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Presidential Documents

Title 3—

The President

Proclamation 5528 of September 20, 1986

National Historically Black Colleges Week, 1986

By the President of the United States of America

A Proclamation

The year 1986 marks the centennial of the Statue of Liberty, recognized throughout the world as a symbol of the United States of America and its promise of liberty and justice for all. Our Nation has been greatly favored by the presence here of peoples from many lands and races and cultures. Each group has made a unique contribution to the rich fabric of American society. Our Nation's historically Black colleges and universities have played a special role in America's growth and development. These institutions have a proud heritage and tradition of providing opportunities for individuals to develop to their fullest potential and to utilize their talents to the utmost for the benefit of our society.

For more than one hundred twenty-five years, historically Black colleges and universities have helped students, many from underprivileged backgrounds, to obtain the advantage of a higher education. Today, as in the past, the majority of our Nation's black citizens in the fields of medicine, law, engineering, business, education, and the military have received their degrees from these institutions.

To acknowledge the many contributions and successes of these historically Black colleges and universities, the Congress, by Senate Joint Resolution 357, has designated the week of September 15 through September 21, 1986, as "National Historically Black Colleges Week" and authorized and requested the President to issue a proclamation in observance of this commemoration.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of September 15 through September 21, 1986, as National Historically Black Colleges Week. I urge all Americans to express our respect and admiration for the outstanding academic and social accomplishments of our Nation's Black institutions of higher education.

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

Ronald Reagan

[FR Doc. 86-21833
Filed 9-23-86; 2:45 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5529 of September 20, 1986

National School-Age Child Care Awareness Week, 1986

By the President of the United States of America

A Proclamation

The social context in which American children live is changing rapidly as the traditional balance between work and family life is being realigned. More mothers with children are entering the work force. Two-thirds of all mothers with school-age children are now working; three-fourths of our single parents are in the labor force.

To increase awareness throughout the country of the growing need for school-age child care and to reaffirm America's commitment to our children's well-being, the Congress, by House Joint Resolution 60, has designated the week beginning September 15, 1986, as "National School-Age Child Care Awareness Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning September 15, 1986, as National School-Age Child Care Awareness Week.

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

Ronald Reagan

[FR Doc. 86-21834
Filed 9-23-86; 2:46 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5530 of September 20, 1986

Ethnic American Day, 1986

By the President of the United States of America

A Proclamation

Americans are a unique people, a colorful tapestry of traditions and cultures woven into one vibrant society. The motto graven on our coins—*E Pluribus Unum*—reflects the rich diversity from which America draws its strength and vitality.

Since the founding of our Republic more than 200 years ago, millions of immigrants have made the journey of freedom to our shores. America has drawn the stoutest hearts from every corner of the globe, from every Nation on earth. Some came to escape the chains of religious persecution, others to flee the bonds of political oppression, and still others came seeking a land of opportunity, the chance to begin life anew. Some of the most recent have scaled walls and crawled under barbed wire and through mine fields, while others risked their lives in makeshift boats on perilous seas.

No matter how they came, today they are all Americans who take pride in the traditions of their ancestral homeland while at the same time dedicating themselves wholeheartedly to the principles for which our Nation stands. They now are taking their full and rightful place in America's social and political life. Their contributions are legion in every area of endeavor: science, the arts, medicine, business, government, sports, religion, and the media. The efforts of ethnic Americans in bolstering the values of faith, freedom, family, work, and country have served to strengthen the fabric of our national life and have made America a culturally richer and more vibrant land in which to live.

The Congress, by Public Law 99-206, has designated September 21, 1986, as "Ethnic American Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim September 21, 1986, as Ethnic American Day. I call upon the people of the United States to acknowledge and advance mutual understanding and friendship among all Americans regardless of their ethnicity.

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

Ronald Reagan

[FR Doc. 86-21835
Filed 9-23-86; 2:47 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5531 of September 22, 1986

Emergency Medical Services Week, 1986

By the President of the United States of America

A Proclamation

Today in almost every American community, the blue and orange emergency medical vehicle and the 911 emergency telephone number are instantly recognized reminders that we are now saving lives in ways unheard of by earlier generations. They remind us of those dedicated emergency medical teams—physicians, nurses, emergency medical technicians, paramedics, educators, administrators, and volunteers—who have cut in half the death rate for medical emergencies from accident or disease over the past two decades.

Each year, some 800,000 Americans lose their lives in such emergencies. But each year, advances in emergency medical care increase the number of lives saved. Almost all of us can recall incidents in which a stricken child or neighbor, or the victim of a highway accident, was saved by quick, efficient, emergency medicine.

Across the Nation, emergency medical services teams are working to cut the death rate from medical emergencies still further. They are working to advance and adapt their skills and training as new methods of emergency treatment are developed. And they are working to educate every American on what each of us can do to cooperate with and to improve the emergency medical services in our own communities. It is also appropriate that we as a Nation should recognize the value and importance of emergency medical services teams. We owe them a great debt of gratitude.

The Congress, by Public Law 99-392, has designated the week beginning September 21, 1986, as "Emergency Medical Services Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning September 21, 1986, as Emergency Medical Services Week, and I call upon all Americans to participate in ceremonies and activities to express our appreciation to emergency medical services teams and to help educate the public about accident prevention in general and what to do in step-by-step fashion when confronted with a medical emergency wherever and whenever it may occur.

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

Ronald Reagan

[FR Doc. 86-21836
Filed 9-23-86; 2:48 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5532 of September 22, 1986

American Business Women's Day, 1986

By the President of the United States of America

A Proclamation

American business women have made significant and increasing contributions to our economy and to the competitiveness of the United States internationally. The need continues for American working women to expand their horizons, diversify their skills, and set high personal and career goals. The American Business Women's Association, a national educational association, has greatly assisted in this effort. The Association awarded $2,900,000 in scholarships to over 6,000 women in 1984, and more than $18,000,000 in scholarships since 1949. The Association has more than 110,000 members, and 2,100 chapters, throughout the United States. This organization has encouraged the many important contributions of American business women to our Nation's continuing vitality.

The Congress, by Senate Joint Resolution 196, has designated September 22, 1986, as "American Business Women's Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim September 22, 1986, as American Business Women's Day.

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

Ronald Reagan

[FR Doc. 86-21837
Filed 9-23-86; 2:49 p.m.]
Billing code 3195-01-M

Presidential Documents

Memorandum of September 23, 1986

Memorandum for the United States Trade Representative

Pursuant to section 6 of the Bus Regulatory Reform Act of 1982 (49 U.S.C. 10922(l) (1) and (2)), I hereby extend for an additional two years both the moratorium imposed by that section and all actions taken by me under that section on the issuance of certificates or permits to motor carriers domiciled in, or owned or controlled by persons of, a contiguous foreign country. This action preserves the *status quo* and will maintain the moratorium through September 19, 1988, unless earlier revoked or modified.

This memorandum shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, September 23, 1986.

[FR Doc. 86-21894
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Rules and Regulations

Federal Register
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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 JUSTICE

Immigration and Naturalization Service

8 CFR Parts 242 and 287

Proceedings To Determine Deportability of Aliens in the United States; Apprehension, Custody, Hearing, and Appeal; Field Officers, Powers and Duties

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule improves the processing of aliens in deportation proceedings by extending the authority to issue or cancel an order to show cause or warrant of arrest, to determine amount and conditions of bond or conditions of release, and to determine applications for release or amelioration of conditions of release. This authority is extended to include chief patrol agents, deputy chief patrol agents, associate chief patrol agents, assistant chief patrol agents, assistant district directors for deportation, assistant district directors for examinations, assistant district directors for anti-smuggling and all officers in charge (except foreign).

EFFECTIVE DATE: September 25, 1986.

FOR FURTHER INFORMATION CONTACT:
For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536, Telephone: (202) 633-3048.
For Specific Information: Gregory S. Bednarz, Senior Special Agent, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536, Telephone: (202) 633-2997.

SUPPLEMENTARY INFORMATION: In order to improve the processing of aliens in deportation proceedings, this rule extends the authority to issue or cancel an order to show cause or warrant of arrest, to determine amount and conditions of bond or conditions of release, and to determine applications for release or amelioration of conditions of release to chief patrol agents, deputy chief patrol agents, associate chief patrol agents, assistant chief patrol agents, assistant district directors for deportation, assistant directors for examinations, assistant district directors for anti-smuggling, and officers in charge (except foreign).

A three-month test program (September 18–December 18, 1985), established by an interim rule published August 17, 1985, at 50 FR 34083 extended the above-mentioned authority to the chief patrol agent, deputy chief patrol agent, and assistant chief patrol agent at El Centro, California; Marfa, Texas; and Spokane, Washington; the assistant district director for deportation at Newark, New Jersey, and San Diego, California; and the assistant district director for examinations at San Francisco, California. The changes established under the test program, which resulted in the issuance of 1,025 orders to show cause and 656 warrants of arrest promoted the efficiency of the Immigration and Naturalization Service by expediting the processing of aliens in deportation proceedings. We therefore extend these authorities as stated in this interim regulation.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this rule relates to agency management.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule does not have a significant economic impact on a substantial number of small entities.

This is not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects

8 CFR Part 242

Administrative practice and procedure, Aliens, Authority delegation, Detention, Order to show cause, Cancellation proceeding.

8 CFR Part 287

Criminal violations; investigation and action, Definitions, Disposition of cases of aliens arrested without warrant, Immigration, Law enforcement officers, Power and authority to administer oaths, Proof of official records, Subpoena.

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

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

1. The authority citation for Part 242 of Title 8 continues to read as follows:

Authority: Secs. 103, 242, 244, 292; 66 Stat. 173, 208, as amended 214, 235; 8 U.S.C. 1103, 1252, 1254, 1362.

2. In § 242.1 paragraph (a) is revised to read as follows:

§ 242.1 Order to show cause and notice of hearing.

(a) *Commencement.* Every proceeding to determine the deportability of an alien in the United States is commenced by the issuance and service of an order to show cause by the Service. In the proceeding the alien shall be known as the respondent. Orders to show cause may be issued by:

(1) District directors;
(2) Acting district directors;
(3) Deputy district directors;
(4) Assistant district directors for investigations;
(5) Assistant district directors for deportation;
(6) Assistant district directors for examinations;
(7) Assistant district directors for anti-smuggling;
(8) Officers in charge (except foreign);
(9) Chief patrol agents;
(10) Deputy chief patrol agents;
(11) Associate chief patrol agents; or
(12) Assistant chief patrol agents.

* * * * *

3. In § 242.2 paragraph (a) is revised as follows:

§ 242.2 Apprehension, custody, and detention.

(a) *Warrant of arrest.* (1) At the commencement of any proceeding under this part, or at any time thereafter and up to the time the respondent becomes subject to supervision under the authority contained in section 242(d) of the Act, the respondent may be arrested and taken into custody under the warrant of arrest. However, such warrant may be issued by no other than a:

(i) District director;

(ii) Acting district director;
(iii) Deputy district director;
(iv) Assistant district director for investigations;
(v) Assistant district director for deportation;
(vi) Assistant district director for examinations;
(vii) Assistant district director for anti-smuggling;
(viii) Officer in charge (except foreign);
(ix) Chief patrol agent;
(x) Deputy chief patrol agent;
(xi) Associate chief patrol agent; or
(xii) Assistant chief patrol agent.

(2) If, after the issuance of a warrant of arrest, a determination is made not to serve it, any officer authorized to issue such warrant may authorize its cancellation. When a warrant of arrest is served under this part, the respondent shall have explained to him/her the contents of the order to show cause, the reason for the arrest and the right to be represented by counsel of his/her own choice at no expense to the Government. He/she shall also be advised of the availability of free legal services programs qualified under Part 292a of this chapter and organizations recognized pursuant to § 292.2 of this chapter, located in the district where the deportation hearing will be held. The respondent shall be furnished with a list of such programs, and a copy of Form I-618, Written Notice of Appeal Rights. Service of these documents shall be noted on Form I-213. The respondent shall be advised that any statement made may be used against him/her. He/she shall also be informed whether custody is to be continued or, if release from custody has been authorized, of the amount and conditions of the bond or the conditions of release. A respondent on whom a warrant of arrest has been served may apply to any officer authorized by this section to issue such a warrant for release or for amelioration of the conditions under which he/she may be released. When serving the warrant of arrest and when determining any application pertaining thereto, the authorized officer shall furnish the respondent with a notice of decision, which may be on Form I-286, indicating whether custody will be continued or terminated, specifying any conditions under which release is permitted, and advising the respondent appropriately whether he/she may apply to an immigration judge pursuant to paragraph (b) of this section for release or modification of the conditions of release or whether he/she may appeal to the Board. A direct appeal to the Board from a determination by an officer authorized by this section to issue warrants shall not be allowed except as authorized by paragraph (b) of this section.

* * * * *

4. In section 242.7, paragraph (a) is revised to read as follows:

§ 242.7 Cancellation proceedings.

(a) *Cancellation of an order to show cause.* Any officer authorized by § 242.1(a) of this part to issue an order to show cause may cancel an order to show cause or terminate proceedings prior to the actual commencement of the hearing under a served order to show cause provided the officer is satisified that:

(1) The respondent is a national of the United States;
(2) The respondent is not deportable under immigration laws;
(3) The respondent is deceased;
(4) The respondent is not in the United States; or
(5) The proceedings were improvidently begun.

* * * * *

PART 287—FIELD OFFICERS; POWERS AND DUTIES

1. The authority citation for Part 287 of Title 8 continues to read as follows:

Authority: Secs. 103, 235, 236, 242, 287; 66 Stat. 173, 198, 200, 208, as amended, 233; 8 U.S.C. 1103, 1225, 1226, 1252, 1357.

2. Section 287.3 is revised to read as follows:

§ 287.3 Disposition of cases of aliens arrested without warrant.

An alien arrested without a warrant of arrest under the authority contained in section 287(a)(2) of the Immigration and Nationality Act shall be examined as therein provided by an officer other than the arresting officer. If no other qualified officer is readily available and the taking of the alien before another officer would entail unnecessary delay, the arresting officer, if the conduct of such examination is a part of the duties assigned to him/her, may examine the alien. If such examining officer is satisfied that there is prima facie evidence establishing that the arrested alien was entering or attempting to enter the United States in violation of the immigration laws, he/she shall refer the case to an immigration judge for further inquiry in accordance with Parts 235 and 236 of this chapter or take whatever other action may be appropriate or required under the laws or regulations applicable to the particular case. If the examining officer is satisfied that there is prima facie evidence establishing that the arrested alien is in the United States in violation of the immigration laws, further action in the case shall be taken as provided in Part 242 of this chapter. After the examining officer has determined that formal proceedings under sections 236, 237, or 242 of the Act, will be instituted, an alien arrested without warrant of arrest shall be advised of the reason for his/her arrest and the right to be represented by counsel of his/her choice, at no expense to the government. The alien shall also be provided with a list of the available free legal services programs qualified under Part 292a of this chapter and organizations recognized pursuant to § 292.2 of this chapter which are located in the district where the deportation hearing will be held. It shall be noted on Form I-213 that such a list was provided to the alien. The alien shall also be advised that any statement made may be used against him/her in a subsequent proceeding and that a decision will be made within 24 hours as to whether he/she will be continued in custody or released on bond or recognizance. Unless voluntary departure has been granted pursuant to § 242.5 of this chapter, the alien's case shall be presented promptly, and in any event within 24 hours, for a determination as to whether there is prima facie evidence that the arrested alien is in the United States in violation of law and for issuance of an order to show cause and warrant of arrest as prescribed in Part 242 of this chapter.

Dated: September 16, 1986.

Raymond M. Kisor,

Associate Commissioner, Enforcement, Immigration and Naturalization Service.

[FR Doc. 86-21664 Filed 9-24-86; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 51 and 171

Annual Fee for Power Reactor Operating Licenses and Conforming Amendment

Correction

In FR Doc. 86-21307 beginning on page 33224 in the issue of Thursday, September 18, 1986, make the following corrections:

1. On page 33225, in the second column, in the eleventh line, "Officers" should read "Offices".

2. On page 33226, in the first column, in the first complete paragraph, in the ninth line, "CORBA" should read "COBRA".

§ 171.15 [Corrected]

3. On page 33231, in § 171.15(e), in the third line, "$950,00" should read "$950,000".

BILLING CODE 1505-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1210

Development Work for Industry in NASA Wind Tunnels

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: NASA is revising 14 CFR Part 1210, "Development Work for Industry in NASA Wind Tunnels." This revision reflects the following changes: § 1210.1(c) wording changed to acknowledge completion of the National Transonic Facility (NTF); § 1210.2(b) deletes reference to a possible separate reimbursable policy for the NTF; § 1210.3(a) deletes words on referring priority conflicts to the Associate Administrator for Aeronautics and Space Technology for review and final determination; § 1210.3(b) deletes reference to submitting schedules to Headquarters; and § 1210.5 wording changed to reflect current practice.

EFFECTIVE DATE: September 25, 1986.

ADDRESS: Director for Institutions, Code RI, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Arthur Henderson, Jr., (202) 453-2773.

SUPPLEMENTARY INFORMATION: Since this action is internal and administrative in nature, notice and public comment are not required.

The National Aeronautics and Space Administration has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small entities.

2. This rule is not a major rule as defined in Executive Order 12291.

List of Subjects in 14 CFR Part 1210

Aircraft, Business and industry, Federal buildings and facilities, Research, Scientific equipment.

For reasons set forth in the Preamble, 14 CFR Part 1210 is revised to read as follows:

PART 1210—DEVELOPMENT WORK FOR INDUSTRY IN NASA WIND TUNNELS

Sec.
1210.1 Introduction.
1210.2 General classes of work.
1210.3 Priorities and schedules.
1210.4 Company projects.
1210.5 Government projects.
1210.6 Test preparation and conduct.

Authority: 50 U.S.C. 511-515, 42 U.S.C. 2473(c) (5) and (6).

§ 1210.1 Introduction.

(a) *Authority.* The regulations, as they apply to the Unitary Wind Tunnel Plan facilities, are promulgated under authority of the Unitary Wind Tunnel Plan Act of 1949, as amended, codified at 50 U.S.C. 511-515. This statute states "The facilities authorized * * * shall be operated and staffed by the National Aeronautics and Space Administration but shall be available primarily industry for testing experimental models in connection with the development of aircraft and missiles. Such tests shall be scheduled and conducted in accordance with industry's requirements, and allocation of laboratory time shall be made in accordance with the public interest, with proper emphasis upon the requirements of each military service and due consideration of civilian needs."

(b) *Unitary wind tunnel plan facilities.* The unitary wind tunnel plan facilities are the Ames Research Center 11- by 11-foot wind tunnel, 9- by 7-foot wind tunnel, and 8- by 7-foot wind tunnel; the Langley Research Center 4- by 4-foot high Mach number test section and the 4- by 4-foot low Mach number test section; and the Lewis Research Center 10- by 10-food wind tunnel. These wind tunnels are operated by NASA for industry, NASA, the Department of Defense, and other Government agency projects.

(c) *National aeronautical facilities.* The national aeronautical facilities include the National Transonic Facility (NTF) at Langley Research Center and the National Full-Scale Aerodynamic Complex, consisting of the 40- by 80-foot and the 80- by 120-foot wind tunnels and related support facilities at Ames Research Center. These facilities are operated by NASA for industry, NASA, the Department of Defense, and other Government agency projects.

(d) *All other wind tunnels.* All other NASA wind tunnels will be used primarily for NASA research. However, all of these wind tunnels may be used for industry work when it is in the public interest either in joint programs with NASA or on a fee basis.

(e) *NASA policy.* All the projects to be performed in any of the NASA wind tunnels must be appropriate to the facility.

§ 1210.2 General classes of work.

(a) *Company projects.* Includes work for industry on:

(1) Projects which are neither under contract nor supported by a letter of intent from a Government agency; and

(2) Company desired tests which are related to a project which is either under contract with or supported by a letter of intent from a Government agency, but are beyond the scope of the tests requested by the Government agency.

(3) A fee will be charged for company projects.

(b) *Government projects.* Includes work for industry on projects which are either under contract with or supported by a letter of intent from a Government agency. The work must be requested by the Government agency. No fee will be charged for Government projects.

(c) *United States/foreign industry consortium projects.* This involves U.S. companies, which have formed a consortium or any other type of association with foreign companies, that desire tests on aerospace projects of joint or foreign interest. An application for work for such a consortium shall disclose the foreign interest in or anticipated foreign benefit from tests to be conducted and shall first be reviewed by the Director, International Affairs Division, for consistency with current U.S. foreign policy and for compatibility with section 102 of the National Aeronautics and Space Act of 1958, as amended, prior to a final decision being reached on the application. A fee will be charged for these consortium projects unless, in these review procedures, it is determined that Government agency cooperative sponsorship warrants a non-fee arrangement.

(d) *Foreign company projects.* Foreign company requests for wind tunnel use that are not related to U.S. Government or U.S. industry interests or programs will generally not be granted and will in no event be granted prior to a review, as required in paragraph (c) of this section, by the Director, International Affairs Division.

§ 1210.3 Priorities and schedules.

(a) *Priorities.* Unitary wind tunnels shall be available primarily to industry for development work. However, allocations of wind tunnel time shall be in accordance with the public interests, with due consideration to the requirements of the military services, civilian needs, and NASA research.

Research work shall have priority in all other NASA facilities.

(b) *Schedules.* Schedules showing the allocation of testing time for Government projects and for company projects for unitary wind tunnels and other major wind tunnels will be established by the appropriate center.

§ 1210.4 Company projects.

(a) *Initiation of company projects.* Company projects will be initiated by a letter to the Center Director followed by a conference between company and NASA representatives at the center having responsibility for the facility proposed for the project. The company representatives will be required to explain the technical need for the project and why the NASA facility is required, as well as to define the extent of the test program, model and equipment requirements, and schedule. The center shall maintain a file of all company requests and their disposition. The company will be required to provide a Safety Analysis Report (SAR) describing potential hazards that the company test program, model, and equipment may present to NASA facilities and personnel, and other documentation required by the facility management to assure that safety requirements are met.

(b) *Scheduling of tests.* In scheduling time for company projects, the responsible NASA center will consider the merits of all projects, including government, company, and NASA research work relative to the national interest and priorities specified in § 1210.3. Every reasonable attempt will be made to accommodate technically justifiable projects on as timely a basis as possible.

(c) *Fees for company projects.* The policy on charges for the use of NASA facilities is explained in NASA Management Instruction 9080.1, "Review, Approval, and Imposition of User Charges." The fee imposed for a company project will cover all direct and indirect costs to NASA for the wind tunnel test.

(1) *Occupancy time charge.* (i) The occupancy time will be computed from the start of installation of the test article in the wind tunnel test section through the time that the test article is removed from the test section and the test section is restored to its original condition.

(ii) The occupancy time rate will be determined in accordance with NASA Management Instruction 9080.1.

(2) *Energy/Fuel.* The charge for energy/fuel will be determined from the energy/fuel consumed during the tests and the actual cost to NASA.

(3) *Data reduction.* The cost of data reduction and the data report will include labor, materials, computational costs, and appropriate indirect charges in accordance with NASA Management Instruction 9080.1.

(4) *Cancellation of scheduled wind tunnel time.* Upon determination of a test schedule by the representatives of the company and of NASA, it becomes the responsibility of the company to meet this schedule. A project may be cancelled by the company without charge on 60 days' notice if succeeding projects are ready for testing and can be moved into the company's previously scheduled time. In the event subsequently scheduled work cannot be scheduled in lieu of the company's work, when cancelled with less than 60 days' notice, the company shall be required to pay the occupancy time charge for the scheduled test period or for the period the facility test section is idle due to the cancellation, whichever results in the smaller charge. Curtailment of a project underway before the end of the scheduled test period may be made by the company. In this event, the company shall be required to pay the occupancy charge for the time used plus the unused scheduled time or for the idle time of the test section, whichever is the smaller.

(5) *High-power requirements.* Unavailability of adequate power or economic considerations may, on occasion, cause delay or cancellation of high-powered test runs. The company shall cooperate with the facility staff in the scheduling of low-powered runs during periods when large blocks of power are unavailable. However, should rescheduling of test runs to accommodate power shortages be impractical, occupancy time charge credits will be made for time lost arising from such shortages. The basis for these credits, which will also be made for delays due to breakdown or malfunction of Government-furnished equipment or instrumentation, or due to other reasons beyond the control of the company, will be determined by each center. For example, the test period allotted for the program may be extended to offset delays in lieu of a refund.

(d) *Test data transmittal.* The basic data for company projects will be transmitted to the requesting company without detailed analysis but with the necessary description of methods and techniques employed to permit proper interpretation of the data.

(e) *Proprietary rights.* In order to protect the trade secrets of companies, NASA will generate one set of final results, which will become the property of the company and be promptly transmitted to the company. If, subsequently, there is need to review the results, it will be the responsibility of the company to provide the NASA center with copies of the resulting data. Upon completion of the review, the data will be returned to the company. Should the company desire to maintain its trade secret rights in the data during the loan period, it should mark the data with a notice stating that the data shall not be used or disclosed other than for review purposes without prior written permission of the company. NASA, in turn, will protect that data covered by the notice which is protected under the law as a trade secret.

(f) *Test preparation and conduct.* See § 1210.6.

§ 1210.5 Government projects.

(a) *Initiation of Government projects.* Government projects shall be initiated through a conference of representatives from the contracted company, the sponsoring Government agency, and the staff of the NASA center having responsibility for the facility proposed for the project. The purpose of the conference will be to establish the technical basis for the project and why the NASA facility is required as well as to define the extent of the test program, model and instrumentation requirements, and schedule. Upon concurrence of the NASA staff, the sponsoring Government agency will submit a letter of request to the Center Director. A Safety Analysis Report (SAR) will be required, describing the potential hazards that the project test program, model, and equipment may present to NASA facilities and personnel, as well as other documentation required by the facility management to assure that safety requirements have been met.

(b) *Scheduling of tests.* In scheduling time for Government projects, the responsible NASA center will consider the merits of all projects, including Government, company, and NASA research work relative to the national interest and priorities specified in § 1210.3. Every reasonable attempt will be made to accommodate technically justifiable projects on a timely basis.

(c) *Test data transmittal.* The basic data for Government projects, without detailed analysis but with the necessary description of methods and techniques employed to permit the proper interpretation of the data, will be transmitted to the company for whom the tests were made and to the sponsoring Government agency. Further disclosure by NASA of the test results will be made only with the prior

concurrence of the sponsoring Government agency.

§ 1210.6 Test preparation and conduct.

(a) *Programming by user.* The user will be given the greatest possible freedom within the objectives of the scheduled program to obtain the quality and quantity of information desired, to determine the sequence and number of test runs to be made, and to make modifications to the program arising from the results obtained, subject to requirements of safety, energy conservation, practicability, and the total time assigned.

(b) *Model systems criteria.* Information will be furnished for each facility on the permissible size of model, standard balances, safety margins to be used in the design of models, model mounting details, and other pertinent factors. All model systems criteria required by the facility for safety consideration including the necessary drawings and stress analyses of the articles to be tested will be furnished at a time specified by the facility staff for their use in preparing for the test.

(c) *Instrumentation.* Each facility will provide basic instrumentation suitable for the test range of the respective facility and computing equipment for the reduction of test data. If the basic instrumentation furnished by the facility does not meet these test requirements, the user will provide suitable instrumentation which will be calibrated by the facility staff to ensure accuracy of measurement. This Instrumentation will be made available sufficiently in advance of the test date to accomplish the calibration. Serious delays arising from inaccuracies in user supplied instrumentation, if occurring during the scheduled test period, may result in reassignment of the position of the tests on the facility schedule. Detailed specifications and arrangements for special instrumentation will be established by mutual agreement. The user will be required to furnish all information necessary to prepare the data reduction software program at a date specified by the facility staff.

(d) *Test program.* All tests will be conducted under NASA supervision and by NASA personnel or by NASA support service contractor personnel unless approved otherwise by the facility manager. The test program shall be approved by NASA personnel before the test project is accepted. By agreement between the user (company representatives or the requesting agency) and the center staff, changes in the test program may be made within the objectives of the scheduled program if time is available. When tests are not totally conducted by NASA personnel or by NASA support service contractor personnel, the NASA Field Installation Safety Officer shall verify that the user personnel are fully cognizant of facility safety problems and operations. A current SAR on the facility shall be available to the user personnel for review.

(e) *Test data.* The NASA staff will be responsible for obtaining all test data, its reduction to suitable coefficient form, and the accuracy of the final data, but NASA will assume no responsibility for the interpretation of the data by others. Transmittal of the data will be made as soon as the test is completed and the data are deemed releasable by NASA. For company projects, the data will be transmitted as directed by the company. The data for Government projects will be transmitted simultaneously to the sponsoring Government agency and the contractor (if applicable), unless otherwise directed by the sponsoring agency.

(f) *Shops and office space.* During the conduct of user testing, NASA will provide desk space and at least limited use of the shop facilities to the user whose projects are under test.

(g) *User furnished personnel.* User personnel associated with each project will be agreed upon between the user and facility staff prior to the test.

James C. Fletcher,
Administrator.

[FR Doc. 86-21671 Filed 9-24-86; 8:45 am]
BILLING CODE 7510-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Ch. 1

[Docket No. 78N-0158]

Uniform Effective Date for Food Labeling Regulations; Notice to Manufacturers, Packers, and Distributors

AGENCY: Food and Drug Administration.

ACTION: Uniform effective dates for compliance.

SUMMARY: The Food and Drug Administration (FDA) is establishing January 1, 1989, as its new uniform effective date for compliance with all FDA final food labeling regulations that are published in the **Federal Register** after July 1, 1986, and before January 1, 1988.

FDA periodically has announced uniform effective dates for compliance with new food labeling requirements because the economic impact of requiring individual label changes on separate dates would probably be substantial. In addition, industry needs sufficient lead time to make label changes and the current uniform effective date of July 1, 1987, is less than 1 year away. Therefore, the agency has concluded that a new uniform effective date should be established.

EFFECTIVE DATE: January 1, 1989, for compliance with food labeling regulations published after July 1, 1986, and before January 1, 1988, except as otherwise provided in individual regulations.

FOR FURTHER INFORMATION CONTACT: Robert J. Lenahan, Center for Food Safety and Applied Nutrition (HFF-302), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0162.

SUPPLEMENTARY INFORMATION: FDA periodically issues various regulations requiring changes in labeling for packaged food. If these labeling changes were individually required on separate dates, the cumulative economic impact on the food industry of frequent changes would probably be substantial. Therefore, the agency periodically has announced uniform effective dates for compliance with new food labeling requirements (see, e.g., the **Federal Register** of October 19, 1984 (49 FR 41019)). Use of a uniform effective date also provides for an orderly and economical industry adjustment to new labeling requirements by allowing sufficient lead time to plan for the use of existing label inventories and the development of new labeling materials. The agency believes that this policy serves consumers' interest as well because the increased cost of multiple short-term label revisions that would otherwise occur would likely be passed on to consumers in the form of higher food prices.

The agency has decided that a new uniform effective date of January 1, 1989, should be established for future FDA regulations requiring changes in food labels where special circumstances do not justify a different effective date. Action is appropriate now because the current uniform effective date is less than 1 year away. The agency has selected January 1, 1989, to ensure adequate time for implementation of any changes in food labeling that may be required by FDA final regulations published after July 1, 1986, and before January 1, 1988.

The agency encourages industry, however, to comply with new labeling

regulations earlier than the required date wherever this is feasible. Thus, when industry members voluntarily change their labels. FDA believes that it is appropriate that they incorporate any new requirements that have been published as final regulations up to that time.

The new uniform effetive date will apply only to final FDA food labeling regulations published after July 1, 1986, and before January 1, 1988. Those regulations will specifically identify January 1, 1989, as their effective date for compliance. If any food labeling regulation involves special circumstances that justify an effective date other than January 1, 1989, the agency will determine for that regulation an appropriate effective date that will be specified when the regulation is published.

This notice is not intended to change existing requirements. Therefore, all final FDA food labeling regulations previously published in the **Federal Register** that announced July 1, 1987, as their effective date will still go into effect on that date. Final regulations published in the **Federal Register** with effective dates earlier than July 1, 1987 (e.g., July 1, 1985), are also unaffected by this notice.

The current uniform effective date of July 1, 1987, for new final regulations affecting the labeling of food products was announced in the **Federal Register** of October 19, 1984 (49 FR 41019). Foods initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1987, are still required to comply with any final FDA regulations that identify July 1, 1987, as their effective date for compliance.

Dated: September 17, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-21561 Filed 9-24-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

[Department Reg. 108.853]

Visas; Documentation of Nonimmigrants Under the Immigration and Nationality Act

Correction

In FR Doc. 86-20343 beginning on page 32294 in the issue of Wednesday, September 10, 1986, make the following correction: On page 32296, in the first column, in the second line from the bottom, "with" should read "which".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[AH-FRL-3011-6, Docket No. A-80-46]

Requirements for Preparation, Adoption, and Submittal of Implementation Plans

Correction

In FR Doc. 86-19498, beginning on page 32176 in the issue of Tuesday, September 9, 1986, make the following correction: On page 32176, in the first column, in the last line of the paragraph following the **"EFFECTIVE DATE"** caption, "October 30" should read "October 9".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6624

[AA-320-06-4220-10; OR-36355]

Withdrawal of Public Lands for the Burns Junction Administrative Site, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 1,062.72 acres of public lands from surface entry and mining for 20 years to protect the Bureau of Land Management's Burns Junction Administrative Site, including the airfield. The lands have been and remain open to mineral leasing.

EFFECTIVE DATE: September 25, 1986.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM, Oregon State Office P.O. Box 2965, Portland, Oregon 97208, (503-231-6905).

SUPPLEMENTARY INFORMATION: By virtue of 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, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, and entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, to protect a Bureau of Land Management administrative site:

Willamettte Meridian

Burns Junction Administrative Site

T. 32 S., R. 39 E.,
Sec. 12, S½N½NE¼SE¼, S½NE¼SE¼, NE¼NW¼SE¼SE¼ and NE¼SE¼SE¼.

T. 32 S., R. 40 E.,
Sec. 7, S½N½ and S½ of lot 3, N½, N½S½, SE¼SW¼, and S½SE¼ of lot 4, S½NE¼SW¼, SE¼SW¼, NE¼NE¼SE¼, S½N½SE¼, and S½SE¼;
Sec. 8, NW¼NE¼, W½NE¼SW¼NE¼, W½SW¼NE¼, S½NE¼NE¼ NW¼, S½NE¼NW¼, NE¼SW¼NW¼, S½SW¼NW¼, SE¼NW¼, N½NE¼SW¼, SW¼NE¼SW¼, W½SE¼NE¼SW¼, W½SW¼, and W½W½SE¼SW¼;
Sec. 17, SW¼NE¼SW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, W½NE¼NW¼, W½SE¼NE¼NW¼, SE¼SE¼NE¼NW¼, NW¼NW¼, N½SW¼NW¼, N½S½SW¼NW¼, SE¼NW¼, and N½N½NW¼SE¼;
Sec. 18, NE¼NE¼ of lot 1, SE¼NE¼ and SE¼ of lot 2, and E½ and E½W½ of lot 3, N½NE¼, N½S½NE¼, N½S½S½NE¼, E½NW¼, N½NE¼SE¼, SW¼NE¼SW¼, and NW¼SE¼NE¼SW¼.

The areas described aggregate 1,062.72 acres in Malheur County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

J. Steven Griles,

Assistant Secretary of the Interior.

September 18, 1986.

[FR Doc. 86-21673 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6732]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the third column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et. seq.). Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register.** In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Deputy Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Deputy Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

PART 64—[AMENDED]

The authority citation for Part 64 continues to read as follows:

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

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date [1]
Region I				
Massachusetts:				
Cohasset, town of, Norfolk County	250236B	Apr. 9, 1974, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp.	Aug. 2, 1974, Oct. 29, 1976 and Sept. 29, 1986.	Sept. 29, 1986.
Scituate, town of, Plymouth County	250282C	Sept. 6, 1974, Emerg.; Sept. 30, 1977, Reg.; Sept. 29, 1986, Susp.	Sept. 6, 1974, Sept. 30, 1977, Oct. 1, 1983 and Sept. 29, 1986.	Do.
Vermont: Weybridge, town of, Addison County.	500174B	Dec. 25, 1985, Emerg.; Sept. 29, 1977, Reg.; Sept. 29, 1986, Susp.	Jan. 17, 1975, July 16, 1982, and Sept. 29, 1986.	Do.
Region II				
New Jersey: Wayne, township of, Passaic County.	34527B	July 10, 1970, Emerg.; Feb. 16, 1972, Reg.; Sept. 29, 1986, Susp.	Feb. 20, 1973, July 1, 1974, Nov. 11, 1976 and Sept 29, 1986.	Do.
New York: Nichols, village of, Tioga County.	360838C	Sept. 2, 1976, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp.	July 7, 1974, April 30, 1976, Nov. 3, 1978 and Sept 29, 1986.	Do.
Region III				
Virginia: Rockingham County, unincorporated areas.	510133B	July 2, 1974, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp.	Nov. 15, 1974, June 23, 1978 and Sept 29, 1986.	Do.
Region IV				
Alabama:				

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date [1]
Dallas County, unincorporated areas	010063B	April 11, 1975, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Jan. 3, 1975, Mar. 3, 1978 and Sept 29, 1986.	Do.
Hollywood, town of, Jackson County	010111B	July 26, 1974, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Mar. 8, 1974, Oct. 22, 1976 and Sept. 29, 1986.	Do.
South Carolina:				
Beaufort, city of, Beaufort County	450026	Nov. 27, 1970, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	June 28, 1974, Sept. 5, 1975, May 2, 1977, Sept. 5, 1984 and Sept. 29, 1986.	Do.
Jasper County, unincorporated area	450112B	June 10, 1975, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Mar. 31, 1978 and Sept. 29, 1986	Do.
Port Royal, town of Beaufort County	450028D	Sept. 10, 1971, Emerg.; Apr. 15, 1977, Reg.; Sept. 29, 1986, Susp	June 14, 1984, Oct. 10, 1975, Apr. 15, 1977, Sept. 5, 1984 and Sept. 29, 1986.	Do.
Region V				
Illinois:				
Cissna Park, village of, Iroquois County.	170289B	June 13, 1975, Emerg.; Spet. 29, 1986, Reg.; Sept. 29, 1986, Susp	Feb. 22, 1974, Oct. 10, 1975 and Sept. 29, 1986.	Do.
Milford, village of, Iroquois County	170294B	Apr. 10, 1975, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	June 28, 1974, Aug. 22, 1975 and Sept. 29, 1986.	Do.
Ohio:				
Evendale, village of, Hamilton County	390214B	June 27, 1977, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Mar. 1, 1974, Aug. 27, 1976 and Sept. 29, 1986.	Do.
North College Hill, city of, Hamilton County.	390232B	May 6, 1975, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	June 7, 1974, July 25, 1975, and Sept 29, 1986.	Do.
Region VI				
Texas:				
The Colony, city of, Denton County	681581A	Aug. 16, 1984, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Aug. 16, 1984 and Sept. 29, 1986	Do.
Comal County, unincorporated areas	485463C	Mar. 5, 1971, Emerg.; Nov. 9, 1983, Reg.; Sept. 29, 1986, Susp	Nov. 9, 1973, Jly 1, 1974, May 14, 1976 and Sept. 29, 1986.	Do.
Canton, city of, Van Zandt County	480632B	Aug. 18 1975, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	May 5, 10, 1974, Jan 30, 1976 and Sept. 29, 1986.	Do.
Region VIII				
Colorado: Mancos, town of, Montezuma County.	080123B	July 25, 1975, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	May 17, 1974, Jan. 16, 1976, and Sept 29, 1986.	Do.
North Dakota: Beach, city of, Golden Valley County.	380215A	July 13, 1977, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	July 11, 1975 and Sept. 29, 1986	Do.
South Dakota: Custer County, unincorporated areas.	460018B	Oct. 28, 1977, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Oct. 18, 1977 and Sept. 29, 1986	Do.
Utah: Richfield City, city of, Sevier County	490131B	Sept. 26, 1974, Emerg.; Nov. 23, 1982, Reg.; Sept. 29, 1986, Susp	May 24, 1974, Dec. 5, 1975 and Sept 29, 1986.	Do.
Region IX				
California:				
Carmarillo, city of, Ventura County	065020B	Feb. 12, 1971, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	July 19, 1974, Oct. 24, 1975 and Sept 29, 1986.	Do.
Crescent City, city of, Del Norte County.	060039D	Apr. 2, 1975, Emerg.; Nov. 23, 1986, Reg.; Sept. 29, 1986, Susp	May 3, 1974, Dec. 13, 1974, Sept. 26, 1978 and Sept 29, 1986.	Do.
Kern County, unincorporated areas	060075B	Sept. 10, 1971, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	June 20, 1978 and Sept 29, 1986	Do.
McFarland, city of, Kern County	060080B	Aug. 14, 1975, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	June 28, 1974, Aug. 15, 1975 and Sept 29, 1986.	Do.
Moorpark, city of, Ventura County	060712A	Nov. 20, 1985, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Sept. 29, 1986	Sept. 29, 1987.
San Buenaventura, city of, Ventura County.	060419B	Nov. 27, 1970, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	May 31, 1974, Dec. 19, 1975 and Sept 29, 1986.	Sept. 29, 1986.
Tulare County, unincorporated areas	065066B	Jan. 29, 1971, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Feb. 14, 1975, Apr. 17, 1979 and Sept 29, 1986.	Do.
Region X				
Oregon:				
Clatskanie, city of, Columbia County	410035C	May 21, 1975, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Dec. 7, 1973, Sept. 19, 1978, Nov. 21, 1975 and Sept. 29, 1986.	Do.
Eugene, city of, Lane County	410122B	Aug. 16, 1974, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	June 7, 1974, Oct. 31, 1975 and Sept 29, 1986.	Do.
Linn County, unincorporated areas	410136B	Apr. 9, 1974, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Dec. 6, 1977 and Sept 29, 1986	Do.
Malheur County, unincorporated areas	410149B	Apr. 30, 1974, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Apr. 4, 1978 and Sept. 29, 1986	Do.
Sisters, city of, Deschutes County	410058B	Aug. 14, 1975, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Dec. 7, 1973, Apr. 23, 1976 and Sept 29, 1986.	Do.
St. Helens, city of, Columbia County	410040B	June 27, 1974, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Nov. 30, 1973, Apr. 23, 1976 and Sept 29, 1986.	Do.
Washington:				
Cathlamet, town of, Wahkiakum County.	530278A	June 24, 1977, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Apr. 2, 1976 and Sept 29, 1986	Do.
Grays Harbor County, unincorporated areas.	530057B	Apr. 24, 1974, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	June 28, 1974, Feb. 21, 1978 and Sept 29, 1986.	Do.
Region VIII—Minimal Conversions				
North Dakota:				
Dwight, township of, Richland County	380657B	Aug. 9, 1982, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	Sept. 29, 1986	Sept. 29, 1987.
Lindaas, township of, Traill County	390300B	Apr. 11, 1980, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	do	Do.
Roseville, township of, Traill County	380641B	Feb. 21, 1980, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	do	Do.
Region IX				
California: Wheatland, city of, Yuba County	060460A	Feb. 10, 1976, Emerg.; Sept. 29, 1986, Reg.; Sept. 29, 1986, Susp	May 2, 1975 and Sept 29, 1986	Sept. 29, 1986.
Colorado: Huerfano County, unincorporated areas.	080206B	Apr. 4, 1974, Emerg.; Oct. 1, 1986, Reg.; Oct. 1, 1986, Susp	Nov. 22, 1977 and Oct. 1, 1986	Oct. 1, 1986.
North Dakota:				
Mapleton, township of, Cass County	380262B	Mar. 8, 1978, Emerg.; Oct. 1, 1986, Reg.; Oct. 1, 1986, Susp	Dec. 8, 1981 and Oct. 1, 1986	Do.
Raymond, township of, unincorporated areas.	380261B	Mar. 24, 1978, Emerg.; Oct. 1, 1986, Reg.; Oct. 1, 1986, Susp	Dec. 8, 1981 and Oct. 1, 1986	Do.
St. John, city of, Rollette County	380106	July 2, 1975, Emerg.; Oct. 1, 1986, Reg.; Oct. 1, 1986, Susp	Dec. 6, 1974 and Oct. 1, 1986	Do.
South Dakota: Revillo, town of, Grant County.	460031A	June 30, 1975, Emerg.; Oct. 1, 1986, Reg.; Oct. 1, 1986, Susp	Sept. 19, 1975 and Oct. 1, 1986	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date [1]
Region X				
Idaho: Minidoka County of, unincorporated areas.	160201B	Dec. 2, 1974 Emerg.; Oct. 1, 1986, Reg.; Oct. 1, 1986, Susp.	Sept. 6, 1977 and Oct. 1, 1986	Do.

[1] Certain Federal assistance no longer available in special flood hazard areas.
Note.—Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Francis V. Reilly,
Deputy Administrator, Federal Insurance Administration.

[FR Doc. 86-21702 Filed 9-24-86; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 51, No. 186
Thursday, September 25, 1986

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

[Docket No. PRM-9-1]

Residents Against a Polluted Environment, Inc.; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission is denying a petition from the Residents Against a Polluted Environment, Inc. The petition requested that the NRC amend its regulations to reverse the amendment made to 10 CFR 9.4 in 1985. The Commission is denying the petition because the amendment to Part 9 was supported by case law and agency practice in the NRC contractor records that are not in the possession or control of the NRC are not considered agency records under § 9.3(b) and are not subject to mandatory disclosure under the Freedom of Information Act (FOIA). The petitioners' request centered on their desire to gain access to licensee or licensee contractor records. Thus, rescinding the final amendment to § 9.4 would not aid the petitioners in achieving the goal they seek. In addition, the petitioners did not present any new information to support their request that NRC reopen the rulemaking.

ADDRESSES: Copies of the petition are available for public inspection or copying at the NRC's Public Document Room, 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Donnie H. Grimsley, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301-492-7211.

SUPPLEMENTARY INFORMATION:

The Petition

On July 22, 1986, the NRC received a petition for rulemaking from the Residents Against a Polluted Environment, Inc. The Petitioners requested that the NRC reverse the amendment that was made to § 9.4 in 1985 regarding the availability of NRC records in response to a FOIA request. Prior to the effective date of the final rule that was published in the **Federal Register** on October 9, 1985 (50 FR 41127), § 9.4 read as follows:

Section 9.4 Availability of records

Any identifiable record, whether in the possession of the NRC, its contractors, its subcontractors, or others, shall be made available for inspection and copying pursuant to the provisions of this part, upon request of any member of the public.

As explained in the **"SUPPLEMENTARY INFORMATION"** of the proposed rule that was published in the **Federal Register** on August 1, 1985 (50 FR 31192)—

Current case law and agency practice is that records which are not in the possession or control of the NRC are not considered agency records under § 9.3a(b) and are not subject to mandatory disclosure under the Freedom of Information Act (FOIA). (See *Kissinger* v. *Reporters Committee for Freedom of the Press, et al* (445 U.S. 136 (1980)) and *Forsham* v. *Harris* [445 U.S. 169 (1980)].) Thus, while the NRC may have the right to inspect, audit, or even take possession of a contractor's or subcontractor's records, such records are not considered agency records for the purposes of the FOIA until the NRC takes actual possession of the records. The purpose of this clarifying amendment is to delete the obsolete reference to contractors and subcontractors in § 9.4, and to conform NRC regulations to what has been the case law and NRC's practice for a number of years.

At the time the proposed rule was published in the **Federal Register**, a 30-day comment period was extended to the public to expire on September 2, 1985. There were no public comments received on the proposed rule and there was an additional month that elapsed prior to the publication of the final rule on October 9, 1985. Additionally, although the comment period officially expired on September 2, potential commenters were not discouraged from sending in comments beyond that date. The provision for public comment contains the following sentence:

"Comments received after this date [September 2] *will be considered if it is practical to do so,* but assurance of consideration cannot be given except for comments received on or before this date." (Emphasis added)

Section 9.4 since the publication of the final rule, now reads as follows:

Section 9.4 Availability of records.

Any identifiable record in the possession of the NRC shall be made available for inspection and copying, pursuant to the provisions of this part, upon request of any member of the public.

The petitioners proposed to add the following sentence to § 9.4:

In the case only of records relevant to the health and safety of the general public, records include those in the possession of NRC contractors, subcontractors, and others to which the NRC has contractual, statutory, or regulatory right of access.

Reasons for Denial

In the petition, the petitioners stated that the reason they requested that the 1985 amendment of § 9.4 be rescinded was to enable them to gain access to NRC licensee records. However, the 1985 amendment to § 9.4 did not address the issue of NRC licensee records; it addressed the accessibility of NRC contractor records by means of FOIA requests. Therefore, granting of the petitioners' request would not result in their gaining access to the licensee records. In addition, it is a well established principle of administrative law that Federal agencies should act economically in reaching closure on matters before them. The final rule amending § 9.4 was promulgated less than one year ago after affording the public full due process procedures. To grant the petitioner's request to reopen the rulemaking would run counter to this legal principle.

Accordingly, the petition is denied.

Dated at Bethesda, Maryland, this 15th day of September, 1986.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 86-21662 Filed 9-24-86; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-AWA-35]

Proposed Establishment of Airport Radar Service Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking and extension of comment period.

SUMMARY: This supplemental notice amends and earlier notice in which the FAA proposed to designate an Airport Radar Service Area (ARSA) at Spokane International Airport, WA. By proposing a change in the base altitude of the ARSA outer core area southeast of the airport. Spokane International Airport is a public airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of an ARSA would require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at Spokane International Airport would reduce the risk of midair collision and promote the efficient control of air traffic in the terminal area.

DATE: Comments must be received on or before November 17, 1986.

ADDRESSES: Send comments on the proposal in triplicate to:

Federal Aviation Administration, Office of the Chief Counsel Attention: Rules Docket [AGC-204], Airspace Docket No. 86-AWA-35, 800 Independence Avenue, SW., Washington, DC 20591.

The Official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5: p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert G. Burns, Airspace and Air Traffic Rules Branch (ATO-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone: (202) 267-9253.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factural basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AWA-35." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Comments received during the earlier comment period will be held in the public docket and combined with comments received during this period.

Availability of NPRM's

Any person may obtain a copy of this Supplemental Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communictions must identify the notice number of this Supplemental NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

On July 18, 1986, the FAA proposed to designate an ARSA at Spokane International Airport, WA (51 FR 26116). This supplement proposes to amend the earlier notice by changing the base altitude of the ARSA outer core southeast of Spokane International Airport. As originally proposed, the ARSA outer core was proposed to be 3,700 feet MSL, except for one area southeast of the airport which was proposed at 4,200 feet MSL. Further study has indicated a need to amend the original proposal to obtain full advantage of the ARSA designation at the Spokane International Airport. The entire proposal as amended is stated below and an amended graphic is attached.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For the reasons discussed in the NPRM, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act (RFA). A regulatory evaluation was prepared for the NPRM and is included in the public docket of the initial notice. The conclusions of the evaluation are not altered by this supplemental notice.

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service area.

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

2. § 71.501 is amended as follows:

§ 71.501 [Amended]

Spokane International Airport, WA [New]

That airspace extending upward from the surface to and including 6,400 feet MSL within a 5-mile radius of the Spokane International Airport (lat. 47°37'12"N., long. 117°31'58"W.); and that airspace extending upward from 3,700 feet MSL to and including 6,400 feet MSL within a 10-mile radius of the airport, excluding that airspace within the Fairchild AFB, WA, Airport Radar Service Area west of a line extending between the points where the 10-mile radii intersect.

Issued in Washington, DC, on September 18, 1986.

Harold H. Downey,

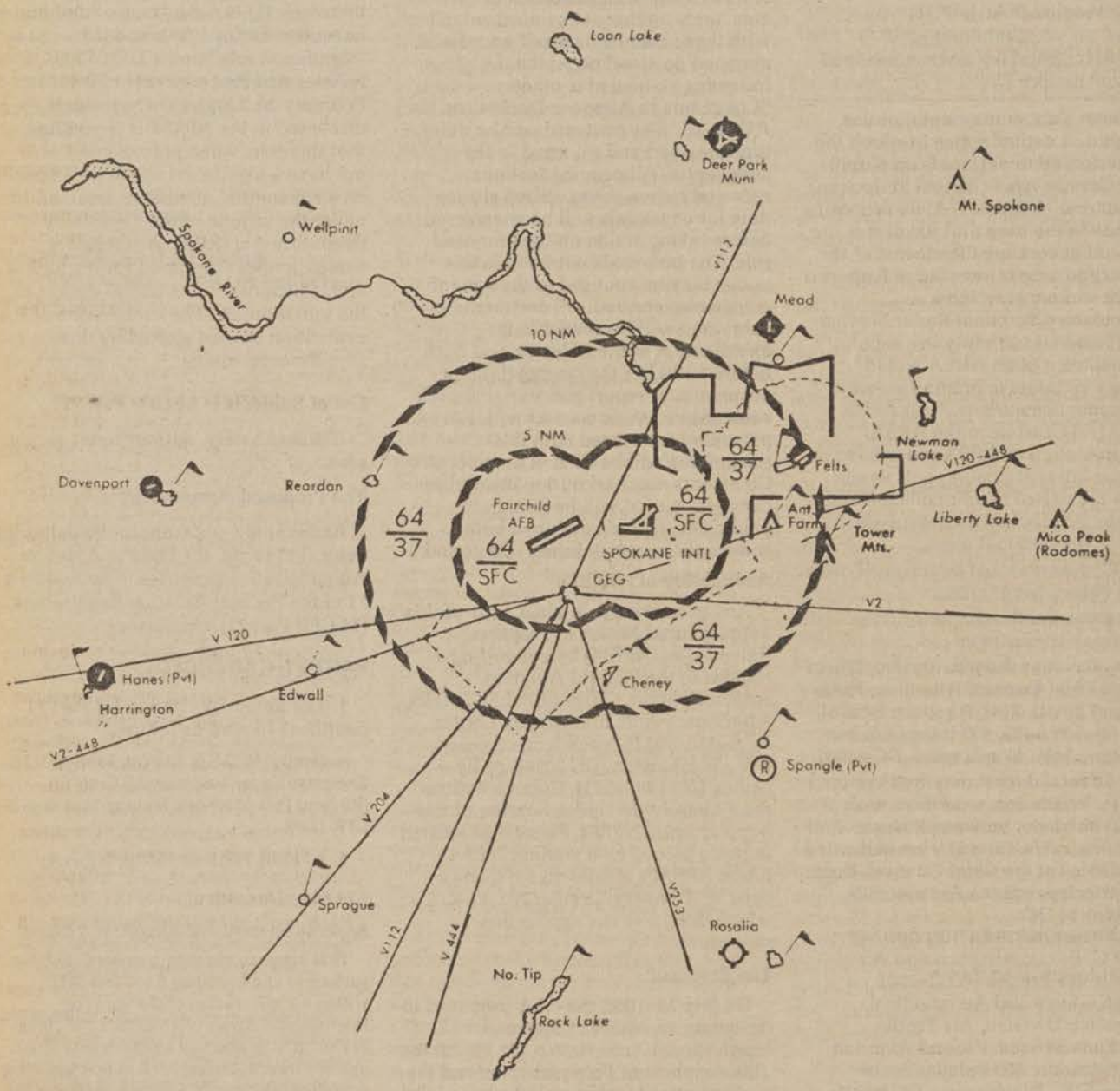
Acting Manager, Airspace-Rules and Aeronautical Information Division.

BILLING CODE 4910-13-M

AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)

SPOKANE, WASHINGTON
SPOKANE INTERNATIONAL AIRPORT
FIELD ELEV. 2372' MSL
FAIRCHILD AFB
FIELD ELEV. 2462' MSL



LEGEND

VFR CHECK POINT

ARSA

ALTITUDES ARE MSL
BEARINGS ARE MAGNETIC

Prepared by the
FEDERAL AVIATION ADMINISTRATION
Cartographic Standards Section
ATO-259

[FR Doc. 86-21663 Filed 9-24-86; 8:45 am]
BILLING CODE 4910-13-C

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 862 3078]

Cosmo Communications Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a Miami, Fla. manufacturer and seller of telephones from misrepresenting that its phones are capable of generating the tones necessary to access alternative long distance and banking services that require touch-tone phones.

DATE: Comments will be received until November 24, 1986.

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

FOR FURTHER INFORMATION CONTACT: FTC/B-407, Joel C. Winston, Washington, DC 20580. (202) 376-8648.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at this principal office in accordance with 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Telephones, Trade practices.

Before Federal Trade Commission

[File No. 862 3078]

In the matter of Cosmo Communications Corp., a corporation; Agreement Containing Consent Order To Cease and Desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Cosmo Communications Corporation, a corporation, and it now appearing that Cosmo Communications Corporation is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It Is Hereby Agreed by and between Cosmo Communications Corporation, its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Cosmo Communications Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Florida, with its office and principal place of business located at 16501 NW. 16th Court, in the City of Miami, State of Florida, 33169.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

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

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

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

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) Issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondent Cosmo Communications Corporation, a corporation; its successors and assigns; and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any consumer premises telephone or other telephone communication device in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing in any manner, directly or by implication, that any such device is capable of generating the tones necessary to complete a call, unless such is the case.

B. Misrepresenting in any manner, directly or by implication, the compatability of any such device with any tone-accessed telephone service, including, but not limited to, alternative long distance service carriers and phone-accessed computer services.

C. Failing to disclose, clearly and prominently, on the package label for each such device in the custody or control of respondent (includir.g existing

inventory) that operates by pushbottons but does not generate tones:

"Pulse Telephone: Operates by pulse dialing like a rotary telephone. Will not produce tones.";

Provided, however, that after seven (7) years from the date of service of this Order the above disclosure may be replaced by the disclosure, "Pulse Telephone"; and *provided further*, however, that this Order shall not be construed to relieve respondent, its successors and assigns from having to comply with any provision of any federal, state, or local law, rule, regulation, or order requiring a disclosure different from that specified by this Order, and, in the event any such law, rule, regulation, or order requires an equally or more comprehensive disclosure concerning the pulse operating system and the inability of the device to produce tones, that disclosure may be used in place of the disclosure specified by this Order.

II

It is further Ordered that respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as a dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations under this Order.

III

It is further Ordered that respondent shall, within sixty (60) days after service of this Order upon it and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from Cosmo Communications Corporation.

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

This matter concerns advertising for pushbutton-keypad pulse-only-generating ("touch pulse") telephones. Touch pulse telephones are dialed by pressing numbered buttons on a keypad mounted on the phone, like "touch tone" telephones, but do not generate tones. Instead, touch pulse telephones produce only "pulses," like rotary dial phones. Cosmo Communications Corporation ("Cosmo") is a Florida corporation based in Miami, Florida, that manufactures, distributes and sells various kinds of telephones, including touch pulse telephones.

The Commission's complaint in this matter charges Cosmo with disseminating advertisements containing false and misleading representations concerning certain Cosmo touch pulse telephone models. The complaint alleges that the respondents represented that these touch pulse telephones will "work with rotary and touchtone systems," and, on the package of one model, that "ALL COSMO pulse/tone switchable circuitry telephones offer push button rotary lines and tone dialing systems and are compatible with MCI, ITT, AT&T, Sprint and Network systems." Included with these representations are pictures of the faces of the telephones, which prominently reveal their pushbutton keypads. When made on the labeling for touch pulse models, the complaint charges, these representations mislead consumers to believe that these touch pulse telephones are capable of generating tones to complete a call, and thus will permit the user to access all available tone-accessed services.

The consent order contains provisions designed to remedy the advertising violations charged by preventing Cosmo from engaging in similar acts and practices in the future and requiring Cosmo to make affirmative disclosures related to the inability of its touch pulse telephones to generate tones and thus be usable with tone-accessed services.

Part I.A. of the order prohibits Cosmo from representing that a telephone will produce tones, unless such is the case. Part I.B. of the order prohibits Cosmo from misrepresenting the compatibility of any telephone with any tone-accessible service.

The order then requires Cosmo to disclose, on each touch pulse telephone label distributed or offered for sale for seven years after the date of service of the order, the statement: "Pulse telephone. Operates by pulse dialing like a rotary phone. Will not produce tones." (Paragraph I.C.) This disclosure is intended to inform consumers that the telephone will not access tone-required services. At the end of the seven year period, the disclosure may be shortened to "Pulse Telephone." This seven year partial sunset provision is considered appropriate because consumer knowledge about telephones and their methods of operation should be greatly increased by that time, rendering the more detailed disclosure unnecessary. The order also contains a provision permitting Cosmo to use any different disclosure required by a federal, state or local law or regulation, if that disclosure is equally or more comprehensive. The order specifies, however, that other laws, rules or regulations are not preempted.

Parts II through III of the order are standard order provisions requiring respondent to notify the Commission of any changes in the corporate structure and to report to the Commission on respondent's compliance with the terms of the order.

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

Emily H. Rock,

Secretary.

[FR Doc. 86-21689 Filed 9-24-86; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 60

[Docket No. 85N-0300]

Proposed Patent Term Restoration Regulations

Correction

In FR Doc. 86-15631 beginning on page 25338 in the issue of Friday, July 11, 1986, make the following corrections:

1. On page 25341, in the first column, in the first complete paragraph, in the eighth line, "might not" should read "might or might not"; in the third column, in the last paragraph, in the fifth line, "§ 60.20(c)" should read "§ 60.30(c)".

2. On page 25348, in the first column, in § 60.42, in the first line, "The" should read "Ten".

BILLING CODE 1505-10-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 51

[LR-34-82]

Definition of Property for Purposes of the Windfall Profit Tax

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking—notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the windfall profit tax on domestic crude oil imposed by title 1 of the Crude Oil Windfall Profit Tax Act of 1980. The regulations would clarify the meaning of the term "property" for purposes of the windfall profit tax. In addition, this document withdraws the notice of proposed rulemaking relating to the definition of "property" for purposes of the windfall profit tax that was published in the **Federal Register** on November 10, 1982 (47 FR 50924).

DATES: *Proposed Effective Date:* These regulations are proposed to be effective for crude oil removed after February 29, 1980.

Dates for Comments and Requests for a Public Hearing: Written comments and requests for a public hearing must be delivered or mailed by November 24, 1986.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-34-82), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Robert H. Ginsburgh of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Excise Tax Regulations under the Crude Oil Windfall Profit Tax Act of 1980. (26 CFR Part 51). These proposed regulations are to be issued under the authority of Code section 4997(b) (94 Stat. 250, 26 U.S.C. 4997(b)), which grants the Secretary of the Treasury or his delegate authority to prescribe regulations necessary or appropriate to carry out the purpose of the windfall profit tax (including changes in the application of the energy regulations), and the more general regulatory authority contained in Code section 7805 (68A Stat. 917, 26 U.S.C. 7805). This document also withdraws the proposed regulations relating to the definition of "property" for purposes of the windfall profit tax that were published in the **Federal Register** on November 10, 1982 (47 FR 50924).

Under the windfall profit tax taxable crude oil is divided into three tiers. The windfall profit tax rate depends, in part, on the tier of the crude oil. In order to determine the tier of taxable crude oil it is often necessary to determine the "property" from which the crude oil is produced. For example, the determinations of whether crude oil qualifies as crude oil from a stripper well property, newly discovered oil, or heavy oil (all these types of oil receive preferred treatment under the windfall profit tax) are made on a property-by-property basis.

"Property" is defined for windfall profit tax purposes in § 150.4996-1(i) of the Temporary Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980 (26 CFR Part 150) as promulgated by Treasury Decision 7846, published on November 10, 1982 (47 FR 50858). The text of that Treasury decision also served as the text of a notice of proposed rulemaking published on the same day (47 FR 50924). Section 150.4996-1(i) provides that "property" generally is determined by reference to the geographical boundaries of the right to produce crude oil as such right existed on January 1, 1972, provided such right was in production in commercial quantities on that date. If such right was not in production in commercial quantities on January 1, 1972, the determination of "property" is generally made by reference to the geographical boundaries of the right to produce crude oil when crude oil is first produced thereafter in commercial quantities. For this purpose the term "commercial quantities" has the same meaning as that term has in proposed § 51.4996-1(n). See the notice of proposed rulemaking relating to newly discovered crude oil (LR-224-81) published on November 5, 1982 (47 FR 50306), for the content of proposed § 51.4996-1(n).

Although paragraph (i)(1) of § 150.4996-1 provides the general rule for determining "property," that paragraph and the notice of proposed rulemaking relating to "property" published in the **Federal Register** on the same date as that paragraph (47 FR 50924) reserved for subsequent publication the exceptions to the general rule. These proposed amendments would provide rules relating to the exceptions to the general rule for determining "property" as well as the general rule.

Explanation of Provisions

Under the energy regulations, "property" generally was determined by reference to he right to produce crude oil. The Department of Energy and its predecessor agencies (hereinafter the term "DOE" refers to the Department of Energy and its predecessor agencies) recognized exceptions to this general rule. These exceptions included the following situations in which DOE either recognized multiple rights to produce from a single instrument, such as a lease or deed, or multiple properties from a single right to produce crude oil: (1) Separate development of specifically identified portions of a property, (2) noncontiguous tracts, (3) royalty owner accountability, (4) severance tax accountability, (5) very large tracts, and (6) separate reservoirs. In addition, DOE recognized a single property as a result of the aggregation of several separate rights to produce crude oil. Unitizations were the principal exception in this category.

The proposed amendments would amend § 51.4996-4. This section would contain the rules relating to the definition of "property" for windfall profit tax purposes. This proposes section contains a general definition of "property," which is essentially the same as the definition in § 150.4996-1(i)(1). In additional, paragraphs (c), (d), and (e) of proposed § 51.4996-4 contain the exceptions to the general definition of "property." These exceptions are generally similar to those provided by DOE, but are mandatory rather than permissive.

Proposed § 51.4996-4(b) provides a definition of the term "right to produce." This definition is essentially the same as the definition contained in § 150.4996-1(i)(2). However, proposed § 51.4996-4(b) makes clear that a right to produce may arise from a farmout agreement. See examples (8), (9), (10), and (11) in paragraph (f) of § 51.4996-4. No inference as to the proper treatment of farmout agreements for income tax purposes is to be drawn from their treatment under proposed § 51.4996-4.

Proposed § 51.4996-4(d)(6) provides that the operator of a property, rather than each producer, may elect to treat as separate properties each separate and distinct producing reservoir subject to the same right to produce. It also specifies the time and manner of making the election. Once the election is made it is irrevocable, applies to all producers who currently hold an interest in the

property and all producers who acquire an interest in the property, and applies to newly-discovered producing reservoirs.

Proposed § 51.4996–4(e)(2) provides that a recognized unitization shall be treated as a separate property except as otherwise provided in section 4988(b) (relating to the net income limitation). For this purpose the term "unitization" refers to the right to produce crude oil that arises from an agreement under which the persons holding the rights to produce crude oil with respect to different geographical areas agree to have the rights to produce operated on a unified basis and further agree to share in production on a stipulated percentage or fractional basis regardless of the geographical boundaries of the right to produce from which crude oil is produced. The proposed amendment make clear that an agreement merely among the holders of the working interests to operate several separate rights to produce as a single property does not result in a unitization that will be treated as a single property because the holders of the royalty interests are not parties to the agreement.

The proposed amendments provide that, in the case of a recognized unitization, if a portion of a property is not included in the unitized property, that portion is treated as a separate right to produce. However, a special rule is provided to prevent production from the nonunitized portion from being treated as newly discovered oil, stripper well oil, or heavy oil after the unitization if the production did not receive that treatment before the unitization.

Comments and Request for Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is to be held, notice of the time and place will be published in the **Federal Register**.

The collection of information requirements contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on these requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, DC 20503. The Internal Revenue Service requests that persons submitting comments on these requirements to OMB also send copies of those comments to the Service.

Special Analysis

The Commissioner of Internal Revenue has determined that a Regulatory Analysis is not required because these final rules are not major rules under Executive Order 12291.

Although this document is a notice of proposed rulemaking which solicits public comments, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Ch. 6).

Drafting Information

The principal author of these proposed regulations was Mr. Douglas W. Charnas of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

List of Subjects in 26 CFR 51.4989–1–51.4996–4

Excise tax, Petroleum, Crude Oil Windfall Profit Tax Act of 1980.

Proposed Amendments to the Regulations

PART 51—[AMENDED]

The proposed amendments to 26 CFR Part 51 relating to the definition of "property" for purposes of the windfall profit tax that were published in the **Federal Register** on November 10, 1982 (47 FR 50924), are hereby withdrawn, and the proposed amendments to 26 CFR Part 51 are as follows:

Paragraph 1. The authority citation of Part 51 continues to read in part:

Authority: Secs. 4997, 7805 Internal Revenue Code of 1954 (94 Stat. 249, 68A Stat. 917; (26 U.S.C. 4997, 7805)), * * *

§ 51.4989–1 [Amended]

Par. 2. Paragraph (c)(1) of § 51.4989–1 is amended by removing "§ 150.4996–1 (i)" and inserting in lieu thereof "§ 51.4996–4."

§ 51.4996–1 [Amended]

Par. 3. Section 51.4996–1 is amended by removing paragraph (i) and redesignating paragraphs (j), (k), (l), and (m) as (i), (j), (k), and (l), respectively.

§ 51.4996–3 [Amended]

Par. 4. Paragraph (b) of § 51.4996–3 is amended by removing "paragraph (i) of § 51.4996–1" and inserting in lieu thereof § 51.4996–4."

Par. 5. Section 51.4996–4 is added to read as follows:

§ 51.4996–4 Definition of property.

(a) *In general.* Except as otherwise provided in section 4988 (b) and § 51.4989–1 (relating to the net income limitation on windfall profit) and paragraphs (c) and (d) of this section, in the case of a right to produce crude oil in existence on January 1, 1972, that was in production in commercial quantities (as defined in paragraph (n) [1] of § 51.4996–1) on that date, the "property" is determined by reference to the geographical boundaries of such right. If such right was not in production in commercial quantities on January 1, 1972, the determination of "property" is generally made by reference to the geographical boundaries of the right to produce crude oil when crude oil is first produced thereafter in commercial quantities.

(b) *Right to produce.* The right to produce crude oil is an operating or working interest. It may arise, for example, from a lease, sublease, farmout agreement or deed of a fee interest.

(c) *Separate rights to produce from single instrument.* A single instrument, such as a lease or deed, shall be treated as having transferred more than one right to produce crude oil if—

(1) The instrument specifically identifies portions of the acreage covered by the instrument,

(2) The instrument creates significantly different rights and duties (particularly for exploration and drilling obligations) with respect to the specifically identified portions,

(3) The holders of the rights transferred by the instrument have in good faith relied upon such differences in their exploration and development activities,

(4) The holders of the rights transferred by the instrument have, since the inception of price controls on crude oil (or, if later, when production first began in commercial quantities from more than one such portion),

[1] Section 51.4996–1(n) was proposed on November 5, 1982, 47 FR 50307.

consistently and historically accounted for such portions separately, and

(5) The holders of the rights transferred by the instrument have, since the inception of price controls (or, if later, when production first began in commercial quantities from more than one such portion), consistently and historically treated each such portion as a separate right to produce crude oil.

If the requirements of this paragraph are met, each specifically identified portion described in this paragraph shall be treated as a separate right to produce crude oil. The requirements of paragraph (c)(4) and (5) of this section shall be considered met if the rights transferred by the instrument are acquired after the inception of price controls and the holders of those rights have, since the acquisition of those rights (or, if later, when production first began in commercial quantities from more than one such portion), consistently and historically accounted separately for each specifically identified portion and treated each portion as a separate right to produce. If the holders of those rights consistently and historically treated specifically identified portions as separate rights to produce, but departed from such treatment to more closely comport with the definition of "property" as specifically set forth by the Department of Energy's predecessor agencies before the issuance of FEA Ruling 1977-1, the holders of those rights shall be considered to have consistently and historically treated such portions as separate rights to produce provided the holders of those rights readopted such treatment by January 1, 1978. For purposes of this section, the inception of price controls is treated as having occurred with the adoption of Subpart L of 6 CFR Part 150 (38 FR 22546, August 22, 1973), effective August 19, 1973.

(d) *Separate properties from a single right to produce*—(1) *In general.* In limited situations, a single right to produce that would be a single property under the rules of paragraph (a) of this section shall be treated as more than one property. Those situations are set forth in this paragraph. Except as otherwise provided for in this paragraph and paragraph (e) of this section, a single right to produce that would be a single property under the rules of paragraph (a) of this section shall be treated as a single property (not subject to division into multiple properties).

(2) *Noncontiguous tracts.* An instrument transferring the right to produce crude oil may convey a single undifferentiated right to produce crude oil with respect to multiple, noncontiguous tracts. In this case, each noncontiguous tract shall be treated as a separate property if—

(i) The right to produce oil would be a single property under the rules of paragraph (a) of this section,

(ii) The noncontiguous tracts were developed and produced separately by the holders of the right to produce crude oil,

(iii) The holders of the right to produce crude oil have, since the inception of price controls on crude oil (or, if later, when production first began in commerical quantities from more than one such tract), consistently and historically accounted for each noncontiguous tract separately, and

(iv) The holders of the right to produce crude oil have, since the inception of price controls on crude oil (or, if later, when production first began in commerical quantities from more than one such tract), consistently and historically treated each noncontiguous tract as a separate property.

The principles of paragraph (c) of this section relating to whether the holders of the rights transferred by an instrument are considered to have consistently and historically accounted separately for specifically identified portions and treated each such portion as a separate right to produce crude oil shall apply for purposes of paragraph (d)(2)(iii) and (iv) of this section.

(3) *Royalty owner accountability.* A right to produce crude oil that would be treated as a single property under the rules of paragraph (a) of this section shall be treated as more than one property if—

(i) The instrument transferring the right to produce crude oil specifically identifies portions of the acreage covered by the right to produce crude oil the production from which is required to be measured and accounted for separately for purposes of accounting to royalty owners (but not overriding royalty owners, working interest owners, or other interest owners),

(ii) The instrument imposes no duty to account to the royalty owners of one such specifically identified portion for the production and sale of crude oil from another such specifically identified portion,

(iii) The holders of the right to produce crude oil have, since the inception of price controls on crude oil (or, if later, when production first began in commercial quantities from one such portion), consistently and historically accounted for such portions separately, and

(iv) The holders of the right to produce crude oil have, since the inception of price controls on crude oil (or, if later, when production first began in commercial quantities from one such portion), consistently and historically treated each such portion as a separate property.

If the requirements of this subparagraph are met, each such specifically identified portion of the right to produce shall be treated as a separate property. The principles of paragraph (c) of this section relating to whether the holders of the rights transferred by an instrument are considered to have consistently and historically accounted separately for specifically identified portions and treated each such portion as a separate right to produce crude oil shall apply for purposes of paragraph (d)(3) (iii) and (iv) of this section. For purposes of this subparagraph, a division order is not an instrument which specifically requires production to be measured and accounted for separately for purposes of accounting to royalty owners.

(4) *Severance tax accountability.* A right to produce crude oil that would be treated as a single property under the rules of paragraph (a) of this section shall be treated as more than one property if—

(i) The instrument transferring the right to produce crude oil identifies portions of the acreage covered by the right to produce crude oil the production from which must be measured and accounted for separately for purposes of determining severance tax liability,

(ii) The severance tax liability as a result of the separate accounting is different from that which would have resulted had there not been such separate accounting,

(iii) The holders of the right to produce crude oil have, since the inception of price controls on crude oil (or, if later, when production first began in commercial quantities from one such portion), consistently and historically accounted for such portions separately, and

(iv) The holders of the right to produce crude oil have, since the inception of price controls (or, if later, when production first began in commercial quantities from one such portion), consistently and historically treated each such portion as a separate property.

If the requirements of this subparagraph are met, each such specifically identified portion of the right to produce crude oil shall be treated as a separate property. Thus, for example, separate accounting for severance tax purposes may be necessary in situations in which the rate of severance tax varies according to the value of the crude oil produced and sold

from the right to produce which would be treated as a single property under the rules of paragraph (a) of this section. In such a situation, if the imposition of a severance tax has required the holders of the right to produce separately to account for production from specifically identified portions subject to the same right to produce, and if the holders of the right to produce have consistently and historically treated such specifically identified portions as separate properties, such specifically identified portions shall be treated as separate properties. However, if a severance tax is determined merely by applying a fixed rate to total production volume, separate property treatment is not allowed unless different rates of tax were applied to specifically identified portions. An *ad valorem* tax which is based on the value of crude oil remaining in reservoirs on the property is not a tax the rate of which varies according to the value of crude oil produced and sold from the property, and, accordingly, is not in the nature of a severance tax the separate accounting of which would result in the treatment of specifically identified portions as separate properties. The principles of paragraph (c) of this section relating to whether the holders of the rights transferred by an instrument are considered to have consistently and historically accounted separated for specifically identified portions and treated each such portion as a separate right to produce shall apply for purposes of paragraph (d)(4) (iii) and (iv) of this section.

(5) *Very large tracts*—(i) *In general.* Separate geological structures subject to the same right to produce crude oil that would be treated as a single property under the rules of paragraph (a) of this section shall be treated as separate properties if the holders of the right to produce crude oil have, since the inception of price controls on crude oil (or, if later, when production first began from more than one such structure), consistently and historically accounted for separately and treated as separate properties each separate geological structure. The principles of paragraph (c) of this section relating to whether the holders of the rights transferred by an instrument are considered to have consistently and historically accounted separately for specifically identified portions and treated each such portion as a separate right to produce shall apply for purposes of determining whether the holders of the right to produce have consistently and historically accounted for separately and treated as separate properties each separate geological structure.

(ii) *Separate geological structures.* For purposes of this subparagraph, the term "geological structure" means layers of sedimentary rock which have been displaced from the horizontal by various forces of nature. Five general categories are recognized: (A) Faults, (B) anticlines, (C) monoclines, (D) synclines, and (E) domes.

(6) *Election to treat separate reservoirs as separate properties*—(i) *Effect of election*—(A) *In general.* The operator of a single right to produce crude oil (including a separate right to produce after the application of paragraph (C) of this section) that is treated as a single property under the rules of paragraph (a) of this section may elect to treat as separate properties each separate and distinct producing reservoir subject to the same right to produce crude oil that is not in communication with any other producing reservoir subject to the same right to produce crude oil. If an election is made, each such reservoir shall be treated as a separate property. Once made, an election is irrevocable, applies to all producers who currently hold an interest in the property and all producers who acquire an interest in the property, and applies to each separate and distinct newly-discovered producing reservoir that is not in communication with any other producing reservoir subject to the same right to produce.

(B) *Commingled production.* For purposes of this subparagraph, reservoirs subject to the same right to produce crude oil are in communication if the production is commingled in a well bore located within the geographical boundaries of such right to produce crude oil, and all such reservoirs whose production is commingled with one another shall be treated as a single reservoir for so long as commingling continues. If production from two or more separate and distinct producing reservoirs is commingled after the effective date of an election to treat such reservoirs as separate properties, such reserviors shall be treated as a single property as of the beginning of the month during which commingled production is begun. Production through a well bore from two or more reservoirs shall not be considered commingled if the well meets the following requirements:

(*1*) The well consists of two (or more) separate tubing strings run inside the casing (or one or more such strings and the annulus between such string or strings and the casing), each of which carries crude oil from a separate and distinct producing reservoir.

(*2*) The production from each reservoir can be separately measured at the wellhead, and

(*3*) The production capabilities of each reservoir are unaffected by any change in the production level of any other reservoir producing through the same well.

Production from two or more otherwise separate and distinct reservoirs shall not be considered commingled if the reservoirs are produced through different wells by such production is commingled in a single tank battery, provided that production is separately measured at the wellhead or that production volumes are allocated back to each well based on regular well tests.

(ii) *Method of making election.* An election pursuant to this subparagraph may be made by the operator at any time after crude oil is first produced in commercial quantities from more than one separate and distinct producing reservoir subject to the same right to produce crude oil. An election shall be effective as of the first day of the calendar month in which the election is made. However, if the election is made by the date that is 60 days after the date of publication of this subparagraph in the **Federal Register** in a Treasury decision, the election may be made effective as of an earlier date selected by the operator provided the operator has consistently and historically separately accounted for and treated as separate properties each separate and distinct producing reservoir subject to the same right to produce since such earlier date selected by the operator. Separate and distinct reservoirs shall not be treated as separate properties in the absence of an election pursuant to this subparagraph, notwithstanding the operator's consistent and historic treatment of such reservoirs as separate properties for price control purposes and the acceptance of such treatement by the Department of Energy (or any of its predecessor agencies), unless the operator establishes that the failure to make such election was due to reasonable cause. The principles of paragraph (c) of this section relating to whether the holders of the rights transferred by an instrument are considered to have consistently and historically accounted separately for specifically identified portions and treated each such portion as a separate right to produce shall apply for purposes of determining whether an operator has consistently and historically accounted for and treated as separate properties each separate and distinct producing

reservoir. The operator shall make the election under this subparagraph by submitting a certification, signed under penalties of perjury by a petroleum engineer (who has been duly registered or certified in accordance with applicable state law, if any) to the Internal Revenue Service Center, Austin, Texas. The certification shall contain the following:

(A) A statement clearly indicating that an election is being made to treat as separate properties each separate and distinct producing reservoir subject to the same right to produce crude oil,

(B) The operator's name, address, and identifying number (employer identifying number, or, if none, social security number),

(C) A description of the property subject to the election including the location, identifying number (if any), and the names and identifying numbers or, if none, other sufficient identification of the leases or subleases composing the property,

(D) A statement that each reservoir is a producing reservoir that is separate and distinct from, and not in communication with, any other producing reservoir, and

(E) If the election is made before the date that is 60 days after the date of publication of this paragraph in the **Federal Register** in a Treasury decision, the date on which the election is effective.

(e) *Aggregation of rights to produce*—(1) *Aggregations other than unitizations*—(i) *In general.* An aggregation of rights to produce described in paragraph (e)(1) (ii), (iii), or (iv) of this section shall be treated as a single property provided the producers can demonstrate a bona fide reason for the aggregation.

(ii) *Undivided interests.* In certain situations, various persons may hold partial undivided interests in the right to produce crude oil from a particular area. It is not uncommon in these situations to aggregate the separate rights to produce before production begins from the area. These aggregations may occur voluntarily through a joint operating agreement or other type of agreement, or pursuant to compulsory state regulations. An aggregation in these situations in order to perfect the right to produce is considered an aggregation of separate rights to produce for purposes of this section.

(iii) *State required aggregations.* In certain situations, premises subject to separate rights to produce crude oil are required to be combined by a state regulatory agency as a condition to the operator of production activities. For example, a state regulatory agency may compel a "unit" to be formed by the owners of the tracts with respect to the surface area which overlies the portion of a reservoir that may be efficiently drained by a single well, provided the owners of at least a certain percent of the surface area agree to the formation of the unit. Such a combination of rights to produce is considered an aggregation of separate rights to produce for purposes of this section.

(iv) *Spacing requirements.* In states that maintain spacing requirements for crude oil wells, individual rights to produce crude oil may need to be combined, whether voluntarily or involuntarily, before a single well may be drilled and the right to produce made effective. Such a combination of rights to produce (sometimes known as a "drilling unit") is considered an aggregation of separate rights to produce for purposes of this section.

(2) *Unitizations*—(i) *In general.* A unitization (within the meaning of paragraph (e)(2)(ii) of this section) shall be treated as a single property (the "unitized property") except as otherwise provided in section 4988(b) and § 51.4988–2 (relating to the net income limitation on windfall profit).

(ii) *Unitization defined.* The term "unitization" refers to the right to produce crude oil that arises from an agreement under which the persons holding the rights to produce crude oil with respect to different geographical areas agree to have the rights to produce operated on a unified basis and further agree to share in production on a stipulated percentage or fractional basis regardless of the geographical boundaries of the right to produce from which the crude oil is produced. A unitization occurs when a bona fide unitization agreement (within the meaning of paragraph (e)(2)(iii) of this section) is approved by the applicable governmental regulatory authority or by the Energy Regulatory Administration, or, if later, the effective date specifically set forth in the unitization agreement. However, notwithstanding the occurrence of the unitization, the unitization shall not be treated as having occurred for any month beginning before the unitized property sustained a significant alteration in producing patterns provided the operator of the unitized property certified (pursuant to the provisions of 10 CFR Part 205, Subpart G) to the Energy Regulatory Administration its intention to determine volumes (for price control purposes) or lower tier, upper tier, newly discovered, and stripper well property crude oil separately for all properties that constitute the unitized property. For purposes of the preceding sentence, a "significant alteration in producing patterns" means the occurrence of either (A) the application of extraneous energy sources by the injection of liquids or gases into the reservoir, or (B) the increase in production allowables for any property that constitutes the unitized property.

(iii) *Bona fide unitization agreement.* A unitization agreement is bona fide if the unitization is necessary, in accordance with sound engineering practice, to maximize production from the reservoir affected by the unitization, and if the agreement manifests an intent by the majority of the holders of royalty interests and working interests to some change in the underlying property and contractual rights of the various interest holders, particularly through their agreement to a participation formula. An agreement merely among the holders of the working interests to operate several separate rights to produce crude oil as a single property does not constitute a bona fide unitization agreement because the holders of the royalty interests are not parties to the agreement.

(3) *Special rules for unitizations or other aggregations.* If a unitized property or other aggregation treated as a single property under this paragraph encompasses less than the geographical boundaries of a right to produce crude oil as such right exists before the unitization or other aggregation, the portion of the geographical boundaries of such right to produce that is not encompassed by the unitized property or other aggregation shall be treated as a right to produce separate from the unitization or other aggregation. For purposes of section 4996(e) and § 51.4996–3, crude oil produced from the portion of the right to produce crude oil that is not unitized or otherwise aggregated shall be treated as crude oil produced from a property transferred as of the date of the unitization or other aggregation. However, the rule in the preceding sentence shall only apply to production from those reservoirs underlying such right to produce crude oil (as such right existed before the unitization or other aggregation) from which crude oil was produced in commercial quantities before the unitization or other aggregation through a well located within the geographical boundaries of such right to produce crude oil (as such right existed before the unitization or other aggregation).

(f) *Examples.* The provisions of this section may be illustrated by the following examples (references in the examples to production of crude oil

mean production in commercial quantities):

Example (1). A purchased land in 1960 (receiving a standard special warranty deed) and use the land exclusively for farming until 1969 when he drilled a well in the southwest portion of the land. The well began producing crude oil in 1970 and is still in production. In 1973 A executed four oil and gas leases for portions of the land none of which included any area that ever had a producing well and each of which began producing crude oil in 1980. The boundaries of the "property" are determined by reference to the geographical boundaries of the fee interest held by A on January 1, 1972, because A's right to produce crude oil on January 1, 1972, was in producion on that date.

Example (2). B purchased land in 1960 (receiving a standard special warranty deed and used the land exclusively for farming. In 1973 B sold the west half of the land. In 1974 B drilled a well in the northeast portion of his land. The well began producing crude oil on February 1, 1974. "Property" is determined by reference to the geograhical boundaries of B's fee interest on February 1, 1974, because those are the geographical boundries of the right to produce crude oil when crude oil was first produced. Any "property" with respect to the land sold by B in 1973 will be determined by reference to the geographical boundaries of the right or rights pursuant to which crude oil is ultimately produced thereon.

Example (3). C purchased land in 1960 (receiving a standard special warranty deed) and used the land exclusively for farming. In 1970 C granted an oil and gas lease to D on the entire fee interest. In 1973 D drilled a well in the south half of the land. The well began producing crude oil in 1973. In 1974 D granted an oil and gas sublease to E on the north half of his lease. "Property" is determined by the geographical boundaries of D's lease because those are the geographical boundries of the right to produce crude oil when crude oil was first produced. "Property" is not determined by reference to the geographical boundaries of E's sublease because of the crude oil production from D's lease prior to execution of the sublease.

Example (4). On December 31, 1971, F granted an oil and gas lease to G on the north half of his fee interest and an oil and gas lease to H on the south half of his fee interest. Each lease provided that drilling was to commence within 5 years or the lease would expire. On January 1, 1973, G began drilling a well in the land subject to his lease. The well began producing crude oil on March 15, 1973. As of December 31, 1976, no well had been drilled on the land subject to H's lease and H's leased expired. G's lease was a right to produce crude oil pursuant to which the first production of crude oil after January 1, 1972, occurred. Thus, the boundaries of G's lease in 1973 constitute the "property" for purposes of the windfall profit tax. "Property" is not determined by reference to the geographical boundaries of H's lease because no crude oil was produced pursuant to that right to produce crude oil. Also "property" is not determined by reference to the geographical boundaries of that portion of H's fee interest not subject to G's lease (upon expiration of H's lease) because no crude oil has been produced pursuant to that right to produce crude oil.

Example (5). Assume the same facts as in example (4) except that on December 31, 1973, H granted an oil and gas sublease to I on the west half of his lease and an oil and gas sublease to J on the east half of his lease. Under each oil and gas sublease drilling was to commence on the land subject to the sublease within 3 years or the sublease would expire. J drilled a well druing February of 1974 which began producing crude oil that month. No production occurred on I's sublease by December 31, 1976, and, at that time, I's sublease expired. Because H's lease did not produce crude oil before H granted oil and gas subleases to I and J, "property" is determined by reference to the geographical boundaries of J's sublease. J's sublease was a right to produce crude oil pursuant to which crude oil was actually produced. "Property" is not determined by reference to the geographical boundaries of I's sublease because the sublease expired before crude oil was produced pursuant to that right to produce. "Property" is not determined by reference to the geographical boundaries of that portion of H's lease that was not subject to J's sublease (land formerly subject to I's sublease) because crude oil was not produced pursuant to H's right to produce crude oil therefrom after the expiration of I's sublease. As in example (4) another "property" is determined by reference to the geographical boundaries of G's lease.

Example (6). Assume the same facts as in example (5) except that on January 1, 1977, H granted an oil and gas sublease to K of the portion of this lease that was formerly subject to I's sublease. Under the sublease, K was to commence drilling within 1 year. K drilled a well during May of 1977 which began producing crude oil that month. "Property" is determined by reference to the geographical boundaries of K's sublease because there was no crude oil production pursuant to H's lease before H granted oil and gas subleases to I and J nor was there crude oil production pursuant to I's sublease before it expired.

Example (7). In 1970 L acquired an oil and gas lease for a 1,600 acre tract. The lease assigned to L the right to produce crude oil from any portion of the tract for a primary term of 5 years after which the lease would expire, except as to sufficient acreage around each producing well (as of the expiration of the primary term) to constitute a drilling unit for each well. In 1971 L drilled 10 wells which began producing that year. The drilling unit for each well was 40 acreas. L did not drill any other producing wells. In 1975, when the primary term of the lease expired, L's right to produce expired except for the 400 acres around the 10 producing wells. The boundaries of the "property" are determined by reference to the geographical boundaries of the 1,600 acre tract because those are the geographical boundaries of L's right to produce crude oil on January 1, 1972, which was in production on that date.

Example (8). Assume that the right to produce crude oil for the 1,600 acre tract in example (7) was held by a lessee who entered into a farmout agreement with L in 1971. The agreement provided that L had the right to explore and drill for oil and gas on the tract for a period of 5 years, and that for each producing well drilled by L, the lessee would assign to L the right to produce crude oil as to sufficient acreage around the well to constitute a drilling unit. In 1973 L drilled one well which began producing crude oil that year. The drilling unit for that well was 40 acres. In 1975, when the term of the agreement expired, L's right to produce expired except for the 40 acres around the producing well. The boundaries of the "property" are determined by reference to the geographical boundaries of the farmout agreement when L obtained production from the producing well. At that time the farmout agreement covered the entire 1,600 acre tract. Thus, "property" is determined by reference to the geographical boundaries of the 1,600 acre tract.

Example (9). M acquired on oil and gas lease for a 160 acre tract of land in 1965, and drilled a well in the southwest portion of the land in 1969. The well began producing crude oil in 1970, and is still producing crude oil. In 1973 M entered into a farmout agreement with N. The agreement provided that N had the right to explore and drill for oil and gas on the east half of M's land for a period of 5 years. The agreement provided that if N drilled a well which produced crude oil, M would assign to N the entire working interest (the right to produce crude oil) for the east half of M's land and would retain an overrding royalty interest. The agreement further provided that after recovery by N of all costs of drilling, equipping, and operating the well out of the proceeds from the working interest's share of all crude oil, gas, and other hydrocarbons produced, saved and sold from the east half, M will have the right to convert the overriding royalty interest to an undivided one-half of the working interest in the east half. In 1975 N drilled a well in the southwest quarter of the east half which began producing crude oil that year, and M assigned to N the entire working interest in the east half of M's land. The boundaries of the "property" are determined by reference to the geographical boundaries of the lease held by M on January 1, 1972, because M's right to produce crude oil on January 1, 1972, was in production on that date and the farmout agreement was entered into after M's right to produce crude oil produced crude oil.

Example (10). Assume the same facts as in example (9) except that M did not drill the producing well in the southwest portion of this land until 1974, after M and N had entered into the farmout agreement. For purposes of determing property, the geographical boundaries of M's right to produce crude oil do not include the geographical boundaries of the farmout agreement because the agreement was entered into before M's right to produce crude oil produced crude oil. Thus, "property" is determined by reference to the geographical boundaries of the west half of M's land because those are the geographical boundaries of M's right to produce for property purposes when crude oil was first produced. "Property" is determined by reference to the geographical boundaries of

the farmout agreement when N drilled a producing well on the east half of M's land. The fact that one-half of the working interest may revert to M after production has occurred does not affect property determinations.

Example (11). Assume the same facts as in example (10) except that the farmout agreement contains an express provision dividing the east half of M's land into quarters and requiring the quarters to be developed in a specific order, and provides that the right to produce crude oil will be transferred for a quarter when a producing well is drilled in that quarter. Also assume that N drilled a producing well in each quarter, N Historically and consistently accounted for the production from each quarter separately and treated each quarter as a separate property, and that M assigned the right to produce crude oil for each quarter to N. The farmout agreement is treated as having created a separate right to produce for each quarter. "Property" is determined by reference to the geographical boundaries of each quarter of the east half of M's land at the time production first occurs from each quarter. Accordingly, each quarter is treated as a separate property. As in example (10), "property" is also determined by reference to the geographical boundaries of the west half of M's land.

Example (12). O purchased land in 1960 (receiving a standard special warranty deed), and used the land exclusively for farming until 1970 when O leased the land to P. The lease, which transferred to P the right to produce crude oil for the land, contains a provision that specifically identifies four separate tracts of the land. The lease also provides that each tract is to be developed in a specific order, and that at the end of 5 years the lease will expire except for those tracts which have a producing well. Pursuant to the terms of the lease, P drilled a well in the first tract which began producing crude oil in 1971. P developed the remaining three tracts in accordance with the terms of the lease. The last tract developed did not begin producing crude oil until 1973. From the time crude oil production began in 1971, P accounted for the production from each tract separately, and treated each tract as a separate property. Although P's lease transferred the right to produce crude oil from acreage which produced crude oil on January 1, 1972, "property" is not determined by reference to the geographical boundaries of P's lease. Rather, P's lease is treated as having transferred a separate right to produce for each tract. Thus, the geographical boundaries of each separate tract constitute a "property" for purposes of the windfall profit tax at the time production first occurs from the tract.

Example (13). Assume the same facts as in example (12) except that P, from 1971 until 1974, accounted for the production from each tract separately, and treated each tract as a separate property, but departed from that treatment in 1975, and began treating the four tracts on property because he thought this treatment to more closely comport with the definition of "property" as explained in FEA Ruling 1975-15. Also assume that P readopted his initial treatment of the four tracts as separate properties in 1977 after the issuance of FEA Ruling 1977-1, and that P has consistently and historically continued such treatment since 1977. Although P has not actually met the requirements of paragraph (c) (4) and (5) of this section, he is treated as having met those requirements. Accordingly, the geographical boundaries of each tract constitute the "property" for purposes of the windfall profit tax.

Example (14). Q purchased land in 1960 (receiving a standard special warranty deed), and used the land exclusively for farming until 1970 when Q leased the land to R. The lease, which transferred to R the right to produce crude oil for the land, contains a provision that specifically identifies two separate tracts of the land, and requires production from each tract to be measured and accounted for separately. The lease also provides that (1) Q's son will receive from R a ⅓ royalty for one of the tracts and that Q's daughter will receive a ⅙ royalty for the other tract, (2) the lease will expire at the end of 5 years except for the tracts which have a producing well, and (3) R has no duty to account to the daughter for production from the son's tract or to the son for production from the daughter's tract. In 1971 R drilled a well in the son's tract which began producing crude oil that year. In 1973 R drilled a well in the north half of the daughter's tract. From the time crude oil production began in 1971, R accounted for the production from each tract separately, and treated each tract as a separate property. Although R had a single right to produce crude oil which produced crude oil on Janaury 1, 1972, "property" is not determined by reference to the geographical boundaries of R's single right to produce (*i.e.*, R's lease). Rather, the geographical boundaries of each separate tract (*i.e.*, the son's tract and the daughter's tract) constitute a "property" for purposes of the windfall profit tax.

Example (15). (i) Assume the same facts as in example (14) except that in 1973 R assigned the right to produce crude oil for the south half of the daughter's tract before R drilled the well in the daughter's north half. Although R had assigned the right to produce for the south half of the daughter's tract before that tract produced crude oil, the geographical boundaries of the daughter's tract (*i.e.*, the north and south halves together) constitute a "property" for purposes of the windfall profit tax (except as otherwise provided in paragraph (d) of this section), because without the royalty owners accountability exception, which treats R's lease as two properties, R's lease would create a single property.

(ii) Assume further that two separate and distinct producing reservoirs that are not in communication with one another each underlie both the son's and daughter's tract. If R elects to treat the two reservoirs as separate properties, the son's tract will be treated as two properties and the daughter's tract will be treated as two properties. Thus, because of the combination of the royalty owner accountability exception (§ 51.4996-4(d)(3)) and the election to treat separate reservoirs as separate properties (§ 51.4996-4(d)(6)), the land covered by R's lease is treated as four separate properties.

Example (16). In 1965, five separate fee interest owners of five separate, contiguous tracts executed a single oil and gas lease which assigned their separate rights to produce gas and crude oil to S and retained a royalty interest. Under the terms of the lease the fee interest owners are to receive an amount equal to ⅛ of the production. In 1970 S assigned its right to produce to T before there was any production. The instrument assigning the right to produce specifically identified the five separate, contiguous tracts. In 1971 T drilled a well in one of the tracts which began producing crude oil that year. By 1975 T had fully developed the five tracts. Under the state law, T is required to separately account for the royalties for each of the five tracts covered by the lease because the lease does not state that the royalties must be apportioned. From the time crude oil production began in 1971, T accounted for the production from each tract separately, and treated each tract as a separate property. Although the instrument transferring the right to produce does not contain a provision specifically requiring production from specifically identified portions to be measured and accounted for separately, "property" is determined by reference to the geographical boundaries of each tract because T is required by State law to separately account for the royalties for each of the five tracts and T historically and consistently accounted for each tract separately and treated each tract as a separate property.

Example (17). U purchased land in 1960 (receiving a standard special warranty deed), and used the land exclusively for farming until 1971 when he granted an oil and gas lease on the north half of this land to V and an oil and gas lease on the south half to W. In 1975 V and W executed a single instrument by which they assigned their separate rights to produce to X. V and W each retained an overriding royalty interest. The instrument contains a provision that specifically identifies the two separate tracts, and requires production from each tract to be measured and accounted for separately for purposes of accounting for the overriding royalties. In 1975 X drilled a well in each tract, and each well began producing crude oil that year. From the time crude oil production first began in 1975, X accounted for the production from each tract separately, and treated each tract as a separate property. "Property" is determined by reference to the geographical boundaries of X's right to produce crude oil (both the north and south halves) because those are the geographical boundaries of the right to produce at the time of first production. "Property" is not determined by reference to the geographical boundaries of each tract because separate accounting for overriding royalties does not create separate properties from a single right to produce.

Example (18). Y purchased land in 1960 (receiving a standard special warranty deed), and used the land exclusively for farming

until 1971 when he granted an oil and gas lease to Z on the entire fee interest. In 1973 Z, an integrated oil company, drilled a well in the southwest portion of the land which began producing crude oil that year. In 1974 Z drilled two more wells in the southwest portion of the land each of which began producing crude oil that year. The three wells are producing from the same geological structure, but no two wells are producing from the same reservoir. Z measures production from each well separately. For a 12-month period the average daily production from the three wells does not exceed 10 barrels per well. However, production from one well exceeded 10 barrels per day during that period and at all other times. In 1979 Z drilled a well in the northeast portion of the land. This well produces from a different geological structure than the other three wells. Z has historically and consistently accounted for the production from this well separately from the other three wells and has treated this well as a separate property. Z has two properties for windfall profit tax purposes. The geological structure containing the three wells is treated as one property and the geological structure containing the 1979 well is treated as another property. Production from the geological structure containing the three wells qualifies as tier 2 oil because that geological structure is treated as a stripper well property. Production from the geological structure containing the 1979 well is newly discovered oil because that property did not produce crude oil during 1978.

Example (19). Assume the same facts as in example (18) except that Z elects to treat each reservoir as a separate property. Because Z has four separate and distinct producing reservoirs each of which is not in communication with any other reservoir, Z has four properties for windfall profit tax purposes. The reservoir which began production in 1979 is treated as a newly discovered crude oil property. The two reservoirs which each did not exceeded 10 barrels per well per day for a 12-month period qualify as stripper well properties. However, production from the reservoir that has always exceeded 10 barrels per well per day is treated as tier 1 oil as of the effective date of the election.

Example (20). A purchased land in 1960 (receiving a standard special warranty deed), and used the land for farming until 1971 when he granted an oil and gas lease to B on the west half of the land and an oil and gas lease to C on the east half. X and Y are separate and distinct reservoirs which each underlie both the west and east halves of A's land. In 1972 B drills a well in the west half which begins producing crude oil from reservoir X that year. In 1973 B reworks the 1972 well and begins producing crude oil from reservoir X as well as reservoir Y. After B reworks the well, the well meets the requirements of paragraph (d)(6)(i)(B) of this section. The production from reservoir X is not commingled in the well bore with the production from reservoir Y. In 1974 C drills a well in the east half which begins producing crude oil from reservoirs X and Y that year. The production from reservoir X is commingled in the well bore with the production from reservoir Y. C may not elect to treat reservoirs X and Y as separate properties because their production is commingled. However, the fact that the production from X and Y is commingled in the well bore located on C's property does not affect B's right to elect to treat reservoirs X and Y as separate properties. The production from reservoir X is not commingled with the production from reservoir Y in the well bore located on B's property. Thus, B may elect to treat reservoirs X and Y as separate properties.

Example (21). On January 1, 1983, a bona fide unitization agreement is approved by the state regulatory agency pursuant to which properties D, E, F, and the west half of G are unitized. The west half of G had production during 1978, but the east half had no producing wells located on it during 1978. On July 1, 1983, a well is drilled on the east half of G, and begins producing crude oil that month from the same reservoir from which G had previously produced crude oil. D, E, F, and the west half of G are a unitized property which is treated as a single property. The east half of G is treated as a separate right to produce after the unitization and creates a property at the time crude oil is produced from the well drilled on July 1, 1983. Production from the east half of property G is not newly discovered crude oil because production from that reservoir underlying that half is treated as production from a transferred property as of the date of the unitization for purposes of section 4996(e) and § 51.4996–3 and production from G did not qualify as newly discovered crude oil before the unitization.

Example (22). Assume the same facts as in example (21) except that on July 1, 1983, a well is drilled on the east half of G, and begins producing crude oil that month from a different reservoir than that from which G has previously produced crude oil. Production from the well drilled on July 1, 1983, is not treated as production from a transferred property for section 4996(e) and § 51.4996–3 purposes because no crude oil was produced from that reservoir through a well located on G before the unitization.

These proposed amendments are to be issued under the authority of Code section 4997(b) (94 Stat. 250, 26 U.S.C. 4997(b)), which grants the Secretary of the Treasury or his delegate authority to prescribe regulations necessary or appropriate to carry out the purpose of the windfall profit tax (including changes in the application of the energy regulations), and the more general regulatory authority contained in the Code section 7805 (68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 86–21440 Filed 9–24–86; 8:45 am]

BILLING CODE 4930-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-360, RM-5313]

Radio Broadcasting Services; Hope Mills, NC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Cecil L. Boddie and James Christopher Parham Frank proposing the allocation of FM Channel 278A to Hope Mills, North Carolina, as the community's first FM service. A site restriction of 3.8 kilometers (2.4 miles) east is required to avoid a short-spacing to Station WSOC-FM, Charlotte, North Carolina.

DATES: Comments must be filed on or before November 7, 1986, and reply comments on or before November 24, 1986.

ADDRESS: Federal Communications Commission, Washington DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or their counsel or consultant, as follows: Mr. Cecil Boddie, P.O. Box 254, Oak City, North Carolina 27857 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–360, adopted September 3, 1986, and released September 16, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark Lipp

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-21693 Filed 9-24-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-361, RM-5356]

Radio Broadcasting Services; Ralls and Lorenzo, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by KB Radio, proposing the substitution of FM Channel 251C2 for Channel 252A, modification of the license of Station KVOQ-FM, Lorenzo, Texas, to specify operation on the new channel and deletion of Channel 252A from Ralls Texas, to reflect its actual use at Lorenzo, Texas.

DATES: Comments must be filed on or before November 7, 1986, and reply comments on or before November 24, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Lee J. Peltzman, Esquire, Baraff, Koerner, Olender & Hochberg, P.C., 2033 M Street, NW Suite 203, Washington, DC 20036; and Barbara M. Barron, Esquire, 602 Brown Building, 708 Colorado Ave., Austin, Texas 78701.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-361, adopted September 3, 1986, and released September 16, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of ths decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 21694 Filed 9-24-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Cyathea dryopteroides and Ilex cookii

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine two plants, *Cyathea dryopteroides* and *Ilex cookii*, to be endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. Critical habitat is not proposed. These plants are endemic to elfin forests of the Central Cordillera of Puerto Rico at elevations above 1000 meters (3,280 feet). The species are threatened by construction and expansion of communications facilities and other human activities. This proposal, if made final, would implement the Federal protection and recovery provisions afforded by the Act for *Cyathea dryopteroides* and *Ilex cookii*. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by November 24, 1986. Public hearing requests must be received by November 10, 1986.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Bonqueron, Puerto Rico 00622. Comments and material received will be available for public inspection, by appointment, at this office during normal business hours, and at the Service's Regional Office, Suite 1282, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Mr. David Densmore at the Caribbean Field Office address (809/851-7297) or Mr. Richard P. Ingram at the Atlanta Regional Office address (404/331-3583 or FTS 242-3583).

SUPPLEMENTARY INFORMATION:

Background

Cyathea dryopteroides was first collected by N.L. Britton and S. Brown on Monte Cerrote in 1915, by Sargent on Monte Jayuya in 1943, and R.O. Woodbury on Monte Guilarte in the late 1960's (Vivaldi *et al.* 1981a). The species has not been collected at any other sites. The Monte Cerrote population has since been eliminated, and only a small population of approximately 10 plants remains on Monte Guilarte. The largest population, consisting or more than 60 individuals exists on Monte Jayuya.

Cyathea dryopteroides is a small ("dwarf") tree fern reaching 24 inches (60 centimeters) in height, with a trunk approximately 1 inch (2-3 centimeters) in diameter, and bipinnate, nearly hairless fronds up to 36 inches (90 centimeters) long and 10 inches (25 centimeters) wide. Although the species has always been considered distinct, it has been alternately placed in the general *Cyathea* and *Alsophila*, depending upon the relative importance placed on various morphologic characters. The designation here as *Cyathea* is based on the most recent classification of the ferns of Puerto Rico (Proctor 1986). The species is endemic to the elfin forests of the Central Cordillera of Puerto Rico and is presently known from populations on two peaks approximately 12 miles (20 kilometers) apart, Monte Guilarte and Monte Jayuya. Both sites are within units of the Commonwealth Forest System (Monte Guilarte and Toro Negro).

Ilex cookii was discovered in 1926 by H.A. Gleason and M.T. Cook during what was probably the first botanical exploration of the highest mountain in Puerto Rico, Cerro de Punta (4402 feet or 1338 meters). Subsequently, the species was found a little more than 1 mile (2 kilometers) to the east on Monte Jayuya (Vivaldi *et al.* 1981b). At present, only a single 15 foot (2.5 meter) tree with 4 small root sprouts is known from Cerro

de Punta, and several (up to 30) sprouts or seedlings less than 24 inches (60 centimeters) tall are known to be scattered along the ridgetops of Monte Jayuya.

Ilex cookii is an evergreen shrub or small tree with light brown bark, hairless green twigs, and alternate elliptic leaves which are leathery, entire, shiny dark green on the upper surface, and pointed at the apex. The female flowers are small and white, and the fruits are drupes. Like *Cyathea dryoperoides*, *Ilex cookii* is endemic to the elfin forests of the Central Cordillera, but the species has only been found near the summits of Cerro de Punta and Monte Jayuya, both of which are within the Toro Negro Commonwealth Forest.

Both *Cyathea dryopteroides* and *Ilex cookii* occur at the highest elevations in Puerto Rico, where temperatures as low as 4 degrees centigrade have been recorded, and rainfall exceeds evapotranspiration throughout the year. The vegetation of these area is variously termed elfin, dwarf, or cloud forest (Howard 1968, Ewel and Whitmore 1973), and is physiognomically analogous to similarly named forests of the montane tropics. Within this vegetation type, *Ilex cookii* occurs on more exposed ridges at or below canopy height, while *Cyathea dryopteroides* is generally a component of the ground cover within nearly monotypic stands of sierra palm (*Prestoea montana*).

The montane forests of central Puerto Rico have been subjected to increased human disturbance in recent years with the construction of roads and installation of communications facilities on the highest peaks. Although the sites of concern are on lands owned by the Commonwealth of Puerto Rico and managed as part of the Commonwealth Forest System, the summits of Monte Guilarte, Cerro de Punta, and Monte Jayuya, in addition to some adjacent peaks and ridges, have been cleared for construction after being leased to communications companies. At one site (Monte Jayuya), clearing of the summit destroyed what was once thought to be the only population of *Cyathea dryopteroides*, which consisted of more than 100 plants (Vivaldi *et al.* 1981a). More recently, these forest have been used as military training areas, resulting in additional disturbance to the relatively fragile vegetation.

Cyathea dryopteroides and *Ilex cookii* were recommended for Federal listing by the Smithsonian Institution (Ayensu and DeFilipps 1978). Both species were included among the plants being considered as endangered or threatened species by the Fish and Wildlife Service, as published in the **Federal Register** (45 FR 82480) dated December 15, 1980. Both species were designated category 1 (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened), and both were retained in category 1 in the November 28, 1983, update (48 FR 53640) of the 1980 notice, and the September 27, 1985, revised notice (50 FR 39526).

In a notice published in the **Federal Register** on February 15, 1983 (48 FR 6752), the Service reported the earlier acceptance of the new taxa in the Smithsonian's 1978 book as under petition within the context of section 4(b)(3)(A) of the Act, as amended in 1982. The Service subsequently found on October 13, 1983, October 12, 1984, and October 11, 1985, that listing *Cyathea dryopteroides* and *Ilex cookii* was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act. This proposed rule indicates that the petition action is warranted, and constitutes the next required finding in accordance with section 4(b)(3)(B)(ii) of the Act.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Cyathea dryopteroides* Maxon (elfin tree fern) and *Ilex cookii* Britton & Wilson (Cook's holly) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Modification of habitat or direct destruction of plants through deforestation, selective cutting, or trampling appear to be the most serious threats to both *Cyathea dryopteroides* and *Ilex cookii*. A significant proportion of the total number of know plants of *Cyathea dryopteroides* was destroyed by contruction of a single communications installation on Monte Jayuya. It is likely that individuals of *Ilex cookii* were lost when a similar facility was constructed on Cerro de Punta. Construction of new facilities or expansion of existing ones would affect surviving populations of *Cyathea dryopteroides*, and could lead to the extinction of *Ilex cookii*. In addition, the original construction of Road 143 through the Toro Negro forest undoubtedly affected populations of both species, and the remaining plants in this area are close enough to the road that significant roadwork or the indirect effects of such work (i.e., slope instability) could further reduce their numbers. Finally, repeated trampling or clearing of ground cover during military operations would adversely modify habitat and could cause the direct loss of some plants.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Taking for commercial or recreational purposes could become a threat to these two plants, particularly *Cyathea dryopteroides*. Both species are attractive and can be perceived as having ornamental value, and considerable commercial trade in fern species exists. All species of the family Cyatheasceae are listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

C. *Disease or predation.* Disease and predation have not been documented as factors in the deline of these species.

D. *The inadequacy of existing regulatory mechanisms.* The Commonwealth of Puerto Rico has recently adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Cyathea dryopteroides* and *Ilex cookii* are not yet on the Commonwealth list. Federal listing would provide interim protection and enhance their protection and possibilities for recovery. The listing of *Cyathea dryopteroides* in Appendix II of CITES provides little protection beyond some regulation of international trade.

E. *Other natural or manmade factors affecting its continued existence.* The known populations of *Cyathea dryopteroides* and *Ilex cookii* are confined to geographically small areas and specialized habitats; thus they are more susceptible to natural disturbances, such as hurricanes or landslides. *Ilex cookii* is believed to be dioecious (male and female flowers occur on separate plants), and therefore dependent upon the existence of both male and female plants in close proximity to each other. The fact that male flowers and ripe fruit have never been observed suggest that production of viable seed rarely occurs.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Cyathea*

dryopteroides and *Ilex cookii* as endangered. Since there are few individuals remaining and a continuing risk of damage to the plants and/or their habitat, endangered status seems an accurate assessment of the species' condition. The reasons for not proposing critical habitat for these species are discussed below in the "Critical Habitat" section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for these species at this time. As discussed under threat factor "B" above, *Cyathea dryopteroides* and *Ilex cookii* may be threatened by collecting (other species of *Cyathea* are endangered for this reason), an activity regulated by the Endangered Species Act with respect to plants only on lands under Federal jurisdiction. Publication of a critical habitat location would increase the risk of taking or vandalism. The small size of the populations and their close proximity to principal roads and human habitations exacerbate this risk. All involved parties and landowners will be notified of the location and importance of protecting these species' habitat. Protection of these species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard. Thus, determination of critical habitat for *Cyathea dryopteroides* and *Ilex cookii* would not be prudent at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against collecting are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 [see revised regulations at 51 FR 19926 (June 3, 1986.]. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No critical habitat is being proposed for either *Cyanthea dryopteroides* or *Ilex cookii*, as discussed above. Federal involvement exists with regard to the before mentioned road construction (Federal Highway Administration) and military activity (U.S. Army). Through careful planning, adverse impacts to these two species should be minimal.

The Act and its implementing regulations found at 50 CFR 17.61 and 17.62 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. With respect to *Cyathea dryopteroides* and *Ilex cookii*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course of a commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies. The Act and 50 CFR 17.62, also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered plant species under certain circumstances. Although ther may be some horticultural interest in *Cyathea dryopteroides*, it is anticipated that few trade permits would ever be sought or issued since neither species is known to be in cultivation and both are uncommon in the wild. Request for copies of the regulations on plants and inquiries regarding them be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1903).

Public Comments Solicited

The Service intends that any final rule adopted will be as accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Cyathea dryopteroides* and *Ilex cookii*;

(2) The location of any additional populations of *Cyathea dryopteroides* and *Ilex cookii*, and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of these species; and

(4) Current or planned activities in the range of these species and their possible impact on *Cyathea dryopteroides* and *Ilex cookii*.

The final decision on the proposal to list *Cyathea dryopteroides* and *Ilex cookii* will take into consideration the comments and any additional information received by the Services, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622.

National Environmental Policy Act

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

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Author

The primary author of this proposed rule is Mr. David Densmore, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622 (809/851–7297).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

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

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

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the families indicated, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species						
Scientific name	Common name	Historic range	Status	When listed	Critical habitat	Special rules
*	*	*	*	*	*	*
Aquifoliaceae—Holly family:						
Ilex cookii	Cook's holly	U.S.A. (PR)	E		NA	NA
*	*	*	*	*	*	*
Cytheaceae—Tree-fern family:						
Cyathea dryopteroides	Elfin tree fern	U.S.A. (PR)	E		NA	NA
*	*	*	*	*	*	*

Dated: September 12, 1986.

Susan Recce,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86–21758 Filed 9–24–86; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Threatened Status for the Pawnee Montane Skippper

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Pawnee montane skipper (*Hesperia leonardus montana*) is proposed for threatened status under the Endangered Species Act of 1973, as amended (Act). Critical habitat is not proposed. This butterfly is restricted to the South Platte River drainage in the Front Range of central Colorado. Its habitat has been impacted by off-road vehicle use. The Two Forks Reservoir Project will eliminate some of this species' habitat and some individuals of the species. If made final, this proposal would implement the protection of the Act for this species. Comments and information regarding this proposed action are requested.

DATES: Comments from all interested parties must be received by November 24, 1986. Public hearing requests must be received by November 10, 1986.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Service's Regional Office at 134 Union Boulevard, fourth floor, Lakewood, Colorado.

FOR FURTHER INFORMATION CONTACT: Dr. James L. Miller, Regional Listing Coordinator, Endangered Species Office, at the above address, (303/236–7398 or FTS 776–7398).

SUPPLEMENTARY INFORMATION:

Background

The Pawnee montane skipper, a member of the Hesperiidae butterfly family, was first described in 1911, as *Pamphila* (*Hesperia*) *pawnee montana* (Skinner 1911). Scott and Stanford (1982) combined two species (*Hesperia pawnee* and *Hesperia leonardus*), retained the specific name *leonardus*, and treated the Pawnee montane skipper as *Hesperia leonardus montana*. This subspecies occurs only on the Pikes Peak granite formation in the South Platte Canyon of Colorado. Locations of the other two subspecies of the group follow: *Hesperia leonardus leonardus* occurs in the eastern U.S. and Canada, and *Hesperia leonardus pawnee* occurs in the Northern Great Plains. This latter subspecies is not known from the Pikes Peak formation and its range does not overlap with *Hesperia leonardus montana*. The presence of ventral hind wing spots and its darker color differentiates *Hesperia leonardus montana* from *Hesperia leonardus pawnee* (Scott and Stanford 1982).

An adult Pawnee montane skipper is a small brownish-yellow butterfly, with a wing span slightly over 1 inch. Small, fulvous (dull brownish-yellow), usually distinct spots occur near the outer margins of the upper surface of the wings, while 1 to 4 distinct brownish to off-white spots occur on the lower (ventral) surface of the wings. The ventral spots are longer on the hind wing and are generally whiter in the female butterflies.

Pawnee montane skippers emerge as adult butterfies in mid to late August.

Males and females emerge simultaneously. The adults secure nectar from the prairie gayfeather (*Liatris punctate*). The adults spend most of their short existence feeding and mating. Adult females deposit eggs in the vicinity of blue grama grass (*Bouteloua gracilis*), which is the larval food plant (Scoot and Stanford 1982, McGuire 1982). The species overwinters as larvae and little is known of the larval and pupal stages. Pupation is generally short (13–23 days) in most butterfly species. The species completes its life cycle (egg to larva to pupa to adult butterfly to egg) annually (Keenan *et al.* 1986).

The Pawnee montane skipper is known only from the South Platte River drainage system in the Front Range of central Colorado. The species is known from 4 Colorado counties (Teller, Park, Jefferson, and Douglas). The elevational range of the species is 6,000—7,500 feet. It has usually been collected within 1 mile of a stream (Scott 1986). The skippers occur in dry, open, ponderosa pine woodlands on outcrops of Pikes Peak granite. The slopes are moderately steep. The understory is very sparse in the pine woodlands with generally less than 30 percent ground cover (Keenan *et al.* 1986). The grama grass (*Bouteloua gracilis*) and the prairie gayfeather (*Liatris punctata*) are two important components of the ground cover strata.

This species has always been very restricted and rare, occupying an area (though not necessarily all the available habitat within it) roughly 23 miles long and 5 miles wide (Keenan *et al.* 1986). The area occupied by the skipper is owned and/or administered by the U.S. Forest Service (Pike National Forest) and private individuals. Past habitat loss or degradation has probably occurred from off-road vehicle use, and the present range of the species is threatened by reservoir construction and associated construction activities and recreational development.

The Pawnee montane skipper was proposed for Federal listing on July 3, 1978 (43 FR 28939). The Endangered Species Act Amendments of 1978 mandated a 2-year limit on making listing proposals final; proposals already over 2 years old were subject to a 1-year grace period. The Service published a notice on March 6, 1979, announcing that certain proposals, including the Pawnee montane skipper proposal, would either be supplemented with regard to their critical habitats or withdrawn. The proposal expired on July 3, 1980, and was then officially withdrawn on Septemer 2, 1980 (45 FR 58171).

Comments were received during the comment period for the 1978 proposal from the U.S. Forest Service, Bureau of Land Management, Bureau of Reclamation, Denver Water Department, The Nature Conservancy, lepidopterists, and private individuals. The comments ranged from being supportive to being opposed to the listing, while some simply provided clarifying information. The questions raised concerned the butterfly's proper taxonomic treatment and whether it is more widely distributed than commonly believed. Scott's and Stanford's (1982) work has resolved the taxonomic question and further searches funded by the Denver Water Department in 1985 have not extended the range of the skipper from the South Platte River drainage. Another frequent comment against the proposal was the statement that the listing was motivated by political rather than biological factors. Those claiming a political motive believed that certain butterfly collectors wished to prevent the construction of the Two Forks Dam in order to protect a popular collection area. The Service only considers biological information in determining whether a species is endangered or threatened. The Service has examined all available information pertaining to the Pawnee montane skipper and has concluded that reproposal is warranted at this time.

The Service published a review of invertebrate wildlife for listing as endangered or threatened on May 22, 1984 (49 FR 21664), which included the Pawnee montane skipper as a category 1 species. Category 1 is comprised of taxa for which the Service has sufficient biological information to support their being proposed to be listed as endangered or threatened species. The Butterfly Specialist Group of the International Union for Conservation of Nature and Natural Resources, Species Survivial Commission, recommended the Pawnee montane skipper as a high priority for listing in 1985.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et. seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Pawnee montane skipper (*Hesperia leonardus montana*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Pawnee montane skipper is a very rare species that occurs in only one restricted area. Past habitat loss or degradation may have occurred when Cheesman Reservoir was constructed or when the communities within the skipper's range were developed. No early distribution or range information exists to determine if or to what extent this may have occurred. Off-road vehicle use exists within the butterfly's habitat and results in accelerated soil erosion. Destruction of skipper and/or their food plants may result from off-road vehicle use.

Construction of the Two Forks Reservoir will result in the elimination of individual skippers and portions of the species' habitat. Estimates of the amount of habitat to be inundated range from 6 to 50%. Keenan *et al.* (1986) estimate that 6 or 14% of the species' habitat will be lost depending upon whether, respectively, an 0.4 or 1.1 million acre-foot storage design is selected for the Two Forks Reservoir. Scott (1986) estimates that 50% of the skipper's habitat will be inundated by the Two Forks Reservoir. Additional studies are to be carried out during the 1986 flight season (mid-late August) to more precisely determine the expected impact of the reservoir.

Construction activities (roads, access points, maintenance facilities, etc.) and recreational development associated with the Two Forks Reservoir or for other purposes could eliminate or further degrade the habitat of the Pawnee montane skipper. Recreational use of the area would be expected to increase, and increased trampling from foot traffic or off-road vehicles could result in the destruction of skippers or their two host plants at certain stages of their life cycles. Careful project planning could eliminate these threats by locating roads, access points, maintenance facilities and recreational development away from prime skipper habitat.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Collection is not as large a problem for skippers as it is for some butterfly groups. Some collection of this species has occurred, but, to date, it has been primarily for scientific studies. With increased public awareness of its rarity, the Pawnee montane skipper could become more sought after by collectors or be subject to vandalism.

C. *Disease or predation.* Various predators and parasitoids are considered to hold insect populations under "natural control" and several are know to feed on various *Hesperia* butterflies; however, no such agents are believed to pose a serious threat to the

species' populations or continued existence.

D. *The inadequacy of existing regulatory mechanisms.* The Pawnee montane skipper is not presently protected by any State or Federal law. Listing under the Endangered Species Act would provide needed protection through recovery and interagency cooperation provisions.

E. *Other natural or manmade factors affecting its continued existence.* The use of insecticides for mountain pine bark beetle or other pests within the area where the Pawnee montane skipper occurs could result in the loss of skipper individuals or populations. Introduction of exotic vegetation could result in competition with and possible depletion of the food plant populations.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Hesperia leonardus montana* as a threatened species. This species fits the definition of threatened better than endangered since the species does not appear to be in danger of extinction throughout its range at this time. However, the species has a restricted range and portions of its range will be eliminated by the Two Forks Reservoir, thus justifying threatened status. Critical habitat is not being determined for reasons explained in the next section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. Collection and vandalism could become problems for this species through increased publicity if critical habitat maps were published as part of the listing process. All the involved agencies have been informed of the location of the populations of the Pawnee montane skipper. No further notification benefits would accrue from designating critical habitat. Protection of the species' habitat and its proper management will be addressed through the section 7 and recovery processes. Therefore, there would be no net benefit from designating critical habitat, and it would not be prudent to do so at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 (see revision at 51 FR 19926; June 3, 1986). Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

The Pawnee montane skipper occurs on U.S. Forest Service administered lands (Pike National Forest). The U.S. Army Corps of Engineers is the permitting agency for the Two Forks Reservoir. Additional data is currently being gathered to more closely determine the extent of impact to the species from construction of this reservoir. The Service will work with the Forest Service, the Corps, and all other involved parties to achieve protection for the skipper while accommodating projects to the maximum extent possible.

The Act and implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22, 17.23, and 17.32. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. For threatened species, there are also permits for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposal are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject area and their possible impact on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Regional Director of the Service (See **ADDRESSES** section).

National Environmental Policy Act

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

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Skinner, H. 1911. New species or subspecies of North American butterflies. Entomological News 22:412–413.

Author

The primary author of this proposed rule is Dr. Jim Miller of the Service's Denver Regional Office staff (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

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

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

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order under Insects, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
INSECTS							
*	*	*	*	*	*	*	
Butterfly, Pawnee montane skipper	*Hesperia leonardus montana*	U.S.A. (CO)	NA	T		NA	NA
*	*	*	*	*	*	*	

Dated: September 12, 1986.

Susan Recce,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 21759 Filed 9–24–86; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 51, No. 186
Thursday, September 25, 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 DEFENSE

Department of the Army

White Sands Missile Range, NM.; Draft Environmental Impact Statement; Availability

Draft Environmental Impact Statement on the Ground Based Free Electron Technology Integration Experiment, White Sands Missile Range, New Mexico. Contact: Ms. Rebecca Griffith, U.S. Army Corps of Engineers, Fort Worth District, (817) 334–2095.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health.

September 24, 1986.

[FR Doc. 86–21914 Filed 9–24–86; 11:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF AGRICULTURE

Forest Service

Inyo National Forest; Mono Basin National Forest Scenic Area Advisory Board; Meeting

The Mono Basin National Forest Scenic Area Advisory Board will meet at 9:30 a.m. on October 24, 1986, at the Prebyterian Church in Lee Vining, California. The agenda of the meeting will include:

1. Update on Summer Season, etc.
2. Private Land Guidelines.
3. Comprehensive Management Plan.
4. Minor Boundary revisions.

The meeting will be open to the public. Persons who wish to attend and make oral presentation should notify Dennis W. Martin, Forest Supervisor, Inyo National Forest, 873 N. Main Street, Bishop, California, 93514, Telephone: (619) 873–5841. Written statements may be filed with the Committee before or after the meeting.

The Committee has established the following rules for public participation: After the Board has completed discussion of each topic, the public will be allowed time for questions or comment.

Dated: September 18, 1986.

Dennis W. Martin,

Forest Supervisor and Chairman.

[FR Doc. 86–21736 Filed 9–24–86; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-503]

Iron Construction Castings From Canada; Amendment to Final Determination of Sales at Less Than Fair Value and Amendment to Antidumpting Duty Order

AGENCY: International Trade Administration/Import Administration/Commerce.

ACTION: Notice.

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

Manufacturer/producer/exporter	From	To
Mueller Canada Inc.	9.8	9.8
Bibby Ste. Croix Foundries, Inc.	8.6	8.6
LaPerle Foundry, Ltd.	3.9	4.4
All others	7.0	7.5

EFFECTIVE DATE: September 25, 1986.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377–1769.

SUPPLEMENTARY INFORMATION: On January 16, 1986, we published a final determination of sales at less than fair value for Iron Construction Castings from Canada (January 16, 1986, 51 FR 2412). On February 19, 1986, in accordance with section 735(d) of the Act (19 U.S.C. 1673d), the United States International Trade Commission (ITC) notified the Department that imports of this merchandise are materially injuring a United States industry. After being notified of these findings, the Department published an antidumping duty order (March 5, 1986, 51 FR 7600).

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

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

Manufacturer/producer/exporter	Weighted-average margin (percent)
Mueller Canada Inc.	9.8%
Bibby Ste. Croix Foundries, Inc.	8.6%
LaPerle Foundry, Ltd.	4.4%
All others	7.5%

Gibert B. Kaplan,

Deputy Assistant Secretary, for Import Administration.

September 18, 1986.

[FR Doc. 86–21745 Filed 9–24–86; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-605]

Malleable Iron Pipe Fittings From Japan; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether

certain malleable iron pipe fittings from Japan are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are causing material injury, or threaten material injury, to a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before October 14, 1986, and we will make ours on or before February 5, 1987.

EFFECTIVE DATE: September 25, 1986.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-1769.

SUPPLEMENTARY INFORMATION:

The Petition

On August 29, 1986, we received a petition in proper form filed by the Cast Iron Pipe Fittings Committee. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Japan are being, or are likely to be, sold in the United States at least than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are causing material injury, or threaten material injury, to a United States industry.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filled, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and, further, whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on malleable iron pipe fittings from Japan and have found that it meets the requirements of section 732(b) of the Act. Therefore, in accoundance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether malleable iron pipe fittings from Japan are being, or are likely to be, sold in the United States at less than fair value.

Scope of Investigation

The products covered by this investigation are certain malleable cast iron pipe fittings, advanced in condition by operations or processes subsequent to the casting process other than with grooves, or not advanced, of cast iron other than alloy cast iron, as currently provided for in items 610.7000 and 610.7400 of the *Tariff Schedules of the United States Annotated (TSUSA).*

United States Price and Foreign Market Value.

Petitioner based United States price on published list prices in the United States. Petitioner then made deductions from those prices for distributor's discounts, distributor's markup, U.S. inland freight, customs duties, ocean freight and insurance.

Petitioner based foreign market value on a U.S. producer's cost of production with adjustments for cost differences in certain production inputs in Japan. Petitioner added the statutory minimums of ten percent of the production cost for general expenses and eight percent for profit. Packing costs were also added and were based on actual expenses of a U.S. producer.

Based on the comparison of United States price and foreign market value, petitioner alleges average dumping margins ranging from 159.6 to 290.7 percent.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonproprietary information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by October 14, 1986, whether there is a reasonable indication that imports of malleable iron pipe fittings from Japan are causing material injury, or threaten material injury, to a United States industry. If its determination is negative, the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gilbert B. Kaplan,

Deputy Assistant Secretary, for Import Administration.

September 18, 1986.

[FR Doc. 86-21793 Filed 9-24-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-549-601]

Malleable Iron Pipe Fittings From Thailand; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether certain malleable iron pipe fittings from Thailand are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are causing material injury, or threaten material injury, to a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before October 14, 1986, and we will make ours on or before February 5, 1987.

EFFECTIVE DATE: September 25, 1986.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-1769.

SUPPLEMENTARY INFORMATION:

The Petition

On August 29, 1986, we received a petition in proper form filed by the Cast Iron Pipe Fittings Committee. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Thailand are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are causing material injury, or threaten material injury, to a United States industry.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and, further, whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on malleable iron pipe fittings from

Thailand and have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether malleable iron pipe fittings from Thailand are being, or are likely to be, sold in the United States at less than fair value.

Scope of Investigation

The products covered by this investigation are certain malleable cast iron pipe fittings, advanced in condition by operations or processes subsequent to the casting process other than with grooves, or not advanced, of cast iron other than alloy cast iron, as currently provided for in items 610.7000 and 610.7400 of the *Tariff Schedules of the United States Annotated (TSUSA). United States Price and Foreign Market Value.* Petitioner based United States price on published list prices in the United States. Petitioner then made deductions from those prices for discounts, distributor's markup, U.S. inland freight, ocean freight and insurance.

Petitioner based foreign market value on a U.S. producer's cost of producton with adjustments for cost differences in certain production inputs in Thailand. Petitioner added the statutory minimums of ten percent of the production cost for general expenses and eight percent for profit. Packing costs were also added and were based on actual expenses of a U.S. producer.

Based on the comparison of United States price and foreign market value, petitioner alleges average dumping margins ranging from 27.6 to 125.5 percent.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonproprietary information. We will also allow the ITC assess to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will deatermine by October 14, 1986, whether there is a reasonabale indication that imports of malleable iron pipe fittings from Thailand are causing material injury, or threaten material injury, to a United States industry. If its determination is negative, the investiation will terminate; otherwise, it will proceed according to the statutory procedures.

September 18, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-21744 Filed 9-24-86; 8:45 am]

BILLING CODE 3510-DS-M

[C-412-020]

Stainless Steel Plate From the United Kingdom; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on stainless steel plate from the United Kingdom. The review covers the period February 10, 1983 through March 31, 1984 and four programs.

As a result of the review, the Department has preliminarily determined the net subsidy for the period of review to be 30.11 percent *ad valorem.* We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: September 25, 1986.

FOR FURTHER INFORMATION CONTACT: Paul Marselian or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On June 23, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 28690) a countervailing duty order on stainless steel plate from the United Kingdom. We began this review of the order under our old regulations. On October 15, 1985, after the promulgation of our new regulations, the petitioners, Allegheny Ludlum Steel Corporation, Armco, Inc., Jessop Steel Company, LTV Specialty Steels, Inc., Cyclops Corporation, Washington Steel Corporation, and the United Steelworkers of America, requested in accordance with section 355.10 of the Commerce Regulations that we complete the administrative review of this order. We published the new initiation on November 27, 1985 (50 FR 48825). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Because petitioners submitted an affirmative statement of no interest, we published a revocation of the order on August 14, 1986. The revocation applies to shipments of U.K. stainless steel plate exported on or after March 1, 1986. Consequently, in these final results, we have excluded the requirement for cash deposits of estimated countervailing duties.

Scope of Review

Imports covered by the review are shipments of U.K. stainless steel plate. Such merchandise is currently classifiable under items 607.7605 and 607.9005 of the Tariff Schedules of the United States Annotated. Stainless steel plate is a flat-rolled product, whether or not corrugated or crimped, in coils or cut to length, 0.1875 inch or more in thickness and over 8 inches in width or, if cold-rolled, 12 inches in width.

The review covers the period February 10, 1983 through March 31, 1984 an four programs: (1) Public dividend capital and new capital; (2) National Loans Fund loans and loan conversions; (3) regional development grants; and (4) Iron and Steel Industry Training Board grants.

Analysis of Programs

(1) Public Dividend Capital and New Capital

Public dividend capital or new capital ("PDC/NC") are the terms used to describe equity infusions made by the government of the United Kingdom in British Steel Corporation ("BSC") in every year from fiscal year 1967/68 through fiscal year 1983/84. The statutory authority for the payment of capital to BSC is the Iron and Steel Act of 1969, section 18(1), which the government renewed in the Iron and Steel Act of 1975. In its annual reports, BSC describes the infusions made before 1978 as public dividend capital and the infusions made after 1978 as new capital.

We have consistently held that government provision of equity *per se* does not confer a subsidy. Government equity infusions confer countervailable benefits only when they occur on terms inconsistent with commercial considerations. When there is no market-determined price for equity, it is necessary to determine whether the company is a reasonable commercial investment. Since BSC's shares are not

publicly traded, and there is no market-determined price for its shares, we must determine whether BSC is a reasonable investment.

In the final determination (48 FR 19048, April 27, 1983), we found government investments in BSC not to be reasonable commercial investments from fiscal year 1977/78 through 1981/82. To determine whether BSC represented a sound investment during the review period, we considered BSC's financial statistics, independent market surveys, and analyses of the British steel industry.

A company is a reasonable commercial investment if it shows the ability to generate a reasonable rate of return within a reasonable period of time, as outlined in the Subsidies Appendix to the notice of "Final Affirmative Countervailing Duty Determination and Countervailing Duty Order" on certain cold-rolled carbon steel flat-rolled products from Argentina (49 FR 18006, April 26, 1984) ("the Subsidies Appendix"). We conclude that BSC did not have the ability to generate a reasonable rate of return within a reasonable period of time. We analyzed BSC's capital structure and long-term solvency ratios, and return on investment ratios. Our analysis showed significant and continuing losses in the review period, as well as substantial negative returns on total assets, sales, and equity capital. Although the net worth to total and long-term debt ratios were adequate during the review period, the times interest earned ratio remained negative through fiscal year 1983/84.

The trade journals and market studies we examined offered a pessimistic outlook for the steel industry. These reports point to several unpromising trends in 1982 that were expected to continue through 1985. Among those trends were a decline in world steel consumption, a low capacity utilization rate in major industrialized countries, and declining prices due to over-capacity and competition from developing nations. In addition, the reports warned of worldwide stagnation in demand due to high interest rates.

Given BSC's unfavorable financial statistics and the preponderance of discouraging market forecasts, we consider government investment in BSC during the 1982/83 and 1983/84 fiscal years to be inconsistent with commercial considerations.

To the extent that we consider government investment to be commercially unreasonable and to the extent that the government realizes a rate of return on its investment that is less than the national average rate of return on investment, we consider that investment to provide a countervailable benefit. Starting in the year an infusion is made, we examine the "rate of return shortfall," which is the difference between the national average rate of return on equity and the company's rate of return on equity. We continue to examine the shortfall in each year of a 15-year period, the average life of capital assets in integrated steel mills according to the Asset Guidelines Classes of the U.S. Internal Revenue Service. For example, we would examine the rate of return shortfall for the 1977/78 equity infusion in each year between 1977 and 1991. If no shortfall exists in any one of those 15 years starting with the year of the infusion, there is no subsidy for that particular year. If a shortfall does exist for any one of those years, we multiply the shortfall by the amount of the original equity infusion to find the benefit for that year.

During the period of review, the government's rate of return on its investment in BSC was less than the national average rate of return on equity, which we derived by taking the inverse of the price-earnings ratios reported in the Financial Times Capital Goods Index of 206 U.K. companies. The average rates of return on equity in the United Kingdom were 7.47 percent for 1982, 6.98 percent for 1983, and 7.40 percent for 1984. We measured BSC's return on equity by dividing its net profit (or loss) by its total capital. To obtain the benefit, we multiplied the rate of return shortfall of each year in the review period by the amount of the commercially unreasonable equity infusions made both during and prior to the review period.

During the review period, BSC's losses were large, resulting in negative returns on equity. Comparing the national average returns with BSC's large negative returns yielded benefits exceeding the amounts we would have calculated for each year of the review period had we treated the PDC/NC payments as outright grants rather than as equity. Under no circumstances do we countervail in any year an amount greater than what we would have countervailed had we treated the government's equity infusion as an outright grant. Therefore, we have capped the subsidy for each year at the level that would have resulted if we had treated the equity infusions as grants.

To determine the grant cap in each year of the review period, we applied the grant methodology from the Subsidies Appendix and used a 15-year allocation period. Because BSC received most of its funds from government equity infusions during the period of review, we lacked company-specific cost of debt to calculate a weighted cost of capital. Therefore, we based the discount rate on the British domestic corporate bond rates for the period of review, as reported in the Financial Times.

As described in the Subsidies Appendix, we include a risk premium in the long-term benchmark interest rate in order to quantify the differnce between the highest commonly available commercial interest rate and the additional risk involved in lending to an uncreditworthy company. We also include a risk premium in the discount rate when the company is uncreditworthy.

We consider BSC to be uncreditworthy during the review period and, therefore, have used a risk premium in deriving the discount rate. The Subsidies Appendix defines an uncreditworthy company as one that, absent government support, would not have been able to obtain commercial loans at rates and terms comparable to those it did actually obtain. In our final determination, we found BSC to be uncreditworthy from fiscal year 1977/78 through 1981/82. To determine if BSC was creditworthy during the review period, we analyzed the company's short-term liquidity ratios and the capital structure and long-tem solvency ratios. We find that, even with government support, BSC's times interest earned ratio, net worth to long-term debt ratio, and current ratio are poor. Therefore, we preliminarily determine BSC to be uncreditworthy during the review period. Since PDC/NC payments benefit all BSC activities, we allocated the benefits over BSC's total sales in 1982/83 and 1983/84. Because the review period spans two fiscal years, we weight-averaged the benefit by the proportion in the review period of each fiscal year to obtain the benefits for the review period. On this basis, we preliminarily determine the subsidy from this program to be 26.38 percent *ad valorem*.

(2) National Loans Fund Loans and Loan Conversions

The National Loans Fund ("NLF"), raised through government borrowings, provides loans to nationalized British companies. The Iron and Steel Act of 1975 authorized BSC to borrow from the NLF. Because these loans are available only to specific enterprises, we preliminary determine that they are countervailable.

BSC has received no long-term NLF loans since fiscal 1977/78. In 1981/82, the Government of the United Kingdom converted BSC's outstanding NLF

liability to equity. We have already determined that BSC was unequityworthy during the review period. Therefore, the debt conversion was made on terms inconsistent with commercial considerations and constitutes a subsidy.

To determine the benefit, we used the same methodogy described for the PDC/NC payments. Since the equity methodology resulted in benefits that exceeded the grant caps in the period of review, we capped the benefit at the level that would have resulted if the debt conversion had been a grant. We used as a discount rate the corporate bond rate from 1981, the year of the debt to equity conversion, plus the same risk premium described for the PDC/NC payments. We allocated the benefits over 15 years, starting in 1981/82. We weight-averaged the benefits by the proportion in the review period of each year to obtain a benefit for the review period. On this basis, we preliminarily determine the benefit from the loan conversions to be 2.82 percent *ad valorem* for the review period.

In addition, BSC received short-term NLF loans during the period of review. We compared the rates paid by BSC with national average commercial short-term lending rates. The rates are based on either the LIBOR rate or the three-month "eligible bills" (bills accepted by an authorized bank) yield, whichever was lower. We chose the lower rate because banks customarily allow businesses to borrow funds at the lower of the two rates.

The interest rates charged to BSC were at or near the prevailing commercial rates. We weight-averaged the benefits by the proportion in the review period of each fiscal year to obtain the benefit for the review period. On this basis, we calculated a subsidy of 0.01 percent *ad valorem* during the review period for short-term NLF loans. We preliminarily determine the total benefit from the loan forgiveness and short-term loans to be 2.83 percent *ad valorem.*

(3) Regional Development Grants

The Industry Act of 1972 established a regional development grant ("RDG") incentive program for eliminating certain social problems in specified regions of the United Kingdon. Since this program is limited to specific regions, we consider it countervailable. BSC has plants located in regions designated by the RDG program and received such grants.

To calculate the benefit, we applied the grant methodology outlined in the Subsidies Appendix. When the total grants received in any year are less than 0.50 percent of sales in that year, we expense the benefits in the year of receipt. In fiscal 1982/83, BSC had an RDG and an Iron and Steel Industry Training Board ("ISITB") grant (*see* below). Since the total of these two grants is less than 0.50 percent of sales in 1982/83, we expensed both grants in 1982/83.

RDG's are tied to stainless steel production. We took the benefit from the RDG and the benefits allocated to the review period from RDG's received in previous years and divided the total by BSC's total stainless steel production. We used the same discount rates as described for the PDC/NC payments. We weight-averaged the benefits by the proportion in the review period of each fiscal year to obtain the benefit for the review period. On this basis, we preliminarily determine the total benefit from this program to be 0.90 percent *ad valorem.*

(4) The Iron and Steel Industry Training Board

The Iron and Steel Industry Training Board ("ISITB"), established under the Industrial Training Act of 1964, sponsors various training programs aimed at maintaining the nation's pool of skills required by the iron and steel industry and increasing employee job versatility in the event that present employment is terminated.

ISITB has not operated since September 1982. In fiscal year 1982/83, BSC received one ISITB grant. We expensed all prior grants in the year of receipt. Since the grant received in fiscal 1982/83, together with the RDG grant discussed above, was less than 0.50 percent of BSC's total sales in 1982/83, we are also expensing the current grant in 1982/83. We allocated the benefit from the ISITB grant over total BSC sales in 1982/83. We then weight-averaged the result and found a benefit of 0.0002 percent *ad valorem* for the review period.

Preliminary Result of Review

As a result of our review, we preliminarily determine the net subsidy to be 30.11 percent *ad valorem.* The Department intends to instruct the Customs Service to assess countervailing duties of 30.11 percent of the f.o.b. invoice price on any shipments of U.K. stainless steel plate entered, or withdrawn from warehouse, for consumption on or after February 10, 1983, and exported on or before March 31, 1984.

Further, because we have revoked this order (51 FR 29144, August 14, 1986) effective March 1, 1986, we intend to instruct the Customs Service not to collect a cash deposit of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday preceding. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.10 of the Commerce Regulations (50 FR 32556, August 13, 1985).

Dated: September 16, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-21742 Filed 9-24-86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Permit Modification; California Department of Fish and Game (P191C)

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 532 issued to the California Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814 on November 26, 1985 (50 FR 49745) is modified as follows:

Section A.3 is added:

3. Up to 20 captive California sea lions may be utilized for taste aversion studies.

Section B.1 is deleted and replaced by:

1. This research shall be conducted in the areas and for the purposes set forth in the application and modification request.

Sections B.9, 10 and 11 are added:

9. An experienced veterinarian must be present while captive research is being conducted.

10. Research activities shall be suspended in the event of a mortality resulting directly or indirectly from the ingestion of lithium chloride. The results of the research to that point shall be reviewed by the National

Marine Fisheries Service in consultation with the Marine Mammal Commission, as to whether the research objectives have been satisfied or if continuation of the research is necessary and desirable.

11. Upon completion of the captive animal research the Permit Holder shall submit a finalized field research protocol to the Protected Species Division for review prior to the initiation of the field research.

This modification became effective September 17, 1986.

Documents submitted in connection with the above Permit and modification are available for review in the following offices:

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

Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731.

Dated: September 17, 1986.

Richard B. Roe

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

[FR Doc. 86-21728 Filed 9-24-86; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Application for Permit; Dr. Kenneth S. Norris, Dr. Randall S. Wells, and Dr. William T. Doyle (P20G)

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

1. Applicant:

a. Name: Dr. Kenneth S. Norris, Dr. Randall S. Wells, and Dr. William T. Doyle.

b. Address: Institute of Marine Sciences, Long Marine Laboratory, University of California, 100 Shaffer Road, Santa Cruz, CA 95060.

2. Type of Permit: Scientific research.

3. Name and Number of Marine Mammals: Pacific white-sided dolphins (*Lagenorhynchus obliquidens*) 6.

4. Type of Take: Capture/maintain/release.

5. Location of Activity: Monterey Bay, California.

6. Period of Activity: 3 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

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

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

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

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

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

Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, NW, Terminal Island, CA 90731.

Dated: September 15, 1986.

Richard B. Roe,

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

[FR Doc. 86-21726 Filed 9-24-86; 8:45 am]

BILLING CODE 3510-22-M

[Modification No. 3 to Permit No. 336]

National Marine Fisheries Service; Taking and Importing of Marine Mammals

Notice is hereby given that pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), and § 222.25 of the regulations governing endangered species permits (50 CFR Part 222), Scientific Research Permit No. 336 issued to Dr. Richard H. Lambertsen, Department of Physiological Sciences, University of Florida, Gainesville, Florida 32610, on May 19, 1981, as modified August 31, 1981 (46 FR 43732) and January 13, 1983 (48 FR 2400), is further modified as follows:

Section A-1 is deleted and replaced by:

1. An unspecified number of specimen materials from all species of cetaceans in the North Atlantic Ocean which have been stranded may be imported when acquired legally in the country of origin.

Section A-2 is added:

2. An unspecified number of specimen materials from fin whales (*Balaenoptera physalus*) and sei whales (*Balaenoptera borealis*) may be imported from animals taken by Iceland under that country's scientific research whaling permit during the summer of 1986.

Section B-1 is deleted.

This modification became effective on September 17, 1986.

Issuance of this Modification, as required by the Endangered Species Act of 1973, is based on the finding that such Modification: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this Modification; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973.

The Permit, as modified, and documentation pertaining to the modifications are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 1825 Connecticut Avenue, Room 1011 NW., Washington, DC;

Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930; and

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: September 17, 1986.

Richard B. Roe,

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

[FR Doc. 21727 Filed 9-24-86; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's Groundfish Management Team will convene a public meeting, October 7-9, 1986, at the Council's Office, Metro Center, 2000 SW. First Avenue, Suite 420, Portland, OR, to review the current fishery and projections through 1986; to develop final specifications of acceptable biological catch and harvest guidelines for 1987; and to draft a status of stocks document. A final version of the status

report will be presented to the Pacific Fishery Management Council at the Council's November 19–20, 1986 meeting in Portland, OR.

For further information contact Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, Metro Center, 2000 SW. First Avenue, Suite 420, Portland OR 97201; telephone: (503) 221–6352.

Dated: September 22, 1986.

Richard B. Roe,

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

[FR Doc. 86–21760 Filed 9–24–86; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting of Import Limit for Certain Man-Made Fiber Textile Products Produced or Manufactured in Brazil

September 22, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on September 23, 1986. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 29, 1986 between the Governments of the United States and the Federative Republic of Brazil provides, among other things, for designated percentage increases in certain categories (swing) and for the borrowing of yardage from the succeeding year's level with the amount used being deducted from the level in the succeeding year (carryforward). An increase for swing and carryforward is being applied to the restraint limit previously established for man-made fiber textile products in Category 604, produced or manufactured in Brazil and exported during the agreement year which began on April 1, 1986 and extends through March 31, 1987, raising it to 534,240 pounds. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the restraint limit for this category.

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

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

September 22, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on March 18, 1986 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Brazil and exported during the twelve-month period which began on April 1, 1986 and extends through March 31, 1987.[1]

Effective on September 23, 1986, the directive of March 18, 1986 is hereby further amended to include the following adjusted restraint limit:

Category	Adjusted Limit [1]
604	534,240 pounds

[1] The limit has not been adjusted to account for any imports exported after March 31, 1986.

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

Sincerly,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86–21747 Filed 9–24–86; 8:45 am]

BILLING CODE 3510-DR-M

[1] The agreement provides, in part, that: (1) Specific limits may be exceeded during the agreement year by designated percentages; (2) specific limits may be adjusted for carryover and carryforward; and (3) administrative arrangements of adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Establishing Import Limits for Certain Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of China

September 22, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on September 25, 1986. For further information contact Kathryn Cabral, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

On July 31, 1986, a notice was published in the **Federal Register** (51 FR 27440), which established import restraint limits for man-made fiber textile products in Category 638 (man-made fiber knit shirts) and Category 659–C (man-made fiber coveralls and overalls—only TSUSA Numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607, and 384.9310), produced or manufactured in China and exported to the United States during the ninety-day period which began on June 27, 1986 and extends through September 24, 1986. The notice also stated that the Government of the People's Republic of China is obligated under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated August 19, 1983, as amended, if no mutually satisfactory solution is reached on levels for these categories during consultations, to limit its exports during the twelve-month period immediately following the ninety-day consultation period to 422,702 dozen (Category 638) and 314,366 pounds (Category 659–C).

No solution has been reached in consultations on mutually satisfactory limits for these categories. The United States Government has decided, therefore, to control imports of man-made fiber textile products in Categories 638 and 659–C, exported during the twelve-month period beginning on September 25, 1986 at the levels described above. The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register**.

In the event the limits established for the ninety-day period have been exceeded, such excess amount, if

allowed to enter, will be charged to the levels established for the designated twelve-month period.

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

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

September 22, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977, December 22, 1981 and July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on September 25, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 638 and 659–C,[1] produced or manufactured in the People's Republic of China and exported during the twelve-month period which begins on September 25, 1986 and extends through September 24, 1987, in excess of the following levels of restraint:

Category	Twelve-month restraint levels [1]
638	42,702 dozen
659–C	314,366 pounds

[1] The limits have not been adjusted to account for any imports exported after September 24, 1986.

Textile products in Categories 638 and 659–C which are in excess of the ninety-day limits previously established shall be subject to this directive.

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

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

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

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86–21748 Filed 9–24–86; 8:45 am]

BILLING CODE 3510-DR-M

[1] In Category 659, only TSUSA numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607 and 384.9310.

Adjusting the Import Limits for Certain Apparel Products Produced or Manufactured in the Philippines; Correction

September 19, 1986.

On September 17, 1986, a notice was published in the **Federal Register** (32940), which announced adjustment in certain category limits, including that for Category 635–T, for goods exported during the agreement year which began on January 1, 1986 and extends through December 31, 1986. The adjusted limit for Category 635–T in the letter to the Commissioner of Customs which followed that notice should have been 154,693 dozen.

William H. Houston III,

Chairman, Committee for the Implementation of Textiles Agreements.

[FR Doc. 86–21746 Filed 9–24–86; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Low Observable Technology; Meeting

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Low Observable Technology will meet in closed session on October 9, 1986 at the Pentagon, Washington, DC.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will evaluate low observable technology.

In accordance with section 10(d) of the Federal Advisory Committee Act Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 22, 1986.

[FR Doc. 86–21724 Filed 9–24–86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 9–10 October 1986.

Times of Meeting: 0830–1600 hours.

Places: Human Engineering Lab, APG, Maryland.

Agenda: The Army Science Board of the Human Engineering Laboratory Effectiveness Review will visit the Laboratory to gather data for conducting the review of that facility. Briefings will be presented by each directorate covering their work program. The panel will meet in executive session to discuss the methodology for conducting the review and to discuss observations as a result of the briefings. This meeting will be closed to the public in accordance with section 552b(c) of Title 5 U.S.C., specifically subparagraph (1) thereof, and Title 5 U.S.C. Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer Army Science Board.

[FR Doc. 86–21698 Filed 9–24–86; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 20–23 October 1986.

Times of Meeting: 0800–1700 hours.

Places: Sandia National Laboratories, Albuquerque, Laboratories, Albuquerque, NM.

Agenda: The 1986 Army Science Board Fall General Membership Meeting will include: briefings of the 1986 ASB Summer Studies on C3I Requirements for AirLand Battle, and Technology Forecast for the Key Operational Capabilities; tours of and briefings on the secure areas of Sandia National Laboratories; and all other ASB Ad Hoc Subgroups completed during FY–86. This meeting will be closed to the public in accordance with section 552b(c) of Title 5 U.S.C., specifically subparagraph (1) thereof, and Title 5 U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer Army Science Board.

[FR Doc. 86–21694 Filed 9–24–86; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulations (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. C.W. Mathews, Office of Federal Acquisition and Regulatory Policy (202) 523–3856.

SUPPLEMENTARY INFORMATION:

a. Purpose

1. This request covers the collection of information as a first step under Pub. L. 85–804 as amended by Pub. L. 93–155 and Executive Order 10789 dated November 14, 1958, that allows contracts to be entered into, amended, or modified in order to facilitate National Defense. In order for a firm to be granted relief under the act specific evidence must be submitted which supports the firm's assertion that relief is appropriate and that the matter cannot be disposed of under the terms of the contracts.

b. Annual Reporting Burden

This is estimated as follows: Respondents 100; responses 100; Reporting and Recordkeeping hours 1600.

Obtaining Copies of Proposals: Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0029, Extraordinary Contractual Action Requests.

Dated: September 16, 1986

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 86–21680 Filed 9–24–86; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate; Grant Awards

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of restriction of eligibility for grant award.

SUMMARY: DOE announces that pursuant to 10 CFR 600.7(b) it intends to award on a restricted eligibility basis a grant to the University of Alaska—Fairbanks (UAF) in the amount of $440,000 on a 50/50 cost-shared basis for the first annual budget period of a two year project period.

Procurement Request Number: 01–86FE61114.000

Project Scope: The U.S. DOE and the State of Alaska have entered into an Agreement Relating to Fossil Energy Resource Characterization, Research Technology Development, and Technology Transfer to advance the application of new technologies to the Alaskan reserves of crude oil, natural gas, heavy oil, tar sand oil, coal, shale oil, methane hydrates, and peat, and may include scientific activities and investigations of underlying environmental concerns. The University of Alaska has been designated in the agreement as a unit of the State for purposes of activities that may be conducted under this agreement.

The extant two year project, with annual funding cost-shared on a 50/50 basis, will focus on two specific research tasks. The first, "Development of Effective Gas Solvents for Improved Recovery of West Sak Oil by Steamflooding" is to provide a baseline of information concerning the recovery mechanisms of the steam-solvent process that can be applied to improving the recovery of oil from a reservoir such as West Sak using gas solvents in combination withi steamflooding. The second, "Development of Alaskan Gas Hydrate Resources", is to assess the potential of gas hydrates found in the onshore and offshore region of Alaska in terms of size of the reserve, physical and chemical properties, geological configurations, and conversion to improved usable and transportable forms.

These activities to research the application of new technologies to the arctic fossil energy reserves are in furtherance of the DOE mission and the Alaskan objectives to ensure a continued supply of fossil fuels to the consumer in a safe, economic and environmentally acceptable manner. Since the University of Alaska—Fairbanks has been charged with research in support of Alaska resource development, has an ongoing program (facilities, equipment, and personnel), and is an integral part of the Alaskan infrastructure involved in resources recovery issues, it is uiquely qualified to carry out the work under this grant. Therefore, it has been determined that, in cooperation with the State of Alaska, it is appropriate to award this grant to the University of Alaska—Fairbanks on a restricted eligibility basis.

FOR FURTHER INFORMATION CONTACT: James P. Beiriger, MA–452.1, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 252–5569.

Issued in Washington, DC, on September 19, 1986.

Robert J. Walsh,

Actng Director, Contract Operations Division "A" Office of Procurement Operations.

[FR Doc. 86–21667 Filed 9–24–86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 9995-000 et al.]

Hydroelectric Applications (20 Mile Corp., Inc., et al.); Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1 a. Type of Application: Preliminary Permit.

b. Project No.: 9995-000.

c. Date Filed: May 19, 1986.

d. Applicant: 20 Mile Corporation, Inc.

e. Name of Project: Twenty Mile Creek.

f. Location: In Nez Perce National Forest, on Twenty Mile Creek, in Idaho County, Idaho. Township 28N and Range 6E.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Don Biddison, 4068 Duthie Drive, Lewiston, ID 83501, (208) 743-9200.

i. Comment Date: October 17, 1986.

j. Competing Application: Project No. 10030, Date Filed July 7, 1986.

k. Description of Project: The proposed project would consist of: (1) A 75-foot-high dam forming a reservoir with a surface area of 150 acres and an available storage capacity of 12,000-acre-feet; (2) a 9,750-foot-long, 36-inch-diameter penstock; (3) a powerhouse containing a generating unit with a capacity of 3,000 kW and an average annual generation of 10 GWh; and (4) a 1000-foot-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $75,000. No new roads would be constructed during the feasibility study. Core drilling would be conducted at the dam site. Areas disturbed by testing will be restored.

l. Purpose of Project: Project power would be sold to Washington Water Power Company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

2 a. Type of Application: Minor License.

b. Project No.: 8459-001.

c. Date Filed: June 18, 1986.

d. Applicant: Geoffrey Shadroui.

e. Name of Project: Swanton Dam.

f. Location: On the Missisquoi River in Franklin County, Vermont.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Geoffrey Shadroui, 121 Maple Avenue, Barre, VT 05641.

i. Comment Date: November 7, 1986.

j. Description of Project: The proposed run-of-river project would consist of: (1) An existing 12-foot-high and 335-foot-long concrete gravity dam with a crest elevation of 108 feet mean sea level; (2) new one-foot-high flashboards; (3) a reservoir with a surface area of 170 acreas; (4) a new intake structure and powerhouse at the southern end of the dam with 3 turbine-generator units with a total installed capacity of 1,059 kW; (5) a new 90-foot-long tailrace; (6) a new 150-foot-long transmission line; and (7) other appurtenances. Applicant estimates an average annual generation of 4,500,000 kWh. Existing facilities are owned by the Village of Swanton.

This application was filed within Mr. Geoffrey Shadroui's preliminary permit term for this project.

k. Purpose of Project: Project energy would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

3 a. Type of Application: Preliminary Permit.

b. Project No.: 10061-000.

c. Date Filed: August 8, 1986.

d. Applicant: City of Atlanta, et. al.

e. Name of Project: Lake Lanier Reregulation Project.

f. Location: On the Chattahoochee River near Buford, Gwinneth and Forsyth Counties, Georgia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Harry West, Atlanta Regional Commission, 100 Edgewood Drive, N.E., Suite 1801, Atlanta, GA 30335, (404) 656-7704.

i. Comment Date: November 14, 1986.

j. Description of Project: The proposed project would consist of: (1) A proposed dam consisting of an earthen embankment 670 feet long and 45 feet high, a concrete powerhouse, and a gated spillway section 174 feet long; (2) a proposed 820-acre reservoir with a storage capacity of 8,900 acre-feet at a normal maximum surface elevation of 924 feet msl; (3) a proposed concrete and steel open-flume headrace; (4) a proposed concrete powerhouse 30 feet wide, 95 feet long, and 60 feet high housing a 1,500-kW hydropower unit; (5) a proposed 12.47 kV transmission line 1,500 feet long; and (6) appurtenant facilities. The Applicant estimates the average annual energy generation would be 7.8 GWh. The project would be located in the Chattahoochee River National Recreation Area. The Applicant estimates that the cost of the work to be performed under the preliminary permit would be $30,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, D2.

4 a. Type of Application: Major License (over 5 MW).

b. Project No.: 5205-001.

c. Date Filed: July 2, 1984.

d. Applicant: General Energy Development, Inc.

e. Name of Project: Lava. Diversion.

f. Location: On Deschutes River in Deschutes County, Oregon, near the town of Bend, within the Deschutes National Forest-T19S, R11E, section 5, 8, 9, 16, 17, 18 and 20.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Donald P. McCurdy, President, General Energy Development, Inc., 201 East Barnett Street, Medford, OR 97501, (503) 772-7416.

Mr. Erling T. Soli, Haner, Ross and Sporseen, Inc., 15 S.E. 82nd Drive, Gladstone, OR 97027, (503) 657-1384.

i. Comment Date: November 17, 1986.

j. Description of Project: The proposed project would consist of: (1) A submerged rectangular control weir with a 140-foot-crest, near the head of Benham Falls; (2) a reinforced concrete intake structure with fishscreens and trashracks at elevation 4,152 feet; (3) a 13-foot-diameter, 1,800-foot-long horseshoe shaped lined tunnel; (4) a 51-foot-diameter, 36-foot-high prestressed concrete orifice surge tank; (5) a 14-foot-diameter, 50-foot-long pipeline from the surge tank bifurcating into; (6) two 9.5-foot-diameter, 410-foot-long penstocks; (7) a 62-foot-wide, 71-foot-long powerhouse containing three generating units with a total rated capacity of 11,250 kW operating under a head of 160-feet; (8) a 250-foot-long tailrace, discharging project flows back into the Deschutes River; (9) a 69-kV, 11.3-mile-long transmission line 1.3-miles is underground cable, 2.1-miles is overhead line overbuilt on Mid-State Electric Cooperative Inc.'s (MECI) right-of-way and 8.9 miles of line leased to Pacific Power and Light by MECI] tying into Pacific Power and Light Company line; and (10) 6,680 feet of new access road. The average annual energy generation will be 52,555,000 kWh. The project cost is $6,078,830 in 1984 dollars.

k. Purpose of Project: The power gernerated by the Project will be sold to Pacific Power and Light Company under a 27-year power purchase agreement.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C.

5 a. Type of Application: Preliminary Permit.

b. Project No.: 10044–000.

c. Date Filed: July 21, 1986.

d. Applicant: Price River Associates.

e. Name of Project: Price River Hydro Project.

f. Location: Price River in Carbon County, Utah: Sections 5, 8, 16, 22 & 26, T. 12S., R. 9E., SLB&M.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Mike Graham, 484 East 300 North, Manti, UT 84642.

i. Comment Date: November 7, 1986.

j. Description of Project: The proposed project would located in the Manti-LaSal National Forest and State of Utah property and would consist of: (1) A diversion dam, 6 feet high and 90 feet long; (2) a penstock, 36 inches in diameter and 19,000 feet long; (3) a powerhouse containing turbine-generator units rated at 4,000 kW and operating under a net head of 520 feet; (4) a tailrace returning flow to the river; (5) a 46-kV transmission line, 3,000 feet long, connecting to a Utah Power and Light Co. line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 15,840,000 kWh.

k. Purpose of Project: Project energy would be sold to local municipalities or the local power company.

l. A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an applicantion for development. Applicant estimates that the cost of the studies under permit would be $15,000.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, & D2.

6 a. Type of Application: Minor License.

b. Project No: 9184–000.

c. Date Filed: May 10, 1985.

d. Applicant: Northwestern Wisconsin Electric Company.

e. Name of Project: Danbury Dam Hydroelectric Facility.

f. Location: On the Yellow River near Swiss, Burnett County, Wisconsin.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Glen Tamke, Owen Ayres and Associates, Inc., 1300 W. Clairemont Avenue, Eau Claire, WI 54701, (715) 834–3161.

i. Comment Date: November 7, 1986.

j. Description of Project: The existing project is owned and operated by Northwestern Wisconsin Electric Company. The project consist of: (1) A 54-foot-long, 30-foot-high three-bay concrete spillway with stoplog gates; (2) a 300-foot-long earthen dike with a crest elevation of 932.0 feet msl; (3) a gated powerplant intake structure integral with the dam; (4) two steel penstocks, 69 inches in diameter and 25 feet long; (5) a 34-foot by 56-foot instream brick and concrete powerhouse containing two generating units rated at 176 and 300 kW at an average head of 30 feet and a total hydraulic capacity of 278 cfs; (6) a pondage reservoir having a maximum normal pool elevation of 929.0 feet msl; (7) an ungated canal headworks; (8) a 2,350-foot-long in-situ power canal; (9) a gated penstock intake structure; (10) a 95-foot-long, 96-inch-diameter steel penstock; (11) a 26-foot by 29-foot brick and concrete powerhouse containing a 600-kW generating unit rated at an average head of 39 feet and a hydraulic capacity of 283 cfs; (12) a 200-foot-long tailrace discharging into the Yellow River; and (13) a 0.44-mile-long, 2.4-kV transmission line and a 2.4/34.5-kV transformer substation. The project generates an average 4,254,000 kWh annually for use in the company's system..

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, D1.

7 a. Type of Application: Transfer of License.

b. Project No: 7194–002.

c. Date Filed: August 11, 1986.

d. Applicant: Birch Power Company—Licensee; Birch Power Company and Ted S. Sorenson, d/b/a/ Sorenson Engineering—Transferee.

e. Name of Project: Birch Creek.

f. Location: On Birch Creek in Butte and Clark Counties, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Ted S. Sorenson, 550 Linden Avenue, Idaho Falls, ID 83401, (208) 522–8069.

i. Comment Date: October 27, 1986.

j. Description of Transfer: On May 21, 1986, a major license was issued to the Birch Power Company for the construction, operation, and maintenance of the Birch Creek Project No. 7194. Birch Power Company has proposed to transfer the license to the Birch Power Company and Ted S. Sorenson, d/b/a/ Sorenson Engineering. The transferee is a private corporation and a sole proprietorship organized and existing under the laws of the State of Idaho and qualified to do business in the State of Idaho.

The licensee certifies that it has fully complied with the terms and conditions of its license and obligates itself to pay all annual charges accrued under the license to the date of transfer. The transferee accepts all the terms and conditions of the license and agrees to be bound thereby to the same extent as though it was the original licensee.

k. This notice also consists of the following standard paragraphs: B and C.

8 a. Type of Application: Preliminary Permit.

b. Project No: 10054–000.

c. Date Filed: August 1, 1986.

d. Applicant: Balance One, Inc./M. DeBlasio—Joint Venture.

e. Name of Project: Mother Brook Water Power.

f. Location: On the Mother Brook in Norfolk County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Allen Benjamin, 99 Concord Rd., Wayland, MA 01778, (617) 358–2079.

i. Comment Date: November 17, 1986.

j. Description of Project: The proposed project would consist of: (1) The existing 350-foot-long earthen dam, including a 17-foot-high, 60-foot-wide granite spillway; (2) the existing small impoundment with a surface elevation of 70 feet M.S.L.; (3) the existing 5-foot-diameter, 75-foot-long steel penstock; (4) the existing powerhouse which will contain an installed generating capacity of 186 kW; (5) an existing 300-foot-long tailrace; and (6) appurtenant facilities.

The Applicant estimates the average annual energy generation to be 570 MWh.

The mill facility which includes the powerhouse is being converted into residential living units. The power generated by this proposed facility will be utilized either on site by this residential facility in which case no transmission lines will be required or sold to Boston Edison Company in which case a transmission line of approximately 175' will need to be constructed.

The proposed project will utilize a dam and water power rights owned by the Metropolitan District Commission, 20 Somerset St., Boston, MA 02108. The project will utilize an existing powerhouse and tailrace owned by United Waste Company/Frances Seigel, Milton Street, Dedham, MA 02026.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a

preliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the applicant would prepare an application for an FERC license. Applicant estimates that the cost of the studies under permit would be $43,000.

9 a. Type of Application: New Major License.

b. Project No.: 1354–005.

c. Date Filed: April 29, 1986.

d. Applicant: Pacific Gas and Electric Company.

e. Name of Project: Crane Valley Project.

f. Location: On Willow Creek, North Fork and South Fork Willow Creeks, Browns Creek, Sand Creek, Chilkoot Creek, Chiquito Creek, and Pechinpah Creek, near towns of Oakhurst, Auberry, Madera and Fresno, in Fresno and Madera Counties, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. S.P. Reynolds, Vice President—Rates, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, CA 94106.

i. Comment Date: November 14, 1986.

j. Description of Project: The existing Crane Valley Project with a total installed capacity of 24.28 MW consists of:

A. Crane Valley Development comprising: (1) The Chilkoot Reservoir with a gross storage capacity of 310 acre-feet and a surface area of 57 acres at elevation 7,497.2 feet msl; (2) the Crane Valley Reservoir with a gross storage capacity of 45,410 acre-feet and a surface area of 1,165 acres at elevation 3,376.80 feet msl; (3) the 3 to 5-foot-wide, 0.7-mile-long Chilkoot Lake Pick-up Ditch; (4) the 8-foot-high, 110-foot-long Chilkoot Dam; (5) the 145-foot-high, 1,880-foot-long rockfilled Crane Valley Dam; (6) a 15-foot-high, 190-foot-long spillway; (7) a 48-inch-diameter tapering to 42-inch-diameter intake tower; (8) a 200-foot-long unlined horseshoe tunnel; (9) a 550-foot-long lined horseshoe tunnel; (10) a 48-inch-diameter tapering to 42-inch-diameter, 198-foot-long steel penstock; (11) a powerhouse containing one generating unit with an installed capacity of 1,100 kW; (12) a 2.93-mile-long, 12-kV transmission line; and (13) appurtenant facilities.

B. San Joaquin No. 3 Development comprising: (1) The San Joaquin No. 3 Reservoir with a gross storage capacity of 20 acre-feet and a surface area of 3 acres at elevation 3,218.8 feet msl; (2) the Manzanita Lake Reservoir with a gross storage capacity of 168 acre-feet and a surface area of 26 acres at elevation 2,817.7 feet msl; (3) a 12.5-foot-wide increasing to 13.5-foot-wide, 4-foot-deep, 2.6-mile-long ditch; (4) a 6-foot-wide, 4.8-foot-deep, 0.75-mile-long flume; (5) a 5-foot-wide, 7-foot-high, 0.23-mile-long tunnel; (6) the 40-foot-high, 450-foot-long San Joaquin No. 3 Forebay Dam; (7) a 5.75-foot-high, 5-foot-wide, 290-foot-long horseshoe tunnel; (8) a 6-foot-deep, 41-foot-long concrete intake spillway; (9) a 60-inch-diameter tapering to 52-inch-diameter, 3,028-foot-long steel penstock; (10) a powerhouse containing one generating unit with an installed capacity of 4,000 kW; (11) a 70-kV, 7.61-mile-long transmission line; and (12) appurtenant facilities.

C. San Joaquin No. 2 Development comprising: (1) A 6-foot-wide, 5-foot-deep, 1.24-mile-long rectangular concrete-lined ditch; (2) a 9.5-foot-diameter, 0.53-mile-long pipeline; (3) a 6-foot-wide, 7-foot-high, 1.12-mile-long tunnel; (4) the 26-foot-high, 186-foot-long San Joaquin No. 2 Forebay Dam; (5) a 5-foot-diameter tapering to 4-foot-diameter, 3,415-foot-long penstock; (6) a powerhouse containing one generating unit with an installed capacity of 2,880 kW; (7) a 70-kV, 75-foot-long transmission line; and (8) appurtenant facilities.

D. San Joaquin No. 1A Development comprising: (1) The 25-foot-high, 138-foot-long concrete gravity South Fork Diversion Dam; (2) the 8-foot-high, 86.5-foot-long concrete gravity North Fork Diversion Dam; (3) a 9-foot-wide at bottom, 13-foot-wide at top, 5-foot-deep, 2.74-miles-long conduit; (4) a 6-foot-wide, 6-foot-deep, 0.14-mile-long flume; (5) an average 5.5-foot-wide, 7.5-foot-high, 1.95-mile-long tunnel; (6) a 5-foot-diameter, 975-foot-long penstock; (7) a powerhouse containing one generating unit with an installed capacity of 400 kW; (8) a 12-kV, 0.8-mile-long transmission line; and (9) appurtenant facilities.

E. Wishon Development comprising: (1) A 15-foot-high, 1,572-foot-long earthen dam; (2) two 44-inch-diameter tapering to 40-inch-diameter, 4,300-foot-long steel penstocks; (3) a powerhouse containing four generating units with a total installed capacity of 16,000 kW; (4) a 70-kV, 20-mile-long transmission line; and (5) appurtenant facilities.

The Applicant proposes to increase the installed capacity of the project by approximately 2.5 percent with the following development:

Browns Creek Development comprising: (1) The existing 7-foot-high, 86-foot-long Browns Creek Diversion Dam No. 1; (2) the existing 6-foot-high, 19.25-foot-long Browns Creek Diversion Dam No. 2; (3) an average 8-foot-wide, 3.5-foot-deep, 2.58-mile-long conduit; (4) a 4-foot-diameter, 890-foot-long penstock, (5) a powerhouse with a total installed capacity of 600 kW; (6) a 12-kV, 800-foot-long transmission line; and (7) appurtenant facilities.

The Applicant estimates an increase in average annual generation from 120.30 GWh to 138.70 GWh, and the cost of the proposed additions and modifications at $8.16 million. The Applicant proposes fishing and recreational facilities for the project. The Applicant would utilize the project energy to meet the load demands of its service area.

k. This notice also consists of the following standard paragraphs: A3, A9, B, and C.

10 a. Type of Application: Preliminary Permit.

b. Project No.: 10067–000.

c. Date Filed: August 18, 1986.

d. Applicant: Antimony Hydro Associates.

e. Name of Project: Otter Creek Hydro Project.

f. Location: East Fork of the Seiver River in Piute County, Utah.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Mike Graham, P.O. Box N, Manti, UT 84642.

i. Comment Date: November 21, 1986.

j. Description of Project: The proposed project would utilize a dam and lands owned by the Otter Creek Irrigation Company and would consist of: (1) An earthfill dam, about 35 feet high; (2) a reservoir having a total capacity of 18,685 acre-feet; (3) a new 48-inch-diameter penstock utilizing the existing outlet works; (4) a new powerhouse with an installed capacity of 250 kW; (5) a tailrace; (6) a new 11,046-foot-long transmission line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 896,000 kWh.

k. Purpose of Project: Project energy would be sold to local municipalities or the local power company.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $37,350.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

11 a. Type of Application: Preliminary Permit.

b. Project No.: 10052-000.

c. Date Filed: July 31, 1986.

d. Applicant: Mercer Companies, Inc.

e. Name of Project: Rubber Mill.

f. Location: Fishkill Creek, Dutchess County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. William Bantz, Mercer Companies, Inc., 330 Broadway, Albany, New York 12207, (518) 434-1311.

i. Comment Date: November 20, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing masonry gravity dam 200 feet long and 16 feet high, with 16-inch flashboards; (2) an existing impoundment of 5.5-acre surface area and 25-acre-feet storage capacity at a normal maximum surface elevation of 72 feet mean sea level; (3) an existing penstock, to be removed; (4) a proposed integral intake-powerhouse 25 feet wide and 40 feet long, of reinforced concrete, to house a proposed turbine-generator of 800 kW capacity at a net hydraulic head of 20 feet; (5) a proposed excavated tailrace; (6) a proposed switchgear structure 10 feet wide and 15 feet long; (7) a proposed 4.16-kV transmission line 150 feet long; and (8) appurtenant facilities.

The estimated annual energy production is 2.5 GWh. Project power would be sold to Central Hudson Gas and Electric Corporation. The existing facilities are owned by Tuck Industries, Inc.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

l. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $65,000.

12 a. Type of Application: Declaration of Intention.

b. Project No.: EL86-44-000.

c. Date Filed: June 19, 1986.

d. Applicant: Island Power Company, Inc.

e. Name of Project: Wailua Project.

f. Location: On the South Fork Wailua River near Wailua, in Kauai County, Hawaii.

g. Filed Pursuant to: Section 23(b) of the Federal Power Act, 16 U.S.C. 817(b).

h. Contact Person:

McNeil Watkins II, Bishop, Liberman, Cook, Purcell & Reynolds, 1200 17th Street, NW., Washington, DC 20036, (202) 857-9800.

Kenneth G. Murri, Island Power Company, Inc., 5160 Wiley Post Way, Salt Lake City, Utah 84116, (801) 532-2520

i. Comment Date: October 29, 1986.

j. Description of Project: The proposed run-of-river project would consist of new project facilities to include: (1) A 23-foot-high, 400-foot-long diversion dam approximately 1000 feet upstream from Wailua Falls; (2) a reservoir with a surface area of 35 acres at normal pool elevation of 274.5 feet m.s.l., (3) a 4950-foot-long, 96-inch-diameter penstock; (4) a powerhouse containing two turbine-generators having a total capacity of 6,600 kW; (5) a 2.2-mile-long, 5.7 kV transmission line; and (6) other appurtenant facilities.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

k. Purpose of Project: Project energy would be sold to the Kauai Electric Division of Citizens Utilities Company, and the project would furnish electric power for use by consumers on the Island of Kauai.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

Standard Paragraph

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development applications or notifes of intent to file competing development applications, must be filed in response to and in compliance with the public notice of the intial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application., Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application, or notice of intent to file a competing preliminary permit or development application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice.

A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number

of the prospective applicant, include an unequivaocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study cf environmental impacts. Based on the results of these studies the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the origninal and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203–RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be set to the Applicants representatives.

D. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of any agency's comments must also be sent to the Applicant's representatives.

Dated September 22, 1986.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–21714 Filed 9–24–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP85–876–002]

Equitable Gas Co., a Division of Equitable Resources, Inc.;

September 18, 1986.

Take notice that on September 15, 1986, Equitable Gas Company, a division of Equitable Resources (Equitable), tendered for filing the following tariff sheets for inclusion in its FERC Gas Tariff, First Revised Volume No. 1:

Substitute First Revised Sheet No. 10–CC

Substitute Original Sheet Nos. 10–EE, 10–HH, 10–JJ

Equitable states that the substitute tariff sheets are filed pursuant to conversations with the Commission staff concerning the cost allocations appropriate for Rate Schedule STS–1 and the rate design methodology to be adopted for Rate Schedules SS–1, SS–2, SS–3 in accordance with the Commission's Order issued on July 31, 1986 in Docket Nos. CP85–876–000, *et al.*

Equitable requests waiver of any Commission rules and regulations as may be necessary to permit the enclosed

tariff sheets to become effective as proposed.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before Sepetmber 25, 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. 86-21719 Filed 9-24-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-53-017]

K N Energy, Inc.; Tariff Filing

September 19, 1986.

On June 30, 1986, the Commission issued an order in K N Energy, Inc. (KN), Docket No. TA84-1-53-017, accepting a tariff filing tendered by KN on May 31, 1986, subject to conditions and convening a technical conference. KN's May 31, 1986 filing eliminated a 31-month surcharge designed to recover costs associated with KN's repricing of its company-owned production from cost of service to NGPA levels. At the end of the 31-month period, an unrecovered balance remained which KN sought to transfer to its Account No. 191. The Commission's June 30 order accepted KN's tariff filing and ordered that a technical conference be convened to discuss whether KN had taken appropriate steps to amortize the costs in the 31-month period permitted.

On July 29, 1986, Commission Staff sent a data request to KN requesting that it explain the steps it had taken to amortize the balance over the 31-month period, and why it did not recover the full amount during that period. On September 3, 1986, KN filed its response to the data request with the Commission. Both the Staff data request and the KN response were served on all parties to the proceeding.

Staff has reviewed the response submitted by KN and believes that it obviates the need for a technical conference. However, should any party desire a technical conference to discuss the issue, that party should notify Commission Staff Counsel, Jane E. Stelck (Room 4102-B), in writing, by September 29, 1986. Any conference convened will be limited to a discussion of the issue of the transfer of the unrecovered balance to Account No. 191. Should any party have comments on KN's response to the Staff data request it should file those comments with the Office of the Secretary of this Commission in Docket No. TA84-1-53-017 no later than September 29, 1986.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-21713 Filed 9-24-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-636-002]

Northern Natural Gas Co., Division of Enron Corp.; Amendment

September 19, 1986.

Take notice that on September 12, 1986, Northern Natural Gas Company, Division of Enron Corp. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-636-002, an amendment to its application filed in Docket No. CP85-636-000, as amended in Docket No. CP85-636-001, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity requesting authority to implement effective October 27, 1985, adjustments to the first phase of the firm entitlement of certain of Northern's market area utility customers as a result of the RP82-71 stipulation and agreement, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Northern indicates that since filing its original application on June 24, 1985, Northern has received and would like to accommodate subsequent requests for revisions to previously filed firm entitlement adjustments. Northern states that certain of Northern's market area utility customers request to be excluded from the first phase of the firm entitlement adjustment program (turnback program) and to rescind their previously requested firm entitlement adjustments. Northern indicates that the customers requesting exclusion from the first phase of the turnback program are: Elroy Gas, Inc.; Graettinger Municipal Gas System; Great Plains Natural Gas Company; Guthrie Center Municipal Utilities; Island Gas, Incoporated; City of Lyons, Nebraska; City of Manilla, Iowa; Natural Gas, Inc.; Peninsular Gas Company; City of Sac City, Iowa; City of Two Harbors, Minnesota; City of Waukee, Iowa and City of West Bend, Iowa.

Northern further desires to amend its original application to accommodate requests from Iowa Gas Company and North Central Public Service Company to change their previously requested transfer of firm entitlement from Rate Schedules CD-1 to SS-1 to a reduction of firm entitlement from Rate Schedule CD-1 of 3,423 Mcf of nature gas per day and 1,093 Mcf of natural gas per day, respectively. Northern also requests in such amendment to reflect the market area utility customers that will be purchasing gas from Northern pursuant to the proposed General Service Rate Schedule (GS-1). Northern identifies the customers as: City of Brooklyn, Iowa; City of Cascade, Iowa; Lloyd V. Crum, Jr.; Elroy Gas, Inc.; City of Gilmore City, Iowa; Graettinger Municipal Gas System; Guthrie Center Municipal Utilities; City of Hawarden, Iowa; Island Gas, Incorporated; City of Lyons, Nebraska; City of Manilla, Iowa; Village of Pender, Nebraska; Peninsular Gas Company; City of Ponca, Nebraska; City of Remsen, Iowa; City of Rolfe, Iowa; City of Sabula, Iowa; City of Sac City, Iowa; City of Stromsburg, Nebraska; City of Tipton, Iowa; City of Two Harbors, Minnesota; City of Virginia, Minnesota; City of Waukee, Iowa; City of West Bend, Iowa; and Town of Woodbine, Iowa—Municipal Gas System.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 2, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-21718 Filed 9-24-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-775-002]

Northern Natural Gas Co., Division of Enron Corp.; Amendment

September 19, 1986.

Take notice that on September 12, 1986, Northern Natural Gas Company, Division of Enron Corp. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-775-002, an amendment to its application filed in Docket No. CP85-775-000, as amended on May 8, 1986, in Docket No. CP8-775-001, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity requesting authority to implement effective October 27, 1986, the second phase of adjustments to the firm entitlement of certain of Northern's market area utility customers as a result of the RP82-71 stipulation and agreement, as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Northern indicates that since filing its original application on August 12, 1985, it has received and would like to accommodate subsequent requests for revisions to previously filed firm entitlement adjustments and also to herein incorparate revisions to certain base firm entitlements.

It is indicated that certain of Northern's market area utility customers request to be excluded from the second phase of the firm entitlement adjustment program (turnback program) and to rescind their previously requested firm entitlement adjustments. It is indicated that the customers requesting exclusion from the second phase of the turnback program are: Elroy Gas, Inc.; Graettinger Municipal Gas System; Great Plains Natural Gas Company; Guthrie Center Municipal Utilities; Isalnd Gas, Incorporated; City of Lyons, Nebraska; City of Manilla, Iowa; Natural Gas, Inc.; Peninsular Gas Company; City of Sac City, Iowa; City of Two Harbor, Minnesota; City of Waukee, Iowa and City of West Bend, Iowa.

Northern states that it wishes to accommodate requests received from Lake Superior District Power and Northern States Power Company of Wisconsin to change their second phase reductions of firm entitlement under Rate Schedule CD-1 to transfers of firm entitlement from Rate Schedule CD-1 to Rate Schedule SS-1 of 380 Mcf of natural gas per day and 594 Mcf of natural gas per day, respectively. Northern further desires to amend its original application pursuant to a request from Iowa Gas Company to change its second phase transfer of firm entitlement from Rate Schedule CD-1 to Rate Schedule SS-1 to a reduction of firm entitlement under Rate Schedule CD-1 of 3,224 Mcf of natural per day.

Northern also proposes to reflect the market area utility customers that will be purchasing gas from Northern pursuant to the proposed General Service (GS-1) Rate Schedule. Northern indicates that the GS-1 customers are: City of Brooklyn, Iowa; City of Cascade, Iowa; Lloyd V. Crum, Jr.; Elroy Gas, Inc.; city of Gilmore City, Iowa; Graettinger Municipal Gas System; Guthrie Center Municipal Utilities; City of Hawarden, Iowa; Island Gas, Incorporated; Lake Park Municipal Utilities, City of Lyons, Nebraska; City of Manilla, Iowa; Village of Pender, Nebraska; Peninsular Gas Company; City of Ponca, Nebraska; City of Remsen, Iowa; City of Rolfe, Iowa; City of Sabula, Iowa; City of Sac City, Iowa; City of Stromsburg, Nebraska; City of Tipton, Iowa, City of Two Harbors, Minnesota; City of Virginia, Minnesota; city of Waukee, Iowa; City of West Bend, Iowa; and Town of Woodbine, Iowa—Municipal Gas System.

Northern also advises that when it filed its original application in Docket No. CP85-775-000, it included in the market exhibits volumes proposed in four then pending certificate applications. Northern states that the increased entitlements proposed in the four applications were not authorized until after October 27, 1985. Northern in this amendment revises the base entitlements to reflect the firm entitlement actually effective on October 27, 1985.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 2, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-21717 Filed 9-24-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST86-1969-000 et al.]

Nothern Natural Gas Company et al.; Self-Implementing Transactions

September 22, 1986.

Take notice that the folliwing transactions have been reported to the Commission as being implemented pursuant to Subpart F of Part 157 and Part 284 of the Commission's Regulations, and sections 311 and 312 of the Natural Gas policy Act of 1978 (NGPA).[1]

The "Recipient" column in the folliwng table indicates that entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the folliwng table indicates the type of transactions. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

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[1] Notice of transactions does not constitute a determination that service will continue in accordance with Order No. 436, Final Rule and Notice Requesting Supplementing Comments, 50 FR 42,372 (Oct. 18, 1985).

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(EU)" indicates transportation by an interstate pipeline company on behalf of an end-user pursuant to a blanket certificate issued under § 284.223 of the Commission's Regulations.

"G(LT)" or "G(LS)" indicates transportation, sales or assignment by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "C/F(157)" indicates intrastate pipeline transportation which is incidental to a transportation by an interstate pipeline to an end-user pursuant to a blanket certificate under 18 CFR 157.209. Similarly, a "G/F(157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Any person desiring to be heard or to make any protest with reference to a transaction reflected in this notice should on or before October 2, 1986, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate acton to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST86-1969	Northern Natural Gas Co	Llano, Inc	07-01-86	B		
ST86-1970	Northern Natural Gas Co	Interstate Power Co	07-01-86	B		
ST86-1971[3]	ANR Pipeline Co	Wisconsin Public Service Co	07-01-86	B		
ST86-1972	ANR Pipeline Co	Wisconsin Fuel and Light Co	07-01-86	B		
ST86-1973	Transwestern Pipeline Co	Llano, Inc	07-01-86	B		
ST86-1974	Michigan Gas Storage Co	Consumers Power Co	07-01-86	B		
ST86-1975	Michigan Gas Storage Co	Consumers Power Co	07-01-86	B		
ST86-1976	Michigan Gas Storage Co	Consumers Power Co	07-01-86	B		
ST86-1977	Michigan Gas Storage Co	Consumers Power Co	07-01-86	B		
ST86-1978	Michigan Gas Storage Co	Consumers Power Co	07-01-86	B		
ST86-1979	Michigan Gas Storage Co	Consumers Power Co	07-01-86	B		
ST86-1980	Michigan Gas Storage Co	Consumers Power Co	07-01-86	B		
ST86-1981	Louisiana Intrastate Gas Corp	Mid Louisiana Gas Co	07-02-86	C	11-29-86	22.40
ST86-1982	Tennessee Gas Pipeline Co	Columbia Gas Transmission Corp	07-02-86	G		
ST86-1983	Algonquin, Gas Transmission Co	Boston Gas Co	07-02-86	B		
ST86-1984	United Gas Pipe Line Co	Shreveport Intrastate Gas Trans., Inc	07-02-86	B		
ST86-1985	United Gas Pipe Line Co	United Texas Transmission Co	07-02-86	B		
ST86-1986	United Gas Pipe Line Co	Columbia Gas of Ohio, Inc	07-02-86	B		
ST86-1987	United Gas Pipe Line Co	UGI Corp	07-02-86	B		
ST86-1988	ANR Pipeline Co	Michigan Consolidated Gas Co	07-02-86	B		
ST86-1989	ANR Pipeline Co	Michigan Consolidated Gas Co	07-02-86	B		
ST86-1990	ANR Pipeline Co	Michigan Consolidated Gas Co	07-02-86	B		
ST86-1991	ANR Pipeline Co	Wisconsin Public Service Co	07-02-86	B		
ST86-1992	United Gas Pipe Line Co	Wellhead Ventures Corp	07-02-86	B		
ST86-1993	Texas Gas Transmission Corp	Louisville Gas & Electric Co	07-03-86	B		
ST86-1994	Texas Gas Transmission Corp	Indiana Gas Co	07-03-86	B		
ST86-1995	Texas Gas Transmission Corp	Illinois Gas Co	07-03-86	B		
ST86-1996	Texas Gas Transmission Corp	Hope Gas, Inc	07-03-86	B		
ST86-1997	Texas Gas Transmission Corp	Hope Gas, Inc	07-03-86	B		
ST86-1998	Texas Gas Transmission Corp	Hope Gas, Inc	07-03-86	B		
ST86-1999	Texas Gas Transmission Corp	Bridgeline Gas Distribution Co	07-03-86	B		
ST86-2000	Texas Gas Transmission Corp	Lawrenceburg Gas Co	07-03-86	B		
ST86-2001	Kentucky West Virginia Gas Co	Virginia Natural Gas	07-07-86	B		
ST86-2002	Panhandle Gas Co	Western Kentucky Gas Co	07-07-86	D		
ST86-2003	Oasis Pipe Line Co	City of Long Beach	07-07-86	C		
ST86-2004	Cranberry Pipeline Corp	Consolidated Gas Transmission Corp	07-07-86	C	12-04-86	81.29
ST86-2005	Columbia Gulf Transmission Co	Northern Natural Gas Co	07-07-86	G(IE)		
ST86-2006	ANR Pipeline Co	Michigan Consolidated Gas Co	07-07-86	B		
ST86-2007	Michigan Consolidated Gas Co	Michigan Con. Gas Co.—Utility Div	07-07-86	B		
ST86-2008	ANR Pipeline Co	Michigan Consolidated Gas Co	07-07-86	B		
ST86-2009[3]	ANR Pipeline Co	Madison Gas & Electric Co	07-07-86	B		
ST86-2010	ANR Pipeline Co	Michigan Consolidated Gas Co	07-07-86	B		
ST86-2011	Consolidated Gas Transmission Corp	East Ohio Gas Co	07-07-86	B		
ST86-2012	Consolidated Gas Transmission Corp	Peoples Natural Gas, Co	07-07-86	B		
ST86-2013	Arkla Energy Resources	Rochester Gas & Elecric Corp., et al	07-07-86	B		
ST86-2014[3]	ANR Pipeline Co	Michigan Power Co	07-07-86	B		
ST86-2015	ANR Pipeline Co	Michigan Consolidated Gas Co	07-07-86	B		
ST86-2016	ANR Pipeline Co	Michigan Consolidated Gas Co	07-07-86	B		
ST86-2017	ANR Pipeline Co	Michigan Consolidated Gas Co	07-07-86	B		
ST86-2018	Consolidated Gas Transmission Corp	Hope Gas, Inc	07-07-86	B		
ST86-2019	Consolidated Gas Transmission Corp	Peoples Natural Gas Co	07-07-86	B		
ST86-2020	Consolidated Gas Transmission Corp	Hope Gas, Inc	07-07-86	B		
ST86-2021	Consolidated Gas Transmission Corp	Hope Gas, Inc	07-07-86	B		
ST86-2022	Consolidated Gas Transmission Corp	Niagara Mohawk Power Corp	07-07-86	B		
ST86-2023	Consolidated Gas Transmission Corp	East Ohio Gas Co	07-07-86	B		
ST86-2024	Consolidated Gas Transmission Corp	East Ohio Gas Co	07-07-86	B		
ST86-2025	Consolidated Gas Transmission Corp	Hope Gas, Inc	07-07-86	B		
ST86-2026	Consolidated Gas Transmission Corp	Hope Gas, Inc	07-07-86	B		
ST86-2027	Consolidated Gas Transmission Corp	Hope Gas, Inc	07-07-86	B		
ST86-2028	Consolidated Gas Transmission Corp	Peoples Natural Gas Co	07-07-86	B		
ST86-2029	Consolidated Gas Transmission Corp	Rochester Gas & Electric Corp	07-07-86	B		
ST86-2030	Consolidated Gas Transmission Corp	Rochester Gas & Electric Corp	07-07-86	B		
ST86-2031	Consolidated Gas Transmission Corp	Peoples Natural Gas Co	07-07-86	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST86-2032	Consolidated Gas Transmission Corp	Peoples Natural Gas Co	07-07-86	B		
ST86-2033	Superior Offshore Pipeline Co	Peoples Gas Light & Coke Co	07-08-86	B		
ST86-2034	Panhandle Eastern Pipe Line Co	Central Illinois Public Service Co	07-08-86	B		
ST86-2035	ANR Pipeline Co	Madison Gas & Electric Co	07-08-86	B		
ST86-2036	ANR Pipeline Co	Michigan Consolidated Gas Co	07-08-86	B		
ST86-2037	ANR Pipeline Co	Michigan Gas Utilities	07-08-86	B		
ST86-2038	United Gas Pipe Line Co	LGS Intrastate, Inc	08-08-86	B		
ST86-2039	United Gas Pipe Line Co	Cincinnati Gas and Electric Co	08-08-86	B		
ST86-2040	Superior Offshore Pipeline Co	Michigan Consolidated Gas Co., et al	07-08-86	B		
ST86-2041	Supenn Pipeline Co	United Gas Pipe line Co	07-08-86	C		
ST86-2042	Superior Offshore Pipeline Co	Boston Gas Co., et al	07-08-86	B		
ST86-2043	ANR Pipeline Co	Michigan Consolidated Gas Co	07-08-86	B		
ST86-2044	ANR Pipeline Co	North Central Public Service Co	07-08-86	B		
ST86-2045	ANR Pipeline Co	Northern Indiana Fuel & Light Co	07-08-86	B		
ST86-2046	ANR Pipeline Co	Michigan Consolidated Gas Co	07-08-86	B		
ST86-2047	ANR Pipeline Co	Southeastern Michigan Gas Co	07-08-86	B		
ST86-2048	ANR Pipeline Co	Wisconsin Natural Gas Co	07-08-86	B		
ST86-2049	ANR Pipeline Co	Wisconsin Public Service Co	07-08-86	B		
ST86-2050	ANR Pipeline Co	Wisconsin Power and Light Co	07-08-86	B		
ST86-2051	Ong Transmission Co	Tennessee Gas Pipeline Co	07-09-86	C	12-06-86	24.32
ST86-2052	Trunkline Gas Co	Consumers Power Co	07-09-86	B		
ST86-2053	Panhandle Eastern Pipe Line Co	Central Illinois Light Co	07-09-86	B		
ST86-2054	Panhandle Eastern Pipe Line Co	Delhi Gas Pipeline Corp	07-09-86	B		
ST86-2055	Trunkline Gas Co	Michigan Gas Utilities	07-09-86	B		
ST86-2056	Trunkline Gas Co	Consumers Power Co	07-09-86	B		
ST86-2057	Trunkline Gas Co	Consumers Power Co	07-09-86	B		
ST86-2058	Texas Eastern Transmission Corp	Town of Utica	07-09-86	B		
ST86-2059	Texas Eastern Transmission Corp	Indiana Gas Co	07-09-86	B		
ST86-2060	Texas Eastern Transmission Corp	City of Charlottesville	07-09-86	B		
ST86-2061	Texas Eastern Transmission Corp	Consumers Power Co	07-09-86	B		
ST86-2062	Arkla Energy Resources	Arkansas Louisiana Gas Co	07-09-86	B		
ST86-2063	Texas Eastern Transmission Corp	Michigan Consolidated Gas Co	07-09-86	B		
ST86-2064	Panhandle Eastern Pipe Line Co	Michigan Gas Utilities	07-09-86	B		
ST86-2065	Panhandle Eastern Pipe Line Co	Consumers Power Co	07-09-86	B		
ST86-2066	Trunkline Gas Co	Consumers Power Co	07-09-86	B		
ST86-2067	Trunkline Gas Co	Consumers Power Co	07-09-86	B		
ST86-2068	Trunkline Gas Co	Consumers Power Co	07-09-86	B		
ST86-2069	Texas Gas Transmission Corp	Columbia Gas of New York, Inc	07-10-86	B		
ST86-2070	Texas Gas Transmission Corp	TXG Pipeline Co	07-10-86	B		
ST86-2071	Texas Gas Transmission Corp	Hope Gas, Inc	07-10-86	B		
ST86-2072	Texas Gas Transmission Corp	Hope Gas, Inc	07-10-86	B		
ST86-2073	Michigan Gas Storage Co	Consumers Power Co	07-10-86	B		
ST86-2074	ONG Transmission Co	Northern Natural Gas Co	07-11-86	C	12-08-86	10.00
ST86-2075	Michigan Gas Storage Co	Consumers Power Co	07-11-86	B		
ST86-2076	Michigan Gas Storage Co	Consumers Power Co	07-11-86	B		
ST86-2077	Michigan Gas Storage Co	Consumers Power Co	07-11-86	B		
ST86-2078	Michigan Gas Storage Co	Consumers Power Co	07-11-86	B		
ST86-2079	Panhandle Gas Co	New Jersey Natural Gas Co	07-11-86	D		
ST86-2080	Panhandle Gas Co	Louisville Gas & Electric Co	07-11-86	D		
ST86-2081	Panhandle Gas Co	West Texas Gas, Inc	07-11-86	D		
ST86-2082	ONG Transmission Co	Panhandle Eastern Pipe Line Co	07-11-86	C	12-08-86	10.00
ST86-2083	Michigan Gas Storage Co	Consumers Power Co	07-11-86	B		
ST86-2084	Michigan Gas Storage Co	Consumers Power Co	07-11-86	B		
ST86-2085	Michigan Gas Storage Co	Consumers Power Co	07-11-86	B		
ST86-2086	Michigan Gas Storage Co	Consumers Power Co	07-11-36	B		
ST86-2087	Acadian Gas Pipeline System	Trunkline Gas Co	07-11-86	C		
ST86-2088	Panhandle Eastern Pipe Line Co	Kokomo Gas and Fuel Co	07-11-86	B		
ST86-2089	Michigan Gas Storage Co	Consumers Power Co	07-11-86	B		
ST86-2090	Panhandle Eastern Pipe Line Co	Baltimore Gas and Electric Co	07-11-86	B		
ST86-2091	Trunkline Gas Co.	Consumers Power Co	07-11-86	B		
ST86-2092	Trunkline Gas Co	Consumers Power Co	07-11-86	B		
ST86-2093	Trunkline Gas Co	Consumers Power Co	07-11-86	B		
ST86-2094	Trunkline Gas Co	Consumers Power Co	07-11-86	B		
ST86-2095	Panhandle Eastern Pipe Line Co	Consumers Power Co	07-11-86	B		
ST86-2096	Panhandle Eastern Pipe Line Co	Central Illinois Public Service Co	07-11-86	B		
ST86-2097	Panhandle Eastern Pipe Line Co	Illinois Power Co	07-11-86	B		
ST86-2098	Panhandle Eastern Pipe Line Co	Richmond Gas Corp	07-11-86	B		
ST86-2099	Panhandle Eastern Pipe Line Co	Indiana Gas Co	07-11-86	B		
ST86-2100	Panhandle Eastern Pipe Line Co	Illinois Power Co	07-11-86	B		
ST86-2101	Panhandle Eastern Pipe Line Co	Consumers Power Co	07-11-86	B		
ST86-2102	Mustang Fuel Corp		07-11-86	C	12-08-86	30.46
ST86-2103	Panhandle Eastern Pipe Line Co	Indiana Gas Co	07-14-86	B		
ST86-2104	Panhandle Eastern Pipe Line Co	Indiana Gas Co	07-14-86	B		
ST86-2105	Columbia Gulf Transmission Co	Texas Gas Transmission Corp	07-14-86	G(IE)		
ST86-2106	Columbia Gulf Transmission Co	ANR Pipeline Co., et al	07-21-86	G(IE)		
ST86-2107	Consolidated Gas Transmission Corp	Cranberry Pipeline Corp	07-14-86	B		
ST86-2108	Colorado Interstate Gas Co	Public Service Co. of Colorado	07-14-86	B		
ST86-2110	United Gas Pipe Line Co.	Niagara Mohawk Power Corp	07-15-86	B		
ST86-2111	Texas Gas Transmission Corp	Niagara Mohawk Power Corp	07-15-86	B		
ST86-2113	ANR Pipeline Co	Wisconsin Natural Gas Co	07-03-86	B		
ST86-2114	ANR Pipeline Co	Michigan Gas Utilities	07-03-86	B		
ST86-2115	ANR Pipeline Co	Iowa Electric Light & Power Co	07-03-86	B		
ST86-2116	ANR Pipeline Co	Michigan Power Co	07-09-86	B		
ST86-2117	ANR Pipeline Co	Michigan Consolidated Gas Co	07-09-86	B		
ST86-2118	Arkla Energy Resources	Bridgeline Gas Distribution Co	07-16-86	B		
ST86-2119	Arkla Energy Resources	Arkansas Louisiana Gas Co	07-16-86	B		
ST86-2120	Texas Eastern Transmission Corp	Michigan Consolidated Gas Co	07-16-86	B		
ST86-2121	Texas Eastern Transmission Corp	Oxford Natural Gas Co	07-16-86	B		
ST86-2122	Texas Eastern Transmission Corp	Chambersburg Gas Dept	07-16-86	B		
ST86-2123	Texas Eastern Transmission Corp	Consumers Power Co., et al	07-16-86	B		
ST86-2124	Texas Eastern Transmission Corp	Indiana Gas Co	07-16-86	B		
ST86-2125	Mississippi Fuel Co	Koch Hydrocarbons, Inc., et al	07-16-86	C	12-13-86	14.63

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST86-2126[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-16-86	B		
ST86-2127	Superior Offshore Pipeline Co	Northern Illinois Gas Co	07-16-86	B		
ST86-2128[3]	ANR Pipeline Co	Michigan Power Co	07-16-86	B		
ST86-2129	ANR Pipeline Co	Michigan Consolidated Gas Co	07-16-86	B		
ST86-2130	ANR Pipeline Co	Michigan Consolidated Gas Co	07-16-86	B		
ST86-2131	ANR Pipeline Co	Michigan Consolidated Gas Co	07-16-86	B		
ST86-2132[3]	ANR Pipeline Co	Wisconsin Public Service Co	07-16-86	B		
ST86-2133[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-16-86	B		
ST86-2134[3]	ANR Pipeline Co	Wisconsin Natural Gas Co	07-16-86	B		
ST86-2135	Transok, Inc	ANR Pipeline Co	07-17-86	C	12-14-86	21.75
ST86-2136	Arkla Energy Resources	Arkansas Power & Light Co	07-17-86	B		
ST86-2137[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-17-86	B		
ST86-2138[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-17-86	B		
ST86-2139	Michigan Gas Storage Co	Consumers Power Co	07-17-86	B		
ST86-2140	Michigan Gas Storage Co	Consumers Power Co	07-17-86	B		
ST86-2141	Michigan Gas Storage Co	Consumers Power Co	07-17-86	B		
ST86-2142[3]	ANR Pipeline Co	Wisconsin Natural Gas Co	07-17-86	B		
ST86-2143	ANR Pipeline Co	Wisconsin Public Service Co	07-17-86	B		
ST86-2144[3]	ANR Pipeline Co	Wisconsin Natural Gas Co	07-17-86	B		
ST86-2145[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-17-86	B		
ST86-2146[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-17-86	B		
ST86-2147[3]	ANR Pipeline Co	Ohio Valley Gas Corp	07-17-86	B		
ST86-2148	ANR Pipeline Co	Michigan Consolidated Gas Co	07-17-86	B		
ST86-2149	ANR Pipeline Co	Southeastern Michigan Gas Co	07-17-86	B		
ST86-2150	ANR Pipeline Co	Michigan Consolidated Gas Co	07-17-86	B		
ST86-2151[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-17-86	B		
ST86-2152	Texas Gas Transmission Corp	Columbia Gas of Ohio, Inc	07-17-86	B		
ST86-2153	Texas Gas Transmission Corp	Louisville Gas & Electric Co	07-17-86	B		
ST86-2154	Texas Gas Transmission Corp	East Ohio Gas Co	07-17-86	B		
ST86-2155	Texas Gas Transmission Corp	Western Kentucky Gas Co	07-17-86	B		
ST86-2156	ANR Pipeline Co	Michigan Consolidated Gas Co	07-17-86	B		
ST86-2157	ANR Pipeline Co	Wisconsin Natural Gas Co	07-17-86	B		
ST86-2158	United Gas Pipe Line Co	Clarke-Mobile Counties Gas District	07-18-86	B		
ST86-2159	United Gas Pipe Line Co	Rochester Gas & Electric Corp	07-18-86	B		
ST86-2160	United Gas Pipe Line Co	Clarke-Mobile Counties Gas District	07-18-86	B		
ST86-2161	United Gas Pipe Line Co	Gulf South Pipeline Co	07-18-86	B		
ST86-2162	United Gas Pipe Line Co	Louisville Gas & Electric Co	07-18-86	B		
ST86-2163	United Gas Pipe Line Co	City of Henderson	07-18-86	B		
ST86-2164	United Gas Pipe Line Co	Clarke-Mobile Counties Gas District	07-18-86	B		
ST86-2165	Texas Gas Transmission Corp	Wisconsin Public Service Co	07-18-86	B		
ST86-2166	Texas Gas Transmission Corp	Monterey Pipeline Co	07-18-86	B		
ST86-2167	Texas Eastern Transmission Corp	Indiana Gas Co	07-18-86	B		
ST86-2168	Texas Eastern Transmission Corp	Virginia Natural Gas	07-18-86	B		
ST86-2169	Texas Eastern Transmission Corp	Suburban Fuel Gas Corp	07-18-86	B		
ST86-2170	Texas Eastern Transmission Corp	Quivira Gas Co	07-18-86	B		
ST86-2171	Texas Eastern Transmission Corp	Niagara Mohawk Power Corp	07-18-86	B		
ST86-2172	Texas Eastern Transmission Corp	City of New Roads	07-18-86	B		
ST86-2173	United Gas Pipe Line Co	Louisville Gas & Electric Co	07-18-86	B		
ST86-2174	Western Gas Supply Co	Northern Natural Gas Co	07-21-86	C		
ST86-2175	Oasis Pipe Line Co	Southern California Gas Co	07-21-86	C		
ST86-2176	Houston Pipe Line Co	HNG Industrial Natural Gas Co	07-21-86	C		
ST86-2177	Oasis Pipe Line Co	HNG Industrial Natural Gas Co	07-21-86	C		
ST86-2178	Panhandle Gas Co	City of Long Beach	07-21-86	D		
ST86-2179	United Gas Pipe Line Co	Utilities Board—Town of Citronelle	07-21-86	B		
ST86-2180	Arkla Energy Resources	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2181	Texas Gas Transmission Corp	Western Kentucky Gas Co	07-21-86	B		
ST86-2182	Texas Gas Transmission Corp	Indiana Gas Co	07-21-86	B		
ST86-2183	Texas Gas Transmission Corp	Indiana Gas Co	07-21-86	B		
ST86-2184	Texas Gas Transmission Corp	East Ohio Gas Co	07-21-86	B		
ST86-2185	Texas Gas Transmission Corp	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2186	Texas Gas Transmission Corp	East Ohio Gas Co	07-21-86	B		
ST86-2187	Texas Gas Transmission Corp	Western Kentucky Gas Co	07-21-86	B		
ST86-2188	Texas Gas Transmission Corp	Western Kentucky Gas Co	07-21-86	B		
ST86-2189	Trunkline Gas Co	Consumers Power Co	07-21-86	B		
ST86-2190	Panhandle Eastern Pipe Line Co	Delhi Gas Pipeline Corp	07-21-86	B		
ST86-2191	Panhandle Eastern Pipe Line Co	Illinois Power Co	07-21-86	B		
ST86-2192	Panhandle Eastern Pipe Line Co	Central Illinois Public Service Co	07-21-86	B		
ST86-2193	Panhandle Eastern Pipe Line Co	Richmond Gas Corp	07-21-86	B		
ST86-2194	Panhandle Eastern Pipe Line Co	Central Illinois Public Servive Co	07-21-86	B		
ST86-2195	Panhandle Eastern Pipe Line Co	Central Illinois Public Service Co	07-21-86	B		
ST86-2196	Transwestern Pipeline Co	Oasis Pipe Line Co	07-21-86	B		
ST86-2197	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2198	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2199	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2200	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2201[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2202[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2203[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2204[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2205[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2206[3]	ANR Pipeline Co	St. Joseph Light & Power Co	07-21-86	B		
ST86-2207	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2208	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2209	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2210[3]	ANR Pipeline Co	Louisiana Resources Co	07-21-86	B		
ST86-2211[3]	ANR Pipeline Co	Wisconsin Natural Gas Co	07-21-86	B		
ST86-2212[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2213[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2214[3]	ANR Pipeline Co	Wisconsin Public Service Co	07-21-86	B		
ST86-2215[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-21-86	B		
ST86-2216	ANR Pipeline Co	Michigan Power Co	07-21-86	B		
ST86-2217	Panhandle Eastern Pipe Line Co	East Ohio Gas Co	07-22-86	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST86-2218	Trunkline Gas Co	Consumers Power Co	07-22-86	B		
ST86-2219	Trunkline Gas Co	Consumers Power Co	07-22-86	B		
ST86-2220	Trunkline Gas Co	Consumers Power Co	07-22-86	B		
ST86-2221	Mountain Fuel Resources, Inc	Cheyenne Light, Fuel & Power Co	07-22-86	B		
ST86-2222	United Gas Pipe Line Co	Eastex Gas Transmission	07-22-86	B		
ST86-2223	Colorado Interstate Gas Co	Central Illinois Public Service Co, et al	07-22-86	B		
ST86-2224	Colorado Interstate Gas Co	Illinois Power Co	07-22-86	B		
ST86-2225	Columbia Gulf Transmission Co	Panhandle Eastern Pipe Line Co	07-22-86	G(IE)		
ST86-2226	ARKLA Energy Resources	Arkansas Louisiana Gas Co	07-23-86	B		
ST86-2227	Delta Gas, Inc	Columbia Gas Transmission Corp	07-23-86	C		
ST86-2228	ONG Transmission Co	Natural Gas Pipeline Co. of America	07-23-86	C	12-20-86	10.00
ST86-2229	Louisiana Interstate Gas Corp	ANR Pipeline Co	07-24-86	C	12-21-86	22.40
ST86-2230	Louisiana Interstate Gas Corp	Texas Gas Transmission Corp	07-24-86	C	12-21-86	22.40
ST86-2231	Louisiana Interstate Gas Corp	Columbia Gulf Transmission Co	07-24-86	C	12-21-86	22.40
ST86-2232	Mountain Fuel Resources, Inc	Cheyenne Light, Fuel & Power Co	07-24-86	B		
ST86-2233	Mountain Fuel Resources, Inc	Coors Energy Co	07-24-86	B		
ST86-2234	Mountain Fuel Resources, Inc	Stauffer Wyoming Pipeline Co	07-24-86	B		
ST86-2235	Transok, Inc	Northern Illinois Gas Co	07-24-86	C	12-21-86	21.75
ST86-2236	Channel Industries Gas Co	Tennessee Gas Pipeline Co	07-24-86	C		
ST86-2237	PGC Pipeline, Div. of LPC Energy Inc	Rochester Gas & Electric Corp	07-24-86	D		
ST86-2238	Valley Gas Transmission, Inc	Tennessee Gas Pipeline Co	07-25-86	G(IE)		
ST86-2239	Natural Gas Pipeline Co of America	Iowa Electric Light & Power Co	07-25-86	B		
ST86-2240	Natural Gas Pipeline Co of America	Illinois Power Co	07-25-86	B		
ST86-2241	Natural Gas Pipeline Co of America	North Shore Gas Co	07-25-86	B		
ST86-2242	Natural Gas Pipeline Co of America	Peoples Gas Light & Coke Co	07-25-86	B		
ST86-2243	Natural Gas Pipeline Co of America	Northern Illinois Gas Co	07-25-86	B		
ST86-2244	Natural Gas Pipeline Co of America	Northern Indiana Public Service Co	07-25-86	B		
ST86-2245	El Paso Natural Gas Co	El Paso Hydrocarbons Co	07-25-86	B		
ST86-2246	El Paso Natural Gas Co	City of Willcox	07-25-86	B		
ST86-2247	El Paso Natural Gas Co	City of Mesa	07-25-86	B		
ST86-2248	El Paso Natural Gas Co	Pacific Gas and Electric Co	07-25-86	B		
ST86-2249	El Paso Natural Gas Co	Richardson Fuels, Inc	07-25-86	B		
ST86-2250	Columbia Gulf Transmission Co	TXG Pipeline Co	07-25-86	B		
ST86-2251	Colorado Interstate Gas Co	Peoples Natural Gas Co	07-25-86	B		
ST86-2252	ANR Pipeline Co	North Central Public Service Co	07-25-86	B		
ST86-2253	ANR Pipeline Co	Michigan Consolidated Gas Co	07-25-86	B		
ST86-2254[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-25-86	B		
ST86-2255[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-25-86	B		
ST86-2256	ANR Pipeline Co	Wisconsin Natural Gas Co	07-25-86	B		
ST86-2257[3]	ANR Pipeline Co	Wisconsin Natural Gas Co	07-25-86	B		
ST86-2258[3]	ANR Pipeline Co	Wisconsin Natural Gas Co	07-25-86	B		
ST86-2259	ANR Pipeline Co	Michigan Consolidated Gas Co	07-25-86	B		
ST86-2260[3]	ANR Pipeline Co	Michigan Consolidated Gas Co	07-25-86	B		
ST86-2261[3]	ANR Pipeline Co	Wisconsin Natural Gas Co	07-25-86	B		
ST86-2262[3]	ANR Pipeline Co	Wisconsin Natural Gas Co	07-25-86	B		
ST86-2263	Delhi Gas Pipeline Corp	Lynchburg Gas Co	07-28-86	C		
ST86-2264	Delhi Gas Pipeline Corp	Natural Pipeline Co. of America	07-28-86	C		
ST86-2265	Delhi Gas Pipeline Corp	United Gas Pipe Line Co	07-28-86	C		
ST86-2266	Delhi Gas Pipeline Corp	United Gas Pipe Line Co	07-28-86	C		
ST86-2267	Natural Gas Pipeline Co of America	Iowa Gas Co	07-28-86	B		
ST86-2268	Natural Gas Pipeline Co of America	Iowa Southern Utilities Co	07-28-86	B		
ST86-2269	Natural Gas Pipeline Co of America	Gulf South Pipeline Co	07-28-86	B		
ST86-2270	Natural Gas Pipeline Co of America	Transamerican Natural Gas Corp	07-28-86	B		
ST86-2271	Natural Gas Pipeline Co of America	Wisconsin Southern Gas Co., Inc	07-28-86	B		
ST86-2272	Taft Pipeline Co	Michigan Power Co	07-28-86	C		
ST86-2273	Taft Pipeline Co	Northern States Power Co	07-28-86	C		
ST86-2274	Taft Pipeline Co	Iowa Gas Co	07-28-86	C		
ST86-2275	Taft Pipeline Co	North Central Public Service Co	07-28-86	C		
ST86-2276	Taft Pipeline Co	Iowa Public Service Co	07-28-86	C		
ST86-2277	Taft Pipeline Co	Iowas Gas Co	07-28-86	C		
ST86-2278	Northern Natural Gas Co	Minnegasco, Inc	07-28-86	B		
ST86-2279	Northern Natural Gas Co	Austin Utilities	07-28-86	B		
ST86-2280	Northern Natural Gas Co	Hutchinson Utility	07-28-86	B		
ST86-2281	Northern Natural Gas Co	Northern States Power Co	07-28-86	B		
ST86-2282	Northern Natural Gas Co	Iowa Gas Co	07-28-86	B		
ST86-2283	Northern Natural Gas Co	Northern States Power Co	07-28-86	B		
ST86-2284	Northern Natural Gas Co	City of Duluth	07-28-86	B		
ST86-2285	Northern Natural Gas Co	Iowa Public Service Co	07-28-86	B		
ST86-2286	Northern Natural Gas Co	Iowa Southern Utilities Co	07-28-86	B		
ST86-2287	Northern Natural Gas Co	Sunshine Energy Co	07-28-86	B		
ST86-2288	Northern Natural Gas Co	Wisconsin Power and Light Co	07-28-86	B		
ST86-2289	Northern Natural Gas Co	New Ulm Public Utilities Commission	07-28-86	B		
ST86-2290	Northern Natural Gas Co	North Central Public Service Co	07-28-86	B		
ST86-2291	Northern Natural Gas Co	Iowa Gas Co	07-28-86	B		
ST86-2292	Northern Natural Gas Co	Iowa Electric Light & Power Co	07-28-86	B		
ST86-2293	Northern Natural Gas Co	City of Hawarden	07-28-86	B		
ST86-2294	Northern Natural Gas Co	Michigan Power Co	07-28-86	B		
ST86-2295	Northern Natural Gas Co	Midwest Natural Gas Corp	07-28-86	B		
ST86-2296	Northern Natural Gas Co	Delhi Gas Pipeline Corp	07-28-86	B		
ST86-2297	Northern Natural Gas Co	Peoples Natural Gas Co	07-28-86	B		
ST86-2298	Northern Natural Gas Co	Metropolitan Utils. Dist. of Omaha	07-28-86	B		
ST86-2299	Northern Natural Gas Co	Northern States Power Co	07-28-86	B		
ST86-2300	Northern Natural Gas Co	HNG Industrial Natural Gas Co	07-28-86	B		
ST86-2301	Northern Natural Gas Co	Minnegasco, Inc	07-28-86	B		
ST86-2302	Texas Gas Transmission Corp	Peoples Natural Gas Co	07-28-86	B		
ST86-2303	Texas Gas Transmission Corp	Peoples Natural Gas Co	07-28-86	B		
ST86-2304	Texas Gas Transmission Corp	Peoples Natural Gas Co	07-28-86	B		
ST86-2305	Texas Gas Transmission Corp	Rochester Gas & Electric Corp	07-28-86	B		
ST86-2306	Texas Gas Transmission Corp	Arkla Energy Resources, (La Intra. Seg.)	07-28-86	B		
ST86-2307	Mustang Fuel Corp		07-29-86	C	12-26-86	30.46
ST86-2308	El Paso Natural Gas Co	Pacific Gas and Electric Co	07-29-86	B		
ST86-2309	ONG Transmission Co	Northern Natural Gas Co	07-29-86	C	12-26-86	10.00

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST86-2310	Natural Gas Pipeline Co of America	Northern Illionois Gas Co	07-30-86	B		
ST86-2311	Natural Gas Pipeline Co of America	Northern Illinois Gas Co	07-30-86	B		
ST86-2312	ONG Transmission Co	Phillips Gas Pipeline Co	07-30-86	C	12-27-86	10.00
ST86-2313	Natural Gas Pipeline Co of America	Northern Indiana Public Service Co	07-30-86	B		
ST86-2314	Valero Transmission Co	Valero Interstate Transmission Co	07-30-86	C		
ST86-2315	Panhandle Eastern Pipe Line Co	Central Illinois Public Service Co	07-30-86	B		
ST86-2316	Panhandle Eastern Pipe Line Co	Kansas Pipeline Co	07-30-86	B		
ST86-2317	Delhi Gas Pipeline Corp	Washington Gas Light Co	07-30-86	C		
ST86-2318	Delhi Gas Pipeline Corp	Northern Natural Gas Co	07-30-86	C		
ST86-2319	Delhi Gas Pipeline Corp	Citizens Gas and Coke Utility	07-30-86	C		
ST86-2320	Delhi Gas Pipeline Corp	ANR Pipeline Co	07-30-86	C		
ST86-2321	Delhi Gas Pipeline Corp	Panhandle Eastern Pipe Line Co	07-30-86	C		
ST86-2322	Delhi Gas Pipeline Corp	Washington Gas Light Co	07-30-86	C		
ST86-2323	Delhi Gas Pipeline Corp	Mississippi River Transmission Corp	07-30-86	C		
ST86-2324	Trunkline Gas Co	Consumers Power Co	07-31-86	B		
ST86-2325	Trunkline Gas Co	Consumers Power Co	07-31-86	B		
ST86-2326	Panhandle Eastern Pipe Line Co	Consumers Power Co	07-31-86	B		
ST86-2327	Trunkline Gas Co	Consumers Power Co	07-31-86	B		
ST86-2328	Trunkline Gas Co	Consumers Power Co	07-31-86	B		
ST86-2329	Panhandle Eastern Pipe Line Co	Union Electric Co	07-31-86	B		
ST86-2330	Panhandle Eastern Pipe Line Co	Central Illinois Light Co	07-31-86	B		
ST86-2331	Trunkline Gas Co	Consumers Power Co	07-31-86	B		
ST86-2332	Arkla Energy Resources	Arkansas Louisiana Gas Co	07-31-86	B		
ST86-2333	Arkla Energy Resources	Arkansas Louisiana Gas Co	07-31-86	B		
ST86-2334	Arkla Energy Resources	Arkansas Louisiana Gas Co	07-31-86	B		
ST86-2335	Arkla Energy Resources	Southwestern Electric Power Co	07-31-86	B		
ST86-2336	Arkla Energy Resources	Arkansas Louisiana Gas Co	07-31-86	B		
ST86-2337	Arkla Energy Resources	Arkansas Louisiana Gas Co	07-31-86	B		
ST86-2338	Arkla Energy Resources	Arkansas Louisiana Gas Co	07-31-86	B		
ST86-2339	Valley Gas Transmission, Inc	Texline Gas Co	07-31-86	B		
ST86-2340	Valero Interstate Transmission Co	Valero Transmission Co	07-31-86	B		
ST86-2341	Valero Transmission Co	Valero Interstate Transmission Co	07-31-86	C		
ST86-2342	Valero Transmission Co	Texas Eastern Transmission Corp	07-31-86	C		
ST86-2343	Valero Transmission Co	Trunkline Gas Co	07-31-86	C		
ST86-2344	Valero Transmission Co	El Paso Natural Gas Co	07-31-86	C		
ST86-2345	ONG Transmission Co	Panhandle Eastern Pipe Line Co	07-31-86	C	12-28-86	10.00
ST86-2346	Michigan Gas Storage Co	Consumers Power Co	07-31-86	B		
ST86-2347	Michigan Gas Storage Co	Consumers Power Co	07-31-86	B		
ST86-2348	Michigan Gas Storage Co	Consumers Power Co	07-31-86	B		
ST86-2349	Michigan Gas Storage Co	Consumers Power Co	07-31-86	B		
ST86-2350	Michigan Gas Storage Co	Consumers Power Co	07-31-86	B		
ST86-2351	Michigan Gas Storage Co	Consumers Power Co	07-31-86	B		
ST86-2352	Mountain Fuel Resources, Inc	Pacific Gas and Electric Co	07-31-86	B		
ST86-2353	Mountain Fuel Resources, Inc	Cascade Natural Gas Corp., et al	07-31-86	B		
ST86-2354	Colorado Interstate Gas Co	Public Service Co. of Colorado	07-31-86	B		
ST86-2355	Trunkline Gas Co	Consumers Power Co	07-31-86	B		
ST86-2356	Panhandle Eastern Pipe Line Co	Central Illinois Light Co	07-31-86	B		
ST86-2357	Trunkline Gas Co	Consumers Power Co	07-31-86	B		
ST86-2358	Arkla Energy Resources	National Gas and Oil Corp	07-31-86	B		
ST86-2359	Arkla Energy Resources	Union Electric Co	07-31-86	B		
ST86-2360	Arkla Energy Resources	Oxford Natural Gas Co	07-31-86	B		
ST86-2361	Arkla Energy Resources	Central Illinois Public Service Co	07-31-86	B		
Below is a revised petition for rate approval. It is noticed at this time to give interested parties the appropriate 150-day comment period.						
ST86-1562	Cranberry Pipeline Corp	National Fuel Gas Supply	07-02-86	C	11-29-85	93.80 & 22.00

[1] Notice of transactions does not constitute a determination that filings comply with Commission Regulations in accordance with Order No. 436 (Final Rule and Notice Requesting Supplemental Comments, 50 FR 42372, 10/18/85).

[2] The Intrastate Pipeline has sought Commission Approval of its transportation rate pursuant to § 284.123(B)(2) of the Commission's Regulations (18 CFR 284.123(B)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[3] These filings were rejected by delegation letter order of the Director, Office of Pipeline and Producer Regulation on August 27, 1986.

[FR Doc. 86-21715 Filed 9-24-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-148-001]

Pacific Gas Transmission Co.; Compliance Filing

September 19, 1986.

Take notice that on September 8, 1986, Pacific Gas Transmission Company (PGT) tendered for filing the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

First Revised Sheet No. 99
Original Sheet Nos. 100, 102, 104, and 105.

According to § 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until September 16, 1986.

PGT states that the above-referenced tariff sheets are filed pursuant to Ordering Paragraph (B) of the Commission's order issued September 3, 1986 in Docket No RP86-148-000 and that they set forth the general terms and conditions under which PGT will provide interruptible transportation service under Rate Schedule IT-1.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before September 26, 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. 86-21720 Filed 9-24-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP86-726-000]

Texas Eastern Transmission Corp.; Request Under Blanket Authorization

September 18, 1986.

Take notice that on September 17, 1986, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP86-726-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate certain facilities in connection with the relocation of a delivery point under the certificate issued in Docket No. CP82-535-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Applicant states that Columbia Gas Transmission Corporation (Columbia) has requested and Applicant has agreed to the relocation of M&R Station No. 1249 which is located in the vicinity of Bally, Berks County, Pennsylvania. It is said that Columbia has advised Applicant that the relocation of M&R 1249 will help to eliminate many of the maintenance problems experienced at the current site which is located in a flood prone area.

Applicant proposes to relocate the existing delivery point (M&R No. 1249) from approximate milepost 226.42 on Applicant's 30-inch Line No. 19 and 24-inch Line No. 12 in Berks County, Pennsylvania, by constructing a measuring station at approximate milepost 226.02 on the same pipelines pursuant to § 157.212 of the Commission's Regulations. Applicant states that M&R No. 1249 will be used, as is the existing station, solely to deliver gas to Columbia and that Columbia will reimburse Applicant for the total cost of the station which is estimated to be approximately $493,000.

Applicant states that the existing M&R No. 1249 measuring facilities are utilized to deliver natural gas to Columbia under Applicant's Rate Schedules DCQ-C, DCQ-D, I-C and I-D and Applicant does not propose to increase the maximum daily delivery obligation for M&R No. 1249 under the current DCQ service agreement between Applicant and Columbia. Accordingly, Applicant states, operation of the relocated M&R No. 1249 will have no effect on its peak day or annual deliveries under the DCQ service agreement because deliveries which are now being made through the existing M&R No. 1249 will be made through the relocated M&R No. 1249.

Further, Applicant states its intent to utilize M&R No. 1249 to effectuate deliveries to Columbia under Applicant's transportation Rate Schedule CTS in addition to the points already authorized for such deliveries. It is stated that Applicant and Columbia will execute a CTS service agreement providing for the delivery of natural gas by Applicant to Columbia of up to a maximum daily delivery obligation of 14,000 dekatherms through M&R No. 1249. Applicant asserts that utilization of M&R No. 1249 will have no effect on its peak day or annual deliveries under the CTS service agreement.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-21716 Filed 9-24-86; 8:45 am]

BILLING CODE 6717-01-M

Phillips Petroleum Company et al.; Applications for Abandonment and Blanket Limited-Term Certificate with Pre-Granted Abandonment Authorization

September 19, 1986.

Take notice that Phillips Petroleum Company has filed applications pursuant to section 7 of the Natural Gas Act for authorization to abandon service or for a blanket limited-term certificate with pre-granted abandonment authorization to sell natural gas in interstate commerce, as described herein.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Accordingly, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a

protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

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
CI69-833-000, B, Aug. 4, 1986[1]	Phillips Petroleum Company, 336 Home Savings & Loan Building, Bartlesville, Oklahoma 74004.	United Gas Pipe Line Company, West Bryceland Field, Bienville Parish, Louisiana.	([2])	
CI86-628-000, A, Aug. 4, 1986[1]	do	([3])		
CI71-911-000, B, Aug. 4, 1986[1]	do	United Gas Pipe Line Company, West Bryceland Field, Bienville Parish, Louisiana.	([4])	
CI86-632-000, A, Aug. 4, 1986[1]	do	([5])		
CI77-412-003, B, Aug. 4, 1986[1]	do	United Gas Pipe Line Company, Waveland Field, Hancock County, Mississippi.	([6])	
CI86-630-000, A, Aug. 4, 1986[1]	do	([7])		

[1] Additional material received August 28, 1986, and September 12, 1986.

[2] Applicant requests a limited-term abandonment of certain sales to United for a period of two years under a contract dated Janaury 24, 1967, on filed with the Commission as Applicant's FERC Gas Rate Schedule No. 466. Applicant states that United has continued to make allegations of impracticability and impossibility and has reduced its purchases under its West Bryceland Field contracts with Applicant by 80%. Applicant states that this situation fulfills the § 2.77(a)(1) description of substantially reduced takes without payment. Applicant states that the gas involved is NGPA section 104 replacement contract, flowing and 1973-1974 biennieum gas and that the estimated deliverability is 6,000 Mcf/d. Applicant indicates it wishes to sell the gas to another purchaser.

[3] Applicant requests a blanket limited-term certificate for a period of two years with pre-granted abandonment authorization in order to make sales of gas subject to the limited-term abandonment in Docket No. CI69-833-000. Applicant states that such authorization is necessary in order to permit Applicant to respond expeditiously to changes in the natural gas markets. Applicant states the authorization requested herein would permit gas priced below the market to be available to interstate service immediately and would continue for at least a period of two years. Applicant states it will file any rate schedules that may be required by the order granting this certificate, however, Applicant would suggest a reporting requirement in lieu thereof.

[4] Applicant requests a limited-term abandonment of certain sales to United for a period of two years under a contract dated May 10, 1971 on file with the Commission as Applicant's FERC Gas Rate Schedule No. 487. Applicant states that United has continued to make allegations of commercial impracticability and impossibility and has reduced its purchases under its West Bryceland Field contracts with Applicant by 80%. Applicant states that this situation fulfills the § 2.77(a)(1) description of substantially reduced takes without payment. Applicant states that the gas involved is NGPA section 104 flowing gas, and 1973-1974 biennieum gas and that the estimated deliverability is 600 Mcf/d. Applicant indicates it wishes to sell the gas to another purchaser.

[5] Applicant requests a blanket limited-term certificate for a period of two years with pre-granted abandonment authorization in order to make sales of gas subject to the limited-term abandonment in Docket No. CI71-911-000. Applicant states that such authorization is necessary in order to permit Applicant to respond expeditiously to changes in the natural gas markets. Applicant states the authorization requested herein would permit gas priced below the market to be available to interstate service immediately and would continue for at least a period of two years. Applicant states it will file any rate schedules that may be required by the order granting this certificate, however, Applicant would suggest a reporting requirement in lieu thereof.

[6] Applicant requests a limited-term abandonment of certain sales to United for a period of two years under a contract dated March 16, 1977 on file with the Commission as Applicant's FERC Gas Rate Schedule No. 608. Applicant states that United has continued to make allegations of commercial impracticability and impossibility and has reduced its purchases under its Waveland Field contract with Applicant by 50%. Applicant states that this situation fulfills the § 2.77(a)(1) description of substantially reduced takes without payment. Applicant states that the gas involved is NGPA section 104 post-1974 and 1973-1974 biennieum gas and that the estimated deliverability is 4,000 Mcf/d. Applicant indicates it wishes to sell the gas to another purchaser.

[7] Applicant requests a blanket limited-term certificate for a period of two years with pre-granted abandonment authorization in order to make sales of gas subject to the limited-term abandonment in Docket No. CI77-412-003. Applicant states that such authorization is necessary in order to permit Applicant to respond expeditiously to changes in the natural gas markets. Applicant states the authorization requested herein would permit gas priced below the market to be available to interstate service immediately and would continue for at least a period of two years. Applicant states it will file any rate schedules that may be required by the order granting this certificate, however, Applicant would suggest a reporting requirement in lieu thereof.

Filling Code: A—Initial Service, B—Abandoment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession.

[FR Doc. 86-21721 Filed 9-24-86; 8:45 am]

BILLING CODE 6717-01-M

Southeastern Power Administration

Order Confirming and Approving Power Rates on an Interim Basis

AGENCY: Southeastern Power Administration (SEPA), DOE.

ACTION: Notice of order confirming and approving power rates on an interim basis for the Kerr-Philpott System of Projects.

SUMMARY: Notice is given of Rate Order No. SEPA-22 of the Under Secretary of the Department of Energy, confirming and approving, on an interim basis, four Rate Schedules, KP-1-C, JHK-2-A, JHK-3-A and PH-1-A for the Kerr-Philpott System of Projects. The rates were approved on an interim basis through September 30, 1991, and are subject to confirmation and approval by the Federal Energy Regulatory Commission on a final basis.

DATES: Approval of rates on an interim basis is effective on October 1, 1986.

FOR FURTHER INFORMATION CONTACT:

Leon Jourolmon, Jr., Director, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635

J. Emerson Harper, Office of Management and Review, CE-41, Department of Energy, James Forrestal Building, 1000 Independence Ave., SW, Washington, DC 20585.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission by Order issued July 6, 1983, in Docket No. EF83-3041 confirmed and approved Wholesale Power Rate Schedules KP-1-C and JHK-1-E through September 30, 1986. Rate Schedule KP-1-C has been extended. Rate Schedules JHK-2-A and JHK-3-A replace JHK-1-E and PH-1-A is a new Rate Schedule for preference customers in the Appalachian Power Company area.

Issued in Washington, DC, September 18, 1986.

Joseph F. Salgado,

Under Secretary.

[Rate Order No. SEPA-22]

Order Confirming and Approving Power Rates on an Interim Basis; Southeastern Power Administration, Kerr-Philpott Projects' Power Rates

Pursuant to sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 95-91, the functions of the Secretary of the Interior and the Federal Power Commission under Secion 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southeastern Power Administration (SEPA) were transferred to and vested in the Secretary of Energy. By Amendment No. 1 to Delegation Order No. 0204-108, effective May 30, 1986, 51 FR 19744 (May 30, 1986), the Secretary of Energy delegated to the Administrator the authority to develop power and transmission rates, and delegated to the Under Secretary the authority to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Administrator under the delegation. This rate order is issued pursuant to the delegation to the Under Secretary.

Background

Power from the Kerr-Philpott Projects is presently sold under Wholesale Power Rate Schedules KP-1-C and JHK-1-E confirmed and approved by the FERC on July 6, 1983, for a period ending September 30, 1986.

Public Notice and Comment

Opportunities for public review and comments on the proposed revised Rate Schedules KP-1-C, JHK-1-E and PH-1-A were announced by Notice published in the **Federal Register** on April 4, 1986, and all customers were notified by mail. A Public Information and Comment Forum was held in South Hill, Virginia, on May 20, 1986, and written comments were invited by the Notice through July 14, 1986. No oral or written comments were received.

Discussion

System Repayment

SEPA's system Power Repayment Study, prepared in July 1986, for the Kerr-Philpott Projects, shows that with present rates all system costs are paid within their repayment life. A group of preference customers requested that the Rate Schedules allow the North Carolina Electric Membership Corporation to take over the wheeling responsibility for its members. Therefore, SEPA proposes to extend Rate Schedule KP-1-C, replace Rate Schedule JHK-1-E with JHK-2-A and JHK-3-A, and establish a new Rate Schedule PH-1-A for new preference customers in the Appalachian Power Company area. Rate Schedules KP-1-C, JHK-2-A, JHK-3-A and PH-1-A are so designed as to produce revenue adequate to recover on a timely basis all system power costs.

Rate Design

In Rate Schedules KP-1-C, JHK-2-A, JHK-3-A and PH-1-A these charges are divided between capacity, energy and wheeling charges. The capacity charge has been extended at a rate of $1.52 per kilowatt per month. The energy rate has been extended at a rate of 6.25 mills per kilowatt-hour.

The wheeling charges in the rate schedules are those charged SEPA by Virginia Electric and Power Company, Carolina Power & Light Company, and Appalachian Power Company, and are simply passed through directly to affected preference customers. The wheeling charges may be adjusted annually and adjustments will become effective at the time the companies' adjusted charges become effective to SEPA. The wheeling charges are tied to the costs of providing the necessary transmission and distribution services. JHK-3-A is written to allow North Carolina Electric Membership Corporation to provide wheeling if arrangements can be made with Carolina Power & Light and SEPA.

Environmental Impact

SEPA has reviewed the possible environmental impacts of the rate adjustment under consideration and has concluded with Departmental concurrence that, because the rates would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, the proposed action is not a major Federal action for which preparation of an Environmental Impact Statement is required.

Availability of Information

Information regarding these rates including studies, and other supporting materials are available for public review in the offices of Southeastern Power Administration, Samuel Elbert Building, Elberton, Georgia 30635, and in the Office of the Director of Management and Review of Conservation and Renewable Energy, Forrestal Building, 1000 Independence Avenue, SW., Room 6B-070, Washington, DC 20585.

Submission to the Federal Energy Regulatory Commission

The rates herein confirmed and approved on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis for a period beginning on October 1, 1986, and ending no later than September 30, 1991.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy. I hereby confirm and approve on an interim basis, effective October 1, 1986, attached Wholesale Power Rate Schedules KP-1-C, JHK-2-A, JHK-3-A and PH-1-A. The Rate Schedules shall remain in effect on an interim basis through September 30, 1991, unless such period is extended or until the FERC confirms and approves them or substitute rate schedules on a final basis.

Issued in Washington, DC, September 18, 1986.

Joseph F. Salgado,

Under Secretary.

Wholesale Power Rate Schedule KP-1-C

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of which is hereinafter called the Customer) within a 150 mile radius of the John H. Kerr Project, purchasing power generated at the John H. Kerr and Philpott Projects in wholesale quantities under appropriate contracts and served through the facilities of the Virginia Electric and Power Company (hereinafter called the Company).

Applicability

This rate schedule shall be applicable to power and accompanying energy generated at the John H. Kerr and Philpott Projects, purchased in wholesale quantities under appropriate contracts for a specified number of kilowatts of capacity and shall be applied to each Customer's system consisting of one or more delivery points.

Character of Service

The electric capacity and energy supplied hereunder will be 3-phase alternating current at a nominal frequency of 60 Hertz. The voltage of delivery will be maintained within the limits established by the state regulatory commission.

Monthly Rate

The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge

$1.52 per kilowatt of contract demand.

Energy Charge

6.25 mills per kilowatt-hour.

An additional rate for wheeling service provided under this rate schedule shall be the rate charged Southeastern Power Administration by the Company and future adjustments to that rate will become effective upon acceptance for filing by the Federal Energy Regulatory Commission of the Company's rate. The initial charge will be inserted upon completion of negotiations with the Company:

Wheeling Charge

$ per kilowatt of contract demand.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government a portion of the energy available to the Company area from the projects in any billing month determined by multiplying the total energy available less five (5) percent losses by the ratio of the Customer's contract demand to the sum of the contract demands

of all customers served under this rate schedule.

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule JHK-2-A

Availability

This rate schedule shall be available to public bodies (any one of which is hereinafter called the Customer) within a 165 mile radius of the existing interconnection point between the Virginia Electric and Power Company and the Carolina Power and Light Company (hereinafter called the Company) at the Virginia-North Carolina State line in the vicinity of John H. Kerr Project (hereinafter called the Project), purchasing power from the Project in wholesale quantities under appropriate contracts and served through the facilities of the Company.

Applicability

This rate schedule shall be applicable to Project power and accompanying energy, purchased in wholesale quantities under appropriate contracts for a specified number of kilowatts of capacity and shall be applied to each Customer's system consisting of one or more delivery points.

Character of Service

Electric capacity and energy supplied hereunder will be 3-phase alternating current at a nominal frequency of 60 Hertz delivered at exiting or future delivery points on the Company's transmission and distribution system.

Monthly Rate

The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge

$1.52 per kilowatt of contract demand.

Energy Charge

6.25 mills per kilowatt-hour.

An additional rate for wheeling service provided under this rate schedule shall be the rate charged Southeastern Power Administration by the Company and future adjustments to that rate will become effective annually pursuant to a rate formula filed with the Federal Energy Regulatory Commission or upon acceptance for filing by the Federal Energy Regulatory Commission. The initial charge will be inserted upon completion of negotiations with the Company:

Wheeling Charge

$ per kilowatt of contract demand.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government

The Government will sell to the customer and the customer will purchase from the Government a portion of the energy available to the Company area from the Projects in any billing month determined by multiplying the total energy available less six (6) percent losses by the ratio of the customer's contract demand to the sum of the contract demands of all customers served under this rate schedule.

Billing Month

End-of-month meter readings for billing under this schedule shall be made on the last regular working day of each month or as near thereto as may be practicable.

Wholesale Power Rate Schedule JHK-3-A

Availability

This rate schedule shall be available to cooperatives (any one of which is hereinafter called the Customer) within a 165 mile radius of the existing interconnection point between the Virginia Electric and Power Company and the Carolina Power and Light Company (hereinafter called the Company) at the Virginia-North Carolina State line in the vicinity of John H. Kerr Project (hereinafter called the Project), purchasing power from the Project in wholesale quantities under appropriate contracts and served through the facilities of the Company.

Applicability

This rate schedule shall be applicable to Project power and accompanying energy, purchased in wholesale quantities under appropriate contracts for a specified number of kilowatts of capacity and shall be applied to each Customer's system consisting of one or more delivery points.

Character of Service

Electric capacity and energy supplied hereunder will be 3-phase alternating current at a nominal frequency of 60 Hertz delivered at existing or future delivery points on the Company's transmission and distribution system.

Monthly Rate

The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge

$1.52 per kilowatt of contract demand.

Energy Charge

6.25 mills per kilowatt-hour.

An additional rate for wheeling service provided under this rate schedule shall be the rate charged Southeastern Power Administration by the Company and future adjustments to that rate will become effective annually pursuant to a rate formula filed with the Federal Energy Regulatory Commission or upon acceptance for filing by the Federal Energy Regulatory Commission. The initial charge will be inserted upon completion of negotiations with the Company:

Wheeling Charge

$ per kilowatt of contract demand.

If North Carolina Electric Membership Corporation arranges to provide the transmission services, the amount of wheeling charge will be the cost of service charge that North Carolina Electric Membership Corporation charges Southeastern Power Administration.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government

The Government will sell to the customer and the customer will purchase from the Government a portion of the energy available to the Company area from the Projects in any billing month determined by multiplying the total energy available less six (6) percent losses by the ratio of the customer's contract demand to the sum of the contract demands of all customers served under this rate schedule.

Billing Month

End-of-month meter readings for billing under this schedule shall be made on the last regular working day of each month or as near thereto as may be practicable.

Wholesale Power Rate Schedule PH-1-A

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of which is hereinafter called the Customer) within a 100 mile radius of the Philpott Project, purchasing power generated at the Philpott Project in wholesale quantities under appropriate contracts and served through the facilities of the Appalachian Power Company (hereinafter called the Company).

Availability

This rate schedule shall be applicable to power and accompanying energy generated at the Philpott Project, purchased in wholesale quantities under appropriate contracts for a specified number of kilowatts of capacity and shall be applied to each customer's system consisting of one or more delivery points.

Character of Service

The electric capacity and energy supplied hereunder will be 3-phase alternating current at a nominal frequency of 60 Hertz. The voltage of delivery will be maintained within the limits established by the state regulatory commission.

Monthly Rate

The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge

$1.52 per kilowatt of contract demand.

Energy Charge

6.25 mills per kilowatt-hour.

An additional rate for wheeling service provided under this rate schedule shall be the rate charged Southeastern Power Administration by the Company and future adjustments to that rate will become effective upon acceptance for filing by the Federal Energy Regulatory Commission of the Company's rate. The initial charge will be inserted upon completion of negotiations with the Company:

Wheeling Charge

$ per kilowatt of contract demand.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government a portion of the energy available to the Company area from the project in any billing month determined by multiplying the total energy available less ( ) percent losses by the ratio of the Customer's contract demand to the sum of the contract demands of all customers served under this rate schedule.

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

[FR Doc. 86-21708 Filed 9-24-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AD-FRL-3086-1]

Assessment of Nickel Subsulfide and Nickel Carbonyl As Potentially Toxic Air Pollutants

AGENCY: Environmental Protection Agency.

ACTION: Notice of nickel assessment results and solicitation of information.

SUMMARY: This notice announces the results of EPA's assessment of nickel subsulfide and nickel carbonyl as candidates for regulation under the Clean Air Act (CAA). The Agency has concluded that although these compounds have been classified as known or problable human carcinogens, the present emissions of nickel subsulfide and nickel carbonyl to the extent that they occur, do not pose a significant risk to public health for contracting cancer or non-cancer health effects. Based on this finding, EPA has determined that no Federal regulation directed specifically at nickel subsulfide and nickel carbonyl is warranted at this time to protect public health under any section of the CAA. The Agency is deferring a decision on other specific nickel compounds pending completion of ongoing nickel health research. This notice has no effect on the regulation of nickel or nickel compounds as particulate matter in order to attain the national ambient air quality standards (NAAQS) for particulate matter. In addition, this notice does not preclude any State or local air pollution control agency from specifically regulating emission sources of nickel. Because there remain uncertainties concerning the possible existence of nickel carbonyl sources and the potential for emissions of nickel subsulfide from sources other than refinery operations, EPA is requesting comment on this notice.

DATE: Written comments pertaining to this notice must be received on or before December 24, 1986.

ADDRESSES: Submit comments (duplicate copies are preferred) to: Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. A-85-06, 401 M Street SW., Washington, DC 20460. Docket A-85-06, which contains information relevant to this decision is located in the Central Docket Section of the U.S. Environmental Protection Agency, West Tower Lobby Gallery I, 401 M Street SW., Washington, DC 20460. The docket may be inspected between 8:00 a.m. and 4:30 p.m. on weekdays, and a reasonable fee may be charged for copying.

AVAILABILITY OF RELATED INFORMATION: A "Health Assessment Document for Nickel and Nickel Compounds" EPA/600/8-83/012FF (September 1986) containing information on the health effects of nickel exposure has been prepared by EPA's Office of Research and Development. Information on the availability of the health assessment document (HAD) can be obtained from ORD Publications, CERI-FR, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (Telephone: 513-684-7562 commercial/684-7562 FTS). This document is also available through the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161 (telephone: 703-487-4650). When ordering, specify the NTIS document number: PB86-232212.

FOR FURTHER INFORMATION CONTACT: Robert G. Kellam, Pollutant Assessment Branch (MD-12), Strategies and Air Standards Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711 (Telephone: 919-541-5645 commercial/629-5645 FTS).

SUPPLEMENTARY INFORMATION: The EPA initiated the assessment of nickel as a potentially toxic air pollutant based on evidence linking exposure to certain nickel compounds and mixtures with an increased risk of cancer in occupational populations and test animals, and on the potential for human exposure to nickel emissions as a result of its use in the production of nickel metal, metal alloys, chemicals, and other products. As a first step in this process, a HAD for nickel was prepared summarizing available information on the effects of nickel on humans and the environment. EPA announced the availability of an external review draft of this document in a previous **Federal Register** notice (48 FR 50159, October 31, 1983). Comments at a brief Science Advisory Board (SAB) review in September 1983 recommended that the EPA expand its efforts to assess specific nickel compounds. The SAB reviewed a substantially revised document on March 25, 1986. The final document incorporates the SAB's comments. Research is now underway to address the carcinogenicity of specific nickel compounds jointly sponsored by EPA and the Ontario Ministry of Labour; National Health and Welfare, Canada; Energy, Mines, and Resources Canada; Nickel Producers Environemtal Research Association and the Commission of European Communities. Results of this research are expected to become available in 1988. The National Toxicology Program of the National Institute of Environmental Health Sciences is also currently conducting animal bioassays of selected nickel compounds. This research is expected to be completed in 1991.

Sources and Emissions

Nickel is found in nature as a component of silicate, sulfide, or, occassionally, arsenide ores. It is a valuable mineral commodity because of its resistance to corrosion and its siderophilic nature which facilitates the formation of nickel-iron alloys. Stainless steel is the most well-known alloy; others include permanent magnet and super alloys, used in radios, generators and turbochargers, and copper-nickel alloys used when resistance to corrosion is required. Other uses for nickel and its compounds include electroplating baths, batteries, textile dyes and mordants, and catalysts.

As a member of the transition metal series, nickel is resistant to alkilis, but generally dissolves in dilute oxidizing acids. Nickel may exist in many oxidation states, the most prevalent being Ni^{+2}. Of commercial and/or environmental significance are several binary nickel compounds including nickel oxide (both black, which is chemically reactive, and green, which is inert and refractory) and complex oxides of nickel, nickel sulfate, nickel nitrate, nickel carbonate, nickel hydroxide, nickel subsulfide and nickel carbonyl.

In the atmosphere, nickel is present as a constituent of suspended particulate matter. The principal stationary source categories that emit nickel into ambient air are: Primary production sources

(nickel ore mining/smelting and nickel matte refining); combustion and incineration sources (coal and oil burning units in utility, industrial, commercial and residential use sectors, and municipal and sewage sludge incinerators); high temperature metallurgical sources (steel manufacturing, nickel alloy manufacturing, secondary nickel smelting, secondary nonferrous metals smelting and iron and steel foundries); chemical and catalyst sources (nickel chemical manufacturing, electroplating, nickel-cadmium battery manufacturing and catalyst production, use and reclamation); and miscellaneous (co-product nickel recovery, cement manufacturing, coke ovens, asbestos mining/milling and cooling towers).

While nickel in its elemental state can be measured in the ambient air, measurement of specific nickel compounds is very difficult. Techniques used generally break down inorganic compounds into their ionic or atomic states, thus changing the form of the compound in the attempt to determine the total concentration of the element. In addition, the very low level of nickel present in ambient air samples (annual average of 0.008 $\mu g/m^3$, 1982 data) complicates the analysis. Nevertheless, by analyzing the physical and chemical properties of nickel, the forms of nickel input to various source processes, and the reaction conditions encountered in various source categories, it is possible to roughly estimate forms of nickel emitted into the ambient air. From such analyses, the predominant forms appear to be nickel oxide, nickel sulfate, complex oxides of nickel and other metals (chiefly iron), and to a much lesser extent, metallic nickel and nickel subsulfide. Based on EPA's review of available data, nickel carbonyl has not been found in the ambient air and would not be expected to occur in significant quantities. Of the total amount of nickel emitted into the nation's ambient air, the greatest contribution is from the combustion of fossil fuels in which nickel appears to be in the form of nickel sulfate, followed by lesser amount of nickel oxide and complex oxides of nickel.

Health Effects

Nickel was identified as a potential air toxic problem by review of an extensive data base that indicated that nickel, in some chemical forms, induced cancer when injected into or inhaled by a variety of animal species. In addition, nickel species as components of a mixture of refinery emissions, have been implicated as causing an excess of lung and nasal cancer among occupationally exposed workers. The health data base on nickel and nickel compounds has been evaluated and summarized in the nickel HAD.

The HAD was released as an external draft in May 1983 and was reviewed by EPA's SAB in September 1983 and subsequently revised and reviewed in March 1986. Among the SAB's concerns with the early document was the need to update the evaluation to include recent additions to the health literature and to focus more discussion on the health effects (particularly carcinogenicity) resulting from exposure to specific nickel compounds. The final HAD, released in September 1986, provides detailed discussion of the evidence available to judge the carcinogenic potential of nickel and various nickel compounds as well as the potential for other health effects. The conclusions of the HAD relevant to this regulatory determination are summarized in the following sections.

Carcinogenic Effects

Nickel subsulfide was the major nickel compound present in the refinery dust emissions to which European and Canadian refinery workers were exposed. These studies demonstrated large excesses of lung and nasal cancer in the exposed population. In addition, nickel subsulfide has also been found to produce lung cancers in rats after long-term inhalation exposure. The cancer data base for other nickel compounds is considerably weaker. However, nickel carbonyl has also been shown to be carcinogenic via inhalation in animals and is well-documented as a highly toxic chemical to both humans and animals acutely exposed.

The International Agency for Research on Cancer (IARC) has classified "nickel" and "certain nickel compounds" as probably carcinogenic to humans. The evidence is strongest for nickel subsulfide. Under EPA's proposed guidelines for carcinogenic risk assessment (49 FR 46294) nickel refinery dust and nickel subsulfide have been classified as known human carcinogens (Group A) and nickel carbonyl as a probable human carcinogen (Group B2). While there is suggestive evidence that other nickel compounds may be carcinogenic, the evidence is not sufficient either to classify these additional compounds as probable or known human carcinogens or to estimate the carcinogenic potencies of specific nickel compounds relative to nickel subsulfide or nickel refinery dust. The carcinogenic potential of other nickel compounds remains an important area for further investigation. Some biochemical and in vitro toxicological studies seem to indicate the nickel ion as a potential carcinogenic form of nickel and nickel compounds. If this is true, all nickel compounds might be potentially carcinogenic with potency differences related to their ability to enter and make the carcinogenic form of nickel available to a susceptible cell. However, at the present time, neither the bioavailability nor the carcinogenesis mechanism of nickel compounds is well understood.

The issue of whether other nickel compounds may pose carcinogenic risks is not of recent origin. In 1977, the National Institute of Occupational Safety and Health (NIOSH) released a criteria document on nickel metal and inorganic nickel compounds (NIOSH, 1977). The document concluded that, "in the absence of evidence to the contrary, nickel metal and all inorganic nickel compounds, when airborne, should be considered carcinogens." In 1980, the American Conference of Governmental Industrial Hygienists (ACGIH), however, concluded that, "with the available knowledge, it is not felt that all forms of nickel are carcinogenic" (ACGIH, 1980). The EPA is attempting to address the uncertainty in the health data for the other nickel compounds by working with the original authors of the epidemiology studies, the industries where the studies were conducted, and additional scientists from Canada, Europe, and the United States to better discern the toxic potential of nickel compounds. The National Toxicology Program of National Institute of Environmental Health Sciences is presently conducting lifetime bioassays in rats and mice to clarify the carcinogenic potential and relative toxicity of three nickel compounds (subsulfide, oxide, and sulfate).

Non-Carcinogenic Effects

In terms of human health effects, probably the most acutely toxic nickel compound is nickel carbonyl $Ni(CO)_4$, exposure to which has been through accidental release to nickel-processing workers. Acute nickel carbonyl poisoning is clinically manifested by both immediate and delayed symptomology. With the onset of the delayed, insidious symptomology there is constrictive chest pain, dry coughing, hyperpnea, cyanosis, occasional gastrointestinal symptoms, sweating, visual disturbances, and severe weakness. Most of these symptoms strongly resemble those of viral pneumonia. The lung is the target organ in nickel carbonyl poisoning in both man and animals. Inhalation of high levels of nickel carbonyl can produce pulmonary

hemorrhage and edema and may result in death. Patients surviving an acute episode of exposure may be left with pulmonary fibroses.

Chronic health effects of nickel compounds include nickel dermatitis and other dermatological effects. These effects have been documented in both nickel worker populations and populations at large. Originally considered to be a problem of occupational exposures, the more recent clinical and epidemiological reports suggest that nonoccupational exposures to nickel-containing commodities may present significant problems to sensitive individuals through dermal contact and possibly exacerbated with oral exposure. Nonoccupational exposure to nickel leading to dermatitis includes nickel-containing jewelry, coins, tools, cooking utensils, stainless-steel kitchens, prostheses, and clothing fasteners. The special area of exposure via nickel in prostheses is of prime concern to the medical specialties industry and the patients involved, but is manageable to some extent by preoperative testing for sensitivity and routine elimination of nickel alloys.

Chronic noncarcinogenic effects of nickel in the human respiratory tract mainly derive from studies of nickel workers in various production categories who have been exposed to various forms of nickel. In the aggregate, assessment of available human and animal data show two areas of possible concern for humans: (1) Direct respiratory effects such as asthma, nasal septal perforations, and chronic rhinitis and sinusitis; and (2) increased risk for chronic respiratory tract infections secondary to the effect of nickel on the respiratory immune system.

Other observed effects of excess nickel exposure include changes in the endocrine and reproductive systems in laboratory animals and limited evidence of vasoconstrictive potential in humans. There is also some evidence that nickel may induce gene mutations in bacteria and cultured human cells but the induction of chromosomal aberrations has not been shown to occur *in vivo*.

Nickel compounds appear to possess low general neurotoxic potential. Lesions observed in neural tissue by nickel carbonyl include diffuse local hemorrhages, neural fiber degeneration, and marked edema. Nickel subsulfide, when administered intrarenally to rats, provokes a pronounced, dose-dependent erythrocytosis associated with erythroid hyperplasia in bone marrow. The effects of nickel chloride on the cellular and humoral immune responses of mice have been studied. Of particular note is the ability of nickel chloride to suppress the activity of natural killer cells within 24 hours of a single intramuscular injection. Such cells are thought to be one of the first lines of nonspecific defense against certain types of infection and tumors.

The above acute and chronic effects have only been associated with the occupational environment or with animal parenteral studies where concentration levels are expected to be much higher than levels found in the ambient air. Data are extremely sparse for defining what these occupational concentration levels were and extrapolating from animal parenteral administration to human inhalation concentration levels is extremely difficult and highly uncertain. While the available monitoring data collected in the in the vicinity of industrial emitters is quite limited for total nickel and does not exist for specific nickel compounds, comparing the measured ambient data with the high concentration levels expected in the occupational environment at which health effects were seen leads EPA to the conclusion that human health effects other than cancer appear to be limited to the occupational environment. The highest 24-hour measured value near a nickel mine and smelter was 0.27 $\mu g/m^3$ (microgram nickel per cubic meter air) (Brooks, 1984). The highest modeled (predicted) concentration from any source emitting nickel was a 24-hour average concentration of 10.9 $\mu g/m^3$ (Dunk, 1983). The highest concentration averaged over 314 operating days was estimated to be 0.83 $\mu g/m^3$ at the same plant. In comparison, adverse health effects have been reported to occur only at concentration levels well above the ACGIH threshold limit value (TLV) of 100 $\mu g/m^3$, 8-hour time-weighted average for nickel compounds (ACGIH, 1980) and above the 1977 NIOSH recommended exposure limit of 15 $\mu g/m^3$ measured as nickel (NIOSH, 1977). The lowest level at which organ effects were observed in animals ranged from 50–500 $\mu g/m^3$ (no averaging time reported) via inhalation. The effect observed was transient lung irritation, and in another animal study at the same exposure levels, decreased iodine uptake.

A number of amimal studies suggest a role for dietary nickel as essential for complete animal nurition. Small amounts of dietary nickel may be essential for human nutrition.

Exposure to Carcinogenic Emissions

The most potent nickel carcinogens appear to be nickel refinery dust from the pyrometallurgical processing of nickel sulfide ores, and two specific nickel compounds: nickel carbonyl and nickel subsulfide. For nickel refinery dust, there is at present only one nickel refinery in the U.S. that is capable of refining nickel from a sulfide material. This plant no longer refines nickel and does not process sulfur mattes. This refinery employed a different process (hydrometallurgical) that did not provide the reducing atmosphere necessary for subsulfide formation. As described below, however, subsulfide emissions from this source did arise as a result of subsulfide present in the imported matte.

For nickel carbonyl, no significant sources of the chemical have been identified in the U.S. Nickel carbonyl was once a primary constituent in the Mond process for the refining of nickel. With the recognition of the toxicity of htis compound, uses of nickel carbonyl have largely disappeared. After direct communication with the International Nickel Company (INCO) and other former producers, EPA has been unable to locate any current carbonyl producers beyond specialty laboratories that use very small amounts (100 gram lots) supplied from existing inventories.

Nickel subsulfide is produced by reaction of nickel and sulfur in a reducing atmosphere. There was a single known source of nickel subsulfide emissions in the U.S., nickel refiner in Braithwaite, Louisiana, processing imported nickel, cobalt, and copper mattes with a high sulfur content. This plant is no longer operating as a nickel refiner, nor is it likely to resume nickel refining operations in the foreseeable future. Because of the presence of the subsulfide in the matte, emissions occurred predominantly during the crushing and grinding operations.

There is also speculation that nickel subsulfide may be produced inadvertently during the coking process in the steel industry. Although there are no supporting data, the availability of nickel and sulfur in the feedstock materials and the conditions that exist in parts of this process have been suggested as conducive to nickel subsulfide formation.

Estimates of Cancer Risk

The EPA's analysis of the carcinogenic risks from exposure to air emissions of nickel is limited to the potential cancer risk from sources of emissions of the documented carcinogenic nickel species (nickel refining dust, nickel subsulfide, and nickel carbonyl). No sources of nickel carbonyl emissions have been identified and the single U.S. refiner of nickel has ceased operations. Although little is known about the potential for nickel

subsulfide emissions from coke oven batteries, a reasonable worst case analysis indicates that, at most, the emissions, and consequent health risks, would be very low.

Estimates of incremental cancer risk from nickel subsulfide from coke oven batteries were developed through the use of EPA's Human Exposure Model (HEM). The HEM accepts as inputs the locations and emission characteristics of actual or representative sources. This information is combined with census and meteorological data contained in the model to estimate the magnitude and distribution of population exposure. Population exposure estimates are combined with an estimate of the carcinogenic potency of nickel refinery dust or nickel subsulfide provided in the HAD (EPA 1986). The carcinogenic potency (incremental unit risk) is the additional lifetime probability of lung cancer for an individual continuously exposed to 1 $\mu g/m^3$ of nickel refinery dust or nickel subsulfide for a lifetime (assumed to be 70 years). The unit risk estimates are based on analyses of lung cancer data in 4 nickel refineries. These studies were considered by EPA to be the best available for nickel refinery dust and nickel subsulfide from which to derive an incremental unit risk estimate. The best estmate of this incremental unit risk is 2.4×10^{-4} $(\mu g/m^3)^{-1}$ for nickel refinery dust and 4.8×10^{-4} $(\mu g/m^3)^{-1}$ for nickel subsulfide. The subsulfide estimate is derived from the refinery dust estimate based on the assumption that subsulfide constituted 50% of the nickel present in the refinery dust and was responsible for the increased cancer risk.

Two measures of excess cancer risk are calculated: the aggregate population risk expressed as an expected annual cancer incidence and the maximum individual lifetime risk expressed as the lifetime probability of cancer for the most exposed population.

To estimate risks for coke ovens, plant locations and emission characteristics were obtained from ongoing EPA work on developing regulations to control coke oven emissions. The amount of total nickel emitted from coke ovens was estimated by an EPA contractor (Brooks et al., 1985). The HEM was used to estimate exposure and cancer risk posed by potential nickel subsulfide emissions from coke ovens (Dusetzina, 1985). Although the subsulfide would comprise a small fraction of the nickel emitted from U.S. coke ovens, even asuming that all nickel is emitted as the subsulfide (a very conservative assumption), the estimated risks are relatively low (estimated annual cancer incidence of 0.01 [one case in 88 years out of an exposed population of about 89 million] and a maximum individual risk of $3.2\mu10^{-5}$). Actual emissions of subsulfide from these sources, to the extent they occur, will be further reduced by the implementation of national emissions standards under development for coke oven emissions.

Cancer risk from exposure to nickel carbonyl could not be estimated. Sufficient health data were not available to permit derivation of a unit risk estimate for nickel carbonyl and no significant producers or users of carbonyl were found. The Agency has concluded from the apparent absence of nickel carbonyl sources that population exposure is extremely low, if not zero.

Estimate of Non-Cancer Effects

Since monitoring information in nickel compounds near large emitting facilities is lacking, a screening dispersion model was used to determine if soluble nickel compounds emitted from a nickel facility could approach a threshold concentration related to the occurrence of the lowest observed adverse effect level (LOAEL). A source category that is suspected of relatively large nickel emissions, oil combustion, was selected from the Brooks (1985) report. A conservative emission factor was also calculated from Brooks (1985) and a model of a large capacity oil-fired industrial boiler was developed. an industrial boiler was selected over an oil-fired electric utility because the release height (stack) for the emissions is typically lower.

As noted previously, information associating non-cancer health effects in humans with specific nickel inhalation exposure levels is very sparse. Some guidance is available, however, from animal studies that suggest a LOAEL of roughly 50 $\mu g/m^3$. There are also the recommendations of the ACGIH for a threshold limit value-short-term exposure limit (TLV-STEL) and time weighted average (TLV-TWA) were used as indicators of the potential for the occurrence of non-cancer effects. The TLV-STEL is the concentration to which workers can be exposed continuously for a short period of time without suffering from (1) irritation, (2) chronic or irreversible tissue damage, or (3) narcosis of sufficient degree to increase the likelihood of accidental injury, impair self-rescue or materially reduce work efficiency. It is not a separate independent exposure limit, rather it supplements the time-weighted average limit where there are recognized acute effects from a substance whose toxic effects are primarily of a chronic nature. Short-term exposure limits are recommended only where toxic effects have been reported from high short-term exposures in either humans or animals.

A STEL is defined as a 15-minute time-weighted average exposure which should not be exceeded at any time during a work day even if the eight-hour time-weighted average is within the TLV. Exposures at the STEL should not be longer than 15 minutes and should not be repeated more than four times per day. There should be at least 60 minutes between successive exposures at the STEL. An averaging period other than 15 minutes may be recommended when this is warranted by observed biological effects. The TLV-TWA is the time-weighted average concentration for a normal 8-hour workday and a 40-hour workweek, to which nearly all workers may be repeatedly exposed, day after day, without adverse effect.

The TLV-STEL for soluble nickel compounds is 300 $\mu g/m^3$ (as nickel) and the TLV-TWA is 100 $\mu g/m^3$. The EPA's analysis estimated that a very large oil-fired boiler of 450 megawatts would emit 0.196 grams of nickel as nickel sulfate each second. The maximum 15-minute concentration predicted was 2.3 $\mu g/m^3$ or 130 times lower than the TLV-STEL and more than 20 times lower than the animal LOAEL. The maximum 8-hour concentration predicted was 1.2 $\mu g/m^3$ or 80 times lower than the TLV-TWA. Although the limited data base makes definitive conclusions difficult, the available information suggests that predicted maximum ambient levels of nickel do not appear to pose noncarcinogenic health risks.

Conclusions

Based on the results of EPA's assessments and given the low estimates of cancer risk from predicted ambient air exposures, as well as the absence of evidence for other health effects associated with predicted ambient levels, the Agency has concluded that emissions of nickel subsulfide and nickel carbonyl do not pose significant health risks and that the development of regulations for these compounds under the CAA is not warranted. The Agency is deferring decisions on other nickel compounds pending the outcome of ongoing epidemiological and animal research.

Due to the issues surrounding the question of the carcinogenicity of other nickel compounds and the general lack of information on non-carcinogenic effects from nickel exposure, EPA is soliciting through this notice, information on the following areas of uncertainty:

• Support for the nickel ion hypothesis. The hypothesis suggests that the ultimate carcinogenic form of nickel may be the nickel ion and that carcinogenic potency may depend in part on the ability of a particular nickel compound to enter and make the carcinogenic form of nickel available to the cell.

• The possibility of other sources in the U.S. that may emit nickel subsulfide or nickel carbonyl.

• Evidence that non-cancer health effects may occur at lower levels than the TLV-STEL. The available health literature is inadequate to establish these levels, if they exist, and information on peak routine emissions, batch, and accidental releases of specific nickel compounds is lacking.

The Agency also requests comment on the information discussed in this notice as well as on the conclusions presented. In addition, the Agency requests comments on the decision to defer action on other nickel compounds more commonly emitted into the ambient air pending completion of the ongoing nickel epidemiology studies. This research effort is expected to be completed during 1988. All comments received will be incorporated into the nickel rulemaking docket which will be available for public inspection. A further notice will be published only if public comment indicates a need to reconsider these conclusions.

Dated: September 19, 1986.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

References:

American Conference of Governmental Industrial Hygienists Inc. (ACGIH). Documentation of the Threshold Limit Values, Fourth Edition, 1980.

Brooks, G.W., Cruse, P.A., Pandulla, R.F. (Radian Corporation) (1985). Estimation of Nickel Species in Ambient Air. Final report to the Office of Air Quality Planning and Standards, EPA, Research Triangle Park, NC 27711.

Dunk, R. (1983). Atmospheric Diffusion Model Estimates of Ambient Air Nickel Concentrations Resulting from Emissions in the Port Nickel Refinery, Amax, Inc. Amax Environmental Service, Inc.

Dusetzina, M. [Office of Air Quality Planning and Standards, EPA, Reserch Triangle Park, NC] (1985). Memorandum to D. Patrick: "Nickel Subsulfide Risk Assessment," March 15, 1985, Office of Air Quality Planning and Standards. U.S. Environmental Protection Agency, Research Triangle Park, NC.

National Institute of Occupational Safety and Health (NIOSH). Criteria for a Recommended Standard-Occupational Exposure to Inorganic Nickel, U.S. Dept. of Health, Education and Welfare, May 1977.

U.S. Environmental Protection Agency (U.S. EPA). 1985. Health Assessment Document for Nickel. (EPA 600/8-83-012F, September 1985), Office of Health and Environmental Assessment, Washington, DC.

U.S. Environmental Protection Agency (U.S. EPA). 1985. Proposed Guidelines for Carcinogen Risk Assessment; Request for Comments. **Federal Register** 49:46294.

[FR Doc. 86-21710 Filed 9-24-86; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-3085-3]

State Water Quality Standards Updated Listing; Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This notice contains an updated list of revised State water quality standards, dates of adoption by the State and dates of approval by EPA for the period of June 1985 through July 1986 pursuant to the Water Quality Regulation (40 CFR Part 131, Subpart C § 131.21).

FOR FURTHER INFORMATION CONTACT: David K. Sabock, Chief Standards Branch (WH 585), Environmental Protection Agency, 401 M Street, SW., Washington DC 20460, Phone 202-245-3042.

SUPPLEMENTARY INFORMATION:

This listing of State water quality standards is an update of a list that was noticed in the **Federal Register** on July 22, 1985 (49 FR 29758). The updated listing identifies the State regulatory documentation containing the State water quality standards and dates of State adoption and EPA approval from June 1985 through July 1986. Not included in this notice are: (1) The text of the water quality standards, (2) a description of the adoption action or (3) any conditions (including disapprovals) that might have been attached to the approvals.

The text of a State's standards and copies of the approval letters can be obtained from the States' pollution control agency or the appropiate EPA Regional Office. Proprietary publications such as those of the Bureau of National Affairs also contain the text of State standards.

Dated: September 12, 1986.

Lawrence J. Jensen,

Assistant Administrator for Water.

Arizona

State Water Quality Standards for the surface waters of the State of Arizona are those adopted by the Arizona Water Quality Council and contained in State regulations entitled: Water Quality Standards for Surface Waters in Arizona, ACCR Title 9, Chapter 21.

Adopted or amended by the State: August 15, 1984.

EPA action: approved July 15, 1985.

California

Water quality Standards for the State of California are covered by the California Water Code, Division 7-Water Quality; enacted by California Statutes of 1969, Chapter 482, as amended.

Resolution Number 85-12, Chapters 3 & 4 of the Water Quality Control Plan for the Colorado River Basin, as amended.

Adopted or amended by the State: February 21, 1985.

EPA action: approved September 6, 1985.

Resolution 85-88, adoption of Amendment of Water Quality Control Plan for the Central Coastal Basin concerning beneficial uses of certain waters.

Adopted or amended by the State: December 19, 1985.

EPA action: approved March 21, 1986.

Resolution No. 85-50 of the State Water Resources Board (Eagle Lake Hydrologic Unit).

Adopted or amended by the State: December 1985.

EPA action: approved July 10, 1986.

Resolution No. 85-24 of the Lahontan Regional Water Quality Board-reaffirmation of the water quality standards for the Lahontan region.

Adopted or amended by the State: February 10. 1984.

EPA Action: approved July 3, 1986.

Resolution No. 85-10 of the North Coast Regional Water Quality Board—reaffirmation of the water quality standards for the North Coast Region.

Adopted or amended by State: July 21, 1985.

EPA Action: Approved October 23, 1985.

Colorado

State water quality standards for surface waters of Colorado are contained in: "Code of Colorado Regulations, Title 5, Chapter 1002, Article 8—Water Quality Standards and Stream Classifications, as amended".

Standards applicable to the Arkansas River Basin are contained in "Classification and Numeric Standards, (Section 3.2.0 of 5 CCR 1002-8)".

Adopted or amended by the State: December 6, 1985.

EPA action: pending.

Water Quality Standards pertaining to the San Juan and Dolores River basins

are contained in: "Classification and Numeric Standards, (Section 3.2.0 of 5 CCR 1002-8)".

Adopted or amended by the State: December 6, 1985.

EPA action: pending.

Delaware

State water quality standards for the State of Delaware are contained in: "The Delaware Code, Title 7, Chapter 61—Delaware Water Quality Standards for Streams".

Adopted or amended by the State: December 23, 1985.

EPA action: approved April 7, 1986.

Florida

State water quality standards for the surface waters of the State of Florida are contained in: "Florida Administrative Code, Chapter 17-3, Water Quality Standards".

Adopted or amended by the State: December 20, 1985.

EPA action: approved April 23, 1986.

Adopted or amended by the State: August 21, 1985.

EPA action: approved March 26, 1986.

Adopted or amended by the State: September 3, 1985.

EPA action: approve April 1, 1986.

Georgia

State water quality standards for the surface waters of the State of Georgia are contained in: "Rules and Regulations for the State of Georgia—Title 391, Chapter 3, Rule 6—Water Quality Control".

Adopted or amended by the State: February 27, 1985.

EPA action: approved May 30, 1985

Iowa

State water quality standards for the surface waters of the state of Iowa are contained in, "Iowa Administrative Code, Division 900—Title IV, Chapter 61—Water Quality Standards".

Adopted or amended by the State: September 4, 1984.

EPA action: approved August 30, 1985.

Idaho

State water quality standards for the surface waters of Idaho are contained in: "Idaho Department of Health and Welfare Rules and Regulations, Division of Environment, Title I, Chapter 2, Water Quality Standards and Wastewater Treatment Requirements", as amended.

Adopted or amended by the State: December 16, 1985.

EPA action: approved May 27, 1986.

Kansas

State water quality standards for the surface waters of the State of Kansas are contained in: "Kansas Administrative Regulations, 28-16-28, Water Quality Criteria for Interstate and Intrastate Waters of Kansas" and "Emergency Regulation 28-16-28(a) Water Quality Criteria for Interstate and Intrastate Waters of Kansas".

Adopted or amended by the State: May 1, 1986.

EPA action: approved June 19, 1986.

Kentucky

State water quality standards for the surface waters of the State of Kentucky are contained in: "Kentucky Administrative Regulations, 401 KAR 5:035."

Adopted or amended by the State: April 6, 1985.

EPA action: approved July 10, 1985.

Maryland

State water quality standards for the State of Maryland are contained in: "Code of Maryland Regulations, Title 10, Subtitle 50 Water Management, 10.50, Chapter 1, Water Pollution Control."

Adopted or amended by the State: December 3, 1985.

EPA action: approved March 12, 1986.

Mississippi

State water quality standards for the State of Mississippi are contained in: "State of Mississippi Water Quality Criteria for Interstate, Intrastate, and Coastal Waters."

Adopted or amended by the State: July 17, 1985.

EPA action: approved October 11, 1985.

North Carolina

State water quality standards for the surface waters of North Carolina are contained in: "North Carolina Water Quality Standards, North Carolina Administrative Code, Title 15, Chapter 2, Subchapter 2B—Surface Water Standards".

Adopted or amended by the State: June 13, 1985.

EPA action: approved October 22, 1985.

Adopted or amended by the State: December 12, 1985.

EPA action: approved May 23, 1986.

North Dakota

State water quality standards for the surface waters of North Dakota are contained in: "Standards of Water Quality for the State of North Dakota."

Adopted or amended by the State: January 16, 1985.

EPA action: approved May 1, 1986.

Nebraska

State water quality standards for the surface waters of the State of Nebraska are contained in: "Title 117, Water Quality Standards for Surface Waters of the State."

Adopted or amended by the State: August 28, 1985.

EPA action: approved January 22, 1986.

New Jersey

State water quality standards for the surface waters of the State of New Jersey are contained in: "Surface Water Standards N.J.A.C. 7:9—4.1 et seq., May 1985."

Adopted or amended by the State: April 29, 1985.

EPA action: approved July 8, 1985.

Nevada

State Water Quality Standards for the State of Nevada are contained in: "Nevada Administrative Code, Chapter 445, as amended."

Adopted or amended by the State: February 11, 1985.

EPA action: approved March 14, 1986.

Adopted or amended by the State: October 25, 1984.

EPA action: approved March 14, 1986.

Adopted or amended by the State: December 3, 1984.

EPA action: approved June 12, 1986.

New York

State water quality standards for the State of New York are contained in: "New York State Official Codes, Rules and Regulations (6 NYCRR Parts 700, 701, 702 and 705)."

Ohio

State water quality standards for the surface waters of the State of Ohio are contained in: "Ohio Administrative Code, Title 3745, OEPA, Chapter 1."

Adopted or amended by the State: April 4, 1985.

EPA action: approved August 20, 1985.

South Dakota

State water quality standards for the surface waters of the State of South Dakota are contained in: "South Dakota Administrative Code, Title 74, (74:03:02), Surface Water Quality Standards".

Adopted or amended by the State: April 26, 1984.

EPA action: approved August 9, 1985.

Trust Territories of the Pacific Is.

Water quality standards for the Trust Territories are contained in: "Public, Health, Safety and Welfare, Chapter 13, Air, Land and Water Pollution, Subchapter VII Marine and Fresh Water Quality Standard Regulations, as amended".

Adopted or amended by the State: March 31, 1986.

EPA action: approved June 9, 1986.

Utah

State water quality standards for the surface waters of the State of Utah are contained in: "Utah Wastewater Disposal Regulations, Part II-Sandards of Quality for Waters of the State (including the Colorado River Salinity Standards)".

Adopted or amended by the State: November 14, 1984.

EPA action: approved June 15, 1985.

Virgin Island

Water quality Standards for the U.S. Virgin Island are contained in: "Water Quality Standards for the Coastal Waters of the Virgin Islands, Title 12, Chapter 7, Subchapter 186".

Adopted or amended by the State: March 7, 1985.

EPA action: approved May 21, 1985.

Wyoming

State water quality standards for the surface waters of the State of Wyoming are contained in: "Quality Standards for Wyoming Surface Waters, Wyoming Water Quality Rules and Regulations, Chapter 1, (including the Colorado River Salinity Standard)".

Adopted or amended by the State: December 14, 1984.

EPA action: approved May 20, 1986.

[FR Doc. 86-21709 Filed 9-24-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Agency Information Collection Activities Under OMB Review

September 16, 1986.

The following information collection requirement has been approved by the Office of Management and Budget as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). For further information contact Doris Benz, (202) 632-7513.

OMB No.: 3060-0021

Title: Civil Air Patrol Radio Station License

Form No.: FCC 480

A revised aplication/license form FCC 480 has been approved for use through 9/30/89. Editions dated November 1983, April 1985 and May 1986 with an OMB expiration date of 9/30/86 will remain in use until revised forms are available.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-21695 Filed 9-24-86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Training and Fire Programs Directorate; Board of Visitors for the National Fire Academy; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Board of Visitors (BOV) for the National Fire Academy (NFA)

Dates of meeting: October 12-13, 1986

Place: National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, MD 21727

Time: October 12—2:30 p.m. to 5:30 p.m.; October 13—8:30 a.m. to 5:00 p.m.

Proposed Agenda: Old Business; New Business; BOV Vistation to NFA Classes and Facilites

The meeting will be open to the public with approximately 10 seats available on a first-come, first-serve basis. Members of the general public who plan to attend the meeting should contact the Office of the Superintendent, National Fire Academy, Training and Fire Programs Directorate, 16825 South Seton Avenue, Emmitsburg, Maryland, 21727 (telephone number, 301-447-6771) on or before October 6, 1986.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Associate Director's Office. Training and Fire Programs Directorate, Federal Emergency Management Agency, Building N, National Emergency Management Agency, Building N, National Emergency Training Center, Emmitsburg, MD, 21727. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: September 10, 1986.

James P. McNeill,

Associate Director, Training and Fire Programs.

[FR Doc. 86-21703 Filed 9-24-86; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL HOME LOAN BANK BOARD

De Vargas Savings and Loan Bank, Santa Fe, NM; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for De Vargas Savings and Loan Bank, Santa Fe, New Mexico on September 11, 1986.

Dated: September 22, 1986.

Jeff Sconyers,

Secretary.

[FR Doc. 86-21711 Filed 9-24-86; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-519]

Home Federal Savings and Loan Assoc. of Upper East Tennessee, Johnson City, TN; Final Action Approval of Conversion Application

Dated: September 17, 1986.

Notice is hereby given that on September 2, 1986, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Home Federal Savings and Loan Association of Upper East Tennessee, Johnson City, Tennessee for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Cincinnati, Post Office Box 598, Cincinnati, Ohio 45201.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 86-21712 Filed 9-24-86; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

National Committee on Vital and Health Statistics; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92-463), notice is hereby given that the National Committee on Vital and Health Statistics (NCVHS) established pursuant to 42 USC 242k, section 306(k)(2) of the Public Health Service Act, as amended, will convene on Thursday, October 9 and Friday, October 10, 1986 from 9:00 a.m. to 5:00 p.m. both days in Room 529A of the Hurbert H. Humphrey Building, 200

Indenpendence Avenue, SW., Washington, DC 20201.

The Committee will review the proposed Nursing Minimum Health Data Set and hear a report on the activities of the Catastrophic Health Insurance Task Force on Data Issues. The Committee will also receive reports on the activities of the Subcommittees on Uniform Minimum Health Data Sets, Disease Classification and Automated Coding of Medical Diagnoses, Minority Health Statistics, and Data Gaps in Disease Prevention and Health Promotion.

Further information regarding this meeting of the Committee may be obtained by contacting Gail F. Fisher, Ph.D., Executive Secretary, National Committee on Vital and Health Statistics, Room 2-28, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436-7050.

Dated: September 12, 1986.

Manning Feinleib,

Director, National Center for Health Statistics.

[FR Doc. 86-21707 Filed 9-24-86; 9:45 am]

BILLING CODE 4160-17-M

Food and Drug Administration

[Docket Nos. 80D-0097 and 82D-0049]

Defect Action Levels for the Adulteration of Wheat Flour and Macaroni Products by Insects

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of two revised Compliance Policy Guides, in draft form: Compliance Policy Guide 7104.06, "Wheat Flour Adulterated with Insect Fragments and Rodent Hairs;" and Compliance Policy Guide 7102.06, "Macaroni and Noodle Products—Adulteration Involving Insect Fragments and Rodent Hairs." The draft Compliance Policy Guides set forth revised defect action levels for insect fragments in wheat flour and in macaroni and noodle products.

DATES: Written comments by November 24, 1986. The agency announces that the revised defect action levels will become effective 60 days after publication of a **Federal Register** notice announcing the agency's final decision.

ADDRESS: Written comments and requests for single copies of the draft revised Compliance Policy Guides 7104.06 and 7102.06 should be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. (Sending two self-addressed adhesive labels will assist the Branch in processing your requests.)

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Campbell, Center for Food Safety and Applied Nutrition (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0175.

SUPPLEMENTARY INFORMATION:

Compliance Policy Guide for Wheat Flour

FDA received a petition from the Millers' National Federation requesting that the defect action level for insect fragments in wheat flour be raised from 50 or more insect fragments per 50 grams of flour to 100 or more insect fragments per 50 grams of flour. This petition is based on changes in the storage practices for wheat before milling. FDA had established the current defect action level based on a survey that consisted of insect fragment and rodent hair data from each of 7,229 composite sample analyses of flour (each composite sample represents a lot) provided by the U.S. Department of Agriculture, Federal Grain Inspection Service (USDA).

FDA received a comment from the American Bakers Association in response to the petition. The Association opposes the requested change in the defect action level because its members are not aware of any current problems associated with supplying the baking industry with flour of acceptable quality. The Association further stated that flour purchased by its industry is well within the existing defect action levels. The Association suggested that if Millers' National Federation members were experiencing difficulties producing flour that meets the current defect action level, the more appropriate action would be to tighten the USDA wheat standards rather than relax the defect action level requirements for flour.

The agency has reviewed both the petition and the comment and believes that it is appropriate to revise the defect action level. FDA has determined, however, that the request to raise the defect action level to 100 insect fragments per 50 gram sample is not supported by the data submitted with the petition. The agency's review reveals that the current wheat flour defect action level is questionable because the computer simulation model used to determine this level had not been properly validated and did not accurately reflect what the appropriate defect action level should have been for the survey data analyzed.

FDA has now reevaluated the 7,229 composite samples that were provided by USDA and determined that a more appropriate defect action level for wheat flour would have been 75 insect fragments per 50 grams of flour. Based on these findings, FDA intends to revise the defect action level for insect fragments in wheat flour from 50 to 75 insect fragments per 50 grams of flour.

By including a "note" which specifically excludes durum and red durum wheats, the draft revised Compliance Policy Guide clarifies that the defect action level applies only to flour made from soft wheats. The survey data used to develop the original Compliance Policy Guide did not include these hard wheats nor were they included in the data reviewed for this revision of the Compliance Policy Guide.

Compliance Policy Guide for Macaroni and Noodle Products

The current defect action level for macaroni and noodle products is based on the level for soft wheat flour. Any change in the defect action level for soft wheat flour necessitates a change in the defect action level for macaroni and noodle products. Accordingly, the agency intends to revise the defect action level for macaroni and noodle products to an average insect fragment count greater than or equal to 338 insect fragments per 225 grams sample.

In the **Federal Register** of September 21, 1982 (47 FR 41637), FDA announced its procedures for establishing new or revised defect action levels. The procedures permitted interested persons to submit relevant data and information concerning the defect action levels for a 1-year period following the publication of the new or revised defect action levels in the **Federal Register.** The new or revised defect action levels were to be in effect on an interim basis until FDA evaluated the comments and all available data and published its evaluation in the **Federal Register.**

The agency has reviewed these procedures and believes that the practice of immediately implementing defect action levels and providing 1 year for comment and an additional period of time for the agency to evaluate the comments and data is unduly time consuming and protracted. Accordingly, the agency is revising the procedures for establishing defect action levels. Under these new procedures, FDA will announce its intent to establish new or revised defect action levels in a notice published in the **Federal Register.** The agency will provide interested persons

with a 60-day period to submit relevant comments, data, and information. The comment period may be extended for a longer period of time if warranted. For example, if the new or revised defect action levels involve a seasonal commodity for which the industry needs an additional growing season to collect and evaluate relevant data, the comment period may be extended to 1 year. Under the new procedures, the new or revised defect action levels will not be effective immediately or on an interim basis. The defect action levels will only become effective 60 days after publication of a **Federal Register** notice announcing the agency's final decision on the properity of the new or revised defect action levels.

In accordance with this revised procedure, announced in the **Federal Register** of April 16, 1986 (51 FR 12931), this notice is provided to inform interested persons of the agency's intent to revise the defect action levels for insect filth and rodent filth in wheat flour and macaroni and noodle products.

Interested persons may on or before November 24, 1986, submit to the Dockets Management Branch (address above) written comments and additional data regarding the draft revised defect action levels. Comments and data are to be identified with the docket number found in brackets in the heading of this document. Requests for single copies of Compliance Policy Guide 7102.06 or Compliance Policy Guide 7104.06 are to be identified with the docket number found in brackets in the heading of this document and submitted in writing to the Dockets Management Branch.

Received comments, background data, and information concerning the revision of these defect action levels are on file with the Dockets Management Branch, along with a copy of both revised Compliance Policy Guides. These documents are available in that office for public examination between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 17, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-21688 Filed 9-24-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86E-0276]

Determination of Regulatory Review Period for Purposes of Patent Extension; Maxon

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Maxon and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims this medical device.

ADDRESS: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James C. Shehan, Office of Health Affairs, (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) generally provides that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under that act, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 158(g)(3)(B).

Recently, FDA approved Maxon for marketing. Maxon was approved as a polyglyconate, monofilament, synthetic, absorbable suture indicated for use in all types of soft tissue approximation. Maxon is not indicated for use in cardiovascular, ophthalmic, or microsurgery, and not indicated for use in neural tissue. Following FDA's approval, the American Cyanamid Co. filed a patent term restoration application with the U.S. Patent and Trademark Office (PTO), which then requested FDA's assistance in determining the patent's eligibility for patent term restoration. Following discussion with FDA, PTO, on July 3, 1986, sent the American Cyanamid Co. a Notice of Deficiencies in Application. On July 18, 1986, PTO received a response to its notice from the American Cyanamid Co. Shortly thereafter, PTO requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Maxon is 1,158 days. Of this time, 595 days occurred during the testing phase of the regulatory review period, while 563 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date a clinical investigation involving this device was begun:* March 1, 1983. FDA has verified that clinical testing began on March 1, 1983, the date on which conditional approval of the investigational device exemption (IDE) was granted.

2. *The date an application was initially submitted with respect to the device under section 515 of the Federal Food, Drug, and Cosmetic Act:* October 15, 1984. FDA has determined that, although the applicant claims October 12, 1984, as the date of submission of premarket approval application (PMA) No. P84-0051, FDA did not receive the application until October 15, 1984.

3. *The date the application was approved:* April 30, 1986. FDA has verified that PMA No. P84-0051 was approved on April 30, 1986, as claimed by the applicant.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 2 years of patent extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before November 24, 1986, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before March 30, 1987, for a determination of whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41-42, 1984.)

Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 22, 1986.

Kenneth Flieger,

Acting Associate Commissioner for Health Affairs.

[FR Doc. 86-21780 Filed 9-23-86; 10:53 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Secretary

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Office's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Office's Clearance Officer and the Office of Management and Budget Interior Department Desk Officer at 202-395-7340.

Title: Claim For Payment Moving Costs and Related Expenses—Families and Individuals

Abstracts: The information on the application will be used to determine the amount of money, if any, owed to persons or businesses displaced by Federal acquisition of their real property.

Bureau Form Number: Form DI-380

Frequency: On occassion

Description of Respondents: Individuals and businesses who are displaced because of Federal acquisition of their real property.

Annual Responses: 4,000

Annual Burden Hours: 1,800

Bureau Clearance Officer: John Strylowski (202) 343-6191

September 15, 1986.

Jerry B. Vance,

Director, Office of Acquisition and Property Management.

[FR Doc. 86-21676 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Indian Affairs

Information Collection Submitted for Review

September 17, 1986.

The proposal for the collection of information listed has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Office of Management and Budget Interior Desk Officer at (202) 343-7340. Title: 25 CFR, Subchapter E, Part 39—the Indian School Equalization Program, 25 U.S.C. 20008.

Abstract: Student transportation funds are distributed on a formula basis to all Bureau-funded elementary and secondary schools. Vehicle miles, transportation tickets, and charter costs are used to calculate the distribution of funds. About one-third of the Bureau-funded schools are operated by contract with Indian tribes, and are required to submit this data to receive funding.

Frequency: Annually

Description of Respondents: Principals, School Administrators

Annual Response: 150

Annual Burden Hours: 90 hours

Bureau Clearance Officer: Cathie Martin, (202) 343-3577

Henrietta Whiteman,

Deputy to the Assistant Secretary/Director—Indian Affairs (Indian Education Programs).

[FR Doc. 86-21674 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-02-M

Information Collection Submitted for Review

September 17, 1986.

The proposal for the collection of information listed has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made to the Office of Management and Budget Interior Desk Officer at (202) 343-7340.

Title: 25 CFR, Subchapter E, Part 39—The Indian School Equalization Program.

Abstract: All Bureau-funded elementary and secondary schools complete one form for each student in attendance during the count week. Specific data on grade, residential status and handicapping conditions are weighted for the formula distribution of appropriated funds. About one-third of the Bureau-funded schools are operated by contract with Indian tribes, and the data must be collected for distribution of funds.

Frequency: Annually

Description of Respondents: Principals, School Administrators

Annual Response: 9,500

Annual Burden Hours: 1,900 hours

Bureau Clearance Officer: Cathie Martin, (202) 343-3577

Henrietta Whiteman,

Deputy to the Assistant Secretary/Director—Indian Affairs (Indian Education Programs).

[FR Doc. 86-21675 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-02-M

Lac du Flambeau Band of Chippewa, WI; Ordinance Amending Laws Relating to Use and Distribution of Liquor

September 17, 1986.

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that Resolution No. 266(85) enacting the Lac du Flambeau Tribal Liquor Control Ordinance was duly adopted by the Lac du Flambeau Tribal Council on August 12, 1985 and that the ordinance was fully approved by the Lac du Flambeau Band in a popular referendum held on August 29, 1985. The ordinance provides for the distribution of alcoholic beverages in the area of Indian country under the jurisdiction of the Lac du Flambeau Band of Lake Superior Chippewa Indians and repeals Resolution and Ordinance No. 266 (82) which were published in the **Federal Register** on February 18, 1983, 48 FR 7316. The ordinance reads as follows:

Ross O. Swimmer,

Assistant Secretary, Indian Affairs.

Resolution No. 266(85)

Whereas, the Tribe has adopted an ordinance regulating the possession, use, consumption, and sale of alcoholic

beverages on the Tribe's reservation; and

Whereas, subsequent to the adoption of said ordinance the U.S. Supreme Court in *Rice* v. *Rehner* has upheld concurent state and tribal jurisdiction over liquor licenses on the reservation; and

Whereas, the state's local liquor licensing authority, the Town of Lac du Flambeau, and the Tribe have worked out a merchanism for the exercise of their concurrent jurisdiction through the etablishment of a joint liquor committee and other cooperative measures; and

Whereas, certain amendments to the existing tribal ordinance are necessary to effectuate these cooperative measures with the Town, now therefore, be it

Resolved, by the Council in Regular Session assembled, that:

(1) That the attached Memorandum of Understanding between the Lac du Flambeau Band of Lake Superior Chippewa Indians ("the Tribe") and the Town of Lac du Flambeau ("the Town") Re: Liquor Licensing and Regulation is hereby adopted and approved, and the President is authorized to execute the same on behalf of the Tribe.

(2) That the attached Lac du Flambeau Tribal Liquor Control Ordinance is hereby adopted and approved for referendum by the Tribal Council.

(3) That August 29, 1985, is hereby designated as the day for the conduct of the referendum vote of the tribal members on the following question: "Shall the Tribe Adopt the Lac du Flambeau Tribal Liquor Control Ordinance which was approved by the Council in Resolution No. 266(85)?"

(4) That the Secretary is directed to arrange for the conduct of said referendum election in accordance with the Interim Referendum Election Ordinance.

(5) That the Secretary is directed to submit said ordinance for review and publication by the Secretary of the Interior pursuant to Article VI, Section 2 of the Tribal Constitution.

(6) That the following fees shall be charged for tribal liquor licenses, conjointly with the Town of Lac du Flambeau:

Class A beer license	$50
Class B beer license	$100
Class A liquor license	$300
Class B liquor license (combination)	$400
Pharmacist's license	$10
Temporary license (per occassion)	$10
Beer wholesalers license	$25
Liquor wholesalers license	$500

Certification

I, the undersigned, as Secretary of the Lac du Flambeau Band of Lake Superior Chippewa Indians, a tribal government operating under a Constitution adopted pursuant to Section 16 of the Indian Reorganization Act, 25 U.S.C. 476, do hereby certify that the Tribal Council of the Band is composed of twelve members, of whom ten, constituting a quorum, were present at a Regular Meeting, duly called, noticed, convened and held on the 12th day of August, 1985, and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of nine members, none against, none abstaining, and that the said resolution has not been rescinded or amended in any way.

Victoria A. Doud,

Secretary, Lac du Flambeau Band of Lake Superior Chippewa Indians.

Lac du Flambeau Band of Lake Superior Chippewa Indians Tribal Liquor Control Ordinance

Chapter 1: Introduction

101. *Title*—This ordinance shall be known as the "Lac du Flambeau Tribal Liquor Control Ordinance."

102. *Authority*—This ordinance is enacted pursuant to the Act of August 15, 1953 (Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. 1161) and Article VI, section 1(a), (c), (i), (n), (t) and (u) of the Tribal Constitution.

103. *Purpose*—The purpose of this ordinance is to regulate and control the possession and sale of liquor on the Lac du Flambeau Indian Reservation. The enactment of a tribal ordinance governing liquor possession and sale on the reservation will increase the ability of the tribal government to control reservation liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of tribal government and the delivery of tribal government services.

104. *Effective Date*—This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the **Federal Register.**

105. *Abrogation and Greater Restrictions*—Where the ordinance imposes greater restrictions than those contained in other tribal ordinances controlling the possession and sale of liquor, the provisions of this ordinance shall govern.

106. *Interpretation*—In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other tribal power or authority. In the event that this ordinance is silent on some aspect of liquor regulation, the laws of the State of Wisconsin may be looked to as a quide to the interpretation of this ordinance.

107. *Severability and Non-Liability*—If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. The Tribe asserts that there is no liability on the part of the Lac du Flambeau Band of Lake Superior Chippewa Indians, its agencies or employees for damages that may occur as a result upon or in conformance with this ordinance.

108. *Repealer*—Resolution and Ordinance No. 266(82) are hereby repealed. All other ordinances or parts of ordinances of the Tibe inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

109. *Relation to other Laws*—All acts and transactions under this ordinance shall be in conformity with this ordinance and in conformity with the laws of the State of Wisconsin as that term is used in 18 U.S.C. 1161.

110. *Sovereign Immunity*—Nothing in this ordinance is intended nor shall be construed as a waiver of the sovereign immunity of the Tribe. No employee or agent of the Tribe shall be authorized nor shall he or she attempt to waive the immunity of the Tribe.

111. *Regulations*—The Council shall have the authority to adopt rules and regulations to implement this ordinance and further the purposes thereof.

Chapter 2. Definitons

201. *General Definitions*—For the purposes of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular includes the plural; and the plural includes the singular. The word "shall" is mandatory and the word "may" is permissive.

(a) "Council" means the Lac du Flambeau Tribal Council.

(b) "Fermented Malt Beverage" means any beverage made by the alcoholic fermentation of an infusion in potable water of barely malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing one-half percent or more alcohol by volume.

(c) "Intoxicating Liquor" means all ardent, spirituous, distilled, or vinous liquors, liquids, or compounds, whether medicated, proprietary, patented or not and by whatever name called containing one-half of one percent or more alcohol by volume, which are fit beverages, but shall not include "fermented malt

beverages" which contains less than 5 per centum of alcohol by weight.

(d) "License" means an authorization to sell fermented malt beverages or intoxicating liquors or both issued by the Council.

(e) "Package" means the original container or receptacle used for holding intoxicating liquors or fermented malt beverages.

(f) "Premises" means the area described in a license.

(g) "Reservation" means the area within the exterior boundaries of the Lac du Flambeau Indian Reservation.

(h) "Retailer" means any person who sells, or offers for sale, any fermented malt beverages or intoxicating liquors to any person other than a person holding a license under this ordinance.

(i) "Sell", "Sold", "Sale", or "Selling" means any transfer of fermented malt beverage or intoxicating liquors with consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of fermented malt beverages or intoxicating liquor or any shift, device, scheme or transaction for obtaining fermented malt beverages or intoxicating liquors, including the solicitation of orders for, or the sale for future delivery thereof.

(j) "Tribe" means the Lac du Flambeau Band of Lake Superior Chippewa Indians.

(k) "Tribal Court" means the Lac du Flambeau Court.

(l) "Wholesaler" means a person, other than a brewer, manufacturer, or rectifier who sells fermented malt beverages or intoxicating liquors to a licensed retailer or to another person who holds a license to sell beverages at wholesale.

(m) "Wine" means products obtained from the normal alcohol fermentation of juice or must of sound, ripe grapes, other fruits or agricultural products, imitation wine, wine coolers, compounds sold as wine, vermouth, cider, perry, mead, and sake, if such products contain 0.5% or more alcohol by volume.

Chapter 3: License Classes and Fees

301. *Retail License Classes*—The Council may issue licenses to retailers in the following classes, singly or in combination:

(a) "Class A Beer License", which shall authorize the retail sale of fermented malt beverage only for consumption away from the premises where sold and in the original packages, containers or bottles.

(b) "Class B Beer License", which shall authorize the retail sale of fermented malt beverages either for consumption on the premises where sold or away from such premises.

(e) "Class A Liquor License", which shall authorize the retail sale of intoxicating liquors only for consumption away from the premises where sold and in the original packages, containers or bottles.

(d) "Class B Liquor License", which shall authorize the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, and to be consumed off the premises where sold, except that wine may be sold in any quantity for consumption off the premises.

(e) "Pharmacists License", which authorizes sale of intoxicating liquor by a registered pharmacist in quantities of less than 4 liters for consumption off the premises for medicinal, mechanical or scientific purposes only, under the terms, conditions and limitations set forth in Wis. Stat. s. 125.57 or successor statute.

(f) "Temporary License", which shall be a Class B Beer License issued to bona fide clubs, fair associations or agricultural societies, lodges, societies, fraternal organizations, or veterans organizations for particular meetings, picnics, or similar gatherings for not more than seven days.

302. *Wholesale License Classes*—The Council may issue licenses to wholesalers in the following classes, singly or in combination:

(a) "Beer Wholesalers License", which shall authorize the sale of fermented malt beverages from premises located on the reservation, only in the original package or container to retailers or wholesalers, not to be consumed in or about the premises where sold.

(b) "Liquor Wholesalers License", which shall authorize the sale of intoxicating liquor from premises located on the reservation, only in the original package or container in quantities of not less than 4 liters at any one time, to retailers or wholesalers, not to be consumed in or about the premises where sold.

303. *License Fees*—

(a) The Council shall by resolution set the fee for each class of license and combination thereof.

(b) A Class B Beer License may be issued for any six month period in a calendar year at 75% of the regular annual fee; provided, that no such license may be renewed during the calendar year.

(c) A Class A or Class B Liquor License may be issued for any six month period in a calendar year at 50% of the regular annual fee; provided there is no such license that may be renewed during the calendar year.

(d) The fee for Class B Beer License may be prorated only for a period of six months or less for 75% of the regular fee. The fee for Class A Liquor License shall be prorated on the basis of the number of months remaining in the licensing period.

304. *License Transfer*—

(a) Any license may be transferred from the premises described in the license to another place or premises within the reservation upon approval of the Council in its discretion and payment of a fee of $10.00.

(b) If the business of a licensee is sold or assigned, the license may be transferred to the successor owner if he or she complies with the requirements applicable to original applicants and the successor owner is acceptable to the Council.

(c) Licenses may be transferred to a person other than the licensee if the licensee dies, becomes bankrupt, or makes an assignment for the benefit of creditors during the license year or after filing the application.

Chapter 4: Licensing Procedures

401. *Issuance*—

(a) The Council shall, in its discretion, determine how many liquor licenses it will issue or have outstanding in each class in any one year.

(b) Application for all licenses shall be submitted to the Council or its authorized representative, which may include employees of the Town of Lac du Flambeau. Application shall be made in writing on the forms developed by the Wisconsin Department of Revenue for state alcoholic beverage license application pursuant to Wis. Stat. Chapter 125, including the auxiliary questionnaire, together with such supplemental information as the Council shall from time to time require. An auxiliary questionnaire shall be completed by each individual, each member of a partnership, and each officer, director, and agent of a corporation or organization applying for a license. Applicants for temporary licenses shall make application on the Wisconsin Department of Revenue "Application for Special Class 'B' Retailer License to Sell Fermented Malt Beverages at Picnic or Gatherings," or successor form.

(c) No corporation may be issued a license unless it first appoints an agent in the manner prescribed by Wisconsin law in Wis. Stat. Chapter 125 and rests in the agent full authority and control of the premises licensed and the conduct of

all business on the premises that the licensee could have and exercise if it were a natural person.

(d) The Council shall designate a five member Liquor Control Committee to review and recommend to the Council whether a license shall be issued and to make recommendations to the Council on other matters pertaining to the ordinance. Such committee may operate jointly with the Town of Lac du Flambeau.

(e) The Council has complete discretion in the granting or denial of all licenses.

(f) All new license requests will be acted upon by the Council within 45 days from the time when the application is submitted to the Council.

(g) For the purposes of considering an application for a license under this ordinance, the Council may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises.

(h) Every license shall be issued in the name of the applicant in such form as the Council shall direct. No license shall be transferable, except as provided in section 304, nor shall the holder thereof allow any other person to use the license.

(i) Every license shall post and keep his/her license in a conspicuous place on the premises.

(j) No license shall be valid and delivered to the applicant until the license fee has been paid.

402. *Inspection*—

(a) All licensed premises used in the storage or sale of intoxicating liquor or fermented malt beverages, or any premises or parts of premises used or in any way connected, physically or otherwise, with the licensed business shall at all times be open to inspection by any tribal, State or Federal inspector or tribal, State or Federal police officer.

(b) Every person, being on any such premises and having charge thereof, who refuses or fails to admit a tribal, State or Federal inspector or tribal, State or Federal police officer demanding to enter therein in pursuance of this section in the execution of this duty, or who obstructs or attempts to obstruct the entry of such inspector or officer, shall thereby be deemed to have violated this ordinance.

403. *Suspension and Cancellation*—

(a) The Council may, for violation of this ordinance, issue a suspension or cancellation order of any license issued pursuant to this ordinance and all rights of the licensee to keep or sell thereunder shall be suspended or terminated, as the case may be.

(b) Procedure—At least ten (10) days prior to the effective date of the order to cancel or suspend, the Council shall provide written notice of such cancellation or suspension by certified mail, return receipt requested to the licensee at the address shown on the application. A licensee who receives a written notice of suspension or cancellation shall have the right prior to the effective date thereof to request a hearing by the Council by sending written notice by certified mail with return receipt to the Tribal President at the Lac du Flambeau Community Center within the ten (10) day period between the issuance of the notice and the effective date of the cancellation or suspension order. Upon receipt of the request for hearing, the Council shall not suspend or cancel the license pending the completion of the hearing. The Council President shall set a date for the hearing which shall be held within thirty (30) days of receipt of the licensee's request for a hearing. The Council may affirm or revise in whole or part its decision to cancel or suspend the license after the hearing. Its decision shall be final.

(c) In lieu of the procedures set forth in subsection (b), the Council may elect to proceed to act on a revocation or suspension in conjunction with the Town of Lac du Flambeau. If the Council so elects, the matter shall proceed in accordance with Wis. Stat. s. 125.12 or successor statute.

(d) Upon suspension or cancellation of a license, the licensee shall forthwith deliver the license to the Council and cease all activities formerly conducted pursuant to the terms of the license. Where the license has been suspended the Council shall return the license to the licensee at the expiration or termination of the period of suspension.

(e) Licenses may be suspended by the Council for a period not to exceed thirty (30) days.

404. *Expiration of Licenses*—

(a) Licenses, except for temporary and six month licenses, shall expire on June 30 of each year.

(b) All licenses under Ordinance No. 266(82) which are in effect on the effective date hereof, except for temporary and six month licenses, shall be automatically extended so as to expire June 30, 1986.

405. *Renewal*—

(a) Application for renewal shall be made in writing on the forms developed for that purpose by the Wisconsin Department of Revenue for State alcoholic beverage license application pursuant to Wis. Stat. Chapter 125, together with the auxiliary questionnaire when the same is required by State law.

(b) Applications for license renewal for the next license year shall be submitted on or before April 15 of the preceding license year. Licensees who fail to meet this deadline shall be required to apply as new licensees. The Council shall act on all renewal applications on or before June 15.

(c) The Council shall not be liable for any loss incurred by a licensee resulting from cancellation, suspension or non-renewal of a license.

(d) Upon timely application for renewal, the Council shall renew the license unless it shall be cancelled pursuant to the provisions of section 403 hereof.

Chapter 5: Illegal Activities

501. *General Prohibition*—The introduction, purchase, sale or dealing in liquor on the reservation, other than when done pursuant to license and in conformity with this ordinance, is prohibited and is a violation of tribal law. The Federal Indian liquor laws and State liquor laws are intended to remain applicable to any act or transaction which is not authorized by ordinance. Violation of this ordinance by any person may be subject to Federal and State prosecution as well as to legal action in accordance with tribal law.

502. *Age*—All sales shall be prohibited to any person under the age established by the State of Wisconsin for the purchase or consumption of alcoholic beverages. All sales shall be prohibited to individuals known or believed to be purchasing on behalf of any person under such age. Any person may be required to present a tribal identification card or State identification care issued pursuant to Wis. Stat. s. 125.08 or successor statute which shows correct age and bears the holder's signature.

503. *Hours*—State laws relative to the hours during whch sales of alcoholic beverages are permitted shall apply to all premises licensed under this ordinance.

504. *Sale to Intoxicated Persons*—Sale of fermented malt beverages or intoxicating liquors to any person known or believed to be intoxicated is prohibited.

Chapter 6: Penalties and Enforcement

601. *Seizure of Property*—All intoxicating liquor or fermented malt beverages owned, possessed, kept, stored, sold, distributed or transported in violation of this ordinance, and all personal property used in connection therewith, is unlawful property and may be seized. Any such property seized

shall be disposed of in accordance with Chapter IV, Part Two of the Tribal Court Code.

602. *Penalty*—Violations of the provisions of this ordinance shall be punishable by a civil remedial money penalty of not more than $500 per violation, together with court costs.

603. *Procedure*—The Tribal Court shall have jurisdiction to hear matters pertaining to the violation of this ordinance. Proceedings for violation of this ordinance shall be governed by Chapters III and IV of the Tribal Court Code.

604. *Enforcement*—The provisions of this ordinance shall be enforced by all tribal law enforcement officers. In addition, any Federal, State, or local law enforcement officer may enforce this ordinance and institute proceedings for violation of this ordinance.

605. *State of Federal Enforcement*—Consistently with *Wheeler* v. *United States*, 435 U.S. 313 (1979), nothing herein shall prevent Federal and State jurisdiction to enforce this ordinance or other liquor laws in addition to tribal enforcement. The Council may agree to refer enforcement matters for enforcement under State law in lieu of tribal or Federal enforcement.

Certification of Election Results

This is to certify the results of the Popular Referendum Election held on August 29, 1985, in which the following questions were put forth to the qualified electors of the Lac du Flambeau Band of Lake Superior Indians, to wit:

Referendum No. 1

Shall the tribe adopt the Lac du Flambeau Tribal Liquor Control Ordinance which was approved by the council in Resolution No. 266(8)? 82 Yes 17 No

Dated: August 30, 1985.

Marie L. Spruce,

Chairperson, Popular Referendum Election Board.

Memorandum of Understanding Between the Lac du Flambeau Band of Lake Superior Chippewa Indians ("the Tribe") and the Town of Lac du Flambeau ("the town")

Liquor Licensing and Regulation

(1) *Purpose.* The Town has the legal authority for licensing the sale of alcohol beverage within its limits under State law. The Tribe has the legal authority under Federal law to regulate the sale of alcoholic beverages on its reservation, and is currently exercising that authority. In *Rice v. Rehner* (1983) the U.S. Supreme Court held in effect, that the State and tribal jurisdiction over liquor on a reservation is concurrent, and both sets or regulations apply. In the absense of cooperation between the Town and the Tribe, each could pursue its own regulatory scheme, potentially leading to confusing, divisive, and contradictory results. To avoid this situation and to promote cooperation between the Town and the Tribe, it is the purpose of this agreement to foster the joint regulation of the liquor on the reservation to the extent possible.

(2) The Tribe shall establish and maintain a liquor control committee, to be appointed by the Tribal Council pursuant to the Tribal Liquor Control Ordiance.

(3) *Joint Committee.* The Town and the Tribe will establish a joint liquor committee, to be comprised of the Town Board and the Tribe's Liquor Control Committee. The Committee will serve in an advisory capacity to both Town and Tribe concerning all matters relating to liquor on the reservation. This will include the joint consideration of license applications and the holding of joint hearings on suspensions and revocations if such become necessary. It is understood and agreed that all matters concerning liquor licensing, sale, regulation, and enforcement will be referred to the joint committee before being considered by either the Town or the Tribe. It is the intent of the parties to arrive at joint decisions by concensus on all matter relating to liquor regulation.

(4) *Joint Regulatory Provisions.* The parties recognize that many aspects of State liquor regulation, such as legal drinking age, hours, license expiration date, and form of application, are fixed by State law and cannot be altered by the Town. In recognition of this fact, and in order to promote similarity of regulatory requirements, the Tribe will review its ordinance and submit amendments for referendum and approval by the Secretary of the Interior which will conform to State law insofar as is practicable.

(5) *Application Process.* The Tribe agrees to use the Wisconsin Department of Revenue application and questionnaire forms as the basic forms for application for licenses. If the Tribe wishes to collect information which is not required on the State forms, it will develop a supplemental form to be appended to State forms. The application for both State and tribal licenses will be filed with the Town Clerk. No application fee will be charged, but the Town will collect from the applicant the cost of publication of notice of application required by State law. The Town will collect the license fee and disburse the tribal portion thereof to the Tribe.

(6) *License Fees.* The Town and the Tribe will survey the license fees charged by other municipalities in the area and set a joint fee for each class of license commensurate with the fee charged in the area. Fees collected will be divided equally between the Town and the Tribe. The amount of the fees will be reviewed annually by the joint committee before the first of each year and may be adjusted accordingly, by the Town Board and the Tribe.

(7) *Open Meetings.* The parties recognize that because of the Town's participation on the joint committee all provisions of the State Open Meeting Law apply to the meetings of the joint committee.

(8) *Operators Licenses.* The Tribe does not plan at present to issue its own operators licenses. The Town will continue to issue operators licenses under State law, but application for such licenses will be reviewed by the joint committee for recommendation before issuance.

(9) *Enforcement.* The Tribe agrees that inspection and the investigations and prosecution of all violation of liquor laws by non-Indian licensees on fee land will be referred initially to the Town for processing under State law. The Town agrees that inspections and investigations and prosecutions of all violations of liquor laws by tribal member licensees or licensees operating on trust land will be referred initially for prosecution under tribal and/or Federal law. Each party retains the right, however, to perform inspection or investigation and prosecute violations under its own system if it is dissatisfied with the results of the inspection, or prosecution by the other party.

(10) Appended to this agreement are conformed copies of resolutions duly enacted by the Town Board and by the Tribe adopting this memorandum of understanding and the agreements herein obtained.

(11) *Term.* This agreement will take effect when ratified by the resolution by the governing bodies of both parties and will continue to be in effect until modified by mutual agreement or terminated by written notice by one party or the other.

Dated: August 15, 1985.

For the Town,

Chris Dobrinski,

Town Chairman.

Dated: August 15, 1985.

For the Tribe,

Michael E. Allen, Sr.,

President.

[FR Doc. 86-21672 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[F-14861-B]

Alaska Native Claims Selection; Golovin Native Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that decisions to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Golovin Native Corporation for approximately two acres. The lands involved are in the vicinity of Golovin, Alaska, within Tps. 11 and 13 S., R. 21 W., Kateel River Meridian, Alaska.

A notice of the decisions will be published once a week, for four (4) consecutive weeks, in The Nome Nugget. Copies of the decisions may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decisions, an agency of the Federal government or regional corporation, shall have until October 27, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Olivia Short,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-21705 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-JA-M

[AA-6981-A]

Alaska Native Claims Selection; Haida Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provision of sec. 14(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(b), will be issued to Haida Corporation for 4.53 acres. The lands involved are in the vicinity of Hydaburg, Alaska.

U.S. Survey No. 1647, Alaska, situated on the northerly end of Sukkwan Island on the southeast side of Sukkwan Narrows.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Juneau Empire. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until October 27, 1986 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Steven Willis,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 21678 Filed 9-24-86; 8:45 am]

BILLNG CODE 4310-JA-N

[F-54853; F-14943-B]

Alaska Native Claims Selection; Tanacross, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14(a) of the Alaska Native claims Settlemant Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Tanacross Incorporated for approximately 78 acres. The lands involved are in the vicinity of Tanacross, Alaska, within lot 3 of U.S. Survey No. 2631, T. 18 N., R. 11 E., Copper River Meridian.

A notice of the decision will be published once a week for four (4) consecutive weeks in the FAIRBANKS DAILY NEWS-MINER. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until October 27, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeal must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-21679 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-JA-N

Phoenix District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Phoenix District.

ACTION: Notice is hereby given in accordance with Pub. L. 92-463 of a meeting of the Phoenix/Lower Gila Resource Areas (Phoenix District) Grazing Advisory Board.

DATE: Wednesday, October 29, 1986 at 9:00 a.m.

ADDRESS: 2015 West Deer Valley Road, Phoenix, AZ 85027, BLM Conference Room.

SUMMARY: The agenda for the meeting will include:

1. Election of Officers.
2. Update of the Bureau's Exchange Program.
3. Status of the Bureau's Planning and Environmental Impact Statements.
4. Report of Range Betterment Expenditures for F.Y. 86.
5. Proposed Range Improvements for F.Y. 87.
6. Request for Advisory Board Expenditures.
7. Arrangements for Future Meetings.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2015 West Deer Valley Road, Phoenix, Arizona 85027, at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: September 17, 1986.

Marlyn V. Jones,

District Manager.

[FR Doc. 86-21686 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-32-M

Phoenix District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Phoenix District.

ACTION: Notice is hereby given in accordance with Pub. L. 92-463 of a meeting of the Kingman Resource Area (Phoenix District) Grazing Advisory Board.

DATE: Wednesday, November 5, 1986 at 9:00 a.m.

ADDRESS: 2475 Beverly Avenue, Kingman, AZ 86401, BLM Conference Room.

SUMMARY: The agenda for the meeting will include:

1. Election of Officers.
2. Update of the Bureau's Exchange Program.
3. Report of Range Betterment Expenditures for F.Y. 86.
4. Proposed Range Improvements for F.Y. 87.
5. Status of Grazing Program.
6. Status of the Bureau's Planning and Environmental Impact Statements.
7. Burro Capture Operations—Use of Helicopters and Motor Vehicles.
8. Request for Advisory Board Expenditures.
9. Arrangements for Future Meetings.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2015 West Deer Valley Road, Phoenix, Arizona 85027 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: September 17, 1986.

Marlyn V. Jones,

District Manager.

[FR Doc. 86-21685 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-32-M

[WY 920 06 4121-10; G-00164 GP60146]

Powder River Regional Coal Team Meeting; Announcment of Availability of Powder River Regional Coal Market Analysis, and Notice Deleting Big Horn County, WY

SUMMARY: This notice is to inform the public that the Powder River Regional Coal Team will meet on December 4, 1986. The public is invited to attend. The primary purposes of the meeting are to (1) develop a recommendation on whether or not to resume coal activity planning in the Powder River Coal Region, (2) establish a regional mechanism for a data adquacy review for use during future coal leasing considerations, (3) review the regional coal leasing market, and (4) confirm the deletion of Big Horn County, Wyoming, from the region.

DATE: The team will meet at 8:30 a.m. on December 4, 1986.

ADDRESS: The meeting will be held at the Ramada Inn, Homesteader Room, Mullowney Lane & I-90, Billings, Montana; Telephone (406) 248-7151.

FOR FURTHER INFORMATION CONTACT: Don Brabson, Branch of Solid Minerials Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001; telephone (307) 772-2571.

SUPPLEMENTARY INFORMATION: At this RCT meeting, the Powder River Regional Coal Team (RTC) will review the *Powder River Coal Regional Market Analysis* and public comments thereon, in order to develop a recommendation on whether or not to resume Federal coal leasing considerations through the round two activity planning efforts. To assist in this effort, the public is requested to submit comments on this market analysis to Mr. Don Brabson, at the above address, by November 26, 1986. Copies of the *Powder River Regional Coal Market Analysis* are available on request from Mr. Brabson.

In the event that the RCT recommends to renew coal leasing considerations, this market analysis would provide information to assist the RCT's development of an appropriate leasing level recommendation for round two activity planning. Given the reduction in Federal coal leasing interest, which the RCT has recently observed, and the reduced coal market which this market analysis perceives, the up to 4.85 billion ton leasing level contained in the *Powder River Coal Draft Environmental Impact Statement*, January 1984, appears excessive. That leasing level presumably will be revised downward, possibly to zero for the time being.

If the RCT recommends resumption of round two coal activity planning, RCT guidance thereon will be provided at the this meeting. Guidance would focus on the schedule, the environmental impact statement process, tract redelineation, and the data adequacy review mechanism. Concerning the data adequacy reviews, the RCT will be presented with a progress report on the regional data adequacy standards and a briefing on how the review mechanism would be implemented. If appropriate, science advisors will be appointed at this meeting.

Concerning the deleting of Big Horn County, Wyoming, from the Powder River Coal Region, the RCT will be asked, since it is now fully chartered, to confirm its deletion recommendation of June 5, 1985. Big Horn County, Wyoming, is being proposed for deletion from the region because there is a lack of coal production and leasing potential from this county; the county is geographically isolated by the Big Horn Mountains from the remainder of the region; the county receives very little direct impact from coal development; and the Bureau could administrate Federal coal management more efficiently if Big Horn County, Wyoming, were removed from the region. Upon deletion, Big Horn County, Wyoming, would be open to coal leasing by application in accordance with 43 CFR Part 3425; however, no lease applications are envisioned.

Public input will be an important factor in RCT recommendation development. Throughout the meeting, the public will be provided an opportunity to discuss all agenda items.

The agenda for this meeting is as follows:

1. Introductions
2. Approval of Minutes of June 5, 1985, RCT meeting
3. RCT Charter
4. Regional Coal Activity Status
   a. Current production
   b. Round one leases
   c. Preference Right Lease Applications
   d. Exchanges
   e. Emergency leasing
   f. Other activity
5. Market Analysis
   a. Public comments
   b. RCT discussion
6. RCT Activity Planning Recommendations
   a. Resumption or deferral of activity planning
   b. RCT procedural guidance, if activity planning is resumed
7. Data Adequacy Mechanism
   a. Data adequacy standards
   b. Science advisor appointments
   c. Geographic information system
   d. Review council
8. Big Horn County, Wyoming, deletion

Hillary A. Oden,

State Director.

[FR Doc. 86-21704 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-22-M

[ID-943-06-4212-12; I-12796]

Order Providing for Opening of Public Lands; Idaho

In an exchange made under the provisions of sectoin 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C.

1716, the following-described lands have been reconveyed to the United States:

Boise Meridian, Idaho

T. 15 N., R. 18 E.,
Sec. 36, all.
T. 15 N., R. 19 E.,
Sec. 16, all;
Sec. 36, all.
T. 15 N., R. 20 E.,
Sec. 16, all;
Sec. 36, all.
T. 15 N., R. 22 E.,
Sec. 16, all;
Sec. 36, all.
T. 16 N., R. 19 E.,
Sec. 36, all.
T. 16 N., R. 20 E.,
Sec. 16, all.
T. 16 N., R. 21 E.,
Sec. 16, all.
T. 17 N., R. 20 E.,
Sec. 16, SE¼SE¼;
Sec. 36, all.
T. 18 N., R. 20 E.,
Sec. 36, all.
T. 18 N., R. 22 E.,
Sec. 36, lots 1, 2, 3, and 4.

The area described contains 7,797.84 acres, more of less, in Lemhi and Custer Counties.

Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the above-described lands are hereby open to operation of the public land laws, including the mining laws (Chapter 2, Title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 9:00 a.m. on October 24, 1986, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Idaho State Director, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

William E. Ireland,
Chief, Realty Operations Section.
September 17, 1986.
[FR Doc. 86-21681 Filed 9-24-86; 8:45 am]
BILLING CODE 4310-GG-M

[ID-50-06-4212-14; I-20409, I-20410, I-20413, I-20414]

Realty Action, Idaho

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action, I-20409, I-20410, I-20413, I-20414 Competitive Sale of Public Lands in Gooding and Jerome Counties, Idaho.

SUMMARY: The land has been examined, and through the development of land use decisions based upon public input, it has been determined that the sale of these parcels is consistent with section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered at no less than the appraised fair market value.

Parcel	Legal description	Fair market value
	T. 9 S., R. 17 E., B.M.,	
I-20409	Section 20 NE¼NE¼ (40 acres):	$12,000
I-20410	Section 20:SE¼NE¼ (40 acres)	12,000
	T. 6 S., R. 13 E., B.M.,	
I-20413	Section 11: E½NW¼ (80 acres)	24,000
I-20414	Section 11: S½SW¼ (80 acres	24,000

When patented, the lands will be subject to the following reservations:

Parcel and Reservation

ALL Ditches and Canals, Oil, Gas and Geothermal to U.S.
I-20409 Road Right-of-Way I-20205 Jerome County
I-20410 Powerline Right-of-Way I-04130 Idaho Power
I-20413 Highway Rights-of-Way I-06803 State of Idaho Canal Right-of-Way H-016798 North Side Canal Company.
I-20414 Canal Right-of-Way H-016798 North Side Canal Company.

The lands are hereby segregated from appropriation under the public land laws, including the mining laws, as provided by 43 CFR 2711.1-2(d).

DATES: The sale offering will be on Friday, December 12, 1986 at 10:00 a.m. If no qualified bids are received at this offering, the parcels will be reoffered on the third Friday of each succeeding month at 10:00 a.m. until sold or, the sale is suspended or cancelled.

ADDRESS: Sale will be held at the Bureau of Land Management, Shoshone District Office, 400 West F Street, Shoshone, Idaho 83352

Sale Procedures: Only sealed bids will be accepted. The bid must be sealed in an envelope with the date and the serial number of the parcel being bid upon in the lower left-hand corner on the front of the envelope.

Bids must be received in this office no later than 10:00 a.m. on December 12, 1986. If two or more valid bids are equal and are the high bid, a supplemental bid will be held to determine the successful bidder. A valid bid will constitute an application to purchase that portion of the mineral estate of no known value. A thirty percent (30%) deposit of the bid price (not appraised price) must accompany each bid as well as a separate and additional $50.00 to process the mineral purchase application. Fees must be paid by certified check, money order, bank draft or cashier's check only.

SUPPLEMENTARY INFORMATION: Contact the Bennett Hills Resource Area Manager or Realty Specialist at the District Office, or phone at (208) 886-2206.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager regarding the proposed action.

Comments will be evaluated and the proposed action may be vacated, modified or affirmed. In the absence of any objections, this realty action will become the final decision of the Department.

Dated: September 17, 1986.

Jon H. Idso,
District Manager.
[FR Doc. 86-21687 Filed 9-24-86; 8:45 am]
BILLING CODE 4310-GG-M

[OR-050,4212-11,4322-10,4351-12: GP6-367]

Realty Action—Exchange of Public and Private Lands; Oregon

The following described lands have been proposed for exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

T. 23 S., R. 9 E.,

Willamette Meridian

Sec. 2: NW¼NW¼, SE¼NW¼, SW¼SW¼,
3: SW¼SW¼;
10: W½NW¼, NW¼SW¼;
11: N½NW¼;
20: N½SW¼, SE¼SW¼;
21: S½N½, N½SW¼, SE¼SW¼, SE¼;
22: S½SW¼;
27: N½,N½S½,S½SW¼;
28: E½;
32: W½NE¼, SE¼NW¼, E½SW¼, SE¼;
34: N½NW¼.
T. 21 S., R. 10 E.,
Sec. 33: W½SE¼;
34: NE¼SE¼, S½SE¼.
T. 22 S., R. 10 E.,
Sec. 3: N½NW¼;
5: N½SW¼;
10: NW¼NW¼.
T. 23 S., R. 10 E.,
Sec. 33: NW¼NE¼, N½NW¼, SE¼NW¼.
T. 15 S., R. 12 E.,
Sec. 14: E½SW¼ East of Road;
23: NW¼NW¼ East of Road.
T. 14 S., R. 15 E.,
Sec. 32: NE¼, E½NW¼, E½SE¼.
T. 15 S., R. 15 E.,
Sec. 8: E½.
T. 16 S., R. 15 E.,
Sec. 3: E¼SW¼, SW¼SE¼;
5: NE¼SW¼, S½SE¼;
8: NE¼;
9: NW¼;
10: SE¼SE¼.
T. 15 S., R. 16 E.,
Sec. 18: E½SE¼.
T. 11 S., R. 19 E.,
Sec. 5: W½SW¼;

6: E½SE¼;
7: NE¼NE¼;
8: NW¼NW¼;
14: NE¼, E½NW¼, NE¼SW¼;
17: NE¼NE¼, SW¼Se¼;
19: NE¼NE¼;
20: N½N½;
21: N½N½;
22: SE¼NW¼;
23: N½NE¼, NE¼NW¼, S½NW¼, W½SW¼;
27: SW¼NE¼, W½NW¼, SE¼NW¼;
28: SE¼NE¼, S½SW¼, E½SE¼;
29: NW¼NE¼, SE¼SE¼;
31: SW¼NE¼, NW¼SE¼;
32: NE¼, E½SE¼;
33: N½SW¼.

T. 16 S., R. 19 E.,
Sec. 4: All.

T. 17 S., R. 19 E.,
Sec. 14: SE¼NE¼, NE¼SE¼, S½S½;
15: NW¼NW¼, S½S½.

T. 14 S., R. 20 E.,
Sec. 1: NE¼NE¼;
11: SE¼NE¼, NE¼SE¼;
12: NW¼NW¼, S½N½;
23: W½SW¼;
24: NW¼NE¼, NE¼NW¼;

T. 18 S., R. 20 E.,
Sec. 15: NW¼.

T. 12 S., R. 21 E.,
Sec. 22: SW¼NE¼, NW¼SW¼;
23: NE¼NW¼.

T. 13 S., R. 21 E.,
Sec. 31: NW¼SW¼;
32: NE¼SE¼.

T. 14 S., R. 21 E.,
Sec 2: NE¼NE¼, N½NW¼;
3: N½NE¼, SE¼SE¼;
6: NW¼NW¼;
10: NE¼SW¼, N½SE¼;
12: NE¼SW¼;
13: N½SW¼, SW¼Sw¼;
14: SE¼SE¼;
17: S½NW¼;
18: SE¼SE¼;
19: NW¼NW¼;
20: NE¼NW¼;
21: NE¼, E½NW¼, SW¼NW¼;
23: NE¼NE¼;
24: S½NE¼, N½NW¼, SW¼NW¼;
25: S½NE¼, NW¼SW¼, E½SW¼;
26: N½SW¼, SW¼SW¼, NW¼NE¼;
27: S½;
28: S½NW¼, NE¼SW¼, S½SW¼, SE¼;
29: NW¼SE¼;
30: S½NW¼;
31: NE¼NE¼;
32: SE¼SW¼;
33: All;
34: W½NE¼, NW¼, SW¼SW¼SE¼.

T. 8 S., R. 22 E.,
Sec. 24: W½NE¼, SE¼;
25: NE¼, N½SE¼, SE¼SE¼;
26: W½NW¼, NW¼SE¼, S½SE¼;
34: NE¼SE¼;
35: N½NE¼.

T. 12 S., R. 22 E.,
Sec. 10: E½SE¼;
14: N½NW¼;
26: NE¼SE¼;
27: SE¼SW¼;
31: SW¼SW¼.

T. 6 S., R. 23 E.,
Sec. 23: NE¼SW¼.

T. 8 S., R. 23 E.,
Sec. 19: E½SW¼, SW¼SE¼;
30: SW¼NW¼, NW¼SW¼, SE¼SW¼.

T. 10 S., R. 23 E.,
Sec. 25: SE¼SW¼;
28: SE¼SW¼, W½SE¼;
32: NE¼SE¼;
33: N½N½, SW¼NE¼, SE¼NW¼, N½S½.

T. 11 S., R. 23 E.,
Sec. 7: SW¼SW¼;
17: NW¼NE¼, NE¼NW¼.

T. 8 S., R. 24 E.,
Sec. 10: NW¼SW¼.

T. 9 S., R. 24 E.,
Sec. 29: N½SW¼;
33: W½NE¼, SE¼NW¼.

T. 10 S., R. 24 E.,
Sec. 4: S½SE¼;
6: SE¼SW¼;
8: SE¼NW¼, NE¼SW¼;
10: SW¼NE¼, NW¼SE¼;
12: SW¼NW¼;
15: N½SW¼;
17: W½SW¼;
19: SW¼NE¼;
20: NW¼NW¼;
29: S½SW¼;
31: E½NW¼, NE¼SW¼.

T. 11 S., R. 24 E.,
Sec. 6: SW¼NW¼.

T. 8 S., R. 25 E.,
Sec. 2: SE¼SW¼;
3: SW¼NE¼, NE¼SW¼, N½SE¼;
11: NE¼NW¼.

T. 19 S., R. 25 E.,
Sec. 15: E½;
28: S½SW¼, NE¼SE¼, S½SE¼;
32: N½, SW¼.

T. 10 S., R. 28 E.,
Sec. 16: SW¼NE¼, NE¼SW¼, SW¼SW¼, NW¼SE¼;
22: SE¼,SW¼;
23: NE¼NW¼, NE¼SW¼, SW¼SW¼;
26: NW¼NW¼, SE¼SW¼;
27: NW¼NE¼, N½NW¼;
33: NW¼SE¼.

T. 11 S., R. 28 E.,
Sec. 5: SE¼SW¼;
6: E½NE¼.

T. 12 S., R. 28 E.,
Sec. 14: SW¼NW¼, W½SW¼, NE¼SE¼;
15: NE¼;
24: N½NW¼, SE¼NW¼, NE¼SW¼.

T. 10 S., R. 29 E.,
Sec. 13: SW¼NW¼;
14: SE¼NE¼;
30: SW¼NW¼.

T. 11 S., R. 29 E.,
Sec. 30: NW¼NE¼, NW¼SW¼;
32: NW¼NE¼, NE¼NW¼.

T. 12 S., R. 29 E.,
Sec. 17: S½N½, NW¼SE¼;
18: SW¼NW¼, NW¼SW¼, S½SE¼;
20: NW¼NE¼.

T. 10 S., R. 30 E.,
Sec. 21: SW¼NW¼.

T. 12 S., R. 30 E.,
Sec. 24: W½NE¼, SE¼NE¼, W½, N½SE¼, SW¼SE¼;
25: SE¼NE¼.

T. 9 S., R. 31 E.,
Sec. 8: NW¼SE¼;
12: SE¼SE¼;
15: SE¼SE¼;
23: NE¼NW¼.

T. 14 S., R. 31 E.,
Sec. 29: SW¼NW¼, NW¼SW¼;
31: SE¼NW¼, E½SW¼;
32: SW¼NE¼, SE¼NW¼, SW¼SW¼, NW¼SE¼.

T. 9 S., R. 32 E.,
Sec. 4: NE¼NE¼;
5: N½NE¼;
18: SE¼SW¼, SW¼SE¼;
22: NW¼SW¼;
27: SE¼SW¼.

T. 12 S., R. 32 E.,
Sec. 26: NW¼;
30: SW¼NE¼, SE¼NW¼, SW¼SW¼.

T. 12 S., R. 33 E.,
Sec. 3: NW¼NW¼;
5: NW¼NE¼;
17: W½E½;
30: S½SW¼, SE¼.

T. 13 S., R. 33 E.,
Sec. 6: W½E½.

T. 12 S., R. 34 E.,
Sec. 34: NW¼SE¼.

T. 13 S., R. 34 E.,
Sec. 24: SE¼NE¼, SE¼NW¼, N½SE¼.

Comprising approximately 20,609 acres of public land and located in Jefferson, Wheeler, Harney, Grant, Klamath and Deschutes counties.

In exchange for all or a portion of these lands, the United States will acquire the following described lands from Brooks Resources Investment Corporation:

T. 9 S., R. 20 E.,

Willamette Meridan

Sec. 36: S½N½, S½.

T. 9 S., R. 21 E.,
Sec. 28: SE½SW½ South of the river;
31: W½SW¼ South of the river, SE¼SW¼;
32: N½N½, S½NE¼, SE¼NW¼, S½;
33: N½ South of the river, N½S½, S½SW¼, SW¼SE¼.

T. 9 S., R. 22 E.,
Sec. 32: SE¼NW¼ South of the river;
33: N½NW¼ East of the river, SW¼, NW¼SE¼, S½SE¼;
34: SW¼SW¼.

T. 10 S., R. 20 E.,
Sec. 1: All;
2: All that portion lying east of Bridge Creek Road;
3: All that portion lying east of Bridge Creek Road;
4: S½;
9: All;
10: All;
11: All;
12: NW¼NE¼, SE¼NE¼, S½;
13: All;
14: NE¼, NE¼NW¼, E½SE¼;
15: All;
16: All;
17: N½, N½S½, SE¼SW¼, S½SE¼;
20: All;
21: All;
23: All;
24: N½, N½SW¼, SW¼SW¼;
25: That portion lying east of Bridge Creek Road and that portion lying west of the N/S fence in the NW¼;
26: SE¼NE¼, NE¼SE¼;

27: All;
28: SW¼NW¼, NW¼SW¼;
29: E½NE¼, NW¼, N½SW¼, SE¼SW¼NE¼SE¼, S½SE¼;
32: NW¼NE¼, S½
33: NE¼NE¼;
35: All.
T. 10 S., R. 21 E.,
Sec. 1: That portion south of the John Day River excepting the SW¼SW¼;
4: NW¼NE¼, W½;
5: N½N½, SW¼NE¼, SE¼NW¼, W½SW¼, NW¼SE¼, S½SE¼;
6: N½, SW¼, W½SE¼;
7: All;
8: N½N½, SE¼NE¼, NE¼NE¼, S½SE¼;
9: N½NE¼, SW¼;
12: N½NE¼, SE¼NE¼, E½NW¼, E½SW¼, SE¼SE¼;
14: W½E½, S½NW¼, SW¼;
15: S½NE¼, SE¼;
16: All;
17: All;
19: All;
21: W½NE¼, NW¼, S½S½, N½SW¼, NW¼SE¼;
22: N½N½, SW¼NW¼, S½;
23: E½NE¼, NW¼NW¼, S½NW¼, S½;
26: All;
27: N½, SW¼, E½SE¼;
28: All;
29: All;
30: SW¼SW¼;
31: That portion NE of the Bridge Creek;
33: All;
35: N½, N½S½, SE¼SE¼;
36: N½, N½S½, SE¼SW¼, S½SE¼.
T. 10 S., R. 22 E.,
Sec. 3: N½NW¼, SE¼NW¼, SW¼, S½SE¼;
4: N½, N½S½, SE¼SW¼, S½SE¼;
5: NE¼NE¼, S½NE¼, S½;
6: W½NW¼, S½;
7: N½N½, S½NE¼, SW¼NW¼, NE¼SW¼, S½SW¼, SE¼;
8: N½, E½SW¼, N½SE¼;
9: SW¼NW¼, N½S¼, SW¼SE¼;
10: W½NE¼, NW¼, N½SW¼, NW¼SE¼;
31: All that part west of the fence in the NE¼.
T. 11 S., R. 20 E.,
Sec. 2: N½NE¼, SW¼NE¼, W½;
3: NE¼, NE¼NE¼, E½SW½, SE¼;
10: All;
11: S½NE¼, W½, SE¼;
12: All;
13: All.
T. 11 S., R. 21 E.,
Sec. 1: All;
2: NE¼, S½;
3: All;
5: That portion lying east of Bridge Creek Road;
7: S½N½, S½;
8: NE¼, S½NW¼, S½;
9: All;
10: All;
11: All;
12: All;
13: That portion north and west of the road;
14: All;
15: All;
16: All;
17: All;
18: All;
19: Lots 1, 2, 3 and that portion of Lot 4 north of Highway 26;
19: E½NW¼, that portion of the south half north of Hwy 26, excepting the SE¼NE¼SE¼;
21: E½, SW¼;
22: All with the exception of the SE¼SW¼;
23: All with the exception of the NE¼NE¼;
24: All of that portion west of the highway;
26: All of that portion west of the highway excepting the SE¼SE¼ and the NE¼NE¼;
27: All;
28: All;
29: All;
32: All;
33: All;
34: All;
35: W½, W½E½.
T. 11 S., R. 22 E.,
Sec. 5: That portion west of fence;
6: All;
7: All;
8: That portion north of the road;
18: That portion north of the road;
T. 12 S., R. 21 E.,
Sec. 2: W½NE¼, NW¼, N½SW¼, NW¼SE¼;
3: N½, NE¼SW¼, N½SW¼;
4: NE¼, E½NW¼;
5: N½N½.

Comprising approximately 52,985 acres of private land and located Wheeler County.

As proposed, the Bureau would trade scattered and isolated parcels of public land, most of which are lacking legal public access, for private land adjoining the John Day River and having legal public access. The exchange would be completed in phases, over the next three years, and create a solid block of public land containing approximately 65,000 acres.

The "Fair Market Value" of both private and public lands will be determined by appraisal and full equalization of values will be achieved by adjusting the acreage traded or by payment to the United States by the Brooks Resources Corporation, not to exceed 25 percent of the total value of the lands to be transferred out of Federal ownership.

The Bureau is presently gathering data to prepare an environmental analysis/land report and to complete an Interim Management Plan for the area. Resources on the private lands in the Sutton Mountain area will be managed in accordance with this plan which is expected to be completed early in 1987. The plan will be in effect until the land exchange is completed and will be developed in cooperation with the present owners of the land being exchanged. The plan will provide for a level of monitoring and inventory that is necessary to make sound resource management decisions after completion of the exchange. A 45 day public comment period will be held prior to completion of the first phase.

Publication of this notice segregates the described public land from appropriation under the public land laws including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, for a period of 2 years.

Dated: September 12, 1986.

Donald L. Smith,

Acting District Manager, Prineville District Office.

[FR Doc. 86-21683 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-33-M

[OR-40870 (OR-050-4212-13:GP6-369)]

Realty Action; Exchange of Public and Private Lands in Crook County, OR

The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Willamette Meridian

T. 17 S., R. 22 E.,
Sec. 8: SW¼SW¼, S½NW¼SE¼SW¼, S½SE¼SW¼, S½SW¼SW¼SE¼.

Comprising 70 acres of public land.

In exchange for these lands, the United States will acquire the following described lands from Severence Ranches, Inc.

Willamette Meridian

T. 17 S., R. 22 E.,
Sec. 17: All that portion of the NE¼NE¼ lying north of the Paulina Highway right-of-way.

Comprising approximately 8.25 acres of private land.

The purpose of this exchange is to settle an issue arising from the inadvertent construction of a BLM fire guard station on private land. Since discovery of the error in 1976 the Bureau has been leasing the site. The exchange will eliminate the need for the lease and its cost. The values of the lands to be exchanged will be equalized by the Bureau's payment of $1,100.00.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. A reservation to the United States of a right-of-way for ditches and canals under the act of August 30, 1890.

2. A reservation to the United States of all mineral rights.

3. A reservation for existing Oil and Gas Lease OR-26766.

4. A reservation for an existing right-of-way to Telephone Utilities of Eastern Oregon, OR-25747.

5. Valid, existing rights included but not limited to any right-of-way or lease of record.

Publication of this notice segregates the described public land from appropriation under the public land laws including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, for a period of two years from the date of first publication.

Further information concerning the exchange, including the environmental assessment and land report is available for review at the Prineville District Office.

For a period of 45 days from the date of first publication, interested parties may submit comments to Prineville District Office, P.O. Box 550, Prineville, Oregon 97754.

Dated: September 16, 1986.

Donald L. Smith,

Acting District Manager.

[FR Doc. 86-21677 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-33-M

[CO-030-06-4121-06]

Off-Road Vehicle Designation Order No. CO-030-8601

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designation decisions.

SUMMARY: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR 8340. The following described lands under administration of the Bureau of Land Management are designated as open, limited, or closed to off-road motorized vehicle use. Designations are based on the protection of resources of the public lands, the promotion of safety of all users of the public lands, and the minimization of conflicts among various users of the public lands.

SUPPLEMENTARY INFORMATION: The 994,000-acre area affected by the designations is known as the San Juan-San Miguel Planning Area, which includes public lands in Montrose, Montezuama, La Plata, Dolores, Archuleta, San Juan, San Miguel, and Mesa Counties in Colorado. Also, the planning area includes parts of Rio Arriba County, New Mexico, and San Juan County, Utah. These designations are a result of resource management decisions made in the 1985 San Juan-San Miguel Resource Management Plan (RMP), and are published as final today.

Designation decisions were influenced by comments received from numerous public workshops, coordination meetings, and written responses during the RMP development process.

A. *Open Designation.* Areas which are designated open comprise approximately 784,339 acres. Open designation was determined to be appropriate for these public lands since off-road vehicle use is an important recreational activity and is essential for the conduct of other authorized resource uses.

B. *Limited Designation.* Approximately 110,846 acres are designated as limited to designated roads and trails in order to protect soil and water and recreation resources. Vehicle use in these areas is permitted on designated roads and trails which are identified with signs and on maps.

1. The Silverton Special Recreation Management Area comprises 51,180 acres surrounding Silverton, Colorado.

2. The limited portion of the Dolores Special Recreation Management Area comprises approximately 11,782 acres bordering the Dolores River between Secret Canyon and Gypsum Valley, Colorado.

3. Disappointment Valley comprises approximately 47,884 acres and is located seven miles east of Slickrock, Colorado. Limitation on ORV use is necessary to protect soil and water resources.

C. *Closed Designation.* Approximately 98,815 acres are designated closed to ORV use.

1. The closed portion of the Dolores Special Recreation Management Area comprises 10,682 acres bordering the Dolores River between Cahone and Secret Canyon, Colorado. Weber and Menefee Mountains include 8,720 acres located three miles south of Mancos, Colorado. These areas are closed in order to protect recreation resources.

2. The Dolores Wilderness Study Area comprises 28,539 acres located two miles south of Bedrock Colorado. The ORV closure is necessary to maintain wilderness suitability.

3. Cross, Cahone, and Squaw/Papoose Canyons are located twenty-two miles northwest of Cortez, Colorado, and include 31,826 acres. Tabeguache Creek Canyon comprises 3,200 acres six miles north of Nucla, Colorado. Mockingbird Mesa is located eighteen miles northwest of Cortez and includes 6,603 acres. Sand and East Rock Canyons are located ten miles west of Cortez and include 5,880 acres. Indian Henry's cabin and Bull Canyon Rockshelter lie about fourteen miles southwest of Naturita, Colorado, and collectively encompass 165 acres. These closures are needed to protect fragile cultural resources.

4. Perins/Animas Mountain includes 3,200 acres located one mile west of Durango, Colorado. Closure to ORV use is necessary to preserve wildlife habitat in this area.

These designations become effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer. An environmental assessment describing the impact of the ORV Implementation Plan is available for inspection at the offices listed below. Environmental impacts of the designations themselves are addressed in the Environmental Impact Statement (EIS) for the San Juan-San Miguel RMP, also available at these offices.

ADDRESSES: For further information about these designations, contact either of the following Bureau of Land Management Officials:

District Manager, Montrose District Office, 2465 South Townsend, Montrose, Colorado 81401, 303-249-7791

Area Manager, San Juan Resource Area Office, Federal Building, 701 Camino del Rio, Durango, Colorado 81301, 303-247-4082.

Dated: September 18, 1986.

Paul W. Arrasmith,

District Manager.

[FR Doc. 86-21682 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-JB-M

[AZ-080-06-4220-10;A-21005]

Realty Action; Exchange of Mineral Estates

Correction

In FR Doc. 86-16688 beginning on page 26602 in the issue of Thursday, July 24, 1986, make the following corrections:

On page 26602, in the third column, the fourth line, "Sec." should be removed; in the first line under *"Kofa National Wildlife Refuge"*, "14 W.," should read "15 W.,".

BILLING CODE 1505-01-M

[F-14841]

Alaska Native Claims Selection; Brevig Mission Native Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Brevig Mission Native Corporation for approximately 1.24 acres. The lands involved are in the vicinity of Brevig Mission, Alaska.

Block 8, Tract E, U.S. Survey No. 4494.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Nome Nugget. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal Government or regional corporation, shall have until October 27, 1986 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Joe J. Labay,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-21734 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-JA-M

[F-48312; F-14858-A]

Alaska Native Claims Selection; Gana-a 'Yoo, Ltd.

In accordance with Departmental regulations 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(a), will be issued to Gana-a 'Yoo, Limited, for approximately 1 acre. The land involved is located at Galena, Alaska, within T. 9 S., R. 11 E., Kateel River Meridian, Alaska.

A notice of the decision will be published once a week for four (4) consecutive weeks, in the Tundra Times. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision shall have until October 27, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-21737 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-JA-M

[F-14851-A]

Alaska Native Claims Selection; NANA Regional Corp., Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(a), will be issued to NANA Regional Corp., Inc., as successor in interest to Deering Ipnatchiak Corporation, for approximately 6 acres. The lands involved are in the vicinity of Deering, AK.

Kateel River Meridian

T. 8N., R. 19 W. (Surveyed)

A notice of the decision will be published once a week for four (4) consecutive weeks in the Tundra Times. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, AK 99513. ((907) 271-5960.)

Any party claiming a property interest which is adversely affected by the decision shall have until October 27, 1986, to file an appeal. However, parties receiving service be certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Joe J. Labay,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-21738 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-JA-M

Alaska Native Claims Selection; Sealaska Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that decision to issue conveyance under the provisions of section 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), will be issued to Sealaska Corporation. The lands involved are in the vicinity of Tongass National Forest, Alaska.

COPPER RIVER MERIDIAN, ALASKA

Serial No.	Land description	Approximate acreage
AA-10447	T. 74 S., R. 86E.	1.37
AA-10456	T. 77 S., R. 85 E.	2.13

A notice of the decisions will be published once a week, for four (4) consecutive weeks, in the Juneau Empire. Copies of the decisions may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decisions, an agency of the Federal government, or regional corporation, shall have until October 27, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Steven L. Willis,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-21739 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-JA-M

Availability of Proposed Carlsbad, NM Resource Management Plan and Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management announces the availability of the Carlsbad Proposed Resource Management Plan (RMP) and Final Environmental Impact Statement (EIS). This document identifies and analyzes the future options for managing approximately 2.1 million acres of public land and 2.7 million acres of Federal mineral estate in Eddy and Lea Counties and southwest Chaves County in southeastern New Mexico. The Plan also contains a recommendation that certain Areas of Critical Environmental Concern (ACEC) be designated.

The Draft Carlsbad RMP/EIS was made available for public review and comment in March of 1986. Comment received on the Draft were considered in preparing the Proposed RMP/Final EIS. Any person who participated in the planning process and has an interest that is or may be affected by approval of the Proposed RMP may file a protest.

DATE: Protests must be filed by November 10, 1986.

ADDRESS: Protests should be sent to: Director, Bureau of Land Management, Department of the Interior, 18th and C Streets, NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Charles Dahlen, Area Manager, Carlsbad Resources Area, Bureau of Land Management, P.O. Box 1778, Carlsbad, New Mexico 88220. Telephone (505) 887-6544.

SUPPLEMENTARY INFORMATION: The Proposed RMP provides a comprehensive framework for managing and allocating public land and resources within the Carlsbad Resource Area during the next 10 to 20 years. The document is primarily focused on resolving five key resource management issues that were identified with public involvement early in the planning process. These issues are: (1) Land Tenure Adjustments, (2) Mineral and Energy Resources, (3) Rangeland Resources, (4) Special Management Areas, and (5) Access.

The "Continuing Management Guidance" section of the Proposed RMP describes those aspects of current management which are not at issue and will continue after the RMP is approved. The continuing management guidance was developed primarily from laws, regulations, and manuals, as well as from previous land use plans and grazing EIS's.

The Proposed Plan is a slightly modified version of Alternative C presented in the Draft RMP/EIS as BLM's Preferred Alternative. Slight changes were made to Mineral and Eenrgy Resources and Special Management Areas issue resolution of Alternative C as a result of comments received on the Draft RMP-EIS. The Proposed Plan will protect important environmental values and sensitive resources while at the same time allowing development of resources which provide commercial goods and services.

Areas of Critical Environmental Concern (ACEC): Six ACEC's were recommended for designation in the Draft RMP/EIS and were described in the **Federal Register** on March 4, 1986. As a result of the comments received on the Draft RMP/EIS, the Proposed Plan recommends that one of the six, Yeso Hills, not be designated as an ACEC.

At the end of the 30-day protest period, the Proposed Plan, excluding any portion under protest, will become final. The approval process and the approved plan will be published with the Record of Decision (ROD). The ROD documenting approval of the RMP will constitute designation of the five proposed ACEC's.

Dated: September 19, 1986.

Monte G. Jordan,

Acting State Director.

[FR Doc. 86-21733 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-FB-M

[ID-943-06-4220-11; I-06741 et al.]

Proposed Continuation of Withdrawal; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service, Department of Agriculture proposes 860.90 acres of withdrawals for the North Fork River No. 2, Sage Hen, Bogus Basin Winter Sports, Greyback Gulch, Ten Mile-Bad Bear, Hayfork, and South Fork Bridge Recreation Areas, continue for an additional 20 years, which is the anticipated life of the projects. These lands will remain closed to surface entry, and mining, but have been and will remain open to mineral leasing.

DATE: Comments should be received by December 24, 1986.

ADDRESS: Comments should be sent to: Idaho State Director, Bureau of Land Management, 3380 Americana Terrace, Boise, ID 83706.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, Idaho State Office, 208-334-1735.

The Forest Service proposes that the existing land withdrawals made by Public Land Order Number 1514 of September 25, 1957, Number 5373 of July 30, 1973, Number 3865 of November 9, 1965, and Number 4257 of July 18, 1967, be continued for a period of 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The land is described as follows:

(I-766)

T. 15 N., R. 6 E.,
Sec. 11, N½N½SW¼NW¼.

(I-06741)

T. 5 N., R. 7 E., B.M.
Sec. 2, that portion of lot 15 lying south of Forest Road No. 103272.

(I-07510)

T. 12 N., R. 2 E., B.M.
Sec. 34, SE¼SE¼;
Sec. 35, S½NE¼NE¼, W½NE¼SW¼NE¼, NW¼SW¼NE¼, E½E½SE¼NE¼, SW¼NE¼NW¼, SE¼NW¼NW¼, N½SE¼NW¼, E½NE¼SE¼, E½W½NE¼SE¼, NE¼SW¼SE¼, E½NW¼SW¼SE¼.

(I-016489)

T. 5 N., R. 3 E., B.M.
Sec. 9, E½SW¼, SE¼;
Sec. 10, W½;
Sec. 22, W½NW¼SW¼.
T. 5 N., R. 5 E., B.M.
Sec. 4, W½ lot 2, lot 3.
T. 7 N., R. 6 E., B.M.
Sec. 25, NW¼SE¼SW¼, N½SW¼SE¼SW¼;
Sec. 35, SW¼SE¼NE¼, S½N½NW¼SE¼, S½NW¼SE¼, N½N½SW¼SE¼.

The area described above aggregates 860.90 acres in Boise, Gem and Valley Counties.

The withdrawals are essential for protection of substantial capital improvements on the Recreation Sites. The withdrawals closed the described lands to surface entry, and mining but not mineral leasing. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuations may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued, and if so, for how long. The final determination of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: September 19, 1986.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 86-21768 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-GG-M

Modified Notice of Realty Action Sale of Public Lands; Socorro County, NM

September 19, 1986.

The Notice of Realty Action on the sale of public lands in Socorro County, New Mexico, published in the **Federal Register**, Vol. 50, No. 133, dated July 11, 1985, and modified Notices published in Vol. 50, No. 148, dated August 1, 1985, and Vol. 50, No. 175, dated September 10, 1985, is further modified to include the following information:

Sealed bids for parcels 2 through 8 will be opened on October 28, 1986, at 10:00 a.m. Final acreages, descriptions and values are as follows:

Parcel No.	Serial No.	Finalized survey description	Exact acreage	Appraised value
2	NM 59332	T. 2 S., R. 1 W., Sec. 2, Lot 80	9.42	$14,130
3	NM 59333	T. 4 S., R. 1 E., Sec. 32, Lot 31	1.54	3,080
4	NM 59334	T. 4 S., R. 1 E., Sec. 32, Lot 29	10.49	13,098
5	NM 59336	T. 4 S., R. 1 E., Sec. 32, Lot 37	2.16	3,240
6	NM 59347	T. 4 S., R. 1 E., Sec. 32, Lot 32	5.70	7,498
7	NM 61177	T. 2 S., R. 1 W., Sec. 11, Lot 54	5.94	8,910
8	NM 58262	T. 1 S., R. 1 W., Sec. 13, Lots 8, 12	10.53	10,530

Parcel 12 is being reoffered for sale using competitive bidding procedures (43 CFR 2711.3-1), and sealed bids for this parcel will also be opened on October 28, 1986, at 10:00 a.m. Acreage, description and value of parcel 12 remain the same as listed in the original Notice.

Any of the above parcels which are not sold on the sale date will be offered for sale every first Tuesday of each month, same time and place, on a competitive sealed bid basis until sold, or until April 28, 1987.

All other terms and conditions, as outlined in the original Notice, remain unchanged.

Additional information on the sale may be obtained from the Bureau of Land Management, Socorro Resource Area Office, 198 Neel Avenue NW., Socorro, New Mexico 87801, telephone number (505) 835-0412.

Dated: Septembe 19, 1986.

H. James Fox,

District Manager.

[FR Doc. 86-21735 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-FB-M

Fish and Wildlife Service

Receipt of Application for Permit; Dr. Robert Brownell et al.

The public is invited to comment on the following applications for permits to conduct certain activities with marine mammals. The applications were submitted to satisfy requirements of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations governing the taking and importing of marine mammals (50 CFR Part 18).

File No. PRT-710118

Applicant: Name: Dr. Robert Brownell, U.S. Fish and Wildlife Service, Piedras Blancas Field Station, San Simeon, CA.

Type of Permit: Scientific Research.

Name and Number of Animals: California sea otter (*Enhydra lutris nereis*)—35.

Summary of Activity to be Authorized: The applicant proposes to capture and tag up to 35 otters of which 30 will be drugged for the purpose of extracting blood and a premolar, and implanting with a radio transmitter. The implanted animals then will be monitored to study their behavior and movement patterns.

Source of Marine Mammals for Display: Coastal California.

Period of Activity: 1 year.

File No. PRT-690038

Applicant: Name: Fish and Wildlife Service, Alaska Office of Fish & Wildlife Research, 1011 E. Tudor Rd., Anchorage, AK 99503.

Type of Permit: Scientific Research.

Name and Number of Animals: Polar Bears (*Ursus maritimus*) up to 200 per year through 1990.

Summary of Activity to be Authorized: The applicant proposes to take these animals as already authorized under an existing permit for scientific research. The only changes requested are an increased number (from 40 to 60) are to be fitted with radio collars. All of these collars (instead of 20 per year) are to be instrumented with satellite tracking equipment.

Source of Marine Mammals for Research: North and West Coast of AK, Beaufort and Chukchi seas and high seas adjacent thereto.

Period of Activity: Through October 31, 1990 and subject to renewal.

File No. PRT-711706

Applicant: Name: Enoshima Aquarium, 17-25, Katasekaigan 2 Chome, Fujisawa City, 251 Japan.

Type of Permit: Public Display.

Name and Number of Animals: Alaskan sea otter (*Enhydra lutris lutris*) 0.4.

Summary of Activity to be Authorized: The applicant proposes to take four adult females and export them for public display at the Enoshima Aquarium.

Source of Marine Mammals for Public Display: Prince William Sound, Alaska or as designated by Alaska Department of Fish and Game.

Period of Activity: September-December 1986.

Concurrent with the publication of this notice in the **Federal Register**, the Federal Wildlife Permit Office is forwarding copies of these application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete applications, or requests for a public hearing on these applications should be submitted to the Director, U.S. Fish and Wildlife Service (FWPO), 1000 North Glebe Road, Room 611, Arlington, Virginia 22201, within 30 days of the publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents submitted in connection with the above applications are available for review during normal business hours (7:45 a.m. to 4:15 p.m.) in Room 601 N. Glebe Road, Arlington, Virginia.

Dated: September 22, 1986.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Office.

[FR Doc. 86-21749 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-55-M

Availability of the Draft Selawik National Wildlife Refuge Comprehensive Conservation Plan/ Environmental Impact Statement/ Wilderness Review/Wild River Plan (CCP/EIS/WR/WRP)

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of availability of, and public hearings on, the proposed CCP/EIS/WR/WRP for the Selawik National Wildlife Refuge.

SUMMARY: The Fish and Wildlife Service (Service) has prepared for public review a draft CCP/EIS/WR/WRP for the Selawik National Wildlife Refuge (NWR) in Alaska, pursuant to sections 304(g)(1) and 1317 of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980, section 3(d) of the Wilderness Act of 1964 and section 102(2)(C) of the National Environmental Policy Act of 1969. The draft CCP/EIS/WR/WRP describes three options for long-term management of the 2.15 million-acre refuge. Lands suitable for wilderness designation and inclusion in the National Wilderness Preservation System are identified in two of the alternatives.

DATES: Commments on the draft CCP/EIS/WR/WRP must be submitted on or before December 24, 1986 to receive consideration in the preparation of the final document. A public hearing will be held at 7 p.m. on October 29, 1986, at the Noel Wien Library, 1215 Cowles Street, Fairbanks, Alaska. Dates, times and places for village meetings will be advertised through the use of posters, the news media and letters to the mayors well in advance of the assigned times.

ADDRESS: Send comments to: Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503 (Attn: William Knauer).

FOR FURTHER INFORMATION CONTACT: William Knauer, Refuges and Wildlife, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; Telephone (907) 786-3399.

SUPPLEMENTARY INFORMATION: A draft CCP/EIS/WR/WRP for the Selawik NWR was developed by the Service to fulfill the requirements of section 304 of ANILCA relating to preparation of comprehensive conservation plans. The final CCP/EIS/WR/WRP will describe the general wilderness suitability of various acreages of refuge lands, under each of the management alternatives, in order to comply with the requirements of section 1317(a) of ANILCA. This requires the Secretary of the Interior to review, in accordance with section 3(d) of the Wilderness Act, all refuge lands in Alaska as to their suitability for preservation as wilderness and submit recommendations to the President by 1987.

This plan describes three options for management of the refuge, the process pursued in their development, and the environmental consequences of implementing each alternative. The overall goal of the plan is to protect subsistence use of the area while affording both maintenance of fish and wildlife populations in their present state and opportunities for hunting, fishing, and other recreational uses.

The alternatives cover a range of management options. Alternative A is the current situation at the refuge of which about 11 percent is in the National Wilderness Preservation System. By putting the remaining refuge lands in minimal management, Alternative A, selected as the preferred alternative, would maintain the refuge in an undeveloped state. Likewise, Alternative B recommends that all refuge lands be placed in minimal management and proposes that an additional 46 percent of the refuge be designated as part of the Wilderness System. Alternative C also recommends placing the entire refuge in minimal management and further recommends that all undesignated refuge lands be placed in the National Wilderness Preservation System.

In addition, the plan details the policies the Service used in determining a boundary corridor for the Wild and Scenic River (according to the Wild and Scenic Rivers Act). The "Selawik Wild River" corridor (estimated to be about 108,000 acres) was adjusted to protect key natural and cultural values associated with the Selawik River, such as important fish habitat, wildlife habitat, geological formations, and scenic values as seen from the river.

As previously mentioned, the draft plan also describes the general wilderness suitability of different acreages of refuge lands under each management alternative. A range of recommendations is included in the plan's three alternative management strategies. In the Service's preferred alternative (A), no additional refuge lands are recommended for wilderness designation. Alternativie B proposes 46% of the refuge lands for wilderness designation, while Alternative C seeks wilderness status for all refuge lands of the Selawik NWR.

Other government agencies and the general public contributed to the development of the draft CCP/EIS/WR/WRP. The Notice of Intent to prepare the draft plan was published in the October 15, 1985, issue of the **Federal Register**. Scoping meetings were held between October 28 and November 13, 1985, in the following Alaska communities: Noorivk, Shungnak, Ambler, Buckland, Kotzebue, Selawik, Kiana, and Fairbanks.

Copies of the draft CCP/EIS/WR/WRP will be sent to all persons, organizations and agencies that participated in the public review process (attended scoping meetings or alternative workshop, or received editions of the planning bulletin). In addition, copies will be sent to all persons who have requested them. Others wishing to review this document may obtain a copy by contacting Mr. Knauer.

Copies of the draft CCP/EIS/WR/WRP are available for public review at the office of the Regional Director at the above address, the Selawik National Wildlife Refuge Office, Kotzebue, Alaska, and the following locations:

U.S. Fish and Wildlife Service, Division of Refuges, 18th and C Streets, NW., Washington, DC 20240

U.S. Fish and Wildlife Service, Refuges and Wildlife, Suite 1692, 500 NE., Multnomah Street, Portland, OR 97232

U.S. Fish and Wildlife Service, Refuges and Wildlife, 500 Gold Avenue SW., Room 1306 Albuquerque, NM 87103

U.S. Fish and Wildlife Service, Refuges and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111

U.S. Fish and Wildlife Service, Refuges and Wildlife, Richard B. Russell Federal Bldg., 75 Spring Street, Atlanta, GA 30303

U.S. Fish and Wildlife Service, Refuges and Wildlife, One Gateway Center, Suite 700, Newton Corner, MA 02158

U.S. Fish and Wildlife Service, Refuges and Wildlife, 134 Union Blvd., Lakewood, CO 80225

All agencies and persons wishing to comment on the draft are urged to do so as soon as possible. However, all comments received by December 24, 1986 will be considered in the preparation of the final document.

Dated: September 22, 1986.

Bruce Blanchard,

Director, Environmental Project Review.

[FR. Doc. 86-21729 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-55-M

Extension of Comment Period and Notice of Public Hearings for the Draft Nowitna Comprehensive Conservation Plan/Environmental Impact Statement/Wilderness Review (CCP/EIS/WR)

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Extension of comment period and notice of public hearings for the draft Nowitna CCP/EIS/WR.

DATES: Comments on the draft Nowitna CCP/EIS/WR must be submitted on or before December 24, 1986 to receive

consideration by the Regional Director. A public hearing will be held at 7:00 p.m. on November 12, 1986, at the Noel Wien Library, 1215 Cowles Street, Fairbanks, Alaska.

ADDRESS: Send comments to: Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503 (Attn: William Knauer).

FOR FURTHER INFORMATION CONTACT: William Knauer, Refuges and Wildlife, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99593; Telephone (907) 786-3399.

SUPPLEMENTAL INFORMATION: The notice of availability for the draft Nowitna CCP/EIS/WR was published in the July 3, 1986, issue of the **Federal Register.** Comments were to have been received by October 9, 1986, to receive consideration. This notice extends the comment period to December 24, 1986.

Anyone wishing a copy of the draft for review should contact M. Knauer at the address above. Copies of the draft are also available for review at the above location, the Nowitna National Wildlife Refuge Headquarters, Galena, AK, and the following locations:

U.S. Fish and Wildlife Service, Division of Refuges, 18th and C Street, NW, Washington, DC 20240

U.S. Fish and Wildlife Service, Refuges and Wildlife Loyd 500 Building, Suite 1692, 500 NE. Multnomah Street, Portland, OR 97232

U.S. Fish and Wildlife Service, Refuges and Wildlife, 500 Gold Avenue, SW., Room 1306, Albuquerque, NM 87103

U.S. Fish and Wildlife Service, Refuges and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111

U.S. Fish and Wildlife Service, Refuges and Wildlife, Richard B. Russell Federal Building, 75 Spring Street, Atlanta, GA 30303

U.S. Fish and Wildlife Service, Refuges and Wildlife, One Gateway Center, Suite 700, Newton Corner, MA 02158

U.S. Fish and Wildlife Service, Refuges and Wildlife, 134 Union Boulevard, Lakewood, CO 80225.

Dated: September 22, 1986.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 86-21730 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-55-M

Reinstatement of Comment Period for the Final Togiak Comprehensive Conservation Plan/Environmental Impact Statement/Wilderness Review (CCP/EIS/WR)

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Reinstatement of comment period for the final Togiak CCP/EIS/WR.

DATE: Comments on the final Togiak CCP/EIS/WR must be submitted on or before November 10, 1986 to receive consideration by the Regional Director.

ADDRESS: Send comments to: Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503 (Attn: William Knauer).

FOR FURTHER INFORMATION CONTACT: William Knauer, Refuges and Wildlife, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99593; Telephone (907) 786-3399.

SUPPLEMENTARY INFORMATION: The notice of availability for the final Togiak CCP/EIS/WR was published in the June 9, 1986, issue of the **Federal Register.** In the July 11, 1986, issue of the **Federal Register,** the Togiak CCP/EIS/WR was withdrawn. This notice reinstates the comment period for the final Togiak CCP/EIS/WR.

Anyone wishing a copy of the final CCP/EIS/WR for review should contact Mr. Knauer at the address provided above. Copies are also available for review at the above address, the Togiak National Wildlife Refuge Office, Dillingham, AK, and the following locations:

U.S. Fish and Wildlife Service, Division of Refuges, 18th and C Street NW., Washington, DC 20240

U.S. Fish and Wildlife Service, Refuges and Wildlife, Lloyd 500 Building, Suite 1692, 500 NE. Multnomah Street, Portland, OR 97232

U.S. Fish and Wildlife Service, Refuges and Wildlife, 500 Gold Avenue, SW., Room 1306, Albuquerque, NM 87103

U.S. Fish and Wildlife Service, Refuges and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111

U.S. Fish and Wildlife Service, Refuges and Wildlife, Richard B. Russell Federal Building, 75 Spring Street, Atlanta, GA 30303

U.S. Fish and Wildlife Service, Refuges and Wildlife, One Gateway Center, Suite 700, Newton Corner, MA 02158

U.S. Fish and Wildlife Service, Refuges and Wildlife, 134 Union Boulevard, Lakewood, CO 80225.

Dated: September 22, 1986.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 86-21731 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Convention, Foreign Law Notification, Singapore

Subject

Notice of information no. 9.

This is a schedule I notice: Wilderness subject to this notice is subject to detention, to refusal of clearance, or to seizure and forfeiture, if imported into the United States.

Subject

Singapore—Ban on U.S. import of all wildlife exports and re-exports.

Source of Foreign Law Information

United States through the Department of State.

Action by Fish and Wildlife Service

Despite requests from the U.S. Fish and Wildlife Service through the Department of State, the government of Singapore fails to provide authenticating documents or supporting information for wildlife shipments alleged to be captive bred or re-exported from Singapore. No information establishing the country of origin for re-exported wildlife is supplied either on re-export certificates or in response to requests for information subsequent to importation into the United States. Export permit fail to state the effect of export or re-export upon the wild populations of the wildlife. Based upon its inability to authenticate information provided by Singapore on export and re-export documents submitted in compliance with requirements for nonparties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Singapore export and re-export documents can no longer be accepted by the United States as a CITES party in good faith compliance with CITES. It is impossible for the United States to establish legal export for re-exported wildlife or status of captive bred or of exported wildlife in compliance with its own laws and with CITES without the proper authenticating documentation from Singapore. Since the information is not available through the government of Singapore, effective immediately and until further notice, no shipments of wildlife or of wildlife products exported or re-exported from Singapore or which declare Singapore as country of origin may be imported legally into the United States.

EFFECTIVE DATE: September 25, 1986.

Expiration Date: Until further notice.

FOR FURTHER INFORMATION CONTACT: Kathleen King, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 28006, Washington, DC 20005, Telephone: 202/343-9242.

Dated: September 17, 1986.

Frank Dunkle,

Director.

[FR Doc. 86-21725 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Royalty Management Advisory Committee; Meeting

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of meeting.

SUMMARY: The Minerals Management Service (MMS) hereby gives notice that the Royalty Management Advisory Committee will hold a meeting in Denver, Colorado, at the location and on the dates indicated below to review the reports of four technical working panels and one subcommittee. These groups are identified below:

—Coal Valuation Subcommittee.

—Coal Valuation Regulations Review Panel.

—Gas Valuation Regulations Review Panel.

—Oil Valuation Regulations Review Panel.

—PAAS Onshore Conversion Panel.

The Advisory Committee will review the panel and subcommittee reports and make recommendations to the Secretary of the Interior, as appropriate.

Notice of this meeting is required under the Federal Advisory Committee Act.

Location and Date: The "Valuation Regulations and PAAS Onshore Conversion Session" of the Royalty Management Advisory Committee will meet at the Sheraton Denver Tech Center, 4900 Denver Tech Center Parkway, Denver, Colorado on October 20-22, 1986, from 8 a.m. to 5 p.m., except that the meeting on October 20 will start at 9 a.m.

October 20 Agenda: Opening remarks, issue review, public comments, and recommendations.

October 21 Agenda: Issue review, public comments, and recommendations.

October 22 Agenda: Issue review, public comments, and recommendations, and closing remarks.

This meeting will be open to the public. Public attendance may be limited by the space available. Questions and answers from the public will be addressed at a designated time during each day's meeting. Written statements should be submitted by October 1, 1986, to the address listed below. Minutes of this meeting will be available for public inspection and copying by December 31, 1986, at the same address.

FOR FURTHER INFORMATION CONTACT: Vernon B. Ingraham, Minerals Management Service, Royalty Management Program, Office of External Affairs, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 660, Denver, Colorado 80225, telephone number (303) 231-3360, (FTS) 326-3360.

SUPPLEMENTARY INFORMATION: The four technical working panels were established by the Royalty Management Advisory Committee. The panels are composed of both Advisory Committee members and non-Committee members and were established to provide the Advisory Committee with analysis of specific issues and proposed recommendations. The Coal Valuation Subcommittee was appointed by the Advisory Committee at the July 30, 1986 meeting and consists of three Advisory Committee members from State, Indian, and Industry groups. Panel and subcommittee recommendations will be reviewed by the Advisory Committee which will then decide what advice and recommendations to give to the Department of the Interior (DOI) and MMS. Although the panels and subcommittee may meet with DOI or MMS staff members to obtain information they require in conducting their analysis, advice and recommendations of the panels and subcommittee will be made to the Advisory Committee and not to the DOI or the MMS.

Dated: September 18, 1986.

Wm. D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 86-21692 Filed 9-24-86; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Application No. 94]

Section 5a; Automobile Transporters Tariff Bureau, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Revocation of antitrust immunity.

SUMMARY: The Commission dismisses Automobile Transporters Tariff Bureau, Inc.'s, pending application for approval of a collective ratemaking agreement and revokes all antitrust immunity for collective activities performed pursuant to that agreement.

EFFECTIVE DATE: September 24, 1986.

FOR FURTHER INFORMATION CONTACT: Robert G. Rothstein, (202) 275-7912,

or

Louis E. Gitomer, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's full decision. To purchase a copy contact T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call toll-free (800) 424-5403, or (202) 289-4357 in the Washington, DC, metropolitan area.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10706 and 10321.

Decided: September 18, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 86-21697 Filed 9-24-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of Justice Programs

President's Child Safety Partnership

AGENCY: Office for Victims of Crime.

ACTION: Notice of hearings.

SUMMARY: The Office for Victims of Crime announces the sixth in a series of public hearings to be held by the President's Child Safety Partnership in Tampa, Florida on Thursday, October 23, 1986.

SUPPLEMENTARY INFORMATION: The President's Child Safety Partnership (hereafter referred to as the Partnership) will hold a series of seven public hearings on the issue of child safety and victimization. The Partnership, which was announced by the President on April 29, 1985, and which held its initial meeting on January 16, 1986, consists of 24 members from the public, private (both corporate and nonprofit), state and local, and Federal sectors, and includes a wide range of expertise in fields related to child safety and victimization. Its first five public hearings were held on April 15-16, in New York City; May 1, in Chicago, Illinois; May 20, in Austin, Texas; June 17, in Denver, Colorado; and

July 14, in Seattle, Washington. The seventh hearing will be held in California. The date and specific site is to be determined and announced at a later date. The Partnership functions solely as an advisory committee in full compliance with the provisions of the Federal Advisory Committee Act.

The Partnership members recognize the magnitude and complexity of the child safety problem, and realize that the only way to effectively address it is through the help and support of a wide group of organizations, agencies, and individuals, with the focus being on the private sector. Consequently, the Partnership will seek the input of these groups on a broad range of issues.The input received through both written and oral testimony will be used by the Partnership to make recommendations to the President on ways in which we can both prevent the victimization of our country's children and more fully involve the private sector in responding to the problem.

The scope of the Partnership inquiry and the recommendations the Partnership will make will cover a broad range of offenses against children, specifically: Child physical abuse and neglect; child sexual abuse and molestation; theft, assault, robbery, and murder of children; parental and stranger abduction of children; exploitation of children (prostitution, pornography), runaway children (recognizing the extreme vulnerability of runaways to victimization); and drug abuse.

The sixth hearing of the Partnership will seek to examine a variety of child safety and victimization issues in the areas of drug abuse, missing children/abducted, missing children/runaway, and community response to child safety.

Oral and written testimony will be solicited from the public. The testimony will be used as a basis for making recommendations to the President.

Location/Dates

The sixth public hearing of the Partnership will be held:

Date: Thursday, October 23, 1986
Place: Interbay Boys and Girls Club, 4002 South Coolidge Avenue, Tampa, Florida 33611
Time: 9:00 a.m.–6:00 p.m.
Seats available to the public: 150

Procedure

The Partnership invites all interested parties to submit written testimony or program information regarding any of the aforementioned aspects of child safety and victimization. Persons interested in providing written testimony should submit it to: Lois Haight Herrington, Assistant Attorney General, Office of Justice Programs, 633 Indiana Avenue, NW., Washington, DC 20531. If possible, all written testimony should be typed and submitted in duplicate. All written testimony is due not later than October 31, 1986, but should be submitted as soon as possible for maximum consideration.

Persons interested in providing oral testimony at the hearing in Tampa should notify Assistant Attorney General Herrington in writing (same address as above), as soon as possible, and in no event later than October 10, 1986. The Partnership will make the final determinations as to what persons/organizations will be invited to provide oral testimony.

Conduct of Hearings

The hearings, which will be open to the public, will begin at 9:00 a.m. The Chairman of the Partnership, or his designee, will preside at the hearings. Other members of the Partnership will join the Chairman. Four panels will be established to present testimony on drug abuse, missing children/abducted, missing children/runaway, and the community response to child safety issues. Each panel will be comprised of not more than five persons representing a broad array of disciplines. These will not be judicial or evidentiary-type hearings and there will not be any cross-examination. However, clarifying questions and extensive discussion by Partnership members regarding relevant child safety and child victimization issues will follow each panel presentation.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding official.

A transcript of the hearings will be made. The entire record of the hearings, including transcript, will be retained by the Partnership, and will be available to the public. Any person may purchase a copy of the transcript from the transcribing organization.

For further general information on the Partnership hearings contact: Mr. William Modzeleski, President's Child Safety Partnership, 633 Indiana Avenue, NW., Washington, DC 20531. Phone: (202) 272–6500.

Dated: September 22, 1986.

Lois Haight Herrington,

Assistant Attorney General, Office of Justice Programs.

[FR Doc. 86–21696 Filed 9–24–86; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act: Indian and Native American (INA) Programs for Program Year 1987; Methodology for Setting Grantee Performance Standards

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed method for setting performance standards; request for comments.

SUMMARY: The Department of Labor is requesting comments on a proposed method for setting performance standards for Job Training Partnership Act Indian and Native American grantees for Program Year 1987 (July 1, 1987–June 30, 1988).

DATE: Comments must be submitted on or before October 9, 1986.

ADDRESS: Comments must be addressed to the Assistant Secretary for Employment and Training, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Attention: Clayton Johnson, Room N5637.

FOR FURTHER INFORMATION CONTACT: Clayton Johnson. Telephone: 202–535–0685.

SUPPLEMENTARY INFORMATION: Job Training Partnership (JTPA) section 401 establishes training and employment programs for Native Americans, to ameliorate serious unemployment and economic disadvantages existing among members of their communities. "Recipients of funds under this section shall establish performance goals, which shall, to the extent required by the Secretary, comply with performance standards established by the Secretary pursuant to section 106." JTPA section 401(h)(2).

Performance standards for Indian and Native American (INA) programs were introduced on a trial basis in the last year of Comprehensive Employment and Training Act (CETA) (Fiscal Year (FY) 83 (Oct. 1, 1982–Sept. 30, 1983)) and during Transition Year (TY) 84 (Oct. 1, 1983–June 30, 1984) and Program Year (PY) 84 (July 1, 1984–June 30, 1985). For the first time, based on PY 85 data, performance standards will be used to assess grantees for redesignation in PY 87–88 (July 1, 1987–June 30, 1989). Currently, performance standards are one of 14 responsibility tests that grantees must meet for redesignation for PY 87–88.

• Three performance measures are required for INA programs:

• Entered-employment rate.

• Positive-termination rate, where positive terminations are defined to include:

—Entered employment
—Entered non-Title IV training (or training provided by another Section 401 grantee)
—Returned to full-time school
—Completed a major level of education
—Other successful completion of the participant's planned activity.

• Cost per positive termination.

Community Benefit Projects is an optional fourth performance measure. In calculating the required standards, participants in the community-benefit projects are excluded and the costs of community-benefit projects and administrative costs are subtracted from the cost measure.

The entered-employment-rate (EER) standard reflects the employment orientation of all JTPA programs. The positive-termination-rate (PTR) standard recognizes that many INA program participants live in areas with depressed labor markets and face other barriers to employment. Thus, in addition to helping participants find employment immediately after termination, another important goal for INA programs is to enhance the employability of participants by helping participants return to school or receive other training or complete other planned activities. A cost-per-positive-termination standard rather than cost-per-entered-employment (CPT) standard further emphasizes that INA programs have multiple goals.

Proposed Revisions and the Reasons for Them

INA performance standards have typically been set at some percentage of the previous year's performance (e.g., 75% of past performance for PY and PY 85 and 100% of past performance in PY 86). This procedure implicitly varies standards to reflect grantee differences in local factors by assuming their previous performance will control for favorable or unfavorable local factors. Such procedures have had a number of problems.

First, the rationale for performance standards is to motivate grantees to run well-managed, efficient programs. Setting standards based on how well the grantee actually performed in the previous year assumed that service levels and local economic conditions do not change from year to year, and that only management quality is reflected in these year-to-year changes in performance. However, it holds grantees harmless for perpetuating poorly-managed programs from one year to the next. For a given set of client characteristics and labor market conditions, a grantee who runs a well-managed program and, thus, did better in the past year will be given a higher standard than a grantee who runs a poorly-managed program and thus performed poorly last year. Because performance standards are intended to encourage efficient management, standards should distinguish between well-managed and poorly-managed programs rather than holding the grantees harmless for management quality.

Second, participant characteristics and local economic conditions may change from year to year so that, for instance, a grantee faces meeting the same standard with a more difficult to serve clientele or a more difficult economy. The current approach assumes that each and every grantee can do as well as it did last year and does not account for whatever random or chance events that may also influence how well a grantee performs. For example, a new firm may open in the area, creating a short-term need for new workers that wanes in the following year; participants in one year may, by chance, be particularly skilled and able to find jobs more easily than typical applicants; additional funding for related programs may be available in one year, but not the next. Consequently, many INA grantees found that they could not expect to meet their issued standards for PY 86 because of such random events and had to negotiate with DOL for changes in their standards.

To mitigate problems associated with the negotiation process, the Department of Labor is proposing the use of an adjustment model in setting PY 87 standards. Using historical (PY 84) data, the model identifies a set of factors that strongly influence the performance outcome. It then provides weights to convert differences among grantees on these factors into appropriate adjustments in expected performance levels. The adjustments raise or lower the expected performance level from the average performance of all grantees. The adjustment model has the following advantages over the current standard-setting approach:

• The model represents the average influence of factors across all grantees; well-managed programs are expected to do better than the model indicates and poorly-managed programs are expected to do worse. Thus, grantees will not be held harmless for poorly-managed programs.

• It allows adjustments to be applied consistently and equitably to all grantees.

• It qualifies the size of adjustments so that, for example, one knows not only that serving primarily school dropouts is a justifiable reason for lowering performance standards, but also that the standards should be lowered by a specific amount for each additional percentage point above the average percent of dropouts served by all grantees.

• It allows one to add up the adjustments for several factors to determine the net adjustments that should be made to the standards.

Selection of Modeling Factors

The models are designed to adjust expected performance levels for selected participant characteristics and local economic conditions (called "local factors") that are not in the grantees' control and are known to have strong relationships to program outcomes.

Numerous factors reported on the Indian Annual Status Report (IASR) were examined for inclusion in the model. Local economic conditions were constructed from Census, Bureau of Labor Statistics, and the Bureau of Indian Affairs (BIA) data. The following criteria determine which factors are included in each model:

• Management practices were excluded because they are regarded as within the control of program managers, not beyond their control.

• There must be some variation on the factor, that is, in service levels or local economic conditions, among grantees.

• The relationship between the factor and the performance measure made intuitive sense.

• The factor was strongly related to the performance outcomes.

• Measures of the factor were objective and easily quantifiable.

• For local economic conditions, published sub-state level date were available nationwide.

The following 12 factors are included in the PY 87 INA models:

Local factors	Model—		
	EER	PTR	CPT
Percent females.			x
Percent aged 14 to 21.	x	x	x
Percent school dropouts.	x	x	x
Percent students.	x	x	x
Percent welfare recipients.	x		

Local factors	Model—		
	EER	PTR	CPT
Percent Long-term unemployed.	x	x	x
Percent not in labor force.	x	x	x
Percent families with income below the poverty level.			x
Average weeks participated.			x
Percent of population living on farms.	x	x	x
Percent employment in manufacturing.	x		
Tribal government status under JTPA.	x	x	x

Models are derived from the past average performance and service levels of grantees (e.g., PY 87 experience was used for the PY 86 models). Such an approach is quite appropriate because the relationships between grantee performance and local factors remain fairly stable over time. The model weights represent the size and direction of each local factor's effect on the performance outcome when the other factors in the model are also taken into account. The following relationships between local factors and performance measures are identified in the PY 87 models:

• Grantees serving a higher percent of women have higher costs per positive termination.

• Youths under 21 have lower entered-employment rates, lower positive-termination rates and higher costs per positive termination.

• Students and dropouts both have lower entered-employment rates than do graduates; students have higher positive-termination rates and lower costs per positive termination than graduates, probably because "completed a major level of education" is counted as a positive termination; dropouts have lower positive-terminaion rates and higher costs per positive termination than do graduates.

• Individuals receiving welfare at enrollment have lower entered-employment rates.

• Those who were unemployed for 15 weeks or more or who were out of the labor force prior to enrollement have lower entered-employment rates, lower positive-termination rates, and higher costs per positive termination than do those who were employed within 15 weeks of enrollment.

• Grantees in areas with a higher proportion of individuals living in poverty have higher costs per positive termination.

• Grantees with longer programs, as measured by the average number of weeks participated, have higher costs per positive termination.

• Grantees in areas where a large proportion of the population live on farms have lower entered-employment rates, lower positive-termination rates and higher costs per positive termination.

• Grantees in areas with a high percent of employment in manufacturing industries have higher entered-employment rates.

• Reservation grantees (i.e., those having Tribal Government Status) have lower entered-employment rates and higher costs per positive terminations than non-reservation grantees but reservation grantees have somewhat higher positive-termination rates.

Some factors are excluded from the models.

Program mix was excluded to hold grantees accountable for the program-activity mix they provide. Providing the appropriate mix of program activities to meet the changing needs of the clients is an important management technique.

Other factors are excluded from the models because grantees serve very similar (and usually very small) proportions of individuals with the characteristics. Participant characteristics excluded because of little variation are: single head of household, limited English-language proficiency, handicapped, offender, and transients. All grantees get the same adjustments for these factors. These adjustments are included in the average performance level before it is further adjusted.

Some factors were included in a model for one outcome but excluded from another because their adjustments in the latter did not make sense from a programmatic perspective. Thus, females were excluded from the entered-employment-rate and positive-termination-rate models because including them would have generated higher expected performance. Welfare recipients were deleted from the positive-termination-rate and cost-per-positive-termination models because inclusion would have generated more difficult standards.

Several variables measuring local economic conditions were examined but were excluded from the recommended models because they did not have significant relationships with the performance measures. These variables include population density, average annual earnings in the local area, the unemployment rate in the local area, the percent of Indians and Native Americans who were unemployed, and BIA measures of unemployment rates on reservations. Apparently the effects of these factors on outcomes measures is already captured by other conditions (e.g., percent of population living on farms and tribal government status) already included in the model. In particular, the percent of Indians and Native Americans with income below the poverty level was excluded from the models because the percent of all families with income below the poverty level had a somewhat stronger relationship to the performance measures. Similarly, the percent of Indians and Native Americans living on reservations was excluded because the variable indicating whether the grantee has tribal government status (as defined in section 401(c)(1)(A) of the Act) had a stronger relationship to the performance measures.

The percent of families with income below the poverty level was excluded from the entered-employment-rate and positive-termination-rate models and the percent of employment in manufacturing was excluded from the positive-termination-rate and cost models because their estimated effects were not significant and did not make intuitive sense.

The recommended performance goals are calculated as differences from the national average performance. The national average performance represents the outcome of serving participants with average characteristics in local areas with average conditions. Thus a grantee's performance adjustments depend on how different its service levels and economic conditions are from the national averages of these local factors. For FY 87 these averages, which exclude service levels for community benefits projects, are:

Percent females	50.9
Percent aged 14 to 21	31.2
Percent school dropouts	29.5
Percent students	6.8
Percent welfare recipients	24.4
Percent long-term unemployed	44.9
Percent not in labor force	23.4
Percent families with income below the poverty level	11.3
Average weeks participated	18.4
Percent of population living on farms	4.4
Percent employment in manufacturing	16.2
Proportion of grantees with tribal government status	.694

For the last factor, a grantee's local factor will be either "1" if the grantee is a tribal government (as defined in section 401(c)(1)(A) of the Act), or "0" if the grantee is not, both of which differ from the *proportion of grantees* with this organization.

These national averages of service levels *do not* indicate that grantees should strive to serve these specific proportions of participants. These average service levels are used only to determine whether a grantee is serving more hard-to-serve participants than average, and thus should receive lower than average performance goals, or whether the grantee is serving fewer hard-to-serve participants than average, and thus should receive somewhat higher than average performance goals.

Because the use of an adjustment model may yield substantially different standards for some grantees than they received from previous standards-setting approaches, the Department of Labor will include past performance in the setting of standards for the first year of model use in PY 87. Under this weighted average approach, grantees' expected performance derived from the model and past performance would be weighted and combined to yield a new expected performance level that is a compromise between the two. A weight for past performance was statistically derived to best predict performance. Weights for past performance vary from 31 to 44% depending upon the performance measure. For PY 1987 standards setting, PY 85 experience will be used for past performance, both for the initial standards and for end-of-year recalculation.

The adjustment model will provide:

• *A recommended performance goal for each outcome measure.* This recommended goal will fall at an average performance level given the participant characteristics and local economic conditions of that grantee. At an average performance level, fifty percent of grantees facing these same conditions can be expected to perform below this recommended goal.

• *A standard set below the recommended goal to reflect a minimally acceptable level of performance.* The standard identifies the performance a grantee must achieve to meet the responsibility test at 20 CFR 632.11(d)(5). Consistent with grantees' rate of failure to meet standards in the past, the performance standard will be set so that, unless grantees improve their performance relative to the conditions they face, 15% will perform below the standard.

No variance will be allowed below this minimally acceptable standard as has been applied in the past. Thus, if grantees have in the past or are currently performing near or below the minimally acceptable standard, they should aim their performance goal at least 15% above the standard to be consistent with the range provided in past years. In fact, goals should be set even higher because changes in actual service levels and local economic conditions during the year may cause an overlooked increase in the grantee's standard at year end.

• *A level of exemplary performance* designated at a level above which only 15% of grantees would be expected to perform unless they improve their performance relative to the conditions they face.

Minimally acceptable performance standards and exemplary levels of performance are uniquely established for each grantee taking into account the number of terminees. Minimally acceptable standards will be set further below the recommended goal for smaller grantees than for larger grantees. Exemplary levels of performance will be set further above the recommended goal for smaller grantees than for larger grantees.

The proposed standard setting system does *not* provide a fixed set of numbers—average expected, minimally acceptable, and exemplary performance—at the beginning of the year to be targeted by grantees throughout the year. Rather, it provides a model that may generate varying goals and standards depending upon each grantee's participant characteristics and local economic conditions. Service levels and local conditions will change during the year and grantees should monitor revised estimates of their performance goals or standards so that they will not be caught short when standards are recalculated on actual service levels shown in the Annual Status Reports at the end of the year.

When grantees submit their planned levels of service to the National Office in response to the request for Comprehensive Annual Plans, the National Office will perform all computations and provide the grantee with results—recommended goal, minimally acceptable, and exemplary performance levels—of applying the adjustment model (and PY 87 past performance weight) to the program plans. Grantee performance will be judged, however, not by the model results using their *planned* service levels, but by model results using *actual* service levels at the end of the program year. At year end, grantees will submit their Annual Status Reports showing actual service levels and obtain their final standard once the National Office recalculates the model results.

Grantees will receive *sample* worksheets illustrating how the model adjustments are computed for their PY 84 local factors, and how past performance would be credited for PY 84 performance. Based on these, grantee performance standards and recommended performance goals will be estimated. Although the National Office will perform the worksheet computations for grantees, grantees may wish to familiarize themselves with these worksheets. They can, of course, update the worksheets with more current service levels (PY 85 or PY 86 planning data) than the National Office can provide at this time to obtain a better estimate of the PY 87 standards.

Signed at Washington, DC, this 22nd day of September, 1986.

Roger D. Semerad,

Assistant Secretary of Labor.

[FR Doc. 86-21732 Filed 9-24-86; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SES Peformance Review Board; Membership

AGENCY: National Endowment of the Arts.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of members of the Performance Review Board for the National Endowment for the Arts. This notice supercedes all previous notices of the PRB membership for the agency.

DATE: September 25, 1986.

FOR FURTHER INFORMATION CONTACT: Carole S. McNamee, Personnel Management Specialist, Personnel Division, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Room 208, Washington, DC 20506, (202) 682-5474.

SUPPLEMENTARY INFORMATION: Sec. 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any response by the senior executive, and make recommendations to the appointing authority relative to the performance of the senior executive.

The following persons have been selected to serve on the Performance Review Board of the National Endowment for the Arts: Peter J. Basso, Director of Administration, NEA; Ana Steele, Associate Deputy Chairman for Programs, NEA; and Susan H. Metts, Director of Administration, National Endowment for the Humanities.

F.S.M. Hodsoll,

Chairman.

September 5, 1986.

[FR Doc. 86-21700 Filed 9-24-86; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on October 9-11, 1986, in Room 1046, 1717 H Street, NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on August 19, 1986.

Thursday, October 9, 1986

8:30 a.m.-8:45 a.m.: Report of ACRS Chairman (Open)—The ACRS Chairman will report briefly regarding items of current interest to the Committee.

8:45 a.m.-11:30 a.m.: Improved Light-Water Reactors (Open)—The members of the Committee will discuss proposed ACRS comments and recommendations to the NRC regarding proposed characteristics of improved light-water reactors.

11:30 a.m.-12:30 p.m.: Clinton Nuclear Power Station (Open)—The members will hear and discuss a report by representatives of the NRC Staff regarding action taken to resolve ACRS comments in its report of March 9, 1982 regarding outstanding issues in connection with proposed operation of this nuclear plant.

1:30 p.m.-3:30 p.m.: Long Range Planning (Open)—The members of the Committee will discuss proposed ACRS comments and recommendations regarding the preparation of a long-range plan for NRC regulatory activities.

3:45 p.m.-4:45 p.m.: ACRS Procedures and Work Assignments (Open/Closed)—The members will discuss proposed priorities and resource utilization with respect to the conduct of Committee activities. ACRS procedures for conduct of Committee business will also be discussed.

Portions of this session will be closed as required to discuss internal personnel rules and practices of the agency that impact on the conduct of Committee business.

4:45 p.m.-6:30 p.m.: International Operating Experience (Open)—The members will discuss the nature of the reactor incident at the Chernobyl Nuclear Plant and ACRS consideration of its implications to the safety of nuclear power plants in the United States.

Friday, October 10, 1986

8:30 a.m.-10:00 a.m.: Office of Nuclear Materials Safety and Safeguards' Activities (Open/Closed)—The members will hear a report and discuss items of mutual interest with respect to the activities of the NRC Office of Nuclear Materials Safety and Safeguards.

Portions of this session will be closed as necessary to discuss detailed security provisions at specific nuclear facilities in the United States.

10:15 a.m.-12:30 p.m.: Reactor Operations (Open/Closed)—The members will hear reports and discuss items related to recent operating incidents and accidents at nuclear power plants in the United States.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to and detailed security provisions at the nuclear facility(ies) being discussed.

1:30 p.m.-2:15 p.m.: Meeting with NRC Executive Director for Operations (Open)—Discuss ACRS interface with NRC Regional Offices.

2:15 p.m.-3:00 p.m.: Backfitting of Regulatory Requirements (Open)—Meeting with representatives of NRC regarding the backfitting of regulatory requirements.

3:15 p.m.-4:15 p.m.: NRC Standard Review Plan (Open)—Discuss proposed revisions in NRC Standard Review Plan regarding reduction of radioactive iodine in containment atmospheres following a severe accident. Representatives of the NRC Staff will participate, as appropriate.

4:15 p.m.-5:45 p.m.: Nuclear Power Plant Emergency Planning (Open)—Discuss changes in the emergency planning zone at the Seabrook Nuclear Plant taking into account the NRC policy on consideration of severe accidents. Representatives of the NRC Staff and the licensee will participate as appropriate.

5:45 p.m.-6:15 p.m.: Future ACRS Activities (Open)—Discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee.

6:15 p.m-6:45 p.m.: ACRS Subcommittee Activities (Open)—Report of cognizant ACRS subcommittee regarding proposed implementation of NRC policy statement on Standardization of Nuclear Power Plants.

Saturday, October 11, 1986

8:30 a.m.-12:30 p.m.: Preparation of ACRS reports to NRC (Open)—The members of the Committee will discuss proposed ACRS reports to the NRC regarding items considered during this meeting.

1:30 p.m.-3:00 p.m.: ACRS Subcommittee Activities (Open)—The members will hear and discuss reports of cognizant ACRS subcommittees regarding activities related to safety matters including proposed PRA methodology for evaluation of nuclear powerplants, Westinghouse Electric Corporation Advanced PWR, safety-related changes in the Paluel Nuclear Plant, containment performance design objectives, and scram system reliability.

3:00 p.m.-3:30 p.m.: Activities of ACRS Members (Open/Closed)—Members will discuss the non-ACRS activities of ACRS members and their impact on Committee activities.

Portions of this session will be closed as necessary to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 2, 1985 (50 FR 191). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, R. F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such

rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information [5 U.S.C. 552b(c)(4)] applicable to the facilities being discussed, detailed security arrangements for facilities being discussed [5 U.S.C. 552b(c)(3)], information the release of which would represent a clearly unwarranted invasion of personal privacy [5 U.S.C. 552b(c)(6)], and information that involves internal personnel rules and practices of the agency applicable to the activities of the ACRS [5 U.S.C. 552b(c)(2)].

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 can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m.

Dated: September 19, 1986.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 86–21766 Filed 9–24–86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power & Light Co.; H.B. Robinson Steam Electric Plant, Unit No. 2; Exemption

I.

The Carolina Power & Light Company (CP&L, the licensee) is the holder of Operating License No. DPR–23 which authorizes operation of H.B. Robinson Steam Electric Plant, Unit 2. The license provides, among other things, that the H.B. Robinson Stream Electic Plant, Unit 2 is subject to all rules, regulations, and Orders of the Commission now or hereafter in effect.

The station is a single-unit pressurized water reactor at the licensee's site located in Darlington County, South Carolina.

II.

On November 19, 1090, the Commission published a revised § 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear powerplants. The revised § 50.48 and Appendix R became effective on February 17, 1981. Section III of Appendix R contains 15 subsections, lettered A through O, each of which specified requirements for a particular aspect of the fire protection features at a nuclear powerplant. One of these subsections, III.G, is the subject of the licensee's exemption request.

Section III.G2 of Appendix R requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

a. Separation of cables and equipment and associated nonsafety circuits of redundant trains by a fire barrier having a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistance equivalent to that required of the barrier.

b. Separation of cables and equipment and associated nonsafety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

c. Enclosure of cable and equipment and associated nonsafety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detector and an automatic fire suppression system shall be installed in the fire area.

Subsection III.G.3 of Appendix R requires that for areas where alternative or dedicated shutdown is provided, fire detection and a fixed fire suppression system shall also be installed in the area, room, or zone under consideration.

III.

By letter dated July 20, 1984, the licensee requested two exemptions from III.G.3 of Appendix R. The first exemption was from the III.G.3 fixed suppression requirements for six plant fire areas. The second exemption was from the III.G.3 fixed suppression and fire detection requirements for a single fire area. On November 30, 1984, the licensee submitted changes in the method of implementing the alternative shutdown capability and this resulted in identifying additional fire zones where credit was taken for the alternative shutdown capability. By letter dated February 13, 1985, the licensee also requested III.G.3 exemptions from the requirements of fixed suppression and fire detection for these new fire zones. This February 13, 1985 submittal became a "stand-alone" document consolidating exemption requests made in the July 20 and November 30, 1984 submittals. On March 11, 1985, a meeting was held between the licensee and the NRC, and the licensee submitted additional information in a letter dated May 10, 1985. This information was in the form of fire area drawings, fire detection system NFPA code compliance, diesel oil storage tank NFPA code compliance, and cable tray concentration fire loadings. Finally, the licensee amended the III.G.3 Appendix R exemption request by letter dated October 28, 1985.

By letter dated August 17, 1984, the licensee requested an exemption from section III.G.2.f to the extent that it would require the Rockbestos cables inside containment be kept "free of fire damage." This submittal also provided technical information previously requested by the NRC staff.

By telecon dated Auguest 4, 1986, the licensee provided information relevant to the "special circumstances" finding required by revised 10 CFR 50.12(a) (See 50 FR 50764). The licensee stated that existing and proposed fire protection features at H.B. Robinson accomplish the underlying purpose of the rule. Implementing additional modifications to provide additional suppression systems, detection systems, and fire barriers would require the expenditure of engineering and construction resources as well as the associated capital costs which would represent an unwarranted burden on the licensee's resources. The licensee stated that the costs to be incurred are as follows:

- III.G.3 Engineering, procurement and installation of additional detection and suppression equipment—$1,656,000.
- III.G.2.f Engineering procurement and installation of radiant energy heat shields—$61,000.

The licensee stated that these costs are significantly in excess of those required to meet the underlying purpose of the rule. The staff concludes that "special circumstances" exist for the licensee's requested exemptions in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purposes of Appendix R to CFR Part 50. See 10 CFR 50.12(a)(2)(ii).

The following exemption requests, therefore, reflect the latest status for the areas/zones listed below:

1. Auxiliary Building (Fire Area A), Limited to Fire Zones 3, 6, 7, 8, 11, 12, 13, 15, 16, 17, 18, 21, and 23.

Exemptions were requested from section III.G.3 to the extent that it requires the installation of fire detection and fixed fire suppression throughout the zones for which an alternative shutdown capability is provided.

2. Charging Pump Room, Volume Control Tank Room, and Non-Regenerative Heat Exchanger Room (Fire Area R), limited to Fire Zone 4.

Exemptions were requested from section III.G.3 to the extent that it

requires the installation of fire detection and fixed fire suppression throughout the zones for which an alternative shutdown capability is provided.

3. Exterior Area (Fire Area G), limited to Fire Zones 25, 28, 30, 31, 32, and 33.

Exemptions were requested from section III.G.3 to the extent that it requires the installation of fire detection and fixed fire suppression throughout the zones for which an alternative shutdown capability is provided.

4. Containment Outside the Missile Barrier from approximately 90° to 270° and from 120° to 290° at General Elevation 230 Feet to 235 Feet.

An exemption was requested from III.G.2.f to the extent that it would require the Rockbestos cables (serving as a radiant energy heat shield to be kept free of fire damage.

The licensee requested an exemption from section III.G.3 to the extent that it requires the installation of fire detection and fixed fire suppression systems throughout the fire zones for which an alternative shutdown capability is provided. These fire zones include 3, 6, 7, 8, 11, 12, 13, 15, 16, 17, 18, 21, and 23.

Fire Zones 3, 6, 7, 8, 11, 12, 13, 15, 16, 17, 18, 21, and 23 are all within Fire Area A, the auxiliary building. Construction is composed of reinforced concrete. The fire loadings for all of these zones is low to moderate and in no case is the fire loading such that a fire severity greater than 30 minutes would result.

In the fire zones under construction, each one contains redundant trains of normal safe shutdown systems. However, alternative safe shutdown capability is proposed for each area. In each case, the alternative safe shutdown capability will be electrically independent from the zone under consideration. Passive safe shutdown equipment, such as tanks, heat exchangers, and manually operated valves, which are relied upon in their current location, have been evaluated and shown to be available.

The existing fire protection includes early warning fire detection except for Fire Zones 12 and 13, fire extinguishers in each zone as well as hose station coverage. Fire Zone 7 has a partial area preaction sprinkler system.

The fire protection in these fire zones does not comply with the technical requirements of section III.G.3 of Appendix R because fire detection and fire suppression systems have not been installed throughout the fire zones for which an alternative shutdown capability is provided.

The staff was concerned that a fire in one of these fire zones could cause a loss of normal shutdown capability. However, the fuel load in Fire Zones 3, 6, 7, 8, 11, 12, 13, 15, 16, 17, 18, 21, and 23 is low (less than 38,000 Btu per square foot). Because of the low to moderate combustible loading, the staff does not anticipate a fire of significant magnitude or duration to occur. Except for Fire Zones 12 and 13, fire detection is available in each of these zones and elsewhere throughout the auxiliary building. Therefore, we have reasonable assurance that a fire in these locations will be detected during its early stages and extinguished by the fire brigade before adjacent safety-related areas are threatened.

In Fire Zone 3, 11, 12, and 16, passive safe shutdown equipment is located and relied upon for the protection of redundant safe shutdown trains. In the case of valves, manual action is not needed for over 1 hour and, since the fire loadings are low (maximum of a 23-minute fire severity), ample time exists for the fire brigade to extinguish the fire and manually operate the valve(s). Heat exchangers are filled with water and exposed to only low fire loading; therefore, the staff has reasonable assurance that anticipated fires would not damage them.

Should a fire damage any normal safe shutdown components in Fire Zones 6, 7, 8, 13, 15, 17, 18, 21, and 23 before the fire brigade extinguishes the fire, alternative shutdown capability is available to be used to achieve and maintain safe shutdown.

Based on the staff's evaluation, the staff concludes that the existing fire protection features already in place combined with the alternative shutdown capability in the above described fire zones provide a level of protection equivalent to the technical requirements of section III.G.3 of Appendix R.

The licensee also requested an exemption from section III.G.3 to the extent that it requires installation of fire detection and fixed fire suppression systems throughout Fire Zone 4 and Fire Area B for which alternative shutdown capability is provided.

Fire Zone 4 of Fire Area B is enclosed by 3-hour fire barriers. The fire loading is 18,500 Btu per square foot and this translates into a 13-minute fire severity as represented by the ASTM E-119 fire test curve. Hence, this is a low fire loading.

Fire Zone 4 contains safe shutdown equipment; however, the designated alternative shutdown method for Fire Area B is alternative train B. Train B is completely independent of Fire Area B.

The existing fire protection includes fire extinguishers, hose station coverage, and a fire detection system using heat and ionization detectors.

The staff was concerned that a fire in this fire zone could cause a loss of normal shutdown capability. However, the fire load in Fire Zone 4 is low (less than 19,000 Btu per square foot). Because of the low combustible fire loading, the staff does not expect a fire of significant magnitude or duration to occur. Should a fire damage normal safe shutdown components in this fire zone before extinguishment by the fire brigade, the alternative shutdown capability is available to be used to achieve and maintain safe shutdown.

Based on our evaluation, the staff concludes that the existing fire protection features already in place, combined with the alternative shutdown capability in the above described fire zone, provide a level of protection equivalent to the technical requirements of section III.G.3 of Appendix R.

The licensee also requested an exemption from section III.G.3 to the extent that it requires installation of fire detection and fixed fire suppression systems throughout Fire Zones 25, 28, 30, 31, 32, and 33 for which an alternative shutdown capability is provided.

Fire Zones 25, 28, 30, 31, 32, and 33 are all within Fire Area G. The fire load per square foot was not calculated for the exterior areas in Fire Zones 25 and 30. The other fire zones have a negligible fire loading.

Each of the fire zones under consideration contains redundant trains of normal safe shutdown systems. However, alternative safe shutdown capability is proposed for each area. In each case, the alternative safe shutdown capability (alternative train B) will be electrically independent from the zone under consideration except for Fire Zones 30, 31, and 33. These three zones contain train B safe shutdown components. Fire Zone 30 contains the 25,000-gallon diesel fuel oil tank and diesel oil transfer pumps that fuel diesel generators A and B. The A and B diesel day tanks are independent of Fire Area G, and they contain a 16-hour supply of fuel. However, the dedicated shutdown diesel (a third diesel) has an independent fuel supply and this equipment is more than 500 feet away from Fire Zone 30. Therefore, emergency power is available from two separate locations given a fire in Fire Zone 30.

Fire Zone 31 contains the refueling water storage tank, which is required for the alternative safe shutdown system. This tank is located outside. This is true also for the condensate storage tank in Fire Zone 33. For the other fire zones in Fire Area G, alternative shutdown is completely independent.

Fire protection exists in Fire Zone 25 in the form of an early warning fire detection system and a partial deluge fire suppression system. Also, fire extinguishers and hose stations are available. The other fire zones under consideration in Fire Zone G are open to the outside environment and there are yard hydrants available with fire hoses.

The staff was concerned that a fire in one of these fire zones could cause a loss of normal shutdown capability. However, the fire loads in Fire Zone 25, 28, 30 (except for the diesel fuel), 31, 32, and 33 are low and, therefore, the staff does not anticipate that a fire of significant magnitude or duration would occur. In the case of Fire Zone 25, a fire detection system exists and, hence, a fire would be detected in its early stages and extinguished by the fire brigade before adjacent safety-related areas are threatened. In the other fire zones, the fire would be in the exterior, and heat would escape and dissipate directly without threatening safety-related equipment.

Should a fire damage any normal safe shutdown components in Fire Zone 25, 28, 30, 31, 32, and 33 before the fire brigade extinguishes the fire, the alternate shutdown capability is available and/or remains in tact to be used to achieve and maintain safe shutdown.

Based on our evaluation, the staff concludes that the existing fire protection features already in place, combined with the alternate shutdown capability in the above described fire zones, provide a level of protection equivalent to the technical requirements of section III.G.3 of Appendix R.

The licensee also requested exemption from section III.G.2.f to the extent that it would require the Rockbestos cables (serving as a radiant energy heat shield) to be kept free of fire damage in the containment.

The licensee has committed to use Rockbestos cables for service of the alternative shutdown system steam generator level transmitter and steam generator A hot leg and cold resistance temperature detectors. There is about a 14- to 19-foot vertical separation between the Rockbestos cables and the cable trays above. These alternate shutdown instruments are used to provide data input to indicators located on the charging pump room panel and the turbine deck panel.

The fire loading in containment includes 960 pounds of charcoal for a fire load of 2000 Btu per square foot and 200 gallons of lube oil per reactor coolant pump, which results in a 20,000 Btu per square foot per pump bay. A fire severity of less than 20 minutes would be associated with the above fire loadings.

Fire protection is in the form of fire extinguishers and manual hose stations. The electrical penetration area has fire detection and a preaction sprinkler system. Each reactor coolant pump has a preaction sprinkler system which minimizes the oil fire hazards.

The technical requirements of section III.G.2.f are not met in the containment area because certain alternate shutdown-related instrument cables, delineated in the licensee's August 17, 1984 letter, are not protected by a radiant energy heat shield and would not be free of fire damage after being involved in a fire.

The staff had a number of concerns with the use of "fire-rated" cable in lieu of a conventional radiant energy heat shield. The first was that, when exposed to the effects of a fire, the cable would not perform its intended function. By letter dated June 13, 1984, the Licensee submitted the results of a fire test conducted by Underwriter's Laboratories. In the procedure, repesentative samples of the cable were subject to a 1-hour fire endurance and hose stream test in accordance with the method in ASTM E-119. During the fire test and for a period of 93 hours beyond, electrical measures were taken to confirm the cable's electrical performance. The results confirm that the acceptance criteria of ASTM E-119 were met or exceeded. We, therefore, have reasonable assurance that the cables will function as designed until the fire is extinguished.

We were also concerned that the heat produced in a fire would cause structural features such as cable trays to collapse. The falling debris might impact the cable and cause its failure. The Rockbestos cables will be in conduits and supported on the missile wall on unistrut type supports, which keep the cable/conduit close to the wall. Therefore, falling debris will not pull it down and, because of the low fire loading, insufficient heat will be generated to cause support failure. The fire brigade could easily extinguish the fire using manual equipment.

With regard to voltage, the subject cable will be used at 24 Vdc, and the Rockbestos cables have been fire tested at voltages of 110 Vac, 480 Vac, and 960 Vac. Therefore, there is no concern about its use at high voltages.

Because the fire-rated cable would be damaged by a fire, we were concerned that this damage would affect the performance of the shutdown functions for a time period that is significantly longer than the time period for which the function is required. The proposed use of this cable is to provide a radiant energy heat shield for use inside containment. The cables were subjected to an ASTM E-119 fire test, and the circuit integrity was maintained and kept functional for a period of 93 hours. Rockbestos cables were previously evaluated and accepted by the NRC for use where a 1-hour fire-rated barrier was required by Appendix R. This acceptance was granted for TMI via an NRC letter dated April 19, 1985. The intent of a radiant energy heat shield for use inside containment was to offer a lesser level of passive fire protection than a 1-hour barrier. This was in recognition of the fact that the containment fire hazards tended to be low and containment was not susceptible to the degree of transient fires expected to occur outside of containment. Therefore, we conclude that the Rockbestos cable is quite conservative for the heat shield application, given minor fire damage that would be expected to occur inside containment.

For the distributed fire load in this area, it would be difficult to achieve a real fire that would result in temperatures approaching the E-119 time-temperature curve over a large portion of the fire area. Prompt action by the fire brigade would further reduce the time-temperature curve. The hose stream tests with repeated application of hose stream forces have resolved this concern.

We were concerned that thermal expansion forces, and post-fire mechanical forces due to fire fighting and recovery operations, were not simulated. We were also concerned that "wet short" conditions were not simulated, in that cables in cable trays may be immersed in water for a significant time. The installation proposed by the licensee is for conduits, and hose streams would not disrupt the cables. These cables, being in conduit, would not be immersed in water. These two concerns are resolved.

Based on the above evaluation, the staff concludes that the use of Rockbestos fire rated cables in lieu of a radiant energy heat shield inside containment provides a level of fire protection equivalent to the technical requirements of section III.G.2.f of Appendix R.

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), that (1) these exemptions as described in section III are authorized by law, will not present an undue risk to the public health and safety, and are

consistent with the common defense and security and (2) special circumstances are present for the exemptions in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purposes of Appendix R to 10 CFR Part 50. Therefore, the Commission hereby grants the following exemptions from the requirements of section III.G of Appendix R to 10 CFR Part 50:

1. Auxiliary Building (Fire Area A), limited to Fire Zones 3, 6, 7, 8, 11, 12, 13, 15, 16, 17, 18, 21, and 23 to the extent that automatic fire detection and suppression systems are not installed throughout the zones pursuant to III.G.3.

2. Charging Pump Room, Volume Control Tank Room, and Non-Regenerative Heat Exchanger Room (Fire Area B), limited to Fire Zone 4 to the extent that automatic fire detection and suppression systems are not installed throughout the zones pursuant to III.G.3.

3. Exterior Area (Fire Area G), limited to Fire Zones 25, 28, 30, 31, 32, and 33 to the extent that automatic fire detection and suppression systems are not installed throughout the zones pursuant to III.G.3.

4. Containment Outside the Missile Barrier from approximately 90° to 270° and from 120° to 290° at general elevations 230 feet to 235 feet to the extent that the Rockbestos cables be kept free of fire damage pursuant to III.G.2.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of these exemptions will have not significant impact on the environment (51 FR 32979) dated September 17, 1986.

A copy of the Safety Evaluation dated September 17, 1986, related to this action is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW Washington, DC and at the local public document room located at the Hartsville Memorial Library, Home & Fifth Avenue, Hartsville, South Carolina 29550. A copy may be obtained upon written request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of PWR Licensing-A.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 17th day of September, 1986.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Acting Director, Division of PWR Licensing-A, Office of Nuclear Reactor Regulation.

[FR Doc. 86-21764 Filed 9-24-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-482]

Kansas Gas and Electric 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-42, issued to Kansas Gas and Electric Company, Kansas City Power and Light Company, and Kansas Electric Power Cooperative, Inc. (the licensee), for operation of the Wolf Creek Generating Station located in Coffey County, Kansas.

The amendment would modify the reactor trip system instrumentation setpoints contained in Technical Specification Table 2.2-1 to incorporate increased uncertainties related to resistance temperature detector errors identified during high temperature calibration. This change was requested in the licensee's application for amendment dated May 31, 1985, and supplemented September 15, 1986.

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.

In accordance with the requirements of 10 CFR 50.92, the licensee submitted the following significant hazards determination: The proposed changes do not involve a Significant Hazards Consideration because operation of Wolf Creek Generating Station, Unit No. 1, in accordance with this change would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes to Table 2.2-1 are being made to reflect a revision to the narrow range RdF RTD uncertainties. The annotated change to Table 2.2-1 affecting the Allowable Values for Overtemperature Delta-T and Overpower Delta-T represent more stringent or restrictive limits since the existing allowable band between the Reactor Trip Setpoints and their Allowable Values is being reduced. Changes to Total Allowance (TA), Sensor Error (S), and Z affect the threshold value for Reportable Events as defined in Bases 2.2-1, Reactor Trip System Instrumentation Setpoints. There are no changes to any Reactor Trip Setpoint Limits specified in Table 2.2-1. Since the Trip Setpoints, which ensure that the core and Reactor Coolant System are prevented from exceeding their Safety Limits, remain unchanged, it has been concluded that these changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated. Kansas Gas and Electric Company has determined that the proposed changes narrow existing allowable operational bands and alter threshold values for Reportable Events. Therefore, these changes cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Involve a significant reduction in a margin of safety. The margin of safety is not affected by these changes. These changes do not alter any Reactor Trip System instrumentation trip setpoints, nor is there any change to Reactor Trip System design, functional diversity, or safety limits described in Chapter 15 of the FSAR. Hence, the proposed changes do not involve a significant reduction in a margin of safety.

Based on the above analysis, the licensee concluded that the proposed amendments do not involve significant hazards considerations. The staff has reviewed the licensee's significant hazards consideration determination and agrees with the licensee's analysis. The staff has, therefore, made a proposed determination that the licensee's request does 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 may be submitted 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. Comments may also be delivered to Room 4000, Maryland National Bank Building, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC.

By October 27, 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 petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspects(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitation 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 of the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for hearing or a petition for leave to intevene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following messaged addressed to B. J. Youngblood: 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 Jay Silberg, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, DC 20036 attorney for the licensee.

Nontimely filings or 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 the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas and the Washburn University School of Law Library, Topeka, Kansas.

Dated at Bethesda, Maryland, this 19th day of September 1986.

For the Nuclear Regulatory Commission.

D. Wigginton,

Acting Director, PWR Project Directorate No. 4, Division of PWR Licensing-A, NRR.

[FR Doc. 86-21765 Filed 9-24-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-382]

Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing; Louisiana Power and Light Co.

In the September 11, 1986 issue of the **Federal Register**, the date on page 32381,

first column, sixth complete paragraph, reads October 10, 1986; it should be corrected to read October 14, 1986.

Dated at Bethesda, Maryland, this 19th day of September 1986.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 86-21763 Filed 9-24-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-455A]

Byron Station, Unit 2; No Significant Antitrust Changes and Time for Filing Requests for Reevaluation

The Director of the Office of Nuclear Reactor Regulation has made a finding in accordance with section 105c(2) of the Atomic Energy Act of 1954, as amended, that no significant (antitrust) changes in the licensee's activities or proposed activities have occurred subsequent to the construction permit review of Unit 2 of the Byron Station by the Attorney General and the Commission. The finding is as follows:

Section 105c(2) of the Atomic Energy Act of 1954, as amended, provides for an antitrust review of an application for an operating license if the Commission determines that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review. The Commission has delegated the authority to make the 'significant change' determination to the Director, Office of Nuclear Reactor Regulation. Based upon an examination of the events since the issuance of the Byron construction permits to Commonwealth Edison Company (CECO), the staffs of the Planning and Resource Analysis Branch, Office of Nuclear Reactor Regulation and the Office of the General Counsel, hereafter referred to as 'staff' have jointly concluded, after consultation with the Department of Justice, that the changes that have occurred since the construction permit review are not of the nature to require a second antitrust review at the operating license (OL) stage of the application.

In reaching this conclusion, the staff considered the structure of the electric utility industry in Illinois, as well as events relevant to the Byron construction permit review and subsequent antitrust reviews of additional nuclear units owned by Commonwealth Edison Company. In addition, the staff has considered comments from interested parties in the state of Illinois and CECO concerning CECO's business relations with its customers and competitors.

The conclusion of the staff's analysis is as follows:

'Commonwealth Edison Company (CECO) has undergone an antitrust review for each of its four nuclear plant applications. In 1976, staff reviewed CECO's CP application for the Carroll County plant and the significant change review associated with the LaSalle OL application. The significant change evaluations associated with the 1983 Byron No. 1, OL application, and the 1984 Braidwood No. 1, OL application are the most recent staff reviews. The Byron No. 1, OL review concluded that no significant changes had occurred in the applicant's activities except that the City of Winnetka had petitioned the U.S. Court of Appeals for the District of Columbia for the review of a FERC opinion. Since that review, the FERC has approved the settlement agreement between Winnetka and CECO, resolving all outstanding disputes. The Braidwood significant change review, covering changes in CECO's activities since the Byron No. 1, OL review, found no changes in the applicant's activities or proposed activities which could be considered significant from an antitrust standpoint and, therefore, did not recommend a formal antitrust review.

'Staff has not identified any significant negative competitive activities by CECO since the Byron No. 1 construction permit review that would warrant remedy by the NRC. Consequently, staff recommends that a no significant change determination be made pursuant to the application for an operating license for Unit 2 of the Byron Station.'

Based upon the staff's analysis, it is my finding that there have been no 'significant changes' in the licensee's activities or proposed activities since the completion of the previous antitrust review in connection with the construction permit.

Signed on September 16, 1986, by Harold R. Denton, Director of the Office of Nuclear Reactor Regulation.

Any person whose interest may be affected by this finding, may file with full particulars, a request for reevaluation with the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555 within 30 days of the initial publication of this notice in the **Federal Register.** Requests for reevaluation of the no significant changes determination shall be accepted after the date when the Director's finding becomes final, but before the issuance of the OL, only if they contain new information, such as information about facts or events of antitrust significance that have occurred since that date, or information that could not reasonably have been submitted prior to that date.

Dated at Bethesda, Maryland, this 18th day of September 1986.

For the Nuclear Regulatory Commission.

Jesse L. Funches,

Director, Planning and Program Analysis Staff, Office of Nuclear Reactor Regulation.

[FR Doc. 86-21661 Filed 9-24-86; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-15671]

Westinghouse Credit Corp.; Application and Opportunity for Hearing

September 23, 1986.

Notice is hereby given that Westinghouse Credit Corporation (the "Applicant") has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the proposed successor trusteeship of the Chase Manhattan Bank (National Association) ("Chase") under an indenture dated as of October 15, 1972 (the "1972 Indenture"), between the Applicant and Morgan Guaranty Trust Company of New York ("Morgan"), which was heretofore qualified under the Act, relating to the Applicant's 7.60% Debentures due October 15, 1997 (the "Debentures"), and the proposed successor trusteeship of Chase under an Indenture, dated as of January 15, 1983 (the "1983 Indenture"), between the Applicant and Morgan, which was heretofore qualified under the Act, relating to the Applicant's 10¾% Senior Notes due 1989 (the "Notes"), and the trusteeship of Chase under a Shelf Indenture, dated as of March 1, 1984 (the "1984 Indenture"), between the Applicant and Chase, which was heretofore qualified under the Act (sometimes referred to collectively as the "Identures"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as Trustee under the 1972 Indenture, the 1983 Indenture and the 1984 Indenture.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding.

However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture of indentures under which other securities of such issuer are outstanding if the issuer shall have

sustained the burden of proving, on application to the Commission, and after opportunity for hearing thereon, that the trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest of for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Applicant alleges that: (1) As of April 15, 1986, it had outstanding $71,234,000 aggregate principal amount of its Debetures issued under the 1972 Indenture and $100,000,000 aggregate principal amount of its Notes issued under the 1983 Indenture. The Debentures were registered (File No. 2-45788) under the Securities Act of 1933, as amended (the "1939 Act") and the Notes were registered (File No. 2-74932) under the Act. The 1972 Indenture and the 1983 Indenture were qualified under the Act. As of April 15, 1986, the Applicant had outstanding $100,000,000 of its 8⅝% Senior Notes due 1996 (the "1996 Senior Notes"), $100,000,000 principal amount of its Extendible Senior Notes due 1999 (the "1999 Extendible Notes") issued under the 1984 Indenture. The 1996 Senior Notes were registered under the 1933 Act (File No. 33-3016) and the 1996 Extendible Notes and the 1999 Extendible Notes were registered under the 1933 Act (File No. 2-87157) and the 1984 Indenture was qualified under the Act;

(2) No debt securities other than the securities listed in paragraph (1) above have been issued under the 1972 Indenture, the 1983 Indenture and the 1984 Indenture;

(3) The 1972 Indenture, the 1983 Indenture and the 1984 Indenture are wholly unsecured and rank *pari passu inter se*. The Applicant's obligations to make payments on the Debentures under the 1972 Indenture and its obligations to make payments on the Notes under the 1983 Indenture will not be superior or inferior in right of payment to its obligations to make payments on the 1996 Senior Notes, the 1996 Extendible Notes and the 1999 Extendible Notes under the 1984 Indenture. In the event that the Applicant failed to honor its obligations under the Indentures, claims against the applicant would all be unsecured claims, entitled to share pro rata in any distribution to its unsecured creditors.

(4) The likelihood of a conflicting interest resulting from different or conflicting substantive provisions of the Indentures is also minimal. The 1972 Indenture and the 1983 Indentures are nearly identical, with the exception of provisions relating to principal amount, interest rate, dates of issue, maturity and interest payment dates, premiums, redemption prices and procedures and sinking fund provisions and similar items which commonly change with separate financings.

(5) Chase has advised the Applicant that it does not consider that favorable action on the Application would interfere with its ability to perform its duties as set forth in the Indentures;

(6) The Company is not in default under the 1972 Indenture, the 1983 Indenture, the 1984 Indenture, the Debentures, the Notes, the 1996 Senior Notes, the 1996 Extendible Notes and the 1999 Extendible Notes;

(7) Such differences as exist between the 1972 Indenture, the 1983 Indenture and the 1984 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors or holders of the Debentures, the Notes, the 1996 Senior Notes, the 1996 Extendible Notes or the 1999 Extendible Notes to disqualify Chase from acting as trustee under the 1972 Indenture, the 1983 Indenture and the 1984 Indenture.

The Company has waived (a) notice of hearing (b) hearing on the issues by its application and (c) any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549.

Notice is further given that an Order granting the application may be issued by the Commission at any time on or after October 16, 1986, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b) (1) of the Act. Any interested person may, not later than October 16, 1986, at 5:30 p.m., Eastern Standard Time, writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities & Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by application which he desires to controvert.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-21870 Filed 9-24-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Application of Pan Am Shuttle, Inc.; for Certificate Authority Under Subpart Q

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause, (order 86- 9-55) docket 44214.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Pan Am Shuttle, Inc., fit and awarding it a certificate of public convenience and necessity to engage it scheduled interstate and overseas air transportation.

DATE: Persons wishing to file objections should do so no later than September 26, 1986.

ADDRESSES: Objections and answers to objections should be filed in Docket 44214 and addressed to the Documentary Services Division (C-55, Room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mrs. Janet A. Davis, Special Authorities Division (P-47, Room 6420), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2340.

Dated: September 19, 1986.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 86-21761 Filed 9-24-86; 8:45 am]

BILLING CODE 4910-62-M

Federal Highway Administration

Environmental Impact Statement; Broward County, FL

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Broward County, Florida.

FOR FURTHER INFORMATION CONTACT: Mr. Robert V. Robertson, District Engineer, Federal Highway Administration, 227 N. Bronough Street, Room 2015, Tallahassee, Florida 32301, Telephone: (904) 681-7220.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Florida Department of Transportation (FDOT), is preparing an Environmental Impact Statement (EIS) for the proposed improvements of State Road A-1-A in the City of the Fort Lauderdale, Florida, from Relocated State Road 5 (US 1) north to a terminus at SE 17th Street, a distance of approximately 2 miles. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand.

Alternatives under consideration include: (1) The No Project Alternative; (2) Widening existing Miami Road; and (3) Constructing a new facility east of the parallel to Miami Road. Widening the existing Miami Road will require additional right-of-way to develop additional through and turn lanes. Three alternate alignments under this proposal will be studied. The new facility alternative will include the study of three alternate alignments for a multi-lane divided roadway east of Miami Road. The Miami Road alignments proposed a flyover connection with Relocated State Road 5 (US 1). The new alignments will have an at-grade intersection at SE 30th Street and Relocated State Road 5.

Federal, State and local agencies have contributed early coordination comments through the State Advance Notification process. Public information meetings will be held during the development of the EIS. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be made available for public and agency review and comment pior to the public hearing. A formal public multi-agency scoping meeting is scheduled for late September, 1986.

To ensure that the full range of issues related to the prosed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions are invited from all interested parties. Comments and questions concerning the proposed action and EIS should be directed to the Federal Highway Administration at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding integovernmental consultation of Federal programs and activities apply to this program.)

Issued on: Sepetember 17, 1986.

J.E. St. John,

Assistant Division Administrator, Tallahassee, Florida.

[FR Doc. 86-21740 Filed 9-24-86; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Dade County, FL

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Dade County, Florida.

FOR FURTHER INFORMATION CONTACT: R.V. Robertson, District Engineer, Federal Highway Administration, 227 N. Bronough Street, Room 2015, Tallahassee, Florida 32301, Telephone: (904) 681-7236.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Florida Department of Transportation, will prepare an environmental impact statement (EIS) for a proposal to improve SR 25 in Dade County, Florida. The proposed improvement would involve the reconstruction of SR 25/US 27 (Okeechobee Road) from SR 112 (Airport Expressway) to SR 826 (Palmetto Expressway), a distance of 4.9 miles.

Alternatives under consideration include: (1) Taking no action; (2) Widening the existing four-lane undivided highway to a six-lane divided urban roadway, with center left-turn lanes as required; and (3) Alternate corridors.

Federal, State and local agencies have contributed early coordination comments through the state Advance Notification process. Additionally, a project planning team developing this project has contacted State, Federal, and local agencies for information relative to land use planning, water quality analysis, and local planning needs. Public information meetings will be held during the development of the EIS. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be made available for public and agency review and comment prior to the public hearing. A scoping meeting was held in August 1986.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the Federal Highway Administration at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

Issued on: September 17, 1986.

J.E. St. John,

Assistant Division Administrator, Tallahassee, Florida.

[FR Doc. 86-21741 Filed 9-24-86; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Baltimore County, MD; (I-695)

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement is being prepared for the proposed widening and interchange improvements on I-695 from east of Maryland 140 (Reisterstown Road) to east of U.S. Route 40 (Pulaski Highway).

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Terry, Jr., Field Operations Engineer, Federal Highway Administration, The Rotunda, 301/962-4010, and/or Mr. Louis Ege, Deputy Director, Project Development Division, Maryland State Highway Administration, 707 North Calvert Street, Room 310, Baltimore, Maryland 21202, telephone 301/659-1130.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Maryland State Highway Administration, is preparing an environmental impact statement to develop an acceptable alternate to widen a 17.5-mile portion of I-695 to 8 through-lanes and to construct interchange improvements.

Due to the constraints imposed by the limited available space in the median and the proximity of adjacent development outside the right of way, only one principal Build alternate (Alternate 2) is proposed in addition to the No-Build. With the use of the retaining walls to minimize acquisition of right of way, socio-economic and environmental impacts will be kept to a minimum. Alternate 2 proposes the addition of a fourth lane in each

direction for the entire length of the project. This will be accomplished with median widening between MD 140 and Falls Road, outside widening between Falls Road and Proposed MD 43 (Whitemarsh Boulevard), and median widening between Proposed MD 43 and MD 702.

A realignment of the I-695 Beltway to the north in the vicinity of the Cromwell Bridge Road-Loch Raven Boulevard interchange would improve the geometry to a 70 mph design speed. This improvement (referred to as Alternate 3/3A) is proposed to relieve the high accident rate in this vicinity.

Various ramp modifications and collector-distributor roads are proposed at the interchanges in order to address safety and capacity problems.

The principal impact associated with the improvements is increased noise levels. The Hampton National Historic Site, the National Register listed Valley Inn, and the Lutherville/Timonium Historic District may be affected.

An alternates public meeting has been held. A public hearing will be held after circulation of the DEIS. A public notice will give the time and place of the public hearing, and individual notices will be sent to those agencies, groups, and individuals on the mailing list. The Draft EIS will be available for public and agency review and comment prior to the public hearing. To ensure that the full range of issues related to this proposal are addressed and all significant issues identified, comments and suggestions are invited from all interested parties.

(Catalog of Federal Domestic Assistance Program Number 20.025, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding State and local review of Federal and Federally assisted programs and projects apply to this program.)

Emil Elinsky,

Division Administrator, Baltimore, Maryland.

[FR Doc. 86-21668 Filed 9-24-86; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Montgomery County, PA; Intent

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Montgomery County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Philibert A. Ouellet, District Engineer, Federal Highway Administration, 228 Walnut Street, P.O. Box 1086, Harrisburg, Pennsylvania 17108, Telephone: (717) 782-4422, or Timothy O'Brien, Project Manager, Pennsylvania Department of Transportation, 200 Radnor-Chester Road, St. Davids, Pennsylvania 19087, Telephone: (215) 964-6611.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation, will be preparing an Environmental Impact Statement (EIS) on a proposal to widen Blair Mill Road (Legislative Route 46214) between its present terminus at the intersection of Blair Mill Road and Welsh Road (T.R. 63) and the intersection of Blair Mill Road and County Line Road. The proposed 3.1 mile project includes studying widening from two to four lanes; signalization; and rehabilitation of existing four lane roadway. This project will reduce congestion as well as provide better access for the surrounding businesses.

There will be four (4) alternatives studied: (1) No Build, (2) Transportation System Management, (3) Widen existing roadway to four lanes using existing centerline, and (4) Widen existing roadway to four lanes about a new centerline.

The various alternatives will be studied, and their impacts to the environment will be assessed in detail as they relate to the areas of air quality, noise pollution, historical and archaeological resources, traffic/transportation/energy, water resources, socioeconomic, land use, and terrestrial ecology. In addition, the EIS will contain a cost analysis of the various alternatives, preliminary engineering information and documentation of the public and agency consultation and coordination process.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who express interest in the proposal. Scoping meetings are planned with the agencies between October 1986 and December 1986. Public meetings will be held in the project area during the fall of 1986 and spring of 1987. Public notices of the time and place of these meetings, and any required public hearings, will be given. Public involvement and interagency coordination will be maintained throughout the development of the EIS.

To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Research, Planning and Construction. The provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, regarding State and local review of Federal and Federally assisted programs and projects apply to this program.)

Issued on: September 18, 1986.

Manuel A. Marks,

Division Administrator, Harrisburg, Pennsylvania.

[FR Doc. 86-21669 Filed 9-24-86; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Prince Georges County, MD

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a supplemental environmental impact statement is being prepared for the relocation of Calvert Road between U.S. Route 1 and Maryland Route 201 in Prince Georges County, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Terry, Jr., Field Operations Engineer, Federal Highway Administration, The Rotunda, Suite 220, 711 W. 40th Street, Baltimore, Maryland 21211-2187, Telephone: 301/962-4010, and/or Mr. William E. Boyce, Chief, Inspections Division, Prince Georges County Department of Public Works and Transportation, County Administration Building, Upper Marlboro, Maryland 20772, Telephone: (301) 952-4100.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Maryland State Highway Administration and the Prince Georges County Department of Public Works and Transportation, is preparing a supplemental environmental impact statement on a proposal to close the existing Calvert Road at-grade crossing of the B&O Railroad in conjunction with the construction of the Metro E Line. The proposal will consider alternatives to maintain sufficient east-west roadway capacity between U.S. Route 1 and Maryland Route 201 in the College Park area. In addition to the No-Build alternate which would result in the severing of Calvert Road by the Metro construction, three alternatives will be considered for bypassing the existing crossing and a fourth will consider depressing Calvert Road beneath the railroad and proposed Metro. The Draft Supplemental EIS is being prepared to include an assessment of impacts for

two alternatives (2K and 3E) which previously were not considered viable.

A public information meeting and a public hearing have previously been held. A new public hearing will be scheduled upon completion of the Draft Supplemental EIS, with the time and place to be announced by public notice. The Draft Supplemental EIS will be available for public and agency review and comment for a 45-day period following the publication of the availability notice in the **Federal Register.** To ensure that the full range of issues related to the proposal are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties.

(Catalog of Federal Domestic Assistance Program No. 20.025, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding State and local review of Federal and Federally assisted programs and projects apply to this program.)

Emil Elinsky,

Division Administrator, Baltimore, Maryland.

[FR Doc. 86-21670 Filed 9-24-86; 8:45 am]

BILLING CODE 4910-22-M

Urban Mass Transportation Administration

Intent To Prepare an Alternatives Analysis/Environmental Impact Statement and to Conduct a Scoping Meeting on Alternative Transit Improvements in the Alameda and Santa Clara Counties, CA Region

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice to prepare an alternatives analysis/environmental impact statement.

SUMMARY: The Urban Mass Transportation Administration (UMTA) and the Metropolitan Transportation Commission (MTC) are undertaking the preparation of an Alternatives Analysis/Environmental Impact Statement (AA/EIS) for alternative transit improvements in the Fremont-South Bay Corridor in Alameda and Santa Clara Counties, California. The AA/EIS is being prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321), the Council on Environmental Quality's implementing regulations (40 CFR Part 1500), the Federal Highway Administration and Urban Mass Transportation Administration, Environmental Impact and Related Procedures (49 CFR Part 622) and related statutes and orders including Executive Order 11990 on the Protection of Wetlands and Executive Order 11988 on Floodplain Management.

FOR FURTHER INFORMATION CONTACT: Mr. Stuart Eurman, Urban Mass Transportation Administration, 211 Main Street, Suite 1160, San Francisco, CA 94105; Telephone (415) 974-7543.

or

Mr. Dennis Fay, Project Manager, Fremont South Bay AA/EIS, Metropolitan Transportation Commission, Metrocenter, 101 8th Street, Oakland, CA 94607; Telephone (415) 464-7700

SUPPLEMENTARY INFORMATION:

Scoping Meeting

Two Public scoping meetings will be held during the scoping period to facilitate receipt of comments. One is scheduled for Tuesday, October 14, 1986 at 2:00 p.m. and the second meeting is scheduled for Wednesday October 15, 1986 at 7:30 p.m. Both will be held at the City Council Chambers, 455 E. Calaveras Blvd., Milpitas, California. Public comments are being solicited to help establish the purpose, scope, framework and approach for the analysis. At the scoping meeting, staff will present a description of the proposed scope of the study using maps and visual aids, as well as a plan for active citizen involvement, and a projected work schedule. Members of the public and interested Federal, State, and local agencies are invited to comment on the proposed scope of work, alternatives, impacts to be assessed and evaluation criteria to be used to arrive at a decision. Comments may be made either orally at the meeting or in writing.

In order that comments may be considered in a timely fashion, correspondence should be received not later than 30 days after the scoping meeting. A more detailed description of the project and the alternatives resulting from the Phase I System Planning Study will be available at the scoping meeting.

Corridor Description

Proposals have been advanced by the Bay Area Rapid Transit District (BART) to extend service south of the existing Fremont Station and by the Santa Clara County Transit District to extend Light Rail Transit (LRT) in the same corridor, located generally between Interstate Routes 680 and 880 from the Fremont BART Station to downtown San Jose and westerly along and south of, State Route 237 from the Milpitas to the Sunnyvale and Mountain View areas. Any major projects in the corridor would entail UMTA capital grant assistance and local funding.

Alternatives

The proposed transportation improvements in the corridor were reviewed in a Phase I System Planning Study and a "short list" of nine alternatives was selected for further study in the AA/EIS.

The range of alternatives to be evaluated in detail is expected to include the No Action alternatives, a Transportation System Management (TSM) Alternative, an express bus alternative, extensions of BART, south in the corridor between Interstate Routes 880 and 680 to downtown San Jose or west in the State Route 237 corridor to a connection with the existing Caltrain Service, extensions of the LRT system now under construction (Guadalupe LRT) east to Milpitas and west to the Caltrain Service, and more than one alternative involving the combination of extensions of BART and LRT in the corridors identified above. One of the first tasks of the Alternatives Analysis will be to reduce and refine the list of nine alternatives developed in the Phase I System Planning Study.

Probable Effects

The proposed actions could involve the construction of light and heavy rail transit systems with new trackage, stations, parking facilities, and other supporting systems on alignments partially at grade, elevated and in

subways. Much of the corridor to be studied is adjacent to existing freight rail systems. Impacts that could occur during construction include right of way acquisition, the relocation of homes or businesses, the generation of noise, vibration and dust, disruption of auto circulation, disruption of existing recreational areas or parklands, and disturbance of archeological and historical resources. Changes in land use patterns, auto circulation patterns, transit service and patronage and increases in noise levels along the completed transit lines are among the potential long term adverse impacts. Beneficial impacts resulting from improved transit service would occur.

Comments at the scoping meeting should focus on the appropriateness of the alternatives and other options for consideration in the study and the completeness of the proposed sets of impacts and evaluation criteria, not on individual preferences for a particular alternative as most desirable for implementation.

Issued on: September 18, 1986.

Henry A. Nejako,

Deputy Regional Administrator, UMTA Region IX.

[FR Doc. 86-21691 Filed 9-24-86; 8:45 am]

BILLING CODE 4910-57-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 186
Thursday, September 25, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 5:02 p.m. on Friday, September 19, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Texas Bank and Trust Co., Lubbock, Texas, which was closed by the Banking Commissioner for the State of Texas, on Friday, September 19, 1986; (2) accept the bid for the transaction submitted by Republic Bank Lubbock, National Association, Lubbock, Texas; and (3) provide such financial assisatnce, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the pubic interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: September 22, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-21802 Filed 9-23-86; 12:13 pm]

BILLING CODE 6714-01-M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, September 30, 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

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202-376-3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 86-21829 Filed 9-23-86; 2:25 pm]

BILLING CODE 6715-01-M

3

POSTAL SERVICE BOARD OF GOVERNORS

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR section 7.5) and the Government in the Sunshine Act (5 U.S.C. section 552b), hereby gives notice that it intends to hold a meeting at 8:30 a.m. on Tuesday, October 7, 1986, in the Benjamin Franklin Room, U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, DC. The meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268-4800.

There will also be a session of the Board on Monday, October 6, 1986, but it will consist entirely of briefings and not open to the public.

Agenda

Tuesday Session

October 7, 1986—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, September 8-9, 1986.
2. Remarks of the Postmaster General.
3. Officers' Salary Continuation Plan.
4. Office of the Governors Operating Budget.
5. Board Administrative Matter: a. Contract Renewal for Legal Counsel.
6. Consideration of Postal Rate Commission's Recommended Decision on Third-Class Mail Preparation Requirements (Docket MC 86-2).
7. Review of Capital Investment Program.
8. Consideration of 1987 Schedule of Board of Governors' Meetings.
9. Tentative Agenda for November 3-4, 1986, Meeting in San Francisco, California.

David F. Harris,

Secretary.

[FR Doc. 86-21793 Filed 9-23-86; 11:04 am]

BILLING CODE 7710-12-M

federal register

Thursday
September 25, 1986

Part II

Department of the Interior

National Park Service

36 CFR Parts 59 and 72

Land and Water Conservation Fund Program of Assistance to States and Urban Park and Recreation Recovery Program; Post-Completion Compliance; Final Rule

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Parts 59 and 72

Land and Water Conservation Fund Program of Assistance to States and Urban Park and Recreation Recovery Program; Post-Completion Compliance

AGENCY: National Park Service (NPS).

ACTION: Final rule.

SUMMARY: This rule serves as a guide to post-completion compliance responsibilities under the Land and Water Conservation Fund (L&WCF) State assistance and the Urban Park and Recreation Recovery (UPARR) grants programs administered by the National Park Service. The rule incorporates existing program requirements pertaining to the conversion of assisted recreation sites and facilities to non-public recreation uses, and incorporates existing requirements regarding residency status of users of assisted sites into the Code of Federal Regulations. This action is necessary in order to assure that recipients of financial assistance under the L&WCF and UPARR programs continue to maintain assisted sites and facilities in public recreation use following project completion and to assure that assisted facilities remain accessible to the general public including non-residents of assisted jurisdictions. The intended effect of this action is to reaffirm and clarify existing post-completion compliance responsibilities associated with the grants so as to assure full compliance on the part of all past and future recipients of assistance.

EFFECTIVE DATE: October 27, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. D. Thomas Ross or Mr. Michael D. Wilson, U.S. Department of the Interior, National Park Service, Recreation Grants Division (775), Washington, DC 20013-7127 (Telephone: 202/343-3700).

SUPPLEMENTARY INFORMATION: The L&WCF program was established by the L&WCF Act of 1965 (Pub. L. 88-578) to stimulate a nationwide action program to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation. The program provides matching grants to States, and through the States to local units of government, for the acquisition and development of public outdoor recreation sites and facilities. Since the origin of the L&WCF program in 1965, over $2.95 billion has been apportioned to the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa and the Northern Marianas. The income for the L&WCF is provided largely from Outer Continental Shelf mineral receipts, with additional income from the Motorboat Fuels Tax, recreation user fees, and through the sale of Federal surplus property. More than 33,000 L&WCF projects have been approved for the acquisition of park lands, the development of outdoor recreation facilities, and for recreation planning. Federal obligations have been matched by State and local contributions for a total recreation investment of almost $6 billion. Of the total number of projects, more than 8,000 have been for the acquisition of nearly 2.8 million acres of park land while more than 24,500 projects have been for the development of outdoor recreational facilities. Sixty-three percent of the total funds obligated have gone to locally sponsored projects.

The L&WCF program is listed as No. 15.916 in the Catalog of Federal Domestic Assistance. No prior regulations for this program have been codified in the Code of Federal Regulations. The overall administrative policies, procedures, and guidelines applicable to the program are set forth in the L&WCF Grants Manual (NPS-34).

The UPARR program was established by the UPARR Act of 1978 (Pub. L. 95-625) to help distressed urban areas through the rehabilitation of critically needed recreation sites and facilities, and to develop improved recreation programs by encouraging and stimulating local governments to revitalize their park and recreation systems and to make long-term commitments to continuing maintenance of these systems. Emphasis since the program's inception has been placed on the demonstration potential of UPARR projects through assisting local governments in planning for the overall revitalization of community recreation systems, the rehabilitation of existing recreation facilities, and the use of innovative approaches to improve park system management and recreation opportunities. More than 400 cities and urban counties have participated in the UPARR program (through receipt of grants and/or preparation of recreation plans) since its administrative inception in July 1979. To date, about 350 local jurisdictions in 42 States, the District of Columbia, and Puerto Rico have received grant assistance. Since Fiscal 1979, $179 million has been appropriated for these grants. UPARR assistance has been used to fund 395 Rehabilitation grants for the renovation of existing recreation facilities and 110 Innovation grants to demonstrate innovative and cost-effective approaches to the delivery of recreation services and improved management of recreation systems. Congress appropriated no funds for Rehabilitation and Innovation grants in Fiscal Years 1985 and 1986 and no new grant assistance for these purposes is currently available. More than 420 grants have been awarded to assist in the preparation of Recovery Action Program recreation plans. A limited amount of old UPARR funds carried over from earlier grants is available to improve existing plans.

The UPARR program is listed as No. 15.919 in the Catalog of Federal Domestic Assistance. Program regulations were originally codified as 36 CFR Part 1228. These regulations have since been redesignated in the Code of Federal Regulations as 36 CFR Part 72. The overall administrative policies, procedures, and guidelines applicable to the program are set forth in the UPARR Administration Guideline (NPS-37).

In accordance with L&WCF and UPARR program policy, a conversion of use occurs when an assisted site is wholly or in part converted to other than public recreation use. Such conversions require the advance approval of NPS and the provision of suitable replacement land. Conversions at L&WCF and UPARR assisted sites generally occur in the following situations: (1) Property interests are conveyed for non-public or non-recreation uses; (2) Non-eligible recreation facilities are developed within the project area; or, (3) Recreation use of the assisted site is terminated. For L&WCF, the development of a non-outdoor recreation facility or the unauthorized sheltering of an outdoor facility is also a conversion. Authorized sheltering of pools and skating rinks in designated climatic areas in accordance with section 6(e)(2) of the L&WCF Act and approved underground utility easements that do not have significant impacts upon the recreational use of the park or facility are not considered to be conversions.

Examples of L&WCF and UPARR conversions include the construction of through-roads as opposed to recreation area access roads, construction of residential, industrial, and commercial developments, (for L&WCF) unauthorized sheltering of assisted facilities, and other uses not permitted under the applicable program.

Although not included in this rulemaking, recipients of L&WCF and UPARR assistance should be aware that existing laws, regulations, and program policy regarding post-completion compliance with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 remain requirements of these programs and will continue to be fully enforced. Compliance responsibilities of these Acts have been previously codified in the Code of Federal Regulations as 43 CFR Part 17.

All post-completion compliance requirements of the programs will remain in force regardless of the programs' funding and authorization status at any given point. States are responsible for assuring full compliance for both State and locally sponsored L&WCF projects. Local recipients of UPARR assistance are responsible for full compliance with the post-completion requirements of those grants.

Program Information

L&WCF grants are provided to the States, and through the States to local jurisdictions, on a matching basis for up to fifty percent (50%) of the total project related allowable costs. Grants to eligible insular areas (Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Government of the Northern Mariana Islands) may be for 100 percent assistance. Appropriations from the L&WCF may be made annually by Congress to the Secretary of the Interior who apportions the funds to the States. Payments for all projects are made to the State organization which is authorized to accept and administer funds paid for approved projects.

Properties acquired or developed with L&WCF assistance are prohibited by section 6(f)(3) of the L&WCF Act from conversion to other than public outdoor recreation use without the approval of the Secretary. This approval is a discretionary action and should not be considered a right of the project sponsor. The authority for approval of conversions has been delegated by the Secretary to the Director of NPS who has redelegated that authority to the NPS Regional Directors. NPS will only consider conversion requests if the State has evaluated all practical alternatives. Where conversions are desired, the State must assure that the conversion is in accord with the required Statewide Comprehensive Outdoor Recreation Plan and must provide for the substitution of other recreation properties determined by NPS to be of at least equal fair market value and of reasonably equivalent usefulness and location.

In accordance with section 6(f)(8) of the L&WCF Act, discrimination in the use of L&WCF assisted sites on the basis of residence is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on such basis.

UPARR Rehabilitation and Innovation grants are provided to eligible urban cities and counties on a matching basis for seventy percent (70%) of the total project related allowable costs. Additional matching funds (for up to eighty-five percent of total cost) are provided for localities whose local matching share is paid wholly or in part by the State. Appropriations for the UPARR program may be made annually by Congress and funds are awarded to eligible cities and counties on a nationally competitive basis. UPARR assistance has been provided for the rehabilitation of existing recreation sites and facilities, for the demonstration of innovative approaches to the delivery of recreation services, and for the development of recreation plans. Current program emphasis is on post-completion responsibilities of grant recipients.

Under section 1010 of the UPARR Act, sites and facilities improved with UPARR assistance may not be converted to other than public recreation uses without the approval of the Secretary (authority redelegated to the NPS Regional Directors). Such conversions will only be approved upon the provision by the recipient of substitute sites or facilities of reasonably equivalent location and usefulness and if all practical alternatives have been explored by the recipient.

Discrimination in the use of UPARR assisted sites on the basis of residence is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on such basis.

Proposals for conversions of use under the L&WCF and UPARR programs should be submitted to the appropriate NPS Regional Director. For L&WCF, requests are to be submitted to NPS by the State Liaison Officer appointed by the Governor. For UPARR, requests are to be submitted to NPS by the recipient's Chief Executive Officer or his/her designee. NPS Regional Offices and States within their L&WCF and UPARR jurisdiction are listed below. Names and addresses of L&WCF State Liaison Officers may be obtained by contacting the appropriate NPS Office.

Alaska Region

2525 Gambell Street, Anchorage, AK 99503, (Alaska).

Mid-Atlantic Region

143 South Third Street, Philadelphia, PA 19106 (Connecticut, District of Columbia, Delaware, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia).

Midwest Region

1709 Jackson Street, Omaha, NE 68102 (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin).

Pacific Northwest Region

83 South King Street, Seattle, WA 98104 (Idaho, Oregon, Washington).

Rocky Mountain Region

P.O. Box 25287, Denver, CO 80225 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming).

Southeast Region

75 Spring Street, SW., Atlanta, GA 30303 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands).

Southwest Region

P.O. Box 728, Santa Fe, NM 87501 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas).

Western Region

P.O. Box 36063, San Francisco, CA 94102 (American Samoa, Arizona, California, Guam, Hawaii, Nevada, Northern Mariana Islands).

Public Comments

A 30-day comment period on the Proposed Rule published in the June 10, 1986 **Federal Register** ended on July 10, 1986. A total of 26 letters were received. Of these, seven contained only information requests or commented generally on the L&WCF and UPARR programs without reference to a specific section. The 19 remaining letters specifically addressed the regulations and contained substantial comments. A summary of these comments and the NPS response follows:

Section 59.1 Applicability.

One comment pertained to the statement that post-completion requirements of L&WCF grants cease for leased sites upon expiration of the lease. The commenter questioned the continued applicability of this provision in light of recent policy changes regarding leased property. This section is not impacted by the change in policy restricting leases to only those on Federal lands. The lease provision in § 59.1 remains applicable to all projects involving leasing regardless of whether the project/lease predates or follows the

policy change. The lessor agency has no bearing upon this section. A second commenter objected to the stipulation that post-completion requirements cease ". . . unless the grant agreement calls for some other arrangement." This particular clause merely indicates that, if an approved project involves a leased site, and the grant agreement calls for a specified course of action following lease expiration, then that course of action must be complied with. Where no such provision exists in the grant agreement, compliance requirements cease with lease expiration. Unless an individual project warrants it due to unusual circumstances peculiar to that project, no such provision would normally appear in the project agreement.

Section 59.3(b) Conversion Requirements—Prerequisites for Conversion Approval.

1. In light of subparagraph (3) which refers in the second sentence to the Regional Director's discretion in decisions regarding replacement property, one commenter suggested that a process for settling disagreements between the States and Regional Directors is needed. Such a process currently exists and is outlined in Chapter 675.1.13 of the L&WCF Grants Manual. Local project sponsors may appeal State decisions to the NPS Regional Directors. States, and local sponsors dissatisfied with results of appeals to the Regional Director, may make appeal to the Director. The next line of appeal is the Secretary.

2. One comment pertaining to subparagraph (3)(i) suggested that this criterion for determining equivalent usefulness should be expanded and clarified so as to indicate that recreation *resources* available are evaluated in addition to recreation *opportunities*. We agree that the suggested change clarifies this subparagraph. The first sentence has therefore been modified to read accordingly.

3. One comment regarding subsection (3)(i) indicated that evaluation of properties proposed as replacement land is based on subjective and arbitrary judgment relative to the criteria that such land must meet recreation needs which are at least like in magnitude and impact to the user community as the converted site. We believe that the criteria are both reasonable and appropriate and that, given their basic nature, there is no "scientific" means of drawing conclusions pertaining to these requirements. NPS attempts to apply these criteria as equitably and consistently as possible and is open to consideration of any factors or persuasive arguments which a State or other project sponsor may wish to present regarding a specific conversion request.

4. Nine comments were received which objected to the provision specified in subparagraph (3)(ii) that States are responsible for securing replacement land for conversions at locally sponsored project sites should the local sponsor fail to do so. One commenter described this as being "unfair" and two described it as being "new." *The State is the primary recipient of all L&WCF assistance* regardless of the project sponsor and assumes a contractual relationship with the Federal government. Local sponsors are sub-recipients of funding and must enter into agreements with the State in order to partake of grant funding. The grant agreements signed by NPS are never with local sponsors but are always with the State. This is in accordance with Section 6 of the L&WCF Act which explicitly stipulates that the financial assistance available is for apportionment among the States and that payments are for the States. The provision regarding State liability is not new and has not been changed. This provision is explicitly stated in the General Provisions which are part of every grant agreement between NPS and the States. Part II A of the General Provisions indicates that "The State agrees, as recipient of this assistance, that it will meet the following specific requirements and that it will further impose these requirements, and the terms of the project agreement, upon any political subdivision or public agency to which funds are transferred pursuant to the project agreement. The State also agrees that it shall be responsible for compliance with the terms of the project agreement by such a political subdivision or public agency and that *failure by such political subdivision or public agency to so comply shall be deemed a failure by the State to comply with the terms of this agreement*" (emphasis added). State liability regarding locally sponsored projects has been included in the general provisions of every grant agreement since program inception in 1965. One comment suggested that the Federal government should fund this compliance requirement. We disagree given that, as made clear above, the State assumes *full* responsibility for grant compliance when it signs the grant agreement, regardless of whether the sponsor is a local sub-recipient.

5. One commenter pointed out that subparagraph (4) singled out the restrictions on replacement land applicable where such land is proposed to be acquired by one public agency from another public agency. This section has been revised to clarify that certain restrictions also exist for proposed replacement land already owned by the project sponsor.

6. One commenter expressed concern regarding the requirement in subsection (c)(9) that the proposed conversion and substitution be "in accord with the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and/or equivalent recreation plans." Section 6(f)(3) of the Act stipulates that "The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan . . . ." At such time as financial assistance under the L&WCF program is no longer authorized, it is presumed that States will continue to maintain some form of recreation plan; either as mandated by a new Federal program or as part of the State's own comprehensive planning efforts. In referring to "equivalent recreation plans" we refer to whatever planning effort exists after program funding ends which most closely compares with that of the SCORP and which the State would maintain at the impetus of State law or for some other appropriate reason. States are reminded that, at the present time, SCORP requirements of the L&WCF program remain in *full* force.

Section 59.3(c) Amendments for Conversion.

Three comments were received pertaining to amendments for conversions. One commenter pointed out that, occasionally, the details and terms of conversions/replacements change from the time they are submitted to NPS for consideration to the time they are approved. In such instances, therefore, additional time and effort would be involved in preparing the amendment request for submission with the conversion request and later resubmitting a revised amendment request subsequent to negotiations on the terms of the conversion. We agree that this provision could, in some instances, create an additional burden on the project sponsor. Therefore, this subparagraph has been revised to allow for either concurrent submission of the amendment with the initial conversion request or submission of the amendment request once all details of the conversion have been worked out. Directly related to this issue are the concerns of another commenter who objected to the requirement in this subpart that amendment requests for

conversions must be accompanied by revised Section 6(f)(3) boundary maps due to the expense involved in preparing suitable maps; particularly those which offer the more detailed "metes and bounds" descriptions. The commenter would prefer submission of a less detailed (and thereby less expensive) "property sketch" at the time of submission of the conversion request in lieu of a detailed map which, if deemed necessary by NPS, would be submitted after agreement is reached on the revised project area. We agree that a detailed map (prepared in accordance with Chapter 660.2.6 of the L&WCF Manual) could be submitted (along with the amendment request) either concurrently with the conversion request or once all details of the conversion have been worked out with NPS. A map sufficient to identify the basic area under consideration *must* be submitted with the initial conversion request, however, in order to provide NPS with adequate review documentation. NPS must have a *detailed* map prior to final approval of a conversion. The third comment pointed out that the L&WCF Grants Manual (Chapter 675.9.4) seems to imply that there may be situations when an amendment would not be required in conversion actions. The regulations make it clear that *all* conversions require project amendments. The Manual will be revised to make the same point.

Section 59.3(d) Obsolete Facilities.

1. Thirteen comments were received which indicate that the statement appearing in the second sentence is inconsistent with current policy on obsolete facilities and is contrary to the intent behind such a provision. The Proposed Rule states that "discontinuance of a facility requires either the substitution of another approved L&WCF eligible facility at the same site or NPS approval of a conversion." This section has been revised to bring it in line with the existing policy on obsolete facilities by removing the proposed requirement that an obsolete facility must be either replaced by another facility or declared a conversion. The revised language reverts to the original policy which merely required that the site be maintained for public outdoor recreation with no stipulation that the facility actually be replaced once declared obsolete. One of the commenters indicated that the regulations should more explicitly state the circumstances under which a project sponsor should seek NPS approval of facility changes when the project sponsor chooses to replace an assisted facility which becomes functionally obsolete with another which is also an L&WCF-eligible facility. This section has been revised so as to require that NPS be notified of *all* such changes. NPS will notify the State if it appears that the change from one eligible facility to another requires formal review. Construction of other than public outdoor recreation facilities, even at sites where a funded facility was declared obsolete, continues to be considered a conversion.

2. One comment pertained to the use of the SCORP and/or equivalent recreation plans in the review of requests to designate funded facilities as obsolete. The status of use of such plans in the review of obsolete facilities is compatible with a similar point raised in the comments under subsection (c)(9) regarding the consistency of conversion proposals with SCORP and equivalent plans. Please refer to comments under that subsection.

Section 59.4(c) Residency Requirements—Fees.

Three comments were received regarding this section. One commenter pointed out that under Title VI of the Civil Rights Act of 1964, discrimination anywhere within the jurisdiction's park system is prohibited. Consequently, an act of non-compliance with Title VI, even if at a site that has not received L&WCF assistance, is construed as an act of systemwide non-compliance which impacts L&WCF assisted sites. This point is correct and Title VI requirements, as pointed out in the Supplementary Information section of this preamble, must be complied with by project sponsors which have received L&WCF assistance. Title VI requirements as implemented by the Department of the Interior are detailed in 43 CFR Part 17. Because § 59.4(c) is consistent with Title VI to the extent that it expresses program policy relating to discrimination based on residency status, and because these regulations express only those requirements that pertain specifically and exclusively to L&WCF sites and facilities, we find no basis on which to substantially modify this subparagraph. We have, however, added a sentence to subparagraph (a) which references Title VI. A similar addition has been made in § 72.73(a) pertaining to the UPARR program. Another comment suggested that § 59.4(c) on fees be strengthened by prohibiting recipient jurisdictions from requiring non-residents to purchase annual rather than daily permits while providing only residents the opportunity to purchase lower cost daily permits. We agree that such action on the part of a jurisdiction could be construed as being discriminatory and have added language which prohibits this practice. A similar addition has been made in § 72.73(c). The third comment suggested that the sentence indicating that the provisions on fees apply only to the recreation areas described in the project agreement requires clarification. More specifically, it was suggested that "designated 6(f)(3) area" be substituted for "recreation area." We agree that such wording more accurately reflects the intent of this statement and have changed the sentence accordingly. A corresponding change has been made in § 72.73(c).

Section 72.72(b) Conversion Requirements—Prerequisites for Conversion Approval.

One commenter indicated that the first sentence of subparagraph (3) suggests that conversions are *necessary* to assure the provision of adequate recreation. We agree that the wording might be misleading to some in that it is the *proposal* which must assure the provision of adequate recreation. The wording has been revised to express this criterion with greater clarity.

Section 72.72(d) Obsolete Facilities.

Two commenters pointed out the inconsistencies of this subsection with the existing UPARR policy on obsolete facilities and with the basic intent behind that policy. Therefore, changes have been made which are in line with those made in § 59.3(d). Refer to comments under that section for rationale which is also applicable here.

General Comments

Of the comments which were general in nature and failed to address a specific section of the proposed rule, one expressed an opinion that compliance with the rule should be limited to a period of no more than 5, 10, or 15 years. No legal provision exists within the L&WCF Act for establishing such a limitation as the Act's intent is that Section 6 requirements regarding conversions be in force in perpetuity. The other general comments did not focus on a specific issue. Typical among these were letters which expressed support for the general concept of codifying compliance requirements of the L&WCF and UPARR programs. One comment expressed concern that administrative flexibility might be reduced by codification of program regulations. Others asked for general program information or merely indicated

appreciation for the opportunity to provide comments.

Additional Determinations

1. Compliance with the National Environmental Policy Act (NEPA): This action does not constitute a major Federal action significantly affecting the quality of the human environment. As a regulation of an administrative nature, this action is categorically excluded from the NEPA process. Therefore, no environmental assessment or impact statement is required.

2. Executive Order 12291 and the Regulatory Flexibility Act: The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that it 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 will not have an annual gross effect on the economy of $100 million or more. This document will not result in adverse effects on competition, employment, investment, productivity, or innovation, and does not pertain to U.S. or foreign-based enterprises in domestic or export markets. The rulemaking will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. This document is not a major rule and is therefore exempt from preparation of a Regulatory Impact Analysis.

3. Paperwork Reduction Act: The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C 3501 *et seq.*). These collection requirements have been approved through May 31, 1989 (OMB approval No. 1024–0047 for L&WCF and No. 1024–0048 for UPARR).

Authorship Statement

The primary author of these regulations was Mr. Michael D. Wilson of the National Park Service, 202/343–3700.

List of Subjects

36 CFR Part 59

Grant programs; Recreation; Outdoor Recreation Acquisition, Development, and Planning.

36 CFR Part 72

Grant programs; Recreation; Urban Parks.

In consideration of the foregoing, 36 CFR Chapter I is amended by adding Part 59 as follows:

PART 59—LAND AND WATER CONSERVATION FUND PROGRAM OF ASSISTANCE TO STATES; POST-COMPLETION COMPLIANCE RESPONSIBILITIES

Sec.
59.1 Applicability.
59.2 Information collection.
59.3 Conversion requirements.
59.4 Residency requirements.
59.5 [Reserved]
59.6 [Reserved]

Authority: Sec. 6, L&WCF Act of 1965 as amended; Pub. L. 88–578; 78 Stat. 897; 16 U.S.C. 4601–4 *et seq.*

§ 59.1 Applicability.

These post-completion responsibilities apply to each area or facility for which Land and Water Conservation Fund (L&WCF) assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility and consistent with the contractural agreement between NPS and the State. Responsibility for compliance and enforcement of these provisions rests with the State for both State and locally sponsored projects. The responsibilities cited herein are applicable to the area depicted or otherwise described on the 6(f)(3) boundary map and/or as described in other project documentation approved by the Department of the Interior. In many instances, this mutually agreed to area exceeds that actually receiving L&WCF assistance so as to assure the protection of a viable recreation entity. For leased sites assisted under L&WCF, compliance with post-completion requirements of the grant ceases following lease expiration unless the grant agreement calls for some other arrangement.

§ 59.2 Information collection.

The information collection requirements contained in § 59.3 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024–0047. The information is being collected to determine whether to approve a project sponsor's request to convert an assisted site or facility to other than public outdoor recreation uses. The information will be used to assure that the requirements of Section 6(f)(3) of the L&WCF Act would be met should the proposed conversion be implemented. Response is required in order to obtain the benefit of Department of the Interior approval.

§ 59.3 Conversion requirements.

(a) *Background and legal requirements.* Section 6(f)(3) of the L&WCF Act is the cornerstone of Federal compliance efforts to ensure that the Federal investments in L&WCF assistance are being maintained in public outdoor recreation use. This section of the Act assures that once an area has been funded with L&WCF assistance, it is continually maintained in public recreation use unless NPS approves substitution property of reasonably equivalent usefulness and location and of at least equal fair market value.

(b) *Prerequisites for conversion approval.* Requests from the project sponsor for permission to convert L&WCF assisted properties in whole or in part to other than public outdoor recreation uses must be submitted by the State Liaison Officer to the appropriate NPS Regional Director in writing. NPS will consider conversion requests if the following prerequisites have been met:

(1) All practical alternatives to the proposed conversion have been evaluated.

(2) The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by an approved appraisal (prepared in accordance with uniform Federal appraisal standards) excluding the value of structures or facilities that will not serve a recreation purpose.

(3) The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Dependent upon the situation and at the discretion of the Regional Director, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. Generally, the replacement property should be administered by the same political jurisdiction as the converted property. NPS will consider State requests to change the project sponsor when it is determined that a different political jurisdiction can better carry out the objectives of the original project agreement. Equivalent usefulness and location will be determined based on the following criteria:

(i) Property to be converted must be evaluated in order to determine what recreation needs are being fulfilled by the facilities which exist and the types of outdoor recreation resources and opportunities available. The property being proposed for substitution must then be evaluated in a similar manner to determine if it will meet recreation needs which are at least like in

magnitude and impact to the user community as the converted site.

(ii) Replacement property need not necessarily be directly adjacent to or close by the converted site. This policy provides the administrative flexibility to determine location recognizing that the property should meet existing public outdoor recreation needs. While generally this will involve the selection of a site serving the same community(ies) or area as the converted site, there may be exceptions. For example, if property being converted is in an area undergoing major demographic change and the area has no existing or anticipated future need for outdoor recreation, then the project sponsor should seek to locate the substitute area in another location within the jurisdiction. Should a local project sponsor be unable to replace converted property, the State would be responsible, as the primary recipient of Federal assistance, for assuring compliance with these regulations and the substitution of replacement property.

(iii) The acquisition of one parcel of land may be used in satisfaction of several approved conversions.

(4) The property proposed for substitution meets the eligibility requirements for L&WCF assisted acquisition. The replacement property must constitute or be part of a viable recreation area. Unless *each* of the following additional conditions is met, land currently in public ownership, including that which is owned by another public agency, may not be used as replacement land for land acquired as part of an L&WCF project:

(i) The land was not acquired by the sponsor or selling agency for recreation.

(ii) The land has not been dedicated or managed for recreational purposes while in public ownership.

(iii) No Federal assistance was provided in the original acquisition unless the assistance was provided under a program expressly authorized to match or supplement L&WCF assistance.

(iv) Where the project sponsor acquires the land from another public agency, the selling agency must be required by law to receive payment for the land so acquired.

In the case of development projects for which the State match was not derived from the cost of the purchase or value of a donation of the land to be converted, but from the value of the development itself, public land which has not been dedicated or managed for recreation/conservation use may be used as replacement land even if this land is transferred from one public agency to another without cost.

(5) In the case of assisted sites which are partially rather than wholly converted, the impact of the converted portion on the remainder shall be considered. If such a conversion is approved, the unconverted area must remain recreationally viable or be replaced as well.

(6) All necessary coordination with other Federal agencies has been satisfactorily accomplished including, for example, compliance with Section 4(f) of the Department of Transportation Act of 1966.

(7) The guidelines for environmental evaluation have been satisfactorily completed and considered by NPS during its review of the proposed 6(f)(3) action. In cases where the proposed conversion arises from another Federal action, final review of the State's proposal shall not occur until the NPS Regional office is assured that all environmental review requirements related to that other action have been met.

(8) State intergovernmental clearinghouse review procedures have been adhered to if the proposed conversion and substitution constitute significant changes to the original Land and Water Conservation Fund project.

(9) The proposed conversion and substitution are in accord with the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and/or equivalent recreation plans.

(c) *Amendments for conversion.* All conversions require amendments to the original project agreements. Therefore, amendment requests should be submitted concurrently with conversion requests or at such time as all details of the conversion have been worked out with NPS. Section 6(f)(3) project boundary maps shall be submitted with the amendment request to identify the changes to the original area caused by the proposed conversion and to establish a new project area pursuant to the substitution. Once the conversion has been approved, replacement property should be immediately acquired. Exceptions to this rule would occur only when it is not possible for replacement property to be identified prior to the State's request for a conversion. In such cases, an express commitment to satisfy section 6(f)(3) substitution requirements within a specified period, normally not to exceed one year following conversion approval, must be received from the State. This commitment will be in the form of an amendment to the grant agreement.

(d) *Obsolete facilities.* Recipients are not required to continue operation of a particular facility beyond its useful life. However, when a facility is declared obsolete, the site must nonetheless be maintained for public outdoor recreation following discontinuance of the assisted facility. Failure to so maintain is considered to be a conversion. Requests regarding changes from a L&WCF funded facility to another otherwise eligible facility at the same site that significantly contravene the original plans for the area must be made in writing to the Regional Director. NPS approval must be obtained prior to the occurrence of the change. NPS approval is not necessarily required, however, for each and every facility use change. Rather, a project area should be viewed in the context of overall use and should be monitored in this context. A change from a baseball field to a football field, for example, would not require NPS approval. A change from a swimming pool with substantial recreational development to a less intense area of limited development such as a passive park, or vice versa, would, however, require NPS review and approval. To assure that facility changes do not significantly contravene the original project agreement, NPS shall be notified by the State of *all* proposed changes in advance of their occurrence. A primary NPS consideration in the review of requests for changes in use will be the consistency of the proposal with the Statewide Comprehensive Outdoor Recreation Plan and/or equivalent recreation plans. Changes to other than public outdoor recreation use require NPS approval and the substitution of replacement land in accordance with section 6(f)(3) of the L&WCF Act and paragraphs (a) through (c) of this section.

§ 59.4 Residency requirements.

(a) *Background.* Section 6(f)(8) of the L&WCF Act prohibits discrimination on the basis of residence, including preferential reservation or membership systems, except to the extent that reasonable differences in admission and other fees may be maintained on such basis. This prohibition applies to both regularly scheduled and special events. The general provisions regarding non-discrimination at sites assisted under Interior programs and, thereby, all other recreation facilities managed by a project sponsor, are covered in 43 CFR Part 17 which implements the provisions of Title VI of the Civil Rights Act of 1964 for the Department.

(b) *Policy.* There shall be no discrimination for L&WCF assisted programs and services on the basis of residence, except in reasonable fee

differentials. Post-completion compliance responsibilities of the recipient should continue to ensure that discrimination on the basis of residency is not occurring.

(c) *Fees.* Fees charged to nonresidents cannot exceed twice that charged to residents. Where there is no charge for residents but a fee is charged to nonresidents, nonresident fees cannot exceed fees charged for residents at comparable State or local public facilities. Reservation, membership, or annual permit systems available to residents must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents. Recipients are prohibited from providing residents the option of purchasing annual or daily permits while at the same time restricting nonresidents to the purchase of annual permits only. These provisions apply only to the approved 6(f)(3) areas applicable to the recipient. Nonresident fishing and hunting license fees are excluded from these requirements.

§ 59.5 [Reserved]

§ 59.6 [Reserved]

PART 72—URBAN PARK AND RECREATION RECOVERY ACT OF 1978

36 CFR Part 72 is amended as follows:

1. The authority citation for Part 72 continues to read as follows:

Authority: Title X, National Parks and Recreation Act of 1978; Pub. L. 95-625; 16 U.S.C. 2501-2514; Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

2. Subpart E is added to read as follows:

Subpart E—Post-Completion Compliance Responsibilities

Sec.
72.70 Applicability.
72.71 Information collection.
72.72 Conversion requirements.
72.73 Residency requirements.
72.74 [Reserved]
72.75 [Reserved]

Subpart E—Post-Completion Compliance Responsibilities

§ 72.70 Applicability.

These post-completion responsibilities apply to each area or facility for which Urban Park and Recreation Recovery (UPARR) program assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility. Responsibility for compliance with these provisions rests with the grant recipient. The responsibilities cited herein are applicable to the 1010 area depicted or otherwise described in the 1010 boundary map and/or as described in other project documentation approved by the Department of the Interior. In many instances, this area exceeds that actually receiving UPARR assistance so as to assure the protection of a viable recreation entity. For leased sites assisted under UPARR, compliance with post-completion requirements of the grant following lease expiration is dictated by the terms of the project agreement.

§ 72.71 Information collection.

The information collection requirements contained in § 72.72 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024-0048. The information is being collected to determine whether to approve a grant recipient's request to convert an assisted site or facility to other than public recreation uses. The information will be used to assure that the requirements of section 1010 of the UPARR Act would be met should the proposed conversion be implemented. Response is required in order to obtain the benefit of Department of the Interior approval.

§ 72.72 Conversion requirements.

(a) *Background and legal requirements.* The UPARR program has made funds available for the renovation and rehabilitation of numerous urban parks and recreation facilities. In many cases, the UPARR funds were used only in a portion of a site or facility or were only a small percentage of the funds required to renovate or rehabilitate a property. Nevertheless, all recipients of funds for renovation and rehabilitation projects are obligated by the terms of the grant agreement to continually maintain the site or facility for public recreation use regardless of the percent of UPARR funds expended relative to the project and the facility as a whole. This provision is contained in the UPARR Program Administration Guideline (NPS-37) and is also referenced in § 72.36. In accordance with section 1010 of the UPARR Act, no property improved or developed with UPARR assistance shall, without the approval of NPS, be converted to other than public recreation uses. A conversion will only be approved if it is found to be in accord with the current local park and recreation Recovery Action Program and/or equivalent recreation plans and only upon such conditions as deemed necessary to assure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness. Section 1010 is designed to ensure that areas or facilities receiving UPARR grant assistance are continually maintained in recreation use and available to the general public.

(b) *Prerequisites for conversion approval.* Requests for permission to convert UPARR assisted properties in whole or in part to other than public recreation uses must be submitted by the recipient to the appropriate NPS Regional Director in writing. NPS will only consider conversion requests if the following prerequisites have been met:

(1) All practical alternatives to the proposed conversion have been evaluated.

(2) The proposed conversion and substitution are in accord with the current Recovery Action Program and/or equivalent recreation plans.

(3) The proposal assures the provision of adequate recreation properties and opportunities of reasonably equivalent usefulness and location. Dependent upon the situation and at the discretion of NPS, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. It must, however, be administered by the same political jurisdiction as the converted property. Equivalent usefulness and location will be determined based on the following criteria:

(i) Property to be converted must be evaluated in order to determine what recreation needs are being fulfilled by the facilities which exist and the types of recreation resources and opportunities available. The property being proposed for substitution must then be evaluated in a similar manner to determine if it will meet recreation needs which are at least like in magnitude and impact to the user community as the converted site.

(ii) Replacement property need not necessarily be directly adjacent to or close by the converted site. This policy provides the administrative flexibility to determine location recognizing that the property should meet existing public recreation needs. While generally this will involve the selection of a site serving the same community(ies) or area as the converted site, there may be exceptions. For example, if property being converted is in an area undergoing major demographic change and the area has no existing or anticipated future need for recreation facilities, then the project sponsor should seek to locate the substitute area in another location within the jurisdiction.

(4) In the case of assisted sites which are partially rather than wholly

converted, the impact of the converted portion on the remainder shall be considered. If such a conversion is approved, the unconverted area must remain recreationally viable or be replaced as well.

(5) The guidelines for environmental evaluation have been satisfactorily completed and considered by NPS during its review of the proposed 1010 action. In cases where the proposed conversion arises from another Federal action, final review of the proposal shall not occur until NPS is assured that all environmental review requirements related to that other action have been met.

(6) State intergovernmental clearinghouse review procedures have been adhered to if the proposed conversion and substitution constitute significant changes to the original grant.

(c) *Amendments for conversion.* All conversions require amendments to the original grant agreement. Amendment requests should be submitted concurrently with conversion requests or at such time as all details of the conversion have been worked out with NPS. Section 1010 project boundary maps shall be submitted with the amendment request to identify the changes to the original area caused by the proposed conversion and to establish a new project area pursuant to the substitution. Once the conversion has been approved, replacement property should be immediately acquired. Exceptions to this rule would occur only when it is not possible for replacement property to be identified prior to the request for the conversion. It will, however, be NPS policy to avoid such a situation if at all possible and to agree only if warranted by exceptional circumstances. In such cases, express commitment to satisfy section 1010 substitution requirements within a specified period, normally not to exceed one year following conversion approval, must be received from the local government agency in the form of a grant amendment.

(d) *Obsolete facilities.* Recipients are not required to continue operation of a particular facility beyond its useful life. However, when a facility is declared obsolete, the site must nonetheless be maintained in public recreation use following discontinuance of the assisted facility. Failure to so maintain is considered to be a conversion. Requests regarding changes from a UPARR funded facility to another otherwise eligible facility at the same site that significantly contravene the original plans for the area must be made in writing to the Regional Director. NPS approval must be obtained prior to the occurrence of the change. NPS approval is not necessarily required, however, for each and every facility use change. Rather, a project area should be viewed in the context of overall use and should be monitored in this context. A change from UPARR-developed tennis courts to basketball courts, for example, would not require NPS approval. A change from a swimming pool to a less intense area of limited development such as picnic facilities, or vice versa, would, however, require NPS review and approval. To assure that facility changes do not significantly contravene the original project agreement, NPS shall be notified by the recipient of *all* proposed changes in advance of their occurrence. A primary NPS consideration in the review of requests for changes in use will be the consistency of the proposal with the Recovery Action Program and/or equivalent recreation plans. Changes to other than public recreation use require NPS approval and the substitution of replacement land in accordance with section 1010 of the UPARR Act and paragraphs (a) through (c) of this section.

§ 72.73 Residency requirements.

(a) *Background.* UPARR policy prohibits discrimination on the basis of residence (refer to § 72.65(b)) including preferential reservation or membership systems on properties improved with UPARR assistance. This prohibition applies to both regularly scheduled and special events. The general provisions regarding non-discrimination at sites assisted under Interior programs and, thereby, all other recreation facilities managed by the recipient, are covered in 43 CFR Part 17 which implements the provisions of Title VI of the Civil Rights Act of 1964 for the Department.

(b) *Policy.* There shall be no discrimination for UPARR assisted programs or services on the basis of residence, except in reasonable fee differentials. Post-completion compliance responsibilities of the recipient should continue to ensure that discrimination on the basis of residency is not occurring.

(c) *Fees.* For parks or recreation properties or programs funded with UPARR assistance, fees charged to nonresidents cannot exceed twice that charged to residents. Where there is no charge for residents but a fee is charged to nonresidents, the nonresident fees cannot exceed fees charged at comparable State or local public facilities having fee systems. These fee provisions apply only to the approved 1010 areas applicable to the recipient. Reservation, membership, or annual permit systems available to residents must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents. Recipients are prohibited from providing residents the option of purchasing annual or daily permits while at the same time restricting nonresidents to the purchase of annual permits only.

§§ 72.74 and 72.75 [Reserved]

Dated: August 19, 1986.

P. Daniel Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-20867 Filed 9-24-86; 8:45 am]

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federal register

Thursday
September 25, 1986

Part III

Department of Agriculture

Agricultural Research Service

7 CFR Part 250

National Environmental Policy Act; Implementation; Final rule

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

7 CFR Part 520

Final Regulations for Implementing National Environmental Policy Act (NEPA)

AGENCY: Agricultural Research Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Research Service (ARS) of the USDA is promulgating final regulations for compliance with the National Environmental Policy Act (NEPA). This document is a modification of the previously proposed Science and Education Administration NEPA procedures to reflect the agency status of ARS.

EFFECTIVE DATE: October 27, 1986.

FOR FURTHER INFORMATION CONTACT: Richard M. Parry, USDA, ARS, Building 005, Beltsville Agricultural Research Center, Beltsville, Maryland 20705, (301) 344-2734.

SUPPLEMENTARY INFORMATION: Proposed NEPA regulations were published February 20, 1980 (45 FR 1147) for the Science and Education Administration (SEA). At the time, the Agricultural Research Service was part of SEA. The subsequent abolishment of SEA resulted in returning the units within SEA to agency status, with each agency independently reporting to the Assistant Secretary for Science and Education. This document reflects a modification of the previously proposed SEA-NEPA regulations to accommodate the establishment of ARS as an agency.

These regulations reflect the research mission of the ARS. The agency deals principally with research rather than operational programs. The agency does not generally initiate programs involving large scale application of research to solve specific problems; however, ARS frequently provides expert advice to action agencies on implementation of technologies. The agency's research function often involves the testing of control agents against agricultural pests. Such agents may include chemicals, microorganisms, or other plant and animal species. When such agents are used against pests, the intended result is that the adverse impacts of the pest are reduced or eliminated, thereby increasing the productive capacity of the animal or plant which was affected by the pest. Much of the research is conducted in small plots where testing is limited in scope and duration and where there is little or no potential for spread of the agent being tested. These regulations are intended to assure that the environmental impacts of such research are adequately considered under applicable provisions of law.

The proposed ARS NEPA rule was published October 12, 1984, in the **Federal Register** (49 FR 40064). A period of 60 days was provided for receipt of comments, but comments received later were considered. Comments were received from several sources including Federal and State agencies, and a nonprofit organization. A summary of the major comments and our responses follows:

One respondent noted that the draft regulations made no reference to scoping of projects as required by the Council on Environmental Quality (CEQ) regulations. All of the requirements of the CEQ regulations are incorporated either directly or by reference into these regulations, and thus every CEQ provision need not be repeated in these regulations. However, because of the importance of scoping to the entire NEPA process, we have added a new sentence in § 520.3(g) to reference the scoping requirements of CEQ regulations.

The same respondent referenced § 520.6 dealing with the preparation of an environmental assessment. The respondent suggested that several of the activities listed as requiring an assessment may have significant impacts and, therefore, may require a preparation of an environmental impact statement. In particular, reference was made to activities listed in § 520.6(a)(2) concerning field work such as excavation, explosives, weather modification, or research that involved the introduction of control agents into the environment. The agency recognizes that some of these activities may constitute major Federal actions with the potential to affect the quality of the human environment. If that is the case, then preparation of an environmental assessment would be appropriate to determine whether an environmental impact statement should be prepared. Lastly, this respondent suggested an inconsistency between §§ 520.6(a)(2) and 520.6(a)(3) concerning the level of analysis required for projects involving the release of control agents into the environment. The former section refers to the preparation of an environmental assessment in such situations. The latter section pertains to the preparation of an environmental impact statement in situations where a research project has advanced beyond the laboratory and small plot testing to a full scale field testing over a large area and which may involve introduction of control agents into the environment. The agency does not see an inconsistency between these two sections since there are degrees of magnitude in all such projects and some may appropriately be handled through the environmental assessment and others may require a full environmental impact statement. However, the sections have been reworded to reflect better the differences between small plot testing and larger scale testing.

The categorical exclusions under § 520.5(b)(2) were criticized by one respondent as too broad and too open to interpretation. It is contended that terms such as "limited size and magnitude" and "short term effects on the environment" are too general to describe situations where categorical exclusions should apply. The agency recognizes the categorical exclusions cannot be so broad as to define away the agency's responsibilities for preparing an environmental assessment or environmental impact statement. The categorical exclusions in § 520.5(b)(2) are basically predicated on projects being of limited size and magnitude or having only short term effects on the environment. The examples clearly point to those types of projects wholly contained within laboratories as being the principal subject to such a categorical exclusion. The agency feels that the provisions of § 520.5(c), which provide exceptions to categorical exclusions if such activities do have significant environmental impacts, are adequate to assure that the requirements of NEPA are not thwarted by an overly broad application of categorical exclusions.

The same respondent suggested that § 520.5(c) is inconsistent with § 520.6. That is, the proposed rule provides that an exception to a categorical exclusion would be made if an activity is deemed to have a significant environmental impact which would require an environmental assessment. However, the respondent notes that if the impact is significant, the agency would automatically be required to do an environmental impact statement, not just an assessment. The agency does not see an inconsistency. The exception to the categorical exclusion is triggered when the responsible official deems an activity may have a significant environmental effect. The next step would be the preparation of an environmental assessment which would either conclude that there are no significant impacts, or that such impacts do exist, thereby requiring an environmental impact statement. Accordingly, we do not feel that the provisions for ARS categorical

exclusions or exceptions found in § 520.5 paragraphs (b) and (c) respectively require modification.

A final respondent did not refer specifically to the wording of the draft regulations, but incorporated comments made five years ago addressing similar regulations then proposed by the Science and Education Administration, which was then the parent agency of the ARS. The respondent erroneously assumed that the primary role of the ARS is the funding of agricultural research activities with land grant colleges. While a function of the former Science and Education Administration, it is not a function of the ARS and, therefore, is not an issue in these regulations. The respondent also suggests that the ARS has ignored the environmental impacts of agricultural research in its decisionmaking. It is the intention of the agency that these regulations alleviate any misperception of the policy and procedures followed by ARS.

This rule has been reviewed under Executive Order No. 12291 and it has been determined that this regulation is not a major rule. This rule will have little or no effect on the economy. NEPA regulations apply only to Federal agencies, and this rule is strictly procedural and assures that research and other activities of ARS comply with NEPA. This rule will not result in any major increase in costs to consumers, industry, or Federal agencies or have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete on the foreign market. In addition, it will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601). This regulation is not significant for purposes of Executive Order No. 12044 and no regulatory analysis is required.

As a regulation relating to agency management, this regulation is exempt from the requirements of section 553 of the Administrative Procedure Act (5 U.S.C. 551–553) and will become effective 30 days after publication in the **Federal Register**.

List of Subjects in 7 CFR Part 520

Environmental assessment; Environmental impact statement; Categorical exclusion, National Environmental Policy Act.

The Department amends Title 7, Subtitle B, Chapter V of the Code of Federal Regulations by adding a new Part 520 to read as follows:

CHAPTER V—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 520—PROCEDURES FOR IMPLEMENTING NATIONAL ENVIRONMENTAL POLICY ACT

Sec.
520.1 General statement.
520.2 Definition.
520.3 Policy.
520.4 Responsibilities.
520.5 Categorical exclusions.
520.6 Preparation of an Environmental Assessment (EA).
520.7 Preparation of an Environmental Impact Statement (EIS).

Authority: National Environmental Policy Act (NEPA) as amended, 42 U.S.C. 4321 *et seq.*; E.O. 11514, 34 FR 4247, as amended by E.O. 11991, 42 FR 26927; E.O. 12144, 44 FR 11957; 5 U.S.C. 301; 40 CFR 1500–1508.

§ 520.1 General statement.

These procedures assure that research and other activities of the Agricultural Research Service (ARS) comply with the intent of the National Environmental Policy Act of 1969 (NEPA) and appropriate regulations implementing this Act. These procedures incorporate and supplement, and are not a substitute for, CEQ regulations under 40 CFR 1500–1508, and Department of Agriculture NEPA Policies and Procedures under 7 CFR Part 1b. ARS conducts and supports research as authorized by legislation to support one of the USDA goals of assuring adequate supplies of high quality food and fiber. Information generated through such research often forms the basic data needed to assess the impact of a new technology upon the environment. Large scale projects simulating commercial practices are normally implemented in cooperation with other agencies of the Federal or State Governments.

§ 520.2 Definition.

"Control Agents" mean biological material or chemicals which are intended to enhance the production efficiency of an agricultural crop or animal such as through elimination of a pest.

§ 520.3 Policy.

(a) It is ARS policy to comply with the provisions of NEPA and related laws and policies.

(b) Environmental documents should be concise, written in plain language, and address the issues pertinent to the decision being made.

(c) Environmental documents may be substituted or combined with other reports which serve to facilitate decisionmaking.

(d) Costs of analyses and environmental documents are to be planned for during the budgetary process for the plan, program, or project. Special provisions for financing NEPA process activities which are unanticipated and extraordinary may be made in the Office of the Administrator of ARS.

(e) ARS personnel will cooperate with other agencies, States, contractors, or other entities proposing to undertake activities involving the ARS to assure that NEPA considerations are addressed early in the planning process to avoid delays and conflicts as required by 40 CFR 1501.2.

(f) For some activities, project participants outside ARS may be required to provide data and documentation. When an applicant or contractor prepares an environmental assessment (EA) or a contractor prepares an environmental impact statement (EIS), the activities shall be carried out according to 40 CFR 1506.5.

(g) Environmental documents, decision notices, and records of decision must be made available for review by the public. There shall be an early and open process for determining the scope of issues to be addressed in the environmental analysis process (40 CFR 1501.7).

(h) The concepts of tiering to eliminate repetitive discussions applicable to EIS's (40 CFR 1502) are also applicable to EA's.

(i) ARS personnel may adopt an existing EA or EIS when a proposed action is substantially the same as the action for which the existing EA or EIS was prepared (40 CFR 1506.3 (b)).

(j) ARS personnel may incorporate by reference any existing documents in order to reduce the bulk of an EA or EIS (40 CFR 1502.21).

(k) After prior consultation with the Council on Environmental Quality, ARS personnel may forego preparation of an EA or EIS in emergency situations (40 CFR 1506.11).

§ 520.4 Responsibilities.

(a) *Administrator.* The Administrator is responsible for environmental analysis and documentation required for compliance with the provisions of NEPA and related laws, policies, plans, programs, and projects. The ARS Assistant Administrator for Cooperative Interactions has been delegated responsibility for the establishment of procedures and coordination necessary to carry out the policies and provisions of NEPA.

(b) *Deputy Administrators and Area Directors.* The Deputy Administrators and Area Directors are responsible to the Administrator for assuring that ARS

programs are in compliance with the policies and procedures of NEPA.

§ 520.5 Categorical Exclusions.

For the following categories of actions, the preparation of an EA or EIS is not required:

(a) *Department of Agriculture categorical exclusions (7 CFR lb.3).*

(1) Policy development, planning and implementation which are related to routine activities such as personnel, organizational changes or similar administrative functions;

(2) Activities which deal solely with the functions of programs, such as program budget proposals, disbursement, transfer or reprogramming of funds;

(3) Inventories, research activities and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;

(4) Educational and information programs and activities;

(5) Activities which are advisory and consultative to other agencies, public and private entities, and

(6) Activities related to trade representation and market development activities overseas.

(b) *ARS categorical exclusions.* ARS actions which, based on previous experience, have been found to have limited scope and intensity and produce little or no individual or cumulative impacts to the human environment. Some examples are:

(1) Repair, replacement of structural components or equipment, or other routine maintenance of facilities controlled in whole or in part by ARS;

(2) Research programs or projects of limited size and magnitude or with only short-term effects on the environment. Examples are:

(i) Research operations conducted within any laboratory, greenhouse or other contained facility where research practices and safeguards prevent environment impacts such as the release of hazardous materials into the environment;

(ii) Inventories, studies or other such activities that have limited context and minimal intensity in terms of changes in the environment;

(iii) Testing outside of the laboratory, such as in small isolated field plots, which does not involved the use of control agents requiring containment or a special license or a permit from a regulatory agency.

(c) *Exceptions to categorical exclusions.* An environmental assessment shall be prepared for an activity which is normally within the purview of categorical exclusion if there are extraordinary circumstances which may cause such activity to have a significant environmental effect.

§ 520.6 Preparation of an Environmental Assessment (EA).

(a) *Actions requiring EA.* The following actions would normally require an EA:

(1) Programs, supported in the majority by ARS, which may assist in the transition of a particular technology from field evaluation stage to large-scale demonstration or simulated commercial phase;

(2) Field work having an impact on the local environment such as earth excavation, explosives, weather modifications, or other such techniques; and

(3) The testing outside the laboratory, such as small isolated field plots, of control agents which require containment precautions or either a special license or a permit from a regulatory agency.

(b) *Multiple agencies actions.* If more than one Federal agency participates in a program activity, the EA shall be prepared by the lead agency as provided in 40 CFR 1501.5.

(c) *Format and conclusion.* An EA can be in any format provided it covers in a logical and succinct fashion the information necessary for determining whether a proposed Federal action may have a significant environmental impact and thus warrant preparation of an EIS. The EA will contain the information required by 40 CFR 1508.9. This information will include brief discussions of the need for the project or other proposal, alternatives, environmental impacts of the proposed action and alternatives and a listing of agencies and persons consulted.

(d) *Decision notice.* Upon completion of an EA, the responsible official will consider the information it contains, decide whether an EIS is required or that no significant environmental impact will occur, and will document the decision and the reasons for it. The decision and the EA shall be available to the public in a manner appropriate to the situation. If there is a finding of no significant impact, the EA may be combined with the decision notice.

§ 520.7 Preparation of an Environmental Impact Statement (EIS).

(a) *Actions requiring EIS.* An EIS will normally be prepared for:

(1) Proposals for legislation which are determined to be a major Federal action significantly affecting the quality of the human environment; or,

(2) Other major Federal actions significantly affecting the quality of the human environment. In the experience of ARS, an environmental impact statement shall normally be required in situations when a research project has advanced beyond the laboratory and small plot testing to full scale field testing over a very large area and involving the introduction of control agents.

(b) *Notice of intent.* If the responsible official recommends the preparation of an EIS, then the public shall be apprised of the decision. This notice shall be prepared according to 40 CFR 1508.22.

(c) *Draft and final EIS.* The process of preparing the draft and final EIS, as well as the format, shall be according to 40 CFR 1502–1506.

(d) *Decisionmaking and implementation.* The responsible official may make a decision no sooner than thirty days after the notice of availability of the final EIS has been published in the **Federal Register** by the Environmental Protection Agency (40 CFR 1506.10). The decision will be documented in a Record of Decision required by 40 CFR 1502.2, and monitoring and mitigation activities will be implemented as required by 40 CFR 1505.3.

Dated: September 5, 1986.

T.B. Kinney, Jr.,

Administrator, ARS.

[FR Doc. 86–21701 Filed 9–24–86; 8:45 am]

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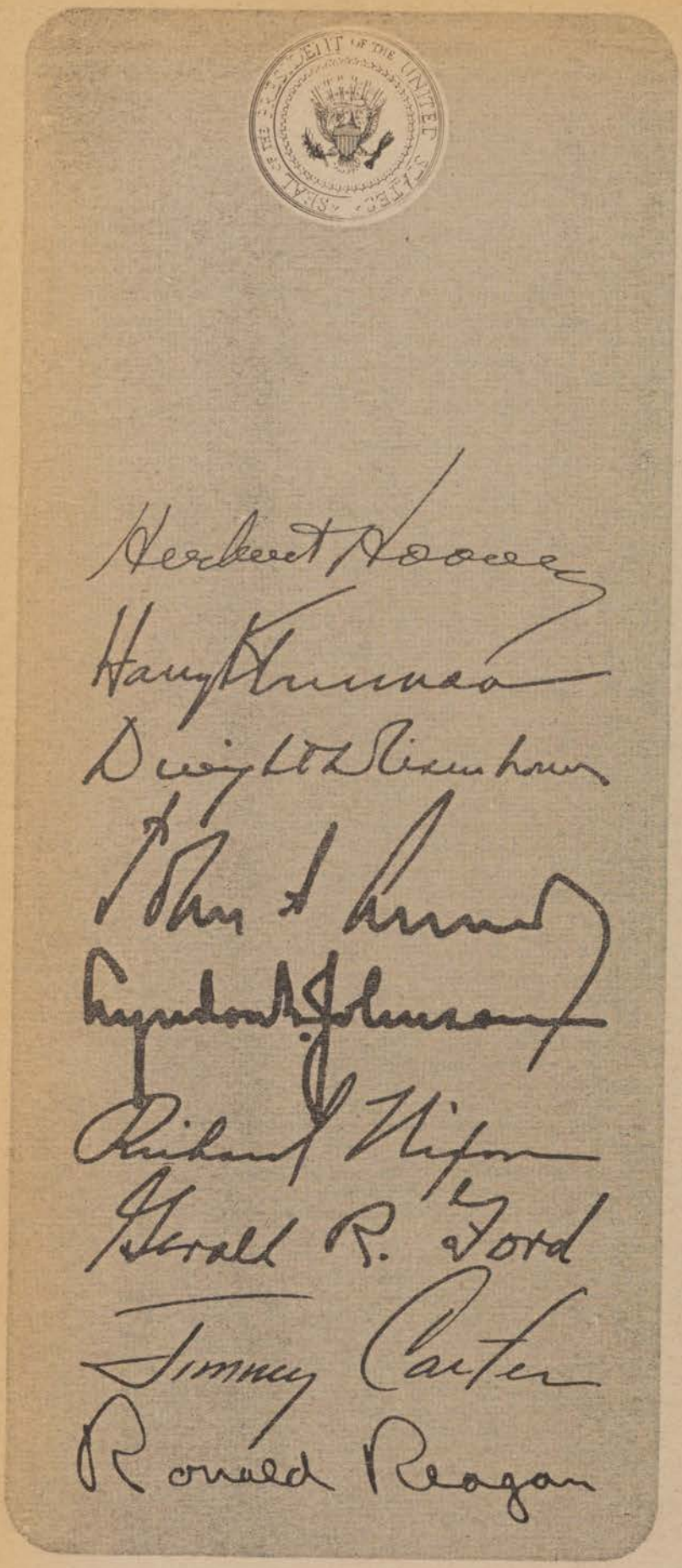

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