with Lewisville Lake	*537
Approximately 50 feet downstream of FM 1830	*562
Approximately 125 feet downstream of northbound lanes of Interstate Route 35W	*585
At confluence of North Hickory Creek	*618
Bryant Branch:	
Approximately 550 feet downstream of FM 2181	*540
Approximately 100 feet upstream of FM 2181	*547
Loving Branch:	
At confluence with Hickory Creek	*543
Approximately 50 feet upstream of Mayhill Road (FM 407)	*614
Fincher Branch:	
At confluence with Hickory Creek	*547
At downstream side of Gibbons Road	*623
Fletcher Branch:	
At confluence with Hickory Creek	*551
At downstream side of El Paso Street	*611
Dry Fork Hickory Creek:	
At confluence with Hickory Creek	*579
At Jim Crystal Road	*644
Approximately 0.7 mile upstream of U.S. Route 380	*665
Stream DF-1:	
At confluence with Dry Fork Hickory Creek	*590
At most upstream County boundary	*607
North Hickory Creek:	
At confluence of Hickory Creek	*618
At upstream side of U.S. Route 380	*649
Approximately 50 feet upstream of FM 156	*675
Stream LC-1:	
Approximately 520 feet upstream of Shady Shores Road	*560
Approximately 730 feet upstream of Shady Shores Road	*560
Pecan Creek:	
At confluence with Lewisville Lake	*537
At downstream side of Mayhill Road	*571
Stream PEC-1:	
At confluence with Pecan Creek	*537
Approximately 0.5 mile upstream of Missouri-Kansas-Texas Railroad crossing	*581
Cooper Creek:	
At confluence with Lewisville Lake	*537
At downstream side of Mayhill Road	*573
Culp Branch:	
At confluence with Elm Fork Trinity River	*537
At upstream side of FM 428	*573
Approximately 200 feet upstream of most upstream crossing of FM 2153	*645

Maps available for inspection at the Denton County Planning Department, 300 East McKinney, Denton, Texas.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to The Honorable Buddy Cole, Denton County Judge, Denton County Courthouse, 401 West Hickory, Denton, Texas 76201.	
Tarrant County	
Ash Creek:	
Approximately 0.66 mile downstream of confluence of Paschal Branch	*657
At City of Azle corporate limits	*675
Bear Creek 1:	
Upstream side of corporate limits at South Lake City boundary	*577
Downstream side of corporate limits at South Lake City boundary	*592
Upstream side of Texas and Pacific Railroad bridge at corporate limits, City of Keller boundary	*687
Approximately .76 mile upstream of Alta Vista Road	*745
Approximately 600 feet upstream of Old Denton Road	*772
Briar Creek:	
Approximately 200 feet downstream of Liberty School Road	*658
Approximately 0.92 mile upstream of Liberty School Road	*680
Approximately 450 feet upstream of FM 730	*697
Buffalo Creek:	
At confluence with Henrietta Creek	*642
Upstream side of Interstate Route 35	*654
Upstream side of Harmon Road	*670
Approximately 1.3 miles upstream of Harmon Road	*690
Approximately 2.8 miles upstream of Harmon Road	*723
Chambers Creek:	
At downstream corporate limits	*581
At upstream corporate limits	*593
Deer Creek:	
At confluence with Village Creek	*632
Upstream side of Forest Hill-Everman Road	*643
Elm Branch:	
At confluence with Village Creek	*596
Approximately 1,600 feet downstream of Shelby Road	*640
At upstream corporate limits	*670
Henrietta Creek:	
Approximately 100 feet downstream of White Chapel Road	*636
At downstream Haslet corporate limits	*657
At upstream Haslet corporate limits	*685
Approximately 0.45 mile upstream of Keller-Haslet Road	*712
Low Branch:	
At downstream corporate limits	*615
Approximately 860 feet upstream of downstream corporate limits	*618
Marys Creek:	
Approximately 1,350 feet downstream of confluence with Marys Tributary 2	*676
Upstream side of FM 2871	*701
Approximately 1,300 feet upstream of U.S. Route 80 (westbound)	*725
Approximately 0.51 mile upstream of Fort Worth corporate limits	*742
North Branch of Deer Creek:	
Downstream of downstream corporate limits	*765
Approximately 120 feet upstream of downstream corporate limits	*766
Paschal Branch:	
At downstream County boundary	*676
Approximately 600 feet upstream of Azle Road	*690
South Fork of Deer Creek:	
At downstream County boundary	*775
Approximately 1.7 miles upstream of downstream County boundary	*795
South Fork of North Branch of Deer Creek:	
At downstream County boundary	*768
Approximately 0.3 mile upstream of downstream County boundary	*778
South Marys Creek:	
At confluence with Marys Creek	*710

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Upstream side of Diamond Bar Trail	*731
Upstream side of Link Meadow Drive	*780
Approximately 600 feet upstream of County boundary	*825
Stream BB-6:	
At confluence with Bear Creek 1	*577
At upstream County boundary	*577
Stream BFC-2A:	
At downstream County boundary	*657
Approximately 425 feet upstream of downstream County boundary	*659
Stream CF-5:	
At downstream County boundary	*681
Approximately 150 feet upstream of upstream County boundary	*702
Stream HEN-1:	
At downstream County boundary	*667
Approximately 0.5 mile upstream of County boundary	*672
Stream HEN-2:	
Upstream side of Atchison, Topeka, and Santa Fe Railway	*703
Approximately 0.43 mile upstream of Atchison, Topeka, and Santa Fe Railway	*707
Stream HEN-2A:	
At downstream County boundary	*734
Approximately 430 feet upstream of downstream County boundary	*738
Stream MSC-3:	
At downstream County boundary	*738
Approximately 500 feet upstream of downstream County boundary	*748
Stream SC-7:	
At downstream County boundary	*760
Approximately 500 feet upstream of upstream County boundary	*770
Stream VC-3:	
At downstream County boundary	*570
Approximately 170 feet upstream of upstream County boundary	*587
Stream VC-4:	
Approximately 400 feet downstream of downstream County boundary	*601
Approximately 1,600 feet upstream of confluence of Stream VC-4A	*618
Stream VC-5:	
At confluence with Village Creek	*603
Upstream side of Race Street	*656
Stream VC-6:	
At confluence with Village Creek	*628
Approximately 200 feet upstream of upstream County boundary	*649
Stream VC-7:	
At confluence with Village Creek	*637
Approximately 1 mile upstream of Forest Hill-Everman Road	*663
Stream WB-1:	
At downstream County boundary	*666
Approximately 45 feet upstream of downstream County boundary	*666
Sycamore Creek:	
At downstream County boundary	*758
Upstream side of North Crowley Cleburne Road	*774
Village Creek:	
At downstream County boundary	*566
At confluence of Elm Branch	*596
At confluence of Stream VC-6	*628
Approximately 1,400 feet upstream of most upstream County boundary	*670
Walnut Creek 1:	
Confluence with Eagle Mountain Lake	*657
At most upstream County boundary	*668
Walnut Creek 2:	
Approximately 1,050 feet downstream of Texas and Pacific Railroad	*670
Approximately 320 feet upstream of most upstream County boundary	*744
Walnut Creek 3:	
At downstream County boundary	*537
At upstream County boundary	*544
Approximately 550 feet upstream of upstream County boundary	*610

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
West Fork Trinity River:	
Approximately 2,500 feet downstream of confluence of Boyd Branch	*461
Approximately 5.0 miles upstream of confluence of Boyd Branch	*467
At confluence of Stream WF-7	*602
At Eagle Mountain Dam	*653
Willow Branch:	
Approximately 225 feet downstream of downstream County boundary	*600
Approximately 0.64 mile upstream of Private Road	*624
White Branch:	
Approximately 2.2 miles upstream of confluence with Big Fossil Creek	*583
Approximately 2.3 miles upstream of confluence with Big Fossil Creek	*586

Maps available for inspection at 100 East Weatherford, Fort Worth, Texas.

Send comments to The Honorable Jim Stewert, Director of Public Works of Tarrant County, 100 East Weatherford, Fort Worth, Texas 76102.

VERMONT

Johnson (Town), Lamoille County

Lamoille River:	
Downstream corporate limits	*467
Confluence of Smith Brook	*484
At Village of Johnson downstream corporate limits	*495
Downstream side of Vermont Northern Railway	*527
Upstream corporate limits	*535
Gihon River:	
Downstream corporate limits	*566
Approximately 0.7 mile upstream of Town Highway 33	*621
Bell Brook:	
Confluence with Gihon River	*577
Approximately 0.1 mile upstream of Town Highway 32	*634
Fool Brook:	
At confluence with Lamoille River	*488
Approximately 635 feet upstream of State Route 15	*503

Maps available for inspection at the Town Clerk's Office, Johnson, Vermont.

Send comments to The Honorable Richard Simays, Chairman of the Town of Johnson Board of Selectmen, Lamoille County, P.O. Box 383, Johnson, Vermont 05656.

Johnson (Village), Lamoille County

Lamoille River:	
At downstream corporate limits	*494
Downstream side of Railroad Street	*496
At upstream corporate limits	*497
Gihon River:	
At confluence with Lamoille River	*496
Upstream side of School Street	*526
At upstream corporate limits	*565

Maps available for inspection at the Town Clerk's Office, Johnson, Vermont.

Send comments to The Honorable Harold Lumbar, Chairman of the Village of Johnson Board of Selectmen, Lamoille County, P.O. Box 387, Johnson, Vermont 05656.

VIRGINIA

Alleghany County

Jackson River:	
Approximately 1,700 feet downstream of County boundary	*1,015
Upstream side of U.S. Route 220 (1st upstream crossing)	*1,051
At confluence with Karnes Creek	*1,110
Upstream side of Interstate Route 64 (2nd eastbound upstream crossing)	*1,154
Upstream side of State Route 18	*1,198
Upstream side of WVAPPCO Dam	*1,236
Upstream side of State Route 687 (1st upstream crossing)	*1,291
Upstream side of State Route 721	*1,346
Upstream side of State Route 638	*1,387
Approximately 0.8 mile upstream confluence of Cedar Creek	*1,427
Dunlap Creek:	
At confluence with Jackson River	*1,233
Upstream side of Chessie System (1st upstream crossing)	*1,269
Upstream side of State Route 60	*1,312
Upstream side of State Route 710	*1,363
Approximately 130 feet upstream of confluence of Mossy Run	*1,406
Potts Creek:	
At confluence with Jackson River	*1,203
Upstream side of State Route 18 (1st upstream crossing)	*1,241
Downstream side of State Route 18 (3rd upstream crossing)	*1,287
Cowpasture River:	
Approximately 140 feet downstream of County boundary	*1,015
Approximately 0.6 mile upstream of U.S. Route 60	*1,070
Simpson Creek:	
At confluence with Cowpasture River	*1,065
Upstream side of U.S. Route 60 (1st upstream crossing)	*1,113
Upstream side of U.S. Route 60 (2nd upstream crossing)	*1,178
Approximately 1.0 mile upstream of U.S. Route 60 (2nd upstream crossing)	*1,241
Approximately 2.3 miles upstream of U.S. Route 60 (2nd upstream crossing)	*1,342

Maps available for inspection at the Department of Public Works, 500 Alleghany Street, Clifton Forge, Virginia.

The Honorable Macon C. Sammons, Jr., Alleghany County Administrator, 110 Rosedale Avenue, Covington, Virginia 24426.

WEST VIRGINIA

Elkins (City), Randolph County

Tygart Valley River:	
Approximately 1,700 feet downstream of cutoff channel	*1,912
Downstream side of outlet works	*1,913
Upstream side of outlet works	*1,912
Upstream corporate limits	*1,912
Craven Run:	
Downstream corporate limits	*1,910
Upstream corporate limits	*1,940

Maps available for inspection at the City Hall, 401 Davis Avenue, Elkins, West Virginia.

Send comments to The Honorable Joseph E. Martin, III, Mayor of the City of Elkins, Randolph County, City Hall, 401 Davis Avenue, Elkins, West Virginia 26241.

WISCONSIN

Dousman (Village), Waukesha County

Bark River:	
About 0.62 mile downstream of Main Street	*858
About 750 feet upstream of U.S. Highway 18	*865

Maps available for inspection at the Clerk Treasurer's Office, Village Hall, Box 325, 118 South Main Street, Dousman, Wisconsin.

Send comments to The Honorable Terry Nerby, Village President, Village of Dousman, Village Hall, Box 325, 118 South Main Street, Dousman, Wisconsin 53118.

Issued: August 14, 1986.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 86-19901 Filed 9-3-86; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

48 CFR Parts 1317 and 1352

[(Docket No. 60614-6114) (Amdt. 86-1)]

Acquisition Regulation; Contracts for Ship Construction, Ship Alteration, and Ship Repair

AGENCY: Department of Commerce.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Commerce Acquisition Regulation (CAR) to provide uniform contract clauses and solicitation provisions to be used in Department contracts and solicitations for Ship Construction, Ship Alteration and Ship Repair.

DATE: Written comments on the proposed rule will be considered if received on or before October 6, 1986.

ADDRESS: Send written comments to: Director, Office of Procurement and Administrative Services, HCHB, Room H6316, U.S. Department of Commerce, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC 20230. Please cite CAR Amendment 86-1 in any written comments submitted and mark the outside of the envelope, "Comments on CAR; Amendment 86-1". The public docket rulemaking file including all comments received on the proposed rule may be inspected by the public during normal business hours in Room H6416 at the above address.

FOR FURTHER INFORMATION CONTACT: John Dammeyer, Procurement Analyst, Office of Procurement Management, HCHB, Room H6424., U.S. Department of Commerce, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC 20230, (202) 377-4248.

SUPPLEMENTARY INFORMATION:

Background

Proposed CAR Amendment 86-1 would establish uniform contracts clauses and solicitation provisions to be used Departmentwide in contracts and solicitations for ship construction, ship alteration, and ship repair (ship repair). These clauses and provisions would be included in a Departmentwide automated solicitation system. Currently, Department ship repair

solicitations contain clauses and provisions which can vary considerably among solicitations. Establishing uniform clauses and provisions should ultimately be less burdensome for contractors and potential contractors, since they will not need to relearn every part of a Department ship repair solicitation in order to respond to it. Once potential contractors are familiar with the uniform ship repair clauses and provisions, they can concentrate their time and efforts on learning the unique aspects of the solicitation.

Administrative Procedure Act and Small Business and Federal Procurement Competition Enhancement Act Requirements

Because this amendment involves matters of agency management, public property, and contracts, under subsection 553(a)(2) of the Administrative Procedure Act (APA) (5 U.S.C. 553(a)(2)), it is exempt from all requirements of section 553 including giving notice of proposed rulemaking, providing an opportunity for comment, and delaying the effective date until at least 30 days after publication or service.

However, section 302 of the Small Business and Federal Procurement Competition Enhancement Act of 1984, Pub. L. 98–577, added section 22 to the Office of Federal Procurement Policy Act which requires that notice of proposed rulemaking and at least 30 days opportunity for comment be given for acquisition regulations having a significant cost or administrative impact on contractors or offerors, and specifies that such regulations may not take effect until 30 days after such notice. Since some of the changes that would be made to the CAR by the proposed amendment may have a significant cost or administrative impact on contractors or offerors, this notice of proposed rulemaking is published and written comments are invited and will be considered in promulgating a final rule if received on or before October 6, 1986.

Regulatory Flexibility Act Requirements

The General Counsel of the Department of Commerce has certified to the Chief Counsel for Advocacy, Small Business Administration, that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities because the changes the proposed rule would make would not affect a substantial number of small entities and would not impose a significant economic impact on those small entities which would be affected. Accordingly, a regulatory flexibility analysis was not prepared.

The Department's solicitations for ship repair work involve responses from approximately 12 Department contractors a year. Of these, it is esimtated that 10 may be small entities.

The Documentation of Requests for Equitable Adjustment clause (CAR 1352.217–104) provides procedures under which a Department ship repair contractor may request or propose an equitable adjustment in the contract price pursuant to a written change order or any act or omission to act on the part of the Government. Federal Acquisition Regulation (FAR) Subpart 43.104 requires the contractor to notify the Government in writing when the contractor considers that the Government has effected or may effect a change in the contract that has not been identified as such in writing and signed by the contracting officer. The proposed clause prescribes the documentation required to support the contractor's allegation of the change. This information permits the Government to evaluate the alleged change and determine if an adjustment in the price or other terms of the contract is appropriate. The proposed contract clause separates documentation requirements for equitable adjustments at the $100,000 threshold. Considerably less documentation would be required for equitable adjustment requests of $100,000 or less.

The Change Proposals clause (CAR 1352.217–105) would authorize the contracting officer to request proposals for changes in the work within the general scope of the ship repair contract. These requests for proposal would primarily be the result of a contract requirement to open, inspect, and report on repairs. The ship repair contractor would be requested to submit a scope of work, including plans and sketches, along with the estimated cost for the change. This action is necessary to effect repairs to the vessel in a timely and cost effective manner without disrupting the vessel's sailing schedule The contractor's proposal is necessary for the Government to evaluate the effect of the proposed change. the cost or benefit thereof, and to determine a fair and reasonable price for the changed work. Less documentation is required for change proposals of less than $100,000.

Executive Order 12291 Requirements

Office of Management and Budget Bulletin No. 85–7 (dated December 14, 1984) exempted certain agency procurement regulations from the requirements of sections 3 and 4 of Executive Order 12291. The exemption applies to this proposed rule. A regulatory impact analysis is not required and was not prepared.

Paperwork Reduction Act Requirements

This proposed rule contains collection of information requirements which have been approved by the Office of Management and Budget (OMB No. 0690–0004).

List of Subjects in 48 CFR Parts 1317 and 1352

Government procurement.

For the reasons set forth in the preamble, the Department proposes to amend 48 CFR Parts 1317 and 1352 as set forth below.

Issued in Washington, DC, August 28, 1986.

Hugh L. Brennan,

Director, Office of Procurement and Administrative Services, U.S. Department of Commerce.

1. The authority citations for Parts 1317 and 1352 continue to read as follows:

Authority: Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), as delegated by the Secretary of Commerce in Department Organization Order 10–5 and Department Administrative Order 208–2.

PART 1317—SPECIAL CONTRACTING METHODS

2. Part 1317 is amended to add a new Subpart 1317.70 as follows:

Subpart 1317.70—Contracts For Ship Construction, Ship Alteration, and Ship Repair

1317.7001 Solicitation provisions and contract clauses.

(a) (1) The contracting officer shall insert the following clauses in sealed bid fixed-price solicitations and contracts for ship construction, ship alteration, and ship repair.

(i) Inspection and Manner of Doing Work, 1352.217–90.

(ii) Delivery of the Vessel to the Contractor, 1352.217–91

(iii) Performance, 1352.217–92.

(iv) Delays, 1352–93.

(v) Minimization of Delay Due to Government Furnished Property, 1352.217–94.

(vi) Additional Provisions Relating to Government Property, 1352.217–95.

(vii) Liability and Insurance, 1352.217–96.

(viii) Title, 1352.217–97.

(ix) Discharge of Liens, 1352.217–98.

(x) Department of Labor Occupational Safety and Health Standards for Ship Repairing, 1352.217–99.

(xi) Regulations Governing Asbestos Work, 1352.217–100.

(xii) Complete and Final Equitable Adjustments, 1352.217–101.

(xiii) Government Review, Comment, Acceptance, and Approval, 1352.217–102.

(xiv) Access to the Vessel, 1352.217–103.

(xv) Documentation of Requests for Equitable Adjustment, 1352.217–104.

(xvi) Change Proposals, 1352.217–105.

(xvii) Lay Days, 1352.217–106.

(xviii) Changes—Ship Repair, 1352.217–107.

(xix) Default—Ship Repair, 1352.217–108.

(2) Unless inappropriate due to contract type, the contracting officer shall insert the clauses listed above in negotiated solicitations and contracts for ship construction, ship alteration, and ship repair.

(b) The contracting officer shall insert a clause substantially the same as the clause at 1352.217–109, Insurance Requirements, in solicitations and contracts for ship construction, ship alteration, and ship repair, unless the contracting officer determines that the contract, or job order, requires work on parts of a vessel only and the work is to be performed at a plant other than the site of the vessel.

(c) The contracting officer shall insert the clause at 1352.217–110, Guarantees, unless the contracting officer determines that its use would be inappropriate under the circumstances.

(d) The contracting officer shall insert the clause at 1352.217–111, Temporary Services, in solicitations and contracts for ship construction, ship alteration, and ship repair, unless the contracting officer determines that its use would be inappropriate under the circumstances.

(e) The contracting officer shall insert the provision at 1352.217–112, Self-Insurance Information, in solicitations and contracts for ship construction, ship alteration, and ship repair, when the contracting officer determines that it is appropriate to allow offerors the opportunity to self-insure for any or all of the risks set forth in the applicable insurance clauses of the contract.

PART 1352—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Subpart 1352.2 is amended by adding the following Table of Contents:

Subpart 1352.2—Texts of Provisions and Clauses

4. Sections 1352.217–90 to 1352.217–112 are added to Subpart 1352.2 to read as follows:

1352.217–90 Inspection and Manner of Doing Work.

As prescribed in 1317.7001(a), insert the following clause:

Inspection and Manner of Doing Work (CAR 1352.217–90) (1986)

(a) All work and material shall be subject to the approval of the Contracting Officer or his duly authorized representative. Work shall be performed in accordance with the plans and specifications of this contract as modified by any contract modification.

(b) Unless otherwise specifically provided for in the contract, all operational practices of the Contractor and all workmanship and material, equipment and articles used in the performance of work shall be in accordance with American Bureau of Shipping Rules for Building and Classing Steel Vessels, U.S. Coast Guard Marine Engineering Regulations and Material Specifications (Subchapter F 46 CFR), U.S. Coast Guard Electrical Engineering Regulations (Subchapter J 46 CFR) (APR 1982), and U.S.P.H.S., Handbook on Sanitation in Vessel Construction, in effect at the time of the Contractor's submission of bid (or acceptance of the contract, if negotiated), and the best commercial maritime practices, except where military specifications are specified, in which case such standards of material and workmanship shall be followed.

(c) All material and workmanship shall be subject to inspection and test at all times during the Contractor's performance of the work to determine their quality and suitability for the purpose intended and compliance with the contract. In case any material or workmanship furnished by the Contractor is found to be defective prior to redelivery of the vessel, or not in accordance with the requirements of the contract, the Government shall have the right prior to redelivery of the vessel to reject such material or workmanship, and to require its correction or replacement by the Contractor at the Contractor's cost and expense. This Government right is in addition to its rights under any Guarantee clause in this contract. If the Contractor fails to proceed promptly with the replacement or correction of such material or workmanship, as required by the Contracting Officer, the Government may, by contract or otherwise, replace or correct such material or workmanship and charge to the Contractor the excess cost to the Government. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work specified in the contract. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of the contract and for a period of 2 years after delivery of the vessel to the Government.

(d) No welding, including tack welding and brazing, shall be permitted in connection with repairs, completions, alterations, or addition to hulls, machinery or components of vessels unless the welder is at the time, qualified to the standards established by the United States Coast Guard, the American Bureau of Shipping, or the Department of the Navy. The welder's qualifications shall be appropriate for the particular service application, filler material type, position of welding, and welding process involved in the work being undertaken. A welder may be required to requalify if the Contracting Officer believes there is a reasonable doubt concerning the welder's ability. Welder's qualifications for this purpose shall be outlined in "Marine Engineering Regulations" of the United States Coast Guard. When a welding process other than manual shielded arc is proposed or required, the Contractor or fabricator shall submit procedure qualification tests for approval prior to production welding. Procedure qualification tests shall be conducted in accordance with the requirements of the "Marine Engineering Regulations" of the United States Coast Guard.

(e) The Contractor shall exercise reasonable care to protect the vessel from fire, and the Contractor shall maintain a reasonable system of inspection over the activities of welders, burners, riveters, painters, plumbers and similar workers, particularly where such activities are undertaken in the vicinity of the vessel's magazine, fuel oil tanks, or storerooms containing flammable material. A reasonable number of hose lines shall be maintained by the Contractor ready for immediate use on the vessel at all times while the vessel is berthed alongside the Contractor's pier or in drydock or on a marine railway. All tanks or bilge areas under alteraton or repair shall be cleaned, washed, and steamed out or

otherwise made safe by the Contractor if and to the extent necessary as required by good marine practice or by current OSHA Regulations. The Contracting Officer's Technical Representative (COTR) shall be furnished with a "gas free" or "safe for hot work" or "safe for men" certificate before any hot work or entry is done. Unless otherwise provided in this contract, the Contractor shall at all times maintain a reasonable fire watch about the vessel, including a fire watch on the vessel while work is being performed thereon.

(f) The Contractor shall place proper safeguards and/or effect such safety precautions as necessary, including suitable and sufficient lighting, for the prevention of accidents or injury to persons or property during the prosecution of work under this contract and/or from time of receipt of the vessel until acceptance by the Government of the work performed.

(g) Except as otherwise provided in this contract, when the vessel is in the custody of the contractor or in drydock or on a marine railway and the temperature becomes as low as 35 degrees Fahrenheit, the Contractor shall keep all pipelines, fixtures, traps, tanks, and other receptacles on the vessel drained to avoid damage from freezing, or if this is not practicable, the vessel shall be kept heated to prevent such damage. The vessel's stern tube and propeller hubs shall be protected from frost damage by applied heat through the use of a salamander or other proper means, as approved by the COTR.

(h) Whenever practicable, the work shall be performed in a manner which does not interfere with the berthing and messing of personnel attached to the vessel. The Contractor shall ensure that assigned personnel have access to the vessel at all times. It is understood that such personnel will not interfere with the work or the Contractor's workers.

(i) The Government does not guarantee the correctness of the dimensions, sizes, and shapes given in any sketches, drawings, plans or specifications prepared or furnished by the Government. The Contractor shall be responsible for the correctness of the shape, sizes and dimensions of parts to be furnished hereunder, other than those furnished by the Government.

(j) The Contractor shall at all times keep the site of the work on the vessel free from accumulation of waste material or rubbish caused by Contractor employees or the work, and at the completion of the work shall remove all rubbish from and about the site of the work and shall leave the work and its immediate vicinity "broom clean" unless more exactly specified in this contract.

(k) While in drydock or on a marine railway, the Contractor shall be responsible for the closing before the end of working hours, of all valves and openings upon which work is being done by its workers when such closing is practicable. The Contractor shall keep the COTR cognizant of the closure status of all valves and openings upon which the Contractor's workers have been working.

(l) Without additional expense to the Government, the Contractor shall employ specialty subcontractors where required by the specifications or when necessary for satisfactory performance of the work.

(m) When requested by the COTR, the Contractor shall notify the COTR in advance: (i) prior to starting inspections or tests; and (ii) when supplies will be ready for Government inspection.

(n) When advance notification is requested, the authorized COTR shall specify the period and method of notification.

(End of Clause)

1352.217-91 Delivery of Vessel to the Contractor.

As prescribed in 1317.7001(a), insert the following clause:

Delivery of Vessel to the Contractor (CAR 1352.217-91) (1986)

(a) The Government shall deliver the vessel to the Contractor at the location specified in the contract.

(b) If the Contractor's plant is specified, it shall be understood to mean the fairway of the plant. The Contractor shall provide necessary tugs and pilot services to move the vessel from the fairway to the pier or dock and, upon completion of all work, from the pier or dock to the fairway of the plant.

(c) While the vessel is in the possession of the Contractor, any necessary movement of the vessel incidental to the work specified in the contract shall be furnished by the Contractor without additional charge to the Government.

(End of Clause)

1352.217-92 Performance.

As prescribed in 1317.7001(a), insert the following clause:

Performance (CAR 1352.217-92) (1986)

(a) Upon the issuance of the contract, the Contractor shall promptly commence the work specified in any plans and specifications made a part of the contract, and shall diligently prosecute the work to completion. The Contractor shall not commence work until the contract has been issued.

(b) The Government shall deliver the vessel described in the contract at such time and location as may be specified in the contract. Upon completion of the work, the Government shall accept delivery of the vessel at such time and location as may be specified in the contract.

(c) Without additional charge to the Government, and without specific requirement in the contract, the Contractor shall:

(1) Make available at the plant to personnel of the vessel while in drydock or on a marine railway, toilet and similar facilities acceptable to the Contracting Officer as adequate in number and sanitary standards;

(2) Supply and maintain, in such condition as the Contracting Officer may reasonably require, suitable brows and gangways from the pier, drydock or marine railway to the vessel;

(3) Treat salvage, scrap, or other ship's material of the Government resulting from performance of the work as items of Government furnished property in accordance with the Government Property clause;

(4) Perform, or pay the cost of, any repair, reconditioning or replacement made necessary as the result of the use by the Contractor of any of the vessel's machinery, equipment or fittings, including, but not limited to, winches, pumps, riggings, or pipe lines; and

(5) Furnish suitable offices, office equipment and telephones at or near the site of the work as the Contracting Officer reasonably requires for himself and his staff.

(d) Except as otherwise provided in the contract, the Contractor shall furnish all necessary material, labor, services, equipment, supplies, power, accessories, facilities, and other things and services necessary for accomplishing the work, subject to Government rights under the Government Property clause.

(e) The Contractor shall conduct dock and sea trials of the vessel as required by the contract. Unless otherwise expressly provided in the contract, during the conduct of these trials the vessel shall be under the control of the vessel's commander and crew with representatives of the Contractor and the Government on board to determine whether or not the work done by the Contractor has been satisfactorily performed. Dock and sea trials not specified which the Contractor requires for his own benefit shall not be undertaken by the Contractor without prior notice to and approval of the Contracting Officer; any such dock or sea trial shall be conducted at the risk and expense of the Contractor. The Contractor shall provide and install all fittings and appliances which may be necessary for the dock and sea trials, to enable the representatives of the Government to determine whether the requirements of the contract plans and specifications have been met. The Contractor shall also be responsible for the care, installation and removal of any instruments and apparatus furnished by the Government for such trials.

(End of Clause)

1352.217-93 Delays.

As prescribed in 1317.7001(a), insert the following clause:

Delays (CAR 1352.217-93) (1986)

When during the performance of this contract the Contractor is required to delay the work on a vessel temporarily, due to orders or actions of the Government respecting stoppage of work to permit shifting the vessel, stoppage of hot work to permit bunkering, fueling, stoppage of work due to embarking or debarking passengers and loading or discharging cargo, and the Contractor is not given sufficient advance notice or is otherwise unable to avoid incurring additional costs on account thereof, an equitable adjustment may be made in the contract price pursuant to the Changes clause.

(End of Clause)

1352.217-94 Minimization of Delay Due to Government Furnished Property.

As prescribed in 1317.7001(a), insert the following clause:

Minimization of Delay Due to Government Furnished Property (CAR 1352.217-94) (1986)

(a) In order to assure timely delivery of the vessel under this contract, it is imperative that delay in delivery of such vessel resulting from late, damaged, or unsuitable Government furnished property be held to an absolute minimum. In order to achieve minimization of delay it is agreed that:

(1) Subject to adjustment as provided in paragraph (b) below, the Government shall deliver each item of Government furnished property to the Contractor on or before the date specified in the contract or, if later, in sufficient time for the contractor to deliver the vessel in accordance with the delivery schedule specified elsewhere.

(2) The Government may forego furnishing any item of Government property to the Contractor. In that event, the Contractor shall prepare the vessel in terms of piping, wiring, structure, foundation, ventilation, and any other preinstallation requirements of the item, so that the work on the vessel may continue without delay and disruption resulting from the absence of the item. If the Government does not furnish an item designated as Government furnished property, the parties may be entitled to an equitable adjustment in the contract price, in accordance with the Changes clause for eliminating the requirement to install the Government property item. But, notwithstanding any other clause of this contract, an adjustment shall not be made in the delivery schedule of any vessel if the Government chooses not to furnish the item on or before the delivery date of the item. If the Government subsequently desires the Contractor to install the item prior to delivery of the vessel, a contract modification shall be executed which takes into account any increase in cost or performance time resulting from the installation.

(b) If the delivery date for the vessel is extended for any reason, the latest date for which the Government must deliver items of Government property shall be deemed to be extended by an equal number of days unless (i) the Contracting Officer agrees in writing that ealier delivery of the items is required, in which case some or all of the Government property shall be extended as agreed rather than on a day-for-day basis, or (ii) a Government property item was the exclusive cause for the extension of the delivery date of the vessel in which case the latest date by which the Government must deliver the item shall not be deemed to be extended unless the parties agree otherwise.

(c) The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government furnished property suitable for use (except for such property furnished "as is") will be delivered to the Contractor at the time stated in the specification or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. If the Government furnished property is not delivered to the Contractor by such time and the Contractor makes a timely written request, the Contracting Officer shall determine if an equitable adjustment is appropriate. If determined appropriate, the Contracting Officer shall equitably adjust the delivery or performance date, the specifications, the price, or any other contractual provision affected by any such delay, in accordance with the Changes clause.

(d) The Government Property and Minimization of Delay Due to Government Furnished Property clauses contain exclusive remedies. The Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government furnished property or delivery of such property in a condition not suitable for its intended use.

(End of Clause)

1352.217-95 Additional Provisions Relating to Government Property.

As prescribed in 1317.7001(a), insert the following clause:

Additional Provisions Relating to Government Property (Car 1352.217-95) (1986)

(a) Notwithstanding any requirements to the contrary for the furnishing of material by the Government which may appear in plans, drawings, or other data, the Government shall furnish only the material specifically listed in the specifications as Government furnished property. Any material required for the performance of the contract which does not appear in the specifications as Government furnished shall be furnished by the Contractor.

(b) The Contracting Officer may increase the amount of material to be furnished by the Government and the contract shall be equitably adjusted in accordance with the Government Property clause.

(c) Unless otherwise specifically directed by the Contracting Officer, nonreusable crates and other nonreusable packaging in which Government material is delivered to the Contractor shall become the property of the Contractor upon removal of the packaged or crated material.

(d) Any packaging in preparation for delivery or for other disposal of Government property by the Contractor at the direction or authorization of the Contracting Officer pursuant to paragraph (i) of the Government Property clause shall be provided for by change order and an appropriate adjustment shall be made in the contract price in accordance with the Changes clause.

(e) The vessel, its equipment, movable stores, cargo and other ship's material are not designated Government furnished property under Government Property clause.

(End of Clause)

1352.217-96 Liability and Insurance.

As prescribed in 1317.7001(a), insert the following clause:

Liability and Insurance (Car 1352.217-96) (1986)

(a) The Contractor shall exercise reasonable care and use its best efforts to prevent accidents, injury or damage to all employees, persons and property, in and about the work, and to the vessel or part thereof upon which work is done.

(b) The Contractor shall be responsible for and make good at its own cost and expense any and all loss of or damage of whatsoever nature to the vessel (or part thereof), its equipment, movable stores and cargo, and Government owned material and equipment for the repair, completion, alteration of or addition to the vessel in the possession of the Contractor, whether at the plant or elsewhere, arising or growing out of the performance of the work, except where the Contractor can affirmatively show that such loss or damage was due to causes beyond the Contractor's control, was proximately caused by the fault or negligence of agents or employees of the Government, or which loss or damage the Contractor by exercise of reasonable care was unable to prevent. However, the Contractor shall not be responsible for any such loss or damage discovered after redelivery of the vessel unless (i) the loss or damage is discovered within 90 days after redelivery of the vessel and (ii) loss or damage is affirmatively shown to be the result of the fault or negligence of the Contractor. To induce the Contractor to perform the work for the compensation provided, it is specifically agreed that the Contractor's aggregate liability on account of loss of or damage to the vessel (or part thereof), its equipment, movable stores and cargo and Government owned materials and equipment shall in no event exceed the sum of $300,000. As to the Contractor, the Government assumes the risk of loss or damage to the vessel (or part thereof), its equipment, movable stores and cargo and said Government-owned materials and equipment in excess of $300,000. This assumption of risk includes but is not limited to loss or damage from negligence of whatsoever degree of the Contractor's servants, employees, agents or subcontractors but specifically excludes loss or damage from willful misconduct or lack of good faith on the part of the Contractor's directors, officers and any of its managers, superintendents or other equivalent representatives who have supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) all or substantially all of the Contractor's operation at any one plant. However, as to such risk assumed and borne by the Government, the Government shall be subrogated to any claim, demand or cause of action against third persons which exists in favor of the Contractor, and the Contractor shall, if required, execute a formal assignment or transfer of claims, demands or causes of action. Nothing contained in this paragraph shall create or give rise to any right, privilege or power in any person except the Contractor, nor shall any person (except the Contractor) be or become entitled thereby to proceed directly against the Government, or join the Government as a co-defendant in any action against the Contractor brought to determine the Contractor's liability, or for any other purpose.

(c) The Contractor indemnifies and holds harmless the Government, its agencies and instrumentalities, the vessel and its owners, against all suits, actions, claims, costs or demands (including without limitation, suits, actions, claims, costs or demands resulting from death, personal injury and property

damage) to which the Government, its agencies and instrumentalities, the vessel or its owner may be subject or put by reason of damage or injury (including death) to the property or person of any one other than the Government, its agencies, instrumentalities and personnel, the vessel or its owners, arising or resulting in whole or in part from the fault, negligence, wrongful act or wrongful omission of the Contractor, or any subcontractor, its or their servants, agents or employees; provided that the Contractor's obligation to indemnify under this paragraph (c) shall not exceed the sum of $300,000 on account of any one accident or occurrence in respect of any one vessel. Such indemnity shall include, without limitation, suits, actions, claims, costs or demands of any kind whatsoever, resulting from death, personal injury or property damage occurring during the period of performance of work on the vessel or within 90 days after redelivery of the vessel. With respect to any such suits, actions, claims, costs or demands resulting from death, personal injury or property damage occurring after the expiration of such period, the rights and liabilities of the Government and the Contractor shall be as determined by other provisions of this contract and by law; provided that such indemnity shall apply to death occurring after such period which results from any personal injury received during the period covered by the Contractor's indemnity as provided herein.

(d) The Contractor shall, at its own expense, procure, and thereafter maintain such casualty, accident and liability insurance, in such forms and amounts as may be approved by the Contracting Officer, insuring the performance of its obligations under paragraph (c) of this clause. In addition, the Contractor shall at its own expense procure and thereafter maintain such ship repairer's legal liability insurance as may be necessary to insure the Contractor against its liability as ship repairer in the amount of $300,000, or the value of the vessel as determined by the Contracting Officer, whichever is the lesser, with respect to each vessel on which work is performed. The Contractor shall cause the Government to be named as an additional insured under any and all liability insurance policies. However, at the discretion of the Contracting Officer, such insurance need not be procured whenever the job order requires work on parts of a vessel only and the work is to be performed at a plant other than the site of the vessel. Further, the Contractor shall procure and maintain in force Workmen's Compensation Insurance (or its equivalent) covering its employees engaged in the work and shall insure the procurement and maintenance of such insurance by all subcontractors engaged in the work. The Contractor shall provide evidence of insurance as required by the Government.

(e) The Contractor shall receive no allowance in the contract price for inclusion of any premium expense or charge for any reserve made on account of self-insurance for coverage against any risk assumed by the Government under this clause.

(f) As soon as practicable after the occurrence of any loss or damage the risk of which the Government has assumed, written notice of the damage shall be given by the Contractor to the Contracting Officer. The notice shall contain full particulars of the loss or damage. If claim is made or suit is brought thereafter against the Contractor as the result or because of such event, the Contractor shall immediately deliver to the Government every demand, notice, summons or other process received by it or its representatives. The Contractor shall cooperate with the Government and, upon the Government's request, shall assist in effecting settlements, securing and giving evidence; obtaining the attendance of witnesses and in the conduct of suits. The Government shall pay to the Contractor the expense, other than the cost of maintaining the Contractor's usual organization, incurred in this assistance. Except at its own cost, the Contractor shall not voluntarily make any payment, assume any obligation or incur any expense not imperative for the protection of the vessel or vessels at the time of the event.

(End of Clause)

1352.217-97 Title.

As prescribed in 1317.7001(a), insert the following clause:

Title (Car 1352.217-97) (1986)

Unless title to materials and equipment acquired or produced for, or allocated to, the performance of this contract shall have vested previously in the Government by virtue of other provisions of this contract, title to all materials and equipment to be incorporated in any vessel or part thereof, or to be placed upon any vessel or part hereof in accordance with the requirements of the contract, shall vest in the Government upon delivery thereof at the plant or such other location as may be specified in the contract for the performance of the work. However, the Contractor is fully responsible for all such Contractor furnished materials and equipment or the restoration of any damaged work. It is expressly understood and agreed that the Contractor shall assume without limitation the risk of loss for any such materials and equipment until such time as all work is completed and accepted by the Government and the vessel is redelivered to the Government. Upon completion of the contract, or with the approval of the Contracting Officer at any time during the performance of the contract, all such Contractor furnished materials and equipment not incorporated in any vessel or part thereof, or not placed upon any vessel or part thereof, in accordance with the requirements of the contract, shall become the property of the Contractor, except those materials and equipment the cost of which has been reimbursed by the Government to the Contractor.

(End of Clause)

1352.217-98 Discharge of Liens.

As prescribed in 1317.7001(a), insert the following clause:

Discharge of Liens (Car 1352.217-98) (1986)

The Contractor shall immediately discharge or cause to be discharged any lien or right in rem of any kind, other than in favor of the Government, which at any time exists or arises in connection with work done or materials furnished under any contract hereunder with respect to the machinery, fittings, equipment or materials for any of the vessels. If any such lien or right in rem is not immediately discharged, the Government may discharge or cause to be discharged such lien or right at the expense of the Contractor.

(End of Clause)

1352.217-99 Department of Labor Occupational Safety and Health Standards for Ship Repairing.

As prescribed in 1317.7001(a), insert the following clause:

Department of Labor Occupational Safety and Health Standards for Ship Repairing (Car 1352.217-99) (1986)

Attention of the Contractor is directed to the Occupational Safety and Health Act of 1970 (29 USC 651-678), and to the Occupational Safety and Health Standards for Shipyard Employment (29 CFR 1915), promulgated under Public Law 85-742, amending Section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 USC 941), and adopted by the Department of Labor as occupational safety or health standards under Section 6(a) of the Occupation Safety and Health Act of 1970 (29 CFR 1910.13). These regulations apply to all ship repair and related work, as defined in the regulations, performed under this contract on the navigable waters of the United States, including any dry dock or marine railway. Nothing contained in this contract shall be construed as relieving the Contractor from any obligations which it may have for compliance with the aforesaid regulations.

(End of Clause)

1352.217-100 Regulations Government Asbestos Work.

As prescribed in 1317.7001(a), insert the following clause:

Regulations Governing Asbestos Work (Car 1352.217-100) (1986)

If asbestos is encountered, the Contractor shall follow the regulations contained in 29 CFR 1910.1001 (OSHA, Chapter XVII).

(End of Clause)

1352.217-101 Complete and Final Equitable Adjustments.

As prescribed in 1317.7001(a), insert the following clause:

Complete and Final Equitable Adjustments (Car 1352.217-101) (1986)

Whenever the Contractor submits any claim for an equitable adjustment attributable to any fact or circumstance regarded as a change order whether formal or "constructive," under the Changes clause or any other clause of this contract, such claim shall include all adjustments (including but not limited to adjustments arising out of delays or disruptions or both caused by such change order) to which the Contractor is entitled under this contract. The foregoing requirement shall not preclude the Contractor from revising or resubmitting the claim prior

to agreement upon the equitable adjustment for the change order. However, unless otherwise expressly agreed in the aforesaid supplemental agreement, the Contractor shall waive any right under the Changes clause or any other clause of this contract to further equitable adjustments attributable to such facts or circumstances giving rise to the claim upon the execution of the supplemental agreement setting forth the equitable adjustment. In any event, such right shall be deemed to be waived.

(End of Clause)

1352.217-102 Government Review, Comment, Acceptance and Approval.

As prescribed in 1317.7001(a), insert the following clause:

Government Review, Comment, Acceptance, and Approval (Car 1352.217-102) (1986)

(a) Documentation, including drawings and other engineering products and reports, required by the contract to be submitted for review, comment, acceptance or approval will be acted upon by the Government within 30 calendar days after receipt by the Government, unless another period of time is specified.

(b) Review, comment, acceptance or approval by the Government as required under this contract and applicable specifications shall not relieve the Contractor of its obligation to comply with the specifications and with all other requirements of the contract, nor shall it impose upon the Government any liability it would not have had in the absence of such review, comment and acceptance or approval.

(End of Clause)

1352.217-103 Access to the Vessel(s).

As prescribed in 1317.7001(a), insert the following clause:

Access to the Vessel(s) (Car 1352.217-103) (1986)

(a) As authorized by the Contracting Officer, a reasonable number of officers, employees and associates of the Government, or other prime Contractors with the Government and their subcontractors shall have admission to the plant and access to the vessel(s) at all reasonable times to perform and fulfill their respective obligations to the Government on a noninterference basis. The Contractor shall make reasonable arrangements to provide access for these personnel to office space, work areas, storage or shop areas, and other facilities and services, reasonable and necessary to performance of their respective duties. All such personnel shall comply with Contractor rules and regulations governing personnel at its shipyard, including those regarding safety and security.

(b) The Contractor further agrees to allow a reasonable number of officers, employees, and associates of offerors on other contemplated work, the same privileges of admission to the Contractor's plant and access to the vessel(s) on a noninterference basis subject to Contractor rules and regulations governing personnel in its shipyard, including those regarding safety and security.

(End of Clause)

1352.217-104 Documentation of Requests for Equitable Adjustment.

As prescribed in 1317.7001(a), insert the following clause:

Documentation of Requests for Equitable Adjustment (Car 1352.217-104) (1986)

(a) For the purpose of this clause, the term "change" includes not only a change made pursuant to a written order designated as a "change order" but also any act or omission to act on the part of the Government where a request is made for equitable adjustment.

(b) Whenever the Contractor requests or proposes an equitable adjustment to the contract price of not more than $100,000, for a change or an act or omission on the part of the Government, the request shall include a breakdown of the price adjustment in such form and supported by such reasonable detail as the Contracting Officer may request. As a minimum, the Contractor shall provide a breakdown of direct labor hours, labor dollars, overhead, material, subcontracts, contingencies and profit for each change and a justification for any extension of delivery date.

(c) Whenever the Contractor requests or proposes an equitable adjustment of $100,000 gross (aggregate increases and/or decreases) or more to the price of the contract for a change made pursuant to a written order designated as a "change order" or whenever the Contractor requests an equitable adjustment in any amount for any other act or omission to act on the part of the Government, the proposal supporting such request shall contain the following information for each individual item or element of the request:

(1) A description of (i) the unperformed work required by the contract before the change which has been deleted by the change and (ii) the work deleted by the change that already has been completed in whole or in part. The description shall include a list of components, equipment, and other identifiable property involved. Also, the status of manufacture, procurement, or installation of such property shall be indicated. As separate description shall be furnished for design and production work. Items of raw material, purchased parts, components, and other identifiable hardware which are made excess by the change, and which are not to be retained by the Contractor, are to be listed for later disposition;

(2) A description of the work necessary to undo work already completed which has been deleted by the change;

(3) A description of the work substituted or added by the change that was not required by the terms of the contract before the change. A list of components and equipment (not bulk material or items) involved, should be included. A separate description shall be furnished for design work and production work;

(4) A description of any interference or inefficiency encountered in performing the change;

(5) A description of disruption attributable solely to the change, which shall include the following information:

(i) A specific description of each element of disruption which states how the work has been, or will be, disrupted;

(ii) The calendar time period when disruption occured, or will occur;

(iii) The area(s) aboard ship where disruption occurred, or will occur;

(iv) The trade(s) disrupted, with a breakdown of manhours for each trade;

(v) The scheduling of trades before, during, and after the period of disruption;

(vi) A description of measures taken to lessen the disruptive effect of the change.

(6) The delay in delivery attributable solely to the change;

(7) A description of other work attributed to the change;

(8) A narrative statement of the direct causal relationship between any alleged Government act or omission and the claimed result, cross-referenced to the detailed information required above.

(9) A statement setting forth a comparative enumeration of the amounts "budgeted" for the cost elements, including the materials cost, labor hours, and indirect costs pertinent to the change estimated by the Contractor in preparing his initial and ultimate proposal(s) for this contract, and the amounts claimed to have been incurred, or projected to be incurred, corresponding to each such "budgeted cost" element.

(d) In addition to the information required by paragraph (b), each proposal submitted in support of a claim for equitable adjustment in the amount of $100,000 or more under any provision of this contract shall contain a duly executed Standard Form 1411 (Contracting Pricing Proposal) for each individual claim item. The submitted Standard Form 1411 shall fully comply with Section 15.804-6 of the Federal Acquisition Regulation and any instructions on the reverse side of the form.

(e) In addition to the information required by paragraph (c), each proposal submitted in support of a claim for equitable adjustment under any provision of this contract shall contain a duly executed SF-1411 (Contracting Pricing Proposal) for each individual claim item. The submitted SF-1411 shall fully comply with Section 15.804-6 of the Federal Acquisition Regulation and any instructions on the reverse side of the form.

(f) Individual claims for equitable adjustment may not encompass all of the factors listed in (c) above. Accordingly, the Contractor is required to set forth in his proposal information only with respect to those factors which are encompassed in the individual claim for equitable adjustment. In any event, the information furnished hereunder shall be in sufficient detail to permit the Contracting Officer to correlate the claimed increased costs or delay in delivery set forth in the SF-1411 (Contracting Pricing Proposal) with the information submitted pursuant to paragraph (c).

(End of Clause)

1352.217-105 Change Proposals.

As prescribed in 1317.7001(a), insert the following clause:

Change Proposals (Car 1352.217-105) (1986)

(a)(1) In addition to issuing changes under the Changes clause, the Contracting Officer may propose changes within the general scope of this contract, as set forth below. Within 10 days from the date of receipt of any such proposed change, or within such further time as the Contacting Officer may allow, the Contractor shall submit a scope of work, plans and sketches for the proposed change, and his estimate of: (i) the cost, (ii) the effect on the deivery date of the vessel, and (iii) the status of work on the ship affected by the proposed change. The proposed scope of work and estimate of the cost shall be in such form and supported by such reasonably detailed information as the Contracting Officer may require. (2) The Contractor's estimate shall be a firm offer for 30 days from receipt thereof by the cognizant Contracting Officer, unless extended by mutual consent. Within the time limit, the Contractor agrees to either (i) enter into a supplemental agreement covering the estimate as submitted or (ii) begin good faith negotiations at the request of the Contracting Officer, leading to the execution of a bilateral supplemental agreement, if the estimate as submitted is not satisfactory to the Contracting Officer. In either case, the supplemental agreement shall include an equitable adjustment for the preparatory work set forth above.

(b) Pending execution of a bilateral agreement or the direction of the Contracting Officer pursuant to the Changes clause, the Contractor shall proceed diligently with contract performance without regard to the effect of any such proposed change.

(c) Concurrently with the submission of any Change Proposal under this contract in which the proposed aggregate cost is $100,000 or greater, the Contractor shall submit to the Contracting Officer a completed Standard Form 1411. At the time of agreement upon the price of the Change Proposal, the Contractor shall submit a signed Certificate of Current Cost or Pricing Data.

(End of Clause)

1352.217-106 Lay Days.

As prescribed in 1317.7001(a), insert the following clause:

Lay Days (Car 1352.217-106) (1986)

(a) Lay day time will be paid for by the Government at the Contractor's stipulated bid price for this item of the contract when the vessel remains on the dry dock or marine railways as a result of any Government change that involves work in addition to that required under the basic contract.

(b) No cost for lay day time shall be paid until all accepted items of the basic contract for which a price was established by the Contractor and for which docking of the vessel was required have been satisfactorily completed.

(c) Days of hauling out and floating, whatever the hour, shall not be paid as lay day time, and days when no work is performed by the Contractor shall not be paid as lay day time.

(d) Payment of lay day time shall constitute complete compensation for all costs except for the direct cost of performing the changed work.

(End of Clause)

1352.217-107 Changes-Ship Repair.

As prescribed in 1317.7001(a), insert the following clause:

Changes—Ship Repair (Car 1352.217-107) (1986)

(a) The Contracting Officer may at any time, by written order, and without notice to the sureties, if any, make changes within the general scope of this contract, in any one or more of the following:

(1) Drawings, designs, or specifications, when the supplies to be furnished are to be specially manufactured for the Government in accordance with the drawings, designs, or specifications;

(2) Method of shipment or packing;

(3) Place of performance of the work;

(4) Time of commencement or completion of the work; and

(5) Other requirements within the general scope of the contract.

(b) If any such change causes an increase or decrease in the cost of, or the time required for, performance of any part of the work under this contract, whether changed or not changed by the order, the Contracting Officer shall make an equitable adjustment in the contract price, the delivery schedule, or both, and shall modify the contract.

(c) The Contractor must submit any proposal for adjustment (hereafter referred to as proposal) under this clause within 10 days from the date of receipt of the written order. However, if the Contracting Officer decides that the facts justify it, the Contracting Officer may receive and act upon a proposal submitted before final payment of the contract.

(d) If the Contractor's proposal includes the cost of property made obsolete or excess by the change, the Contracting Officer shall have the right to prescribe the manner of the disposition of the property.

(e) Failure to agree to any adjustment shall be a dispute under the Disputes clause. However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(End of Clause)

1352.217-108 Default-Ship Repair.

As prescribed in 1317.7001(a), insert the following clause:

Default—Ship Repair (Car 1352.217-108) (1986)

(a) The Government may, subject to paragraphs (c) and (d) below, by written notice of default to the Contractor, terminate this contract in whole or in part if the Contractor fails to —

(1) Deliver the supplies or to perform the services within the time specified in this contract or any extension;

(2) Make progress, so as to endanger performance of this contract; or

(3) Perform any of the other provisions of this contract.

(b) If the Government terminates this contract in whole or in part, it may arrange for completion of the work in the manner the Contracting Officer considers appropriate. The Contracting Officer may designate any plant or plants for completion of the work, including the Contractor's plant or plants. If the work is to be completed at the Contractor's plant, the Government may use all tools, machinery, facilities and equipment of the Contractor which the Contracting Officer determines to be necessary. The Contractor will be liable to the Government for any excess costs, other than those costs attributable to changes in the plans or specifications made after the termination date. However, the Contractor shall continue the work not terminated.

(c) Except for defaults of subcontractors at any tier, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises from causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include (1) acts of God or of the public enemy, (2) acts of the Government in either its sovereign or contractual capacity, (3) fires, (4) floods, (5) epidemics, (6) quarantine restrictions (7) strikes, (8) freight embargoes, and (9) unusually severe weather. In each instance the failure to perform must be beyond the control and without the fault or negligence of the Contractor.

(d) If the failure to perform is caused by the default of a subcontractor at any tier, and if the cause of the default is beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either, the Contractor shall not be liable for any excess costs for failure to perform, unless the subcontracted supplies or services were obtainable from other sources in sufficient time for the Contractor to meet the required delivery schedule.

(e) If this contract is terminated for default, the Government may require the Contractor to transfer title and deliver to the Government, as directed by the Contracting Officer, any (1) completed supplies, and (2) partically completed supplies and materials, parts, tools, dies, jigs, fixtures, plans, drawings, information, and contract rights (collectively referred to as "manufacturing materials" in this clause) that the Contractor has specifically produced or acquired for the terminated portion of this contract. Upon direction of the Contracting Officer, the Contractor shall also protect and preserve property in its possession in which the Government has an interest.

(f) The Government shall pay contract price for completed supplies delivered and accepted. The Contractor and Contracting Officer shall agree on the amount of payment for manufacturing materials delivered and accepted and for the protection and preservation of the property. Failure to agree will be a dispute under the Disputes clause. The Government may withhold from these amounts any sum the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(g) If, after termination, it is determined that the Contractor was not in default, or that the default was excusable, the rights and

obligations of the parties shall be the same as if the termination had been issued for the convenience of the Government.

(h) The rights and remedies of the Government in this clause are in addition to any other rights and remedies provided by law or under this contract.

(End of Clause)

1352.217-109 Insurance Requirements.

As prescribed in 1317.7001(b), insert the following clause:

Insurance Requirements (Car 1352.217-109) (1986)

(a) The Contractor shall procure and thereafter maintain the following insurance:

(1) Ship repairer's legal liability insurance to insure the risks described in paragraph (b) of the Liability and Insurance clause. This insurance shall be for $300,000.

(2) Comprehensive general liability insurance and automobile insurance to insure the risks described in paragraph (c) of the Liability and Insurance clause. This insurance shall be for $300,000 on account of any one accident or occurrence with respect to each vessel, boat, and/or barge upon which work is performed. The Contractor shall cause the Government to be named as an additional insured under any and all liability insurance policies.

(3) Full coverage in accordance with the State Workmen's Compensation law; and

(4) Full coverage in accordance with the United States Longshoremen's and Harbor Worker's Act.

(b) As evidence that it has obtained the insurance specified in (a) above, the Contractor shall furnish the Contracting Officer with a certificate or certificates executed by an agent of the insurer authorized to execute such certificates. Such certificates shall be furnished prior to commencement of the work. Each certificate shall state that (name of insurer) has insured (name of Contractor) awarded contract number ———— for repair/ alteration of (name of vessel) in accordance with the Libability and Insurance clause and the Insurance Requirements clause contained herein. Each certificate shall set forth that each policy of insurance represented thereby will expire on (date) and that each such policy contains the following clause:

"It is agreed that in the event of cancellation, or any material change in the policy adversely affecting the interest of the Government in this insurance 30 days prior written notice will be given to the Contracting Officer."

(End of Clause)

1352.217-110 Guarantees.

As prescribed in 1317.7001(c), insert the following clause:

Guarantees (Apr 1982) (Car 1352.217-110) (1986)

In case any work done or materials furnished by the Contractor under this contract on or for any vessel or the equipment thereof shall, within 90 days from the date of redelivery of the vessel by the Contractor, prove defective or deficient, such defects or deficiencies shall, as required by the Government in writing, be corrected and repaired by the Contractor or at Contractor expense to the satisfaction of the Contracting Officer. However, the Government shall be entitled to rely upon any guarantee secured by the Contractor or any subcontractor covering work done on materials furnished which exceeds the 90-day period until the expiration. Also, with respect to any individual work item identified and listed as incomplete at the redelivery of the vessel, the guarantee period shall run from the date of completion of such item. If and when practicable, the Government shall afford the Contractor an opportunity to effect such corrections and repairs itself. But, when it is impracticable or undesirable to return it to the Contractor, or the Contractor fails to proceed promptly with any such repairs as directed by the Contracting Officer, the corrections and repairs shall be made at Contractor expense at other Government designated locations. Where corrections and repairs are to be made by other than the Contractor, due to non-return of the vessel to the Contractor, the Contractor's liability may be discharged by an equitable deduction in the price of the contract. The Contractor's liability shall only extend for an additional 90-day guarantee period on those defects or deficiencies which it corrected and in no event to those for which payment was made. However, this clause does not limit the responsibility or relieve the liability of the Contractor under the Liability and Insurance clause. At the Contracting Officer's option, defects and deficiencies may be left in their uncorrected condition. In that event, the Contractor and the Contracting Officer shall agree on an equitable deduction from the contract price. If the Contractor and the Contracting Officer fail to agree upon an equitable deduction from the contract price, the dispute shall be determined in accordance with the Disputes clause.

(End of Clause)

1352.217-111 Temporary Services.

As prescribed in 1317.7001(d), insert the following clause:

Temporary Services (Car 1352.217-111) (1986)

(a) Temporary services are services incidental to the performance of work which are required in the schedule or specifications to be provided by the contractor. Temporary services may include the furnishing of water, electricity, telephone service, toilet facilities, garbage removal, office space, parking places, or similar facilities as specified in the schedule or specifications.

(b) If performance time is extended due to Government caused delay or causes beyond the control of both the contractor and subcontractor, and without the fault or negligence of either, the contractor shall have the right to request an equitable adjustment for providing temporary services in excess of the number of estimated days contained in the schedule. Any such equitable adjustment shall not exceed the amount obtained by multiplying the number of excess days by the contractor's unit price contained in the schedule for this item.

(End of Clause)

1352.217-112 Self-Insurance Information.

As prescribed in 1317.7001(e), insert the following provision:

Self-Insurance Information (Car 1352.217-112) (1986)

An offeror who proposes to self-insure for any or all of the risks set forth in the Liability and Insurance clause and the Insurance Requirements clause shall submit satisfactory evidence to permit the Contracting Officer to determine that the offeror's assets are sufficient for the risks set forth in such clauses. The offeror shall submit with its offer 2 certified copies of documents listing its assets and liabilities and other information deemed necessary by the offeror or required by the Contracting Officer. For approval of self-insurance under the State Workmen's Compensation Law and the United States Longshoremen's and Harbor Workers' Act, evidence of qualifications as a self-insurer under the applicable compensation statute must be furnished to the Contracting Officer.

(End of Provision)

[FR Doc. 86-19914 Filed 9-3-86; 8:45 am]

BILLING CODE 3510-17-M

Notices

Federal Register
Vol. 51, No. 171
Thursday, September 4, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

August 29, 1986.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

• *Agricultural Marketing Service*

Application for Permit to Export Tobacco Seed or Plants
TB–31
On occasion
Small businesses or organizations; 85 responses; 14 hours; not applicable under 3504(h)
Larry L. Crabtree (202) 447–3489

• *Animal and Plant Health Inspection Service*

Witchweed Mail Survey
Annually
Farms; 2,800 responses; 1,400 hours; not applicable under 3504(h)
Anita G. McGrady (301) 436–7799

• *Animal and Plant Health Inspection Service*

Prohibited and restricted importation of meats, animals, animal byproducts, poultry, organisms and vectors into the United States
VS–16–3, VS–16–25
Recordkeeping, On occasion, Quarterly, Annually
State or local governments; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations; 3,913 responses; 7,047 hours; not applicable under 3504(h)
H. A. Kryder (301) 436–8695

New

• *Food and Nutrition Service*

Study of Temporary Emergency Food Assistance Program (TEFAP) Recipients
One-time data collection
Individuals or households; State or local governments; Non-profit institutions; Small businesses or organizations; 2,124 responses; 704 hours; not applicable under 3504(h)
Linda Esrov (703) 756–3115

• *Food and Nutrition Service*

Child Care Food Program/On-site Study and Telephone Survey of Parents
One time only
Non-profit institutions; Small businesses or organizations; 2,539 responses; 1,337 hours; not applicable under 3504(h)
Jerry Burns (703) 756–3115

• *Food and Nutrition Service*

Model Food Stamps, Periodic Reporting, Notice of Late/Incomplete Reporting, Adequate Notice, Sponsored Aliens, Duplication Participation, and Disqualified Recipient Report
FNS 385, 386, 387, 394, 396, 437, 439, 441, 442, 524
Recordkeeping, On occasion, Monthly, Quarterly, Semi-annually, Annually
Individuals or households; State or local governments; 90,087,783 responses; 17,120,386 hours; not applicable under 3504(h)
Peggy Hickman (703) 756–3449

Revision

• *Agricultural Stabilization Conservation Service*

Cooperative Marketing Association
CCC–120, CCC–477–3, CCC–699, CCC–846, CCC–846–1, CCC–846–2, CCC–847, CCC–848, CCC–849, CCC Form Cotton G
Recordkeeping, On occasion, Annually, As requested
Farms; Non-profit institutions; 25,129 responses, 73,713 hours; not applicable under 3504(h)
Dale Wilson (202) 447–5396

• *Agricultural Stabilization and Conservation Service*

7 CFR Part 1475, Emergency Feed Program
ASCS–645, ASCS–646, ASCS–647, ASCS–648
As assistance is needed
Farms; 51,000 responses; 37,667 hours; not applicable under 3504(h)
Harry Millner (202) 475–3605

Donald E. Hulcher,
Acting Departmental Clearance Officer.

[FR Doc. 86–19926 Filed 9–3–86; 8:45 am]
BILLING CODE 3410–01–M

Office of the Secretary

Review of the United States Sugar Import Quota System

AGENCY: Office of the Secretary, USDA.
ACTION: Notice.

SUMMARY: This notice reviews the U.S. sugar import quota system established by Presidential Proclamation 4941 of May 5, 1982. (47b FR 19661.)

FOR FURTHER INFORMATION CONTACT: John Nuttall, Chief, Sugar Group,

Horticultural and Tropical Products Division, Foreign Agricultural Service, Room 6603, South Building, Department of Agriculture, Washington, DC 20250, Telephone: (202) 447–2916.

SUPPLEMENTARY INFORMATION:

I. Introduction

In accordance with paragraph (f) of Headnote 3, subpart A, part 10, schedule 1 of the Tariff Schedules of the United States (TSUS), the Secretary of Agriculture has consulted with the U.S. Trade Representative, the Department of State, and other concerned agencies on the operation of the sugar import quota system established under the authority of Headnotes 2 and 3 of subpart A of part 10 of schedule 1 of the TSUS, the now-expired International Sugar Agreement, 1977, Implementation Act, and section 201 of the Trade Expansion Act of 1962. After reviewing the operation of the sugar import quota system, the Secretary of Agriculture has determined that the system should be continued in effect in order to give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade (GATT). The rationale for this decision is based on the following analysis.

A. Current World and U.S. Sugar Market Situation

World sugar consumption for 1985/86 exceeded production for the first time since the 1979/80 crop year. This will lead to a drawdown in ending stocks, the expectation of which has caused a moderate strengthening in world sugar prices. World output of centrifugal sugar in 1985/86 is estimated at 96.5 million metric tons, while consumption is projected at around 98.0 million metric tons. Ending stocks should decline by 1.5 million metric tons, but will constitute about 45 percent of projected consumption. The continued high stock levels will in the short term have a restraining effect on the recent moderate recovery in world prices. Accordingly, although the world price (f.o.b.s., Carribbean, No. 11 spot contract as published by the New York Coffee, Sugar and Cocoa Exchange) averaged 6.36 cents per pound during the December 1, 1985 through July 31, 1986 period, compared to 3.98 cents per pound during the previous quota period, the average monthly price has declined recently from 8.36 cents per pound in April 1986 to 5.62 cents per pound in July 1986.

U.S. centrifugal sugar production is estimated at 6.02 million short tons (5.46 million metric tons), and domestic utilization is expected to be 8.03 million short tons (7.28 million metric tons).

During the period December 1, 1985 through July 25, 1986, 1.12 million short tons were charged against the quotas for the 40 countries which have allocations totalling 1,845,000 short tons. The domestic price of raw sugar (c.i.f., duty and fee paid, No. 12 contract nearby futures, December 1, 1985 through July 31, 1986, as published by the New York Coffee, Sugar and Cocoa Exchange) averaged 20.60 cents per pound for the first eight months of the quota year.

B. Outlook for World and U.S. Sugar Market

After the decline in ending stocks in 1985/65, world centrifugal sugar production and consumption may be close to balanced in 1986/87. Prospective production increases around the world coupled with a moderate recovery in consumption indicate that there will not be a dramatic change in world stocks in 1986/87. However, large world sugar stocks will continue to prevent a rapid recovery in prices. This is reflected in world sugar futures prices which currently range from 6.2 cents per pound for contracts due in September 1986 to 7.6 cents per pound for contracts due to mature in October 1987.

Given these factors, we anticipate that world prices will remain at levels that make it impossible to achieve market conditions that give due consideration to the interests of domestic producers in the U.S. sugar market without a continuation of the current sugar import quota system.

II. Modification of Sugar Import Quota Year

Paragraph (d) of Headnote 3, subpart A, part 10, schedule 1 of the TSUS authorizes the Secretary, after appropriate consultations, to amend the time period for which the quantitative limitations established by paragraph (c) are applicable if he determines that such an amendment is appropriate to give due consideration to the interests in the U.S. sugar market of domestic producers and materially affected contracting parties of the GATT.

Accordingly, on March 4, 1986, after appropriate consultations, the Secretary amended the sugar import quota year from the period December 1, 1985 through September 30, 1986 to the period December 1, 1985 through December 31, 1986 (51 FR 7475). This modification was designed to give due consideration to the interests in the U.S. sugar market of domestic producers and materially affected contracting parties to the GATT.

Notice

In accordance with paragraph (f) of Headnote 3, subpart A, part 10, schedule 1 of the TSUS, I have determined that the continued operation of paragraphs (b), (c), (d) and (e) of Headnote 3 gives due consideration to the interests in the U.S. sugar market of domestic producers and materially affected contracting parties to the GATT, and that paragraph (g) of that headnote, which would allow entry of sugar into the United States of not to exceed 6.90 million short tons, would not give due consideration to such interests.

Signed at Washington, DC, on August 28, 1986.

Peter C. Myers,

Secretary of Agriculture.

[FR Doc. 86–19874 Filed 8–29–86; 11:12 am]

BILLING CODE 3410–10–M

Commodity Credit Corporation

1986 Wheat, Feed Grains (Corn, Sorghum, Barley, Oats, and Rye), Rice and Upland Cotton Programs; Determination Regarding the Proclamation of 1986-Crop Program Provisions for Wheat, Feed Grains, Rice and Upland Cotton

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination of 1986-crop program provisions for wheat, feed grains, rice and upland cotton.

SUMMARY: The purpose of this notice is to affirm the determinations previously made by the Secretary of Agriculture in accordance with the Agricultural Act of 1949, as amended (the "1949 Act"), with respect to the 1986 price support and production adjustment programs for wheat, feed grains (corn, sorghum, barley, oats, and rye), rice, and upland cotton.

EFFECTIVE DATE: September 4, 1986.

ADDRESS: Dr. Howard C. Williams, Director, Commodity Analysis Division, USDA-ASCS, Room 3741, South Building, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Philip W. Sronce, Agricultural Economist, Commodity Analysis Division, USDA-ASCS, P.O. Box 2415, Washington, DC 20013 or call (202) 447–7924. The Final Regulatory Impact Analysis describing the options considered in developing this notice of determination is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA

procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been designated as "major". It has been determined that these program provisions will result in an annual effect on the economy of $100 million or more.

The titles and numbers of the federal assistance programs, as found in the catalogue of Federal Domestic Assistance, to which this notice applies are:

Titles	Numbers
Feed Grains Production Stabilization	10.055
Wheat Production Stabilization	10.058
Rice Production Stabilization	10.065
Upland Cotton Production Stabilization	10.052
Commodity Loans and Purchases	10.051

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish notice of proposed rulemaking with respect to the subject matter of these determinations.

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

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

General Information

The determinations previously made by the Secretary with respect to the 1986 price support and production adjustment programs were that: (1) The loan and purchase levels per bushel, unless otherwise indicated, shall be $2.40 for wheat, $1.92 for corn, $1.82 ($3.25 per cwt.) for sorghum, $1.56 for barley, $.99 for oats and $1.63 for rye, $7.20 per cwt. for rice, and $.55 per pound for upland cotton; (2) the established (target) price levels (unchanged from 1985) per bushel, unless otherwise indicated, are $4.38 for wheat, $3.03 for corn, $2.88 ($5.14 per cwt.) for sorghum, $2.60 for barley, $1.60 for oats, $0.81 per pound for upland cotton and $11.90 per cwt. for rice; (3) acreage reduction programs will be in effect at the following percentages for wheat, 22½ percent; feed grains, 17½ percent; upland cotton, 25 percent; and rice, 35 percent; (4) 2½ percent paid land diversion programs will be in effect for wheat and feed grains; (5) winter wheat producers are eligible to receive diversion payments on an acreage equivalent to, at their option, either 5 or 10 percent of the wheat base if producers reduce the acreage planted to wheat on the farm for harvest so that it does not exceed 70 or 65 percent, respectively, of the farm's wheat crop acreage base; (6) no set-aside program; (7) haying and grazing will be permitted throughout the year on underplanted acreage devoted to conserving uses or non-program crops considered to be planted to the program crop for purposes of determining the individual farm program acreage under the 50 percent planting provision for all program crops; (8) haying and grazing will be permitted throughout the year on acreage conservation reserve (ACR) for wheat and feed grains, however, for upland cotton and rice haying and grazing on ACR will be permitted but not during any five-consecutive-month period established for a State by the State Committee; (9) wheat and feed grain producers will be able to request up to 40 percent of their estimated deficiency and up to 100 percent of their diversion payments in advance while upland cotton and rice producers may request up to 30 percent of their advance deficiency payments in cash; (10) binding contracts must be executed by producers in order to participate in the 1986 Wheat, Feed Grain, Upland Cotton, and Rice Programs; (11) cross compliance will not be required; (12) offsetting compliance will not be required; (13) farm acreage bases will not be established, and crop acreage base adjustments only will be allowed to reflect crop rotation practices and other factors in determining fair and equitable crop acreage bases; (14) a marketing loan program will not be implemented for the 1986 crop of wheat and feed grains; (15) the Secretary shall implement Plan A for upland cotton since the prevailing adjusted world price for upland cotton was below the upland cotton loan rate at the time of the announcement of the loan rate; (16) inventory protection payments will be made to any one holding free stocks of raw upland cotton on August 1, 1986; (17) inventory reduction options will not be implemented; (18) advance recourse commodity loans will not be available; (19) whether entry will be permitted into the farm-owned reserve will be determined at a later date; (2) barley producers shall be eligible for program payments; (21) malting barley shall not be exempt from the feed grain acreage reduction program; (22) price support loans will not be available for corn silage; and (23) popcorn shall not be considered to be a feed grain for purposes of program participation.

This notice affirms determinations with respect to the following issues:

1. Loan and purchase levels

A. *Wheat.* Section 107D(a)(1) of the 1949 Act provides that the Secretary shall make available to producers loans and purchases for the 1986 crop of wheat, at not less than $3.00 per bushel, as the Secretary determines will maintain the competitive relationship of wheat to other grains in domestic and export markets after taking into consideration the cost of producing wheat, supply and demand conditions, and world prices for wheat. Section 107D(a)(4) provides that if the Secretary determines that the average price received by producers for wheat in the previous marketing year was not more than 110 percent of the loan and purchase level, or that action is necessary to maintain a competitive market position, the Secretary shall reduce the loan and purchase level for the 1986 crop of wheat by at least 10 percent but not more than 20 percent.

B. *Feed grains.* Section 105C(a)(1) of the 1949 Act provides that the Secretary shall make available to producers loans and purchases for the 1986 crop of corn at such a level, at not less than $2.40 per bushel, as the Secretary detemines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains after taking into consideration the cost of producing corn, supply and demand conditions, and world prices for corn. Section 105C(a)(3) provides that if the Secretary determines that the average price received by producers for corn in the previous marketing year was not more than 110 percent of the loan and purchase level or that action is necessary to maintain a competitive market position, the Secretary shall reduce the loan and purchase level for the 1986 crop of corn by at least 10 percent but not more than 20 percent. Section 105C(a)(6) provides that the Secretary shall make available to producers loans and purchases for the 1986 crops of grain sorghum, barley, oats, and rye at such levels as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and certain other factors specified in section 401(b) of the 1949 Act.

C. *Rice.* Section 101A(a)(1) of the 1949 Act provides that the Secretary shall make available to producers loans and purchases for the 1986 crop of rice at a level that is not less than $7.20 per hundredweight.

D. *Upland cotton.* Section 103A(a)(1) of the 1949 Act provides that the Secretary shall, on presentation of warehouse receipts reflecting accrued storage charges of not more than 60 days, make available for the 1986 crop of upland cotton to producers nonrecourse loans for a term of 10 months from the first day of the month in which the loan is made at such level, per pound, as will reflect for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States a level that is not less than 55 cents per pound.

2. Established (target) price

A. *Wheat.* Section 107D(c)(1)(G) of the 1949 Act provides that the established established price for the 1986 crop of wheat shall not be less than $4.38 per bushel.

B. *Feed grains (corn, sorghum, barley, and oats).* Section 105C(c)(1)(E) of the 1949 Act provides that the established price for the 1986 crop of corn shall not be less than $3.03 per bushel. Section 105C(c)(1)(F) of the 1949 Act provides that the payment rate for grain sorghum, oats, and, if designated by the Secretary, barely, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

C. *Rice.* Section 101A(c)(1)(D) of the 1949 Act provides that the established price for the 1986 crop of rice shall not be less than $11.90 per hundredweight.

D. *Upland cotton.* Section 103A(c)(1)(D) of the 1949 Act provides that the established price for the 1986 crop of upland cotton shall not be less than $0.81 per pound.

3. Acreage reduction program (ARP) and paid land diversion program (PLD)

A. *Wheat.* Sections 107D(f) (1) and (2) of the 1949 Act authorizes the Secretary to provide for an acreage reduction program if the Secretary determines that the total supply of wheat will be excessive, in absence of such program, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. Section 107D(f)(1)(B) of the 1949 Act provides that, if the Secretary estimates that the quantity of wheat on hand in the United States on the first day of the marketing year for that crop (not including any quantity of wheat of the 1986 crop) will be more than 1.0 billion bushels, that the Secretary shall provide for an acreage limitation program under which the acreage planted to wheat for harvest on a farm would be limited to the wheat crop acreage base for the crop reduced by not less than 15 percent nor more than 22½ percent and a land diversion program with in-kind payments under which the acreage planted to wheat for harvest on a farm would be limited to the wheat crop acreage base for the farm for the crop reduced by not less than an amount equivalent to 2½ percent of the wheat crop acreage base, in addtion to any reduction required under the acreage limitation program. The Secretary shall announce any such acreage reduction program for the 1986 crop of wheat as soon as practicable after enactment of the Food Security Act of 1985. Such acreage reduction shall be achieved by applying a uniform percentage reduction to the wheat crop acreage base established for each wheat-producing farm. Except as provided in the inventory reduction provision (see item 13), producers who knowingly produce wheat in excess of the permitted wheat acreage for the farm shall be ineligible for wheat price support loans and purchases, and payments with respect to that farm. In addition, a number of acres on the farm determined by dividing: (1) The product obtained by multiplying the number of acres required to be withdrawn from the production of wheat by the number of acres planted to such commodity by (2) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary shall be devoted to conservation uses, in accordance with regulations issued by the Secretary.

Section 107D(f)(5)(A) of the 1949 Act provides that the Secretary may make land diversion payments to producers of wheat whether or not: (1) An acreage reduction program or set-aside program of wheat is in effect, or (2) marketing quotas for wheat are in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of wheat to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. Section 107D(f)(5)(B) provides that the Secretary shall implement a land diversion program for the 1986 crop of wheat for producers who plant the 1986 crop of wheat before the announcement by the Secretary of the wheat acreage limitation program for that crop. With respect to such producers, the Secretary shall make crop retirement and conservation payments to any such producer of the 1986 crop of wheat who reduces the acreage on the farm planted to wheat for harvest so that it does not exceed the wheat crop acreage base for the farm less an amount equivalent to 10 percent of the wheat crop acreage base, in addition to any reduction required under an acreage reduction program and devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the wheat crop acreage base. In accordance with section 107D(f)(5)(A), the Secretary has established a paid diversion program for producers of winter wheat who reduce the acreage on the farm planted to wheat for harvest so that it does not exceed the wheat crop acreage base for the farm less an amount equivalent to 5 percent of the wheat crop base, in addition to any reduction required under an acreage reduction program, and devotes to approved conservation uses an acreage of cropland equivalent to the required reduction from the wheat crop acreage base.

B. *Feed grains (Corn, sorghum, barley, and oats).* Sections 105C(f) (1) and (2) of the 1949 Act authorize the Secretary to provide for an acreage reduction program if the Secretary determines that the total supply of feed grains will be excessive, in absence of such program, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. Section 105C(f)(1)(B) of the 1949 Act provides that if the Secretary estimates that the quantity of corn on hand in the United States on the first day of the marketing year for that crop (not including any quantity of corn of the 1986 crop) will be more than 2.0 billion bushels, the Secretary shall provide for an acreage limitation program under which the acreage planted to feed grains for harvest on a farm would be limited to the feed grain crop acreage base for the crop reduced by not less than 12½ percent nor more than 17½ percent, and a land diversion program with in-kind payments under which the acreage planted to feed grains for harvest on a farm would be limited to feed grain acreage crop base for the farm for the crop reduced by not less than an amount equivalent to 2½ percent of the feed grain crop acreage base, in addition to any reduction required under the above acreage limitation program. The Secretary shall announce any such acreage reduction program for the 1986 crop of feed grains as soon as practicable after enactment of the Food Security Act of 1985. Such acreage reduction shall be achieved by applying a uniform percentage reduction

to the feed grain crop acreage base established for each feed grain-producing farm. Except as provided in the inventory reduction provision (see item 13), producers who knowingly produce feed grains in excess of the permitted feed grain acreage for the farm shall be ineligible for feed grain loans, purchases, and payments with respect to that farm. In addition, a number of acres determined by dividing (1) the product obtained by multiplying the number of acres required to be withdrawn from the production of feed grains by the number of acres planted to such commodity by (2) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary on the farm shall be devoted to conservation uses, in accordance with regulations issued by the Secretary.

Section 105C(f)(5)(A) of the 1949 Act provides that the Secretary may make land diversion payments to producers of feed grains, whether or not an acreage reduction or set-aside program for feed grains is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals. Such land diversion payment shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

C. *Rice.* Sections 101A(f)(1) and (2) of the 1949 Act authorize the Secretary to provide for an acreage reduction program if the Secretary determines that the total supply of rice will be excessive, in absence of such program, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. The Secretary shall announce any such acreage reduction program for the 1986 crop of rice as soon as practicable after enactment of the Food Security Act of 1985. Such acreage reduction shall be achieved by applying a uniform percentage reduction, not to exceed 35 percent, to the rice crop acreage base established for each rice-producing farm. Except as provided in the inventory reduction provision (see item 13), producers who knowingly produce rice in excess of the permitted rice acreage for the farm shall be ineligible for rice loans, purchases, and payments with respect to that farm. In addition, a number of acres on the farm determined by dividing (1) the product obtained by multiplying the number of acres required to be withdrawn from the reproduction of rice times the number of acres planted to such commodity by (2) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary shall be devoted to conservation uses, in accordance with regulations issued by the Secretary.

Section 101(f)(4)(A) of the 1949 Act provides that the Secretary may make land diversion payments to producers of rice, whether or not an acreage limitation program for rice is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of rice to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

D. *Upland cotton.* Section 103A(f)(1) and (2) of the 1949 Act authorize the Secretary to provide for an acreage reduction program if the Secretary determines that the total supply of upland cotton will be excessive, in the absence of such program, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. The Secretary shall announce any such acreage reduction program for the 1986 crop of upland cotton as soon as practicable after enactment of the Food Security Act of 1985. Such acreage reduction shall be achieved by applying a uniform percentage reduction (not to exceed 25 percent) to the upland cotton crop acreage based established for each upland cotton-producing farm. Except as provided in the inventory reduction provision (see item 13), producers who knowingly produce upland cotton in excess of the permitted upland cotton acreage for the farm shall be ineligible for upland cotton loans, purchases, and payments with respect to that farm. In addition, a number of acres on the farm determined by dividing (1) the product obtained by multiplying the number of acres required to be withdrawn from the production of upland cotton by the number of acres planted to such commodity by (2) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary shall be devoted to conservation uses, in accordance with regulations issued by the Secretary.

Section 103A(f)(4)(A) of the 1949 Act provides that the Secretary may make land diversion payments to producers of upland cotton, whether or not an acreage limitation program for upland cotton is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of upland cotton to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

4. *Set-aside program.* Sections 107D(f)(1) and (3) and 105C(f)(1) and (3) of the 1949 Act provide that the Secretary may provide for a set-aside program if it is determined that the total supply of wheat or feed grains, in the absence of such a program, will be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

5. Haying and Grazing

A. *Fifty percent planting provision.* Sections 107D(c)(1), 105C(c)(1), 103A(c)(1), and 101A(c)(1) of the 1949 Act provide that for the 1986 crops of wheat, feed grains, upland cotton, and rice the Secretary shall permit, at the request of the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for a State and subject to such terms and conditions as the Secretary may prescribe, all or any part of acreage otherwise required to be devoted to conservation uses or nonprogram crops to be considered to be planted to the program crop for purposes of determining the individual farm program acreage in such State to be devoted to haying and grazing. Haying and grazing shall not be permitted if the Secretary determines that haying and grazing would have an adverse economic effect.

B. *Designated acreage conservation reserve.* Sections 107D(f)(4), 105C(f)(4), 101A(f)(3) and 103A(f)(3) of the 1949 Act provide that for the 1986 crops of wheat, feed grains, upland cotton, and rice the Secretary shall permit, at the request of the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for a State and subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage diverted from production by participating producers in such State to be devoted to haying and grazing in the

case of the 1986 crops of wheat, feed grains, upland cotton, and rice. Haying and grazing shall not be permitted for the 1986 crops of rice and upland cotton during any 5-consecutive-month period that is established for such crop for a State by the State committee. Haying and grazing shall be permitted for the 1986 crops of wheat and feed grains during not less than 5 of the principle growing months that is established for such crop for a State by the State committee.

6. Advance Deficiency and Land Diversion Payments

Section 107C of the 1949 Act provides that, if the Secretary establishes an acreage reduction or acreage set-aside program for wheat, feed grains, upland cotton, or rice and determines that deficiency payments will likely be made for such crop, that the Secretary shall make advance deficiency payments available to producers who agree to participate in such program. Such payments shall be made available in such amounts as the Secretary determines appropriate to encourage adequate participation in such program, except that such amount may not exceed an amount determined by multiplying: (1) The estimated farm program acreage, by (2) the farm program payment yield for the crop, by (3) 50 percent of the projected program payment rate, as determined by the Secretary. If the Secretary makes land diversion payments under the 1949 Act to assist in adjusting the total national acreage of crops of wheat, feed grains, upland cotton, or rice to desired levels, the Secretary may make at least 50 percent of such payments available to producers as soon as possible after the producer agrees to undertake the diversion of land in return for such payments.

7. Binding Contracts

The Secretary may require that program contracts between producers and CCC be binding. These contracts may also provide for liquidated damages in the event producers do not fulfill the terms and conditions of the contracts.

8. Cross and Offsetting Compliance Requirements

Sections 107D(n)(1–2), 105C(n)(1–2), 103A(n)(1–2), and 101A(n)(1–2) of the 1949 Act provide with respect to wheat, feed grains, upland cotton and rice, that the Secretary may not require as a condition of eligibility for loans, purchases, or payments, compliance on a farm with the terms and conditions of any other commodity program (strict cross compliance). However, if an ALP is established for a crop of wheat, feed grains, upland cotton, or rice, the Secretary may require that, as a condition of eligibility of producers on a farm for loans, purchases, or payments for such crops, the acreage planted for harvest on the farm to such commodities and ELS cotton, if an ALP is in effect for such crops, shall not exceed the crop acreage base for that commodity. This requirement is referred to as limited cross compliance.

Sections 103A(n)(3) and 101A(n)(3) which are applicable to upland cotton and rice provide that the Secretary may not require producers on a farm, as a condition of eligibility for loans, purchases, or payments to comply with the terms and conditions of the upland cotton and rice programs with respect to any other farm operated by such producers (offsetting compliance). No similar requirements are applicable to wheat and feed grains. However, in accordance with sections 107D(i) and 105C(i) of the 1949 Act, the Secretary may issue regulations the Secretary determines necessary to carry out the wheat and feed grains programs. In some prior crop years, the Secretary has promulgated regulations providing for offsetting compliance requirements. If offsetting compliance is required, operators and owners of farms would have to ensure that all of the farms in which they have an interest were either in compliance with program requirements or that the acreages of wheat or feed grains planted to harvest on each of such farms did not to exceed the wheat or feed grain crop acreage base established for such farms.

9. Establishment of Acreage Bases

Section 503 of the 1949 Act provides that with respect to the 1986 crop year, the Secretary may forego the establishment of farm acreage bases for the 1986 crop year. Section 503 also provides that the county committee, in accordance with regulations prescribed by the Secretary, shall determine the farm acreage base for a farm for a crop year. Such farm bases shall include the number of acres equal to the sum of the crop acreage bases for the farm. Section 504 of the 1949 Act provides that the Secretary may make adjustments to reflect crop rotation practices and to reflect other factors as the Secretary determines should be considered in determining a fair and equitable crop acreage base. Section 505 of the 1949 Act provides that the Secretary may provide for an upward adjustment of any crop acreage base for any farm for any crop year. Such adjustment may not exceed the number of acres that is equal to 10 percent of the farm acreage base for such farm for such crop year. Any upward adjustment in a crop acreage base must be offset by an equivalent downward adjustment in one or more other crop acreage bases established for the farm for such crop year. The Secretary may suspend, on a nationwide basis, any limitation with respect to the crop acreage base for any program crop if the Secretary determines that: (1) A short supply or other similar emergency situation exists with respect to the program crop, or (2) market factors exist that require the suspension of the limitation to achieve the purposes of the program.

10. Marketing Loans

A. *Wheat and feed grains.* Sections 107D(a)(5) and 105C(a)(4) of the 1949 Act provide that the Secretary may permit a producer to repay a price support loan made with respect to a crop of wheat or feed grains at a level that is the lesser of: (1) The determined wheat or feed grain price support loan levels or, (2) the higher of: (a) 70 percent of such levels; (b) if such loan levels for wheat or feed grains were reduced, 70 percent of the loan levels that would have been in effect before the reductions; or (c) the prevailing world market prices for wheat or feed grains, as determined by the Secretary.

B. *Upland cotton.* Section 103A(a)(5) of the 1949 Act provides that if the Secretary determines that the prevailing world market price for upland cotton (adjusted to United States quality and location) is below the upland cotton price support loan level, in order to make United States upland cotton competitive in world markets, the Secretary shall implement the provisions of Plan A or Plan B. If the Secretary elects to implement Plan A, the Secretary shall permit a producer to repay a loan at a level determined and announced at the same time the Secretary announces the loan level. Such loan repayment level shall not be less than 80 percent of the loan level determined for the crop and, once announced for the crop, shall not thereafter be changed. If the Secretary elects to implement Plan B, the Secretary shall, for 1986, permit producers to repay the loan at the lesser of (1) the price support loan level for the crop, or (2) the prevailing world market price for upland cotton as determined by the Secretary. Section 103A(a)(5) further provides that if a program carried out under Plan A or Plan B fails to make United States upland cotton fully competitive in world markets and the prevailing world market price is below the current price support loan rate, the

Secretary shall provide for the issuance of marketing certificates to first handlers of cotton who have entered into an agreement with CCC to participate in the program. Such payments shall be made in such monetary amounts and subject to such terms and conditions as the Secretary determines will make upland cotton available at competitive prices, including such payment as may be necessary to make raw cotton in inventory on August 1, 1986, available on the same basis.

C. *Rice.* Section 101A(a)(5) of the 1949 Act provides that the Secretary shall permit a producer to repay a price support loan for the 1986 crop at a level that is the lesser of (1) the price support loan level, or (2) the higher of (i) 50 percent of the price support loan level or (ii) the prevailing world market price for rice, as determined by the Secretary. As a condition of permitting a producer to repay a price support loan at such lower level, the Secretary may require a producer to purchase negotiable marketing certificates, redeemable for rice owned by CCC, equal to value to 50 percent of the difference between the price support loan rate and the loan repayment rate.

11. Loan deficiency payment

Sections 107D(b), 105C(b), 103A(b), and 101A(b) of the 1949 Act provide that the Secretary may, for the 1986 crop of wheat, feed grains, upland cotton, and rice make payments available to producers who, although eligible to obtain a price support loan or purchase agreement agree to forego obtaining such loans or agreements in return for such payments. A payment made in accordance with this subseciton shall be computed by multiplying; (1) The loan payment rate by (2) the quantity of wheat, feed grains, upland cotton, or rice the producer is eligible to pledge as collateral for a price support loan. For purposes of these payments, the quantity of eligible wheat, feed grains, upland cotton and rice may not exceed the product obtained by multiplying: (1) The individual farm program acreage for the crop by (2) the farm program payment yield established for the farm. For purposes of these payments, the loan payment rate shall be the amount by which: (1) the loan level determined for such crop exceeds (2) the level at which a loan may be repaid.

12. Inventory reduction

In accordance with sections 107D(g), 105C(g), 101A(g), and 103A(g) of the 1949 Act the Secretary may, for the 1986 crops of wheat, feed grains, rice, and upland cotton, make payments available to producers who: (1) Agree to forego obtaining a price support loan or purchase agreement; (2) agree to forego receiving deficiency and disaster payments; (3) do not plant wheat, feed grains, rice, or upland cotton for harvest in excess of the crop acreage bases reduced by one-half of any acreages required to be diverted from production under either the acreage limitation or set-aside program provisions, as applicable; and (4) otherwise comply with these sections. Such payments shall be (1) made in the form of such wheat, feed grains, rice or upland cotton, respectively, owned by the CCC; and (2) subject to the availability of such wheat, feed grains, rice or upland cotton. Payments under this section shall be determined in the same manner as provided in sections 107D(b), 105C(b), 101A(b), and 103A(b) of the 1949 Act.

13. Advance recourse commodity loans

Section 424 of the 1949 Act provides that the Secretary may make advance recourse loans available to producers of the commodities of the 1986 crop for which nonrecourse loans are made available if the Secretary finds that such action is necessary to ensure that adequate operating credit is available to producers. Such recourse loans may be made available under such reasonable terms and conditions as the Secretary may prescribe, except that the Secretary shall require that a producer obtain crop insurance for the crop as a condition of eligibility for a loan.

14. Farmer-owned reserve program

Section 110 of the 1949 Act provides that the Secretary shall formulate and administer a program which producers of wheat and feed grains will be able to store wheat and feed grains when such commodities are in abundant supply, extend the time period for their orderly marketing, and provide for adequate, but not excessive carryover stocks to ensure a reliable supply of the commodities. Under such program, the Secretary shall provide original or extended price support loans at such level of support as the Secretary determines appropriate, except that the loan rate shall not be less than the current level of support provided under the wheat and feed grain programs established in accordance with sections 107D and 105C of the 1949 Act, respectively. The program may provide for (1) repayment of such loans in not less than 3 years nor more than 5 years; (2) payments to producers for storage in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program; (3) a rate of interest not less than the rate of interest charged CCC by the United States Treasury, except that the Secretary may waive or adjust interest as the Secretary deems appropriate; (4) recovery of amounts paid for storage, and for the payment of additional interest or other charges if such loans are repaid by producers when the total amount of wheat or feed grains in storage under programs under this section is below the upper limits for such storage and the market price for wheat and feed grains is below the trigger release levels; and (5) conditions designed to induce producers to redeem and market the wheat or feed grains without regard to the maturity dates thereof whenever the Secretary determines that the market price for wheat or feed grains has attained a specified trigger release level, as determined by the Secretary. The Secretary shall announce the terms and conditions of the producer storage program as far in advance of making loans as practicable. In such announcements, the Secretary shall specify the quantity of wheat or feed grains to be stored under the program which the Secretary determines appropriate to promote the orderly marketing of wheat or feed grains.

Whenever: (1) The total quantity of wheat stored under storage programs established by section 110 is less than 17 percent of the estimated total domestic and export usage of wheat during the then current marketing year for wheat, as determined by the Secretary, or (2) the total quantity of feed grains stored under storage programs established by section 110 is less than 7 percent of the estimated total domestic and export usage of feed grains during the then current marketing year for feed grains, as determined by the Secretary; and (3) the market price of the commodity, as determined by the Secretary, does not exceed 140 percent of the nonrecourse loan rate for the commodity the Secretary shall encourage participation in the programs authorized by section 110 by offering producers increased storage payments and loan levels, the waiving of interest, or such other incentives as the Secretary determines necessary to maintain the total amount of storage under the programs at the levels specified in clauses (1) and (2). The Secretary also shall ensure that producers are afforded a fair and equitable opportunity to participate in each producer storage program, taking into account regional differences in the time of harvest.

Prior to the harvest of each crop of wheat and feed grains, the Secretary shall determine and establish upper limits on the total quantity of wheat and

feed grains that may be stored under storage programs established under this section to be effective during the marketing year for such crop, as follows: (1) The upper limit on the total quantity of wheat that may be stored under such programs shall not exceed 30 percent of the estimated total domestic and export usage of wheat during the marketing year for the crop of wheat, as determined by the Secretary, and (2) the upper limit on the total quantity of feed grains that may be stored under such programs shall not exceed 15 percent of the estimated total domestic and export usage of feed grains during the marketing year for the crop, as determined by the Secretary. Notwithstanding clauses (1) and (2), the Secretary may establish the upper limits at higher levels, but not in excess of 110 percent of the levels determined under clauses (1) and (2) if the Secretary determines that the higher limits are necessary to achieve the purposes of section 110.

15. Barley as an eligible commodity for payment purposes under the feed grain program

Section 105C(c)(1)(F) of the 1949 Act provides the Secretary discretionary authority to include or exclude barley as an eligible commodity for payments under the feed grain program. In the past, barley has been included as an eligible commodity with the exception of the 1967, 1968, and 1971 feed grain programs. If barley were not included in the 1986 feed grain program, barley producers would not be eligible for price support loans and purchases and the farmer-owned grain reserve program or for established price payments (deficiency payments).

16. Exemption of malting barley

In accordance with section 105C(f)(2)(C) of the 1949 Act, the Secretary may provide that no producer of malting barley shall be required as a condition of eligiblity for feed grain loans, purchases, and payments to comply with any acreage limitation if such producer has previously produced a malting variety for harvest, and meets other conditions as the Secretary may prescribe.

17. Non-recourse loans and purchases for corn silage grain equivalent

Section 105C(a) of the 1949 Act provides that the Secretary may make available loans and purchases to producers on a farm who: (1) For silage, cut corn (including mutilated corn) that the producers have produced in such crop year or purchase or exchange corn (including mutilated corn) that has been produced in such crop year by another producer (including a producer that is not participating in an acreage limitation or set-aside program for such crop established by the Secretary), and (2) participate in an acreage limitation or set-aside program for such crop of corn established by the Secretary. Such loans and purchases may be made on a quantity of corn of the same crop, other than the corn obtained for silage, acquired by the producer equivalent to a quantity determined by multiplying: (1) The acreage cut for silage, by (2) the lower of the farm program payment yield or the actual yield on a field, as determined by the Secretary, that is similar to the field from which such silage was obtained.

Determinations

1. Loan and purchase level

In accordance with sections 107D(a)(1), 105C(a)(1) and 101A(a)(1) of the 1949 Act, the price support loan and purchase level per bushel, unless otherwise indicated, shall be $2.40 for wheat, $1.92 for corn, $1.82 ($3.25 per cwt.) for sorghum, $1.56 for barley, $.99 for oats, and $.163 for rye, and $7.20 per cwt. for rice. In accordance with section 103A(a)(1) of the 1949 Act, the price support level for nonrecourse loans for upland cotton is that which will reflect a kevek if 55 cents per pound for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States.

2. Established (target) price

In accordance with sections 107D(b)(1)(G), 105C(b)(1)(E), 101A(c)(1)(D) and 103A(c)(1)(D) of the 1949 Act, the established (target) price per bushel shall be $4.38 for wheat, $3.03 for corn, $2.88 ($5.14 per cwt.) for sorghum, $2.60 for barley, and $1.60 for oats, $11.90 per hundredweight for rice, and $0.81 per pound for upland cotton.

3. Acreage reduction/paid land diversion program

In accordance with sections 101A(f)(2)(A), and 103A(f)(2)(A) of the 1949 Act, acreage reduction programs of 35 and 25 percent have been established with respect to the 1986 crops of rice and upland cotton, respectively. In accordance with sections 107D(f)(1)(B) and 105C(f)(1)(B), combined acreage reduction and paid diversion programs of 25 and 20 percent have been established for the 1986 crops of wheat and feed grains, respectively. The paid diversion portion of each program as 2½ percent. Accordingly, producers will be required to reduce their 1986 acreages of these commodities for harvest from the respective crop acreage bases established for a farm by a least these established percentages for each commodity in order to be eligible for price support loans and purchases, and payments for each such commodity. Winter wheat producers are eligible: (1) In accordance with section 107D(f)((5)(B) of the 1949 Act to receive diversion payments on an acreage equivalent to 10 percent of the wheat crop acreage base established for the farm if the acreage planted to wheat on the farm for harvest does not exceed 65 percent of such crop acreage base or (2) in accordance with section 107D(f)(5)(A) of the 1949 Act, to receive diversion payments on an acreage equivalent to 5 percent of the wheat crop acreage base established for the farm if the acreage planted to wheat on the farm does not exceed 70 percent of such crop acreage base.

4. Set-aside program

In accordance with sections 107D(f)(1) and (3) 105C(f)(1) and (3) of the 1949 Act, if has been determined that there will be no set-aside program for the 1986 crops of wheat and feed grains.

5. Haying and grazing

A. *Fifty percent planting provision.* In accordance with sections 107D(c)(1), 105C(1), 103A(C)(1) and 101A(c)(1) of the 1949 Act, it has been determined that haying and grazing will be permitted on acreage devoted to conservation uses or non-program crops considered to be planted to the program crop for purposes of determining the individual farm program acreage at the request of individual State ASC committees. The Secretary has determined that haying and grazing would not have an adverse economic effect.

B. *Designated acreage conservation reserve provision.* In accordance with sections 107D(f), 105C(f), 101A(f), and 103A(f), it has been determined that haying and grazing will be permitted on acreage required to be designated as ACR at the request of individual State ASC committees. However, for rice and upland cotton, haying and grazing of ACR will not be permitted during any five-consecutive month period that is established for a State by the State committee.

6. Advance deficiency and land diversion payments

In accordance with section 107C of the 1949 Act the Secretary is required to make: (1) Advance deficiency payments for the 1986 crops of wheat, feed grains, upland cotton, and rice, (2) and advance

land diversion payments for the 1986 crops of wheat and feed grains. Wheat and feed grain producers may request 40 percent of their projected deficiency payments when they enroll in the 1986 wheat and feed grain programs. Seventy-five percent of the advance deficiency payments will be paid in cash and the remaining 25 percent will be paid in the form of commodity certificates beginning April 30. Producers may request 100 percent of their diversion payments which will be paid in the form of commodity certificates, when they enroll in the 1986 wheat and feed grains program. Upland cotton and rice producers may request 30 percent of their projected deficiency payments when they enroll in the 1986 program. All upland cotton and rice advance deficiency payment will be paid in cash.

7. Binding contracts

Contracts signed by program participants will be considered binding at the end of the sign-up period and will provide for liquidated damages if producers do not comply with contractual arrangements. It has been determined that binding contracts will ensure a high level of compliance by those producers enrolling in the program and will also result in a more effective program.

8. Cross and offsetting compliance

In accordance with sections 107D(n)(2), 105C(n)(2), 103A(n)(2) and 101A(n)(2) of the 1949 Act, it has been determined that cross compliance will not be required as a condition of eligibility for program benefits. In accordance with sections 107D(i) and 105C(i) of the 1949 Act, it has been determined that offsetting compliance by wheat and feed grain program participants will not be required as a condition of eligibility for program benefits.

9. Establishment of acreage bases

In accordance with sections 503 and 505 of the 1949 Act, it has been determined that farm acreage bases will not be established for the 1986 crop year. Accordingly, adjustments in crop acreage bases of up to 10 percent of the farm acreage base for the 1986 prorgram will not be allowed. However, in accordance with section 504 of the 1949 Act, it has been determined that crop acreage base adjustments will be allowed to reflect crop rotation practices and other factors in determining fair and equitable acreage bases.

10. Marketing loan

A. *Wheat and feed grains.* In accordance with sections 107D(a)(5), and 105C(a)(4) of the 1949 Act, it has been determined that marketing loans will not be implemented at this time for the 1986 crops of wheat or feed grains since the price support loan and purchase levels applicable to such crops have been lowered to the maximum extent possible. It has been determined that this action is sufficient to maintain a competitive market position and the implementation of a marketing loan program for such crops would greatly increase program costs while program benefits would be increased marginally. If market conditions change, the Secretary may subsequently make such loans available.

B. *Upland cotton.* In accordance with section 103A(a)(5), the Secretary has determined that the prevailing adjusted world price for upland cotton is below the upland cotton price support loan rate.

Accordingly, the Secretary has determined to implement Plan A of the upland cotton program. Under Plan A, the loan repayment rate for the 1986 crop of upland cotton shall be 80 percent of the loan rate established for such crop. It also has been determined that the prevailing adjusted world market price for upland cotton is below the loan repayment rate and that a program carried out under Plan A will not make United States upland cotton fully competitive in world markets. Accordingly, payments in the form of marketing certificates will be made to first handlers of cotton and to persons holding "free" stocks (stocks not pledged as collateral for price support loan or owned by the CCC) of raw upland cotton on August 1, 1986. Such payments will be made in the form of marketing certificates as soon as possible after August 1, 1986. Payments made to persons holding "free" stocks of raw upland cotton shall be based on the total quantity of "free" stocks taking into account the 1985 loan rate plus accrued carrying charges and the adjusted world price in effect on August 1, 1986.

C. *Rice.* In accordance with section 101A(a)(5) of the 1949 Act, it has been determined that a producer of 1986 crop rice may repay a price support loan for the 1986 crop of rice at a level that is the lesser of (1) the price support loan level or (2) the higher of (i) 50 percent of the rice price support loan rate or (ii) the prevailing world market price for rice. It has been determined that a producer shall not be required to purchase a negotiable marketing certificate as a condition to repaying the rice price support loan at a lower level.

11. Loan deficiency payments

In accordance with sections 107D(b), 105C(b), 101A(b) and 103A(b) of the 1949 Act, it has been determined that, with respect to the 1986 price support and production adjustment programs, loan deficiency payments will not be available for wheat, feed grains, or rice but will be available for upland cotton. It has been determined that offering producers loan deficiency payments in lieu of obtaining a price support loan or purchase agreement will reduce the quantity of upland cotton pledged as collateral for price support loans when a marketable loan is in effect but would not reduce such quantities of rice pledged as collateral. Since, for 1986, marketing loans are available only with respect to upland cotton and rice, loan deficiency payments will not be available for feed grains and wheat producers for the 1986 crop.

12. Inventory reduction

In accordance with sections 107D(g), 105C(g), 101A(g), and 103A(g) of the 1949 Act, it has been determined that the inventory reduction program will not be implemented for the 1986 crops of wheat, feed grains, rice, and upland cotton since such a program would encourage farmers to plant non-program crops on available crop acreage and thereby adversely affect producers of such non-program crops.

13. Advance recourse commodity loans

In accordance with section 424 of the 1949 Act, it has been determined that advance recourse price support loans shall not be made available to producers since advance deficiency payments for wheat, feed grains, rice and upland cotton will substantially augment private lending to producers and therefore ease farm credit problems of producers. Further, implementing this program could encourage producers to place additional encumbrances upon crops yet to be produced which could result in increased financial stress for producers after harvest.

14. Farmer-owned reserve program

In accordance with section 110 of the 1949 Act, it has been determined that there will be no direct entry into the farmer-owned reserve (FOR) program for the 1986 crop of wheat and feed grains. It has been further determined that upper limits on the total quantity of wheat and feed grains stored under the FOR may not exceed 30 percent for wheat and 15 percent for feed grains of

the total estimated use for the 1986–87 marketing year. The Secretary intends to review the size of the reserve before regular price support loans for the 1986 crop reach maturity in order to determine whether to allow entry into the FOR for the 1986 crop of wheat and feed grains.

15. Inclusion of barley

In accordance with section 105(c)(1)(F) of the 1949 Act, it has been determined that barley is eligible for 1986 feed grains program payments since the inclusion of barley in the feed grain acreage reduction program permits the alignment of barley stocks with barley demand.

16. Exemption of malting barley

In accordance with section 105C(e)(2) of the 1949 Act, it has been determined that malting barley shall not be exempt from the feed grain acreage reduction program. Since a large portion of barley production in planted to malting barley varieties and exclusion of such varieties from any production adjustment requirememts would greatly reduce the effectiveness of the feed grain program.

17. Non-recourse loans and purchases for corn silage grain equivalent

In accordance with section 105C(a) of the 1949 Act, it has been determined that corn silage grain equivalent will not be eligible for non-recourse loans and purchases since an increase in program costs would result in only marginal increases in program benefits.

Authority: Secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended, 62 Stat. 1070, as amended, 1072 (7 U.S.C. 714b and 714c); Secs. 101, 101A, 103A, 105B, 107C, 1097D, 107E, 109, 110, 401, 504, and 505 of the Agricultural Act of 1949, as amended, 63 Stat. 1051, as amended, 99 Stat. 1419, as amended, 1407, as amended, 1395, as amended, 1446, 1383, as amended, 1448, 91 Stat. 950, as amended, 951, as amended, 63 Stat. 1054, as amended, 99 Stat. 1461, as amended, 1462 (7 U.S.C. 1441, 1441–1, 1444–1, 1444–b, 1445b–2, 1445b–3, 1445b–4, 1445d, 1445e, 1421, 1464, and 1465).

Signed at Washington, DC on August 28, 1986.

Earle J. Benenbaugh,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 86–19927 Filed 9–3–86; 8:45 am]

BILLING CODE 3410–05–M

Cooperative State Research Service

Small Business Innovation Research Program for Fiscal Year 1987; Solicitation of Applications

Notice is hereby given that under the authority of the Small Business Innovation Development Act of 1982 (Pub. L. 97–219) and section 1472 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3318), the U.S. Department of Agriculture (USDA) expects to award project grants for certain areas of research to science-based small business firms through Phase I of its Small Business Innovation Research (SBIR) Program. This program will be administered by the Office of Grants and Program Systems, Cooperative State Research Service. Firms with strong scientific research capabilities in the topic areas listed below are encouraged to participate. Objectives of the three-phase program include stimulating technology innovation in the private sector, strengthening the role of small businesses in meeting Federal research and development needs, increasing private sector commercialization of innovations derived from USDA-supported research and development efforts, and fostering and encouraging minority and disadvantaged participation in technological innovation.

The total amount expected to be available for Phase I of the SBIR Program in fiscal year 1987 is approximately $1,300,000. The solicitation is being announced to allow adequate time for potential recipients to prepare and submit applications by the closing date of November 17, 1986. The research to be supported is in the following topic areas:

1. Forests and Related Resources
2. Plant Production and Protection
3. Animal Production and Protection
4. Air, Water, and Soils
5. Food Science and Nutrition
6. Rural and Community Development

The award of any grants under the provisions of the solicitation is subject to the availability of appropriations. All grants awarded will be administered in accordance with the USDA's "Uniform Federal Assistance Regulations" (7 CFR Part 3015), as amended. These regulations primarily consolidate internal policies and procedures relating to USDA's assistance programs and implement various Federally issued assistance policies including applicable Federal cost principles and uniform administrative requirements.

The solicitation, which contains research topic descriptions and detailed instructions on how to apply, may be obtained by writing or calling the office indicated below. Please note that applicants who submitted SBIR proposals for 1986, or who have recently requested placement on the list for 1987, will automatically receive a copy of the 1987 solicitation.

Proposal Services Unit, Grants Administrative Management, Office of Grants and Programs Systems, Cooperative State Research Service, U.S. Department of Agriculture, Room 010, Justin Smith Morrill Building, 15th and Independence Avenue, SW., Washington, DC 20251, Telephone: (202) 475–5048

Done at Washington, DC, this 27th day of August 1986.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 86–19928 Filed 9–3–86; 8:45 am]

BILLING CODE 3410–22–M

Packers and Stockyards Administration

[P & S Docket No. 6748]

Bourbon Stock Yard Company and Producers Livestock Marketing Association, Louisville, KY; Complaint, Order of Suspension, and Notice of Hearing

Notice is hereby given that on August 27, 1986, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing", the contents of which are as follows:

By reason of a complaint by an affected party filed with the Administrator, Packers and Stockyards Administration and a preliminary investigation conducted by the Packers and Stockyards Administration pursuant to such complaint, this proceeding is instituted under the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*) (hereinafter "the Act").

I

(a) Bourbon Stock Yard Company (hereinafter "respondent Bourbon") is a division of Lincoln International Corporation with its principal place of business located at 1048 East Main Street, Louisville, Kentucky 40206.

(b) Respondent Bourbon is, and at all times material herein was, engaged in the business of conducting and operating the Bourbon Stock Yard (hereinafter "the stockyard") Louisville, Kentucky, a posted stockyard subject to the Act.

(c) Producers Livestock Marketing Association (hereinafter "respondent Producers") is an association with its principal place of business located at the stockyard.

(d) Respondent Producers is, and at all times material herein was:

(1) Engaged in the business of buying and selling livestock in commerce on a commission basis at the stockyard and buying and selling livestock in commerce for its own account; and

(2) Registered with the Secretary of Agriculture as a market agency to buy and sell livestock on a commission basis and as a dealer to buy and sell livestock for its own account.

II

(a) As a result of an arrangement, agreement or understanding between respondent Bourbon and respondent Producers, respondent Bourbon, on July 15, 1986, issued the following news release to the media and to all persons doing business at the stockyard:

Effective September 1, 1986, a reorganized sales agency, headed by the Producers Livestock Marketing Association will assume all responsibility of receiving and selling all species of livestock at the Bourbon Stock Yard. Patron and customer services will not be disrupted. The newly organized sales agency and the Bourbon Stock Yard Company will continue to provide all stock yard services, as in the past. The newly organized sales agency is contemplating a name change.

(b) In furtherance of such arrangement, agreement or understanding between respondent Bourbon and respondent Producers, each market agency operating at the stockyard except respondent Producers has been notified that its lease of facilities at the stockyard will be cancelled as of midnight, August 31, 1986.

(c) Respondent Bourbon and respondent Producers have engaged in these and other acts for the purpose or with the effect of restraining commerce and eliminating all competitor market agencies of respondent Producers currently operating at the stockyard.

III

(a) Respondent Bourbon currently has in effect a schedule of rates and charges which includes the following definition:

A. Definition—Yardage, Resale Yardage, and Selling Commission

The rates and charges for the term "Yardage" as used in the Tariff covers the following described facilities and services, unless otherwise noted:

The use of suitable facilities for safe and expeditious receiving, handling, feeding, watering, holding, sorting, selling, buying, weighing, delivery and shipment of livestock.

The services necessary in incident to the receiving of livestock at the place of unloading.

The furnishing of receipts for livestock to the carrier or consignor.

The Bourbon Stock Yard Company employees will continue to make delivery of livestock between the hours of 2:00 p.m. and 6:00 a.m. daily, and all days when no sales are conducted.

The furnishing of sufficient potable water for livestock.

The initial weighing of livestock when sold and delivered to the scales.

The issuance of scale tickets showing actual weight and other pertinent information concerning the livestock weighed.

The removal of livestock from the scales at the slaughter scale auction.

Furnish Average Weights on electronic feeder cattle scale.

The holding of livestock for a reasonable time pending delivery to buyers.

The delivery of livestock to buyers at storage or holding pens.

The obtaining of receipts for livestock delivered to buyers.

The selling agencies will deliver livestock from the unloading docks to the sales division from 6:00 a.m. to 2:00 p.m. on days sales are conducted at the Bourbon Stock Yards. The selling agencies will feed, sort, grade, and prepare livestock for sale and conduct those sales not offered through the auction. Deliver livestock to scales and perform necessary duties to see that livestock is sold at highest possible prices. Issue checks for livestock in accordance with the Packer and Stockyards regulations.

(b) The contemplated changes in business operations at the stockyard described in paragraph II above will have the further effect of changing the nature of stockyard services (including yardage services) provided by respondent Bourbon and respondent Producers at the stockyard, inasmuch as respondent Producers would assume, *inter alia*, responsibility for providing services necessary to the receiving of livestock at the stockyard, which services were the previous responsibility of respondent Bourbon.

(c) Respondent Bourbon has not filed with the Secretary any change in its schedule of rates and charges to reflect the contemplated changes in stockyard services to be provided by respondent Bourbon and respondent Producers at the stockyard.

IV

Upon an analysis of information available to the Packers and Stockyards Administration, it is concluded that the changes in business operations at the stockyard contemplated to begin September 1, 1986, as described in paragraphs II and III above, constitute, within the meaning of section 306 of the Act (7 U.S.C. 207), a new regulation or practice affecting rates or charges assessed by the respondents and other market agencies operating at the stockyard.

V

Upon an analysis of information available to the Packers and Stockyards Administration, there is reason to believe that such new regulation or practice is unfair, unreasonable and unjustly discriminatory in violation of sections 304, 307(a) and 312(a) of the Act (7 U.S.C. 205, 208(a) and 213(a)).

VI

It is therefore ordered pursuant to section 306 of the Act (7 U.S.C. 207) that the implementation of the regulation or practice described in paragraphs II and III above and scheduled to begin on September 1, 1986, is hereby suspended and deferred for 30 days beyond the time it would otherwise go into effect.

It is further ordered that for the purpose of determining whether in fact the regulation or practice described in paragraphs II and III above does or will violate the Act, a hearing concerning the matters set forth herein will be held before an Administrative Law Judge of the Department at a time and place to be specified at a later date, of which respondents will receive adequate notice. At such hearing the respondents and all other interested persons will have the right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is furthered ordered that copies hereof shall be served upon the parties.

Any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice by filing a statement to that effect with the Hearing Clerk, United States Department of Agriculture, Washington, DC 20250, within 20 days of the date of the publication hereof in the **Federal Register.**

Done at Washington, DC, this 28th day of August 1986.

B.H. (Billy) Jones,

Administrator, Packers and Stockyards Administration.

[FR Doc. 86-19902 Filed 9-3-86; 8:45 a.m.]

BILLING CODE 3410-KD-M

DEPARTMENT OF COMMERCE

International Trade Administration

Baylor College of Medicine, Decision on Application For Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM

and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket number: 85–219R. Applicant: Baylor College of Medicine, (USDA/ARS), Houston, TX 77030. Instrument: Gas-Isotope-Ratio Mass Spectrometer, Model Delta-E with Accessories. Manufacturer: Finnigan MAT Corporation, West Germany. Intended use: See notice at 51 FR 22097.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign article is capable of measuring 10 microliters of carbon dioxide with a precision of 0.01%. The National Institutes of Health advises in its memorandum dated July 24, 1986 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–19924 Filed 9–3–86; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the certificate should be issued.

FOR FURTHER INFORMATION CONTACT: James V. Lacy, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97–290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and State antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a certificate should be issued. An original and five (5) copies should be submitted not later than September 24, 1986, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 86–00006."

Applicant: Abreu de la Mota & Associates International, Inc. (ADLM), 126 West 83rd Street, Suite 1G, New York, New York 10024, Telephone: 212–873–3113

Application No.: 86–00006

Date Deemed Submitted: August 19, 1986

Members (in addition to applicant): Francisco J. Abreu, President, Abreu de la Mota & Associates International, Inc., New York, New York; and G & M Industries, Inc., Somerville, New Jersey

Summary of Application:

A. Export Trade

The Applicant is a New York corporation established as an international management consulting firm. ADLM and its members intend to provide a wide array of export and commodity-related services to assist the export of various agricultural and high technology products obtained from its various suppliers.

The Applicant intends to export the following goods: livestock for slaughter and for breeding, grain (corn, wheat, and soybeans), computer software, and closed circuit TV security systems. In connection with these exports, ADLM will provide the following commodity-related services: computer programming and technology, communication-related services, and general business services. In the conduct of its export activities, ADLM will also provide the following export trade services: management consulting, market research and analysis, freight forwarding, export documentation, trade mission organization, financial services, risk management, public relations, and government relations services.

B. Export Markets

Worldwide.

C. Export Trade Activities and Methods of Operation

ADLM and its Members seek certification to:

1. Enter into exclusive agreements with U.S. Suppliers for the export of specified Goods and Services. These agreements may contain price, quantity, and territorial restrictions, as well as specify the mode of transport, parts and service requirements, payment, and other terms.

2. Enter into exclusive agreements with domestic or foreign Export Intermediaries for the export of consigned Goods or Services. These agreements may also contain provisions similar to those listed in Item 1 above.

3. Act as an agent or broker in the Export Markets, contacting potential foreign customers.

Dated: August 28, 1986.

George Muller,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 86–19923 Filed 9–3–86; 8:45 am]

BILLING CODE 3510-DR-M

Semiconductor Technical Advisory Committee; Partially Closed Meeting

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on January 10, 1986 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

TIME AND PLACE: September 23, 1986 at 9:30 a.m., Herbert C. Hoover Building, Room 3407, 14th Street and Constitution Ave., NW., Washington, DC.

Agenda

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Action items underway.
4. New Business.
5. Action items due to next meeting.

Executive Session

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation

The General Session will be open to the public and a limited number of seats

will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: A Notice of Determination to close meetings or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on January 10, 1986, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202–377–4217. For further information or copies of the minutes call 202–377–2583.

Dated: August 29, 1986.

Dan Hoydysh,

Acting Director, Office of Technology and Policy Analysis.

[FR Doc. 86–19915 Filed 9–3–86; 8:45 am]

BILLING CODE 3510-DT-M

National Oceanic and Atmospheric Administration

Guidelines for Submission of Proposals for Selection as Principal Museum for the Monitor Collection of Artifacts and Papers

AGENCY: Sanctuary Programs Division (SPD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The National Oceanic an Atmospheric Administration (NOAA) is seeking a qualified museum to provide museum services for the *Monitor* Collection of Artifacts and Papers, a Federally-owned collection resulting from the research component of the Monitor National Marine Sanctuary. In order to provide an open and objective selection process, based upon professional criteria, SPD/NOAA requested in 1984 that the Council of American Maritime Museums (CAMM) recommend professional criteria on which to base the selection of a qualified museum. The CAMM submitted its report on April 26, 1986. Copies of this report are available from SPD/NOAA. These guidelines have been adopted by SPD/NOAA and will be the policy for the general management of archeological collections recovered under the authority of Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431 *et seq.* Additionally, specific evaluation factors, based on the recommended CAMM criteria, are provided which will be used for the selection of the principal museum for the *Monitor* Collection of Artifacts and Papers to assist institutions, agencies, or other organizations in submitting proposals.

DATES: Proposals will be accepted until December 22, 1986. A public meeting to review these guidelines and to answer any questions concerning the submission of proposals will be held at 10:00 a.m., Thursday, October 9, 1986 at 1825 Connecticut Avenue, NW., Washington, DC, Room 928.

ADDRESS: Send proposals to Dr. Nancy Foster, Chief, Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, SPD/NOAA, 1825 Connecticut Avenue, NW., Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Foster at (202) 673–5122.

SUPPLEMENTARY INFORMATION:

I. Authority

The *Monitor* National Marine Sanctuary (MNMS) was designated by the Secretary of Commerce on January 30, 1975, pursuant to Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA/Title III), 16 U.S.C. 1431 *et seq.* SPD/NOAA has promulgated regulations for overall management of the Sanctuary, 15 CFR Part 924, and is responsible for the management of the Sanctuary and the resulting archeological collection.

II. Background

Management goals set for the MNMS can be summarized as the protection, preservation, research, and interpretation of the *Monitor* and all its associated records, documents, and archeological collections for the appreciation and education of the public. Initial research focused upon understanding the environment and the physical remains of the *Monitor* resting on the seafloor. While the wreck is still the primary concern from a cultural resource management viewpoint, the further development of the research program has identified the inherent relevance and high value of the historical, architectural, and engineering records of the ship for understanding and interpreting the *Monitor*, both historically and archeologically. The long-term management and development of these records and the resulting *Monitor* Collection of Artifacts and Papers will promote the proper management and development of the resource. At this time, a high management priority is being placed upon the development of a master plan for the Sanctuary by conducting an alternatives study of management options for achieving the goals set for the Sanctuary. This requires that all relevant information necessary for a responsible decision concerning the treatment of the resource be collected and studied. In order to provide for the long-term curation, preservation and interpretation of the existing *Monitor* Collection, as well as to facilitate the development of a master plan for the Sanctuary, which will include planning for the future development of the Collection, museum services are required. The 1975 Memorandum of Agreement (MOA) with the Department of the Navy governing the curation of *Monitor* artifacts and research materials does not provide for the required services or the costs of such services. Under the terms of cooperative agreements from 1976 until this year, the State of North Carolina and East Carolina University established and maintained repositories of project materials separate from the artifact collection curated by the Navy. The South Carolina Institute of Archeology and Anthropology of the University of South Carolina is currently compiling and cataloging the research and management records collected for the project by the State of North Carolina and East Carolina University. At appropriate ceremonies commemorating the 125th anniversary of the "Battle of the Ironclads" on Monday, March 9, 1987, NOAA intends to formally dedicate the *Monitor* Collection of Artifacts and Papers as a single collection of national significance. The selected principal museum will provide the necessary collections management and museum services for the *Monitor* Collection under terms negotiated in a cooperative agreement with NOAA.

III. Collections Management Policy

NOAA manages archeological collections recovered under authority of the MPRSA/Title III in accordance with the general body of Federal historic preservation and archeological policies, standards and applicable regulations. It is explicitly intended that professional standards of collections management be maintained and that the same degree of regulatory protection and preservation planning for archeological collections resulting from archeological investigations on land be extended to collections resulting from archeological investigations in the marine environment. The following guidelines summarize NOAA's policies for the

management of archeological collections.

NOAA shall: (a) Preserve artifacts and records of Federally authorized archeological investigations in a repository with adequate and secure curatorial capabilities and make the collections available for scientific inquiry, agency management needs, interpretation and other public benefit.

(b) For permits issued pursuant to the MPRSA for archeological investigations in national marine sanctuaries that involve the excavation or removal of items of archeological interest, stipulate the repository to be used to curate, preserve and interpret the resulting Federally-owned archeological collection.

(c) Consider long-range management, conservation, curatorial and budgetary needs during the planning phase of a project involving the collection, processing, cataloging, and interpretation of significant prehistoric and historic artifacts, specimens, and records. Ensure that research designs for Federally-funded or authorized archeological investigations limit collection of artifacts and other materials during field survey, site testing and data recovery to that specifically required for research and interpretation needs so that the amount or redundant data is minimized. Ensure that budgets for Federally-funded or authorized archeological investigations provide sufficient funds for the curation, conservation, and perpetual care of artifacts and materials recovered.

(d) Provide for the exchange or temporary exhibits of archeological collections, or representative parts thereof, between suitable museums, universities or other scientific or educational institutions for research and educational purposes or for appropriate public displays. Ensure that Federally-owned archeological collections are accessible for educational and scholarly purposes such as traveling exhibits, study or teaching purposes, educational programs and research.

(e) Ensure that Federally-owned archeological collections are never purchased or sold.

(f) Ensure that Federally-owned archeological collections are accessioned, cataloged, maintained, preserved, conserved, and stored according to accepted standards of the museum profession and that appropriate records are kept in an accession filing system secured from fire and other natural hazards.

(g) Ensure that Federally-owned archeological collections are kept under environmentally and physically secure conditions within storage, exhibition, laboratory, and study areas in accordance with the needs of the collection and accepted standards of the museum profession.

(h) Ensure that Federally-owned archeological collections remain intact as a unit, whether by site, project, geographic or cultural or other appropriate area or unit. When possible, Federally-owned archeological collections should be curated in a repository that has an appropriate contextual relationship, such as historical or geographically near the site or project location.

(i) Ensure that individuals who are responsible for caring for Federally-owned archeological collections have appropriate expertise and meet pertinent minimum professional qualifications.

(j) Ensure that repositories selected to curate Federally-owned archeological collections certify that they will at all times manage the collection in the best interests of the collection and for the benefit of the American public in accordance with the above cited policies and with other policies, standards or guidelines set by other regulatory authorities which NOAA deems applicable.

IV. Instructions

Proposals submitted in accordance with this notice will be evaluated to determine the relative professional and technical qualifications of offerors. Cost is not a factor in the evaluation of proposals. The costs associated with providing the specified services will be subject to negotiation with the repository selected using the qualitative criterion; however, a repository having existing facilities or expertise fulfilling the needs of the Collection is preferable to a repository where such facilities or expertise must be obtained. No specific criterion is absolute as no single repository may possess all the attributes identified in the evaluation criterion. Where there are no existing facilities, expertise or capabilities, offerors are encouraged to present creative or innovative proposals on how to meet stated requirements. The decision on the selection of a principal museum will be based upon the technical and professional qualifications of the offeror in meeting the specified criteria. NOAA reserves the right to select the repository it deems most qualified under the criteria and in the best interest of the Federal government through review of the submitted proposals or subsequent negotiation. Additionally, NOAA reserves the right to make no selection should all submitted proposals be found unacceptable. The proposals should be typewritten on 8½ x 11" paper and bound in a standard binder. They should be organized and written in a clear and concise manner, in sufficient depth of detail to enable the reviewers to make a comprehensive evaluation of the proposal. Offerors should be careful to address each of the specified criteria directly in their proposal. The proposal should not contain any unnecessary material and should not be expensively produced as appearance in terms of the number of drawings, photographs, color, quality of paper, etc. will not receive any additional consideration compared to a proposal that simply, accurately and thoroughly establishes the repository's qualifications. Proposals should be sent certified mail and must be received by SPD/NOAA no later than 5:00 p.m., Monday, December 22, 1986.

V. Statement of Work

The selected repository will have a delegated responsibility from NOAA for the principal long-term curation, preservation, interpretation, and management of the *Monitor* Collection under the terms of a cooperative agreement negotiated with NOAA. In addition, the selected repository will establish and maintain a research library, project archives, and conservation facility. The repository will have in its staff a qualified maritime historian and a qualified marine conservator. The principal museum shall:

(a) Develop interpretive displays on the *Monitor*, both historically and archeologically, and on the current status of the USS MONITOR PROJECT.

(b) Manage the loan of portions of the collection to other qualified repositories for research, interpretation, or educational purposes.

(c) Maintain the collection under environmentally and physically secure conditions within storage, exhibition, laboratory and study areas.

(d) Inspect the collection on a regular basis and make recommendations as to necessary maintenance conservation measures.

(e) Assist and advise NOAA regarding the future planning of the USS MONITOR PROJECT, the development of the collection, and the implementation of the approved master plan.

(f) Improve public access to the Project through suitable interpretation including educational displays and publications.

(g) Adequately insure the Collection from theft or other loss; and

(h) Comply with relevant Federal regulations regarding the curation of Federally-owned archeological collections.

VI. Evaluation and selection factors

1. *Qualifying Criteria.* The offeror must meet the following criteria in order to receive consideration for selection. Suitable documentation should be submitted in order to confirm and support the offeror's capabilities.

(a) Status

(1) AAM Accreditation (as defined in Appendix A).

(2) Non-Profit Organization (as defined in Appendix A).

(3) Financial stability including the ability to insure the MONITOR Collection adequately.

(4) Equal Opportunity Employer.

(b) Facility

(1) Physical capacity to house the current MONITOR Collection.

(2) Presence of a Conservation Facility (as defined in Appendix A).

(c) Personnel

Present employment of a historian and a conservator both of whom meet the minimum professional requirements of their respective fields (as stated in Appendix B).

2. Comparative Criteria. The evaluation of proposals which meet the above Qualifying Criteria will be comparatively ranked based on a relative weighting of the technical criteria set forth below. The relative costs of providing the specified museum services will be subject to later negotiation with the selected museum.

Factor 1—Capability.

A. Facilities

(1) Security within storage, exhibition, laboratory and study areas.

(a) Environmental security includes the ability to maintain collections under appropriate, stable environmental conditions, and to monitor collections regularly for possible deterioration or damaging effects from temperature, humidity, visible and ultraviolet light, dust, soot, gases, mold, fungus, insects and rodents, and general neglect.

(b) Physical security includes the maintenance of an adequate and operational fire detection/suppression system and a burglar prevention/detection system as well as adequate security for fragile artifacts from human contact. Repositories must also meet local electrical, fire, building, health and safety codes.

(2) Quality and technical nature of the Conservation Facility and access to appropriate professional expertise, facilities and equipment.

(3) Quality and size of an existing research library and project archives, or adequate provision for both.

(4) Scope of current collections.

(5) Capability of expansion should the MONITOR Collection be expanded in the future.

(6) Facilities for the handicapped (e.g., ramps, elevators, etc.)

(7) Adequate parking and visitor facilities (e.g., toilets, water fountains, etc.).

B. Personnel

(1) Greater weight will be given to those offerors with on-staff personnel who, in addition to the minimum professional standards, meet or exceed the following respective criteria:

(a) Historian. Experience or education in maritime history, especially strong academic credentials in Civil War naval history; and, ideally, experience or familiarity with the records or historical significance of the USS MONITOR.

(b) Conservator. Experience as a marine conservator working with a broad range of materials recovered from underwater sites; and, ideally, specialized experience in the conservation of iron from submerged sites.

(2) Resumes of key personnel should include:

(a) Relevant educational background;

(b) Pertinent professional experience; and

(c) Relevant capabilities and honors.

(3) The availability of personnel for work under the resultant cooperative agreement will be evaluated. Where the offeror proposes personnel who are not a part of the organization, greater weight will be given to those offerors who provide documentary evidence assuring the availability of such personnel.

(4) Where an offeror proposes the use of subcontractor personnel, the availability and qualifications of the subcontractor(s) will be evaluated under the criteria set forth above.

C. Management

(1) Nature and scope of the institution's established reputation including prior experience and programs in the maritime field.

(2) Nature and scope of current publications and/or access to reputable publications.

(3) Nature and scope of the management's current loan policy, collections policy and inventory procedure. (Offerors should submit copies of their policies.)

(4) Ability to engage in successful fund-raising to sustain the MONITOR Collection and support the goals of the USS MONITOR PROJECT.

(5) Ability to advise and assist NOAA in the future planning of the USS MONITOR PROJECT.

Factor 2—Accessibility.

(1) Location and ease of access for the American public.

(2) Nearby provisions (e.g., hotels/motels, restaurants, other attractions, etc.)

Factor 3—Overall Historical Context and Geographical Appropriateness.

(1) General Character of the Repository—Does the repository focus on maritime/naval history or have a maritime/naval history component?

(2) Geographical Relation to the MONITOR—Does the location of the repository relate to the historical or present geographical context of the MONITOR and the Monitor National Marine Sanctuary?

3. Other Consideration. The management of the MONITOR Collection requires that a single principal museum be delegated the managerial and curatorial responsibilities for the collection so that the best interests of the collection, and of the American public, can be served. However, through the selection process, it is possible that some offerors may be found to be likely candidates as participating museums for future loan programs and/or affiliated MONITOR exhibits.

(Federal Domestic Assistance Catalog No. 11.429 Marine Sanctuary Program)

Dated: August 29, 1986.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

Appendix A—Definitions

(a) "Repository" means a facility managed by an organization or institution or a Federal, State, or local agency which can provide professional, systematic and accountable curation, preservation and interpretation on a long-term basis and can provide access to the archeological collection and attendant records. Examples of repositories include Federal, state, or local museums, archeological centers, laboratories and storage facilities; private museums; institutes, laboratories and storage facilities associated with universities or colleges; and commercial storage facilities which meet professional museum standards.

(b) "Archeological collection" means artifacts as well as archival materials, including historical documents, site records, field notes, drawings, maps, photographs, slides and negatives, films

and cassette tapes, artifact inventories, laboratory reports, final reports, and other records and computer tapes, diskettes, and printouts.

(c) "Curation" means the management of collections by a repository according to professional museum standards and consists of: Accessioning and cataloging artifacts and related articles; storing and maintaining artifacts under appropriate environmental and physically secure controls; and, periodically inspecting artifacts and taking any necessary preservation/conservation measures.

(d) "*Monitor* Collection of Artifacts and Papers" means the artifacts, research data and other related materials that have been systematically recovered and collected or may be recovered and collected in the future in accordance with the approved master plan for the Monitor National Marine Sanctuary. Additionally the Collection includes historical documents and drawings, artwork, site records, field notes, models, maps, photographs, slides and negatives, films and video cassette tapes, artifact inventories, laboratory reports, final reports and other records documenting the *Monitor* historically, architecturally, and archeologically.

(e) "Nonprofit organization" means a university or other institution of higher education or an organization of the type described in 26 U.S.C. 501(c)(3) of the Internal Revenue Code of 1954 and exempt from taxation under 26 U.S.C. 501(a) of the Internal Revenue Code, or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

(f) "AAM Accreditation" means that the institution has met the minimum professional standards of a museum as established by the American Association of Museums and as stated in *Professional Standards for Museum Accreditation,* Handbook of the Accreditation Program of the American Association of Museums, 1978.

(g) "Conservation facility" means an in-house laboratory having equipment and expertise in state-of-the-art conservation technology suitable for the care and preservation of the current collection.

(h) "Research library" means a library of books, periodicals, and other research materials available to the public for the conduct of scholarly research.

(i) "Project archives" means suitable space with appropriate physical environmental controls for the inventory, cataloging, and storage of project research materials and historical documents. Items in the archives must be readily available to researchers upon request and must be periodically inventoried and inspected for deterioration or other damage.

(j) "USS MONITOR PROJECT" is a NOAA project to plan, develop and implement the master plan for the Monitor National Marine Sanctuary. Participating agencies and organizations include the National Park Service, the U.S. Navy, and the National Trust for Historic Preservation.

Appendix B—Minimum Professional Standards for Key Personnel

1. Conservator/Museum Specialist. The minimum qualifications for a conservator or museum specialist are:

(a) A graduate degree in one on more specializations in museum conservation, anthropology, archeology, history, chemistry or other applicable subject matter plus 2 years full-time specialized experience in an established conservation laboratory; or

(b) A bachelor's degree in anthropology, archeology, history, chemistry or other applicable subject area plus 5 years full-time specialized experience in an established conservation laboratory.

2. Historian. The minimum professional requirements in history are:

(a) A graduate degree in American history or closely related field; *or*

(b) A bachelor's degree in history or a closely related field plus one of the following:

(1) At least 2 years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum or other professional institution; or

(2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

[FR Doc. 86-19917 Filed 9-3-86; 8:45 am]

BILLING CODE 3510-08-M

National Advisory Committee on Oceans and Atmosphere; Offshore Petroleum Resources Panel; Meeting

August 29, 1986.

Pursuant to section 10 (a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (1982), notice is hereby given that the Offshore Petroleum Resources Panel of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet Thursday and Friday, September 18 and 19, 1986. The panel, chaired by Lee C. Gerhard, will meet in Santa Barbara, CA. For the exact location of the meeting, please call Regina Sheen or Joseph Bishop at 202/673-5225. This work session, which will be open to the public, will convene at 9:00 a.m. and adjourn at 5:00 p.m. on both days.

Additional information concerning this meeting may be obtained through the NACOA Acting Executive Director, Dr. James A. Almazan or Dr. Joseph Bishop, the staff person for the Offshore Petroleum Resources Panel. The mailing address is 1825 Connecticut Avenue, NW., Suite 620, Universal South, Washington, DC 20235.

Dated: August 29, 1986.

James A. Almazan,

Acting Executive Director.

[FR Doc. 86-19925 Filed 9-3-86; 8:45 am]

BILLING CODE 3510-12-M

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

Meeting

AGENCY: Commission on the Bicentennial of the United States Constitution.

ACTION: Notice of meeting.

SUMMARY: This Notice announces a forthcoming meeting of the Commission on the Bicentennial of the United States Constitution, to be held in Annapolis, Md., and chaired by the Commission's Chairman, Chief Justice Warren E. Burger.

Time and Date: Friday, September 12, 1986 at 1:00 p.m.; Saturday, September 13, 1986 at 12:30 p.m.

Place: On September 12, from 1:00 p.m. to 3:00, in the Joint Hearing Room of the Legislative Services Building, at Lawyers Mall, College Avenue, Annapolis MD. On September 13, from 12:30 p.m. to 5:30, in the Governor's Reception Room of the State House, Annapolis, MD. On September 12, the meeting will be a public hearing in open session; on September 13, the meeting will be a closed executive session.

Matters to be Considered

Open Session. The Commission will hear presentations from state and local officials regarding commemorative plans and programs for the bicentennial; there will also be testimony on regional, national and international bicentennial programs.

Executive Session. Evaluation of proposed bicentennial projects and programs; review of annual report and budget; status of personnel, employment and office space; pending appropriations, legislation and regulations; private funding proposals; and, negotiations involving Commission plans and programs.

Statements: The Commission is interested in hearing from all persons and organizations with proposed plans, projects or programs which would enhance the bicentennial commemoration of the U.S. Constitution, the Bill of Rights or the founding of the Federal Government. Statements prepared prior to the Commission meeting on September 12, should be filed on or before September 10, 1986, at 736 Jackson Place, NW., Washington, DC 20503. Statements will be reviewed by the Commission and its staff.

Presentations: At the public hearing on September 12, available time will permit only oral presentations. The Commission will notify in advance those witnesses who have been asked to appear and will limit oral presentations to those selected.

For Further Information Contact: Gene Mater, Special Assistant to the Director, 736 Jackson Place, NW., Washington, DC 20503. Tel: (202) USA–1787.

Supplementary Information: This meeting is to help commemorate the Annapolis Convention of September 11–14, 1786 and to give the Commission an opportunity to review the current status of its operations. It also provides an opportunity for witnesses to advise the Commission about proposed bicentennial plans and programs.

Dated: August 28, 1986.

Mark W. Cannon,

Staff Director.

[FR Doc. 86–19858 Filed 9–3–86; 8:45 am]

BILLING CODE 6340–01–M

COMMODITY FUTURES TRADING COMMISSION

Agricultural Advisory Committee Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a) and 41 CFR 101–6.1015(b), that the Commodity Futures Trading Commission's Agricultural Advisory Committee will conduct a public meeting in the Fifth Floor Hearing Room at the Commission's Washington, DC headquarters located at Room 532, 2033 K Street, NW., Washington, DC 20581, on September 22, 1986 beginning at 9:00 a.m. and lasting until 4:45 p.m. The agenda will consist of:

Agenda

1. Status report on audit trail and financial rules.
2. Status report on CFTC reauthorization.
3. Advance notice of proposed rulemaking on speculative limits.
4. Aggregation of accounts.
5. CFTC hedging definition.
6. Cattle futures issues.
7. Update on minimum price contracts.
8. Status report on new agricultural option applications.
9. Discussion of other issues for potential Committee consideration; timing of next meeting; other Committee business.

The purpose of this meeting is to solicit the views of the Committee on the above-listed agenda matters. The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of receiving advice and recommendations on agricultural issues. The purposes and objectives of the Advisory Committee are more fully set forth in the June 4, 1985 first renewal charter of the Advisory Committee.

The meeting is open to the public. The Chairman of the Advisory Committee, Commissioner Kalo A. Hineman, is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: the Commodity Futures Trading Commission Agricultural Advisory Committee c/o Charles O. Conrad, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, before the meeting. Members of the public who wish to make oral statements should also inform Mr. Conrad in writing at the latter address at least three business days before the meeting. Reasonable provision will be made, if time permits, for an oral presentation of no more than five minutes each in duration.

Issued by the Commission in Washington, DC, on August 28, 1986.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 86–19883 Filed 9–3–86; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board, Meeting

August 19, 1986.

The USAF Scientific Advisory Board Weapons Panel will meet at SRI International, 333 Ravenswood, Menlo Park, CA, on September 29, 1986.

The purpose of this meeting is to discuss the panel's findings on Air Force Project Forecast II topics and to prepare a final report on those findings.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86–19865 Filed 9–3–86; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF EDUCATION

Fund for the Improvement of Postsecondary Education

AGENCY: Department of Education.

ACTION: Notice of Proposed Priority for the Fund for the Improvement of Postsecondary Education (FIPSE) Lectures Program for Fiscal Year 1987.

SUMMARY: The Secretary proposes a Lectures Program to be conducted by the Fund for the Improvement of Postsecondary Education (FIPSE) on important issues in postsecondary education.

DATE: Comments must be received on or before October 6, 1986.

ADDRESS: All written comments and suggestions should be sent to Dr. Charles H. Karelis, Director, Fund for the Improvement of Postsecondary Education, Office of Postsecondary Education, (Room 3100, ROB–3), Department of Education, 400 Maryland Avenue, SW., Mail Stop 3331, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Russell Y. Garth, Telephone (202) 245–8091.

SUPPLEMENTARY INFORMATION: Grants for the FIPSE Lectures Program are authorized by Title X of the Higher Education Act of 1965, as amended (20 U.S.C. 1135). Program regulations are

established at 34 CFR Part 630. This program would be conducted as a Special Focus competition under 34 CFR 630.11(b)(1) of the program regulations. The purpose of the FIPSE Lectures Program would be to provide modest sponsorship for promising work on key issues in postsecondary education, and to promote dissemination and discussion of this work among educational leaders, policy makers, faculty, students and the general public. The program would enable individuals to devote at least a month to the development of ideas for presentation in lecture form at educational and other conferences, or in the context of established lecture programs such as those at colleges and universities.

Funds Available

The Department of Education Appropriations Act of 1986 appropriated $12,710,000 for FIPSE. The Department of Education requested $10,000,000 in its FY 1987 budget request for FIPSE. A comparable amount is anticipated to be appropriated by the Congress for FY 1987. Of the appropriated amount for FY 1987, the Department anticipates that $30,000 will be available for new awards under the FIPSE Lectures Program early in the fiscal year, with an additional $30,000 available for new awards in the summer of 1987. It is estimated that 12 grants of no more than $5,000 each will be made during FY 1987. These estimates do not bind the Department of Education to a specific number of grants or the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Priority

In accordance with Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference to applications that would carry out the FIPSE Lectures Program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the establishment of this proposed lectures program. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before the 30th day after publication of this document willb e considered before the Secretary issues a final notice establishing a FIPSE Lectures Program.

All comments submitted in response to this proposed program will be available for public inspection, during and after the comment period, in Room 3100, ROB-3, 7th & D Streets, SW., Washington, DC between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(20 U.S.C. 1135)
(Catalog of Federal Domestic Assistance No. 84.116G Fund for the Improvement of Postsecondary Education))

Dated: August 28, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86-19931 Filed 9-3-86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Huffco Petroleum Corp.; Partial Withdrawal of Application

[Docket No. CI86-434-000]

Issued: August 28, 1986.

Take notice that on August 26, 1986, Huffco Petroleum Corporation (Applicant) 1100 Louisiana Avenue, Suite 5200, Houston, Texas 77002 filed pursuant to Rule 216 of the Commission's Rules of Practice and Procedure a partial withdrawal of its application for limited-term blanket abandonment and blanket pre-granted abandonment filed May 21, 1986.

Applicant states that it withdraws its request for abandonment and pre-granted abandonment authority as it relates to the properties referred to in Item Nos. 2 and 3 of Appendix A of its application, which are committed to Texas Gas Transmission Corporation (Texas Gas) under a contract dated May 1, 1975, and cover Eugene Island Area Blocks 342 and 343, Offshore Louisiana. Applicant states that in view of the special concerns expressed by Texas Gas in its intervention in the instant docket, Applicant withdraws its request for abandonment as it related to Texas Gas in order to avoid any further delay in Commission action on the remaining portion of its pending application. Applicant states that it also withdraws the portion of its application requesting abandonment and pre-granted abandonment for shut-in OCS properties acquired in the future by Applicant.

Any person desiring to be heard or to make any protest with reference to said partial withdrawal of the subject application should on or before September 4, 1986, filed with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 3854.211, 385.214). Any protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-19935 Filed 9-3-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-280-000, et al.]

Northern Natural Gas Company, Division of Enron Corp.; Redesignation

August 29, 1986.

On May 8, 1986, Northern Natural Gas Company, Division of Enron Corp., filed in Docket No. G-280-000, *et al.*, an application requesting that it be designated as certificate holder under its new name in lieu of its former name, Northern Natural Gas Company, Division of InterNorth, Inc. In accordance with a corporate name change, the jurisdictional natural gas operations are to be conducted under the name of Northern Natural Gas Company, Division of Enron Corp.

Accordingly, the authorizations issued by this Commission and by the Federal Power Commission, the applications currently pending before the Commission, the FERC Gas Tariff on file, and any other records or proceedings relating to the former Northern Natural Gas Company, Division of InterNorth, Inc., are hereby redesignated as those of Northern Natural Gas Company, Division of Enron Corp.

A listing of authorizations and pending proceedings is set forth in the Appendix.[1]

This action is taken pursuant to 18 CFR 375.302(s) of the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-19936 Filed 9-3-86; 8:45 am]

BILLING CODE 6717-01-M

[1] The appendix is not being printed in the Federal Register, but is available from the Commission's Division of Public Reference.

[Docket No. RP86-92-004]

Northwest Pipeline Corp.; Compliance Filing

Issued: August 28, 1986.

Take notice that on August 22, 1986, Northwest Pipeline Corporation (Northwest) tendered for filing and acceptance Fifth Revised Sheet No. 201 to be a part of its FERC Gas Tariff, Original Volume No. 1–A.

Northwest states that the purpose of this filing is to comply with the Federal Energy Regulatory Commission's (Commission) order of August 8, 1986 in Docket Nos. RP86–92–002 and 003 which required that Northwest file tariff sheets to remove gathering and processing costs from its rates for Rate Schedules T–6 and T–7.

A copy of this filing has been served on all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1985))— All such motions or protests should be filed on or before September 8, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–19937 Filed 9–3–86; 8:45am]

BILLING CODE 6717–01–M

[Docket No. TA 87–1–35–000, 001]

West Texas Gas, Inc.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

Issued: August 28, 1986.

Take notice that on August 22, 1986, West Texas Gas, Inc. (WTG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheet:

Seventh Revised Sheet No. 3a.

Seventh Revised Sheet No. 3a was filed by WTG in order to place into effect its annual purchased gas adjustment (PGA) on October 1, 1986. The implementation of this PGA will result in a rate reduction to its customers served under Rate Schedules GS–1, IS–1, and I–1.

Copies of the filing were served upon the WTG's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before September 8, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–19938 Filed 9–3–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER86–668–000 et al.]

Florida Power & Light Co. et al.; Electric Rate and Corporate Regulation Filings

Take notice that the following filings have been made with the Commission.

1. Florida Power & Light Co.

[Docket No. ER86–668–000]

August 28, 1986.

Take notice that on August 20, 1986, Florida Power & Light Company (FPL) tendered for filing a document entitled TX Operating Agreement Between Florida Power & Light Company and The Florida Municipal Power Agency (Rate Schedule FERC No. 86).

FPL states that TX Operating Agreement defines the methodology used to determine the additional incremental cost under section G.4 of the Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and The Florida Municipal Power Agency.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Agreement be made effective May 1, 1986. FPL states that copies of the filing were served on The Florida Municipal Power Agency.

Comment date: September 11, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Carolina Power and Light Co.

[Docket No. EL86–49–000]

August 29, 1986.

Take notice that on July 2, 1986, Carolina Power and Light Company (CP&L or Company) tendered for filing a letter concerning test energy from a nuclear generating facility. Although this filing was initially docketed as a rate filing under Docket No. ER86–577–000, it has been determined to treat it as a Petition for Declaratory Order. The docket number has therefore been changed to EL86–49–000.

In its letter the company requests that it be permitted to include in Account 518 and pass through in its fuel adjustment clause the actual cost of the nuclear fuel used to produce the test energy from a CP&L nuclear generating station. CP&L states that pursuant to Electric Plant Instructions No. 3(18) of the Uniform System of Accounts, any Revenues received will be credited to the appropriate construction job account for Harris Unit #1 as the fair value of the test energy.

Comment date: September 15, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Carolina Power & Light Co.

[Docket No. ER86–507–001]

August 29, 1986.

Take notice that on August 25, 1986, Carolina Power Light Company ("CP&L") tendered for filing in this docket an Amendment, dated August 22, 1986, which incorporates Amendments dated January 16, 1986, and May 1, 1986, between the City of Fayetteville ("Customer") and CP&L to the Service Agreement dated October 27, 1972, which is on file with the Commission as CP&L Rate Schedule FPC No. 102. The Amendments provided for the supplying of Backstand and Replacement Power by CP&L for Customer's generation and the purchase by CP&L from Customer of Peak, Reserve and Surplus Power when such is available from Customer.

The instant amendment is filed in response to the Commission's deficiency letter of August 18, 1986, in Docket No. ER86–507–000. Exhibit No. 1, submitted with the amendment, eliminates from the rate for the current billing period, costs related to transmission construction work in progress and an acquisition adjustment. The amendment also provides derivation of certain labor ratios used in computing the rate.

Comment date: September 12, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. The Connecticut Light and Power Co.

[Docket No. ER86-665-000]

August 28, 1986.

Take notice that on August 18, 1986, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule pertaining to a Purchase Agreement with Respect to Various Gas Turbine Units between CL&P and UNITIL Power Corp. (UNITIL) dated as of August 1, 1986.

CL&P states that the Purchase Agreement provides for a sale to UNITIL of capacity and energy from CL&P's South Meadow Units Nos. 11, 12, 13, and 14 (the Units) during the period October 1, 1986 to April 30, 1993, together with related transmission service.

CL&P requests that the Commission permit the rate schedule filed herewith to become effective on October 1, 1986.

CL&P states that the capacity charge rate for the first thirteen months for the proposed service is a negotiated rate, based on the market price for this capacity, and less that the cost-of-service rate. The capacity charge for the remainder of the term is determined on a cost-service basis at the time that the Purchase Agreement was executed. The monthly transmission charge rate is equal to one-twelfth of the annual average cost of transmission service on the transmission systems of CL&P and its affiliated Northeast Utilities companies at the time that the Purchase Agreement was executed and is determined in accordance with § 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly transmission Charge is determined by the product of (i) the appropriate monthly transmission charge rate ($/kW-month) and (ii) the number of kilowatts of winter capability which UNITIL is entitled to receive during such month. The Energy Charge, Variable, and Additional Maintenance Charges are based on UNITIL's portion of the applicable fuel expenses and hours of operation related to the Units and no special cost-of-service studies were made to derive these charges.

CL&P states that the services to be provided under the Purchase Agreement are the same as services provided by CL&P pursuant to purchase agreements with Vermont Electric Generation and Transmission Cooperative, Inc. (FERC Rate Schedule No. CL&P 349), and with Newport Electric Corporation (FERC Rate Schedule No. CL&P 350).

CL&P states that copies of the rate schedules have been mailed or delivered to UNITIL, Bedford, NH.

CL&P further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: September 11, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. The Detroit Edison Co.

[Docket No. ES86-55-000]

August 29, 1986.

Take notice that on August 22, 1986, The Detroit Edison Company filed an application pursuant to section 204 of the Federal Power Act, seeking authorization to issue short-term debt in the amount of $409 million and to assume obligations in the amount of $420 million to be issued pursuant to a loan agreement and a nuclear fuel heat purchase contract.

Comment date: September 11, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. Duke Power Co.

[Docket No. ER86-674-000]

August 29, 1986.

Take notice that on August 22, 1986, Duke Power Company (Duke) tendered for filing proposed changes in its electric resale Rate Schedule No. 10 presently on file with the Commission which is applicable to Municipalities and Public Utility Companies. Based on the test period 12 months ending December 31, 1987 conditions, Duke estimates that the proposed changes in resale base rates will increase annual revenues by approximately $7,809,529. Of this amount, the Company states that approximately $7,730,979 is attributable to proposed increased rates under the Company's Rate Schedule No. 10 with the remaining $78,550 attributable to a proposed standby generation charge. The Company is proposing to implement the increase in two steps. The first step, or "interim" rates would increase rates by approximately $5,952,210. The second step, or "proposed" rates would provide additional revenues of $1,857,319 for a total increase of $7,809,529.

Duke states that the increase in wholesale rates is needed to compensate the Company for expected commercial operation of Catawba Unit No. 2 in the fall of 1986 and increased operating and maintenance costs.

Copies of the filing were served upon all of Duke's jurisdictional Wholesale Customers, the North Carolina Utilities Commission, the Public Service Commission of South Carolina, and the Southeastern Power Administration.

Comment date: September 12, 1986, in accordance with Standard Paragraph E at the end of this document.

7. Florida Power & Light Co.

[Docket No. ER86-667-000]

August 28, 1986.

Take notice that on August 20, 1986, Florida Power & Light Company (FPL) tendered for filing documents entitled Amendment Number Seventeen to Revised Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Homestead, Florida and TF Operating Agreement Between Florida Power & Light Company and City of Homestead, Florida (Rate Schedule FERC No. 55).

FPL states that under Amendment Number Seventeen to Revised Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Homestead, Florida, FPL will transmit power and energy for City of Homestead as is required in the implement of its interchange agreement with the City of Gainesville.

FPL further states that the TX Operating Agreement and TF Operating Agreements define the methodology used to determine the additional incremental cost under sections 1.4 and II.4 of Amendment Number Sixteen of the Revised Agreement to Provide Specified Transmisson Service Between Florida Power & Light Company and City of Homestead, Florida.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Amendment be made effective immediately and the proposed Operating Agreements be made effective June 20, 1986. FPL states that copies of the filing were served on City of Homestead, Florida.

Comment date: September 11, 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. 86-19933 Filed 9-3-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-5013-003, et al.]

Shell Western E & P Inc., et al.; Applications for Certificates, Abandonments of Service and Petitions to Amend Certificates [1]

September 2, 1986.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 17, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-5013-003, B, Aug. 6, 1986	Shell Western E & P, Inc., P.O. Box 4684, Houston, TX 77210..	El Paso Natural Gas Company, Wasson (San Andres) Field, Gaines and Yoakum Counties, Texas.	(1)	
C186-677-000, B, Aug. 15, 1986	Texaco Producing Inc., P.O. Box 52332, Houston, Texas 77052.	Phillips Petroleum, Eunice Plant and Skaggs, Drinkard Field, Lea County, New Mexico.	(2)	
C186-696-000, (C177-03), D, Aug. 22, 1986.	Shell Western E & P, Inc., P.O. Box 4684, Houston, TX 77210.	El Paso Natural Gas Company, Lusk (Morrow) Field, Lea County, New Mexico.	(3)	
G-6839-000, D, Aug. 18, 1986	Sun Exploration & Production Co., P.O. Box 2880, Dallas, TX 75221-2880.	Texas Eastern Transmission Company, North Winnie & Stowell Field, Chambers County, TX.	(4)	
C161-990-000, D, Aug. 12, 1986	BHP Petroleum Company, Inc., 1300 Post Oak Tower, 5051 Westheimer, Houston, TX 77056.	Tennessee Gas Transmission Company, South Borosa Field, Starr County, TX.	(5)	
C186-647-000, (G-2904), D, Aug. 11, 1986.	ARCO Oil and Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, TX 75221.	Natural Gas Pipeline Company of America, Calhoun & Victor Counties, TX.	(6)	
C186-673-000, (166-202), D, Aug. 14, 1986..	Sun Exploration and Production Co., P.O. Box 2880, Dallas, TX 75221-2880.	Northern Natural Gas Company, Ellis County, OK	(7)	
C186-674-000, (166-723), Aug. 14, 1986.	....do	Northern Natural Gas Company, Ellis County, OK	(7)	
C186-691-000, (C178-93), B, Aug. 20, 1986.	Pennzoil Producing Co., P.O. Box 2967, Houston, TX 77252-2967.	United Gas Pipe Line Company, OCS G-2078, Vermilion Block 228, Offshore Louisiana.	(8)	
C186-692-000, (C177-762-001), B, Aug. 20, 1986.	....do	Sea Robin Pipeline Company, OCS G-2078, Vermilion Block 228, Offshore Lousianala.	(8)	
C186-693-000, (C185-444-000), B, Aug. 20, 1986.	Proven Properties Inc., P.O. Box 2967, Houston, Texas 77252-2967.	....do	(8)	
C186-646-000, (C177-159), B, Aug. 11, 1986.	Texas Gas Exploration Corporation, 2 Houston Center, 909 Fannin Street, P.O. Box 4326, Houston, Texas 77210-4326.	Texas Gas Transmission Corporation, Vermilion Block 248 Area, Offshore Lousiana.	(9)	
C186-679-000, (C182-163-000), B, Aug. 18, 1986..	Union Exploration Partners, Ltd., P.O. Box 7600, Los Angeles, CA 90051.	Texas Gas Transmission Corporation, Block A-318 (OCS-G-3248), High Island Area, Offshore TX.	(10)	
C186-681-000, B, Aug. 18, 1986	D. Ivan Alspaw, c/o Mr. Lee D. Vendig, Payne & Vendig, 3800 Republic Bank Tower, Dallas, TX. 75201.	Arkla Energy Resources, a division of Arkla, Inc, Enid NE Field, Garfield County, Oklahoma.	(11)	
C186-649-000, (C164-233), D, Aug. 11, 1986.	Union Oil Co. of California, Union Oil Center, Box 7600, Los Angeles, CA 90051.	Texas Gas Transmission Corporation, West Rayne Field, Acadia Parish, Louisiana.	(12)	
C186-680-000, B, Aug. 18, 1986	Goldston Oil Corp., P.O. Box 22568, Houston, Texas 77227.	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Chesterville (Wilcox 9600), Field, Colorado County, Texas.	(13)	
C186-682-000, B, Aug. 19, 1986	....do	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Lissie Field, Colorado County, Texas.	(14)	
C186-683-000, B, Aug. 18, 1986	....do	....do	(15)	
C166-381-000, B, Aug. 18, 1986	Texaco Inc., P.O. Box 52332, Houston, Texas 77052.	Panhandle Eastern Pipeline Company, Richmond and Seiling Fields, Woodward County, Oklahoma.	(16)	
C164-1392-002, C, Aug. 25, 1986.	BHP Petroleum Co., Inc., 1300 Post Oak Tower, 5051 Westheimer, Houston, TX 77056.	Tennessee Gas Pipeline Company, Leslie Unit, McClain County, Oklahoma.	(17)	
C186-695-000, F, Aug. 22, 1986	Amoco Production Co., 1670 Broadway, Denver, Colorado 80202.	Arkla Energy Resources, a division of Arkla, Inc., Red Oak Field, LeFlore, County, Oklahoma.	(18)	
G-2889-001, B, Aug. 25, 1986	ARCO Oil and Gas, Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, Donna Field, Hidalgo County, TX.	(19)	
C168-200-004, D, Aug. 25, 1986	Sun Exploration and Produciton Co., P.O. Box 2880, Dallas, Texas 75221-2880.	Arkla Energy Resources, a division of Arkla, Inc., Holton Unit, East Cameron Field, Le Flore County, Oklahoma.	(20)	
C169-328-000, D, Aug. 21, 1986	Sun Exploration and Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	Natural Gas Pipeline Company of America, Rush Springs Unit No. 2, Rush Springs Field, Crady County, Oklahoma.	(21)	
G-6831-000, B, Aug. 22, 1986	Amoco Production Co., P.O. Box 3092, Houston, Texas 77253.	Transcontinental Gas Pipe Line Corporation, F. L. Foley Well No. 1, Harris Field, Live Oak County, Texas.	(22)	

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C169-334-000, D, Aug. 25, 1986. ..	Sun Exploration and Production Co., 5656 Blackwell, P.O. Box 2880, Dallas, Texas 75221-2880.	Natural Gas Pipeline *Company of America, Crittendon Field, Winkler County, Texas.*	[23]	
G-3894-022, D, Aug. 25, 1986.	ARCO Oil and Gas Co., Division of Atlantic, Richfield Co., P.O. Box 2819, Dallas, Texas 75221.	United Gas Pipe Line Company, Burnell and North Pettus Fields, Bee and Karnes Counties, Texas.	[24]	

[1] Wells subject to this Application contain heavy concentration of carbon dioxide. Also, pre-granted abandonment is requested for wells which will later produce in excess of 60% carbon dioxide.
[2] Gas is sold to Phillips under a percentage-of-proceeds contract at Phillips Euncie Plant. Applicant wishes to enter into a percentage contract with its own Eunice Plant. The residue gas will be sold to El Paso Natural Gas Company (60%) and Northern Natural Gas Company (40%).
[3] All interests assigned to Petrus Oil Company.
[4] Acreage assigned to Sue-Ann Oil and Gas Company.
[5] Property assigned to TNT Petroleum Company.
[6] Remaining interest assigned to Sue-Ann Oil and Gas Company.
[7] Property sold to Reading & Bates Petroleum Company.
[8] Production ceased, lease expired and wells have been plugged.
[9] Reserves depleted; well plugged and abandoned.
[10] Gas reserves were depleted. Wells plugged and abandoned. The lease expired on 6-15-84.
[11] Zone has ceased to produce.
[12] By assignment executed August 21, 1983, Applicant assigned its interest in one of the dedicated leases in the proportions of three-fourths to Callery Properties, Inc., and one-fourth to Ashland Oil and Refining Company.
[13] The only well located on the subject property, the Briggs No. 1 well, is presently not producing.
[14] The only well producing gas under the subject contracts, the Brandon Unit well, has been plugged and abandoned and the gas purchase contracts covering the lands involved have expired.
[15] the only well located on the subject property, the M.E. Hoyo No. 1 well, is presently not producing.
[16] The well was pluged and abandoned.
[17] Applicant is filing under Gas Purchase contract dated May 1, 1964.
[18] By assignment effective August 1, 1985, Applicant acquired an interest in the subject area from Sun Exploration and Production Company.
[19] Leases have been released, surrendered or assigned to Harrell Drilling Company or PC, Ltd.
[20] By assignment executed April 24, 1986, effective April 1, 1986, Sun assigned certain interests to Kaiser-Francis Oil Company.
[21] By assignment executed August 16, 1985, effective July 1, 1985, Suun assigned certain interests to Kaiser-Francis Oil Company.
[22] Last producing well on lease plugged and abandoned on July 15, 1986, and the lease has reverted back to the landowner.
[23] Property sold to 88 Energy, Inc.
[24] Partial assignments, effective February 1, 1986 to Ronny G. Altman.
Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 86-19934 Filed 9-3-86; 8:45 am]
BILLING CODE 6717-01

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3074-1]

EPA List of Facilities Prohibited From Receiving Government Contracts Under 40 CFR Part 15

AGENCY: Environmental Protection Agency.

ACTION: EPA List of Facilities Prohibited From Receiving Government Contracts Under 40 CFR Part 15.

SUMMARY: 40 CFR 15.40 requires the Environmental Protection Agency (EPA) to publish in the **Federal Register** each year in February and August a list of all persons and facilities prohibited under 40 CFR Part 15 from receiving government contracts, grants, loans, subcontracts, subgrants, or subloans. The following list contains the names and locations of the prohibited facilities, as well as the dates they were placed on the list and the effective date of each listing.

DATE: This list is current as of August 25, 1986.

FOR FURTHER INFORMATION CONTACT: Cynthia Psoras, Listing Official, Office of Enforcement and Compliance Monitoring, Environmental Protection Agency, Rm. 3219 (LE-130A), 401 M St., SW., Washington, DC 20460. Telephone (202) 475-8785.

SUPPLEMENTARY INFORMATION: Pursuant to section 306 of the Clean Air Act [42 U.S.C. 1857 et. seq., as amended by Pub. L. 91-604], section 508 of the Clean Water Act [33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500], and Executive Order 11738, EPA has been authorized to provide certain prohibitions and requirements concerning the administration of the Clean Air Act and the Clean Water Act with respect to Federal contracts, grants, loans, subcontracts, subgrants, or subloans. On April 16, 1975, regulations implementing the requirements of the statutes and the Executive Order were promulgated in the **Federal Register** [see 40 CFR Part 15, 40 FR 17124, April 16, 1975, as amended at 44 FR 6911, February 5, 1979. On September 5, 1985, revisions to those regulations were promulgated in the **Federal Register** [see 50 FR 36188, September 5, 1985]. The regulations provide for the establishment of a List of Violating Facilities which reflects those facilities ineligible for use in nonexempt Federal contracts, grants, loans, subcontracts, subgrants, or subloans.

The List of Violating Facilities is comprised of two sublists. Sublist 1, mandatory listing (40 CFR 15.10), includes those facilities listed on the basis of a conviction under section 113(c)(1) of the Clean Air Act or section 309(c) of the Federal Water Pollution Control Act. Sublist 2, discretionary listing (40 CFR 15.11), includes those facilities listed on the basis of continuing or recurring noncompliance with clean air or clean water standards, and:

1. A conviction by a federal court under section 113(c)(2) of the Clean Air Act, or

2. Any injunction, order, judgment, decree (including consent decrees), or other form of civil ruling by a federal, state or local court issued as a result of noncompliance with clean air or water standards, or

4. A conviction by a state or local court for noncompliance with an order under sections 113(a), 113(d), 167, or 303 of the Clean Air Act or section 309(a) of the Clean Water Act, or

5. A Notice of Noncompliance issued by EPA under section 120 of the Clean Air Act, or

6. An enforcement action filed by EPA in federal court under sections 113(b), 167, 204, 205, or 211 of the Clean Air Act or section 309(b) of the Clean Water Act due to noncompliance with clean air or water standards.

Additions to and deletions from the List of Violating Facilities will be published periodically as they occur. Facilities on the List also are included in the General Services Administration's "Consolidated List of Debarred, Suspended, and Ineligible Contractors." Subscriptions to this document may be obtained from the U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

LIST OF VIOLATING FACILITIES

Name and effective date	Location and basis for listing
Sublist 1: Mandatory Listing	
Chemical Formulators, Jan. 29, 1981.	Nitro, West Virginia Facility, Clean Water Act section 309(c)(1).

LIST OF VIOLATING FACILITIES—Continued

Name and effective date	Location and basis for listing
Fleischman's Yeast, Inc., Division of Nabisco Brands, Inc., May 14, 1986.	Sumner, Washington Facility, Clean Water Act section 309(c)(1).
Janco-United, Inc., Jan. 16, 1986.	Seattle, Washington Facility, Clean Water Act section 309(c)(1).
The Old Pin Shop, Dec. 19, 1985.	Oakville, Connecticut Facility, Clean Air Act section 113(c)(1).
Pioneer Excavating, Inc., d/b/a/ Rocky Mountain Materials and Excavating, Feb. 13, 1986.	Colorado Springs, Colorado Facility, Clean Water Act section 309(c)(1).
Waterbury House Wrecking Company, Dec. 19, 1985.	Waterbury, Connecticut Facility, Clean Air Act section 113(c)(1).
Will and Baumer, Inc., June 10, 1986.	Liverpool, New York Facility, Clean Water Act section 309(c)(1).
Sublist 2: Discretionary Listing	
B.F. Goodrich Company, Feb. 10, 1986.	Louisville, Kentucky Facility, Clean Air Act section 113(b).

Dated: August 25, 1986.

Thomas L. Adams, Jr.,

Assistant Administrator for Enforcement and Compliance Monitoring.

[FR Doc. 86-19908 Filed 9-3-86; 8:45 am]

BILLING CODE 6560-50-M

[WH-FRL 3073-8]

State and Local Assistance; Grants for Construction of Treatment Works

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Allotment and Correction of Reallotment.

SUMMARY: This notice sets forth the allotments to the States of $1.2 billion for the municipal wastewater treatment works construction grants program. These funds were made available for allotment to the States in Pub. L. No. 99-349, the Urgent Supplemental Appropriations Act, July 2, 1986.

Section 205(c)(2) of the Clean Water Act (the Act), as amended by Pub. L. No. 97-117, provides that sums appropriated through FY 1985 be allotted to the States in accordance with the table in section 205(c)(2). Although the construction grants program's authorization period ended on October 1, 1985, in Pub. L. No. 99-349 Congress directed that the $1.2 billion be allotted to the States according to the referenced table.

Through promulgation of this notice, the requirements of the Act are fulfilled and the public is notified of the amounts made available to the States for grants to construct municipal wastewater treatment works.

This notice also explains the correction of an administrative error in the reallotment of FY 1984 construction grant funds (see 51 FR 13559, April 21, 1986). The correction involves adjustments to FY 1984 advices of allowance for all States that participated in the reallotment to allow for the inclusion of Florida.

DATE: September 4, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald Widdowson, Program Management Branch, Municipal Construction Division, Office of Municipal Pollution Control, (202) 382-5827.

SUPPLEMENTARY INFORMATION: In the Urgent Supplemental Appropriations Act, Pub. L. No. 99-349, July 2, 1986, Congress made a $1.2 billion appropriation available for allotment to the States in FY 1986. Congress directed that the funds are to be allotted to the States under section 205 of the Clean Water Act (the Act). Congress also directed in the conference report, H.R. Rep. No. 649, 99th Cong. 2d Sess. 44 (1986), that the funds to be allotted to the States are to be expended under the Act's provisions in effect in FY 1985 and could not be restricted to existing phased/segmented projects.

As directed by Congress, the additional $1.2 billion for FY 1986 are hereby allotted on the basis of the percentages listed in the table contained in section 205(c)(2) of the Act which implements section 205(e). Section 205(e) requires that all States receive at least one half of one percent of the total allotment. The percentages in the table were applied to the $1.2 billion allotment total to determine the actual dollar amounts shown in the column titled "State Allotment" in Table 1.

TABLE 1.—FY 1986 STATE ALLOTMENTS FROM ADDITIONAL $1.2 BILLION

State	State share	State allotment
Alabama	0.011398	13,678,000
Alaska	0.006101	7,321,000
Arizona	0.006885	8,262,000
Arkansas	0.006668	8,002,000
California	0.072901	87,481,000
Colorado	0.008154	9,785,000
Connecticut	0.012487	14,985,000
Delaware	0.004965	5,958,000
Dist. of Columbia	0.004965	5,958,000
Florida	0.034407	41,289,000
Georgia	0.017234	20,681,000
Hawaii	0.007895	9,474,000
Idaho	0.004965	5,958,000
Illinois	0.046101	55,321,000
Indiana	0.024566	29,479,000
Iowa	0.013796	16,555,000
Kansas	0.009201	11,041,000
Kentucky	0.012973	15,568,000
Louisiana	0.011205	13,446,000
Maine	0.007788	9,346,000
Maryland	0.024653	29,584,000
Massachusetts	0.034608	41,530,000
Michigan	0.043829	52,595,000
Minnesota	0.018735	22,482,000
Mississippi	0.009184	11,021,000
Missouri	0.028257	33,909,000
Montana	0.004965	5,958,000
Nebraska	0.005214	6,257,000
Nevada	0.004965	5,958,000
New Hampshire	0.010186	12,223,000
New Jersey	0.041654	49,985,000
New Mexico	0.004965	5,958,000
New York	0.113097	135,717,000
North Carolina	0.018396	22,075,000
North Dakota	0.004965	5,958,000
Ohio	0.057383	68,860,000
Oklahoma	0.008235	9,882,000
Oregon	0.011515	13,818,000
Pennsylvania	0.040377	48,453,000
Rhode Island	0.006750	8,100,000
South Carolina	0.010442	12,530,000
South Dakota	0.004965	5,958,000
Tennessee	0.014807	17,769,000
Texas	0.038726	46,471,000
Utah	0.005371	6,445,000
Vermont	0.004965	5,958,000
Virginia	0.020861	25,033,000
Washington	0.017726	21,271,000
West Virginia	0.015890	19,068,000
Wisconsin	0.027557	33,069,000
Wyoming	0.004965	5,958,000
Guam	0.000662	794,000
Puerto Rico	0.013295	15,954,000
Virgin Islands	0.000531	637,000
American Samoa	0.000915	1,098,000
Trust Territories of Pacific Isl...	0.001305	1,566,000
Northern Mariana Islands	0.000425	510,000
Total	0.999996	1,200,000,000

Advices of allowance for these allotments have been issued by the EPA Comptroller and these allotments are available for obligation until September 30, 1987. After September 30, 1987, unobligated balances will be reallotted in accordance with the Act and EPA regulation at 40 CFR 35.2010.

The reallotment of FY 1984 construction grant funds was announced in the **Federal Register** on April 21, 1986 (51 FR 13559). A correction of this reallotment is necessary due to an administrative error by EPA.

Florida did not participate in the reallotment of FY 1984 funds because the State apparently failed to obligate $24,935 of FY 1984 funds. In reality, the apparent failure to obligate FY 1984 funds was due to an EPA administrative error. Florida has obligated all of its FY 1984 funds and should have received $423,100 in the reallotment instead of losing $24,935.

The total Florida adjustment of $448,035 must come from the States that participated in the FY 1984 reallotment, since each participant received a larger reallotment amount than was warranted. The following table shows the original reallotment amounts, the corresponding corrected figures and the necessary adjustments.

TABLE 2.—CORRECTIONS TO REALLOTMENT REQUIRED DUE TO EXCLUSION OF FLORIDA FY 1984 CONSTRUCTION GRANT FUNDS

State	Original reallotment	Corrected reallotment	Amount of correction
Alabama	$146,800	$140,200	−$6,600
Alaska	78,600	75,000	−3,600
Arizona	88,700	84,700	−4,000
Arkansas	85,900	82,000	−3,900
California	938,900	896,500	−42,400
Colorado	0	0	0
Connecticut	160,800	153,600	−7,200
Delaware	0	0	0
Dist. of Columbia	63,900	61,100	−2,800
Florida	0	423,100	423,100
Georgia	222,000	211,900	−10,100
Hawaii	0	0	0
Idaho	63,900	61,100	−2,800
Illinois	593,700	567,000	−26,700
Indiana	0	0	0
Iowa	0	0	0
Kansas	0	0	0
Kentucky	0	0	0
Louisiana	0	0	0
Maine	100,300	95,800	−4,500
Maryland	0	0	0
Massachusetts	445,700	425,600	−20,100
Michigan	0	0	0
Minnesota	241,300	230,400	−10,900
Mississippi	118,300	112,900	−5,400
Missouri	363,900	347,500	−16,400
Montana	63,900	61,100	−2,800
Nebraska	67,200	64,100	−3,100
Nevada	63,900	61,100	−2,800
New Hampshire	0	0	0
New Jersey	536,500	512,300	−24,200
New Mexico	63,900	61,100	−2,800
New York	1,456,554	1,390,819	−65,735
North Carolina	236,900	226,200	−10,700
North Dakota	0	0	0
Ohio	739,000	705,700	−33,300
Oklahoma	106,100	101,300	−4,800
Oregon	148,300	141,600	−6,700
Pennsylvania	520,000	496,600	−23,400
Rhode Island	86,900	83,000	−3,900
South Carolina	134,500	128,400	−6,100
South Dakota	63,900	61,100	−2,800
Tennessee	190,700	182,100	−8,600
Texas	498,700	476,300	−22,400
Utah	69,200	66,000	−3,200
Vermont	63,900	61,100	−2,800
Virginia	268,700	256,500	−12,200
Washington	228,300	218,000	−10,300
West Virginia	204,600	195,400	−9,200
Wisconsin	354,900	338,900	−16,000
Wyoming	63,900	61,100	−2,800
Guam	0	0	0
Puerto Rico	0	0	0
Virgin Island	0	0	0
American Samoa	0	0	0
Trust Territories of Pacific Is	0	0	0
Northern Mariana Islands	0	0	0
Total	$9,943,154	$9,918,219	[1] −$24,935

[1] Difference of $24,935 is returned to Florida since it should not have been reallotted. Total adjustment for Florida is $448,035 ($423,100 + 24,935).

The adjustments shown in the above table are being made through appropriate changes to FY 1984 advices of allowance. This correction in no way alters the allotment of FY 1986 funds announced in this notice.

A. James Barnes,

Acting Administrator.

August 28, 1986.

[FR Doc. 86-19909 Filed 9-3-86; 8:45 am]

BILLING CODE 6560-50-M

[SW-FRL-3073-7]

Transfer of Data to Contractor

AGENCY: Environmental Protection Agency.

ACTION: Notice of transfer of data and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) will transfer to its contractor, Romar Consultants Inc., of Philadelphia, PA, information which has been, or will be, submitted to EPA under section 3007 of the Resource Conservation and Recovery Act (RCRA). Some of the information may have a claim of business confidentiality. This firm is working on the waste characterization efforts, in support of the Waste Listing Section, for the organic chemicals, inorganic chemicals, petroleum refining, plastics, pesticides, dyes & pigments, coke by-products, wood preserving, rubber processing and chlorinated organics manufacturing industries.

DATE: The transfer of the confidential data submitted to EPA will occur no sooner than September 11, 1986.

ADDRESSES: Comments should be sent to Dina Villari, Document Control Officer, Office of Solid Waste, Information Management Staff (WH-563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460. Comments should be identified as "Transfer of Confidential Data."

FOR FURTHER INFORMATION CONTACT: Dina Villari, Document Control Officer, Office of Solid Waste, Information Management Staff (WH-563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460, (202) 475-8551.

SUPPLEMENTARY INFORMATION:

I. Transfer of Data

The U.S. Environmental Protection Agency is conducting a program to characterize waste and assess waste management practices within the organic chemicals, inorganic chemicals, petroleum refining, plastics, pesticides, dyes & pigments, coke by-products, wood preserving, rubber processing, and chlorinated organics manufacturing industries. The Agency will use the results to identify and list hazardous waste under authority of section 3001 of the Resource Conservation and Recovery Act (RCRA), and to develop appropriate waste management standards under section 3004.

Under EPA Contract No. 68-01-7287, Romar Consultants, Inc. will assist the Waste Characterization Branch of the Office of Solid Waste in conducting waste characterization studies within the organic chemicals, inorganic chemicals, petroleum refining, plastics, pesticides, dyes & pigments, coke by-products, wood preserving, rubber processing, and chlorinated organics manufacturing industries. The information being transferred to Romar was previously collected by other agency contractors and is specific to the above-noted industries. Some of the information being transferred may have been claimed as confidential business information.

In accordance with 40 CFR 2.305(h), EPA has determined that Romar employees require access to confidential business information (CBI) submitted to EPA under section 3007 of RCRA to perform work satisfactorily under the above-noted contract. EPA is issuing this notice to inform all submitters of information under section 3007 of RCRA that EPA may transfer to this firm, on a need-to-know basis, CBI specific to the organic chemicals, inorganic chemicals, petroleum refining, plastics, pesticides, dyes & pigments, coke byproducts, wood preserving, rubber processing, and chlorinated organics manufacturing industries. Upon completing their review of materials submitted for these industries, Romar will return all such materials to EPA.

Romar has been authorized to have access to RCRA CBI under the EPA "Contractors Requirements for the Control and Security of RCRA Confidential Business Information" security manual. EPA has approved the security plan of its contractor and will inspect the facility and approve it prior to RCRA CBI being transmitted to the contractor. Personnel from this firm will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to confidential information, in accordance with the "RCRA Confidential Business Information Security Manual" and the Contract Requirements Manual.

List of Subjects in 40 CFR Part 2

Administrative practice and procedure, Freedom of information, Confidential business information.

Dated: July 31, 1986.

J. Winston Porter,

Assistant Administrator.

[FR Doc. 86-19910 Filed 9-3-86; 8:45 am]

BILLING CODE 6560-50-M

Transfer of Data to Contractors

AGENCY: Environmental Protection Agency.

ACTION: Notice of transfer of data and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) will transfer to its contractor, Dynamac Corporation, and their subcontractors: S-Cubed; Jacobs Engineering Group; Research Triangle Institute (RTI); and ENSECO, information which has been, or will be, submitted to EPA under section 3007 of the Resource Conservation and Recovery Act (RCRA). Some of the information may have a claim of business confidentiality. These firms are working on the waste characterization efforts, in support of the Waste Listing Section, for the organic chemicals, inorganic chemicals, petroleum refining, plastics, pesticides, dyes & pigments, coke by-products, wood preserving, rubber processing and chlorinated organics manufacturing industries.

DATE: The transfer of the confidential data submitted to EPA will occur no sooner than September 11, 1986.

ADDRESSES: Comments should be sent to Dina Villari, Documents Control Office, Office of Solid Waste, Information Management Staff (WH-563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Comments should be identified as "Transfer of Confidential Data."

FOR FURTHER INFORMATION CONTACT: Dina Villari, Document Control Office, Office of Solid Waste, Information Management Staff (WH-563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 475-8551.

SUPPLEMENTARY INFORMATION:

I. Transfer of Data

The U.S. Environmental Protection Agency is conducting a program to characterize waste and assess waste management practices within the organic chemicals, inorganic chemicals, petroleum refining, plastics, pesticides, dyes & pigments, coke by-products, wood preserving, rubber processing, and chlorinated organics manufacturing industries. The Agency will use the results to identify and list hazardous waste under the authority of section 3001 of the Resource Conservation and Recovery Act (RCRA), and to develop appropriate waste management standards under section 3004.

Under EPA Contract No. 68-01-7266, Dynamac, and their subcontractors: S-Cubed; Jacobs; RTI; and ENSECO, will assist the Waste Characterization Branch of the Office of Solid Waste in conducting waste characterization studies within the organic chemicals, inorganic chemicals, petroleum refining, plastics, pesticides, dyes & pigments, coke by-products, wood preserving, rubber processing, and chlorinated organics manufacturing industries. The information being transferred to Dynamac and their subcontractors was previously collected by other agency contractors and is specific to the above-noted industries. Some of the information being transferred may have been claimed as confidential business information.

In accordance with 40 CFR 2.305(h), EPA has determined that Dynamac and their subcontractor's employees require access to confidential business information (CBI) submitted to EPA under section 3007 of RCRA to perform work satisfactorily under the above-noted contract. EPA is issuing this notice to inform all submitters of information under section 3007 of RCRA that EPA may transfer to these firms, on a need-to-know basis, CBI specific to the organic chemicals, inorganic chemicals, petroleum refining, plastics, pesticides, dyes & pigments, coke by-products, wood preserving, rubber processing, and chlorinated organics manufacturing industries. Upon completing their review of materials submitted for these industries, Dynamac and their subcontractors will return all such materials to EPA.

Dynamac and their subcontractors have been authorized to have access to RCRA CBI under the EPA "Contractors Requirements for the Control and Security of RCRA Confidential Business Information" security manual. EPA has approved the security plan of its contractors and will inspect their facilities and approve them prior to RCRA CBI being transmitted to the contractors. Personnel from these firms will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to confidential information, in accordance with the "RCRA Confidential Business Information Security Manual" and the Contractor Requirements Manual.

List of Subjects in 40 CFR Part 2

Administrative practice and procedure, Freedom of Information, Confidential business information.

Dated: August 22, 1986

J.W. McGraw,

Acting Assistant Administrator.

[FR Doc. 86-19911 Filed 9-3-86; 8:45 am]

BILLING CODE 6560-50-M

[PP 3G2782/T529; FRL-3074-2]

Thiodicarb; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for the combined residues of the insecticide thiodicarb and its metabolite methomyl in or on certain raw agricultural commodities.

DATE: These temporary tolerances expire July 7, 1987.

FOR FURTHER INFORMATION CONTACT:

By mail:

Larry Schnaubelt, Product Manager (PM) 12, Registration Division (TS 767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number:

Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of September 18, 1985 (50 FR 37905), announcing the extension of temporary tolerances for the combined residues of the insecticide thiodicarb, dimethyl N'N'-[thiobis[[(methylamino) carbonyl] oxy]]bis[ethanimidothioate], and its metabolite methomyl, N-[(methylcarbamoyl)oxy] thioacetimidate, in or on the raw agricultural commodities field corn grain at 0.1 part per million (ppm) and corn forage and fodder at 150 ppm.

These tolerances were issued in response to pesticide petition PP 3G2782, submitted by United Carbide Agriultural Products Co., Inc., P.O. Box 12014, Research Triangle Park, NC 27709. These temporary tolerances have been extended to permit the continued marketing of the raw agricultural commodities named above when treated in accordance with the provisions of experimental use permit 264-EUP-64, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396), 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Union Carbide must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire July 7, 1987. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981, (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: August 27, 1986.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-19912 Filed 9-3-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Chittenden Corp. et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under §225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in §225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether comsummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 22, 1986.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Chittenden Corporation*, Burlington, Vermont; to engage *de novo* through its subsidiary, Chittenden Consulting Corporation, Burlington, Vermont, in management consulting to depository institutions pursuant to §225.25(b)(11) of the Board's Regulation Y.

B. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Ohio Bancorp*, Youngstown, Ohio; to engage *de novo* directly or indirectly in electronic fund transfers via terminals, known by the registered trade name of MoneyNet, pursuant to §225.25(b)(7) of the Board's Regulation Y. These activities will be conducted in Trumbull, Mahoning, Columbiana, Stark, Jefferson, and Carroll Counties, Ohio. Comments on this application must be received by September 24, 1986.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota; to engage *de novo* through its subsidiary, Norwest Financial Services, Inc., Des Moines, Iowa, in the activities of consumer and commercial finance pursuant to §225.23(b)(1) of the Board's Regulation Y; leasing real or personal property pursuant to §225.25(b)(5); the underwriting of credit life and credit accident and health insurance pursuant to §225.25(b)(9); the sale of bookkeeping, payroll, and other management financial reporting services, and data processing services pursuant to §225.25(b)(7). All of these activities will be conducted within the State of New York.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoeing, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Edna Bancshares, Inc.*, Edna, Kansas; to engage *de novo* through its subsidiary Edna Insurance Agency, Inc., Edna, Kansas, in acting as agent in the sale of general insurance in a town of less than 5,000 in population pursuant to §225.25(b)(8) of the Board's Regulation Y. These activities will be conducted in the area within a 15 mile radius of Edna, Kansas.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Community Bankers, Inc.*, Iredell, Texas; to engage *de novo* directly in the activity of issuing and retail selling of money orders and similar consumer payment instruments with a face value of not more than $1000 and the selling of travelers checks and U.S. Savings Bonds pursuant to §225.25(b)(12) of the Board's Regulation Y.

F. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *San Diego Financial Corporation*, San Diego, California; to engage *de novo* through its subsidiary, San Diego Financial Capital Management, Inc., San Diego, California, in providing portfolio investment advice and management, placing securities trades for its customers and customers of affiliate bank's trust department on specific direction or acting as an agent, furnishing general economic information, distributing investment

recommendations and economic analyses, serving as investment advisor to investment companies, providing financial advice to state and local governments pursuant to §225.25(b)(4) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 28, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-19885 Filed 9-3-86; 8:45 am]

BILLING CODE 6210-01-M

Huntington 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 or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than September 24, 1986.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

(1) *Huntington Bancshares, Incorporated,* Columbus, Ohio; to acquire 100 percent of the voting shares of Kasco Financial Corporation, Warren, Michigan, and thereby indirectly acquire Warren Bank, Warren, Michigan. Bank will be held directly by Huntington Bancshares, Michigan, Inc., Columbus, Ohio, a wholly-owned subsidiary of Applicant to be formed in connection with this acquisition.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *H P Holding Company,* Oak Park, Illinois; to become a bank holding company by acquiring 81 percent of the voting shares of Heritage/Pullman Bank and Trust Company, Chicago, Illinois. Comments on this application must be received by September 22, 1986.

2. *Waupaca Bancorporation,* Waupaca, Wisconsin; to acquire 100 percent of the voting shares of Iola Bancshares, Inc., Iola, Wisconsin, and thereby indirectly acquire First State Bank of Iola, Iola, Wisconsin.

C. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Marshfield Investment Company,* Springfield, Missouri; to acquire 100 percent of the voting shares of Bank of Kimberling City, Kimberling City, Missouri.

2. *Marshfield Investment Company,* Springfield, Missouri; to merge with Golden City Investment Company, Springfield, Missouri, and thereby indirectly acquire First National Bank, Lamar, Missouri.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Greater Southwest Bancshares, Inc.,* Irving, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of The West, Irving, Texas.

Board of Governors of the Federal Reserve System, August 28, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-19886 Filed 9-3-86; 8:45 am]

BILLING CODE 6210-01-M

Itasca Bancorp, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) of (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of hearing, identifying specially any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 24, 1986.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Itasca Bancorp, Inc.,* Itasca, Illinois; to acquire 30 percent of B.I.P., Inc., Bloomingdale, Illinois, and thereby engage in data processing services pursuant to § 225.25(b)(7).

Board of Governors of the Federal Reserve System, August 28, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-19887 Filed 9-3-86; 8:45 am]

BILLING CODE 6210-01-M

Walsh County Bancorp., Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking

activity that is listed in § 225.25 of Regulation Y as closely related to banking and permission for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 25, 1986.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Walsh County Bancorporation, Inc.*, Drayton, North Dakota; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Minto, Minto, North Dakota.

In connection with this application, Applicant proposes to acquire Minto Insurance Agency, Minto, North Dakota, and thereby engage in general insurance agency activities in a community with a population not exceeding 5,000, pursuant to § 225.25(b)(8)(ii) of the Board's Regulation Y. These activities will be conducted in Minto, North Dakota.

Board of Governors of the Federal Reserve System, August 28, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-19888 Filed 9-3-86; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects a Commission document previously published in the **Federal Register** on June 20, 1986 (51 FR 20050 FR Doc. 86-12655). The "Acquired Name" entry numbers 79 and 80 (86-1062 and 86-1063—The Shin-Etsu Chemical Co., Ltd.'s proposed acquisition of voting securities of The Dow Chemical Company) was incorrect. The correct entry should have been Shin-Etsu Chemical Co., Ltd.'s proposed acquisition of voting securities of Hemlock Semiconductor Corp., (Dow Chemical Company and Corning Glass Works, UPE's).

DATE: The correction is effective September 4, 1986.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, FTC/H-303, Washington, DC 20580. (202) 523-3894.

Phyllis A. Johnson,

Acting Secretary.

[FR Doc. 86-19919 Filed 9-3-86; 8:45 am]

BILLING CODE 6750-01-M

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 86-1279—Healthnet, Inc.'s proposed acquisition of voting securities of Kanawha Valley Memorial Hospital, Inc.	July 1, 1986.
(2) 86-1295—Doyle Dane Bernback's proposed acquisition of voting securities of BBDO International, Inc.	Do.
(3) 86-1304—Paul Cheng's proposed acquisition of voting securities of U.S. Home Corporation.	Do.
(4) 86-1305—Simon Edward Heath's proposed acquisition of voting securities of U.S. Home Corporation.	Do.
(5) 86-1309—Doyle Dane Bernbach's proposed acquisition of voting securities of Needham Harper Worldwide, Inc.	Do.
(6) 86-1310—BBDO International, Inc.'s proposed acquisition of voting securities of Needham Harper Worldwide, Inc.	Do.
(7) 86-1297—Johnson Southern Company's, (S.K. Johnston, UPE) proposed acquisition of voting securities of The Coca-Cola Bottling Company of St. Louis, Inc.	July 2, 1986.
(8) 86-1312—Ranks Hovis McDougall PLC's proposed acquisition of voting securities of Pilgrims Farms, Inc., (Edwin G. DeMont, UPE).	Do.
(9) 86-1319—Unicorp Canada Corporation's proposed acquisition of voting securities of Gelco Corporation.	Do.
(10) 86-1347—Davis J.V.'s, (Marvis Davis, UPE) proposed acquisition of assets of MidCon Exploration Co.—Gulf Coast, (Occidental Petroleum Corporation, UPE).	July 3, 1986.
(11) 86-1353—Apache Petroleum Company's proposed acquisition of assets of Oil and Gas subsidiaries, (Occiderital Petroleum Corporation, UPE).	Do.
(12) 86-1359—Apache Corporation's proposed acquisition of assets of Oil and Gas subsidiaries of (Occidental Petroleum Corporation, UPE).	Do.
(13) 86-1362—Davis J.V.'s, (Marvin Davis, UPE) proposed acquisition of assets of Grantor Trusts for Davis Children.	Do.
(14) 86-1329—Kirk Kerkorian/United Artists Corporation's proposed acquisition of assets of MGM Entertainment Company, (R.E. Turner, UPE).	July 8, 1986.
(15) 86-1336—Royal Dutch Petroleum Company, through its subsidiary Shell Oil Company's proposed acquisition of assets of Phillips Petroleum Company.	Do.
(16) 86-1369—Chevron Corporation's proposed acquisition of assets of LTV Steel Company Inc., (LTV Corporation, UPE).	Do.
(17) 86-1378—American Bakeries Company's proposed acquisition of voting securities of TL Enterprises, INC., (Richard A. and Iby Rouse, UPE's).	Do.
(18) 86-1369—Health Care Property Investors, Inc.'s proposed acquisition of assets of Health Care Investors, II.	Do.
(19) 86-1299—Gulf & Western, Inc.'s proposed acquisition of voting securities of Trans-Lux Connecticut Corporation, Trans-Lux Ridgeway Corporation, Trans-Lux Danbury Corporation, Trans-Lux Greenwich Corporation, Trans-Lux Avon Corporation, Trans-Lux Candlewood Corporation, Trans-Lux Palace Corporation, Trans-Lux Trumbull Corporation, Trans-Lux Oklahoma Corporation, and TLE Theater Corporation, (Trans-Lux Corporation, UPE).	July 9, 1986.
(20) 86-1380—Dart & Kraft, Inc's proposed acquisition of assets of Mocen Produce.	Do.
(21) 86-1286—Borden's Inc.'s proposed acquisition of voting securities of Jay Foods, Inc.	July 10, 1986.
(22) 86-1343—Borden, Inc.'s proposed acquisition of voting securities of Doxsee Food Corporation.	July 11, 1986.
(23) 86-1348—LLC Corporation's proposed acquisition of voting securities of NL Industries, Inc.	Do.

Transaction	Waiting period terminated effective
(24) 86-1352—"The 1964 Simmons Trust's" proposed acquisition of voting securities of NL Industries, Inc.	Do.
(25) 86-1360—Superior Care, Inc.'s proposed acquisition of voting securities of Kimberly Services, Inc., (Pritchard Services Group PLC, UPE).	Do.
(26) 86-1381—Merrill Lynch & Co., Inc.'s proposed acquisition of voting securities of Fruehauf Corporation.	Do.
(27) 86-1390—Veba Aktiengesellschaft's proposed acquisition of voting securities of Delta Distributors, Inc.	Do.
(28) 86-1393—American Express Company's proposed acquisition of voting securities of South Atlantic Financial Corp.	Do.
(29) 86-1410—Beverly Investment Properties, Inc.'s proposed acquisition of assets of Beverly Enterprises; Beverly Enterprises—Florida, Inc.; Beverly Enterprises—Texas, Inc.; Beverly Enterprises—Wisconsin, Inc.; Beverly Enterprises—Indiana, Inc.; Beverly Enterprises—Arkansas, Inc.; Beverly Enterprises—Kansas, Inc.; and Beverly Enterprises—California, Inc.	Do.
(30) 86-1412—Palmer G. Lewis Co., Inc's proposed acquisition of voting securities of Western American Forest Products Incorporation.	Do.
(31) 86-1417—Farm House Foods Corporation's proposed acquisition of voting securities of Economy Dry Goods, Inc., (Michael Ginsburg, UPE).	Do.
(32) 86-1418—Farm House Foods Corporation's proposed acquisition of voting securities of Economy Dry Goods, Inc., (Robert Ginsburg, UPE).	Do.
(33) 86-1278—LeRoy A. Pesch, M.D.'s proposed acquisition of voting securities of Republic Health Corporation.	July 15, 1986.
(34) 86-1350—Staveley Industries' PLC proposed acquisition of voting securities of National Controls Corporation Inc.	Do.
(35) 86-1416—Canadian Occidental Petroleum Ltd.'s proposed acquisition of voting securities of Cities Service Netherlands Petroleum Corporation, Cities Service (U.K.) Ltd., North Cities Service Petroleum Corporation, (Occidental Petroleum Corporation, UPE).	Do.
(36) 86-1419—Aaron Spelling's proposed acquisition of voting securities of E. Duke Vincent Productions, Inc., (E. Duke Vincent, UPE).	Do.
(37) 86-1420—Aaron Spelling's proposed acquisition of voting securities of Douglas Cramer Productions, Inc., (Douglas S. Cramer, UPE).	Do.
(38) 86-1391—Arbor Drugs, Inc.'s, (Eugene Applebaum, UPE) proposed acquisition of assets of Sentry Drug Stores, Inc.	July 16, 1986.
(39) 86-1399—The Times Mirror Compsny's proposed acquisition of voting securities of The A.S. Abell Company.	Do.
(40) 86-1404—Forstmann Little & Co. Subordinated Debt & Equity Management Buyout Partnership, II's proposed acquisition of voting securities of MRC Acquisition Corp., (Forstmann Little & Co., UPE).	Do.
(41) 86-1408—Cooper Industries, Inc.'s proposed acquisition of voting securities of Wheatley Pump and Valve, Inc., (Moorco International, Inc., UPE).	Do.
(42) 86-1409—Masco Industries, Inc.,'s proposed acquisition of voting securities of Creative Industries Group, Inc.	Do.
(43) 86-1415—Convergent Technologies, Inc.'s proposed acquisition of voting securities of Display Data Corporation.	Do.
(44) 86-1351—James R. McManus's proposed acquisition of voting securities of Ally & Gargano, Inc.	July 17, 1986.
(45) 86-1382—Panhandle Eastern Corporation's proposed acquisition of assets of Lachmar, a partnership.	Do.
(46) 86-1411—Pacific Corporation's proposed acquisition of assets of Card Key Systems Division of VSI Corp. and voting securities of certain foreign subsidiaries from Fairchild Industries, Inc.	Do.
(47) 86-1356—Panhandle Eastern Corporation's proposed acquisition of voting securities of Pantheon, Inc., (General Dynamics Corporation, UPE).	July 18, 1986.
(48) 86-1357—Panhandle Eastern Corporation's proposed acquisition of voting securities of Morgas, Inc., (Moore McCormack Resources, Inc., UPE).	Do.
(49) 86-1373—General Accident Fire & Life Assurance's proposed acquisition of voting securities of Oregon Automobile Insurance Co., (Armco, Inc., UPE).	Do.
(50) 86-1424—"The 1964 Simmons Trust's" proposed acquisition of voting securities of NL Industries, Inc.	July 21, 1986.
(51) 86-1425—"The 1964 Simmon's Trust's" proposed acquisition of voting securities of NL Industries, Inc.	Do.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Legal Technician, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580, (202) 523-3894.

By direction of the Commission.

Phyllis A. Johnson,

Acting Secretary.

[FR Doc. 86-19918 Filed 9-3-86; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Public Workshop; Acellular Pertussis Vaccines

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming public workshop to discuss acellular pertussis vaccines.

DATE: The workshop will be held on September 22 through 24, 1986, 8:30 a.m.

ADDRESS: The workshop will be held at the Bethesda Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD 20814.

FOR FURTHER INFORMATION CONTACT: Charles R. Manclark, Center for Drugs and Biologics (HFN-869), Food and Drug Administration, 800 Rockville Pike, Bethesda, MD 20205, 301-496-5564.

SUPPLEMENTARY INFORMATION: The workshop is being sponsored by the United States Public Health Service Interagency Group to monitor vaccine development, production, and usage. Topics will include: licensing considerations; design and evaluation of clinical trials; development, testing and characterization of acellular pertussis vaccines; manufacturing methods; epidemiology of pertussis; experience with acellular pertussis vaccines in various countries..

The meeting will be open to the public. Space is limited, and persons planning to attend should contact Charles Manclark (address above).

Dated: August 28, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-19876 Filed 9-3-86; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Application Announcement for Grants for Residency Training and Advanced Education in the General Practice of Dentistry

The Bureau of Health Professions, Health Resources and Services Administration, announces the acceptance of applications for Grants for Residency Training and Advanced Education in the General Practice of Dentistry for Fiscal Year 1987, authorized under the authority of section 786(b) of the Public Health Service Act, as amended by Pub. L. 99-129.

Section 786(b) of the Act authorizes the Secretary of Health and Human Services to make grants to any public or nonprofit private school of dentistry or accredited postgraduate dental training institution (e.g., hospitals and medical centers) to plan, develop, and operate an approved residency or advanced educational program in the general practice of dentistry and to provide financial assistance to participants in such a program who are in need of financial assistance and who plan to specialize in the practice of general dentistry.

For purposes of implementing section 786(b), an approved residency or advanced educational program in the general practice of dentistry means a residency program or advanced educational program in general dentistry which has received accreditation by the Commission on Dental Accreditation.

The Administration's budget request for Fiscal Year 1987 does not include funding for this program. This notice regarding applications does not reflect any change in this policy. However, should funds become available unexpectedly for this purpose, this contingency action will assure that grants can be awarded in a timely

fashion consistent with the needs of the programs as well as to provide for even distribution of funds throughout the fiscal year.

To receive support, programs must meet the requirements of final regulations at 42 CFR Part 57, Subpart L.

Questions regarding grants policy should be directed to:

Grants Management Officer (D–30)
Bureau of Health Professions
Health Resources and Services Administration
5600 Fishers Lane, Rm. 8C–22
Rockville, Maryland 20857
Telephone: (301) 443–6857

To obtain specific information concerning programmatice aspects of the grant program, contract:

Dental Health Branch
Division of Associated and Dental Health Professions
Bureau of Health Professions
Health Resources and Services Administration
5600 Fishers Lane, Rm. 8C–15
Rockville, Maryland 20857
Telephone: (301) 443–6837

The standard application form and specific instructions for this program have been approved by the Office of Managment and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

The application deadline date is December 12, 1986. Applications will be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date, or

(2) Postmarked on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private matered postmarks shall not be acceptable as proof of timely mailing.

In accordance with section 786(b) of the Act, three distinct categories of program development can be supported. Applications must address at least one of these categories.

Category 1: Program Initiation

An applicant may request support for up to one year of program planning and development, followed by two years of program operation. For this purpose an applicant must show, at a minimum, preliminary provisional approval from the Commission on Dental Accreditation before the initial grant award date (grants will be effective July 1 of the current fiscal year). Before a second year grant award will be made, the grantee must show an accreditation classification of accreditation eligible.

Category 2: Program Expansion

An applicant may request support for an existing program which has full approval accreditation classification to fund the cost of a first-year enrollment increase in the program.

Category 3: Program Improvement

An applicant may request support for an existing program which has conditional approval or provisional approval accreditation to correct deficiencies or weaknesses in order to gain full approval status. Support is also available for an existing program which has full approval accreditation for changes or additions in faculty, curriculum and/or facilities to enhance the quality of the program.

In recognition of the continued importance of increasing the number of advanced training opportunities in the general practice of dentistry, the follwing funding preferences will be used in making Fiscal Year 1987 awards for Grants for Residency Training and Advanced Education in the General Practice of Dentistry: new programs (Category 1), followed by expanding programs (Category 2), and then program improvements (Category 3); and within Category 1, first funding will be for approved applications designed to establish programs in States in which no nonfederally supported residency or advanced educational programs in general dentistry are currently in operation.

In all categories, special consideration will be given to programs with components that address significant national, regional or local dental health problems, such as increasing dental services to underserved and geriatric populations, and increasing minority resident and trainee participation in advanced general dentistry training.

There is no funding preference between residency training programs and advanced educational programs in general dentistry.

This program is listed at 13.897 in the *Catalog of Federal Domestic Assistance.* Applications submitted in response to this announcement are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs or 42 CFR Part 100.

Dated: August 5, 1986.

John H. Kelso,

Acting Administrator.

[FR Doc. 86–19916 Filed 9–3–86; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–06–4990–11–6001; W–96687]

Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming

August 25, 1986.

Pursuant to the provisions of Pub. L. 97–451, 96 Stat. 2462–2466, and Regulation 43 CFR 3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas lease W–96687 for lands in Sweetwater County, Wyoming was timely filed and was accompanied by all the required rentals accruing for the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W–96687), effective November 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 86–19868 Filed 9–3–86; 8:45 am]

BILLING CODE 4310–22–M

[CO–940–86–4420–10; C–44206]

Proposed Withdrawal; Opportunity for Public Hearing

August 26, 1986.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, has filed application for withdrawal of approximately 278 acres of National Forest System lands for location and entry under the United States mining laws only for protection of recreational values at Keystone, Colorado. The area proposed for withdrawal is within the boundaries of the Arapaho National Forest. This notice segregates the land for a period of two years during which

time the Forest Service will do the necessary studies to determine whether this site should be recommended to be withdrawn for 100 years. The land will continue to be open to all uses other than mining laws.

DATE: Comments or requests for hearing should be received on or before December 3, 1986.

ADDRESS: Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, (301) 236–2100.

The Department of Agriculture proposes that the National Forest System lands identifed below be withdrawn from location and entry under the United States mining laws only, subject to valid existing rights, pursuant to the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Arapaho National Forest, Sixth Principal Meridian

T. 5 S., R. 76 W.,
- Sec. 19, lots 5, 6, 7, 8, 39, NW¼NE¼NE¼, NE¼NW¼NE¼ and all that portion of M.S. 20778 Schoolmarm within the NE¼ of sec. 19 comprising proposed lots 52, 53, and 54;
- Sec. 20, lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, and all those portions of M.S. 20778 Schoolmarm and M.S. 20698B Des Moines Mill Site within the NW¼ of sec. 20 comprising proposed lots 36 thru 41, inclusive.

T. 5 S., R. 77 W.,
- Sec. 22, W½NE¼SW¼, SE¼NW¼SW¼, E½SW¼SW¼, and SE¼SW¼;
- Sec. 23, S½N½NW¼;
- Sec. 27, W½NW¼NE¼, SE¼SW¼NE¼, NW¼NE¼SE¼, and NE¼NW¼SE¼.

The areas described aggregate 277.91 acres in Summit County, Colorado.

Effective on date of publication, these lands are segregated from operation of the United States mining laws. The lands remain open to mineral leasing and to Forest Service management.

The segregative effect of this pending application will terminate 2 years from the date of this publication unless final withdrawal action is taken or the application is terminated prior to that date. Notice of any action will be published in the **Federal Register.**

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with this proposed withdrawal application may present their views in writing to the Colorado State Office.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on this proposed action must submit a written request for a hearing to the Colorado State Director within 90 days from the date of this publication. If it is determined that a public hearing should be held, the hearing will be scheduled and conducted in accordance with Bureau of Land Management Manual, section 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. The authorized officer will undertake negotiations with the applicant agency to assure that the area sought is the minimum essential to meet the applicant's needs, to provide for the maximum current utilization of the land for purposes other than the applicant's, and to reach an agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on this application will be published in the **Federal Register.**

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 86–19897 Filed 9–3–86; 8:45 am]

BILLING CODE 4310–JB–M

[OR–030–06–4332–02: GP6–355]

Vale District Advisory Council; Meeting

AGENCY: Vale District, Bureau of Land Management, Interior.

ACTION: Notice of Meeting, Vale District Advisory Council.

SUMMARY: Notice is given in accordance with Pub. L. 92–463, that the Vale District Advisory Council will conduct a field tour of the Trout Creek Mountains on September 24 and 25, 1986. The tour will leave the Vale District Office at 8:00 a.m. September 24 and return at 6:00 p.m. September 25. The purpose of the tour is to discuss a Multiple Case Activity Plan that is proposed to be prepared for the area.

The public is invited to attend the tour, but must provide their own transportation.

For further information contact Barry Rose, Bureau of Land Management, Vale District, P.O. Box 700, Vale, OR 97918.

David Lodzinski,

Acting District Manager.

[FR Doc. 86–19891 Filed 9–3–86; 8:45 am]

BILLING CODE 4310–33–M

Minerals Management Service

Development Operations Coordination Document; Amoco Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 1248, Block 161, South Timbalier Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Fourchon, Louisiana.

DATE: The subject DOCD was deemed submitted on August 26, 1986.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1420 South Clearview Pkwy., Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 736–2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCD's available to affected States, executives of affected States, local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: August 27, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-19890 Filed 9-3-86; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Hall-Houston Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Hall-Houston Oil Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 5050, Block 50, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on August 22, 1986.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1420 South Clearview Pkwy., Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected States, local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: August 26, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-19867 Filed 9-3-86; 8:45 am]

BILLING CODE 4310-MR-M

Bureau of Mines

Advisory Committee on Mining and Mineral Research; Meeting

This notice is issued in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I) and Office of Management and Budget Circular No. A63, Revised.

The Advisory Committee on Mining and Mineral Research will meet from 8 a.m. to 5 p.m. (or completion of business) on Wednesday, October 15, 1986, in room 7000 A and B, U.S. Department of the Interior, 18th and C Streets, NW., Washington, DC 20240.

The proposed agenda is:

1. Welcome by Secretary.
2. Election of co-chairman.
3. Approval of the minutes of the meeting of August 16, 1985.
4. Approval of the 1986 grant awards program.
5. Status of congressional action on Mineral Institutes 1987 budget.
6. Review of the eligibility of the present Mineral Institutes.
7. Application of Columbia University to become the designated Mineral Institute of the State of New York.
8. Revision of National Plan for research in mining and mineral resources.
9. Proposal of the Mississippi Mineral Resources Institute for the establishment of an underwater mining technology center.
10. New business.

This meeting is open to the public. Approximately 30 visitors can be accommodated on a first-come, first-served basis. Written statements concerning the subjects are welcome.

In order to be admitted to the building, visitors who expect to attend should inform Dr. Ronald A. Munson, Chief, Office of Mineral Institutes, Bureau of Mines, Mail Stop 1020, 2401 E Street, NW., Washington, DC 20241, phone (202) 634-1328, no later than noon, Tuesday, October 14.

Dated: August 28, 1986.

Robert C. Horton,

Director.

[FR Doc. 86-19869 Filed 9-3-86; 8:45 a.m.]

BILLING CODE 4310-53-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 23, 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 19, 1986.

Carol D. Shull,

Chief of Registration, National Register.

CALIFORNIA

San Diego County

San Diego, *Burnham—Marston House*, 3563 Seventh Ave.

COLORADO

Dolores County

Beaver Creek Massacre Site

GEORGIA

Decatur County

Brinson, *Brinson Family Historic District*, Bainbridge, Wainhurst and Leon Sts.

INDIANA

Boone County

Lebanon, *Boone County Courthouse*, Courthouse Square

Thorntown, *Thorntown Public Library*, 124 N. Market St.

Delaware County

Muncie, *Old West End Historic District*, Roughly bounded by Liberty & Washington Sts., the White River, Kilgore & Howard Sts., & Orchard Pl.

Elkhart County

Elkhart, *Buescher Band Instrument Company Building*, 224 E. Jackson Ave.

Marion County

Indianapolis, *Heier's Hotel*, 10-18 S. New Jersey St.

Indianapolis, *North Meridian Street Historic District*, 4000-5694 and 4001-5747 N. Meridian

Ripley County

Versailles, *Taylor, Fernando G., House*, NE corner of Main & Tyson Sts.

Sullivan County

Sullivan, *Sherman Building*, 2-4 S. Court St.

Warrick County

Boonville, *Boonville Public Square Historic District*, Bounded roughly by First, Sycamore, Fourth, and Walnut

IOWA

Des Moines County

Burlington, *Forney, James M., House*, 401 Cedar

Henry County

Mount Pleasant, *Brazel House Hotel*, 100 N. Main St.

KANSAS

Marshall County

Marysville, *Pusch—Randell House*, Elm St.

LOUISIANA

Grant Parish

Pollock, *Walker Store*, Main St.

NEW MEXICO

Bernalillo County

Albuquerque, *National Humane Alliance Animal Foundation*, 615 Virginia Ave., SE

NEW YORK

Cattaraugus County

Franklinville, *Park Square Historic District*, Park Square Roughly bounded by N. Main, Pine, Chestnut, S. Main, Elm, & Church Sts.
Gowanda, *Gowanda Village Historic District*, 37, 39, 41–45, 47–49, & 53 W. Main St.

Nassau County

Roslyn Harbor, *Cedarmere—Clayton Estates*, Bryant Ave. & Northern Blvd.
Roslyn, *Eastman Cottage (Roslyn Village MRA)*, 130 Mott Ave.
Roslyn, *Hicks Lumber Company Store (Roslyn Village MRA)*, 1345 Old Northern Blvd.
Roslyn, *Roslyn Grist Mill (Roslyn Village MRA)*, 1347 Old Northern Blvd.
Roslyn, *Roslyn National Bank & Trust Company Building (Roslyn Village MRA)*, 1432 Old Northern Blvd.
Roslyn, *Roslyn Savings Bank Building (Roslyn Village MRA)*, 1400 Old Northern Blvd.
Roslyn, *Roslyn Village Historic District (Roslyn Village MRA)*, Roughly bounded by Old Northern Blvd., Vernon & E. Broadway Sts., Main, Glen Ave. & Tower St.
Roslyn, *Titus, Willet, House (Roslyn Village MRA)*, 1441 Old Northern Blvd.
Roslyn, *Trinity Church Complex (Roslyn Village MRA)*, 1347 Old Northern Blvd.
Roslyn, *Warner, Samuel Adams, House (Roslyn Village MRA)*, 1 Railroad Ave.

New York County

New York, *R&S Building*, 492 First Ave.

Queens County

Far Rockaway, *Russell Sage Memorial Church*, 1324 Beach 12th St.

Suffolk County

Southhampton, *Balcastle (Southampton Village MRA)*, NW corner of Herrick & Little Plains Rds.

Suffolk County

Southampton, *Beech Road Historic District (Southampton Village MRA)*, Between Shinnecock & Halsely Neck Rds. on Beach Rd. at Barrier Beach
Southampton, *Cooper, Capt. Mercator, House (Southampton Village MRA)*, 81 Windmill Ln.
Southampton, *Goodale, Capt. C., House (Southampton Village MRA)*, 300 Hampton Rd.
Southampton, *North Main Street Historic District (Southampton Village MRA)*, N. Main St. near CR 39 & Railroad Station Plaza
Southampton, *Southampton Village Historic District (Southampton Village MRA)*, Roughly bounded by Hill, Windmill Ln., Hampton Rd., N & S Main St., Old Town Rd., Atlantic Ocean, Coopers Neck Lane, Great Plains & Ox Pasture Rds.
Southampton, *Wesley, Dr. Bowers, House (Southampton Village MRA)*, Beach Rd.
Southampton, *Wickapogue Road Historic District (Southampton Village MRA)*, Both sides of Wickapogue Rd. between Narrow Lane & Cobb Rd.

Westchester County

New Rochelle, *Lispenard—Rodman—Davenport House*, 180 Davenport Ave.

NORTH DAKOTA

Grand Forks County

Grand Forks, *Clifford, George B., House*, 406 Reeves Dr.

PENNSYLVANIA

Allegheny County

Pittsburg, *Allderdice, Taylor, High School (Pittsburgh Public Schools TR)*, 2409 Shady Ave.
Pittsburg, *Allegheny High School (Pittsburgh Public Schools TR)*, 810 Arch St.
Pittsburg, *Arsenal Jr. High School (Pittsburgh Public Schools TR)*, Butler and Fortieth Sts.
Pittsburg, *Baxter High School (Pittsburgh Public Schools TR)*, Baxter St. & Brushton Ave.
Pittsburg, *Bayard School (Pittsburgh Public Schools TR)*, 4830 Hatfield St.
Pittsburg, *Bedford School (Pittsburgh Public Schools TR)*, 910–918 Bingham St.
Pittsburg, *Beechwood Elementary School (Pittsburgh Public Schools TR)*, Rockland Ave. near Sebring Ave.
Pittsburg, *Beltzhoover Elementary School (Pittsburgh Public Schools TR)*, Cedarhurst and Estrella Sts.
Pittsburg, *Birmingham Public School (Pittsburgh Public Schools TR)*, 118–128 S. Fifteenth St.
Pittsburg, *Boggs Avenue Elementary School (Pittsburgh Public Schools TR)*, Boggs & Southern Aves.
Pittsburg, *Colfax Elementary School (Pittsburgh Public Schools TR)*, Beechwood Blvd. & Phillips Ave.
Pittsburg, *Connelly, Clifford B., Trade School (Pittsburgh Public Schools TR)*, 1501 Bedford Ave.
Pittsburg, *Conroy Jr. High School (Pittsburgh Public Schools TR)*, Page & Fulton Sts.
Pittsburg, *Dilworth Elementary School (Pittsburgh Public Schools TR)*, St. Marie & Collins Sts.
Pittsburg, *Fort Pitt Elementary School (Pittsburgh Public Schools TR)*, 5101 Hillcrest St.
Pittsburg, *Foster School (Pittsburgh Public Schools TR)*, 286 Main St.
Pittsburg, *Frick, Henry Clay, Training School for Teachers (Pittsburgh Public Schools TR)*, 107 Thackeray St.
Pittsburg, *Fulton Elementary School (Pittsburgh Public Schools TR)*, Hampton & N. Saint Clair Sts.
Pittsburg, *Greenfield Elementary School (Pittsburgh Public Schools TR)*, N of Greenfield Ave. at E end of Alger St.
Pittsburg, *Knoxville Jr. High School (Pittsburgh Public Schools TR)*, Charles & Grimes Aves.
Pittsburg, *Langley High School (Pittsburgh Public Schools TR)*, Sheraden Blvd. & Chartiers Ave.
Pittsburg, *Larimer School (Pittsburgh Public Schools TR)*, Larimer Ave. at Winslow St.
Pittsburg, *Latimer School (Pittsburgh Public Schools TR)*, Tripoli & James Sts.
Pittsburg, *Lawrence Public School (Pittsburgh Public Schools TR)*, 3701 Charlotte St.
Pittsburg, *Lemington Elementary School (Pittsburgh Public Schools TR)*, 7060 Lemington Ave.
Pittsburg, *Letsche Elementary School (Pittsburgh Public Schools TR)*, 1530 Cliff St.
Pittsburg, *Liberty School #4, Friendship Building (Pittsburgh Public Schools TR)*, 5501 Friendship Ave.
Pittsburg, *Lincoln Elementary School (Pittsburgh Public Schools TR)*, Lincoln & Frankstown Ave.
Pittsburg, *Linden Avenue School (Pittsburgh Public Schools TR)*, 739 S. Linden Ave.
Pittsburg, *Madison Elementary School (Pittsburgh Public Schools TR)*, Milwaukee & Orion Sts.
Pittsburg, *McCleary Elementary School (Pittsburgh Public Schools TR)*, Holmes St. & McCandless Ave.
Pittsburg, *Mifflin Elementary School (Pittsburgh Public Schools TR)*, Mifflin Rd. at Lincoln Pl.
Pittsburg, *Morrow, John, Elementary School (Pittsburgh Public Schools TR)*, 1611 Davis Ave.
Pittsburg, *Morse, Samuel F.B., School (Pittsburgh Public Schools TR)*, 2418 Sarah St.
Pittsburg, *Oakland Public School (Pittsburgh Public Schools TR)*, Dawson St. near Edith Pl.
Pittsburg, *Oliver, David P., High School (Pittsburgh Public Schools TR)*, Brighton Rd. & Island Ave.
Pittsburg, *Park Place School (Pittsburgh Public Schools TR)*, S. Braddock & Brashear Aves.
Pittsburg, *Perry High School (Pittsburgh Public Schools TR)*, Perrysville Ave. & Semicir St.
Pittsburg, *Prospect Jr. High and Elementary School (Pittsburgh Public Schools TR)*, Prospect Ave. near Southern Ave.
Pittsburg, *Schenley High School (Pittsburgh Public Schools TR)*, Bigelow Blvd. & Centre Ave.
Pittsburg, *Schiller Elementary School (Pittsburgh Public Schools TR)*, 1018 Peralta St.
Pittsburg, *South Side High School (Pittsburgh Public Schools TR)*, 900 E. Carson St.
Pittsburg, *Springfield Public School (Pittsburgh Public Schools TR)*, Smallman & Thirty-first Sts.
Pittsburg, *Sterrett Sub District School (Pittsburgh Public Schools TR)*, 339 Lange Ave.

Pittsburg, *Washington Vocational School (Pittsburgh Public Schools TR)*, 169 Fortieth St.
Pittsburg, *Westinghouse High School (Pittsburgh Public Schools TR)*, 1101 N. Murtland St.
Pittsburg, *Wightman School (Pittsburgh Public Schools TR)*, 5604 Solway St.
Pittsburg, *Woolslair Elementary School (Pittsburgh Public Schools TR)*, Fortieth St. & Library Ave.

VIRGINIA

Richmond (Independent City)

Ginter Park Historic District, Roughly bounded by Claremount, North, Moss Side & Noble Aves., Brookland Park Blvd., & Brook Rd.

[FR Doc. 86-19855 Filed 9-3-86; 8:45 am]
BILLING CODE 4310-70-M

Illinois and Michigan Canal National Heritage Corridor Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Illinois and Michigan Canal National Heritage Corridor Commission will be help September 10, 1986, beginning at 10 a.m. at the Illinois and Michigan Canal National Heritage Corridor Commission Headquarters at 30 North Bluff Street, Joliet, Illinois 60431.

The Commission was originally established on August 24, 1984, pursuant to provisions of the Illinois and Michigan Canal National Heritage Corrdor Act of 1984, 98 Stat. 1456, 16 U.S.C. 461 to implement and support the conceptual plan.

Matters to be discussed at the meeting will include FY 87 budget considerations, review of locally produced film depicting the Illinois and Michigan Canal National Heritage Corridor Commission, and discussion of the report on sites of geological significance in the Illinois and Michigan Canal National Heritage Corridor.

The meeting will be open to the public. Interested persons may submit written statements to the oficial listed below prior to the meeting. Further information concerning the meeting may be obtained from Alan M. Hutchings, Chief, Division of External Affairs, Midwest Region, National Park Service, 1709 Jackson Street, Omaha Nebraska 68102, telephone 402-221-3481 (FTS 864-3481). Minutes of the meeting will be available for public inspection at the Midwest Regional Office 3 weeks after the meeting.

Dated: August 21, 1986.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 86-19856 Filed 9-3-86; 8:45 am]
BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[332-237]

Annual Reports on Imports Under Items 806.30 and 807.00 of the Tariff Schedules of the United States

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation.

SUMMARY: The Commission instituted the investigation, No. 332-237, on its own motion under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) to prepare and publish reports on an annual basis presenting and analyzing statistical data on imports under items 806.30 and 807.00 of the Tariff Schedules of the United States. The reports will be similar in format to these published in the past by the Commission but not issued pursuant to a specific statutory authority. The first report will be published in December 1986 and will cover the period 1982-85. Subsequent reports will be published in December of each year.

EFFECTIVE DATE: August 19, 1986.

FOR FURTHER INFORMATION CONTACT: Ms. Pamela J. McGuyer, General Manufactures Division, U.S. International Trade Commission, Washington, DC 20436 (tel. (202) 724-1746.

SUPPLEMENTARY INFORMATION: Since the late 1960s, the Commission has published various reports dealing with TSUS items 806.30 and 807.00 trade. In the past few years, the Commission has intermittently published the report by the same title as this 332 report. Past reports presented historical import data for 806.30 and 807.00 provisions and analyzed the most current four-year period for which data were available on a commodity specific and sector-by-sector basis. An addition to the forthcoming reports is the inclusion of a "Highlights of Major Trends" section. The purpose of this section is to present information and analyses of economic growth, product diversification, and significant shifts in the composition of imports under these special provisions.

Written submission: No public hearing has been scheduled in this investigation. Interested persons are invited to submit written statements concerning the investigation at any time; however, written statements should be received by the close of business on September 15, 1986. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, DC 20436.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724-0002.

By order of the Commission.

Issued: August 22, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-19949 Filed 9-3-86; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-228]

Certain Fans With Brushless DC Motors

AGENCY: U.S. International Trade Commission.

ACTION: Review and affirmance of the presiding administrative law judge's initial determination finding no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

SUMMARY: On July 9, 1986, the presiding administrative law judge (ALJ) issued her final initial determination (ID) in the above-captioned investigation. The ID found that there was no violation of section 337 because the claims in issue of the patent in controversy were invalid pursuant to 35 U.S.C. 102(b) or 35 U.S.C. 103. The Commission has determined to review and affirm a portion of the ID and to not review the remainder of the ID.

FOR FURTHER INFORMATION CONTACT: Kristian E. Anderson, Esq., Office of the General Counsel, U.S. International Trade Commission, Washington, DC 20436, telephone 202-523-0074.

SUPPLEMENTARY INFORMATION: *Background*—On September 4, 1985, complainant Rotron Incorporated

(Rotron) filed a complaint with the Commission alleging that respondents Matshshita Electric Industrial Company, Ltd. (MEI) and Matsushita Electric Corporation of America (MECA) were violating section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Specifically, complainant Rotron alleged that respondents were infringing claims 1–4 and 6–12 of U.S. Letters Patent 4, 494,028 (the '028 patent) owned by Rotron. The Commission instituted the present investigation on October 9, 1985 (50 FR 41228)..

On July 9, 1986, following an evidentiary hearing before the ALJ, the ALJ issued an ID that found that the respondents are not violating section 337 because the claims at issue of the '028 patent are invalid. The ID found that claims 1, 6, and 8 of the '028 patent were anticipated and hence invalid pursuant to 35 U.S.C. 102(b). The ID found the remaining claims to be invalid pursuant to 35 U.S.C. 103 because they would have been obvious to a person having ordinary skill in the relevant art at the time of the claimed invention.

Statutory Authority—This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

Public Inspection—Copies of the nonconfidential version of the ID, the Commission's Action and Order, the nonconfidential version of the Commission's Opinion (when it becomes available), and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E. Street, NW., Washington, DC 20436, telephone 202–523–0161.

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

By order of the Commission.

Issued: August 28, 1986.

Kenneth R. Mason,

Secretary

[FR Doc. 86–19944 Filed 9–3–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–229]

Certain Nut Jeweiry and Parts Thereof; Commission Decision Extending the Time For Determining Whether to Review Final Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Extension of deadline for deciding whether to review final initial determination.

SUMMARY: Notice is hereby given that the Commission has determined to extend until September 22, 1986, the deadline by which it must decide whether to review the final initial determination (ID) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Randi S. Field, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0261.

SUPPLEMENTARY INFORMATION: On July 30, 1986, the presiding ALJ issued his final ID finding that there is a violation of section 337 in the unauthorized importation and sale of certain nut jewelry and parts thereof by reason of inadequate designation of country of origin when the jewelry is sold with certain labels, with the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

This action is taken under authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1377) and §§ 201.14(b) and 210.53(h) of the Commission's Rules of Practice and Procedure (19 CFR 201.14(b), 210.53(h)).

Copies of the nonconfidential version of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Issued: August 29, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–19945 Filed 9–13–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–247]

Certain Sickle Guards; Commission Decision Not to Review Initial Determination Granting Motion to Amend The Complaint; Termination of Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of an initial determination granting with prejudice the motion of complainant National Standard Corporation (National) to amend the complaint to delete allegations of patent infringement.

SUMMARY: Notice is hereby given that the Commission has determined not to review an initial determination (ID) (Order No. 7) granting with prejudice the motion to complainant National to amend the complaint to delete allegations of patent infringement. The effect of this amendment is to terminate respondent Herschel Corporation from the investigation.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Galbreath, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0143.

SUPPLEMENTARY INFORMATION: The authority for disposition of the matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in Commission rule 210.53(h) (19 CFR 210.53(h)).

On May 21, 1986, the Commission instituted the above-captioned section 337 investigation. Complainant National charged the named respondents, including Herschel Corporation (Herschel), and their associated U.S. distributors with unfair methods of competition and unfair acts in the importation and/or sale of certain sickle guards for use on agricultural mowing machines. The allegations underlying the complaint are direct, contributory, and induced infringement, common-law trademark infringement, passing off, and false designation of origin. The original complaint charged respondent Herschel only with patent infringement.

On June 27, 1986, the complainant filed a motion to amend the complaint to delete all portions of the complaint relating to the allegations of patent infringement (Motion No. 247–2). The complainant's motion is based upon information that came to light during discovery that affects the validity of its patent. As a result, the complainant moved to amend the complaint to delete the allegations of patent infringement, the consequence of which is to dismiss all the unfair acts alleged against respondent Herschel.

On July 2, 1986, the Commission investigative attorney filed a response supporting the complainant's motion to amend, provided the amendment is granted with prejudice.

On July 17, 1986, the administrative law judge (ALJ) issued an ID granting with prejudice the complainant's motion to amend. The Commission did not

receive any petitions for review of the ID or any Government agency or public comments.

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary , U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161.

Hearing-impaired individuals are advised that information concerning this investigation can be obtained by contracting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Issued: August 25, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–19946 Filed 9–3–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–231]

Certain Soft Sculpture Dolls Popularly Known as "Cabbage Patch Kids" Related Literature and Packaging Therefor; Commission Decision To Review Portions of an Initial Determination Finding a Violation of Section 337 of the Tariff Act of 1930

AGENCY: U.S. International Trade Commission.

ACTION: The U.S. International Trade Commission has determined to review portions of an initial determination (ID) finding a violation of section 337 in the above-captioned investigation. The portions of the ID that will be reviewed are the presiding administrative law judge's (ALJ's) determination regarding (1) the country of origin marking requirements, (2) the scope of the domestic industry, (3) substantial injury to the domestic industry, and (4) tendency to substantially injure the domestic industry.

FOR FURTHER INFORMATION CONTACT: Stephen A. McLaughlin, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0421.

SUMMARY: On July 11, 1986, the presiding ALJ issued an ID finding a violation of section 337 by reason of the unauthorized importation and sale in the United States of certain soft sculpture dolls, popularly known as "Cabbage Patch Kids". In making his determination, the ALJ held, *inter alia*, (1) that the imported products did not violate the country of origin marking requirements, and, even if they did, such violation did not constitute an unfair act under section 337, (2) that the licensing program for the various copyrights owned by complainants and infringed by respondents was part of a domestic industry under section 337, an issue specifically left open by the Commission in *Certain Products with Gremlin Character Depictions*, Inv. No. 337–TA–201, (3) that the domestic industry was substantially injured based in part upon sales of unauthorized imports during a period in which there was no idle domestic capacity and imported products sold for higher prices than the domestic products, and (4) that the unfair acts would have the tendency to cause substantial injury in the future because "gray market" imports were likely to continue in the future.

No petition for review or agency comments were received.

Having reviewed the record, the Commission has determined that the following issues warrant review:

(1) Whether respondents' unauthorized imports violate the country of origin marking statute (19 U.S.C. 1304) and, if so, whether such violation constitutes an unfair act under section 337.

(2) Whether the ALJ's determination of the scope of the domestic industry was correct. In this regard, the Commission is especially interested in (a) whether licensing activity in combination with production activity can constitute a domestic industry under section 337 and (b) whether operating profits are properly included in a value-added computation for the purpose of determining whether there is a domestic industry under section 337.

(3) Whether the unfair acts of respondents have the effect of substantially injuring the relevant domestic industry. The Commission is especially interested in the question of whether substantial injury can be found during a period when there is no idle domestic capacity and when imported products sold for higher prices than domestic products.

(4) Whether the unfair acts of respondents have the tendency to substantially injure the domestic industry.

No other issue will be reviewed.

SUPPLEMENTARY INFORMATION: If the Commission finds that a violation of section 337 has occurred, it may issue an order that could result in the exclusion of the subject articles from entry into the United States and/or cease and desist orders that could result in one or more respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions addressing the form of relief, if any, that should be ordered.

If the Commission concludes that a violation of section 337 has occurred and contemplates that some form of relief is appropriate, it must consider the effect that the relief would have upon the public health and welfare, competitive conditions in the U.S. economy, the U.S. production of articles which are like or directly competitive with those that are subject to investigation, and U.S. consumers. The Commission is, therefore, interested in receiving written submissions concerning the effect, if any, that granting a remedy would have on the public interest.

If the Commission finds that a violation of section 337 has occurred and orders permanent relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is, therefore, interested in receiving written submissions concerning the amount of bond that should be imposed.

Written Submissions

The parties to the investigation and interested Government agencies are encouraged to file written submissions on the issues under review, and on the issues of remedy, the public interest, and bonding. Complainant and the Commission investigative attorney are also requested to submit a proposed remedial order or orders for the Commission's consideration. Persons other than the parties and government agencies may file written submissions addressing the issues of remedy, the public interest, and bonding.

Written submissions on the issues under review must be filed not later than the close of business on September 10, 1986. Written submissions on remedy, the public interest, and bonding must be filed not later than the close of business on September 17, 1986. Reply briefs on all issues must be filed not later than the close of business on September 24, 1986.

Commission Hearing

The Commission does not plan to hold a public hearing in connection with the final disposition of this investigation.

Additional Information

Persons submitting written submissions must file the original

document and 14 true copies thereof with the Office of the Secretary on or before the deadlines stated above. Any persons desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment by the ALJ. All such requests should be directed to the Secretary and must include a full statement of the reasons why the Commission should grant confidential treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 210.55 (19 CFR 210.55).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Issued: August 28, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–19947 Filed 9–3–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–341 through 3456 (Preliminary)]

Tapered Roller Bearing and Parts Thereof, and Certain Housings Incorporating Tapered Rollers From Hungary, Italy, Japan, The People's Republic of China, Romania, and Yugoslavia

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary antidumping investigations and scheduling of a conference to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigations Nos. 731–TA–341 through 346 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Hungary (inv. No. 731–TA–341), Italy (inv. No. 731–TA–342), Japan (inv. No. 731–TA–343), the People's Republic of China (inv. No. 731–TA–344), Romania (inv. No. 731–TA–345), and Yugoslavia (inv. No 731–TA–346) of tapered roller bearings and parts thereof, provided for in Tariff Schedules of the United States (TSUS) items 680.30 and 680.39; flange, take-up cartridge, and hanger units incorporating tapered roller bearings, provided for in TSUS item 681.10; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use, provided for in item 692.32 or elsewhere in the TSUS, all of which are alleged to be sold in the United States at less than fair value. Products subject to the outstanding dumping order covering certain tapered roller bearings from Japan (T.D. 76–227, 41 FR. 34974) are not included within the scope of investigation No. 731–TA–343 (Preliminary). As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by October 9, 1986.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: August 25, 1986.

FOR FURTHER INFORMATION CONTACT: Maria Papadakis (202–523–0439), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to a petition filed on August 25, 1986 by the Timken Company, Canton, Ohio.

Participation in the Investigations

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR § 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m. on September 16, 1986 at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact Maria Papadakis (202–523–0439) not later than September 12, 1986, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written Submissions

Any person may sumit to the Commission on or before September 19, 1986, a written statement of information pertinent to the subject of the investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope

and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Issued: August 27, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-19948 Filed 9-3-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-234]

Certain Upper Body Protector Apparatus for Use in Motosports; Commission Decision

AGENCY: U.S. International Trade Commission.

ACTION: Decision not to review initial determinations terminating the above-captioned investigation as to three respondents and decision to review initial determination as to one respondent.

SUMMARY: The Commission, on August 26, 1986, determined not to review the initial determinations (IDs) (Orders Nos. 14 and 24) of the presiding administrative law judge (ALJ) terminating the investigation as to respondent Torsten Hallman Racing, Inc., on the basis of a settlement agreement, and as to respondents Jim O'Neal Distributing, Inc. and One Up S.r.1. on the basis of withdrawal of the complaint. The Commission further determined to review the ID (Order No. 24) terminating the investigation as to respondent Stilmotor on the basis of a settlement agreement. Order No. 24 is being reviewed because the motion to terminate the investigation as to Stilmotor failed to include a statement concerning the existence of other agreements as required by § 210.51(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.51(b)).

FOR FURTHER INFORMATION CONTACT: Paul R. Bardos, Esq., Office of General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0350.

SUPPLEMENTARY INFORMATION: On July 2, 1986, complainants J.T. Racing, Inc. and John R. Gregory filed a motion (Motion No. 234-12) to terminate the investigation as to respondents Torsten Hallman Racing, Inc. and Stilmotor on the basis of a settlement agreement. In addition, complainants filed on July 2, 1986, a motion (Motion No. 234-11) to terminate the investigation as to the two remaining respondents—Jim O'Neal Distributing, Inc. and One Up S.r.1.

The presiding administrative law judge issued IDs granting the motions on July 24, 1986 (Order No. 24, and Order No. 14 issued previously and recertified on that date). The Commission investigative attorney filed statements in support of termination of all four respondents. No petitions for review were filed and no comments were received from Government agencies or the public.

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission:

Issued: August 27, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-19950 Filed 9-3-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-292 (Final)]

Certain Welded Carbon Steel Pipes and Tubes From the People's Republic of China

Determination

On the basis of the record [1] developed in the subject investigation, the Commission unanimously determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from the People's Republic of China of certain welded carbon steel pipes and tubes,[2] which have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective April 28, 1986, following a preliminary determination by the Department of Commerce that imports of certain welded carbon steel pipes and tubes from the People's Republic of China were being sold at LTFV within the meaning of section 731 of the Act (19 U.S.C. 1673). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of May 14, 1986 (51 FR 17682). The hearing was held in Washington, DC, on July 8, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on August 25, 1986. The views of the Commission are contained in USITC Publication 1885 (August 1986), entitled "Certain Welded Carbon Steel Pipes and Tubes from the People's Republic of China: Detemrination of the Commission in Investigation No. 731-TA-292 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigjation."

By order of the Commission.

Issued. August 26, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-19951 Filed 9-3-86; 8:45 am]

BILLING CODE 7020-02-M

[TA-503(a)-13 and 332-238]

President's List of Articles Which May Be Designated or Modified as Eligible Articles for Purposes of the U.S. Generalized System of Preferences

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of hearing.

SUMMARY: Following receipt on August 15, 1986, of a request from the U.S. Trade Representative made in part at the

---

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] For purposes of this investigation, the term "certain welded carbon steel pipes and tubes" covers welded carbon steel pipes and tubes of circular cross section, 0.375 inch or more but not over 16 inches in outside diameter, provided for in items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 610.4925 of the Tariff Schedules of the United States (Annotated). These products are commonly referred to in the industry as standard pipes and tubes.

direction of the President, the Commission instituted investigation No. TA–503(a)–13 and 332–238 under sections 503(a) and 131(b) of the Trade Act of 1974 (19 U.S.C. 2463(a) and 2151(b)) and section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g))—

(1) pursuant to sections 503(a) and 131(a) of the Trade Act, and the authority of the President delegated to the U.S. Trade Representative by sections 4(c) and 8 (c) and (d) of Executive Order 11846, as amended, to advise the President, with respect to each article listed in Part A of the attached Annex, as to the probable economic effect on U.S. industries producing like or directly competitive articles and on consumers of the elimination of U.S. import duties under the U.S. Generalized System of Preferences (GSP). In providing its advice, the USTR requested the Commission to assume that benefits of the GSP would not apply to imports that would be excluded from receiving such benefits by virtue of the "competitive need" limitations specified in section 504(c) of the Act.

(2) pursuant to section 332(g) of the Tariff Act and at the direction of the President—

(A) to advise the President, with respect to each article listed in Parts B and C of the attached Annex, as to the probable economic effect on U.S. industries producing like or directly competitive articles and on consumers: (a) Of the removal of articles in Part B from eligibility for duty-free treatment under the GSP, (b) of the removal of the GSP duty-free status from articles in Part C of the list which are imported from the respective countries specified which currently receive GSP duty-free treatment, and (c) the redesignation for GSP duty-free treatment for articles in Part C of the list which are imported from a specified country which does not currently receive GSP duty-free treatment for the article;

(B) in accordance with section 504(c)(3)(A)(i) of the Trade Act, to advise the President on whether any industry in the United States is likely to be adversely affected by waiving the competitive need limits for the Republic of the Philippines with respect to the article listed in Part D of the attached Annex; and

(C) to advise the President, with respect to whether products like or directly competitive with those described in Part A of the attached Annex were being produced in the United States on January 3, 1985, for purposes of section 504(d) of the Trade Act.

EFFECTIVE DATE: August 27, 1986.

FOR FURTHER INFORMATION CONTACT:

(1) Agricultural products, Mr. David Ingersoll (202–724–0068).

(2) Chemical products, Mr. John Gersic (202–523–0451).

(3) Textiles and apparel, Mr. Reuben Schwartz (202–523–0114).

(4) Minerals and metals, Mr. Larry Brookhart (202–523–0275).

(5) Machinery and equipment, Mr. Aaron Chesser (202–523–0353).

(6) Miscellaneous manufactures, Mr. Walter Trezevant (202–724–1719).

All of the above are in the Commission's Office of Industries. For information on legal aspects of the investigation contact Mr. William Gearhart of the Commission's Office of the General Counsel at 202–523–0487.

SUPPLEMENTARY INFORMATION:

Background: The USTR announced the items which have been sent to the Commission for probable effects advice in the **Federal Register** of July 18, 1986 (51 FR 26088), July 25, 1986 (51 FR 26784), and July 28, 1986 (51 FR 26966).

Public Hearing: A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, DC 20436, beginning at 9:30 a.m. on September 29 and 30, and October 1, 1986 as required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Persons wishing to appear at the public hearing should file requests to appear and should file prehearing briefs (original and 14 copies) with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, DC 20436, not later than noon, September 16, 1986.

Written Submissions: In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Written statements should be received by the close of business on September 22, 1986. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, DC.

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

By order of the Commission.

Issued: August 28, 1986.

Kenneth R. Mason,

Secretary.

Annex

A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences.

145.18, 145.46, 146.30, 148.40, 148.96, 170.40, 170.45, 315.35, 402.56, 403.45 (pt.), [1] 404.16, 405.44, 406.39 (pt.), [2] 409.78, 409.82, 410.28, 425.9960, 533.30, 533.64, 540.27, 632.46, 681.0410, 715.62, 715.641

B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences.

402.12, 409.3410, 532.22, 610.84, 610.8413, 610.8415, 610.8418, 610.8421, 610.8424, 610.8428, 610.86, 688.32, 732.3875

C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences.

252.75 (Brazil, Mexico)
256.9044 (Brazil, Mexico)
256.9052 (Brazil, Mexico)
256.9080 (pt.) (Brazil) [3]
410.72 (Turkey)
421.06 (Taiwan)
428.52 (Taiwan)
647.03 (Taiwan)
56.00 (Singapore, Taiwan)
654.08 (Mexico)
725.46 (pt.) (Korea, Taiwan) [4]
727.23 (Thailand)
727.29 (Singapore, Yugoslavia)
727.35 (Singapore Taiwan, Yugoslavia) [5]
727.40 (Taiwan, Yugoslavia) [5]
727.70 (Taiwan) [5]
735.0970 (Korea, Taiwan) [5]
737.9536 (Korea, Taiwan) [5]
751.2015 (Taiwan)
772.06 (pt.) (Taiwan) [6]
772.90 (pt.) (Taiwan) [7]

D. Articles being considered for waiver of competitive-need limit for a product on the list of eligible articles.

465.05 (Rep. of the Philippines)

[FR Doc. 86–19952 Field 9–3–86; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket Nos. 30900 and 30900 (Sub. No. 1)]

Railroad Acquisition by CSX Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of application and petition for exemption.

[1] Benzyl alcohol.

[2] N-(tert-Butyl) benzothiazole sulfenamide (Orgacel T).

[3] Paper and textile paint strainers and filters.

[4] Electric guitars.

[5] Commission advice requested on the effect of redesignation of GSP duty-free treatment for these articles from Taiwan which does *not* currently receive such treatment.

[6] Melamine tableware.

[7] Melamine serving trays.

SUMMARY: In the matter of joint application of CSX Corporation and Sea-Land Corporation under 49 U.S.C. 11321 and CSX Corporation for control of Sea-Land Freight Service, Inc. and Intermodal Systems, Inc.

The Commission has received: (1) An application under 49 U.S.C. 11321 (the Panama Canal Act) for approval of the proposed acquisition of control by CSX Corporation of Sea-Land Corporation; and (2) a petition for an exemption under 49 U.S.C. 11343(e) to enable CSX Corporation to acquire control of two motor carrier subsidiaries of Sea-Land Corporation without formal Commission approval under 49 U.S.C. 11343–45. The Commission will receive public comments, including evidence and argument, regarding whether the application and exemption should be granted. Comments may also address whether the acquisition by CSX Corporation of Sea-Land Corporation (a) requires Commission approval under 49 U.S.C. 11343–45, or (b) would have any adverse environmental or energy impacts.

DATES: An original and 15 copies of comments must be filed on or before October 6, 1986. An original and 15 copies of applicants' replies to the comments must be filed on or before November 3, 1986.

ADDRESSES: Comments and replies referring to Finance Docket Nos. 30900 and 30900 (Sub-No. 1) should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

One copy of comments should be sent to each of applicants' representative named below:

G. Paul Moates, Sidley & Austin, 1722 Eye Street, N.W., Washington, DC 20006
Mark G. Aron, CXS Corporation, One James Center, Richmond, VA 23219
Charles C. Rettburg, Jr., CXS Transportation, 100 North Charles Street, Baltimore, MD 31201
Peter M. Klein, Sea-Land Corporation, 10 Parsonage Road, Edison, NJ 08818

Applicants must serve their reply on all parties who file comments.

The application may be inspected at the Commission's office in Washington, DC. Copies are also available from applicants' counsel, G. Paul Moates, at the above address.

FOR FURTHER INFORMATION CONTACT:
Donald J. Shaw, Jr., (202) 275–7245
or
Thomas Gire, (202) 275–1723

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's full decision. To purchase a copy of the decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403. Specify Decision No. 2 in Finance Docket No. 30900.

The proposed transactions initially appear to have no significant effects on the human environment or energy conservation, but any comments concerning environmental or energy effects will be considered.

Decided: August 26, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Vice Chairman Simmons and Commissioner Lamboley commented with separate expressions.

Noreta R. McGee,

Secretary.

[FR Doc. 86–20021 Filed 9–3–86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant To The Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Scientific Coating., Inc.*, Civil Action No. 85–3799D, has been lodged in the United States District Court for the District of New Jersey on August 17, 1986.

The proposed consent decree concerns violations of the National Emission Standard for Hazardous Air Pollutants ("NESHAP") for asbestos codified at 40 CFR 61.20, *et seq.* (1983) and the Clean Air Act, 42 U.S.C. 7401, *et seq.* during the renovation of a hospital in Paterson, New Jersey. The proposed decree requires the defendant to comply with the Clean Air Act and the asbestos NESHAP regulations. The proposed decree requires payment of a $4,000 civil penalty.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Scientific Coating Co., Inc.*, D.J. Ref No. 90–5–2–1–829.

The proposed consent decree may be examined at the Office of the United States Attorney, 502 Federal Building, 970 Broad Street, Newark, New Jersey 07102, and at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278. Copies of the proposed consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht, II,

Assistant Attorney General, Land and Natural Resources Division, Department of Justice.

[FR Doc. 86–19871 Filed 9–3–86; 8:45 am]

BILLING CODE 4410-1-M

Antitrust Division

National Cooperative Research Act of 1984; Corporation for Open Systems International

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98–462 (the "Act"), the Corporation for Open Systems International ("COS") has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission on August 6, 1986 disclosing changes in the membership of COS, and a change of name of a present party to COS. The additional written notification was filed for the purpose of extending the protections of Section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On June 25, 1986, the following entities became parties to COS:

ADC Telecommunications
Aetna Life and Casualty
General Electric Company
GTE Service Corporation—Telephone Operations
Motorola, Inc.
Network Systems Corporation
The Equitable
Visa International

Timplex, Inc., identified in COS' original notice, 51 FR 21260 (June 11, 1986), as a party to COS, at no time has been, and currently is not, a party to COS.

The name of GTE Telenet Communications Corporation has been

changed to Telenet Communications Corporation.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 86-19957 Filed 9-3-86; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 86-36]

Felix H. Ocko, M.D. Berkeley, CA; Hearing

Notice is hereby given that on April 9, 1986, the Drug Enforcement Administration, Department of Justice, issued to Felix H. Ocko, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed on February 6, 1986, for a DEA Certificate of Registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Thursday, September 18, 1986, in the U.S. Tax Court Courtroom, Room 2041, 450 Golden Gate Avenue, San Francisco, California.

Dated: August 18, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-19921 Filed 9-3-86; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATE: Comments on this information collection must be submitted on or before October 6, 1986.

ADDRESSES: Send comments to Mrs. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202-786-0233) or Ms. Judy McIntosh, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503 (202-395-6880).

FOR FURTHER INFORMATION CONTACT: Mrs. Ingrid Foreman, National Endowment for the Humanities, Administrative Service Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202-786-0233) from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) The agency form number, if applicable; (3) How often the form must be filled out; (4) Who will be required or asked to report; (5) What form will be used for; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Reinstatement.

Title: NEH Challenge Grant Administrative Regulations

Form Number: 3136-0063

Frequency of Collection: 1 per year from each respondent

Respondents: Challenge Grant recipients

Use: Administration of Challenge Grant Awards

Estimated Number of Respondents: 160 per year

Estimated Hours for Respondents to Provide Information: 100 hours per respondent annually: includes completing the Certification of Matching Gifts Form, writing an annual narrative report, writing a final report, and fulfilling annual record keeping requirements.

D. Ray Gleason,

Acting Director of Administration.

[FR Doc. 86-19877 Filed 9-3-86; 8:45 am]

BILLING CODE 7536-01-M

Dance Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Services to the Field Section) to the National Council on the Arts will be held on September 24, 1986 from 9:00 a.m.—8:00 p.m.; and on September 25, 1986, from 9:00 a.m.—6:00 p.m. in room M-07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

If time permits, a portion of this meeting will be open to the public on September 25, from 4:00 p.m.—6:00 p.m. for a discussion of policy issues.

The remaining sessions of this meeting on September 24, from 9:00 a.m.—8:00 p.m. and on September 25, from 9:00 a.m.—4:00 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6), and 9(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Yvonne Sabine,

Acting Committee Management Officer, National Endowment for the Arts.

[FR Doc. 86-19892 Filed 9-3-86; 8:45 am]

BILLING CODE 7537-01-M

Dance Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Dance Presenters Section) to the National Council on the Arts will be held on September 22, 1986 from 9:00 a.m.—8:00 p.m.; and on September 23, 1986, from 9:00 a.m.—6:00 p.m. in room M-07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

If time permits, a portion of this meeting will be open to the public on September 23, from 4:00 p.m.—6:00 p.m. for a discussion of policy issues.

The remaining sessions of this meeting on September 22, from 9:00 a.m.—8:00 p.m. and on September 23, from 9:00 a.m.—4:00 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance

under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Yvonne Sabine,

Acting Committee Management Officer, National Endowment for the Arts.

[FR Doc. 86-19894 Filed 9-3-86; 8:45 am]

BILLING CODE 7537-01-M

Inter-Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Dance/Inter-Arts/State Programs Presenting/Touring Initiative) to the National Council on the Arts will be held on September 21, 1986 from 10:00 a.m.—5:00 p.m. in room M-07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on September 21, from 3:30 p.m.—5:00 p.m. for a discussion of guidelines and policy issues.

The remaining sessions of this meeting on September 21, from 10:00 a.m.—3:30 p.m. are the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682/5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Yvonne Sabine,

Acting Committee Management Officer, National Endowment for the Arts.

[FR Doc. 86-19893 Filed 9-3-86; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Music Festivals Section) to the National Council on the Arts will be held on September 24, 1986 from 9:00 a.m.—7:30 p.m. and on September 25, 1986 from 9:00 a.m.—6:00 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on September 25, from 1:00 p.m.—3:00 p.m. for a discussion of guidelines and policy issues.

The remaining sessions of this meeting on September 24, from 9:00 a.m.—7:30 p.m. and on September 25, 9:00 a.m.—1:00 p.m. and 3:00 p.m.—6:00 p.m. are the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682/5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Yvonne Sabine,

Acting Committee Management Officer, National Endowment for the Arts.

[FR Doc. 86-19895 Filed 9-3-86; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Visual Arts Advisory Panel (Overview Section) to the National Council on the Arts will be held on September 23-24, 1986, from 9:00 a.m.—5:30 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topic for dicsussion will be the Five-Year Plan and other policy issues.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Yvonne Sabine,

Acting Committee Management Officer, National Endowment for the Arts.

[FR Doc. 86-19898 Filed 9-3-86; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

SUPPLEMENTARY INFORMATION: On July 17, 1986, the National Science Foundation published a notice in the

Federal Register of permit applications received. On August 25, 1986 permits were issued to:

Mark A. Chappell
Arthur L. DeVries
Robert B. Dunbar
William M. Hamner
Gerald L. Kooyman
Anna C. Palmisano
Donald B. Siniff
James T. Staley
Lowell E. Starr & John Kelmelis
Wayne Z. Trivelpiece

Charles E. Myers,

Permit Office, Division of Polar Programs.

[FR Doc. 86-19878 Filed 9-3-86; 8:45 a.m.]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Responses to Safety Recommendations; Availability of

Recommendation No.	Respondent	Date	Subject
M-85-67	USCG	Jan. 8, 1986	Resume research into characteristics of small vessels to develop stability standards for fishing vessels.
M-85-68	...do	...do	Seek legislative authority to require the licensing of captains of fishing vessels.
M-85-69	...do	...do	Promote the preparation of crew lists
M-85-70	...do	...do	Promote the development of contingency plans by the fishing industry to reduce delays in alerting Coast Guard search and rescue forces.
M-85-71	...do	...do	Urge commercial fishing vessels to schedule frequent radio communications.
M-85-72	...do	...do	Modify the search and rescue computer program to include the draft of a heavily ballasted life raft.
M-85-73	...do	...do	Develop a keyword list for use by the USCG to screen emergency messages.
M-85-74	...do	...do	Incorporate human factors affecting seach operations into search and rescue mission planning.
M-85-75	...do	...do	Development guidelines for retaining recovered lifesaving equipment for examination by investigators.
M-85-7	Mobile Oil Corp	Jan. 14, 1986	Require more stringent supervision and inspection of maintenance and repair/renewal work conducted on ship's steering systems.
M-85-8	...do	...do	Inform ship's personnel on vessels with steering gear of the accident involving the MOBIOIL.
M-85-10	...do	...do	Direct that the vessels in the fleet which do not meet the International Maritime Organization and Coast Guard steering gear standards for new vessels man the steering gear space with a qualified person in communication with the bridge.
M-85-11	...do	...do	Issue instructions to its fleet that require that personnel assigned to the anchor detail be stationed at the anchor windlass controls.
M-85-92	Chevron	Jan. 27, 1986	Safe use of natural gas on offshore drilling platforms.
M-85-83	USCG	Jan. 30, 1986	Require that insulation used on dry exhaust pipe installations on small passenger vessels be removable.
M-85-84	...do	...do	Require more stringent inspection of dry exhaust piping installations on small passenger vessels.
M-85-85	...do	...do	Require on small passenger vessels that emergency air shutdown controls on diesel engines be remotely operable from outside the engine compartment.
M-85-86	...do	...do	Require that fire protection equipment on small passenger vessels be maintained, assembled, and ready.
M-85-87	...do	...do	Conduct a survey during the next inspection of small passenger vessels of life preserver stowage.
M-85-88	...do	...do	Amend 46 CFR 180.10 to require that the primary lifesaving equipment carried on small passenger vessels be adequate to support 100% of the passengers and crew.
M-85-89	...do	...do	Requuire that small passenger vessels install a placard near the radio transmitter containing information necessary for emergency broadcasts.
M-85-94	USCG	...do	Publish information directed to commercial fishermen concerning the adverse effects on the stability of a vessel operating in heavy seas without outriggers up.
M-85-103	Zapata Off-Shore Co	...do	Relocate the telephone at the gumbo box aboard the ZAPATA LEXINGTON and any similar installation aboard other company drilling rigs to a more protected area.
M-85-104	...do	...do	Develop a device to separate and vent gas from return drilling fluids to the atmosphere.
M-85-103	Zapata Off-Shore Co	Feb. 7, 1986	Relocate the telephone at the gumbo box aboard the ZAPATA LEXINGTON and any similar installation aboard other company driling rigs to a more protected area.
M-85-104	...do	...do	Develop a device to separate and vent gas from return drilling fluids to the atmosphere.
M-85-105	...do	...do	Establish a danger zone aboard company drilling rigs, during well control operations when flammable gas may be present, and prohibit all nonessential personnel from entering the zone.
M-85-106	...do	...do	Upgrade the quality of the fire drills and the instructions given in firefighting procedures aboard company drilling rigs.
M-85-4	Alaska Ocean, Inc	Feb. 21, 1986	Require a stability test on each new vessel unless a deadweight survey confirms that the stability from a sister vessel may be used.
M-85-5	...do	...do	Require a stability test or deadweight survey and amended stability information when major modifications are made.
M-85-6	...do	...do	Require your vessel operators to comply strictly with the provisions of vessel stability booklets.
M-85-7	...do	...do	Provide training for your fishing vessel captains in vessel stability and the use of this information to establish safe loading conditions.
M-85-116	Dept. of Labor	Mar. 7, 1986	Establish safety regulations which set forth lifesaving and firefighting equipment requirements to protect workers on uninspected self-elevating liftboats.
M-85-102	USCG	Mar. 10, 1986	Amend Coast Guard regulations for MODUs to include a requirement that pneumatically operated valves on the suction side of fire pumps remain open during a loss of air pressure.
M-86-1	North Pacific Fishing Vessel Owners Association.	Mar. 14, 1986	Recommend that your members require a stability test on each new vessel unless a deadweight survey confirms that the stability data from a sister vessel may be used.
M-86-2	...do	...do	Recommend that your members require a stabilty test or deadweight survey and amended stability information when major modifications are made.
M-86-3	...do	...do	Recommend that your members require vessel operators in their employ to comply with the provisions of vessel stability letters and booklets.
M-85-108	USCG	Apr. 3, 1986	Seek authority to require manufacturers of USCG approved safety equipment to notify distributors and purchases of any alterations because of defects.
M-85-109	...do	...do	Conduct tests to determine the adequacy of current adult-sized exposure suits when worn by smaller adults.
M-85-110	...do	...do	Require USCG boarding personnel to notify masters and owners of noncomplying uninspected commercial fishing vessels.

Recommendation No.	Respondent	Date	Subject
M-85-120	USCG	Apr. 8, 1986	Publish the circumstances of the sinking of the CELTIC and CAPE RACE and emphasize that towing vessels should have a way to release their barges remotely from the pilothouse.
M-85-121	do	do	Encourage the operators of uninspected commercial vessels which operate beyond the limits of coastal harbors to carry EPIRBs.
M-86-11	USCG	Apr. 17, 1986	Seek legislative authority to require that stability tests be conducted and that stability information be provided to captains of commercial fishing vessels.
M-85-111	USCG	5/7/86	Require junior officers to complete a training program before being assigned as commanding officers of Coast Guard patrol boats.
M-85-112	do	do	Using the authority of the Outer Continental Shelf Lands Act, establish stability criteria for self-elevating lift boats that engage in outer continental shelf activities.
M-85-113	do	do	Seek legislative authority to license persons-in-charge of miscellaneous vessels which are engaged in outer continental shelf activities.
M-85-114	do	do	Include in CGD84-098 a requirement for operating manuals which set forth the operating limitations of lift boats engaged in outer continental shelf activities.
M-85-115	do	do	Include in CGD84-098 an upgrading of the lifesaving equipment for self-elevating lift boats engaged in outer continental shelf activities.
M-81-62	DOT	May 15, 1986	Consolidate the position data on U.S. ships so similar information is not coded and stored on separate computers.
M-81-63	do	do	Extend the requirement that all U.S.-flag merchant vessels of 1,000 gross tons or more engaged on foreign voyages submit departure, arrival, and 48-hour position reports on domestic voyages.
M-82-50	do	do	Install a fixed halon fire protection system in the engineroom of the training ship BAY STATE.
M-82-52	do	do	Repair or replace the diesel fire pumps on the BAY STATE.
M-82-53	do	do	Conduct a study to determine what improvements are necessary to facilitate safe evacuation of personnel from the engineroom of the BAY STATE in case of an emergency.
M-82-54	do	do	Make such improvements as are found to be feasible and necessary to facilitate safe, effective evacuation of the number of personnel that may be in the engineroom of the BAY STATE.
M-82-56	do	do	Pending possible relocation of the high presure fuel oil strainer in the engineroom of the BAY STATE.
M-77-7	do	do	Establish guidelines to provide for the use of MRIT and CAS by vessels that are navigating by radar on inland waters.
M-81-86	do	do	Develop a model simulator training program to reduce ship collisions caused by vital control system failure.
M-77-37	do	do	Expedite completion of firefighting training curriculum and program for merchant marine officers and seaman.
M-78-69	do	do	Develop a survival and rescue training course to provide instruction in sea rescue methods.
M-86-20	Intern'tl. Assocation of Classification Societies.	May 13, 1986	Urge its member societies to amend the Rules for Building and Classification of MODUs to include a requirement for the certification and inspection of crude oil burners.
M-86-21	do	do	Urge its member societies to require that compressed air supplied to crude oil burners and well test equipment on MODUs be supplied from a dedicated, separate compressed air source.
M-85-177	Offshore Marine Service Association	May 22, 1986	Recommend to member companies which operate self-elevating lift boats in offshore areas that they provide vessel masters with operating manuals.
M-86-32	Northern Mariana Islands	May 27, 1986	Adopt comprehensive legislation addressing the problem of alcohol-involved recreational boating accidents.
M-86-39	Canaveral Seafoods	June 4, 1986	In cooperation with fishing vessel captains and a naval architect establish a safe loading for all fishing vessels.
M-82-44	Massachusetts Maritime Acad	June 11, 1986	Conduct a study prior to the next Training cruise to determine the maximum number of persons that could be safely evacuated from the engineroom of the BAY STATE in the event of an emergency.
M-82-48	do	do	Develop standing orders for cadet engineering watches in the engineroom on the training ship.
M-82-49	do	do	Develop standing orders for licensed engineer officer watches on the training ship.
M-84-1	DOT	June 11, 1986	Install a lighted range at Point Vivian.
M-84-3	do	do	Take St. Lawrence River current direction and velocity measurements and provide them to various marine interests.
M-85-104	Zapata off shore Co.	June 13, 19 86	Develop a device to separate and vent gas from return drilling fluids to the atmosphere.
M-85-105	do	do	Establish a danger zone aboard company drilling rigs, during well control operations when flamable gas may be present.
M-86-18	USCG	June 16, 1986	Amend USCG regulations for MODUs to include a requirement for the inspection of crude oil burners and their component parts.
M-86-19	do	do	Require that compressed air supplied to crude oil burners and well test equipment on existing MODUs be supplied from a dedicated, separate, compressed air source.
M-86-37	FCC	June 18, 1986	Require a simple-to-install spare radio antenna on oil and product tankers whose radio antennas extend over cargo tanks.
M-86-27	USCG	July 22, 1986	Require that ocean operators of all inspected radar equipped, mechanically propelled passenger vessels under 300 gross tons be qualified as radar observers.
M-85-28	do	do	Publish a reminder to the operators of small vessels that operate offshore in the Gulf of Mexico of the importance of sounding proper signals while underway or at anchor during limited periods of visibility.
M-85-116	USCG	July 30, 1986	Establish safety regulations which set forth lifesaving and firefighting equipment requirements to protect workers on uninspected self-elevating liftboats.

Single copies of these response letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, DC 20594. Please include respondent's name, date of letter, and recommendation number(s) in your request. The photocopies will be billed at a cost of 14 cents per page ($1 minimum charge).

Monica Revelle,

Alternate Federal Register Officer.

August 27, 1986.

[FR Doc. 86-19879 Filed 9-3-86; 8:45 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-416]

Mississippi Power & Light Co. et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-29 issued to Mississippi Power & Light Company, Middle South Energy, Inc., South Mississippi Electric Power Association, for operation of the Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi.

The proposed amendment would make the following changes in the Technical Specifications; add specifications in Table 3.3.3-1, "Emergency Core Cooling System (ECCS) Actuation Instrumentation" and Table 3.3.3-2, "Emergency Core Cooling System Actuation Instrumentation Setpoints" to incorporate interlock instrumentation which is designed to prevent inadvertent overpressurization of low design pressure emergency core cooling systems by the reactor coolant systems, and make associated changes in Table 3.3.3-3, "ECCS Response Times" and Surveillance Requirement 4.5.1 regarding response times of ECCS injection systems, Table 4.3.3.1-1, "ECCS Actuation Instrumentation Surveillance Requirements" Surveillance Requirement 4.4.3.2.2, "Reactor Coolant System Operational Leakage," Table 3.4.3.2-2, "Reactor Coolant System Interface Valves Pressure Monitors Alarm," and Table 3.4.3.2-3 "Reactor Coolant System Interface Valves Pressure Interlocks." These proposed changes were requested in Item 13 of the attachment to the licensee's letter dated August 12, 1985, as amended September 25, 1985 and supplemented October 5 and October 22, 1985 and May 30, 1986. The changes requested in Item 12 of the August 12, 1985 letter were previously noticed and issued as Amendment No. 7 to GGNS Unit 1 License No. NPF-29 on November 8, 1985.

This notice supersedes a previous notice published in the **Federal Register** on August 28, 1985 (50 FR 34994). The previous notice was based on the licensee's initial application for amendment dated August 12, 1985. During its safety review of proposed changes to Technical Specifications for the ECCS injection valve interlocks the staff noted the licensee's proposed deletion of tests of response times for starting the ECCS systems associated with the injection valves, because the system response with valve interlocks would vary, depending on the rate of depressurization during a loss of coolant accident. The presently specified system response time (40 seconds) includes 10 seconds for starting an emergency diesel generator and 30 seconds for opening the injection valve in the system. In response to staff questions, regarding surveillance tests of injection valve opening, the licensee proposed by letter dated September 25, 1985 to include surveillance tests of the time for injection valves to move from the closed position to the open position (29 seconds). Surveillance tests of emergency diesel generator starting times (10 seconds) are presently included in Technical Specification 4.8.1.1.2. This notice is based on the revised application from that initially noticed which results in greater assurance that the ECCS injection valves will open within the design time. Appropriate changes to the initial notice regarding ECCS injection valve response time have been incorporated in this notice.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The license has made an analysis of significant hazards considerations using the standards of 10 CFR 50.92 and has concluded that the proposed amendment does not involve a significant hazards consideration. The NRC staff has made a preliminary review of licensee's analysis and associated bases. Staff's dicussion of the proposed amendment as it relates to the three standards follows.

The addition to the Technical Specifications of interlock instrumentation on pressure isolation valves, is needed to implement a design change required by a license condition. The present compensatory requirement for leak tests of low pressure core spray (LPCS) and low pressure coolant injection (LPCI) check valves would be deleted. The design change would result in an increase of 51°F in calculated peak cladding temperature to 2149°F during a postulated loss of coolant accident because of a longer time required for LPCS and LPCI injection valves to start to open. The required response for LPCS and LPCI injection valves to move from the closed to the open position (29 seconds) will be slightly faster than the required response time defined in present Technical Specifications (30 seconds). The calculated peak cladding temperature of 2149°F is still below the limiting 2200°F required by 10 CFR 50.46, so the safety margin is not affected. The design change will be performed in accordance with appropriate regulatory and industry codes and standards, the GGNS quality assurance program, and applicable requirements of the GGNS, FSAR. Therefore, the design change will be consistent with the licensing basis. Because these changes will add requirements not presently included in the Technical Specifications which more than offset the removal of the compensatory leak test requirement, and because the change would result in the performance of the ECCS safety function without affecting the safety margin, this change does not significantly increase the probability or consequences of an accident previously evaluated or create the possibility of a new or different kind of accident from any accident previously evaluated, not does it involves a significant reduction in a margin of safety.

Accordingly, the Commission proposes to determine that these changes do not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of

publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC.

By October 7, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petition in the proceeding, and how the interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petition's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceedings, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Att: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram identification Number 3737 and the following message addressed to Walter R. Butler, Director, BWR Project Directorate No. 4, Division of BWR Licensing: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esquire, Bishop, Lieberman, Cook, Purcell, and Reynolds, 1200 17th Street NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated August 12, 1985 as amended September 25, 1985 and supplemented October 5 and October 22, 1985 and May 30, 1986 which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Dated at Bethesda, Maryland, this 28th day of August 1986.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Director, BWR Project Directorate No. 4, Division of BWR Licensing.

[FR Doc. 86–20018 Filed 9–3–86; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Decay Heat Removal Systems; Meeting; Revision

The Federal Register published Friday, August 22, 1986 (51 FR 30145) contained notice of a meeting of the ACRS Subcommittee on Decay Heat Removal Systems to be held on Tuesday, September 9, 1986, 1:00 P.M., room 1046, 1717 H Street, NW., Washington, DC. To the extent practical the meeting will be open to public attendance. However, portions of the meeting may be closed to discuss proprietary information. All other items regarding this meeting remain the same as previously announced.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 A.M. and 5:00 P.M. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: August 29, 1986.

Thomas G. McCreless,

Assistant Executive Director for Technical Activities.

[FR Doc. 86–19956 Filed 9–3–86; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Aeronautical Policy Review Committee; Reestablishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), it is hereby determined that the reestablishment of the Aeronautical Policy Review Committee is necessary, appropriate, and in the public interest in connection with the performance of duties imposed upon the Director, Office of Science and Technology Policy, by the Presidential Science and Technology Advisory Organization Act of 1976 and other applicable law. This determination follows consultation with the General Services Administration, pursuant to section 9(a)(2) of the Federal Advisory Committee Act and the GSA Interim Rule on Federal Advisory Committee Management (48 FR 19324, April 28, 1983).

1. *Name of group:* Aeronautical Policy Review Committee.

2. *Purpose:* The purpose of the Aeronautical Policy Review Committee is to advise the Director, Office of Science and Technology Policy (OSTP), on the implementation of national aeronautical research and technology policy. The Committee will address specific implementation strategies for achieving the National Aeronautical R&D Goals, proposed by the Committee in 1985, and shall concern itself with other specific issues assigned by the Director, OSTP, as well as keep him informed of changing perspectives in the aeronautical community.

3. *Effective date of establishment and duration:* The reestablishment of the Aeronautical Policy Review Committee is effective upon filing of the charter with the Director, OSTP, and with the standing committees of Congress having legislative jurisdiction over the Office of Science and Technology Policy. The Aeronautical Policy Review Committee will terminate on January 8, 1988, unless sooner extended.

4. *Membership:* Members of the Aeronautical Policy Review Committee will be appointed by the Director, Office of Science and Technology Policy. That appointment shall be subject to review every 365 days unless earlier terminated. The Committee shall consist of no more than 17 members. Additional technical experts will be utilized as needed to constitute panels and study groups.

5. *Advisory group operation:* The Aeronautical Policy Review Committee will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92–463), GSA Interim Rule on Federal Advisory Committee Management (48 FR 19324), and other directives and instructions issued in implementation of the Act.

Jerry D. Jennings,

Executive Director.

Office of Science and Technology Policy

Charter—Aeronautical Policy Review Committee

1. *Committee's Official Designation:* Aeronautical Policy Review Committee (APRC)

2. *Objectives and Scope of Activities and Duties:*

• The purpose of the Aeronautical Policy Review Committee is to review for the Director, Office of Science and Technology Policy (OSTP), the implementation of national aeronautical research and technology policy. The Committee will address specific implementation strategies for achieving the National Aeronautical R&D Goals proposed by the Committee in 1985 in concert with the goals and technical objectives of the National Aeronautics and Space Administration, the Department of Defense, the Federal Aviation Administration, and the aeronautical industry.

•The Committee shall advise on specific aeronautical issues assigned by the Director, OSTP, and keep him informed of changing perspectives in the aeronautics community.

• The Committee shall report annually the results of this review to the Director, OSTP.

3. *Duration:* The duration of this Committee shall be for two years from date of approval unless terminated sooner.

4. *Official to whom the Committee Reports:* The Aeronautical Policy Review Committee will report to the Director, OSTP.

5. *Agency Responsible for Providing Necessary Support for this Board:* Office of Science and Technology Policy.

6. *Description of Duties:* The duties of the Committee are solely advisory and are stated in paragraph 2 above.

7. *Costs:* The estimated annual operating cost of the Committee is $0.

8. *Estimated Number and Frequency of Meetings:* The Aeronautical Policy Review Committee shall meet semi-annually and at such other times as may be called by the Chairman.

9. *Subgraphs:* Subgroups may be formed to conduct studies on specific issues assigned by the Director, OSTP.

10. *Members:* Committee members will be appointed by the Director, OSTP. That appointment shall be subject to review every 365 days unless terminated earlier. The Committee shall consist of no more than 17 members. *The Director, OSTP, shall appoint a Chairman and Vice Chairman from the members of the Committee.*

The Committee shall utilize additional technical experts as needed to constitute its panels and study groups. *These technical experts shall be appointed by the Director, OSTP, and shall be for the duration of the panel upon which the assigneee serves or 365 days, whichever is sooner, unless terminated earlier by the Director.*

This Charter for the Advisory Committee named above is hereby approved on:

Dated: January 21, 1986.

Jerry D. Jennings,

Committee Management Officer.

Date filed: August 26, 1986.

[FR Doc. 86–19898 Filed 9–3–86; 8:45 am]

BILLING CODE 3170–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular 25–8, Auxiliary Fuel System Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY. This notice announces the issuance of Advisory Circular (AC) 25–8, Auxiliary Fuel System Installations.

Advisory Circular 25–8 sets forth acceptable means, but not the only means, by which compliance may be shown with the requirements of the Federal Aviation Regulations (FAR) pertaining to the installation of auxiliary fuel systems in transport category airplanes.

DATE: Advisory Circular 25–8 was issued by the Northwest Mountain Region, Aircraft Certification Division on May 2, 1986.

How to obtain copies: A copy of AC 25–8 may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or from any of the Government Printing Office bookstores located in major cities throughout the United States. Identify the publication as AC 25–8, Auxiliary Fuel System Installations, Stock Number 050–007–00741–8. The cost of AC 25–8 is $3.00. Send check or money order with your request, made payable to the Superintendent of Documents. Orders for mailing to foreign countries should include an additional 25 percent of the total price to cover handling. No C.O.D. orders are accepted.

Issued at Seattle, Washington, on August 11, 1986.

Leroy A. Keith,

Manager, Aircraft Certification Division, Northwest Mountain Region.

[FR Doc. 86–19864 Filed 9–3–86; 8:45 a.m.]

BILLING CODE 4910–13–M

[Summary Notice No. PE–86–15]

Petition for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: September 23, 1986.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington , DC 20591; telephone (202) 267–3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on August 28, 1986.

Donald P. Byrne,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
22709	40-Mile Air, Ltd.	14 CFR 135.261 (b) and (c)	To allow petitioner to conduct operations under the provisions of § 135.267 relating to pilot flight time limitations and rest requirements in scheduled operations, in lieu of the more stringent requirements of § 135.261 (b) and (c).
25019	Maxair, Inc.	14 CFR 135.159 (a), (b), and (c)	To allow petitioner to operate its helicopters without the gyroscopic rate of turn indicator combined with a slip-skid indicator, the gyroscopic bank and pitch indicator, and the gyroscopic direction indicator required when carrying passengers under VFR at night.
25018	Air Puerto Rico Airlines	14 CFR 121.343, 121.359, and 121.360	To allow petitioner to conduct operations under Part 121 for 180 days with airplanes that are not equipped with approved flight recorders, cockpit voice recorders, and ground proximity warning-glide slope deviation alerting systems. Petitioner states that within the 180-day period, it will achieve compliance with all of the applicable requirements of Part 121.
20583	Tenneco Aviation, Inc.	14 CFR 61.58(c)	Extension of exemption No. 3106 to allow pilots of petitioner to complete a 24-month pilot-in-command check in a Federal Aviation Administration (FAA)-approved flight simulator.
23176	Tenneco Aviation, Inc.	14 CFR 91.169(a)	Extension of Exemption No. 3691 to allow petitioner and its related companies to continue to utilize the continuous inspection program under § 91.169(e) for its turbine-engine-powered Bell 206B and Bolkow BO–105/C/S series helicopters.
25029	Rosenbalm Aviation Inc.	14 CFR 121.371 and 121.378	To allow petitioner to utilize Scandinavian Airlines System to perform a complete airframe overhaul (C check and D check) on its DC–8–63 aircraft at the SAS overhaul facility in Stockholm (Arlanda), Sweden.
25036	Florida Express, Inc.	14 CFR 121.371 and 121.378	To allow petitioner to use certain engines, components, and spare parts that have been manufactured, repaired/overhauled, or inspected by persons outside of the United States, who may not hold U.S. airman certificates, on petitioner's English-built BAC 1–11 aircraft. Petitioner would use original equipment manufacturers; DAN-AIR Services, Ltd., Manchester Airport England; and Lasham Airfield, England, to inspect, repair, and overhaul the BAC 1–11 aircraft, engines, components, and parts.
24441	Northern Pacific Transport, Inc.	14 CFR 91.31(a)	Reconsideration or amendment of Exemption No. 4666 to allow petitioner to operate four leased McDonnell Douglas DC–6A aircraft, S/N 44644, 44649, 44660, and 44675, at a 5 percent increased zero fuel and landing weight for the purpose of hauling fish of the Alaskan fishing industry, fuel, and private carriage of property. Petitioner seeks the removal of the geographic limitation of Exemption No. 4666.
13416	Sierra Academy of Aeronautics	14 CFR 63.39(b)(2)	Extension of Exemption No. 2095H to allow petitioner and any other similarly situated flight engineer school or operator to allow applicants they are training in preparation for the flight engineer practical test to take the normal procedures portion of the practical test prescribed in § 63.39(b)(2) in an appropriate simulator instead of in an airplane in flight.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
25059	Pan Am Corp. on behalf of Pan Am Shuttle	14 CFR 93.123	To permit petitioner to conduct 12 additional operations at LaGuardia Airport in excess of the number of air carrier operations permitted under the High Density Traffic Airport Rule.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
24981	Pegasus Flight Center	14 CFR 141.65	To allow petitioner to hold examining authority for flight instructor and airline transport pilot written tests. *Granted Aug. 12, 1986.*
18855	Helicopter Association International	14 CFR 135.99(b), 135.159 (a), (b), (c), 135.173(a).	To permit operations without performing certain aircraft modifications, hiring additional required pilots, and without complying with certain performance, operational, and maintenance requirements. *Granted Aug. 15, 1986.*
24905	Omniflight Helicopters	14 CFR 43.3(g)	To allow appropriately trained and certified pilots to perform certain maintenance functions. *Partial grant Aug. 1, 1986.*
20549	Boeing Commercial Airplane Co	14 CFR 25.1301(a) and 21.601	To permit type certification of the Model 747-21AC airplane with the location of the flap position indicator in the lower left-hand corner of the pilot's center instrument panel and with the servo altimeter configured with dial markings at 50 ft. increments rather than at 20 ft. *Granted Aug. 6, 1986.*
24875	Shoukat Ali Shah	14 CFR 65.91 C(1) and C(2)	To allow petitioner to take the written test for the issuance of inspection authorization without having to wait 3 years. *Denied Aug. 12, 1986.*
22539	Air Methods, Inc	14 CFR 43.3(h)	To allow petitioner to permit its appropriately trained and certificated pilots to remove, check, and reinstall magnetic chip detector plugs installed on Allison 250 series turbine engines, transmissions, and tail rotor gearboxes of the Bell 206L-1/L-3 series helicopters operated by them in or en route to remote areas subject to stipulated conditions. Air Method also requested that the Lycoming LTS 101-750 series engines, and the tail rotor gearbox on the Bell 222 helicopter be included in the amended exemption. *Granted Aug. 4, 1986.*
24326-1	Hawaiian Airlines	14 CFR 91.303	To allow petitioner to operate an additional Stage 1 DC-8 aircraft in the Pacific Basin until hush kits are installed. *Granted Aug. 5, 1986.*
24656	Concord Promotions	14 CFR 91.307	To allow petitioner to operate a Stage 1 BAC 1-11 replacement aircraft under the provisions § 91.307 until 1/1/88. *Granted Aug. 5, 1986.*
21015	Ransome Airlines	14 CFR 135.63(c)	To permit petitioner during scheduled passenger-carrying operations conducted under Part 135, to takeoff with a load manifest lacking the identification of crewmembers and their crew position assignments, subject to certain conditions. *Granted July 31, 1986.*
22560	Markair, Inc	14 CFR 121.311(e)(2)	To allow petitioner to operate its Lockheed L-382 airplanes without being equipped, at each flight deck station, with a combined safety belt and shoulder harness that meets the requirements. *Granted July 30, 1986.*
12638	Air Transport Association/Trans World Airlines	14 CFR 121.351(a)	To amend Exemption No. 2081 to allow TWA to be included in the provisions which allows dispatch with a single HF on certain oceanic routes between the Northeastern United States and the San Juan ARTCC. *Granted July 29, 1986.*
24143	United Airlines	14 CFR Part 121, Appendix H	To allow petitioner to conduct a test program during which initial training and checking for 50 pilots would be accomplished in an FAA-approved Phase II B-727 simulator, using the existing Phase III FAA-approved training program. *Denied July 29, 1986.*
21145	Air Transport Association	14 CFR 121.424	To allow petitioners members to eliminate the requirement that at least one takeoff and one landing during training must be accomplished at night by pilots undergoing upgrading training from second in command (SIC) to pilot in command in the same airplane type and by SIC's who are transitioning to other airplane types as SIC's. *Denied July 29, 1986.*
23854	Airline Training Institute	14 CFR 61.157(d)(1), 61.63(d) (2) and (3)	To allow trainees of petitioner to complete a practical test for the issuance of a type rating to be added to any grade of pilot certificate by substituting for the flight test required by § 61.63(d)(2) the test requirements in Appendix A, subject to specific conditions and limitations. *Granted July 29, 1986.*
23455	Reeve Aleutian Airways, Inc	14 CFR 121.574	To permit petitioner to carry and operate aboard petitioner's aircraft oxygen storage, generating, and dispensing equipment for medical use by patients requiring emergency medical attention and being carried as passengers when the oxygen equipment is furnished and maintained by hospitals, clinics, or city/village emergency medical services, within the State of Alaska, subject to certain conditions and limitations. *Granted July 29, 1986.*
25046	A.T.M. Inc	14 CFR 91.307	To allow operation in the United States, under a service to small communities exemption, of specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988: 1 BAC 1-11: HZ-HRI serial number 081; *Denied July 31, 1986.*
24940	American Trans Air, Inc	14 CFR 121.3	To allow petitioner to operate a limited number of "subservice" or "wet-lease" flights on behalf of scheduled U.S. or foreign air carriers as supplemental flights, under Part F of its domestic and flag operations specifications (ops specs), without further amendment of its authority. In the alternative, to the extent the FAA may require some form of ops specs amendment for any of its subservice operations, petitioner requests an exemption to permit these amendments to be made to Part H of its ops specs without the procedures of formally adding these flights to Part C, necessitating placement of manuals, training of ground personnel, inspection of stations, and further steps. *Denied July 23, 1986.*
24306	Peninsula Airways, Inc	14 CFR 135.243(d)(2)	To allow Messrs. Norman Tibbetts and George Tibbetts to serve as pilots in command for on-demand air carrier operations without holding instrument ratings. *Denied July 21, 1986.*
24941	The Perris Valley Skydiving Society, Inc	14 CFR 105.43	To allow foreign parachutists to participate in parachute jumps without complying with the parachute equipment and packing requirements. *Granted July 18, 1986.*
23771	Cessna Aircraft Co	14 CFR 91.213 and 91.31	Extension of Exemption No. 4050 to allow the operation by one pilot without a second in command, of Cessna Models 550, S550, and 552, subject to certain conditions and limitations. *Partial grant July 16, 1986.*
224459	Embraer, S.A	14 CFR 135.157(c)(2)	To allow petitioner to comply with the oxygen supply requirements o § 121.333(e) (1) and (2) instead of § 135.157(b)(2). *Denied Aug. 21, 1986.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
24818	Piedmont Airlines	14 CFR 121.308	To allow petitioner to use a lavatory trash receptacle without installing a self-contained fire agent bottle internally on its F28-1000 aircraft. *Denied Aug. 18, 1986.*
24881	G.L. Capps Co.	14 CFR 145.57	To allow petitioner to continue its operations without the availability of a current manufacturer's manual. *Denied Aug. 20, 1986.*

[FR Doc. 86-19857 Filed 9-3-86; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds; Liquidations

The following is a list of companies formerly holding Certificates of Authority as acceptable sureties on Federal bonds. Their Certificates were terminated on the dates so noted. These Companies are currently in liquidation. Information follows relative to the respective companies:

1. State of Incorporation;
2. Date of the Termination of their Treasury Certificate of Authority;
3. Effective Date of Liquidation;
4. Date of Which Liabilities are Fixed; and
5. Last Date for Filing a Claim.

	American Druggists' Ins. Co.	American Fidelity Fire Ins. Co.	Allied Fidelity Ins. Co.	Heritage Ins. Co. of America	Midland Ins. Co.
State of Inc.	OH	NY	IN	IL	NY
Term of Cert. of Author.	1/3/85	6/9/85	1/4/85	3/30/85	5/31/85
Effect. Date of Liquid.	4/30/86	3/26/86	7/15/86	2/25/86	4/3/86
Date Liab. Fixed.	5/31/86	4/17/86	8/14/86	3/28/86	5/4/86
Last date to file claim	10/30/87	3/26/87	See below	2/26/87	4/3/87

In regard to the final date for filing of claims against Allied Fidelity Insurance Company, the Indiana Insurance Department will be finalizing this information by mid-September. A **Federal Register** Notice will follow to inform Federal bond-approving officers of this date.

All persons having claims against these Companies must file their claims by the dates so noted, or be barred from sharing in the distribution of assets. All claims must be filed in writing and shall set forth the amount of the claim, the facts upon which the claim is based, any priorities asserted, and any other pertinent facts to substantiate the claim. Federal claimants who have not yet filed their claims should do so, in writing to: Commercial Litigation Branch, Civil Division, Department of Justice, P.O. Box 875, Ben Franklin Station, Washington, DC 20044-0875, Attn: Sandra P. Spooner, Deputy Director.

The above office will be consolidating any and all claims against the listed companies on behalf of the United States Government. Any questions concerning filing of claims may be directed to Ms. Spooner at (202/FTS) 724-7194.

Government agencies involved in Federal surety bonding operations where third parties such as subcontractors, materialmen, and suppliers may have a claim against one of these Companies are requested to use their best efforts to notify such third parties of the liquidations, assist them in filing claims, and inform them of their priority status based on section 3713 of Title 31 of the United States Code.

Questions concerning this notice may be directed to the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20226, telephone (202) 634-2381.

Dated: August 28, 1986.

Mitchell A. Levine,

Assistant Commissioner, Comptroller Financial Management Service.

[FR Doc. 86-19882 Filed 9-3-86; 8:45 am]
BILLING CODE 4810-35-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. 1985, 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, "Dark Caves, Bright Visions" (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 various foreign lenders and the American Museum of Natural History. I also determine that the temporary exhibition or display of the listed exhibit objects at the American Museum of Natural History, New York, New York, beginning on or about September 1, 1986, to on or about March 31, 1987, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: August 26, 1986.

C. Normand Poirier,

Acting General Counsel.

[FR Doc. 86-19880 Filed 9-3-86 8:45 am]
BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension and lists the following information: (1) the department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses, (7) an estimate of the total number of hours needed to fill out the form, and (8) an indication of

[1] A copy of this list may be obtained by contacting Mr. R. Wallace Stuart of the Office of the General Counsel of USIA. The telephone number is 202-485-7976, and the address is Room 700, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547.

whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the form and supporting documents may be obtained from Jill Cottine, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 389–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joe Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: August 28, 1986.

By direction of the Administrator.

David A. Cox,

Associate Deputy Administrator for Management.

Extension

1. Department of Veterans Benefits
2. Appointment of Veterans Service Organization as Claimant's Representative
3. VA Form 23–22
4. On occasion
5. Individuals or households
6. 325,000 responses
7. 54,166 hours
8. Not applicable

Extension

1. Department of Veterans Benefits
2. Apprenticeship and On-the-Job Training Agreements and Standards and Employer's Application to Provide Training
3. VA Form 22–8863, 22–8864 and 22–8865
4. On occasion
5. State or local governments; Farms; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; and Small businesses or organizations
6. 440 responses
7. 330 hours
8. Not applicable

[FR Doc. 86–19913 Filed 9–3–86; 8:45 a.m.]

BILLING CODE 8320–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

AGENCY: Defense Intelligence Agency Scientific Advisory Committee, DOD.

ACTION: Notice of Closed Meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee has been scheduled as follows:

DATE: 26 August 1986, 9:00 a.m. to 5:00 p.m.

ADDRESS: The DIAC, Bolling AFB, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, DC 20301 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on U.S. Strategic Defense Initiative.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

August 11, 1986.

[FR Doc. 86–19964 Filed 9–3–86; 12:00 noon]

BILLING CODE 3810–01–M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 171
Thursday, September 4, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., September 5, 1986.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86-20001 Filed 9-2-86; 11:11 am]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., September 12, 1986.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86-20002 Filed 9-2-86; 11:11 am]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., September 16, 1986.

PLACE: 2033 K Street, NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Application of the New York Mercantile Exchange for designation as a contract market in Crude Oil Options
Application of the New York Mercantile Exchange for designation as a contract market in Heating Oil Options
Application of the Chicago Board of Trade for designation as a contract market in options on wheat futures
Application of the Chicago Mercantile Exchange for designation as a contract market in options on pork bellies futures

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86-20003 Filed 9-2-86 11:11 am]

BILLING CODE 6351-01-M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., September 19, 1986.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Rule Enforcement Reviews
Registration Review

CONTACT PERSON FOR INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86-20004 Filed 9-2-86; 11:11 am]

BILLING CODE 6351-01-M

5

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., September 19, 1986.

PLACE: 2033 K Street, NW, Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86-20005 Filed 9-2-86; 11:11 am]

BILLING CODE 6351-01-M

6

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., September 19, 1986.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86-20006 Filed 9-2-86; 11:12 am]

BILLING CODE 6351-01-M

7

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., September 23, 1986.

PLACE: 2033 K Street, NW., Washington, DC, 5th Floor Conference Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Floor Broker Registration—Final Rules.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86-20007 Filed 9-2-86; 11:12 am]

BILLING CODE 6351-01-M

8

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., September 23, 1986.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86-20008 Filed 9-2-86; 11:12 am]

BILLING CODE 6351-01-M

9

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., September 30, 1986.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 86–20009 Filed 9–2–86; 11:12 am]

BILLING CODE 6351–01–M

10

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., September 30, 1986.

PLACE: 2033 K Street, NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Application of the Commodity Exchange, Inc. for designation as a contract market in the Stock Index futures
Application of the New York Futures Exchange for designation as a contract market in the NYSE Beta Index futures

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 86–20010 Filed 9–2–86; 11:13 am]

BILLING CODE 6351–01–M

11

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., September 30, 1986.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule Enforcement Reviews.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 20011 Filed 9–2–86; 11:13 am]

BILLING CODE 6351–01–M

12

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., September 30, 1986.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 20012 Filed 9–2–86; 11:13 am]

BILLING CODE 6351–01–M

13

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, September 9, 1986, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration
Internal personnel rules and procedures or matters affecting a particular employee

* * * * *

DATE AND TIME: Thursday, September 11, 1986, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Final audit report—Mondale for President Committee, Inc.
Proposed Final Rules: Standards of Conduct for agency employees, 11 CFR Part 7
Draft Advisory Opinion 1986–29: Honorable Fortney H. Stark.
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202–376–3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 86–20036 Filed 9–2–86; 2:58 pm]

BILLING CODE 6715–01–M

14

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, September 8, 1986.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. 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 29, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–19953 Filed 8–29–86; 4:43 pm]

BILLING CODE 6210–01–M

15

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Monday, September 8, 1986 at 9:30 a.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints: Certain garment hangers (Docket Number 1337).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

Kenneth R. Mason,

Secretary.

August 25, 1986.

[FR Doc. 86–19941 Filed 8–29–86; 4:28 pm]

BILLING CODE 7020–02–M

16

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Wednesday, September 10, 1986 at 1:45 p.m.

PLACE: Room 331, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Petitions and Complaints: Certain patented cryogenic microtome apparatus (Docket Number 1339).
2. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

Kenneth R. Mason,

Secretary.

August 25, 1986.

[FR Doc. 86–19942 Filed 8–29–86; 4:29 pm]

BILLING CODE 7020–02–M

17

MERIT SYSTEMS PROTECTION BOARD.

TIME AND DATE: 1:00 p.m. Friday, September 5, 1986.

PLACE: Eighth Floor, 1120 Vermont Avenue, NW. Washington, DC 20419.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. *Simmons* v. *Office of Personnel Management*, MSPB Docket No. DC831L80A0132-1.
2. *Obremski* v. *Office of Personnel Management*, MSPB Docket No. DC08318010336 ADD.
3. *Kent* v. *Office of Personnel Management*, MSPB Docket No. DC0831L85A0330.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Robert E. Taylor, Clerk of the Board, (202) 653-7200.

Dated: September 2, 1986.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 86-20101 Filed 9-2-86; 4:41 pm]

BILLING CODE 7400-01-M

18

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of September 1, 8, 15, and 22, 1986.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of September 1

Wednesday, September 3

2:00 p.m.
Briefing on IAEA Chernobyl Meeting (Public Meeting)

Thursday, September 4

3:30
Affirmation/Discussion and Vote (Public Meeting)
a. Comanche Peak Construction Permit Extension (*Postponed* from August 6)
b. Denial of Petition for Rulemaking Concerning the Need and Safety of Shipments of Spent Nuclear Fuel

Friday, September 5

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Perry-1 (Public Meeting)
2:00 p.m.
Discussion of Pending Investigations (Closed—Ex. 5 & 7)

Week of September 8—Tentative

Wednesday, September 10

10:00 a.m.
Discussion/Possible Vote on Kerr-McGee Sequoyah Facility (Public Meeting)

Thursday, September 11

10:00 a.m.
Briefing on International Nuclear Safety Conventions (Closed—Ex. 1)
2:00 p.m.
Meeting with the Advisory Committee on Reactor Safeguards on Standardization Policy Statement (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Promulgation of Final Fee Rule Required by the Consolidated Omnibus Budget Reconciliation Act of 1986

Week of September 15—Tentative

Thursday, September 18

2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of September 22—Tentative

Thursday, September 25

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker (202) 634-1410.

Robert B. McOsker,

Office of the Secretary.

August 28, 1986.

[FR Doc. 86-19955 Filed 8-29-86; 5:06 pm]

BILLING CODE 7590-01-M

Federal Register

Thursday
September 4, 1986

Part II

Department of the Interior

Bureau of Land Management

Decertifying the Alabama Subregion of the Southern Appalachian Federal Coal Production Region and Opening the Area for Leasing by Application; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES-970-06-4121-02-2410]

Decertifying the Alabama Subregion of the Southern Appalachian Federal Coal Production Region and Opening the Area for Leasing by Application

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: This notice is to advise the public that the Bureau of Land Management (BLM) Eastern States Director is considering a proposal from Alabama Governor George C. Wallace that the Alabama Subregion of the Southern Appalachian Federal Coal Production Region be decertified and opened to lease by application. Public comment is being requested on the proposal.

DATE: Written comments will be accepted on or before October 6, 1986.

ADDRESSES: Comments should be addressed to District Manager, Jackson District Office, BLM, P.O. Box 11348, Delta Station, Jackson, Mississippi 39213, or Dave Traudt, Coal Coordinator, Branch of Fluid and Solid Minerals, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304.

FOR FURTHER INFORMATION CONTACT: Ed Roberson, Jackson District Office, (601) 965–4405, or Dave Traudt, Eastern States Office, (703) 274–0142.

SUPPLEMENTARY INFORMATION: On November 9, 1979, the BLM established the Alabama Subregion of the Southern Appalachian Federal Coal Production Region for the management of Federal coal (44 FR 65196–65197). The subregion originally included Fayette, Tuscaloosa, and Walker Counties and the western portion of Jefferson County. On March 10, 1982, the BLM announced the deletion of Jefferson County from the subregion and opened the county to leasing by application (47 FR 10295–10296).

The leasing of Federal coal resources in the Alabama Subregion has been the subject of two regional Environmental Impacts Statements (EIS's). The first was finalized in January 1981 and resulted in a first round leasing effort. In that effort, three separate coal sales were held over a 15-month period which resulted in the leasing of 13 separate tracts and about 39 million tons of recoverable Federal coal. (The sales were held in June 1981, December 1981, and September 1982.)

The second round effort was commenced following the last first round sale in September 1982. The *Southern Appalachian Coal Region Final Environmental Impact Statement—II* was filed with the Environmental Protection Agency in December 1983. A decision on a second round lease sale was suspended by then Secretary Clark in early 1984. Former Secretary Clark suspended Federal coal leasing (except for emergency leasing and processing of Preference Right Lease Applications) pending a review of the Federal coal leasing program and the development of an EIS supplement for the program. In October 1985, the Federal Coal Management Program Final EIS Supplement was completed, and on February 21, 1986, Secretary Hodel decided to resume the Federal coal leasing program as modified by several program changes adopted as a result of the coal program review.

During 1982, the Alabama coal industry was rapidly expanding to meet the anticipated demands for coal. Production peaked at 27.5 million tons. Industry interest in the Federal coal leasing program was strong. The next year (1983) saw a worldwide depressed coal market. Alabama coal production dropped to 22.7 million tons. The interest in acquiring additional reserves began to wane. During 1984 and 1985, the coal market began recovering, but production was still far below the earlier projections. In 1986, with the price of oil dropping to a 10 to 12 year low, the market for coal has not improved. At this time, only one company has shown interest in leasing Federal coal in the Alabama Subregion.

In light of the soft market conditions described above, the Governor of Alabama proposed that the Eastern States Director convert the region to lease by application procedures as soon as possible. Governor Wallace also requested that public input be considered prior to making the recommendation to the Director of the BLM. Finally, the Governor requested that the State of Alabama be retained as a member of the Federal-State Coal Advisory Board. If the decision is implemented the Federal coal reserves in the Alabama Subregion will be open to lease by application.

Under this system a party interested in leasing Federal coal in Alabama would submit an application to the BLM Eastern States Office at the address given in **ADDRESSES.** The District Manager prepares an environmental assessment (EA) for the lands that are proposed for lease. Where appropriate the EA will be based on the two previously completed EIS's. The analysis will be supplemented where necessary. The Governor will be given 30 to 60 days to review the document and provide comments; the public will be able to review and provide comment during the process; and there will be a public hearing before any leasing decision.

Pieter J. VanZanden,

Acting State Director.

[FR Doc. 86–19884 Filed 9–3–86; 8:45 am]

BILLING CODE 4310-GJ-M

Federal Register

Thursday
September 4, 1986

Part III

Department of Education

34 CFR Part 614

Postsecondary Education; College Housing Program; Notice of Proposed Rulemaking

DEPARTMENT OF EDUCATION

34 CFR Part 614

Postsecondary Education; College Housing Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary of Education proposes to amend the regulations governing discounted prepayments of loans under the College Housing Program. The amendments would provide the Secretary with additional flexibility in determining the amount of a discount that may be offered for prepayment of a College Housing loan as authorized by section 402(c)(8) of the Housing Act of 1950, as amended. These amendments would allow the Secretary, in determining the amount of a discount in any given case, to consider the yield on outstanding marketable obligations of the United States that have maturities comparable to the loans in question, as well as the market value of the loans, based on commercial and investment practices, and other circumstances then prevailing, that are determined to have a bearing on the financial advisability of providing a discount and the amount of any discount

DATE: Comments must be received on or before October 6, 1986.

ADDRESS: All comments concerning these proposed regulations should be addressed to Samuel J. Weaver, Chief, Institutional Receivables Branch, U.S. Department of Education, L'Enfant Plaza, P.O. Box 23471, Washington, DC 20024. Telephone: (202) 472–9300.

FOR FURTHER INFORMATION CONTACT: Samuel J. Weaver. Telephone (202) 472–9300.

SUPPLEMENTARY INFORMATION: Based on the Secretary's experience in administering current program regulations (34 CFR Part 614) for the discounted prepayment of College Housing loans, the regulatory provisions, which set forth the basis for determining the amount of a discounted prepayment, need to be amended to provide the Secretary greater flexibility in determining this discount for those institutions which wish to buy back their loans from the Department and to ensure that such prepayments are exercised in a manner which is in the best financial interest of the Federal government. The Department's review indicates that the price at which these loans will sell on the open market would be less than the net present value of the loans as calculated under the current regulation. It appears that a considerable number of schools may be interested in prepaying their loans if adjustments are made to the current regulation by relating discounts to market value in addition to the net present value formula. Market value is defined as the amount the Secretary receives from nongovernmental investors if the notes were purchased by such investors on the open market.

Executive Order 12291

These regulations have been reviewed by the Department in accordance with Executive Order 12291. They are classified as non-major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. The small entities affected by the regulations are small institutions of higher education. These amendments are beneficial to the postsecondary institutions affected and provide greater flexibility in the administration of the College Housing Program. Applications for prepayment discounts are voluntary and thus institutions applying for discounts will be the only entities affected by the proposed amendments to the regulations.

Paperwork Reduction Act of 1980

The proposed regulations do not contain any information collection requirements and are, therefore, not subject to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) which govern such requirements.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed regulations. All comments submitted in response to these proposed regulations will be available for inspection, during and after the comment period, in Room 3669, Regional Office Building #3, 7th & D Streets, SW., Washington, DC between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week, except for Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether their may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Intergovernmental Review

This program is listed in other regulations promulgated by the Secretary (34 CFR Part 79) as subject to the intergovernmental review requirements under Executive Order 12372 and section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program. However, the limited discount program offered by the Secretary is not subject to section 204 because no financial assistance for capital construction is awarded.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 614

Colleges and Universities, Education, Housing, Loan Programs—housing and community development.

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 regulations.

(Catalog of Federal Domestic Assistance Number 84.141—College Housing Program)

Dated: August 28, 1986.

William J. Bennett,

Secretary of Education.

The Secretary proposes to amend Part 614 of Title 34 of the Code of Federal Regulations as follows:

PART 614—COLLEGE HOUSING PROGRAM

1. The authority citation for Part 614 continues to read as follows:

Authority: 12 U.S.C. 1749–1749d, unless otherwise noted.

2. In § 614.63, paragraphs (b)(3) and (d) are removed; paragraphs (b)(4), (b)(5), and (b)(6) are redesignated as paragraphs (b)(3), (b)(4), and (b)(5), respectively, and redesignated

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

§ 614.63. Discounted prepayment of a loan.

* * * * *

(b) * * *

(4) The prepayment is in an amount determined in accordance with paragraph (c) of this section; and

* * * * *

(c) The Secretary determines the amount of a prepayment for a college housing loan based on—

(1) Current market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to that of the loan to be prepaid;

(2) Current fair market value of outstanding marketable obligations that are of comparable quality to that of the loan to be prepaid;

(3) Current and anticipated administrative costs incurred by the Secretary in servicing the loan to be prepaid; or

(4) Current net proceeds that the Secretary would receive from nongovernmental investors, if the loan to be prepaid were purchased by such investors on the open market.

(Authority: 12 U.S.C. 1749a(c)(8))

[FR Doc. 86-19930 Filed 9-3-86; 8:45 am]

BILLING CODE 4000-01-M

Reader Aids

Federal Register

Vol. 51, No. 171

Thursday, September 4, 1986

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-1184
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws 523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5519.....31309
5520.....31311

7 CFR

226.....31313
301.....31605
1065.....31133
1068.....31133
1079.....31133
1475.....31316

Proposed Rules:
1137.....31340

8 CFR

Proposed Rules:
214.....31637

9 CFR

Proposed Rules:
92.....31637

10 CFR

477.....31316

Proposed Rules:
2.....31340
50.....31341

14 CFR

21.....31317
39.....31089, 31090, 31607, 31608
71.....31097
75.....31097
91.....31098
95.....31319
97.....31322

Proposed Rules:
21.....31644
23.....31644
39.....31133-1137, 31342, 31343, 31647
71.....31138, 31648

17 CFR

Proposed Rules:
150.....31648

18 CFR

Proposed Rules:
37.....31651

21 CFR

81.....31323
175.....31098
178.....31099
193.....31324
510.....31100

26 CFR

1.....31610, 31613
602.....31610, 31613

30 CFR

Proposed Rules:
733.....31139

32 CFR

199.....31100
205.....31325
286g.....31103
706.....31103-31112

Proposed Rules:
40.....31651

33 CFR

117.....31112, 31113
165.....31113, 31114

34 CFR

Proposed Rules:
614.....31754

36 CFR

13.....31619
800.....31115
1254.....31617

39 CFR

10.....31325
233.....31328

Proposed Rules:
111.....31673

40 CFR

52.....31125, 31127, 31129
261.....31330
271.....31618

Proposed Rules:
261.....31340

41 CFR

Proposed Rules:
201-33.....31674

42 CFR

405.....31454
412.....31454

43 CFR

36.....31619

44 CFR

64.....31330
65.....31635

Proposed Rules:
67.....31675, 31678

47 CFR

0.....31303
1.....31303
2.....31303

13.....31303
21.....31303
22.....31335
63.....31303
80.....31206
81.....31206
83.....31206
87.....31303
90.....31303
94.....31303

Proposed Rules:

15.....31147
67.....31149
68.....31149
76.....31147
80.....31306

48 CFR

5.....31424
7.....31424
13.....31424
16.....31424
19.....31424
24.....31424
31.....31424
32.....31194
45.....31196
47.....31424
48.....31197, 31424
50.....31424
52.....31194, 31197
914.....31335
933.....31335
952.....31335
970.....31335

Proposed Rules:

515.....31344
538.....31344
552.....31344
1317.....31687
1352.....31687

49 CFR

Proposed Rules

391.....31150

50 CFR

17.....31412
20.....31430
23.....31130
36.....31619

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List August 27, 1986