

12-16-86
Vol. 51 No. 241
Pages 44983-45100

Tuesday
December 16, 1986

Federal Register



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

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

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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 HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

Social Security Benefits and Supplemental Security Income; Payment of Travel Expenses; Office of Management and Budget Control Number

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These regulations supply the Office of Management and Budget (OMB) control number for the information collection requirements in §§ 404.999d and 416.1499 of our final regulations on payment of travel expenses published March 14, 1986 (51 FR 8805). OMB approved the requirements April 15, 1986, under the Paperwork Reduction Act of 1980, and approval expires April 30, 1989. Upon this publication of the OMB control number, the information collection requirements in §§ 404.999d and 416.1499 become effective.

EFFECTIVE DATE: These final regulations are effective December 16, 1986.

FOR FURTHER INFORMATION CONTACT: Cliff Terry, Office of Regulations, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7519.

SUPPLEMENTARY INFORMATION: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), Federal agencies are required to obtain OMB approval of information collection requirements that are contained in any regulations published by the agencies. To implement

provisions of this act, OMB issued regulations, 5 CFR Part 1320. OMB's regulations require Federal agencies to notify the public that an information collection requirement has been approved by OMB by issuing a notice in the Federal Register, and to display as part of the agency's regulatory text the control number assigned by OMB after approval of the requirement.

Executive Order 12291

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

Paperwork Reduction Act

Sections 404.999d and 416.1499 of these regulations contain information collection requirements which have been approved by OMB under control number 0960-0434.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities. The effect of these regulations is to permit the information collection requirements in §§ 404.999d and 416.1499 of our previously published regulations to become effective. Those regulations apply directly only to individuals. Any indirect impact on small entities that provide transportation services will be too small and diffuse to be significant. Therefore, a regulatory flexibility analysis as required by Pub. L. 96-354, the Regulatory Flexibility Act of 1980, is not necessary.

(Catalog of Federal Domestic Assistance Program Nos. 13.802—Social Security Disability Insurance; 13.803—Social Security Retirement Insurance; 13.805—Social Security Survivors' Insurance; 13.807—Supplemental Security Income)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-age, survivors and disability insurance.

20 CFR Part 416

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

Dated: July 10, 1986.

Dorcas R. Hardy,

Commissioner of Social Security.

Approved: December 8, 1986.

S. Anthony McCann,

Assistant Secretary for Management and Budget.

Parts 404 and 416 of 20 CFR are amended as follows:

PART 404—[AMENDED]

1. The authority citation for Subpart J of Part 404 is revised to read as follows, and all other authority citations which appear throughout Subpart J are removed:

Authority: Secs. 201, 204, 205, 1102, 1127, and 1631 of the Social Security Act (42 U.S.C. 401, 404, 405, 1302, 1327, and 1383); sec. 5 of Reorganization Plan No. 1 of 1953.

2. Section 404.999d is amended by revising the note at the end to read as follows:

§ 404.999d When and how to claim reimbursement.

(Approved by the Office of Management and Budget under control number 0960-0434)

PART 416—[AMENDED]

3. The authority citation for Subpart N of Part 416 is revised to read as follows, and all other authority citations which appear throughout Subpart N are removed:

Authority: Secs. 205, 1102, 1631, and 1633 of the Social Security Act (42 U.S.C. 405, 1302, 1383, and 1383b).

4. Section 416.1499 is amended by revising the note at the end to read as follows:

§ 416.1499 When and how to claim reimbursement.

(Approved by the Office of Management and Budget under control number 0960-0434)

[FR Doc. 86-28153 Filed 12-15-86; 8:45 am]

BILLING CODE 4190-11-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 60 and 61**

(A-1-FRL-3127-1)

Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs); Connecticut, Maine and Rhode Island**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Delegation of authority.

SUMMARY: Sections 111(c) and 112(d) of the Clean Air Act permit EPA to delegate to the states the authority to implement and enforce, respectively, the New Source Performance Standards (NSPS) set out in 40 CFR Part 60, Standards of Performance for New Stationary Sources, and emissions standards for hazardous air pollutants set out in 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAPs). The EPA hereby notifies the public that it has delegated authority over certain NSPS and NESHAPs source categories to the State Air Pollution Control Agencies in Region I.

EFFECTIVE DATE: December 16, 1986.

ADDRESSES: Applications and/or reports required under all NSPS/NESHAPs source categories for which EPA has delegated authority to respective States should be addressed to:

State of Connecticut:

Air Compliance Unit, Department of Environmental Protection, 165 Capitol Avenue, Hartford, CT 06106

State of Maine:

Bureau of Air Quality Control, Department of Environmental Protection, State House, Station No. 17, Augusta, ME 04333

State of Rhode Island:

Division of Air and Hazardous Materials, Department of Environmental Management, Cannon Building, Room 204, 75 Davis Street, Providence, RI 02908.

FOR FURTHER INFORMATION CONTACT:

Janet M. Sessions, EPA Region I, Air Management Division, JFK Federal Building, Boston, MA 02203, (617) 565-3249; FTS 835-3249.

SUPPLEMENTARY INFORMATION: The States of Connecticut, Maine and Rhode Island were delegated authority over the General Provisions of the NSPS and NESHAPs standards and various source categories in letters from EPA dated September 30, 1982. These letters detailed the conditions of each delegation, and thereby established a

mechanism of automatic delegation of new standards when specifically requested by the States. In accordance with this mechanism, requests for delegation were submitted to EPA and subsequently granted. The effect of these delegations is to shift primary program responsibility for the affected NSPS and NESHAPs source categories from EPA to State governments. Some States do not have full authority over the programs; limitations are noted where appropriate.

Delegations for each State are listed below:

State of Connecticut

Limitations: None; full authority delegated.

Delegations: NSPS Subparts:

000 (Nonmetallic Mineral Processing Plants), effective September 4, 1986,
Na (Basic Oxygen Process Steelmaking Facilities), effective October 30, 1986,

Delegations: NESHAPs Subpart:

N (Inorganic Arsenic Emissions from Glass Manufacturing Plants), effective October 30, 1986,

State of Maine

Limitations: None; full authority delegated

Delegations: NSPS Subpart:

000 (Nonmetallic Mineral Processing Plants), effective February 7, 1986.

State of Rhode Island

Limitations: Administrative delegation, only.

Delegations: NSPS Subparts:

000 (Nonmetallic Mineral Processing Plants), effective February 6, 1986,
PPP (Wool Fiberglass Insulation), effective February 6, 1986,
Na (Basic Oxygen Process Steelmaking Facilities), effective October 30, 1986,

Delegations: NESHAPs Subparts:

N (Inorganic Arsenic Emissions from Glass Manufacturing Plants), effective October 30, 1986,
O (Inorganic Arsenic Emissions from Primary Copper Smelters), effective October 30, 1986,
P (Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities), effective October 30, 1986.

Effective immediately, all applications, reports, and other correspondence required under these NSPS and NESHAPs standards should be sent to the above State addresses, as well as to the EPA.

This notice announces the delegations granted since November, 1985. In addition, these delegation agreements provide that authority over future

revisions to previously delegated standards will automatically be delegated to the State agency. Also, these delegation agreements provide for automatic delegation of new standards. These delegations do not create any new regulatory requirements affecting the public.

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

Authority: Sections 111(c) and 112(d) of the Clean Air Act, 42 U.S.C. 7411(c) and 7412(d).

List of Subjects in 40 CFR Parts 60 and 61

Air pollution control, Nonmetallic minerals, Wool fiberglass, Iron and steel plants, Copper smelters, Arsenic.

Dated: December 2, 1986.

Stephen F. Ells,

Acting Regional Administrator, Region I.

[FR Doc. 86-28154 Filed 12-15-86; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION**41 CFR Part 101-40**

[FPMR Temp. Reg. A-25, Supp. 2]

Travel and Transportation Expense Payment System Using Contractor-Issued Charge Cards, Government Travel System (GTS) Accounts, and Travelers Checks**AGENCY:** Federal Supply Service, GSA.**ACTION:** Temporary regulation.

SUMMARY: This supplement amends FPMR Temp. Reg. A-25 to extend the expiration date, to revise provisions to reflect updated policies that have evolved from experience with Federal agency use of the travel and transportation expense payment system, to update telephone numbers, and to cancel supplement 1.

DATES: Effective date: October 24, 1986.

Expiration date: October 24, 1987.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles T. Angelo, Director, Travel and Transportation Management Division (FBT), Washington, DC 20406, (FTS/(703) 557-1261).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12551 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more, a major increase in costs to consumers or others, or significant adverse effects. GSA has based all administrative

decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-40

Freight, Government property, Moving of household goods, Office relocations, Transportation.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter A to read as follows:

T.C. Golden,
Administrator of General Services.
November 10, 1986.

Federal Property Management Regulations, Temporary Regulation A-25, Supplement 2

TO: Heads of Federal agencies

SUBJECT: Travel and transportation expense payment system using contractor-issued charge cards, Government travel system (GTS) accounts, and travelers checks

1. *Purpose.* This supplement amends FPMR Temporary Regulation A-25 to extend the expiration date, revise provisions to reflect updated policies that have evolved as a result of the General Services Administration's experience with Federal agency use of the travel and transportation expense payment system, and update telephone numbers.

2. *Effective date.* This regulation is effective October 24, 1986.

3. *Expiration date.* This regulation expires October 24, 1987.

4. *Explanation of changes.*

a. Paragraph 1 is carried forward from supplement 1 as follows:

1. *Purpose.* This regulation prescribes policies and procedures for a travel and transportation expense payment system which provides for the use of General Services Administration (GSA) contractor-issued charge cards, Government travel system (GTS) accounts, and travelers checks by Federal agencies for the procurement of passenger transportation services, car rentals, payment to commercial facilities for subsistence (lodging, meals, etc.) and miscellaneous travel and transportation expenses during official travel.

b. Paragraph 5 is carried forward from supplement 1 as follows:

5. *Applicability.* This regulation applies to Federal agencies and departments that have voluntarily agreed to participate in GSA's

travel and transportation expense payment system using contractor-issued charge cards, GTS accounts, and travelers checks. The provisions of this regulation also apply to employees of participating agencies.

c. Subparagraph a of paragraph 9, to make clear that Government contractors are not eligible to use the charge card, is revised to read as follows:

a. *Issuing charge cards.* Participating agencies shall determine and name employees who may be issued an individual employee charge card. The employees are requested to complete an employee card account application for agency approval and submission to the contractor. The charge card is issued directly to the employee in his or her name. Government contractors, including cost reimbursable contractors, are not eligible to use the charge card.

d. Subparagraph c of paragraph 9, to update a telephone number, is revised to read as follows:

c. *Monthly contractor bills and payments.* The terms of the contract with Citicorp/Diners Club, Inc., require billing and payment to be performed in the following manner. The contractor bills charges directly to the individual employee each month. Charges billed to the individual employee are due and must be paid in full within 25 calendar days of the billing date. There are no interest or late charges and extended or partial payment is not permitted. Questions concerning billings or payments should be directed to the contractor at: 800-525-5289 or 303-799-9000.

e. Paragraph 11, to clarify the reporting of lost or stolen charge cards, to update telephone numbers and to inform agencies that these telephone numbers are also published in the Federal Travel Directory, is revised to read as follows:

11. *Lost or stolen charge cards.* Neither the participating agency nor the employee is responsible for any charges incurred against a lost or stolen card; provided, the employee must, however, report loss of the card to the contractor promptly under the terms of the cardmember agreement signed by the employee when the charge card was issued. Employees may call the following telephone numbers 24 hours a day to report lost or stolen Diners Club cards:

In the continental U.S.—800-525-9150
In Alaska and Hawaii—800-525-7470
In Canada—800-268-6454
In Puerto Rico—137-800-525-9040
In the Caribbean—809-295-9040
In Colorado (except Denver)—800-332-9340
In metropolitan Denver—779-8325

These telephone numbers are also published in the Federal Travel Directory.

f. Paragraph 14, to delete the reference to \$20 travelers checks, is revised to read as follows:

14. *Travelers checks.* Travelers checks issued under this program are available to participating agencies in denominations of

\$50, \$100, \$500, and \$1000. Specific arrangements for issuing, shipping, and paying for bulk stocks of travelers checks are made during initial discussions between Citicorp and the participating agency.

g. Paragraph 15, to update telephone numbers and to inform agencies that these telephone numbers are also published in the Federal Travel Directory, is revised to read as follows:

15. *Lost or stolen travelers checks.* Lost or stolen travelers checks shall be reported promptly by telephone to Citicorp. Employees may call the following numbers 24 hours a day to report lost or stolen travelers checks and to obtain refund information:

In the continental U.S.—800-645-6556
Outside the continental U.S.—813-623-1709
In the Middle East and Africa call the
Diners Club London Office—44-1-438-1414
In Latin America—813-626-4444
Federal Republic of Germany—0641-8488
France—1605-46-93-69
Italy—02-670-9566
Spain—01-202-6564
United Kingdom—Dial 100 ask for
FREEFONE Citicorp Travelers Checks
Tokyo—81-3-501-1348
Sydney, Australia—61-2-239-9533
Within Australia—Toll Free 2-008-022272
Singapore—65-223-109
Tai-Pai—886-2-713-3802

These telephone numbers are also published in the Federal Travel Directory.

5. *Effect on other directives.* Supplement 1 to FPMR Temporary Regulation A-25 is canceled.

[FR Doc. 86-28139 Filed 12-15-86; 8:45 am]
BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 400

[OMB-011-F]

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

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

ACTION: Final rule.

SUMMARY: This final rule amends a general HCFA regulation to display control numbers assigned by the Office of Management and Budget (OMB) for approved "collection of information" requirements that are contained in regulations governing the Medicare and Medicaid programs.

This rule is issued in accordance with OMB regulations for controlling paperwork burdens on the public (5 CFR Part 1320) and serves as notice that the collection of information is approved.

EFFECTIVE DATE: December 16, 1986.

FOR FURTHER INFORMATION CONTACT: Tom Brennan, (301) 594-8651.

SUPPLEMENTARY INFORMATION:

General Information

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), Federal agencies are required to obtain OMB approval of "collection of information" requirements that are contained in any regulations published by the agencies. To implement provisions of this Act, the OMB has established regulations under Part 1320 of title 5 of the Code of Federal Regulations (CFR). The OMB regulations require Federal agencies to notify the public that a collection of information requirement has been approved by OMB by issuing a notice in the *Federal Register*, and to display the control number assigned by OMB after approval of the requirement as part of the agency's regulatory text.

To comply with the OMB requirement that HCFA include in its regulations the OMB control numbers assigned, we have established a general regulation under 42 CFR 400.310 to display valid OMB control numbers and applicable regulation sections as a means of notifying the public. We update this regulation routinely to add the most recent OMB control numbers or to delete entries that are no longer in effect. This document contains our latest update of control numbers for existing regulations in title 42 of the CFR.

Waiver of Proposed Rulemaking

This regulation merely updates our display of OMB control numbers for approved collection of information requirements contained in HCFA regulations. It is technical in nature. To publish the regulation in proposed form is unnecessary and would serve no useful purpose. Therefore, we find good cause to waive notice of proposed rulemaking.

Impact Analysis

As noted above, this regulation is technical in nature and merely updates the display of OMB control numbers of approved collection of information requirements contained in HCFA regulations. Therefore, the Secretary has determined that this document does not meet the criteria for a major rule as defined in section 1(b) of Executive Order 12291. In addition, the Secretary

certifies, consistent with the Regulatory Flexibility Act (Pub. L. 96-354), that this document would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 42 CFR Part 400

Grant programs—health, Health facilities, Health maintenance organizations (HMO), Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 400 is amended as follows:

PART 400—INTRODUCTION: DEFINITIONS

1. The authority citation for Part 400 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh) and 44 U.S.C. Chapter 35.

2. Section 400.310 is amended by adding, in numerical order by CFR section, the following entries of sections that contain collections of information and assigned OMB control numbers.

§ 400.310 Display of currently valid OMB control numbers.

| Sections in 42 CFR that contain collections of information | Current OMB control No. |
|---|-------------------------|
| 441.301(b)(2)-(4), 441.302 (b) and (f), 441.303(a)-(g)..... | 0938-0449 |
| 442.402(a)(1)-(3) (b), 442.404 (a)(1)-(4), (b)(1)(i)-(v), (b)(2), 442.405 (a)(1)-(2), (b), 442.406 (a), (b), (d)(1)-(2), 442.407(a)-(c), 442.412(a)-(d), 442.413(c), 442.417(1)-(2), 442.421 (c), (d)(1)-(2), 442.423(a), 442.424(c), 442.425(c)(1), 442.427 (b), (c), 442.430(a), 442.434(b), 442.441(b)(3), 442.443(d)(3), 442.457(b), 442.460(a)-(c), 442.463(c)(1)-(2), 442.466(b)(1), 442.468(b), 442.475 (a)(2)(i)-(ii), (b)(1)-(3), 442.482(b), 442.483(b) (1) and (3), 442.484(d), 442.485(e), 442.486(c)(2), 442.487 (a) and (c), 442.490(d)(1)-(2), 442.492(a)-(b), 442.497(a)-(b), 442.500(a)(1), 442.501 (a)(1)-(3), (b)(1)-(9), 442.502(c), 442.503 (a) and (d), 442.505(a), 442.506 (b)(3) and (d), 442.512(a)-(b)..... | |

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

Dated: May 30, 1986.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: December 8, 1986.

S. Anthony McCann,

Assistant Secretary for Management and Budget.

[FR Doc. 86-28152 Filed 12-15-86; 8:45 am]

BILLING CODE 4120-01-M

42 CFR Part 400

[OMB-012-F]

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

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

ACTION: Final rule.

SUMMARY: This final rule amends a general HCFA regulation to display control numbers assigned by the Office of Management and Budget (OMB) for approved "collection of information" requirements that are contained in regulations governing the Medicare and Medicaid programs.

This rule is issued in accordance with OMB regulations for controlling paperwork burdens on the public (5 CFR Part 1320) and serves as notice that the collection of information is approved.

EFFECTIVE DATE: December 16, 1986.

FOR FURTHER INFORMATION CONTACT: Tom Brennan, (301) 594-8651.

SUPPLEMENTARY INFORMATION:

General Information

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), Federal agencies are required to obtain OMB approval of "collection of information" requirements that are contained in any regulations published by the agencies. To implement provisions of this Act, the OMB has established regulations under Part 1320 of title 5 of the Code of Federal Regulations. The OMB regulations require Federal agencies to notify the public that a collection of information requirement has been approved by OMB by issuing a notice in the *Federal Register*, and to display the control number assigned by OMB after approval of the requirement as part of the agency's regulatory text.

To comply with the OMB requirement that HCFA include in its regulations the OMB control numbers assigned, we have established a general regulation under 42 CFR 400.310 to display valid OMB control numbers and applicable regulation sections as a means of notifying the public. We update this regulation routinely to add the most recent OMB control numbers or to delete entries that are no longer in effect. This document contains our latest update of control numbers for the following documents published in the *Federal Register*:

• Medicaid Management Information Systems; Conditions of Approval and

Reapproval and Procedures for Reduction of Federal Financial Participation, July 30, 1985 at 50 FR 30638.

- Medicare and Medicaid; Corrections and Conforming Changes, August 16, 1985 at 50 FR 33027.

Waiver of Proposed Rulemaking

This regulation merely updates our display of OMB control numbers for approved collection of information requirements contained in HCFA regulations. It is technical in nature. To publish the regulation in proposed form is unnecessary and would serve no useful purpose. Therefore, we find good cause to waive notice of proposed rulemaking.

Impact Analysis

As noted above, this regulation is technical in nature and merely updates the display of OMB control numbers of approved collection of information requirements contained in HCFA regulations. Therefore, the Secretary has determined that this document does not meet the criteria for a major rule as defined in section 1(b) of Executive Order 12291. In addition, the Secretary certifies, consistent with the Regulatory Flexibility Act that this document would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 42 CFR Part 400

Grant programs-health, Health facilities, Health maintenance organizations (HMO), Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 400 is amended as follows:

PART 400—INTRODUCTION: DEFINITIONS

1. The authority citation for Part 400 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh) and 44 U.S.C. Chapter 35.

2. Section 400.310 is amended by adding, in numerical order by CFR section, the following entries of sections that contain collections of information and assigned OMB control numbers.

§ 400.310 Display of currently valid OMB control numbers.

| Sections in 42 CFR that contain collections of information | Current OMB control No. |
|---|-------------------------|
| • 405.165(a)(2), 405.170 (a) and (c), 405.1632 (d)(1)-(4), (e)(1)-(4), and (f)..... | 0938-0454 |
| 433.116 (e) and (g)..... | 0938-0442 |

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

Dated: May 30, 1986.

William L. Roper,
Administrator, Health Care Financing Administration.

Approved: December 8, 1986.

S. Anthony McCann,
Assistant Secretary for Management and Budget.

[FR Doc. 86-28185 Filed 12-15-86; 8:45 am]
BILLING CODE 4120-01-M

42 CFR Part 400

[OMB-010-F]

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

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

ACTION: Final rule.

SUMMARY: This final rule amends a general HCFA regulation to display control numbers assigned by the Office of Management and Budget (OMB) for approved "collection of information" requirements that are contained in regulations governing the Medicare and Medicaid programs.

This rule is issued in accordance with OMB regulations for controlling paperwork burdens on the public (5 CFR 1320) and serves as notice that the collection of information is approved.

EFFECTIVE DATE: December 16, 1986.

FOR FURTHER INFORMATION, CONTACT: Tom Brennan, (301) 594-8651.

SUPPLEMENTARY INFORMATION:

General Information

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), Federal agencies are required to obtain OMB approval of "collection of information" requirements that are contained in any regulations published by the agencies. To implement provisions of this Act, the OMB has established regulation under Part 1320 of title 5 of the Code of Federal Regulations. The OMB regulations require Federal agencies to notify the public that a collection of information requirement has been approved by OMB by issuing a notice in the Federal Register, and to display the control number assigned by OMB after approval of the requirement in the agency's regulations.

To comply with the OMB requirements that HCFA include in its regulations the OMB control numbers assigned, we have established a general regulations under 42 CFR 400.310 to display valid OMB control numbers and applicable regulation sections as a means of notifying the public. We update this regulation routinely to add the most recent OMB control numbers or to delete entries that are no longer in effect. This document contains our latest update of control numbers for the following documents published in the Federal Register:

- Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1986 Rates, September 3, 1985 at 50 FR 35648.

- Third Party Liability for Medical Assistance; FFP Rates for Skilled Professional Medical Personnel; and Supporting Staff; and Sources of State Share of Financial Participation, November 12, 1985 at 50 FR 46652.

Waiver of Proposed Rulemaking

This regulation merely updates our display of OMB control numbers for approved collection of information requirements contained in HCFA regulations. It is technical in nature. To publish the regulation in proposed form is unnecessary and would serve no useful purpose. Therefore, we find good cause to waive notice of proposed rulemaking.

Impact Analysis

As noted above, this regulation is technical in nature and merely updates the display of OMB control numbers of approved collection of information requirements contained in HCFA regulations. Therefore, the Secretary has determined that this document does not meet the criteria for a major rule as defined in section 1(b) of Executive Order 12291. In addition, the Secretary certifies, consistent with the Regulatory Flexibility Act, that this document would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 42 CFR Part 400

Grant programs-health, Health facilities, Health maintenance organizations (HMO), Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 400 is amended as follows:

PART 400—INTRODUCTION: DEFINITIONS

1. The authority citation for Part 400 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh) and 44 U.S.C. Chapter 35.

2. Section 400.310 is amended by adding, in numerical order by CFR section, the following entries of sections that contain collections of information and assigned OMB control numbers.

§ 400.310 Display of currently valid OMB control numbers.

| Sections in 42 CFR that contain collections of information | Current OMB control No. |
|--|-------------------------|
| 412.118(d)..... | 0938-0456 |
| 432.50(d)(2), 433.139(a)(2), 433.139(e), and 433.139(f)..... | 0938-0459 |

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

Dated: May 30, 1986.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: December 8, 1986.

S. Anthony McCann,

Assistant Secretary for Management and Budget.

[FR Doc. 86-28186 Filed 12-15-86; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-21; RM-5116]

Radio Broadcasting Services; Colby, KS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 250 to Colby, Kansas as that community's second FM channel in response to a petition filed by The Bailey Corporation.

DATE: Effective Date: January 22, 1987. The window period for filing applications will open on January 23, 1987, and close on February 23, 1987.

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-21, adopted November 13, 1986 and released December 8, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M

Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, in the entry for Colby, Kansas, Channel 250 is added.

Federal Communications Commission.

Mark Lipp,

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

[FR Doc. 86-28113 Filed 12-15-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-233 RM-5316]

Radio Broadcasting Services; Fulton MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates FM Channel 270C2 to Fulton, Mississippi, and modifies the license of Station WFTA(FM) to specify operation on Channel 270C2 instead of Channel 269A. This action is taken in response to a petition filed by Itawamba County Broadcasting Company, Inc., licensee of Station WFTA(FM). With this action, this proceeding is terminated.

EFFECTIVE DATE: January 20, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-233, adopted November 20, 1986, and released December 5, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800,

2100 M Street, NW., Suite 140, Washington, DC. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments is amended, under Mississippi, by removing Channel 269A at Fulton and adding Channel 270C2.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 86-28114 Filed 12-15-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-292; RM-5328]

Radio Broadcasting Services; Doniphan, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 248C2 to Doniphan, Missouri, in response to a petition filed by Jack G. Hunt, and modifies the license of Station KOEA (FM) to specify operation on Channel 248C2 instead of Channel 249A. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 22, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-292, adopted November 7, 1986, and released December 9, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments is amended by revising the entry for Doniphan, Missouri, to delete Channel 249A and add Channel 248C2.

Federal Communications Commission.

Ralph A. Haller,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-28115 Filed 12-15-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-253, RM-5271]

Radio Broadcasting Services; Minot, ND

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 295A to Minot, North Dakota, as the community's fifth local FM service, at the request of Daryl M. Kasper. The allocation can be made without requiring the imposition of a site restriction. The Table was also amended with respect to Channel 287 at Minot to reflect its use as a Class C1 facility. Canadian concurrence in these changes has been received. With this action, this proceeding is terminated.

DATES: *Effective Date:* January 22, 1987; The window period for filing applications will open on January 23, 1987, and close on February 23, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-253, adopted November 18, 1986, and released December 8, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments for Minot, North Dakota is amended by adding Channel 295A and substituting Channel 287C1 for Channel 287.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 86-28116 Filed 12-15-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-136, RM-5209]

Radio Broadcasting Services; Huntingdon, PA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission allocates Channel 278A to Huntingdon, Pennsylvania, and modifies the license of Station WRLR to operate on Channel 278A in lieu of its present Channel 292A, at the request of Huntingdon Broadcasters, Inc. Channel 292A is retained at Huntingdon for application by Juniata College or any other interested party. Channel 278A requires a site restriction of 1.9 kms north and Channel 292A requires a site restriction of 3.0 kms east. With this action, this proceeding is terminated.

DATES: *Effective Date:* January 22, 1987. The window for filing applications for Channel 292A will open on January 23, 1987, and close on February 23, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-136, adopted November 14, 1986, and released December 8, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b) the Table of Allotments, in the entry for Huntingdon, Pennsylvania, Channel 278A is added.

Federal Communications Commission.

Ralph A. Haller,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-28117 Filed 12-15-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-293, Rm-5432]

Radio Broadcasting Services; Georgetown, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 243C2 for Channel 244A at Georgetown, Texas, and modifies the license of Station KGTV-FM, to specify operation on the new frequency, at the request of Georgetown Broadcasting Co., Inc. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 22, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-293, adopted October 30, 1986 and released, December 8, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours on the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended, under Texas, by revising Channel 244A to 243C2 for Georgetown.

Mark N. Lipp,

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

[FR Doc. 86-28118 Filed 12-15-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-60; RM-5152]

Radio Broadcasting Services; Huntington, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 270A to Huntington, Texas, as that community's first FM service at the request of Robert D. Tindle. With this action, this proceeding is terminated.

DATES: *Effective Date:* January 22, 1987; The window period for filing applications will open on January 23, 1987, and close on February 23, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-60, adopted November 14, 1986, and released December 8, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202(b), the table of allotments, the entry for Huntington, Texas is amended to add Channel 270A.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 86-28120 Filed 12-15-86; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION**48 CFR Part 506**

[APD 2800.12 CHGE 34]

General Services Administration Acquisition Regulation; Justification for Other Than Full and Open Competition

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5, is amended to revise Part 506 to conform to the Federal Acquisition Regulation (FAR) as amended by FAC-84-13 which requires that the contracting officer ensure and document that each contract action that provides for other than full and open competition is taken under an approved class justification and is within the scope of the approved class justification; to delete the reference to certain class justifications which are no longer required as a result of amendments to the Federal Property and Administrative Services Act made by Pub. L. 99-145, the Department of Defense Authorization Act of 1986 as implemented by FAC 84-23; to add a new section to provide a format for justifications; and to make other miscellaneous changes. The intended effect is to improve the regulatory coverage by having it conform to applicable Federal regulations.

EFFECTIVE DATE: November 24, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. John Joyner, Office of GSA Acquisition Policy and Regulations (VP), (202) 523-4764.

SUPPLEMENTARY INFORMATION:**Background**

This rule was not published in the Federal Register for public comment because it merely implements and supplements a higher level issuance (the Federal Acquisition Regulation) that has previously undergone the public comment process. In addition, this rule primarily relates to the internal operating procedures of the agency and does not have a significant impact on contractors or offerors.

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain procurement regulations from Executive Order 12291. The exemption applies to this rule. The GSA certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). The rule merely amends the GSA regulation to make it conform to applicable Federal regulations regarding justifications for other than full and open competition. Therefore, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.).

List of Subjects in 48 CFR Part 506

Government procurement.

1. The authority citation for 48 CFR Part 506 continues to read as follows:

Authority: 40 U.S.C. 486(c)

PART 506—COMPETITION REQUIREMENTS

2. The table of contents for Part 506 is amended by revising § 506.301-1, and adding § 506.303-2 to read as follows:

PART 506—COMPETITION REQUIREMENTS**Subpart 506.3—Other Than Full and Open Competition**

Sec.

506.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

506.303-2 Content.

3. Section 506.302-1 is revised to read as follows:

506.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

A class justification has been established under the authority of section 303(c)(1) of the Federal Property and Administrative Services Act (41 U.S.C. 253(c)(1)) for the acquisition of utility services, as defined in FAR 8.301, that are available from only one source. A copy of the class justification may be obtained from the Office of GSA Acquisition Policy and Regulations (VP). The contract file for each action taken pursuant to the justification must contain a statement signed by the contracting officer that reads substantially as follows: "This contract action is taken pursuant to and is within

the scope of the class justification for other than full and open competition for the acquisition of utility services available from only one source (41 U.S.C. 253(c)(1))."

506.302-5 [Removed]

4. Section 506.302-5 is removed.
5. Section 506.303-1 is revised to read as follows:

506.303-1 Requirements.

(a) The contracting officer shall review the facts provided by technical and requirements personnel to support their recommendation to use other than full and open competition. The contracting officer must be satisfied that the facts are correct before proceeding with the acquisition.

(b) When considering whether to establish a class justification, the contracting officer should determine whether the circumstances supporting the justification would be present in other GSA contracting activities. If such circumstances would be present in other contracting activities, the contracting officer should recommend that the Associate Administrator for Acquisition Policy approve a justification for use by all GSA contracting activities. The contracting officer should send the recommendations and supporting justification to the Associate Administrator through appropriate channels for concurrence.

6. Section 506.303-2 is revised to read as follows:

506.303-2 Content.

Each justification for the use of other than full and open competition must address each requirement in FAR 6.303-2(a) and be prepared according to the format outlined below:

General Services Administration

(Identify the contracting activity)

Justification for Other Than Full and Open Competition

(Set forth the facts and circumstances that justify the use of other than competitive procedures. The justification must provide the information required by FAR 6.303-2(a)

(2) thru (11) and be listed in the same order as listed in the FAR using the following captions to identify each element:

Identification and description of action being approved.

Description of supplies or services required.

Identification of statutory authority.

Demonstration that the acquisition requires use of the authority cited.

Description of efforts to solicit as many offers as practicable.

Demonstration that the anticipated cost will be fair and reasonable.

Description of the market survey conducted.

Other facts supporting the use of other than full and open competition.

List of sources that expressed an interest in the acquisition.

Statement of actions to overcome barriers to competition.)

Contracting Officer Certification.

This justification for other than full and open competition to be used for the acquisition of (describe work to be performed or product to be delivered) is accurate and complete to the best of my knowledge and belief.

Technical/Requirements Personnel Certificate

Either refer to a certification provided by technical/requirements personnel and attach a copy to the certification or include the certification as a part of the justification and add a signature line for the technical or requirements official. This requirement applies when supporting data that is the responsibility of technical or requirements personnel form the basis for the justification.)

Date _____

(Signature of contracting officer)

Date _____

(If applicable) _____

(Signature of Technical/Requirements official)

Concurrence/Approval(s):

Date _____

(Signature of assigned legal counsel)

Date _____

(Signature of contracting director)

(If applicable) _____

Date _____

(Signature of contracting activity competition advocate)

Date _____

(If applicable) _____

(Signature of head of contracting activity)

Date _____

(If applicable) _____

(Signature of agency competition advocate)

Date _____

(If applicable) _____

(Signature of senior procurement executive)

7. Section 506.304 is revised to read as follows:

506.304 Approval of the justification.

The justification for other than full and open competition (except for contracts awarded under FAR 6.302-7) must be approved in writing by:

(a) The contracting director, as defined in GSAR 502.1, for proposed contracts of \$100,000 or less, unless the contract is exempt from the review and approval requirement by FAR 6.304(a)(1).

(b) The contracting activity competition advocate, as defined in GSAR 502.1, for contracts exceeding \$100,000 but equal to or less than \$1,000,000. The contracting director must coordinate and concur in all justifications for contracts expected to exceed \$100,000.

(c) The head of the contracting activity (HCA), as defined in GSAR 502.1, for contracts exceeding \$1,000,000 but equal to or less than \$10,000,000. The contracting activity competition advocate must coordinate and concur in all justifications for contracts expected to exceed \$1,000,000.

(d) The senior procurement executive, as defined in GSAR 502.1, for contracts exceeding \$10,000,000. The agency competition advocate, as defined in GSAR 502.1, must coordinate and concur in all justifications before submitting them to the senior procurement executive for approval.

Dated: November 24, 1986.

Patricia A. Szervo,
Associate Administrator for Acquisition Policy.

[FR Doc. 86-28140 Filed 12-15-86; 8:45 am]

BILLING CODE 6820-61-M

Proposed Rules

Federal Register

Vol. 51, No. 241

Tuesday, December 16, 1986

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 235, 250, 252 and 255

State Administrative Expense Funds, Food Distribution Program and National Inventory System (NIS)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule; notice of reopening of public comment period.

SUMMARY: A proposed rule affecting regulations governing State Administrative Expense Funds, the Food Distribution Program and creating the National Inventory System was published in the *Federal Register* (51 FR 29236) on August 15, 1986. The rule provided a 90-day comment period which closed on November 13, 1986. The NIS Program is intended to replace both the State processing of "bonus" commodities and the National Commodity Processing (NCP) Program. NIS would be the only bonus processing program available to service all eligible recipient agencies. Administratively, the changes are significant. This notice reopens the public comment period from date of publication of this notice to January 31, 1987. This reopening is necessary to provide the public the opportunity to submit additional comments based on experience gained in the six States which are participating in a pilot project concerning the NIS Program. The Department is anticipating that commentors will make significant recommendations which will aid the Department in developing the final rule.

DATE: To be assured of consideration, comments must be postmarked on or before January 31, 1987.

ADDRESS: Comments should be sent to Ms. Susan Proden, Chief, Special Operations Branch, Nutrition and Technical Services Division, U.S. Department of Agriculture, 3101 Park Center Drive, Room 602, Alexandria, Virginia 22302. All written submissions

will be available for inspection in Room 602, 3101 Park Center Drive, Alexandria, Virginia 22302 during regular business hours (8:30 a.m. to 5:00 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Proden at the above address or phone at (703) 756-3888.

SUPPLEMENTARY INFORMATION:

Background

The Department published a proposed rule concerning NIS with the intent to implement the NIS Program during the 1987-88 agreement year (July 1 through June 30). The Department is reopening the comment period to provide additional time for the public and State distributing agencies to comment on the proposed rule based on experience gained in the pilot projects currently ongoing in several States. The rule proposes to replace the State processing of bonus commodities and the NCP Program. The changes described by the proposed rule are significant. Since the State distributing agencies, processors and recipient agencies will all be affected by the rule, the Department believes that a reopening of the comment period will provide an opportunity for all affected parties to comment on the new processing program.

The Department will accept comments postmarked on or before January 31, 1987. Commentors who have already submitted comments are welcome to submit additional recommendations if they wish to address new subjects or revise remarks. Otherwise, the comments previously submitted during the initial comment period between August 15, 1986 and November 13, 1986 will be considered in the comment analysis.

Robert E. Leard,

Administrator.

[FR Doc. 86-28171 Filed 12-15-86; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 907

Navel Oranges Grown in Arizona and Designated Part of California; Minimum Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites written comments on a proposal to establish a minimum size requirement of 2.32 inches in diameter for fresh domestic shipments of California-Arizona navel oranges during the 1986-87 marketing season. The proposed action recognizes the size composition of the 1986-87 California-Arizona navel orange crop and current and prospective market conditions.

DATE: Comments must be received by December 29, 1986.

ADDRESS: Interested persons are invited to submit written comments concerning this notice. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Room 2085, South Building, Washington, DC 20250. Comments should reference the date and page number of this issue of the *Federal Register* and will be available for public inspection in the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone: 202/447-5697.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) the Administrator of the Agricultural Marketing Service has considered the economic impact of the proposed size regulation on small entities.

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

Although handlers and/or marketers are affected by size regulations, the intent of the AMAA is to benefit agricultural producers. The California-Arizona navel orange industry is

characterized by a large number of growers located over a wide area. The production area is divided into four districts which cover Arizona and a part of California. The highest proportion of the production is located in Central California (District 1), which represented 87 percent of the total production in 1985-86. District 2 is located in the southern coastal area of California and represented 12 percent of the 1985-86 production; District 3 is the desert area of California and Arizona, which represented 1 percent last season; and District 4, northern California, less than 1 percent.

This proposed rule is issued under Marketing Order 907, as amended, regulating the handling of navel oranges grown in Arizona and a designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed rule was recommended by the Navel Orange Administrative Committee (NOAC) which locally administers the marketing order.

The NOAC reports that there were 4,065 growers during the 1985-86 season and 123 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.1 (1985)) as those having average annual gross revenues for the last three fiscal years of less than \$100,000. Handlers are considered small entities if revenues are less than \$3.5 million. The California-Arizona navel orange industry is characterized by small growers. The 1985-86 industry total value of production (at the on-tree level) was \$190 million which would average \$47,000 per grower.

The domestic (regulated) market is the preferred market for California-Arizona navel oranges. It is estimated that 67 percent of the 1986-87 crop of 72,700 cars will be utilized in fresh domestic channels (48,800 cars), with the remainder being exported fresh or processed. This compares to 47,985 cars shipped to domestic markets in 1985-86, about 71 percent of the 67,867 car crop.

This proposed action would proscribe the shipment of small sized California-Arizona navel orange during the 1986-87 season. Navel oranges are classified into categories which indicate the number of oranges packed in a standard carton of 37.5 pounds. For instance, a size category designating very large size oranges would be 56's and very small sizes, 180's or 210's. The proposed regulation would prohibit the shipment of size 180's and smaller. It is difficult to ascertain the exact amount of oranges that this would preclude from shipment to the domestic fresh market because

oranges sometimes tend to get larger as the season progresses if left on the tree. Another factor complicating the exact estimation of the quantity is that the 1986-87 crop is expected to be a large one which generally tends to be made up of smaller sized oranges. The NOAC reports that growth tests indicate that the navel oranges have not been sizing as rapidly as they had earlier thus making it more difficult to predict actual outturn. However, even considering all of the above unknowns it is doubtful that the sizes precluded from shipment (180's and smaller) will represent more than 1 to 2 percent of the crop.

During the early part of the season, implementation of this regulation would tend to force the handling of the larger sized oranges first, improving grower returns and aiding in strengthening the price patterns of the larger sizes.

Prices for smaller sized oranges are usually discounted which may tend to reduce the overall price structure for all navels. At the present time, no prices are reported for size 180's and smaller navels, but size 163's are about \$1.50 per carton less than size 138's and \$2.00-\$3.50 per carton less than size 113's. It is reasonable to believe that prices for 180's and smaller are similar to or less than for 163's. Since the proposed regulation only applies to domestic shipments, smaller sized navels may be processed or exported. As not all of the crop will be utilized in domestic fresh markets, the result of the regulation would be to move toward an economic utilization which is expected to result in higher overall grower revenue.

The size regulation will apply to the entire industry, therefore, all small growers are affected. Furthermore, regulations are applied uniformly and in proportion to each grower's production. The reporting and recordkeeping requirements under M.O. 907 are incurred by handlers. However, the handlers in turn may require individual growers to utilize certain reporting and recordkeeping practices to enable handlers to carryout their functions. Costs incurred by the handlers in connection with recordkeeping and reporting requirements are likely passed on to growers. Since volume regulations are being used, it is likely that most of these reporting and recordkeeping functions would still be carried out in the absence of a size regulation. These size regulations do not require USDA inspection, thus no additional costs for such are incurred.

Consequently, when weighing costs and benefits derived from the use of size regulations, it seems highly probable that the benefits of this rule would far outweigh the cost.

Based on the above, the Administrator of the Agricultural Marketing Service has determined that the issuance of this size regulation will not have a significant economic impact on a substantial number of small entities.

Interested persons are invited to submit their views and comment on this proposal. Comments on this proposal will be received until December 29, 1986. A 10-day comment period is considered adequate because a final rule, if issued, should be issued as soon after the start of shipments of 1986-87 crop navel oranges as possible. Shipments have already begun and are expected to continue through July 1987.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

PART 907—(AMENDED)

1. The authority citation for 7 CFR Part 907 continues to read as follows:

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

2. Section 907.930 is proposed to be added to read as follows:

§ 907.930 Navel orange regulation 630.

During the period (effective date to be established) through July 31, 1987, no handler shall handle any navel oranges which are of a size smaller than 2.32 inches in diameter, such diameter to be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges in any container may measure smaller than 2.32 inches in diameter.

Dated: December 10, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division.

[FR Doc. 86-28189 Filed 12-15-86; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1065

Milk in the Nebraska-Western Iowa Marketing Area; Proposed Temporary Revision of Division Limitation Percentages

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed temporary revision of rule.

SUMMARY: This notice invites written comments on a proposal to continue to relax temporarily certain provisions of the Nebraska-Western Iowa Federal milk order. The proposed action would

relax for the months of January through March 1987 the limits on how much milk not needed for fluid (bottling) use may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The action was requested by a cooperative association representing a substantial number of procedures supplying the market in order to prevent uneconomic movements of milk.

DATE: Comments are due no later than December 23, 1986.

ADDRESS: Comments (two copies) should be sent to: Dairy Division, AMS, Room 2968, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action would provide greater assurance that handlers will not engage in uneconomic movement of the market's reserve milk supplies in qualifying such milk for pricing status under the order. The action would also tend to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the provisions of § 1065.13(d)(4) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area is being considered for the months of January through March 1987.

All persons who desire to submit written data, views or arguments about the proposed revision should send two copies of their views to the Dairy Division, AMS, Room 2968, South Building, U.S. Department of Agriculture, Washington, DC 20250, by the 7th day after publication of this notice in the *Federal Register*. The period for filing comments is limited to seven days because a longer period would not provide the time needed to complete the required procedures and

include January 1987 in the temporary revision period.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The provisions proposed to be revised are the diversion limitation percentages set forth in § 1065.13(d). The revisions would be applicable for the months of January through March 1987. The specific revisions would increase the diversion limitation percentages for the months of January through March 1987 by 15 percentage points from the present 40 percent of 55 percent. The order's diversion limits were revised temporarily from 50 to 60 percent for the months of May through August 1986, and from 40 to 60 percent for the months of September through December 1986.

Section 1065.13(d) of the Nebraska-Western Iowa milk order allows the Director of the Dairy Division to increase the diversion limitation percentages by up to 20 percentage points during any month to prevent uneconomic shipments merely for the purpose of assuring that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Associated Milk Producers, Inc. (AMPI), a cooperative association which represents producers supplying the Nebraska-Western Iowa market, requested that for the months of January through March 1987, the percentage of allowable diversions be increased 15 percentage points.

The cooperative states that producer milk pooled under the order during the months of August through October 1986 decreased slightly from the same period in 1985, while the percentage of producer milk used in Class I increased from 38 to 40 percent. However, according to AMPI, it is unlikely that production will decline substantially enough in early 1987 to justify a requirement that 60 percent of all producer milk pooled under the order be delivered to pool plants. AMPI believes that most of the impact of the Dairy Termination program will already have occurred by January 1987, and that production decreases thereafter will be insignificant. The cooperative therefore expects to have a surplus of milk to dispose of in the months of January through March 1987.

According to the association, the milk surplus to the fluid needs of the market must go to manufacturing facilities. For the purposes of preserving milk quality by requiring less pumping and allowing

milk to be moved in the most efficient manner possible, the cooperative states that the most desirable way of handling the additional milk is to ship it directly to nonpool plants. AMPI believes that the proposed temporary increase in diversion limits will have no effect on the ability of distributing plants to obtain needed supplies of milk for Class I use, and will prevent uneconomic shipments merely for the purpose of assuring that dairy farmers historically associated with the market will continue to have their milk priced under the order.

Therefore, it may be appropriate to relax the aforementioned provisions of § 1065.13(d) for the months of January through March 1987 to prevent uneconomic shipments of milk.

List of Subjects in 7 CFR Part 1065

Milk marketing orders, Milk, Dairy products.

The authority citation for 7 CFR Part 1065 continues to read as follows:

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

Signed at Washington, DC on December 11, 1986.

Edward T. Coughlin,

Director, Dairy Division.

[FR Doc. 86-28190 Filed 12-15-86; 8:45am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 86-028P]

Silicon Dioxide as a Processing Aid in the Dispersion of Tocopherol in Pump Curing Solutions

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) has been petitioned to amend the Federal meat inspection regulations to permit the use of silicon dioxide as a processing aid in dry bacon curing premixes for tocopherol dispersion in pump curing solutions. The Food and Drug Administration has determined this substance to be generally recognized as safe (GRAS) at levels of up to 4.0 percent in a premixed curing base to disperse tocopherol in the pump cure solution for bacon. FSIS has determined that it is now appropriate to add silicon dioxide as a processing aid to the list of acceptable ingredients in the Federal meat inspection regulations.

DATE: Comments must be received on or before February 17, 1987.

ADDRESS: Written comments may be sent to the U.S. Department of Agriculture, Food Safety and Inspection Service, Policy Office, ATTN: Annie Johnson, FSIS Hearing Clerk, Room 3168-S, Washington, DC 20250. (See "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Margaret O. K. Glavin, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made an initial determination that this proposal is not a major rule under Executive Order 12291. It will not result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The proposed rule would provide for the use of silicon dioxide as a processing aid at levels of up to 4.0 percent in dry tocopherol containing bacon curing premixes. The current Federal Meat Inspection regulations do not provide for the use of silicon dioxide in bacon. Industry may benefit from this action through the ability to use a processing aid which would help to achieve greater and more uniform dispersion of tocopherol in pump cured bacon. Consumers may benefit from this action since nitrosamine formation in bacon is reduced when tocopherol is used and is more evenly dispersed throughout the bacon pump cure solution.

Effect on Small Entities

The Administrator has determined that this proposed rule would not have a significant economic impact upon a substantial number of small entities, as

defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rulemaking would impose no new requirement on industry; rather, it would permit the meat industry to use a processing aid in bacon curing premixes to assist in the dispersion of tocopherol in pump cure solutions. Use of this processing aid substance would be entirely voluntary.

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Hearing Clerk and must bear reference to the docket number located in the heading of this document. All comments submitted pursuant to this proposal will be made available for public inspection in the Policy Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

The Agency has been petitioned by Diamond Crystal Salt Company to amend the Federal meat inspection regulations to allow the use of silicon dioxide as a processing aid in dry bacon curing premixes containing tocopherol. This request is a followup to the final rule on alpha-tocopherol published in the Federal Register July 5, 1985 (50 FR 27573).

These dry bacon curing premixes consist of salt, tocopherol, silicon dioxide, and lecithin. Silicon dioxide acts as a dispersant for dry mixes. It improves the flow properties and increases the rate of dispersion by keeping particles separated and permitting water to wet them individually versus forming lumps. This is necessary since alpha-tocopherol is a water-insoluble substance. At a level of 4.0 percent of the dry curing base, silicon dioxide provides optimum dispersability to attain a near 100 percent dispersion of tocopherol in pump cured bacon. The pump cured bacon using such a premix would contain 500 ppm of tocopherol.

The petitioner has supplied analytical data supporting its claims and indicating that wholesomeness is not affected when bacon is processed with this substance. The quantity of substance required to maximize dispersion of tocopherol in bacon pump cure solutions is not more than 4.0 percent of the dry

bacon curing premix at formulation. Data are available from the Standards and Labeling Division at the address given under "For Further Information Contact."

The Food and Drug Administration (FDA) has advised FSIS that it considers silicon dioxide as GRAS at levels not to exceed 4.0 percent of the premix and under the use conditions proposed.

Proposed Amendment

The Administrator finds that (1) the proposed use of this substance would be in compliance with applicable FDA requirements, (2) its use would be functional and suitable for the products intended, (3) the substance would be used at the lowest level necessary to accomplish its intended technical effect, and (4) the use of this substance in products would not render them adulterated, misbranded, or otherwise not in accordance with the requirements of the Federal Meat Inspection Act.

Therefore, FSIS is proposing to amend the table of approved substances in 9 CFR Part 318 to include the use of silicon dioxide as a processing aid in tocopherol-containing bacon curing premixes for the dispersion of tocopherol in pump cured bacon.

List of Subjects in 9 CFR Part 318

Food additives, Meat inspection.

PART 318—[AMENDED]

The Federal meat inspection regulations would be amended as follows:

1. The authority citation for Part 318 would continue to read as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq.*); 72 Stat. 862, 92 Stat. 1069, as amended (7 U.S.C. 1901 *et seq.*); 76 Stat. 663 (7 U.S.C. 450 *et seq.*), unless otherwise noted.

2. Section 318.7(c)(4) would be amended by adding the substance "silicon dioxide" to the chart of substances approved for use in the preparation of products. This substance would be placed in alphabetical order under the class of substances titled "Miscellaneous".

§ 318.7 Approval of substances for use in the preparation of products.

(c) * * *
(4) * * *

| Class of substance | Substance | Purpose | Products | Amount |
|--------------------|-----------------|---------------------------|---|---|
| Miscellaneous | Silicon dioxide | Processing aid/dispersant | Tocopherol-containing bacon curing premixes | At level not to exceed 4.0 percent in dry premix. |

Done at Washington, DC, on: November 28, 1986.

Lester M. Crawford,

Acting Administrator, Food Safety and Inspection Service.

[FR Doc. 86-28132 Filed 12-15-86; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 1 and 140

[FHWA Docket No. 86-18]

Reimbursement for Railroad Work

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA proposes to revise its regulation on reimbursement for railroad work to allow Federal-aid highway funds to be used to pay for various overhead and indirect construction costs incurred by railroads performing work on Federal-aid highway projects.

DATE: Comments must be received on or before February 17, 1987.

ADDRESS: Submit written comments, preferably in triplicate, to the Federal Highway Administration, HCC-10, FHWA Docket No. 86-18, Room 4205, 400 Seventh Street, SW., Washington, DC 20590. All comments and suggestions received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: James A. Carney, Office of Engineering, 202-366-4652; or Michael J. Laska, Office of the Chief Counsel, 202-366-1383, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

The FHWA's current regulation dealing with reimbursement for railroad work performed on Federal-aid highway projects is contained in 23 CFR Part 140, Subpart I. Under existing § 140.906(b), certain types of overhead expenses incurred by the railroads are eligible for Federal participation. Specifically, worker compensation insurance, public liability and property damage insurance, and fringe benefits the railroad has established for the benefit of its

employees, such as vacation pay, retirement benefits, etc., are eligible for Federal participation. However, other types of overhead or indirect costs that a railroad typically incurs but which may not be readily identifiable with one specific task, job, or work order such as, office, payroll, personnel, accounting and audit expenses have not been considered eligible for Federal participation.

Recently the railroad industry raised the issue of compensation for various overhead expenses the FHWA has not paid for in the past. Upon review of this matter, the FHWA agrees that the railroads, in performing construction work with their own labor forces on Federal-aid highway projects, are incurring several overhead expenses for which they do not receive compensation with Federal funds. As a consequence, these nonreimbursable costs have to be absorbed by the individual railroads and those railroads which work on a larger volume of Federal-aid projects would typically have to absorb the greater amount of costs.

The FHWA is proposing to amend its regulation to allow Federal funds to participate in overhead and indirect construction costs not charged directly to a construction activity, provided these costs are allocated to the construction activity on an equitable basis. This change is being proposed so that railroad companies may be more fully compensated for the costs they incur in performing construction work with their own labor forces on Federal-aid highway projects.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. The FHWA has also determined that the expected impact of this proposed revision will be minimal. Although railroad companies may be reimbursed for additional types of overhead or indirect expenses, the economic impact on the overall highway program is negligible. Accordingly, a full regulatory evaluation is not required. For these reasons and under the criteria of the Regulatory Flexibility Act (Pub. L. 96-354), the FHWA hereby certifies that this proposal, if promulgated, will not have a significant economic impact on a substantial number of small entities. (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.)

In consideration of the foregoing, the FHWA proposes to amend Part 1 and Part 140, Subpart I to Chapter I of Title 23, Code of Federal Regulations, as set forth below.

List of Subjects in 23 CFR Part 140

Grant programs—transportation, Highways and roads, Railroads.

Issued on: December 8, 1986.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

The FHWA proposes to amend 23 CFR Parts 1 and 140, Subpart I as follows:

PART 1—GENERAL

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

Authority: 23 U.S.C. 315; 49 CFR 1.48(b).

§ 1.11 [Amended]

2. In § 1.11, paragraph (a) is amended by removing the words "paragraphs (b) and (c)" and inserting in lieu thereof the words "paragraph (b)" each place they appear in the text.

PART 140—REIMBURSEMENT

Subpart I—Reimbursement for Railroad Work

3. The authority citation for Part 140, Subpart I continues to read as follows:

Authority: 23 U.S.C. 315; 49 CFR 1.48.

4. Part 140, Subpart I is amended by adding § 140.907 to read as follows:

§ 140.907 Overhead and indirect construction costs.

(a) Overhead and indirect construction costs are those costs which are not readily identifiable with one specific task, job, or work order. Costs of this nature generally are distributed or allocated to the applicable job or work orders, other accounts and other functions to which they relate. Distribution and allocation is made on a uniform basis which is reasonable, equitable, and in accordance with generally accepted cost accounting practices.

(b) Overhead and indirect construction costs not charged directly to work order or construction accounts may be allocated to the railroad work provided the allocation is made on an equitable basis. All costs included in the allocation shall be eligible for Federal reimbursement, reasonable, and actually incurred by the railroad.

(c) Costs not eligible for Federal reimbursement include, but are not limited to, the costs associated with advertising, sales promotion, interest on borrowings, the issuance of stock, bad debts, uncollectible accounts receivable contributions, donations, entertainment, fines, penalties, lobbying, and research programs.

(d) The records supporting the entries for overhead and indirect construction costs shall show the total amount, rate, and allocation basis for each additive, and are subject to audit by representatives of the State and Federal Government.

[FR Doc. 86-28137 Filed 12-15-86; 8:45 am]

BILLING CODE 4910-22-M

23 CFR Part 655

[FHWA Docket No. 85-27]

National Standards for Traffic Control Devices; Proposed Amendments to the Manual on Uniform Traffic Control Devices; Tourist Oriented Directional Signs; Extension of Comment Period

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Extension of comment period.

SUMMARY: The FHWA issued a notice of proposed amendments to the Manual on Uniform Traffic Control Devices which was published in the *Federal Register* December 17, 1985, at 50 FR 51404 with the comment period closing on July 19, 1986. The FHWA Docket No. 85-27 for request II-110 (Change) on tourist oriented directional signs will remain open for public comments until July 24, 1987. This extension is being provided in response to a request by the National Committee on Uniform Traffic Control Devices that additional time was needed to evaluate the need for standards and to develop a response.

DATE: Comments must be received on or before July 24, 1987.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 85-27, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., ET, Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Philip O. Russell, Office of Traffic Operations, (202) 366-2184, or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 366-1383, Federal

Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

(23 U.S.C. 315, CFR 1.48).

Issued on: December 8, 1986.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 86-28136 Filed 12-15-86; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 552

Regulations Affecting Military Reservations; Firearms and Weapons

AGENCY: Department of the Army, DOD.

ACTION: Notice of proposed rulemaking.

SUMMARY: This rule establishes the criteria for possessing, carrying, concealing, and transporting firearms and/or other deadly or dangerous weapons on the Fort Stewart/Hunter Army Airfield installations. The installation commander is required to enact this rule due to 32 CFR Part 552. This rule provides guidance on prohibited items and the requirements for possession, use, and storage under certain conditions for anyone (military or civilian) employed on, visiting, or traveling through or on the above installations.

DATE: Comments must be received by February 17, 1987.

ADDRESS: Comments should be sent to Commander, 24th Infantry Division (Mechanized) and Fort Stewart, Attention: AFZP-JAA, Fort Stewart, Georgia 31314-5019.

FOR FURTHER INFORMATION CONTACT: CPT Richard Luebke (Principal Attorney), 912-767-2953, or CPT Dennis Wilde (Operations Officer), 912-767-4801.

SUPPLEMENTARY INFORMATION: The installation commander is responsible for the efficient and economical operation, service, and supply of personnel, units, and activities assigned to or under the jurisdiction of the 24th Infantry Division (Mechanized) and Fort Stewart, and for ensuring that reasonable precautions are taken to safeguard personnel and property within his command. The purpose of this rule is to establish guidelines for possessing, carrying, concealing, using, and transporting firearms and/or other deadly or dangerous weapons at Fort

Stewart and Hunter Army Airfield. This rule specifically addresses what weapons or devices are prohibited, the penalties for noncompliance, the requirements for possession and use, those persons subject to the rule, the disposition of confiscated/seized weapons, and those persons exempt from the rule. This rule is authorized by 10 U.S.C. 3012, 32 CFR Part 552, and Army Regulation 210-10, 1 November 1977, Installations—Administration. The requirements of the rule will be monitored by installation law enforcement personnel, commanders, supervisors, and managers. Any public comments should be mailed to the address as cited above. After receipt of public comments, a determination will be made on whether to conduct formal or informal hearings. Public comments should include a request for a public hearing, if appropriate.

List of Subjects in 32 CFR Part 552

Firearms, Guns, Weapons, Munitions, Military installations.

For the reasons set out in the preamble, Title 32, Chapter V, Part 552 of the Code of Regulations is proposed to be amended as follows:

1. The authority citation for Part 552 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 3012, 15 U.S.C. 1601, 18 U.S.C. 1382, 31 U.S.C. 71, 40 U.S.C. 258a, 41 U.S.C. 14, 50 U.S.C. 797.

2. Subpart G is added to read as follows:

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

* * * * *

Subpart G—Firearms and Weapons

| Sec. | Purpose. |
|---------|--|
| 552.98 | Purpose. |
| 552.99 | Applicability. |
| 552.100 | Definitions. |
| 552.101 | Prohibitions. |
| 552.102 | Requirements for possession and use. |
| 552.103 | Requirements for carrying and use. |
| 552.104 | Disposition of confiscated/seized weapons. |

Subpart G—Firearms and Weapons

§ 552.98 Purpose.

This regulation establishes the criteria for possessing, carrying, concealing, and transporting firearms and/or other deadly or dangerous weapons and instruments on the Fort Stewart/Hunter Army Airfield (AAF) installations.

§ 552.99 Applicability

(a) The provisions of this regulation apply to all Department of Defense (DOD) military; civilian personnel; U.S. Army Reserve/National Guard (USAR/NG) personnel on post for active duty training or inactive training in conjunction with Active Army elements, military family members; and civilians employed on, visiting, or traveling through or on the Fort Stewart/Hunter AAF installation.

(b) This regulation will not become void in its entirety merely because one part or portion thereof is declared unconstitutional or void.

(c) This regulation is punitive. Military violators of the regulation may be prosecuted under the Uniform Code of Military Justice or may be subject to administrative action. Civilian violators may be subject to administrative or judicial action under Title 18, United States Code, or Title 16, Criminal Code of Georgia.

§ 552.100 Definitions.

(a) *Ammunition.*—Projectiles together with their fuses, propelling charges, and primers that are designed to be expelled from a firearm. This includes any type of military and commercial ammunition (ball, tracer, incendiary, blank, shotgun, black powder, and shot).

(b) *BB and pellet guns.*—Any type-rifle, pistol or other instrument designed or redesigned, made or remade, modified or remodified to expel BB's or pellets by springs, compressed air, CO₂ or any other compressed gas cartridge.

(c) *Dangerous instruments.*—Any device which is designed or redesigned, made or remade, modified or remodified to be used as an offensive or defensive weapon. Devices of this type include but are not limited to:

(1) Any type chain, or similar item worn as a belt, which can be readily removed, and used as an offensive and/or defensive weapon, such as a motorcycle chain.

(2) "Constant companion" or any similar weapon, designed or redesigned, made or remade, modified or remodified to be worn as a belt buckle, brass knuckles, "Knucklers," and "Knucks."

(3) Studded or spiked wrist bands, or any device designed or redesigned, made or remade, modified or remodified to fit over the hand or wrist, such as sap gloves, which can be used to cause grave bodily harm.

(4) Black jacks, slapjacks, slappers, saps, including homemade substitutes or other bludgeons with or without handles, to include pipes.

(5) "Nanchaku" (num-chucks), two or more sticks connected by rope, cord or chain and normally used as a material

arts weapon. "Shuriken", a disc or any geometrical shape, designed to be thrown as a weapon. "Manrikigusari" or "Kusari," a rope or cord joined to a weight at each end.

(6) Any finger ring, with blades or sharp objects that are capable of being projected/extended from the surface of the ring.

(7) Any device capable and primarily intended for discharging darts or needles.

(8) All firearms.

(d) *Explosive, incendiary, and pyrotechnic devices.* Any type of military or commercial explosive, incendiary, gas or smoke bomb, grenade, rocket, missile, mine, blasting cap, "dummy" and/or practice device such as simulators, other similar detonating devices which are capable of being altered to contain a live charge, and pyrotechnic devices such as a firecrackers, cherry bombs, bottlerockets and starclusters.

(e) *Firearms.* Any type of weapon which is designed or redesigned, made or remade, modified or remodified to expel a projectile by action of any explosion; and the frame or receiver of any such weapon. This includes handguns, starter guns and blank guns. This does not include antique firearms, and those modern firearms which have been rendered permanently incapable of being fired.

(f) *Knives, sabers, swords, and machetes.* Any instrument having a sharp blade which is fastened to a handle, or made with a handle. Measurement of blade will be from the tip of the blade to the point where the blade meets the handle. This includes folding knives, switchblades, gravity knives, stiletos, lock blade knives, swords, sabers, and machetes.

(g) *Machine gun and automatic weapon.* A weapon designed or redesigned, made or remade, modified or remodified to fire automatically more than one shot by a single pull of the trigger.

(h) *Public gathering.* Shall include, but shall not be limited to, athletic or sporting events, schools or school functions, churches or church functions, rallies or functions, or establishments at which alcoholic beverages are sold for consumption on the premises.

(i) *Shotgun.* A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder; and designed or redesigned, made or remade, to use the energy or the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(j) *Sawed-off shotgun.* A shotgun or any weapon made from a shotgun whether by alteration, modification, or otherwise having one or more barrels less than 18 inches in length or if such weapon as modified has an overall length of less than 26 inches.

(k) *Sawed-off rifle.* A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder; and designed or redesigned, made or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only as a single projectile through a rifle bore for each single pull of the trigger; and which has a barrel or barrels of less than 16 inches or has an overall length of less than 26 inches.

(l) *Silencer.* Any device used for silencing or diminishing the report of any firearm.

(m) *Weapon.* An instrument of offensive or defensive combat.

§ 552.101 Prohibitions.

(a) *Prohibited items.* It is prohibited to possess, carry, conceal, transport, store, transfer or sell any of the following weapons or devices on, through or within the confines of Fort Stewart and Hunter AAF installations unless specifically allowed elsewhere in this regulation:

(1) Sawed-off shotgun.

(2) Sawed-off rifle.

(3) Machine gun and automatic weapons.

(4) Silencers.

(5) Dangerous instruments, as defined in paragraph c-3.

(6) Explosives, Incendiary and Pyrotechnic Devices, as defined in paragraph c-4.

(7) Knives with automatic blade openers (i.e., switch blades, gravity knives, stiletos) of any blade length. Folding or fixed bladed knives with a blade length of more than 3 inches. Swords, sabers, and machetes with sharpened blades.

(8) Shotgun shells loaded with buckshot.

(9) Any object which carries an electrical current of sufficient wattage to deliver a shock to a person, such as cattle prods, "taser" or "public defenders."

(10) Charged mace and/or gas cannisters.

(11) Any other device which is carried or transported in an open or concealed manner, and is used or intended to be used for an unlawful purpose.

(b) *Carrying a concealed weapon.* A person commits the offense of carrying a concealed weapon when he/she knowingly has or carries about his/she

person, unless in an open manner and fully exposed to view, any bludgeon, metal knuckles, firearm, or knife designed for the purpose of offense and defense, or any other dangerous or deadly weapon or instrument of like character outside of his/her home or place of business.

(c) *Carrying Deadly Weapons to or at Public Gatherings.* A person commits an offense under this section when he/she carries to or while at a public gathering any explosive compound, firearm, or knife designed for the purpose of offense and defense. This paragraph shall not apply to competitors participating in organized sport shooting events, military personnel in a formation when a weapon is required, or to police/security personnel while in performance of their duties.

(d) *Prohibited Possession and Storage.* It is prohibited for any person, military or civilian, to possess or store ammunition, firearms, knives with blades more than 3 inches, bows and arrows, crossbows, and BB and pellet guns, in locations other than those locations specified in paragraph e, except under conditions specified in paragraph f. Prohibited locations for these items include, but are not limited to, living spaces and common areas of billets, squad rooms, privately-owned vehicles, exterior storage sheds, camper trailers, and offices. Commanders will designate an arms room and times for weapons turn-in. During periods when arms rooms are closed, the Staff Duty Officer (SDO) will ensure the weapon is secured in accordance with (IAW) this regulation. A receipt will be given for each weapon received, reflecting the weapon's make, serial number, identity of owner and other data deemed appropriate.

(e) *Exemptions.* Nothing in this regulation shall prohibit:

(1) Military members or DOD civilian employees from possessing or using military weapons, military ammunition or explosives, or military devices in a lawful manner while in the performance of their military duties or for training or other authorized purposes, as prescribed by applicable Army Regulations.

(2) Military and DOD civilian personnel, while in the performance of official law enforcement duties, from possessing or using government ammunition, explosives or devices in a lawful manner, as prescribed by applicable laws or regulations or by their lawful superiors.

(3) Federal, state, county or local law enforcement personnel, while in the performance of official law enforcement duties, from possessing or using government or privately-owned

weapons, ammunition, explosives or devices in a lawful manner, as prescribed by applicable laws or regulations or by their lawful superiors.

(4) Government contractors, while in performance of their contract from possessing or using weapons, ammunition, explosives or devices, IAW the provisions of their contract and as determined by the Contracting Officer.

(5) Individuals with Federal Firearms Licenses (Class III) from possessing, carrying, and transporting Class III weapons IAW Federal regulations; however, they are prohibited from concealing, storing, transferring, or selling Class III weapons within the confines of Fort Stewart and Hunter AAF.

(6) Individuals from possessing, carrying, transporting, or storing decorative, ornamental, and ceremonial swords and sabers within the confines of Fort Stewart and Hunter AAF when used strictly for display and ceremonies. When used as a cutting instrument, they become a prohibited item.

(7) Individuals and agencies from possessing, transporting, storing, selling, or using fixed bladed knives with a blade length of more than 3 inches when used for their lawful purpose (i.e., steak knives, cooking knives, hunting knives) and when in compliance with all other requirements in this regulation.

§ 552.102 Requirements for possession and use.

DOD military and civilian personnel, their family members, USAR/NG personnel and civilians employed on, visiting or traveling through this installation may possess legally-defined and privately-owned firearms, ammunition, BB and pellet guns, knives, bows and arrows, and crossbows under the following conditions:

(a) Privately-owned firearms, crossbows, BB and pellet guns possessed or stored on the installation must be registered at the installation Provost Marshal's Office within three working days after arrival on the installation, or after obtaining the weapon, except:

(1) Firearms legally brought onto the installation for the purpose of hunting or firing at an approved firing range, and only for the period of time the person possessing the firearms is hunting or firing on the range.

(2) Firearms carried by federal, state, county or local law enforcement personnel when in the performance of official law enforcement duties.

(3) Firearms carried or transported, in full compliance with Georgia State Laws, on Georgia State Highways 119

and 144 by personnel traveling through the installation only. Travel off of these state highways or stopping, other than for emergency purposes, while on the installation is prohibited.

(b) Personnel residing in family housing, BOQ, BEQ/VOQ and guest housing, may store legally-acquired, authorized ammunition, knives with a blade measuring more than three inches, bows and arrows, registered crossbows, registered BB and pellet guns and registered firearms within their quarters.

(c) Personnel residing in troop billets may store legally-acquired authorized ammunition, knives with blades measuring more than three inches, bows and arrows, registered crossbows, registered BB and pellet guns and registered firearms in unit arms rooms. To remove stored items requires the soldier to have written authorization from the unit commander. The unit commander must contact the Office of the Staff Judge Advocate before denying a soldier access to the soldier's privately-owned weapon stored in the arms room. The authorization will contain the soldier's name, grade, and unit and identifying data on the weapon, the time period the weapon will be out of the arms room, and the purpose for removal.

(d) Persons using weapons borrowed from another must have the documentation required in paragraph f, as applicable, in their possession when carrying, transporting or using the weapon on the installation.

(e) Persons under the age of 17 must be accompanied by a person over the age of 21 who will be responsible for compliance with the requirements of this regulation while hunting or target shooting on the installation and when purchasing legal arms (including knives with blades over 3 inches) and ammunition from installation retail outlets.

(f) Persons must be in compliance with federal and state laws regarding possession (i.e., age, criminal record restrictions, etc.).

(g) Storage, accountability and registration procedures will be IAW AR 190-11 and supplements.

§ 552.103 Requirements for carrying and use.

Persons legally authorized to possess firearms, ammunition, knives (with blades longer than three inches), bows and arrows, and crossbows, may carry or transport legally possessed and registered (if required) weapons under the following conditions:

(a) For purposes of hunting; from quarters, on or off the installation, by

the most direct route to hunting area or Pass and Permit Office and return. Stopping at other installation facilities while enroute is prohibited (i.e., Post Exchange, Club, offices, etc.). Individual must have in his/her possession weapon registration (if applicable), valid state hunting license, valid Fort Stewart hunting permit and an area access pass (if applicable).

(b) For purposes of target shooting, selling the weapon or having the weapon repaired, from quarters by the most direct route to approved range or to location where the weapon is to be sold or repaired and returned. Stopping at other installation facilities while enroute is prohibited. Individual must have in his/her possession weapon at all times his/her registration (if applicable).

(1) When carried, weapons will be carried in an open manner (not concealed). Firearms will be unloaded when carried (i.e., projectiles physically separated from the firearms, not just removed from the chamber), except when actually engaged in hunting or shooting. Knives will be carried in a sheath or scabbard worn in a clearly visible manner. Commanders may authorize the carrying of a privately-owned knife with a blade over three inches to field duty, provided it is carried IAW the Victory Standard and exposed in a sheath/scabbard. The Provost Marshal may authorize the carrying of a privately owned, sheathed, lock blade knife on military and DOD police officer's pistol belts.

(2) When transported in a vehicle, weapons will be in plain view in the passenger area of the vehicle or secured (locked) in the trunk or other rear compartment of the vehicle, not readily accessible from the passenger area (i.e., locked tool box secured to bed of a truck). Firearms will be unloaded and the ammunition physically separated from the firearms. The glove compartment of a vehicle is NOT an authorized compartment for storing pistols.

(3) Firearms, bows and arrows, crossbows, BB and pellet guns will not be loaded, fired or used within the cantonment areas of the installation; within 50 yards of any public highway, street or Fort Stewart numbered road or across same; within 100 yards of any designated recreation area, managed waters, buildings or similar structures; any aircraft landing facility (to include currently used landing or stage fields); any ammunition storage area (except on approved firing range when properly authorized).

(4) Persons not affiliated with DOD or

this installation must remain on Georgia State Highway 119 and 144 when carrying or transporting weapons through the installation and must be in full compliance with Georgia State Law governing possession, use and transportation of said weapons. Travel off of these highways or stopping, for other than emergency purposes, while on the installation, is prohibited.

§ 552.104 Disposition of confiscated/seized weapons.

All weapons, ammunition, explosives or other devices defined in this regulation, that are confiscated pursuant to the commission of a crime or violation of this or other regulation or found unsecured/unattended on the installation, will be immediately turned over to the military police, U.S. Army Criminal Investigation Command (USACIDC), or the Federal Bureau of Investigation (FBI) for investigation, retention as evidence, or other lawful disposition. When retention for investigation or evidence is no longer required by military police, USACIDC, or other law enforcement or judicial agencies, the items will be disposed of under the provisions of AR 195-5, Evidence Procedures.

Richard Luebke,

Captain, U.S. Army Judge Advocate General's Corps Principal Attorney.

[FR Doc. 86-28141 Filed 12-15-86; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

Grants for Nurse Anesthetist Traineeships

AGENCY: Public Health Service, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposed regulations set forth the requirements for grants to public or private nonprofit institutions to cover the costs of traineeships for the training of registered nurses to be nurse anesthetists.

DATE: Comments on the proposed regulations are invited. To be considered, comments must be received by February 17, 1987.

ADDRESS: Written comments may be addressed to the Director, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-05, Parklawn Building, Rockville, Maryland 20857. All

comments received will be available for public inspection and copying at the above address (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas P. Phillips, Chief, Advanced Nurse Training Resources Branch, Division of Nursing, Bureau of Health Professions, 5C-26 at the above address; telephone 301-443-6333.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health, with the approval of the Secretary of Health and Human Services, proposes to add a new Subpart F to Part 57 of Title 42 of the *Code of Federal Regulations* to implement section 831 of the Public Health Service Act (the Act). Section 831 was added to the Act by the Nurse Training Amendments of 1979 (Pub. L. 96-76) and extended by section 8(1) of the Orphan Drug Act (Pub. L. 97-414) in fiscal year (FY) 1984. Authorization for FY 1985 is continued by the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriation Act, 1985, Pub. L. 98-619, enacted on November 8, 1984.

Section 831 of the Act authorizes the Secretary to make grants to public or private nonprofit institutions to cover the costs of traineeships for the training of registered nurses to be nurse anesthetists. The following is a summary of the major items in the proposed regulations:

§ 57.502 Definitions.

The term "nurse anesthetist training program" is defined as a full-time educational program which: (1) Is designed to qualify registered nurses as nurse anesthetists; and (2) is accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs/Schools (CANAEPS).

Section 831 of the Act requires that the nurse anesthetist program be accredited by an entity or entities designated by the Secretary of Education. CANAEPS is the accrediting entity for nurse anesthetist programs recognized by the Secretary of Education. Therefore, certification by CANAEPS is a requirement of the definition of nurse anesthetist training programs.

§ 57.506 How is the amount of the award determined?

Section 57.506 states that the Secretary will use a formula,

$$G = F \times \frac{N}{E}$$

to determine the amount to be awarded to each approved nurse anesthetist training program. G represents the amount of grant to be awarded. F represents the amount of traineeship funds appropriated to implement section 831 in the fiscal year in which application is made. E represents the total number of full-time students enrolled beyond the twelfth month of study in all the approved applicant nurse anesthetist training programs. N represents the number of full-time students enrolled beyond the twelfth month of study in the applicant nurse anesthetist training program.

The Department intends to fund every approved application and proposes this formula as an equitable way of distributing grants. The formula permits each applicant to receive a proportional share of the available funds based on its enrollment of students who are beyond the twelfth month of study.

§ 57.507 For what purposes may grant funds be spent?

This provision has been clarified to indicate that grant funds may be spent only for traineeships.

§ 57.509 Who is eligible for financial assistance as a trainee?

Section 57.509(b) would require the registered nurse to be enrolled as a full-time student beyond the twelfth month of study in the nurse anesthetist training program to be eligible to receive a traineeship. In addition, § 57.509(c) would require that the registered nurse demonstrate financial need, as determined by the institution.

Paperwork Reduction Act of 1980

Sections 57.509, 57.510, and 57.512(b) of this proposed rule contain information collection activities which are subject to review by the Office of Management and Budget (OMB) under section 3504(h) of the Paperwork Reduction Act of 1980. The Department has submitted a copy of this proposed rule to OMB for its review of the information collection activities. Other organizations and individuals desiring to submit comments should direct them to Dr. Thomas P. Phillips, whose address appears in this preamble, and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3208), Washington, DC 20503, Attn: Desk Officer for HHS.

Regulatory Flexibility Act and Executive Order 12291

These regulations govern a financial assistance program in which participation is voluntary. Further, the funding level for this program is low. For

these reasons, the Secretary has determined that this proposed rule is not a "major rule" under Executive Order 12291. The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities and therefore do not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980, Pub. L. 96-354.

List of Subjects in 42 CFR Part 57

Grant programs—nursing, Health manpower shortage area, Health professions, Medical and dental schools, Nursing advanced training, Nurse practitioner, Nurse practitioner traineeship program, Student aid.

Accordingly, it is proposed to add a new Subpart F to Part 57 of Title 42 of the Code of Federal Regulations to read as set forth below.

(Catalog of Federal Domestic Assistance, No. 13.124, Grants for Nurse Anesthetist Traineeships)

Dated: July 3, 1986.

Robert E. Windom,

Assistant Secretary for Health.

Approved: July 25, 1986.

Otis R. Bowen,

Secretary.

PART 57—[AMENDED]

Subpart F—Grants for Nurse Anesthetist Traineeships

Sec.

57.501 To what programs do these regulations apply?

57.502 Definitions.

57.503 Who is eligible to apply for a grant?

57.504 How will applications be evaluated?

57.505 How long does grant support last?

57.506 How is the amount of the award determined?

57.507 For what purposes may grant funds be spent?

57.508 What financial support is available to trainees?

57.509 Who is eligible for financial assistance as a trainee?

57.510 What are the requirements for traineeships and the appointment of trainees?

57.511 Duration of traineeships.

57.512 Termination of traineeships.

57.513 What additional HHS regulations apply to grantees?

57.514 Additional conditions.

Subpart F—Grants for Nurse Anesthetist Traineeships

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, 67 Stat. 631 (42 U.S.C. 216); sec. 831 of the Public Health Service Act, 93 Stat. 580 (42 U.S.C. 297-1).

§ 57.501 To what programs do these regulations apply?

These regulations apply to grants awarded to public or private nonprofit institutions for the purpose of providing traineeships to registered nurses

enrolled in nurse anesthetist training programs.

§ 57.502 Definitions.

"Act" means the Public Health Service Act, as amended.

"Fiscal Year" means the Federal fiscal year, beginning October 1 and ending the following September 30.

"National of the United States" means a citizen of the United States or a person who, though not a citizen of the United States, owes permanent allegiance to the United States (as defined in 8 U.S.C. 1101(a), (22), the Immigration and Nationality Act).

"Nonprofit" as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"Nurse anesthetist" means a registered nurse who has successfully completed a nurse anesthetist training program.

"Nurse anesthetist training program" means a full-time educational program which: (1) Is designed to qualify registered nurses as nurse anesthetists; (2) is accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs/Schools, and (3) has students enrolled in the program who are beyond the twelfth month of study.

"School of nursing" means a collegiate, associate degree, or diploma school of nursing defined in section 853 of the Act.

"Secretary" means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services (HHS), to whom the authority involved has been delegated.

"State" includes, in addition to the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Island.

"Trainee" means a student who is receiving a traineeship from a grant under this subpart.

"Registered nurse" means a person who has graduated from a school of nursing and is licensed to practice as a registered/professional nurse in a State.

§ 57.503 Who is eligible to apply for a grant?

Any public or private nonprofit institution which is located in a State and administers a nurse anesthetist training program is eligible to apply for a grant by submitting an application at the time and in the form that the Secretary may prescribe.

§ 57.504 How will applications be evaluated?

Within the limits of funds available, the Secretary will award a grant to each eligible institution whose application is found to meet the requirements of section 831 of the Act and these regulations. Special consideration will be given to those eligible institutions that (a) show evidence of efforts to attract and retain minority students, (b) demonstrate that they award traineeships to students who have clear financial need, and (c) plan to sustain nurse anesthetist traineeship programs beyond the period during which Federal assistance is available.

§ 57.505 How long does grant support last?

(a) The Notice of Grant Award specifies the period during which grant funds are available for obligation by the grantee. This period, called the budget period, will not exceed 1 year.

(b) The grant will initially be funded for 1 year, and subsequent awards will also be for 1 year at a time. A grantee must submit a separate application to have support continued for each subsequent year. Decisions about the amount of all awards will be made by formula as described in § 57.506 of these regulations. In all cases awards require a determination by the Secretary that funding is in the best interest of the Federal Government.

(c) Neither the approval of any application nor the award of any grant commits or obligate the Federal Government in any way to make any additional award with respect to any approved application or portion of an approved application.

(d) Any balance of grant funds remaining in the grant account at the close of a grant period may be carried forward to the next grant period for use as prescribed by the Secretary, provided a subsequent award is made. If at any time during a grant period it becomes apparent to the Secretary that the amount of Federal funds provided and made available to the school for that period, including any unobligated balance carried forward from prior periods, exceeds the school's needs for the period, the Secretary may adjust the

amounts provided by withdrawing the excess.

§ 57.506 How is the amount of the award determined?

(a) The Secretary will use the following formula to determine the amount of the grant to be awarded to each approved nurse anesthetist training program:

$$G = F \times N / E$$

G represents the amount of grant to be awarded. F represents the amount of traineeship funds appropriated to implement section 831 in the fiscal year in which application is made. E represents the total number of full-time students enrolled beyond the twelfth month of study in all the approved applicant nurse anesthetist training programs. N represents the number of full-time students enrolled beyond the twelfth month of study in the applicant nurse anesthetist training program.

(b) Students will be counted as of October 15 of the Federal fiscal year in which application is made.

§ 57.507 For what purposes may grant funds be spent?

A grantee shall only spend funds it receives under this subpart for traineeships according to § 57.508, the authorizing legislation, and terms and conditions of the grant award.

§ 57.508 What financial support is available to trainees?

Expenditures from traineeship funds are limited to:

(a) Tuition and fees, in accordance with the established rates of the institution, except as limited by the Secretary.

(b) Stipends in whatever amount the grantee determines that each trainee needs to pursue the training program, as long as that amount does not exceed the limits established by the Secretary. Stipends may only be paid to the trainee in monthly installments.

(c) Transportation allowances on an individual basis when prior approval has been obtained from the Secretary in the following circumstance:

The grantee may pay a trainee an allowance from grant funds for travel to field training if the site is beyond a reasonable commuting distance and requires the trainee to establish a temporary new residence. However, the grantee may not pay an allowance for daily commuting from the new place of residence to the field training headquarters.

§ 57.509 Who is eligible for financial assistance as a trainee?

To be eligible for a traineeship, a registered nurse must:

(a) Be a national of the United States or a lawful permanent resident of a State;

(b) Be enrolled as a full-time student beyond the twelfth month of study in a nurse anesthetist training program;

(c) Demonstrate financial need, as determined by the institution; and

(d) Not be receiving concurrent support for the same training from another Federal education award which provides a stipend or otherwise duplicates financial provisions except education benefits under the Veteran's Readjustment Benefits Act and loans from Federal sources.

§ 57.510 What are the requirements for traineeships and the appointment of trainees?

(a) The grantee must complete a statement which documents the appointment of each trainee. To complete this statement the grantee must require each trainee to provide information and documentation of his or her eligibility.

The statement of appointment must be completed by the beginning of the training period or as soon thereafter as possible if the trainee receives notice of his or her traineeship appointment after the training period has begun. The statement of appointment must include information to document the eligibility of the trainee and certify that there will be compliance with all applicable Public Health Service terms and conditions governing the appointment. The program director must sign the statement on behalf of the grantee, and the trainee must sign it thus certifying the statements are true and complete. The original copy of the statement must be retained by the grantee to be available for program review and financial audit. A copy shall be provided to the trainee for his or her records.

(b) The grantee may not require trainees to perform any work which is not an integral part of the nurse anesthetist training program and required for all students in the program, or to perform services which detract from or prolong their training.

§ 57.511 Duration of traineeships.

The initial appointment to a traineeship must be made for a full academic year, not to exceed 12 months, except that a shorter appointment may be made when necessary to enable the trainee to complete the training program. A second appointment may not exceed 6

months. The total period of support for any trainee may not exceed 18 months.

§ 57.512 Termination of traineeships.

(a) The grantee must terminate a traineeship:

- (1) Upon request of the trainee;
- (2) If the trainee withdraws from the grantee institution; or
- (3) If the grantee determines that:
 - (i) The trainee is no longer an enrolled student; or
 - (ii) The trainee is not eligible or able to continue in accordance with its standards and practices.

(b) The grantee must deposit any Federal portion of the tuition refund owed to a trainee into the grant account and provide written notice to the trainee that it is doing so.

§ 57.513 What additional HHS regulations apply to grantees?

Several other regulations apply to grants under this subpart. These include, but are not limited to:

- 42 CFR Part 50, Subpart D—Public Health Service grant appeals procedure
- 45 CFR Part 16—Procedures of the Departmental Grant Appeals Board
- 45 CFR Part 74—Administration of grants
- 45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services effectuation of Title VI of the Civil Rights Act of 1964
- 45 CFR Part 81—Practice and procedure for hearings under Part 80 of this Title
- 45 CFR Part 83—Regulation for the administration and enforcement of Sections 799A and 845 of the Public Health Service Act¹
- 45 CFR Part 84—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance
- 45 CFR Part 86—Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance
- 45 CFR Part 91—Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance

§ 57.514 Additional conditions.

The Secretary may impose additional conditions on any grant award before or at the time of any award if he or she determines that these conditions are necessary to assure or protect the advancement of the approved activity.

¹ Section 799A of the Public Health Service Act was redesignated as section 704 by Pub. L. 94-484; section 845 of the Public Health Service Act was redesignated as section 855 by Pub. L. 94-83.

the interest of the public health, or the conservation of grant funds.

[FR Doc. 86-28151 Filed 12-15-86; 8:45 am]

BILLING CODE 4160-16-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration

44 CFR Part 67

[Docket No. FEMA-6903]

Proposed Flood Elevation Determination

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with sections 110 and 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4.

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change

any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

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

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

| Source of flooding and location | #Depth in feet above ground. Elevation in feet (NGVD) |
|---|--|
| ARKANSAS | |
| Gould (city), Lincoln County | |
| <i>Canal 19 (Boeuf River):</i> | |
| Star Avenue west of 2nd Street | *165 |
| Entire length of McKinley Avenue | *165 |
| 480 feet east of Missouri Pacific Railroad crossing of most north corporate limit | *185 |
| Along O.D. Nicols Street approximately 2 mile from intersection with West Jefferson Avenue .. | *185 |
| Maps available for inspection at the City Hall, Highway 65 North, Gould, Arkansas. | |

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. Elevation in feet (NGVD) |
|--|---|
| Send comments to The Honorable David Rochelle, Mayor of the City of Gould, Lincoln County, P.O. Drawer E, Gould, Arkansas 71643. | |
| Independence County | |
| <i>White River (Lower Reach):</i> | |
| At confluence of Black River..... | *233 |
| At upstream County boundary..... | *234 |
| <i>White River (Upper Reach):</i> | |
| Approximately 6.8 miles downstream County boundary (extended)..... | *252 |
| At upstream side of U.S. Route 67..... | *266 |
| Approximately 6 miles upstream of County boundary (extended)..... | *270 |
| <i>Miller Creek:</i> | |
| Approximately 50 feet downstream of County boundary..... | *278 |
| Approximately 1.0 mile upstream of confluence of Blue Creek..... | *297 |
| Maps available for inspection at the County Judge's Office, County Courthouse, Batesville, Arkansas. | |
| Send comments to The Honorable David Wyatt, Independence County Judge, County Courthouse, Batesville, Arkansas 72501. | |
| Piggott (city), Clay County | |
| <i>Sugar Creek:</i> | |
| At downstream corporate limits..... | *282 |
| At downstream side of North Front Avenue..... | *298 |
| At upstream side of West Main Street..... | *303 |
| At most upstream corporate limits..... | *317 |
| <i>Tributary 1:</i> | |
| At confluence with Sugar Creek..... | *300 |
| At upstream side of South 12th Avenue..... | *309 |
| <i>Tributary 4:</i> | |
| At confluence with Tributary 1..... | *309 |
| At downstream side of City Street..... | *314 |
| At upstream side of 18th Avenue..... | *324 |
| Approximately .24 mile upstream of 18th Avenue..... | *334 |
| <i>Tributary 2:</i> | |
| At confluence with Tributary 1..... | *305 |
| At upstream side of West Jackson Street..... | *318 |
| At upstream corporate limits..... | *329 |
| <i>Tributary 3:</i> | |
| At confluence with Tributary 1..... | *309 |
| At upstream side of Dogwood Drive..... | *316 |
| Approximately 190 feet upstream of Wiley Street..... | *328 |
| <i>Tributary 4A:</i> | |
| At confluence with Tributary 4..... | *319 |
| At upstream corporate limits..... | *323 |
| <i>Tributary 5:</i> | |
| At confluence with Sugar Creek..... | *305 |
| Approximately 752 feet downstream of North 12th Avenue..... | *320 |
| Approximately 70 feet upstream of North 12th Avenue..... | *335 |
| <i>Club Drain:</i> | |
| At confluence with Sugar Creek..... | *306 |
| At upstream corporate limits..... | *314 |
| Maps available for inspection at the City Hall/Police Department, Piggott, Arkansas. | |
| Send comments to The Honorable George Cook, Jr., Mayor of the City of Piggott, Clay County, 194 West Court, Piggott, Arkansas 72454. | |
| CALIFORNIA | |
| Kings County (unincorporated areas) | |
| <i>East Branch Cross Creek:</i> | |
| Immediately downstream of Orange Avenue..... | *193 |
| Approximately 100 feet upstream of the Atchison, Topeka and Santa Fe Railroad..... | *208 |
| Approximately 300 feet downstream of Kansas Avenue..... | *224 |
| Maps are available for inspection at the Kings County Planning Agency, Engineering Building, Government Center, Hanford, California. | |

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. Elevation in feet (NGVD) |
|---|---|
| Send comments to Mr. Joe Hammond, Chairman, Kings County Board of Supervisors, Government Center, Hanford, California 93230. | |
| CONNECTICUT | |
| Norfolk (town), Litchfield County | |
| <i>Blackberry River:</i> | |
| Downstream corporate limits..... | *821 |
| Confluence of North Brook..... | *874 |
| Upstream side of River Place Road..... | *1,022 |
| Confluence of Wood Creek and Spaulding Brook..... | *1,124 |
| <i>Norfolk Brook:</i> | |
| Confluence with Spaulding Brook..... | *1,200 |
| Upstream side of Cooper Street..... | *1,259 |
| Upstream side of Norfolk Detention Reservoir Dam..... | *1,321 |
| Approximately 0.8 mile upstream of Norfolk Brook Detention Reservoir Dam..... | *1,341 |
| <i>Spaulding Brook:</i> | |
| Confluence with Blackberry River and Wood Creek..... | *1,124 |
| Upstream side of downstream crossing of West-side Road..... | *1,177 |
| Upstream side of West Pond Flood Detention Reservoir #5 Dam..... | *1,214 |
| Upstream side of upstream crossing of West-side Road..... | *1,257 |
| Approximately 0.6 mile upstream of Bigelow Pond Dam..... | *1,330 |
| <i>Wood Creek:</i> | |
| At confluence with Blackberry River..... | *1,124 |
| Upstream side of Wood Creek Detention Reservoir #9 Dam..... | *1,180 |
| Approximately 0.5 mile downstream of Ashpoh-tag Road..... | *1,240 |
| Upstream side of Wood Creek Pond Dam..... | *1,372 |
| Maps available for inspection at the Planning and Zoning Commission, Norfolk, Connecticut. | |
| Send comments to The Honorable Lyle Bruay, First Selectman of the Town of Norfolk, Litchfield County, P.O. Box 592, Norfolk, Connecticut 06058. | |
| Roxbury (town), Litchfield County | |
| <i>Shepaug River:</i> | |
| Downstream corporate limits..... | *204 |
| At confluence of Jack's Brook..... | *268 |
| Upstream side of State Route 67..... | *317 |
| Upstream corporate limits..... | *374 |
| Maps available for inspection at the Zoning Commission, Town Hall, Roxbury, Connecticut. | |
| Send comments to The Honorable Ed Went, First Selectman of the Town of Roxbury, Litchfield County, Town Hall, Roxbury, Connecticut 06783. | |
| ILLINOIS | |
| Kirkland (village), De Kalb County | |
| <i>South Branch Kishwaukee River:</i> | |
| About 1,400 feet downstream of 8th Street..... | *761 |
| Just downstream of Pearl Street..... | *765 |
| Maps available for inspection at the Village Hall, Main Street, Kirkland, Illinois. | |
| Send comments to The Honorable Herman Williams, Village President, Village of Kirkland, Village Hall, Main Street, Kirkland, Illinois 60145. | |
| Village of Long Creek, Macon County | |
| <i>Long Creek (East of Big Creek):</i> | |
| About 300 feet upstream of confluence with Big Creek..... | *630 |
| Just downstream of U.S. Route 36..... | *647 |
| Maps available for inspection at Village Hall, 700 Block, Route 36, Long Creek, Illinois. | |

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. Elevation in feet (NGVD) |
|---|---|
| Send Comments to The Honorable Evin E. Klaska, Village President, Village of Long Creek, Village Hall, 700 Block, Route 36, Long Creek, Illinois 62521. | |
| Maple Park (village), Kane County | |
| <i>Union Ditch No. 2:</i> | |
| Just upstream of County Line Road..... | *851 |
| About 1,700 feet upstream of County Line Road..... | *853 |
| Maps available for inspection at the Village Hall, 302 Willow, P.O. Box 220, Maple Park, Illinois. | |
| Send comments to The Honorable F.L. Reynolds, Village President, Village of Maple Park, Village Hall, 302 Willow, P.O. Box 220, Maple Park, Illinois 60151. | |
| INDIANA | |
| Bedford (city), Lawrence County | |
| <i>Leatherwood Creek:</i> | |
| At mouth..... | *510 |
| About 0.7 mile upstream of U.S. Route 50..... | *543 |
| <i>South Fork Leatherwood Creek:</i> | |
| At mouth..... | *538 |
| About 0.4 miles upstream of mouth..... | *542 |
| Maps available for inspection at the Planning Office, City Hall, 1102 16th Street, Bedford, Indiana. | |
| Send comments to The Honorable John A. Williams, Mayor, City of Bedford, City Hall, 1102 16th Street, Bedford, Indiana 47421. | |
| Henry County (unincorporated areas) | |
| <i>Big Blue River:</i> | |
| At southern county boundary..... | *893 |
| About 0.6 mile upstream of 750 South Road..... | *911 |
| Just upstream of 125 West Road..... | *960 |
| Just downstream of 300 North Road..... | *986 |
| <i>Buck Creek:</i> | |
| At mouth..... | *902 |
| About 0.6 mile upstream of 575 West Road..... | *927 |
| <i>Montgomery Creek:</i> | |
| At southern county boundary..... | *895 |
| About 1.4 miles upstream of U.S. Route 40..... | *926 |
| <i>Sugar Creek:</i> | |
| About 0.5 mile downstream of 750 North Road..... | *951 |
| About 0.9 mile upstream of 700 North Road..... | *988 |
| Maps available for inspection at the County Surveyor's Office, County Courthouse, New Castle, Indiana. | |
| Send comments to The Honorable John McGrady, President, Board of County Commissioners, Henry County, County Courthouse, New Castle, Indiana 47362. | |
| Knightstown (town), Henry County | |
| <i>Big Blue River:</i> | |
| About 1,500 feet downstream of Conrail..... | *894 |
| About 2,400 feet upstream of U.S. Route 40..... | *901 |
| <i>Montgomery Creek:</i> | |
| Just upstream of County Line Road..... | *896 |
| About 1,950 feet upstream of U.S. Route 40..... | *908 |
| Maps available for inspection at the Town Hall, 26 S. Washington Street, Knightstown, Indiana. | |
| Send comments to The Honorable Jack Shores, Town Board President, Town of Knightstown, Town Hall, 26 S. Washington Street, Knightstown, Indiana 46148. | |
| New Castle (city), Henry County | |
| <i>Big Blue River:</i> | |
| Just downstream of abandoned bridge..... | *970 |
| Just upstream of Conrail..... | *975 |
| Maps available for inspection at the Town Hall, 312 South Main Street, New Castle, Indiana. | |

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. Elevation in feet (NGVD) |
|--|---|
| Send comments to The Honorable Gerald Bud Ayers, Mayor, City of New Castle, Town Hall, 312 South Main Street, New Castle, Indiana 47362. | |
| IOWA | |
| Clear Lake (city), Cerro Gordo County | |
| <i>Willow Creek:</i> | |
| About 800 feet downstream of U.S. Highway 18..... | *1,195 |
| About 1,700 feet upstream of U.S. Highway 18..... | *1,197 |
| <i>Clear Creek:</i> | |
| Just downstream of South 40th Street..... | *1,192 |
| Just downstream of Interstate 35..... | *1,205 |
| Just upstream of Interstate 35..... | *1,210 |
| Just downstream of outlet structure..... | *1,228 |
| Maps available for inspection at 1420 2nd Avenue, S., Clear Lake, Iowa. | |
| Send comments to The Honorable Carl Hankenson, Mayor, City of Clear Lake, 15 North 6th Street, Clear Lake, Iowa 50428. | |
| KENTUCKY | |
| Gallatin County (unincorporated areas) | |
| <i>Ohio River:</i> | |
| About 3.5 miles downstream of Markland Dam..... | *472 |
| About 13.9 miles upstream of Markland Dam..... | *480 |
| Maps available for inspection at the County Courthouse, Warsaw, Kentucky. | |
| Send comments to The Honorable Clarence Davis, Judge Executive, Gallatin County, County Courthouse, Warsaw, Kentucky 41095. | |
| Oldham County (unincorporated areas) | |
| <i>Ohio River:</i> | |
| At downstream county boundary..... | *453 |
| At upstream county boundary..... | *457 |
| Maps available for inspection at the County Courthouse, La Grange, Kentucky. | |
| Send comments to The Honorable Wendell Moore, Judge Executive, Oldham County, County Courthouse, La Grange, Kentucky 40031. | |
| Warsaw (city), Gallatin County | |
| <i>Ohio River:</i> | |
| About 250 feet northwest of intersection of High Street and Fifth Street..... | *474 |
| About 200 feet north of intersection of Weldon Lane and High School Court..... | *475 |
| Maps available for inspection at the City Hall, 101 West Market Street, Warsaw, Kentucky. | |
| Send comments to The Honorable Richard Wood, Mayor, City of Warsaw, City Hall, 101 West Market Street, Warsaw, Kentucky 41095. | |
| MAINE | |
| Camden (town), Knox County | |
| <i>Megunticook River:</i> | |
| Approximately 300 feet downstream of Main Street Bridge..... | *10 |
| Upstream side of Washington Street Bridge..... | *36 |
| Upstream side of Knowlton Street Bridge..... | *59 |
| Downstream side of Rawson Avenue Bridge..... | *77 |
| Upstream side of Mount Battie Street Bridge..... | *109 |
| Upstream side of Molyneux Mill Road Bridge..... | *130 |
| <i>Megunticook Lake:</i> Entire shoreline within community..... | *145 |
| <i>Atlantic Ocean (affecting Penobscot Bay):</i> | |
| Approximately 300 feet downstream of Main Street Bridge..... | *10 |
| Ogier Point..... | *32 |
| Sea Street (extended southeast)..... | *25 |
| Harbor Road (extended)..... | *33 |
| Beacon Street (extended)..... | *18 |
| At confluence of Spring Brook..... | *19 |

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. Elevation in feet (NGVD) |
|--|---|
| Maps available for inspection at the Planning Board, Camden, Maine. | |
| Send comments to The Honorable Harold Bank, Chairman of the Town of Camden Board of Selectmen, Knox County, P.O. Box 679, Camden, Maine 04843. | |
| Eastport (city), Washington County | |
| <i>Atlantic Ocean:</i> | |
| Shoreline at Old State Route 190 (extended)..... | *15 |
| Shoreline at Deep Cove Road (extended)..... | *18 |
| Shoreline at Capon Avenue (extended)..... | *21 |
| Shoreline at Custom Street (extended)..... | *23 |
| Shoreline approximately 0.75 mile northeast of intersection of Old Route 190 with State Route 190..... | *28 |
| Maps available for inspection at the City Manager's Office, City Hall, 78 High Street, Eastport, Maine. | |
| Send comments to The Honorable William Mathews, City Manager of Eastport, Washington County, City Hall, 78 High Street, Eastport, Maine 04631. | |
| Greenbush (town), Penobscot County | |
| <i>Penobscot River:</i> | |
| Downstream corporate limits..... | *124 |
| Approximately 400 feet downstream of south end of Birch Island..... | *126 |
| Approximately 300 feet south of north end of Sugar Island..... | *130 |
| At upstream corporate limits..... | *134 |
| <i>Diamon Stream:</i> | |
| At Old Route 2 Bridge Road..... | *134 |
| Approximately 130 feet upstream of Spring Bridge..... | *137 |
| Maps available for inspection at the Planning Board, Costigan, Maine. | |
| Send comments to The Honorable Richard Fish, First Selectman of the Town of Greenbush, Penobscot County, Town Offices, Star Route, Box 385, Costigan, Maine 04423. | |
| Hampden (town), Penobscot County | |
| <i>Penobscot River:</i> | |
| At downstream County boundary..... | *12 |
| At confluence of Squadabscook Stream..... | *14 |
| At upstream corporate limits..... | *16 |
| <i>Sucker Brook:</i> | |
| Downstream of Marina Road..... | *15 |
| Upstream side of State Route 9 and alternate U.S. Route 1..... | *31 |
| Upstream of Old County Road..... | *58 |
| <i>Squadabscook Stream:</i> | |
| At confluence with Penobscot River..... | *14 |
| Downstream side of U.S. Route 202..... | *32 |
| Evergreen Drive extended to stream bank..... | *44 |
| Downstream side of Papermill Road..... | *69 |
| Upstream side of Emerson Mill Road..... | *99 |
| Upstream side of Manning Mill Road..... | *118 |
| 100 feet downstream side of eastern most overpass of Interstate 95..... | *126 |
| Upstream of eastern most overpass of Interstate 95..... | *129 |
| <i>Hammond Pond:</i> Entire shoreline within community..... | *129 |
| <i>Harmon Pond:</i> Entire shoreline within community..... | *129 |
| <i>Ben Annis Pond:</i> Entire shoreline within community..... | *129 |
| Maps available for inspection at the Code Enforcement Office, Town Office Building, 106 Main Road South, Hampden, Maine. | |
| Send comments to The Honorable Marie G. Baker, Town Manager of Hampden, Penobscot County, Town Office Building, 106 Main Road South, Hampden, Maine 04444. | |

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. Elevation in feet (NGVD) |
|--|---|
| Passadumkeag (town), Penobscot County, Maine | |
| <i>Penobscot River:</i> | |
| At downstream corporate limits..... | *134 |
| At confluence of Passadumkeag River..... | *142 |
| At upstream corporate limits..... | *147 |
| <i>Passadumkeag River:</i> | |
| At confluence with Penobscot River..... | *144 |
| Approximately 50 feet upstream of Gould Ridge Road..... | *144 |
| Maps available for inspection at the Planning Board, Passadumkeag, Maine. | |
| Send comments to The Honorable Dale Randall, First Selectman of the Town of Passadumkeag, Penobscot County, Passadumkeag, Maine 04475. | |
| Rome (town), Kennebec County | |
| <i>Long Pond:</i> Entire shoreline within community..... | *242 |
| <i>Great Pond:</i> Entire shoreline within community..... | *249 |
| Maps available for inspection at the Town Hall, Rome Corners, Maine. | |
| Send comments to The Honorable Dale Buzzell, First Selectman of the Town of Rome, Kennebec County, R.F.D. 2, Norridgewock, Maine 04957. | |
| MICHIGAN | |
| Standish (township), Arenac County | |
| <i>Saginaw Bay:</i> Within community..... | *585 |
| Maps available for inspection at the Township Hall, Standish, Michigan. | |
| Send comments to The Honorable Paul La Clair, Supervisor, Township of Standish, Township Hall, 2140 Palmer Road, Standish, Michigan 48703. | |
| NEBRASKA | |
| Hooper (city), Dodge County | |
| <i>Elkhorn River:</i> | |
| About 3.1 miles downstream of Main Street..... | *1,221 |
| About 1.4 miles upstream of Main Street..... | *1,232 |
| Maps available for inspection at the City Hall, P.O. Box C, Hooper, Nebraska. | |
| Send comments to The Honorable Winnett Hoefner, Mayor, City of Hooper, City Hall, P.O. Box C, Hooper, Nebraska 68031. | |
| NEW HAMPSHIRE | |
| Alton (town), Belknap County | |
| <i>Lake Winnepesaukee:</i> Entire shoreline within community..... | *506 |
| Maps available for inspection at the Office of the Planning Board, Alton, New Hampshire. | |
| Send comments to The Honorable Jonathan Downing, Chairman of the Town of Alton Board of Selectmen, Belknap County, Town Offices, P.O. Box 659, Alton, New Hampshire 03809. | |
| Enfield (town), Grafton County | |
| <i>Mascoma River:</i> | |
| At confluence with Mascoma Lake..... | *754 |
| Upstream side of Boston and Maine Railroad..... | *803 |
| At upstream corporate limits..... | *806 |
| <i>Lovejoy Brook:</i> | |
| Confluence with Mascoma River..... | *804 |
| At Lovejoy Brook Road..... | *806 |
| At upstream corporate limits..... | *808 |
| <i>Knox River:</i> | |
| Confluence with Mascoma Lake..... | *754 |
| Upstream side of State Route 4A..... | *844 |
| Approximately .5 mile upstream of State Route 4A..... | *883 |

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|--|
| Maps available for inspection at the Town Clerk's Office, Town Hall, Enfield, New Hampshire. | |
| Send comments to The Honorable Peter Russell, Administrative Assistant of the Town of Enfield, Grafton County, Town Hall, P.O. Box 373, Enfield, New Hampshire 03748. | |
| Hopkinton (town), Merrimack County | |
| <i>Contoocook River:</i> | |
| At downstream corporate limits | *359 |
| At upstream side of Panocook Road | *361 |
| At confluence of Warner River | *362 |
| At upstream side of Hydroelectric Dam | *364 |
| At confluence of Cressey Brook | *366 |
| Approximately 240 feet downstream of Howell Covered bridge | *368 |
| Upstream side of Hoague Sprague Dam | *383 |
| <i>Warner River:</i> | |
| At confluence with Contoocook River | *362 |
| At upstream corporate limits | *363 |
| <i>Blackwater River:</i> | |
| At confluence with Contoocook River | *360 |
| At upstream corporate limits | *360 |
| Maps available for inspection at the Selectmen's Office, Town Hall, Hopkinton, New Hampshire. | |
| Send comments to The Honorable Tori Gray, Chairperson of the Town of Hopkinton Board of Selectmen, Merrimack County, Town Hall, P.O. Box 446, Hopkinton, New Hampshire 03229. | |
| NEW JERSEY | |
| Bridgewater (Township), Somerset County | |
| <i>Raritan River:</i> | |
| At downstream corporate limits | *36 |
| Confluence of Peter's Brook | *47 |
| Confluence of North Branch Raritan River | *62 |
| <i>North Branch Raritan River:</i> | |
| At confluence with Raritan River | *62 |
| At confluence of Chambers Brook | *80 |
| <i>Green Brook:</i> | |
| Approximately 300 feet downstream of the downstream corporate limits | *36 |
| At upstream corporate limits | *40 |
| <i>Middle Brook:</i> | |
| At confluence with the Raritan River | *36 |
| At confluence of West and East Branch Middle Brook | *106 |
| <i>East Branch Middle Brook:</i> | |
| At confluence with Middle Brook | *106 |
| Approximately 100 feet upstream of the upstream corporate limits | *206 |
| <i>West Branch Middle Brook:</i> | |
| At confluence with Middle Brook | *106 |
| Approximately 200 feet upstream of Chimney Rock Road | *125 |
| Downstream side of Tullo Road | *231 |
| At Mount Vernon Road | *282 |
| <i>Chambers Brook:</i> | |
| At downstream corporate limits | *80 |
| Downstream side of Country Club Road | *104 |
| Upstream side of North Shore Drive | *226 |
| Approximately 200 feet upstream of Brown Road | *286 |
| <i>Peter's Brook:</i> | |
| At confluence with the Raritan River | *47 |
| At confluence of Peter's Brook Tributary No. 1 | *82 |
| Approximately 1.1 miles upstream of Tolomini Road | *133 |
| <i>Cuckel's Brook:</i> | |
| At confluence with the Raritan River | *38 |
| Approximately 80 feet upstream of U.S. Route 22 | *91 |
| <i>Ross Brook:</i> | |
| At downstream corporate limits | *59 |
| Approximately 0.4 mile upstream of Interstate Route 287 | *86 |
| <i>Mar's Brook:</i> | |
| At confluence with Peter's Brook | *55 |

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|--|--|
| Approximately 740 feet upstream of Woodlawn Avenue | *111 |
| <i>Peter's Brook Tributary No. 1:</i> | |
| At confluence with Peter's Brook | *82 |
| Approximately 800 feet upstream of Tolomini Road | *150 |
| <i>Raritan Water Power Canal Tributary:</i> | |
| At confluence with Raritan Water Power Canal | *54 |
| Upstream of Center Street | *79 |
| Approximately 50 feet upstream of Sycamore Avenue | *106 |
| <i>River Brook:</i> | |
| At confluence with North Branch Raritan River | *76 |
| Approximately 100 feet upstream of Van Holton Road | *101 |
| Maps available for inspection at the Municipal Building, 700 Garrett Road, Bridgewater, New Jersey. | |
| Send comments to The Honorable James T. Dowden, Mayor of the Township of Bridgewater, Somerset County, P.O. Box 6300, Bridgewater, New Jersey 08807. | |
| NEW MEXICO | |
| Pueblo of Zuni, McKinley and Valencia Counties | |
| <i>Zuni River:</i> | |
| Approximately 1.0 mile upstream of Reservation Route 40 | *6,255 |
| Approximately 0.9 mile downstream of A'TS'INA ONA NNE Street | *6,262 |
| Approximately 0.4 mile downstream of A'TS'INA ONA NNE Street | *6,265 |
| Upstream side of A'TS'INA ONA NNE Street | *6,274 |
| Approximately 0.9 mile upstream of A'TS'INA ONA NNE Street | *6,282 |
| Approximately 0.9 mile downstream of State Route 53 | *6,286 |
| Downstream side of State Route 53 | *6,300 |
| Upstream side of State Route 53 | *6,306 |
| Approximately 0.9 mile upstream of State Route 53 | *6,317 |
| Approximately 1.1 miles downstream of Black Rock Reservoir Dam | *6,324 |
| Maps available for inspection at the Tribal Council Meeting Hall, Zuni, New Mexico. | |
| Send comments to The Honorable Chauncy Simplicio, Governor of the Pueblo of Zuni, McKinley and Valencia Counties, P.O. Box 339, Zuni, New Mexico 87327. | |
| NEW YORK | |
| Putnam Valley (town), Putnam County | |
| <i>Canopus Creek:</i> | |
| At downstream corporate limits | *185 |
| Approximately 450 feet upstream of Cimarron Road | *224 |
| Upstream side of Canopus Hollow Road | *250 |
| Approximately .8 mile upstream of Canopus Hollow Road | *320 |
| <i>Peekskill Hollow Creek:</i> | |
| Approximately 1,100 feet downstream of Trolley Road | *99 |
| Upstream side of Boys Camp Road | *170 |
| At confluence of Shrub Oak Brook | *219 |
| Approximately 1.6 miles upstream of County Route 22 | *248 |
| <i>Shrub Oak Brook:</i> | |
| At confluence with Peekskill Hollow Creek | *219 |
| At upstream corporate limits | *391 |
| Maps available for inspection at the Putnam Valley Town Hall, Oscawana Lake Road, Putnam Valley, New York. | |
| Send comments to The Honorable Sallie Sypher, Supervisor of the Town of Putnam Valley, Putnam County, Town Hall, R.D. #2, Putnam Valley, New York 10579. | |

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|--|
| Rouses Point (village), Clinton County | |
| <i>Lake Champlain:</i> Entire shoreline within community | |
| Maps available for inspection at the Village Hall, 139 Lake Street, Rouses Point, New York. | |
| Send comments to The Honorable Ed Portugal, Mayor of the Village of Rouses Point, P.O. Box 185, Rouses Point, New York 12979. | *102 |
| NORTH CAROLINA | |
| Mars Hill (town), Madison County | |
| <i>Gabriel Creek:</i> | |
| Just upstream of Cascade Street | *2,183 |
| About 1,150 feet upstream of Bailey Street | *2,256 |
| Maps available for inspection at the Town Hall, P.O. Box 368, Mars Hill, North Carolina. | |
| Send comments to The Honorable Owen Titson, Mayor, Town of Mars Hill, Town Hall, P.O. Box 368, Mars Hill, North Carolina 28754. | |
| NORTH DAKOTA | |
| Alexander (city), McKenzie County | |
| <i>Lonesome Creek:</i> | |
| Above County Road Bridge at Section 6/7 in T150N, R101W, near downstream corporate limits | *2,130 |
| Above Highway 85 Bridge | *2,150 |
| At upstream corporate limits | *2,163 |
| <i>West Tributary:</i> | |
| At confluence with Lonesome Creek | *2,151 |
| Above Bruegger Street | *2,186 |
| Above Fallon Street | *2,215 |
| <i>East Tributary:</i> | |
| At confluence with Lonesome Creek | *2,151 |
| Above Montana Street | *2,180 |
| Above McKenzie County Route 20 | *2,198 |
| <i>Old East Tributary:</i> | |
| At confluence with Northwest Tributary at Simpson Avenue | *2,175 |
| At Aramosa Street | *2,183 |
| <i>Northwest Tributary:</i> | |
| At confluence with East Tributary | *2,168 |
| At Ohio Avenue | *2,198 |
| Above First Avenue | *2,212 |
| Maps available for inspection at the City Auditor's Office, City Hall, 214 Eikren Addition, Alexander, North Dakota. | |
| Send comments to Mayor Mark Hilleren, P.O. Box 534, Alexander, North Dakota 58831. | |
| Bowman (city), Bowman County | |
| <i>Left Bank Tributary of Spring Creek:</i> | |
| At southern extraterritorial limit of City of Bowman | *2,934 |
| At downstream side of Highway 85 Bridge south of Bowman | *2,936 |
| <i>West Drainage System of City of Bowman:</i> | |
| At southern extraterritorial limit of City of Bowman | *2,934 |
| At Eleventh Street Bridge | *2,945 |
| One-half mile west of Eleventh Street Bridge | *2,948 |
| <i>East Drainage System of City of Bowman:</i> | |
| At confluence with West Drainage System near sewage ponds | *2,936 |
| At upstream side of Third Avenue | *2,945 |
| At upstream side of Highway 12 | *2,951 |
| At upstream side of Highway 85 | *2,973 |
| Maps available for inspection at the Zoning Administrator's Office, Bowman County Courthouse, 104 West First Street, Bowman, North Dakota. | |
| Send comments to Mayor Kenneth Woodley, P.O. Box 12, Bowman, North Dakota 58623. | |

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground Eleva- tion in feet (NGVD) |
|---|---|
| County of Bowman | |
| <i>Buffalo Creek:</i> | |
| 5,500 feet upstream from Bowman County boundary | *2,702 |
| At bridge at S11/14, R99W, T130N | *2,716 |
| At bridge at southern corporate limit of City of Gascayne | *2,741 |
| At western corporate limit of City of Gascayne | *2,743 |
| At upstream side of Highway 12 Bridge south of Gascayne Lake | *2,750 |
| At southeast corner of corporate limits of City of Scranton | *2,766 |
| At western corporate limits of City of Scranton | *2,785 |
| At upstream side of Highway 12 Bridge, 2 1/2 miles west of City of Scranton | *2,829 |
| At upstream side of Highway 12 Bridge, 4 miles west of City of Scranton | *2,854 |
| At upstream side of bridge at S11/12, R102W, T131N | *2,871 |
| At upstream side of bridge at S4/9, R102W, T131N | *2,900 |
| In Section 5, R102W, T131N, 1300 feet south of the north edge of the section | *2,914 |
| <i>Spring Creek:</i> | |
| At downstream side of bridge at S1/6, R102W, T131N | *2,848 |
| At upstream side of bridge at S34/35, R102W, T131N | *2,876 |
| At upstream side of bridge at S21/28, R102W, T131N | *2,908 |
| At upstream side of bridge at S17/20, R102W, T131N | *2,922 |
| At upstream side of bridge at S8/17, R102W, T131N | *2,943 |
| At upstream side of bridge at S2/3, R103W, T131N | *3,021 |
| At upstream side of Highway 12 Bridge in Section 34, R103W, T131N | *3,047 |
| 1,200 feet west of bridge at S29/30, R103W, T132N | *3,104 |
| <i>Left Bank Tributary of Spring Creek:</i> | |
| At confluence with Spring Creek | *2,862 |
| At upstream side of bridge at S25/26, R102W, T131N | *2,912 |
| At upstream side of bridge at S23/24, R102W, T131N | *2,924 |
| At southern extraterritorial limit of City of Bowman | *2,934 |
| At downstream side of Highway 85 Bridge south of City of Bowman | *2,936 |
| <i>West Drainage System of City of Bowman:</i> | |
| At confluence with Left Bank Tributary of Spring Creek | *2,934 |
| At Eleventh Street Bridge | *2,945 |
| One-half mile west of Eleventh Street Bridge | *2,948 |
| <i>East Drainage System of City of Bowman:</i> | |
| At confluence with West Drainage System at Sewage Ponds | *2,936 |
| At upstream side of Third Avenue | *2,945 |
| At upstream side of Highway 12 | *2,951 |
| At upstream side of Highway 85 | *2,973 |
| Maps are available for inspection at the Zoning Administrator's Office, Bowman County Courthouse, 104 West First Street, Bowman, North Dakota. | |
| Send comments to Mr. Joe Porten, Chairman, Bowman County Board of Commissioners, Bowman County Courthouse, 104 West First Street, Bowman, North Dakota 58623. | |
| Gascayne (city), Bowman County | |
| <i>Buffalo Creek:</i> | |
| At western corporate limit | *2,742 |
| At southern corporate limit | *2,741 |
| Maps are available for inspection at the Zoning Administrator's Office, Bowman County Courthouse, 104 West First Street, Bowman, North Dakota. | |
| Send comments to Mayor Gladys Erickson, Rural Route #1, Gascayne, North Dakota 58653. | |

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground Eleva- tion in feet (NGVD) |
|---|---|
| Scranton (city), Bowman County | |
| <i>Buffalo Creek:</i> | |
| At northwestern corporate limit | *2,785 |
| At last crossing of western corporate limit | *2,782 |
| At southeastern corporate limit | *2,766 |
| Maps available for inspection at the Zoning Administrator's Office, Bowman County Courthouse, 104 West First Street, Bowman, North Dakota. | |
| Send comments to Mayor Ray Nibble, P.O. Box 143, Scranton, North Dakota 58653. | |
| OHIO | |
| Strasburg (village), Tuscarawas County | |
| <i>Sugar Creek:</i> | |
| About 1.9 miles downstream of County Road 99 | *906 |
| About 2,300 feet upstream of County Road 99 | *921 |
| Maps available for inspection at the Municipal Building, 201 Second Street, Strasburg, Ohio. | |
| Send comments to The Honorable John V. Gessner, Mayor, Village of Strasburg, Municipal Building, 201 Second Street, Strasburg, Ohio 44680. | |
| Sugar Creek (village), Tuscarawas County | |
| <i>South Fork Sugar Creek:</i> | |
| About 3,100 feet downstream of State Route 39 | *987 |
| About 2,200 feet upstream of East Main Street | *991 |
| Maps available for inspection at the Clerk's Office, Municipal Building, Box 396, Sugar Creek, Ohio. | |
| Send comments to The Honorable Adelbert Ladrach, Mayor, Village of Sugar Creek, 412 Rhine Street, Box 424, Sugar Creek, Ohio 44681. | |
| OREGON | |
| Bend (city), Jefferson County | |
| <i>Deschutes River:</i> At upstream face of Newport Avenue Bridge | |
| | *35 |
| Maps are available for review at the Public Works Department, 710 Northwest Hill Street, Bend, Oregon. | |
| Send comments to The Honorable Arthur R. Johnson, City Manager, City of Bend, P.O. Box 431, Bend, Oregon 97709. | |
| Culver (city), Jefferson County | |
| <i>Unnamed Stream:</i> At Intersection of D Street and 2nd Ave | |
| | #1 |
| Maps are available for review at the Culver City Hall, 200 First Street, Culver, Oregon 97741. | |
| Send comments to The Honorable Anzetta Adams, Mayor, City of Culver, P.O. Box 254, Culver, Oregon 97741. | |
| Weston (city), Umatilla County | |
| <i>Pine Creek:</i> | |
| 1,100 feet above Union Pacific Railroad Bridge near downstream corporate limits | *1,773 |
| At Depot Street | *1,800 |
| 100 feet above Water Street | *1,812 |
| Above Main Street | *1,839 |
| Above Broad Street | *1,863 |
| At upstream corporate limits | *1,880 |
| Maps are available for inspection at City Hall, 301 South Water Street, Weston, Oregon. | |
| Send comments to Mayor Dean Madison, City Hall, P.O. Box 427, Weston, Oregon 97886. | |
| PENNSYLVANIA | |
| Carroll (township), Perry County | |
| <i>Sherman Creek:</i> | |
| Approximately 0.5 mile downstream of State Route 34 | *441 |

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground Eleva- tion in feet (NGVD) |
|--|---|
| Approximately 160 feet downstream of State Route 34 | *444 |
| At the confluence of Unnamed Tributary to Sherman Creek | *448 |
| At confluence of Pisgah Run | *451 |
| At Pisgah State Road | *455 |
| <i>Unnamed Tributary to Sherman Creek:</i> | |
| At the confluence with Sherman Creek | *448 |
| Downstream of 1st upstream Private Road | *450 |
| Downstream of 2nd upstream Private Road | *455 |
| Approximately 635 feet upstream of 2nd upstream Private Road | *460 |
| Approximately 1,640 feet upstream of 2nd upstream Private Road | *470 |
| Maps available for inspection at the Township Building, Shermans Dale, Pennsylvania. | |
| Send comments to The Honorable Charles Lupfer, Chairman of the Township of Carroll Board of Supervisors, Box 124, R.D. #2, Shermans Dale, Pennsylvania 17090. | |
| Conewango (township), Warren County | |
| <i>Allegheny River:</i> | |
| Downstream corporate limits | *1,159 |
| Upstream corporate limits | *1,174 |
| <i>Conewango Creek:</i> | |
| Downstream corporate limits | *1,190 |
| Upstream side of Hatch Run Road | *1,208 |
| Upstream corporate limits | *1,215 |
| <i>Jackson Run:</i> | |
| At confluence with Conewango Creek | *1,194 |
| Approximately 100 feet upstream of Kirkwood Church Camp bridge | *1,237 |
| Downstream side of Trailer Park bridge | *1,275 |
| Approximately .43 mile upstream of Trailer Park bridge | *1,289 |
| Maps available for inspection at the Conewango Township Office, Warren, Pennsylvania. | |
| Send comments to The Honorable E. Louise Edwards, Chairperson of the Board of Supervisors, Warren County, 2614 Pennsylvania Avenue, Warren, Pennsylvania 16365 | |
| Conneautville (borough), Crawford County | |
| <i>Conneaut Creek:</i> | |
| At downstream corporate limits | *928 |
| At upstream side of Center Street | *940 |
| Approximately .5 mile upstream of Jefferson Street | *946 |
| Maps available for inspection at the Borough Office, Conneautville, Pennsylvania. | |
| Send comments to The Honorable Audley Stevens, President of the Borough Council of Conneautville, Crawford County, 902 Main Street, Conneautville, Pennsylvania 16406. | |
| East Earl (township), Lancaster County | |
| <i>Conestoga River:</i> | |
| At downstream corporate limits | *354 |
| Approximately 200 feet upstream of State Route 625 | *378 |
| At upstream corporate limits | *403 |
| <i>Cedar Creek:</i> | |
| At confluence with Conestoga River | *381 |
| Approximately 90 feet upstream of T-805 (Frog-town Road) | *421 |
| Approximately 1,360 feet upstream of U.S. Route 322 | *493 |
| <i>Shirks Run:</i> | |
| At confluence with Conestoga River | *358 |
| Approximately 1,700 feet downstream of T-773 (Weaverland Road) | *382 |
| Upstream side of T-773 (Weaverland Road) | *405 |
| Upstream side of State Route 23 | *436 |
| Approximately 1,800 feet upstream of U.S. Route 322 | *452 |
| <i>Mill Creek:</i> | |
| Approximately 260 feet downstream of the downstream corporate limits | *459 |

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. *Eleva- tion in feet (NGVD) |
|--|---|
| Approximately 760 feet upstream of T-896 (Rancks Church Road) | *516 |
| Maps available for inspection at the Township Building, East Earl, Pennsylvania. | |
| Send comments to The Honorable Clyde Martin, Chairman of Township of East Earl Board of Supervisors, Lancaster County, R.D. 2, Box 2505, East Earl, Pennsylvania 17519. | |
| Glade (township), Warren County | |
| <i>Allegheny River:</i> | |
| Downstream corporate limits | *1,188 |
| At confluence with Hemlock Run | *1,200 |
| Downstream side of Kinzua Dam | *1,208 |
| <i>Conewango Creek:</i> | |
| Downstream corporate limits | *1,192 |
| Approximately .77 mile downstream of Legislative Route 51049 | *1,202 |
| Upstream side of Legislative Route 61049 | *1,208 |
| Approximately .98 mile upstream of Legislative Route 61049 | *1,212 |
| <i>Glade Run:</i> | |
| Approximately .39 mile upstream of Allegheny River confluence | *1,205 |
| Approximately .49 mile upstream of Allegheny River confluence | *1,210 |
| Upstream side of Park Avenue downstream crossing | *1,229 |
| Approximately .56 mile upstream of Park Avenue downstream crossing | *1,275 |
| Approximately .30 mile downstream of Park Avenue upstream crossing | *1,305 |
| Upstream side of Park Avenue upstream crossing | *1,338 |
| Approximately .45 mile upstream of Park Avenue upstream crossing | *1,370 |
| Approximately .91 mile upstream of Park Avenue upstream crossing | *1,420 |
| Approximately 1.0 mile upstream of Park Avenue upstream crossing | *1,485 |
| Maps available for inspection at the Glade Township Building, 99 Cobham Park Road, Warren, Pennsylvania. | |
| Send comments to The Honorable David Sebon, Chairman of the Township of Glade Board of Supervisors, Warren County, 99 Cobham Park Road, Warren, Pennsylvania 16365. | |
| North Beaver (township), Lawrence County | |
| <i>Mahoning River:</i> | |
| At confluence of Beaver and Shenango Rivers | *776 |
| Upstream side of CONRAIL (2nd upstream crossing) | *782 |
| Approximately 1.5 miles upstream of CONRAIL (2nd upstream crossing) | *786 |
| Maps available for inspection at the Township Building, North Beaver, Pennsylvania. | |
| Send comments to The Honorable James A. McDowell, Chairman of the Township of North Beaver Board of Supervisors, Lawrence County, 1460 Mount Jackson Road, New Castle, Pennsylvania 16102. | |
| Pine Grove (township), Warren County | |
| <i>Conewango Creek:</i> | |
| Downstream corporate limits | *1,212 |
| Upstream side of CONRAIL bridge | *1,224 |
| Downstream side of Hungry Hollow bridge | *1,233 |
| Upstream side of U.S. Route 62 bridge | *1,241 |
| Upstream corporate limits | *1,243 |
| <i>Akeley Run:</i> | |
| At confluence with Conewango Creek | *1,228 |
| Upstream side of Big Four Road bridge | *1,254 |
| Approximately 1,900 feet downstream of Egypt Hollow Road | *1,280 |
| Upstream side of Egypt Hollow Road | *1,303 |
| Approximately .53 mile downstream of Hungry Hollow Road | *1,330 |

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. *Eleva- tion in feet (NGVD) |
|---|---|
| Downstream side of Hungry Hollow Road | *1,376 |
| <i>North Branch Akeley Run:</i> | |
| At confluence with Conewango Creek | *1,229 |
| Downstream side of CONRAIL | *1,233 |
| Upstream side of Hungry Hollow Road | *1,247 |
| Approximately 1 mile upstream of Hungry Hollow Road | *1,301 |
| Approximately 2 miles upstream of Hungry Hollow Road | *1,363 |
| Approximately 3 miles upstream of Hungry Hollow Road | *1,432 |
| Approximately 4 miles upstream of Hungry Hollow Road | *1,508 |
| Downstream side of State Route 588 | *1,570 |
| Maps available for inspection at the Pine Grove Township Building, Pine Grove, Pennsylvania. | |
| Send comments to The Honorable Ken Jesperon, Chairman of the Board of Supervisors of the Township of Pine Grove, Warren County, R.D. #1, Russell, Pennsylvania 16345. | |
| Warren (borough), Warren County | |
| <i>Allegheny River:</i> | |
| At downstream corporate limits | *1,174 |
| At the confluence of Conewango Creek | *1,182 |
| At the upstream corporate limits | *1,188 |
| <i>Conewango Creek:</i> | |
| At the confluence with Allegheny River | *1,182 |
| At Third Avenue bridge | *1,186 |
| At Wilson Street extended southwest to corporate limits | *1,191 |
| <i>Glade Run:</i> | |
| At the confluence with Allegheny River | *1,186 |
| At upstream side of the Pennsylvania Avenue bridge | *1,193 |
| At the upstream corporate limits | *1,227 |
| <i>Shallow Flooding:</i> | |
| At intersection of U.S. Route 6 and 62, and Struthers Street | *1,179 |
| At intersection of Walnut Street and Allegheny Street | *1,179 |
| An area having approximate boundaries of U.S. Route 6 and 62 (Warren Bypass) to the west and south, Walnut Street to the east, and Conrail to the north | *1,179 |
| Maps available for inspection at the Borough Building, Warren, Pennsylvania. | |
| Send comments to The Honorable A. Kenneth DuPont, Borough Manager, Warren County, 318 West 3rd Avenue, Warren, Pennsylvania 16365. | |
| Windham (township), Wyoming County | |
| <i>Susquehanna River:</i> | |
| At the downstream corporate limits | *648 |
| At the upstream corporate limits | *663 |
| Maps available for inspection at the Windham Township Building, Jenningsville, Pennsylvania. | |
| Send comments to The Honorable Howell Nonnemacher, Chairman of the Township of Windham Board of Supervisors, Wyoming County, R.D. #2, Box 304, Mehoopany, Pennsylvania 18629. | |
| SOUTH CAROLINA | |
| Bennettsville (city), Marlboro County | |
| <i>Crooked Creek:</i> | |
| About 0.95 mile downstream of Edward Cottingham Boulevard | *123 |
| Just downstream of Lake Wallace Dam | *135 |
| Just upstream of Lake Wallace Dam | *146 |
| About 0.9 mile upstream of Beauty Spot Road | *148 |
| Maps available for inspection at the City Hall, P.O. Box 1036, Bennettsville, South Carolina. | |
| Send comments to The Honorable Jennings K. Owen, Mayor, City of Bennettsville, City Hall, P.O. Box 1036, Bennettsville, South Carolina 29512. | |

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. *Eleva- tion in feet (NGVD) |
|---|---|
| TEXAS | |
| Burnet (city), Burnet County | |
| <i>Hamilton Creek:</i> | |
| Approximately 740 feet downstream of the downstream corporate limits | *1,244 |
| Upstream side of State Route 29 | *1,276 |
| Approximately 170 feet upstream of the upstream corporate limits | *1,327 |
| <i>Haynie Branch:</i> | |
| At confluence with Hamilton Creek | *1,255 |
| Upstream side of State Route 29 | *1,306 |
| Approximately 275 feet upstream of Geneva Drive | *1,385 |
| <i>Stream HC(B)-2:</i> | |
| At confluence with Hamilton Creek | *1,281 |
| Approximately 130 feet downstream of corporate limits | *1,321 |
| <i>Daugherty Branch:</i> | |
| At confluence with Hamilton Creek | *1,283 |
| Approximately 1,400 feet upstream side of FM 963 | *1,308 |
| At corporate limits | *1,354 |
| <i>Stream HC(B)-3:</i> | |
| At confluence with Hamilton Creek | *1,317 |
| Approximately 75 feet upstream of corporate limits | *1,333 |
| Maps available for inspection at 127 East Jackson Street, Burnet, Texas. | |
| Send comments to The Honorable Howard Benton, Mayor of the City of Burnet, Burnet County, 127 East Jackson Street, Burnet, Texas 78611. | |
| Copper Canyon (town), Denton County | |
| <i>Lewisville Lake:</i> Entire shoreline within community | |
| | *537 |
| Maps available for inspection at the Town Hall, 400 Woodland Drive, Lewisville, Texas. | |
| Send comments to The Honorable G. Hugh Meilinger, Mayor of the Town of Copper Canyon, Denton County, 400 Woodland Drive, Lewisville, Texas 75067. | |
| Denton (city), Denton County | |
| <i>Hickory Creek:</i> | |
| At the most downstream corporate limits | *537 |
| Approximately 2.0 miles upstream of Interstate 35 west southbound | *601 |
| <i>Bryant Branch:</i> | |
| Approximately 1,000 feet downstream of FM 2181 | *538 |
| Approximately 550 feet upstream of Camp Lake Sharon Road | *575 |
| <i>Loving Branch:</i> At Hickory Hill Road | *558 |
| <i>Fincher Branch:</i> | |
| At Hickory Hill Road | *612 |
| Approximately 300 feet upstream of Hickory Hill Road | *613 |
| <i>Fletcher Branch:</i> | |
| Approximately 250 feet downstream of the most downstream corporate limits | *573 |
| Approximately 0.8 mile upstream of Hobson Lane | *636 |
| <i>Stream HC-1:</i> | |
| At the confluence with Hickory Creek | *573 |
| Approximately 1,350 feet upstream of Roselawn Road | *624 |
| <i>Dry Fork Hickory Creek:</i> | |
| Approximately 500 feet downstream of the most downstream corporate limits | *581 |
| At the upstream side of Airport Road | *614 |
| At the most upstream corporate limits | *661 |
| <i>Stream DF-1:</i> | |
| At the confluence with Dry Fork Hickory Creek | *590 |
| Approximately 1,900 feet upstream of Airport Road | *643 |
| <i>Stream DF-2:</i> | |
| At the confluence of Dry Fork Hickory Creek | *623 |
| Approximately 0.4 mile upstream of Lanit Road | *668 |
| <i>Stream DF-3:</i> | |
| At the confluence of Dry Fork Hickory Creek | *626 |

| PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued | | PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued | | PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued | |
|--|---|--|---|---|---|
| Source of flooding and location | #Depth in feet above ground. Elevation in feet (NGVD) | Source of flooding and location | #Depth in feet above ground. Elevation in feet (NGVD) | Source of flooding and location | #Depth in feet above ground. Elevation in feet (NGVD) |
| Approximately 110 feet upstream of Jim Crystal Road..... | *637 | Send comments to The Honorable Richard Stewart, Mayor of the City of Denton, Denton County, 215 East McKinney Street, Denton, Texas 76201. | | Approximately 3.3 miles upstream of County boundary..... | *364 |
| North Hickory Creek: | | | | Shiloh Branch: | |
| Approximately 0.9 mile downstream of Jim Crystal Road..... | *622 | | | At confluence with Red Oak Creek..... | *605 |
| Approximately 650 feet upstream of U.S. Route 380..... | *651 | | | Upstream side of Stocktank Dam..... | *635 |
| Pecan Creek Below SCS Dam No. 16: | | Eastvale (town), Denton County | | At upstream County boundary..... | *637 |
| Approximately 0.4 mile downstream of the most downstream corporate limits..... | *543 | Louisville Lake: Entire shoreline affecting the community..... | *537 | Maps available for inspection at the County Courthouse, Main Street, Waxahachie, Texas. | |
| Approximately 270 feet downstream of Ruddle Street..... | *601 | Maps available for inspection at City Hall, 326 West Lake Highlands, Eastvale, Texas. | | Send comments to Mr. Jimmy Rearis, Public Works Administrator, County Courthouse, Main Street, Waxahachie, Texas 75165. | |
| Upstream side of Linden Street..... | *636 | Send comments to The Honorable William Dorman, Mayor of the Town of Eastvale, Denton County, 326 West Lake Highlands, Eastvale, Texas 75056. | | | |
| Approximately 1,550 feet upstream of Gay Street..... | *661 | | | Fulshear (city), Fort Bend County | |
| Pecan Creek Above SCS Dam No. 16: | | | | Brazos River: | |
| At the confluence with the Reservoir Above SCS Dam No. 16..... | *679 | Ellis County | | Approximately 12.1 miles upstream of FM 723..... | *99 |
| Approximately 50 feet upstream of Westgate Street..... | *705 | Red Oak Creek: | | Approximately 13.4 miles upstream of FM 723..... | *99 |
| Stream PEC-1: | | At confluence of Bear Creek..... | *354 | Maps available for inspection at the City Hall, 6920 Katy-Fulshear Road, Fulshear, Texas. | |
| At Shady Shores Road..... | *555 | At Neck Road..... | *374 | Send comments to The Honorable Francis Smart, Mayor Protem of the City of Fulshear, Fort Bend County, 6920 Katy-Fulshear Road, Fulshear, Texas 77441. | |
| Approximately 500 feet upstream of State School Road..... | *605 | Upstream side of Southern Pacific Railroad..... | *394 | | |
| Approximately 1,620 feet upstream of the confluence of Stream PEC-1A..... | *636 | Upstream side of State Route 813 (1st upstream crossing)..... | *414 | | |
| Stream PEC-1A: | | At Rutherford Road..... | *449 | | |
| At the confluence with Stream PEC-1..... | *626 | Upstream side of State Route 813 (2nd upstream crossing)..... | *478 | | |
| Approximately 460 feet upstream of Lillian Miller Parkway..... | *657 | Approximately 1.4 miles upstream of State Route 813 (2nd upstream crossing)..... | *490 | Menard (city), Menard County | |
| Stream PEC-2: | | Upstream side of Shawnee Road..... | *520 | San Saba River: | |
| At the confluence with Pecan Creek Below SCS Dam No. 16..... | *585 | Upstream side of Hampton Road..... | *524 | At downstream corporate limits..... | *1,885 |
| Approximately 0.5 mile upstream of Spencer Road..... | *619 | Upstream side of State Route 644..... | *604 | At upstream corporate limits..... | *1,892 |
| Stream PEC-3: | | Approximately 0.8 mile upstream of Bryson Road..... | *630 | Harris Hollow: | |
| At the confluence with Pecan Creek Below SCS Dam No. 16..... | *593 | Approximately 2.8 miles upstream of Bryson Road..... | *665 | At downstream corporate limits..... | *1,885 |
| Approximately 100 feet upstream of Missouri-Kansas Texas Railroad..... | *625 | Bear Creek: | | Approximately 180 feet downstream of U.S. Route 83..... | *1,910 |
| Stream PEC-4: | | At confluence with Red Oak Creek..... | *354 | At upstream corporate limits..... | *1,930 |
| At the confluence with Pecan Creek Below SCS Dam No. 16..... | *603 | Upstream side of State Route 680..... | *370 | Maps available for inspection at the City Hall, Menard, Texas. | |
| Approximately 200 feet upstream of Mulberry Street..... | *644 | Upstream side of Southern Pacific Railroad..... | *409 | Send comments to The Honorable Bill Wilkenson, Mayor of the City of Menard, Menard County, City Hall, Menard, Texas 76859. | |
| Diversion PEC-4A: | | Upstream side of State Route 983..... | *437 | | |
| Approximately 1,180 feet downstream of Missouri-Kansas-Texas Railroad..... | *611 | Upstream side of Batchler Road..... | *473 | | |
| At Missouri-Kansas-Texas Railroad..... | *620 | At Pratt Road..... | *500 | | |
| Diversion PEC-4B: | | Approximately 1.9 miles upstream of Pratt Road..... | *537 | Menard County | |
| At McKinney Street..... | *621 | Long Branch: | | The San Saba River: | |
| Approximately 50 feet upstream of Industrial Street..... | *627 | At confluence with Bear Creek..... | *406 | Approximately 1,500 feet downstream of McDougal Draw..... | *1,763 |
| Diversion PEC-4C: | | At upstream side of State Route 983..... | *427 | Approximately 200 feet upstream of FM 2092..... | *1,797 |
| Approximately 150 feet upstream of the confluence with Pecan Creek Below SCS Dam No. 16..... | *611 | Approximately 0.65 mile upstream of State Route 664..... | *459 | Approximately 1 mile downstream of the eastern City of Menard corporate limits..... | *1,878 |
| At Missouri Pacific Railroad..... | *622 | Brushy Creek: | | Approximately 100 feet upstream of the eastern City of Menard corporate limits..... | *1,885 |
| North Pecan Creek: | | At confluence with Red Oak Creek..... | *382 | At the western City of Menard corporate limits..... | *1,892 |
| At the confluence with Pecan Creek Below SCS Dam No. 16..... | *621 | Upstream side of Hunsucker Road..... | *439 | Approximately 0.4 mile downstream of FM 2092..... | *1,933 |
| Approximately 60 feet upstream of Windsor Avenue..... | *669 | Upstream side of State Route 983..... | *500 | Approximately 1,600 feet upstream of confluence of Sheen Draw..... | *2,025 |
| Cooper Creek: | | Upstream side of State Route 2377..... | *542 | Approximately 0.5 mile upstream of confluence of Cambell Draw..... | *2,073 |
| Approximately 0.6 mile downstream of Trinity Road..... | *537 | Upstream side of Pierce Road..... | *579 | Stream SS-3: | |
| At Sherman Drive..... | *634 | Approximately 50 feet downstream of State Route 342..... | *606 | Confluence with the San Saba River..... | *2,053 |
| Approximately 150 feet upstream of Locust Street..... | *662 | Little Creek: | | Approximately 0.8 mile upstream of confluence with The San Saba River..... | *2,076 |
| Stream CC-1: | | At confluence with Red Oak Creek..... | *547 | Approximately 0.4 mile downstream of U.S. Route 190/State Route 29..... | *2,109 |
| At the confluence with Cooper Creek..... | *577 | Upstream side of Hampton Road..... | *586 | Approximately 100 feet upstream of U.S. Route 190/State Route 29..... | *2,151 |
| Approximately 50 feet upstream of Old North Road..... | *604 | Approximately 1.3 miles upstream of State Route 664..... | *622 | Rattlesnake Draw: | |
| Stream CC-2: | | Grove Creek: | | At confluence with The San Saba River..... | *2,047 |
| At the confluence with Cooper Creek..... | *602 | At confluence with Red Oak Creek..... | *369 | Approximately 1,590 feet upstream of confluence of Stream RD-1..... | *2,075 |
| Approximately 60 feet upstream of Kings Row..... | *624 | Upstream side of State Route 813 (1st upstream crossing)..... | *394 | Approximately 100 feet upstream of U.S. Route 190/State Route 29..... | *2,112 |
| Elm Fork Trinity River: | | Upstream side of Southern Pacific Railroad..... | *418 | Stream RD-1: | |
| Approximately 730 feet downstream of the confluence of Clear Creek..... | *537 | At Boyce Road..... | *462 | At confluence with Rattlesnake Draw..... | *2,061 |
| Approximately 540 feet upstream of the most upstream corporate limits..... | *536 | At State Route 570..... | *518 | At upstream side of dam..... | *2,081 |
| Maps available for inspection at 215 East McKinney Street, Denton, Texas. | | Upstream side of State Route 813 (2nd upstream crossing)..... | *557 | Approximately 730 feet upstream of U.S. Route 190/State Route 29..... | *2,109 |
| | | At confluence of South Grove Creek..... | *585 | Maps available for inspection at the Menard County Courthouse, Menard, Texas. | |
| | | Upstream side of U.S. Route 77..... | *616 | Send comments to The Honorable Otis H. Lykma, Menard County Judge, Menard County Courthouse, Menard, Texas 76859. | |
| | | Approximately 0.6 mile upstream of Gun Club Road..... | *637 | | |
| | | South Grove Creek: | | | |
| | | At confluence with Grove Creek..... | *585 | | |
| | | Upstream side of Missouri-Kansas-Texas Railroad..... | *614 | | |
| | | Approximately 1.6 mile upstream of U.S. Route 77..... | *649 | | |
| | | Trinity River: | | | |
| | | Approximately 1.6 miles upstream of U.S. Route 77..... | *362 | | |

| PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued | | PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued | | PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued | |
|---|---|---|---|--|---|
| Source of flooding and location | #Depth in feet above ground. Elevation in feet (NGVD) | Source of flooding and location | #Depth in feet above ground. Elevation in feet (NGVD) | Source of flooding and location | #Depth in feet above ground. Elevation in feet (NGVD) |
| Mission Bend Municipal Utility District No. 1, Fort Bend and Harris Counties | | At seventh upstream crossing of State Route 121..... | | Fox Mill Run: | |
| Tributary 29.16 to Brays Bayou (D132-00-00): Approximately 4,140 feet above confluence with Brays Bayou (D100-00-00)..... | | At tenth upstream crossing of State Route 121..... | | Approximately 1,200 feet north of State Routes 629 & 671 intersection..... | |
| *85 | | Upstream side of Cabell Road..... | | *7 | |
| Maps available for inspection at Putney, Moffatt and Easley, 1303 Sherwood Forest, Houston, Texas 77095. | | South Branch Saxtons River: | | Intersection of U.S. Business Route 17 and Fox Mill Run..... | |
| Send comments to The Honorable John R. Van Dyke, Administrative Officer for Mission Bend Municipal Utility District No. 1, Fort Bend and Harris Counties, Putney, Moffatt and Easley, 1303 Sherwood Forest, Houston, Texas 77095. | | At confluence with Saxtons River..... | | *9 | |
| | | Downstream side of Townshend Road..... | | *16 | |
| | | Upstream of second upstream crossing of Townshend Road..... | | *23 | |
| | | *905 | | Carter Creek: Entire length of creek..... | |
| | | Hinkley Brook: | | *7 | |
| | | At confluence with Saxtons River..... | | Aberdeen: At the intersection of State Route 631..... | |
| | | Approximately 100 feet upstream of Middletown Road..... | | *7 | |
| | | *884 | | Jones Creek: At the intersection of State Route 708..... | |
| | | Maps available for inspection at the Town Hall, Grafton, Vermont. | | *7 | |
| | | Send comments to The Honorable Marjory Heindel, Chairman of the Town of Grafton, Windham County, P.O. Box 92, Grafton, Vermont 05145. | | Timberneck Creek: Intersection of State Route 638..... | |
| | | | | *7 | |
| | | | | Cedarbush Creek: State Route 633 extended to shoreline..... | |
| | | | | *7 | |
| | | | | Adam Creek: Intersection to State Routes 617 & 684..... | |
| | | | | *7 | |
| | | | | Popular Spring Branch: Intersection of State Route 610..... | |
| | | | | *7 | |
| | | | | Porpolank River: End of State Route 612..... | |
| | | | | *7 | |
| | | | | Bland Creek: Intersection of State Route 610..... | |
| | | | | *7 | |
| | | | | Fox Creek: Approximately 5,000 feet north of State Routes 662 & 618 intersection..... | |
| | | | | *7 | |
| | | | | Maps available for inspection at the Court & Office Building, Gloucester, Virginia. | |
| | | | | Send comments to The Honorable William H. Whitley, Gloucester County Administrator, P.O. Box 329, Gloucester, Virginia 23061. | |
| | | | | | |
| | | | | Irvington (town), Lancaster County | |
| | | | | Rappahannock River: | |
| | | | | Shoreline of Carter Creek..... | |
| | | | | *7 | |
| | | | | Shoreline of Eastern Branch..... | |
| | | | | *7 | |
| | | | | Maps available for inspection at the Town Office, Steamboat Road, Irvington, Virginia. | |
| | | | | Send comments to The Honorable William Evans, Mayor of the Town of Irvington, Lancaster County, Town Office, Irvington, Virginia 22480. | |
| | | | | | |
| | | | | Tappahannock (town), Essex County | |
| | | | | Rappahannock River: | |
| | | | | Entire shoreline within community..... | |
| | | | | *7 | |
| | | | | Entire shoreline within community..... | |
| | | | | *7 | |
| | | | | Maps available for inspection at the Town Office, 315 Duke Street, Tappahannock, Virginia. | |
| | | | | Send comments to The Honorable G. G. Belfield, Town Manager of Tappahannock, Essex County, P.O. Box 266, Tappahannock, Virginia 22560. | |
| | | | | | |
| | | | | WEST VIRGINIA | |
| | | | | Hamlin (town), Lincoln County | |
| | | | | Mud River: | |
| | | | | At downstream corporate limits..... | |
| | | | | *640 | |
| | | | | At upstream corporate limits..... | |
| | | | | *644 | |
| | | | | Maps available for inspection at the Town Hall, 220 Main Street, Hamlin, West Virginia. | |
| | | | | Send comments to The Honorable C. E. Monday, Mayor of the Town of Hamlin, Lincoln County, 220 Main Street, Hamlin, West Virginia 25523. | |
| | | | | | |
| | | | | West Hamlin (town), Lincoln County | |
| | | | | Guyandotte River: | |
| | | | | At downstream corporate limit..... | |
| | | | | *579 | |
| | | | | At confluence of Falls Creek..... | |
| | | | | *582 | |
| | | | | Maps available for inspection at the Town Hall, Guyan Street, West Hamlin, West Virginia. | |
| | | | | Send comments to The Honorable James A. Coffman, Mayor of the Town of West Hamlin, Lincoln County, P.O. Box 188, West Hamlin, West Virginia 25571. | |
| | | | | | |
| | | | | The proposed modified base (100-year) flood elevations for selected locations are: | |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) | |
|---|---|---|--|--|--|
| | | | | Existing | Modified |
| Arizona | Apache Junction (city) Maricopa and Pinal Counties. | Apache Creek (Apache Junction Alluvial Fan). | Approximately 1,000 feet east of intersection of East Boulder Drive and North 114th Street. | None | #1 |
| <p>Maps are available at the Building Department, 1001 North Idaho Road, Apache Junction, Arizona.</p> <p>Send comments to the Honorable Norman S. Hill, Mayor, City of Apache Junction, 1001 North Idaho Road, Apache Junction, Arizona 85219.</p> | | | | | |
| Arizona | Avondale (city) Maricopa County. | Agua Fria River | 2,090 feet south of intersection of Broadway and Litchfield Roads. 1,500 feet upstream of McDowell Road. At downstream edge of Indian School Road. | *928 *988 *1010 | *927 *988 *1,012 |
| <p>Maps are available for review at the Public Works Department, 525 North Central Avenue, Avondale, Arizona.</p> <p>Send comments to the Honorable Lowell Riefkohl, Mayor, City of Avondale, 525 North Central Avenue, Avondale, Arizona 85323.</p> | | | | | |
| Arizona | City of Bullhead City, Mohave County. | Colorado River | Approximately 1.6 miles downstream of Puerta Vista Approximately 1,500 feet upstream of Puerta Vista Approximately 1,800 feet downstream of Hancock Road. Approximately 500 feet downstream of Park Lane. Approximately at 7th Street. | None None None None None | *491 *494 *500 *504 *509 |
| <p>Send comments to Mayor Glenn E. Tudor, P.O. Box 1048, Bullhead City, Arizona 86430.</p> <p>Maps are available for inspection at City Hall, Office of Planning and Development, 1355 Ramar, Bullhead City, Arizona.</p> | | | | | |
| Arizona | Carefree (town), Maricopa County. | Andora Hills Wash Galloway Wash | Approximately 1,250 feet downstream from center of Piedra Grande Drive. At Holiday Lane At the most upstream crossing of Burro Road. Approximately 170 feet downstream of Scopa Trail At Scopa Trail Approximately 850 feet upstream of Tranquil Trail | None None None None None None | *2,248 *2,287 *2,296 *2,310 *2,313 *2,393 |
| <p>Maps are available for review at the Town Engineer's Office, P.O. Box 740, Carefree, Arizona 85377.</p> <p>Send comments to the Honorable Merrit Bigelow, Mayor, Town of Carefree, P.O. Box 740, Carefree, Arizona 85377.</p> | | | | | |
| Arizona | El Mirage (town), Maricopa County. | Agua Fria River | 2,550 feet upstream of Olive Avenue 750 feet upstream of Cactus Road 3,080 feet downstream of Bell Road | *1,087 *1,113 *1,152 | *1,087 *1,112 *1,149 |
| <p>Maps are available for review at the City Manager's Office, 14405 Palm Street, El Mirage, Arizona.</p> <p>Send comments to the Honorable Rosario Valenzuela, Mayor, City of El Mirage, P.O. Box 26, El Mirage, Arizona 85335.</p> | | | | | |
| Arizona | Gila Bend (town), Maricopa County. | Gila Bend Canal | Approximately 1,000 feet west of center of intersection of Euclid Avenue and Locke Street. | None | #2 |
| <p>Maps are available for review at the Town Hall, 644 West Pima Street, Gila Bend, Arizona.</p> <p>Send comments to the Honorable Ray H. Cassel, Jr., Mayor, Town of Gila Bend, P.O. Box 1, Gila Bend, Arizona 85377.</p> | | | | | |
| Arizona | Glendale (city), Maricopa County. | Agua Fria River New River Skunk Creek Arizona Canal Grand Canal | At confluence with Grand Canal. 2,150 feet downstream of Glendale Avenue, along corporate limits. 1,590 feet downstream of Glendale Avenue, along corporate limits. 4,720 feet upstream of confluence with Agua Fria River. At downstream edge of Union Hills Drive At downstream edge of Pinnacle Peak Road At corporate limits north of Paradise Lane 200 feet upstream of 67th Avenue At downstream edge of 51st Avenue At intersection of 47th and Desert Cove Avenues At intersection of 60th Avenue and Calavar Road At intersection of 71st Avenue and Karen Lee Lane At intersection of 75th Avenue and Reade Avenue | *1,040 *1,045 *1,047 *1,041 *1,230 *1,310 *1,215 *1,236 *1,297 None None None None | *1,040 *1,043 *1,045 *1,041 *1,225 *1,306 *1,213 *1,232 *1,296 #3 *1,218 #2 #1 |
| <p>Maps are available for review at the Community Development Department, 5850 West Glendale Avenue, Glendale, Arizona.</p> <p>Send comments to the Honorable George Renner, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, Arizona 85301.</p> | | | | | |
| Arizona | Goodyear (town), Maricopa County. | Agua Fria River Gila River | 4,950 feet south of intersection of Litchfield and Broadway Roads, along corporate limits. 2,170 feet south of intersection of Litchfield and Broadway Roads, along corporate limits. At intersection of Litchfield and Broadway Roads 560 feet upstream of Reems Road 810 feet upstream of Bullard Avenue, along Buckeye Canal. 2,090 feet south of intersection of Broadway and Litchfield Roads. | *926 *928 *932 *911 *920 *928 | *923 *927 *933 *911 *917 *927 |
| <p>Maps are available for review at the City Hall, 119 North Litchfield Road, Goodyear, Arizona.</p> <p>Send comments to the Honorable Chauncey B. Coor, Mayor, City of Goodyear, 119 North Litchfield Road, Goodyear, Arizona 85338.</p> | | | | | |
| Arizona | Greenlee County (unincorporated areas). | Gila River | 3,000 feet downstream of confluence with Canyon Creek. 400 feet upstream of confluence with Incoming River East. | None None | *3,620 *3,644 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground *Elevation in feet (NGVD) | |
|---|-----------------------------|--|--|---|----------|
| | | | | Existing | Modified |
| | | | 8,400 feet upstream of confluence with Rainville Wash | None | *3,674 |
| <p>Maps are available for review at the Board of Supervisors office; 5th and Leonard Streets, Clifton, Arizona. Send comments to the Honorable Jack D. Cooper, Chairman, Greenlee County Board of Supervisors, P.O. Box 908, Clifton, Arizona 85533.</p> | | | | | |
| Arizona | Town of Marana, Pima County | East Embankment Southern Pacific Railroad | On the northern extension of San Dario Road (also the Marana corporate limits), 600 feet due north of the Southern Pacific Railroad. | None | *1,979 |
| | | | At Avra Street, 300 feet southeast of intersection with Tortolita Street | None | *1,990 |
| | | | On Tangerine Road, 1,400 feet east of the intersection of Tangerine Road extended due west and the Southern Pacific Railroad. | None | *2,044 |
| | | Tortolita Alluvial Fans | 1,500 feet north of a point on Tangerine Road that is 1,000 feet east of the intersection of Tangerine Road extended due west and the Southern Pacific Railroad. | None | #1 |
| | | | At intersection of Adonis Road and Warfield Circle | None | #2 |
| <p>Maps are available for review at the Planning and Zoning Department, 12775 N. Sanders Drive, Marana, Arizona. Send comments to the Honorable Billy W. Schisler, 12775 N. Sanders Drive, Marana, Arizona 85238.</p> | | | | | |
| Arizona | Maricopa County | Agua Fria River | 4,020 feet west of intersection of Southern Avenue and Dysart Road | *927 | *924 |
| | | | At downstream edge of Bell Road | *1,160 | *1,160 |
| | | | 1,710 feet upstream from the southern boundary of Township 5 North | None | *1,271 |
| | | Gila River | 560 feet upstream of Reems Road | *911 | *911 |
| | | | 570 feet upstream of Bullard Avenue | *917 | *917 |
| | | | At downstream edge of 115th Avenue | *947 | *944 |
| | | New River | At confluence with Agua Fria River | *1,030 | *1,030 |
| | | | At upstream edge of Peoria Avenue east of 95th Avenue | *1,112 | *1,112 |
| | | | 1,500 feet downstream of New River Dam | None | *1,381 |
| | | Salt River | At upstream edge of 115th Avenue | *947 | *944 |
| | | | 610 feet upstream of 107th Avenue | *952 | *952 |
| | | | At upstream edge of 51st Avenue | *1,016 | *1,013 |
| | | | 1,460 feet east along Salt River Indian Reservation Boundary from North Alma School Road | *1,209 | *1,207 |
| | | Skunk Creek | At upstream edge of Pinnacle Peak Road | *1,391 | *1,392 |
| | | | 200 feet upstream of Joy Ranch Road | None | *1,785 |
| | | | 4,280 feet upstream of Unnamed Road | None | *2,255 |
| | | Scatter Wash | At upstream edge of Pinnacle Peak Road, 200 feet west of 7th Avenue | *1,455 | *1,455 |
| | | | At upstream edge of Pinnacle Peak Road, 690 feet west of 7th Avenue | *1,466 | *1,466 |
| | | Aguila Farm Channel | At intersection of Pinnacle Peak Road and 7th Avenue | *1,471 | *1,471 |
| | | | At confluence with Grass Wash | None | *2,148 |
| | | | 50 feet upstream of Eagle Eye Avenue | None | *2,166 |
| | | | Approximately 1,300 feet north of intersection of 6th Street and State Highway 60/70 | None | *2,176 |
| | | Andora Hills Wash | At confluence with Cave Creek | None | *2,007 |
| | | | 50 feet upstream of Basin Road | None | *2,143 |
| | | | Approximately 1,350 feet downstream of Piedra Grande Drive | None | *2,246 |
| | | Apache Creek (Apache Jct. Alluvial Fan) | At intersection of Crimson Road and Apache Trail | None | #1 |
| | | Cave Creek (Above Cave Creek Dam) | Approximately 3,850 feet downstream of Carefree Highway | None | *1,833 |
| | | | At Carefree Highway | None | *1,869 |
| | | | Approximately 750 feet upstream of Morning Star Road | None | *2,149 |
| | | East Fork Cave Creek (Above Cave Creek Road) | 50 feet upstream of Cave Creek Road | None | *1,453 |
| | | | At Siesta Lane | None | *1,475 |
| | | | At Beardsley Road | None | *1,497 |
| | | Galloway Wash | Confluence With Cave Creek | None | *2,030 |
| | | | Approximately 60 feet downstream of School House Road | None | *2,170 |
| | | | Approximately 170 feet downstream of Scopa Trail | None | *2,310 |
| | | Grapevine Wash | Confluence with Galloway Wash | None | *2,180 |
| | | | Approximately 100 feet upstream of Unnamed Road | None | *2,230 |
| | | | Approximately 3,100 feet upstream of Unnamed Road | None | *2,297 |
| | | Grass Wash | Approximately 1,250 feet downstream of confluence with Aguila Farm Channel | None | *2,147 |
| | | | Approximately 300 feet upstream of Hector Road | None | *2,168 |
| | | | At 4th Street extended | None | *2,173 |
| | | Little San Domingo Wash | Approximately 90 feet upstream of U.S. Highway 60/70/89 and State Highway 93 | None | *1,962 |
| | | | Approximately 600 feet upstream of U.S. Highway 60/70/89 and State Highway 93 | None | *1,965 |
| | | | Approximately 550 feet downstream of Morristown-New River Highway | None | *2,001 |
| | | Martinez Wash | Approximately 275 feet upstream of Rincon Road | None | *2,103 |
| | | | Approximately 575 feet upstream of Rincon Road | None | *2,105 |
| | | | At Maricopa-Yavapai County Limits | None | *2,126 |
| | | Mockingbird Wash | At U.S. Highway 60/70/89 and State Highway 93 | None | *1,996 |
| | | | Approximately 60 feet downstream of most downstream Unnamed Road | None | *2,022 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) | |
|-------|------------------|--------------------------|---|--|----------|
| | | | | Existing | Modified |
| | | | Approximately 440 feet upstream of most upstream Unnamed Road. | None | *2,071 |
| | | Ocotillo Wash..... | Confluence with Cave Creek..... | None | *2,039 |
| | | | 50 feet upstream of Spur Cross Road..... | None | *2,117 |
| | | | Approximately 900 feet upstream of Lone Mountain Road. | None | *2,244 |
| | | Powder House Wash..... | At Constellation Road..... | None | *2,100 |
| | | | 60 feet downstream of Jeep Trail extended..... | None | *2,137 |
| | | | Approximately 1,800 feet upstream of Jeep Trail extended. | None | *2,179 |
| | | Rowe Wash..... | Confluence With Galloway Wash..... | None | *2,111 |
| | | | Approximately 100 feet downstream of School House Road. | None | *2,175 |
| | | | Approximately 1,650 feet upstream of Echo Canyon Road. | None | *2,315 |
| | | Willow Springs Wash..... | Confluence with Cave Creek..... | None | *2,057 |
| | | | 50 feet downstream of Spur Cross Road..... | None | *2,135 |
| | | | Approximately 2,900 feet upstream of Spur Cross Road. | None | *2,188 |
| | | Wittman Drainage..... | At Atchison, Topeka and Santa Fe Railway..... | None | *1,679 |
| | | | At Center Street..... | None | *1,689 |
| | | | Approximately 1,100 feet upstream of Center Street..... | None | *1,702 |
| | | Arizona Canal..... | At intersection of Country Gables and 68th Drives..... | None | #3 |
| | | Gila Bend Canal..... | At Southern Pacific Railroad Bridge, 1 mile east of Theba. | None | #2 |
| | | Grand Canal..... | At southern edge of Bothary Home Road, approximately 80 feet east of intersection with 83rd Avenue. | None | #1 |

Maps are available for review at the Maricopa County Flood Control District Office, 3335 West Durango, Phoenix, Arizona.

Send comments to The Honorable George Campbell, Chairman, Maricopa County Board of Supervisors, 111 South Third Avenue, 6th Floor, Phoenix, Arizona 85003.

| | | | | | |
|--------------|-----------------------------------|-----------------|---|--------|--------|
| Arizona..... | Mesa (city), Maricopa County..... | Salt River..... | 770 feet upstream from a point at the intersection of a line drawn due north from the intersection of Price Road and 1st Street and the Salt River Indian Reservation Boundary. | *1,186 | *1,183 |
| | | | 375 feet east of intersection of East Lehi Road and North Country Club Drive. | *1,219 | *1,217 |
| | | | 1,550 feet east of intersection of East Lehi Road and North Center Street. | *1,227 | *1,227 |

Maps are available for review at the Building Permit Department, 55 North Center, Mesa, Arizona.

Send comments to The Honorable Al Brooks, Mayor, City of Mesa, 55 North Center, Mesa, Arizona 85201.

| | | | | | |
|--------------|-------------------------------------|----------------------|---|--------|--------|
| Arizona..... | Peoria (city), Maricopa County..... | Agua Fria River..... | At upstream edge of Northern Avenue..... | *1,067 | *1,065 |
| | | | 1,590 feet upstream of Northern Avenue..... | *1,072 | *1,069 |
| | | | 4,000 feet upstream of Northern Avenue..... | *1,078 | *1,076 |
| | | New River..... | At upstream edge of Northern Avenue, west of 99th Avenue. | *1,081 | *1,081 |
| | | | At confluence with Skunk Creek..... | *1,166 | *1,163 |
| | | | At downstream edge of Pinnacle Peak Road..... | *1,310 | *1,306 |
| | | Skunk Creek..... | At confluence with Skunk Creek..... | *1,166 | *1,163 |
| | | | At downstream edge of 83rd Avenue..... | *1,179 | *1,173 |
| | | | At corporate limits, north Paradise Lane..... | *1,215 | *1,213 |
| | | Arizona Canal..... | At 75th Avenue..... | None | #3 |
| | | | Approximately 300 feet east of 75th Avenue..... | None | #2 |

Maps are available for review at the Engineering Department, 8320 West Madison, Peoria, Arizona.

Send comments to the Honorable Ronald Travers, Mayor, City of Peoria, P.O. Box 38, Peoria Arizona 85345.

| | | | | | |
|--------------|--------------------------------------|---------------------------------|--|--------|--------|
| Arizona..... | Phoenix (city), Maricopa County..... | New River..... | 900 feet upstream of confluence with Agua Fria..... | *1,032 | *1,032 |
| | | | Along 107th Avenue 600 feet south of its intersection with Bethany Home Road. | *1,042 | *1,042 |
| | | | At county line along Bethany Home Road, 2,500 feet east of 107th Avenue. | *1,045 | *1,045 |
| | | Salt River..... | 240 feet upstream of corporate limit due south of intersection of Southern Avenue and 99th Avenue. | *958 | *959 |
| | | | 120 feet upstream of center of 91st Avenue..... | *967 | *967 |
| | | | At corporate limit due north of intersection of 56th Street and 1st Street. | *1,147 | *1,146 |
| | | Skunk Creek..... | At upstream edge of 51st Avenue..... | *1,297 | *1,297 |
| | | | 75 feet downstream of Beardsley Road..... | *1,328 | *1,324 |
| | | | 600 feet downstream of edge of Jomax Road..... | *1,456 | *1,460 |
| | | Scatter Wash..... | At confluence with Skunk Creek..... | *1,312 | *1,307 |
| | | | At upstream edge of Beardsley Road..... | *1,340 | *1,339 |
| | | | At downstream edge of 23rd Avenue..... | *1,416 | *1,416 |
| | | | At intersection of 7th Avenue and Pinnacle Peak Road..... | *1,471 | *1,471 |
| | | Scatter Wash, North Branch..... | At confluence with southwest South Branch..... | *1,361 | *1,360 |
| | | | 350 feet upstream of Deer Valley Drive..... | *1,378 | *1,378 |
| | | | 450 feet upstream of Skunk Creek Drive..... | *1,403 | *1,403 |
| | | Scatter Wash, South Branch..... | At confluence with southwest North Branch..... | *1,361 | *1,360 |
| | | | 100 feet upstream of 27th Avenue..... | None | *1,390 |
| | | | 100 feet upstream of Williams Drive..... | None | *1,415 |

Maps are available for review at the Floodplain Management Office, 125 East Washington, Phoenix, Arizona.

Send comments to The Honorable Terry Goddard, Mayor, City of Phoenix, 25 West Washington, Phoenix, Arizona 85003.

| | | | | | |
|--------------|-------------------------------------|-------------------------|---|--------|------|
| Arizona..... | Pima County (unincorporated areas). | Agua Caliente Wash..... | At the confluence of Agua Caliente Wash and Tanque Verde Creek. | *2,555 | None |
|--------------|-------------------------------------|-------------------------|---|--------|------|

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) | |
|-------|------------------|---|---|--|----------|
| | | | | Existing | Modified |
| | | | At the intersection of the Wash and Jones Road..... | *2,565 | None |
| | | | 90 feet due south from a point 580 feet due east of the intersection of Powder Horn Drive and El Poso Trail. | *2,576 | None |
| | | Alamo Wash..... | 3,330 feet north of the intersection of Swan Road and East Fort Lowell Road. | None | *2,412 |
| | | | 200 feet north of the intersection of East Fort Lowell Road and Swan Road. | None | *2,424 |
| | | | 700 feet east of the intersection of Arcadia Blvd. and East Fort Lowell Road. | None | *2,432 |
| | | Alvernon Wash..... | 150 feet east from a point 150 feet north of the intersection of Kleindale Road and Alvernon Way. | None | *2,390 |
| | | | 200 feet north of the intersection of Alvernon Way and East Fort Lowell Road. | None | *2,405 |
| | | | At the intersection of Alvernon Way and East Fort Lowell Road. | None | *2,410 |
| | | Black Wash..... | At the intersection of Valencia Road and Camino Verde Boulevard. | None | #1 |
| | | | At the intersection of Valencia Road and Unnamed Road 1,900 feet east of the intersection of Valencia Road and Camino Verde Blvd. | None | #3 |
| | | Canada Del Oro Wash..... | 650 feet south of the intersection of Overton Road and Verch Way. | *2,386 | *2,386 |
| | | | At the center of the Braided Channel, just downstream of La Canada Drive. | *2,433 | *2,433 |
| | | | 2,900 feet due west from the confluence of Suther land Wash with Canada Del Oro Wash. | *2,658 | *2,658 |
| | | Christmas Wash..... | At the intersection of the Wash and Roger Road..... | None | *2,351 |
| | | East Embankment of the Southern Pacific Railroad. | Just north of a point 4,000 feet northwest along the from a point where Railroad Hardin Road (extended) would intersect. | None | *1,947 |
| | | | Approximately 200 feet southeast along the Railroad from the El Camino De Manana Crossing. | None | *2,123 |
| | | | 1,550 feet northwest along the Railroad from the northwest end of the Railroad Bridge over the Canada Del Oro Wash. | None | *2,215 |
| | | Esperero Wash..... | At the confluence of Esperero Wash with Ventana Canyon Wash. | None | *2,667 |
| | | | Just upstream of Sunrise Drive..... | None | *2,723 |
| | | | 500 feet south of a point 150 feet west of the north east corner of the northwest Quarter of section 8, Township 13 South, Range 15 East. | None | *2,877 |
| | | Pantano Wash..... | 2,400 feet east (along the Tucson corporate limits) from the intersection of East Grant Road and Will-mot Road. | *2,496 | None |
| | | | At the intersection of the wash and Speedway Boule-vard. | *2,541 | None |
| | | | 2,600 feet west from a point 210 feet north of the inter section of Pantano Road and 4th Street. | *2,555 | None |
| | | Rillito Creek..... | 340 feet west of a point 760 feet north of the inter-section of Rillito Lane and Elisa Avenue. | *2,297 | *2,297 |
| | | | Approximately 500 feet upstream of El Camino De La Tierra. | *2,232 | *2,229 |
| | | | 2,530 feet east of a point 280 feet north of the inter-section of Westmore Road and North 1st Avenue. | *2,329 | *2,329 |
| | | Robb Wash..... | 500 feet upstream from the confluence with Tanque Verde Creek. | None | *2,521 |
| | | | Just downstream of Wrightstown Road..... | None | *2,529 |
| | | | At the intersection of the Wash and Pima Street..... | None | *2,549 |
| | | Tanque Verde..... | 2,330 feet west along Woodland Road from a 90-degree bend in road. | *2,525 | None |
| | | | At intersection of creek and Jones Road..... | *2,565 | None |
| | | | The ford site on Tanque Verde Creek along the Dirt Road that continues north from the inter-section of East Speedway Boulevard and Houghton Road. | *2,576 | None |
| | | Tortolita Alluvial Fans..... | At the intersection of Greenlock Drive and Bluebonnet Road. | None | #1 |
| | | | The northwest corner of the northeast quarter of section 13, Township 11 South, Range 11 East. | None | #3 |
| | | Ventana Canyon Wash..... | 100 feet downstream of Riverbend Circle..... | *2,467 | *2,471 |
| | | | Just upstream of River Road..... | *2,505 | *2,506 |
| | | | Just upstream of Sunrise Drive..... | *2,725 | *2,731 |
| | | Ventana Canyon Wash..... | 500 feet east of a point 500 feet north of the southwest quarter of section 6, Township 13 South, Range 15 East. | None | *3,108 |

Maps are available for review at the Pima County Transportation and Flood Control District, 1313 South Mission Road, Tucson, Arizona.

Send comments to The Honorable Sam Lena, Chairman, Pima County Board of Supervisors, 131 West Congress, Tucson, Arizona 85701.

| | | | | | |
|--------------|-----------------------------------|----------------------|--|--------|--------|
| Arizona..... | Town of Surprise Maricopa County. | Agua Fria River..... | 3,080 feet downstream of Bell Road..... | *1,152 | *1,149 |
| | | | At downstream edge of Bell Road..... | *1,160 | *1,160 |
| | | | 4,900 feet east of intersection of Beardsley and El Mirage Road. | *1,188 | *1,194 |

Maps are available for review at the Maricopa County Flood Control District Office, 3335 West Durango, Phoenix, Arizona.

Send comments to The Honorable George Cumbie, Mayor, Town of Surprise, 1260 Santa Fe Drive, Surprise, Arizona 85374.

| | | | | | |
|--------------|------------------------------------|-----------------|--|--------|--------|
| Arizona..... | Tempe (city), Maricopa County..... | Salt River..... | At corporate limits due north of 56th and 1st Streets..... | *1,147 | *1,146 |
|--------------|------------------------------------|-----------------|--|--------|--------|

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground, *Elevation in feet (NGVD) | |
|--|-----------------------------|----------------------|--|--|--------------------------------------|
| | | | | Existing | Modified |
| | | | At downstream edge of Interstate Highway 80..... | *1,155 | *1,157 |
| | | | 4,600 feet upstream of Hayden Road centerline..... | *1,181 | *1,182 |
| Maps are available for review at the Public Works Department-Engineering Division, 31 East 5th Street, Tempe, Arizona. | | | | | |
| Send comments to The Honorable Harry E. Mitchell, Mayor, City of Tempe, P.O. Box 5002, Tempe, Arizona 85281. | | | | | |
| Arizona | City of Tucson, Pima County | Agua Caliente Wash | At confluence with Tanque Verde Wash..... On El Poso Trail, 600 feet from Powder Horn Drive..... On Tanque Verde Road, 1,700 feet east of intersection with Powder Horn Drive. | None None None | *2,555 *2,575 *2,594 |
| | | Alamo Wash | On East Fort Lowell Road, 360 feet of intersection with Arcadia Boulevard..... 900 feet upstream of confluence with Arcadia Wash..... 320 feet south of intersection of Spring and Jefferson Streets. | None None None | *2,428 *2,451 *2,485 |
| | | | At intersection of Golf Links Road and Avenida del Sol. | None | *2,673 |
| | | Alvernon Wash | 60 feet southeast of intersection of Kleindale Road and Alvernon Way..... 30 feet north of intersection of Blacklidge Drive and Alvernon Way..... 180 feet south of intersection of East Grant Road and Alvernon Way. | None None None | *2,397 *2,422 *2,445 |
| | | Arcadia Wash | 400 feet upstream of confluence with Alamo Wash..... 100 feet north of intersection of Lee Street and Santa Rosa Boulevard..... 490 feet northeast of intersection of East 22nd Street and Van Buren Avenue. | None None None | *2,448 *2,485 *2,590 |
| | | Arroyo Chico | 200 feet west of intersection of 13th Street and South Campbell Avenue..... At intersection of Parkway Terrace and Stratford Drive..... | None None | *2,438 *2,460 |
| | | | 80 feet downstream of La Jolla Circle..... | None | *2,532 |
| | | Cemetery Wash | 300 feet downstream of North Oracle Road..... 300 feet downstream of Castle Avenue..... 80 feet downstream of North Stone Avenue..... | None None None | *2,325 *2,330 *2,339 |
| | | Cholla Wash | At confluence with West Branch Santa Cruz River..... 50 feet east of intersection of Pueblo Vista Boulevard and Camino Arriba..... 540 feet west of intersection of San Marcos Boulevard and Camino Santiago. | None None None | *2,375 *2,418 *2,430 |
| | | Christmas Wash | 180 feet east of intersection of North Jackson Boulevard and Roger Road..... 400 feet east of intersection of Richards Place and North Tucson Boulevard..... 150 feet west of intersection of East Fort Lowell and North Country Club Roads. | None None None | *2,351 *2,386 *2,402 |
| | | Citation Wash | At confluence with Arroyo Chico..... Just upstream of Treat Avenue..... 100 feet east of point 160 feet south of intersection of 17th Street and South Country Club Road. | None None None | *2,459 *2,467 *2,478 |
| | | Columbus Wash | At confluence with Alvernon Wash..... 25 feet south of intersection of Monte Vista Drive and Columbus Boulevard..... 120 feet south of intersection of East Grant Road and Columbus Boulevard. | None None None | *2,412 *2,433 *2,454 |
| | | Earp Wash | 500 feet downstream of Irvington Road..... 80 feet west of intersection of Treat Avenue and Walnut Street..... Just west of intersection of Bantam and Country Club Roads. | None None None | *2,536 *2,555 *2,569 |
| | | Enchanted Hills Wash | 100 feet upstream of confluence with West Branch Santa Cruz River..... At Mission Road..... Just downstream of La Cholla Boulevard..... 1,400 feet upstream of unnamed road that is approximately 0.5 mile upstream of La Cholla Boulevard. | None 2,418 2,451 None | *2,394 *2,414 *2,454 *2,512 |
| | | Flowing Wells Wash | On downstream face of La Cholla Boulevard bridge..... 240 feet west of intersection of Panama Lane and Flowing Wells Road. | None None | *2,273 *2,303 |
| | | | At intersection of Erma Avenue and Fort Lowell Road..... | None | *2,313 |
| | | Gardner Lane Area | At north end of Freeway Airport Runway..... On Gardner Lane, 600 feet west of intersection with Interstate Highway 10. | None None | #1 #2 |
| | | Hidden Hills Wash | 1,100 feet downstream of Wrightstown Road..... At Sierra Avenue..... Approximately 400 feet northwest of intersection of East Broadway Boulevard and Harrison Road. | None None None | *2,541 *2,617 *2,703 |
| | | High School Wash | 100 feet upstream of North 2nd Avenue..... Just upstream of Fremont Avenue..... 90 feet west of intersection of East 6th Street and Norton Avenue. | None None None | *2,387 *2,404 *2,449 |
| | | Kennison Wash | 6,090 feet east of a point 500 feet north of intersection of Stella Road and Manitoba Avenue..... Just downstream of Carson Drive..... 400 feet north of a point 400 feet east of intersection of Kolb and Irvington Roads. | None None None | *2,698 *2,734 *2,754 |
| | | Navajo Wash | 300 feet downstream of North Oracle Road..... | None | *2,324 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) | |
|---|-------------------------------------|--|--|--|----------|
| | | | | Existing | Modified |
| | | | 100 feet west of intersection of Los Altos Avenue and Navajo Road. | None | *2,347 |
| | | | On west side of Mountain Avenue, 370 feet south of intersection with East Fort Lowell Road. | None | *2,369 |
| | | Naylor Wash..... | 300 feet west of a point 100 feet south of intersection of Camino De La Collina and Alvernon Way. | None | *2,511 |
| | | | Just upstream of Columbus Boulevard..... | None | *2,539 |
| | | | 80 feet downstream of Swann Road..... | None | *2,552 |
| | | Pantano Wash..... | 1,750 feet east of intersection of East Grant and Wilmot Roads. | None | *2,492 |
| | | | 150 feet downstream of East Speedway Boulevard..... | None | *2,540 |
| | | | 2,600 feet west from a point 210 feet north of intersection of Pantano Road and 4th Street. | None | *2,553 |
| | | Pima Wash..... | At confluence with Rillito Creek..... | None | *2,297 |
| | | | 80 feet upstream of River Road..... | None | *2,307 |
| | | | 160 feet north of a point 300 feet west of intersection of North Oracle Road and Genematas Drive. | None | *2,315 |
| | | Rillito Creek..... | 70 feet west of a point 1,100 feet north of intersection of Rillito Lane and Kerland Avenue. | None | 2,295 |
| | | | 2,530 feet east of a point 280 feet north of intersection of Westmore Road and North 1st Avenue. | None | *2,329 |
| | | | 1,000 feet north on North Tucson Boulevard from intersection with Allen Road. | *2,353 | *2,353 |
| | | | 400 feet west of a point 1,300 feet north of intersection of Cactus Boulevard and Allen Road. | *2,356 | *2,355 |
| | | Robb Wash..... | Just upstream of Pima Street..... | None | *2,549 |
| | | | On Sarnoff Drive, 20 feet northeast of intersection with Bellevue Street. | None | *2,574 |
| | | | 1,100 feet upstream of East Speedway Boulevard..... | None | *2,592 |
| | | Rose Hill Wash..... | 400 feet east of a point 720 feet south of intersection of Glenn Street and Sahuara Avenue. | None | *2,462 |
| | | | At downstream face of Edgemont Street bridge..... | None | *2,560 |
| | | | 60 feet south of intersection of East Broadway and Langly Drive. | None | *2,596 |
| | | San Juan Wash..... | At confluence with West Branch Santa Cruz River..... | None | *2,381 |
| | | | Just upstream of Mission Road..... | None | *2,393 |
| | | | 1,600 feet of intersection of 33rd Street and San Jose Drive. | None | *2,417 |
| | | Santa Clara Wash..... | 300 feet downstream of Oahu Avenue..... | None | *2,489 |
| | | | Just upstream of Santa Clara Avenue..... | None | *2,502 |
| | | | Just downstream of San Fernando Road..... | None | *2,522 |
| | | Santa Cruz River..... | 1,360 feet south of a point 2,500 feet west of intersection of West Sunset Road and Interstate Highway 10. | None | *2,219 |
| | | | 1,800 feet north of intersection of El Camino del Curo and Silverbell Road. | None | *2,227 |
| | | | On downstream face of El Camino del Curo bridge..... | None | *2,238 |
| | | Tanque Verde Creek..... | 900 feet south of a point 200 feet west of intersection of Tanque Verde and Bears Path Roads. | None | *2,522 |
| | | | Just downstream of Jones Road..... | None | *2,565 |
| | | | At Ford site on dirt road that extends north along Tanque Verde Creek from intersection of East Speedway Boulevard and Houghton Road. | None | *2,576 |
| Arizona | Wickenburg (town) Maricopa County. | Powder House Wash..... | Approximately 200 feet Wash north of intersection of Constellation and Burden Roads. | *2,050 | *2,050 |
| | | | At El Recreo Drive..... | *2,078 | *2,076 |
| | | | Approximately 160 feet upstream from centerline of Constellation Road, approximately 800 feet north of intersection of Constellation Road and El Recreo Drive. | *2,101 | *2,102 |
| <p>Maps are available for review at the Building Inspector's Office, 120 East Apache, Wickenburg, Arizona. Send comments to the Honorable James Mason, Mayor, Town of Wickenburg, P.O. Box 1269, Wickenburg, Arizona.</p> | | | | | |
| Arizona | Yuma County (unincorporated areas). | Washes A, B and C (alluvial fan flooding). | At the intersection of Interstate, Highway 8 and Kende Fortuna Drive. | None | *1.0 |
| <p>Maps are available for review at the Yuma County Flood Control Department, 2703 Avenue B, Yuma Arizona. Send comments to The Honorable Gary Munk, Chairman, Yuma County Board of Supervisors, P.O. Box 1112, Yuma, Arizona 85364.</p> | | | | | |
| Arkansas | Van Buren, City, Crawford County. | Arkansas River..... | At downstream corporate limits..... | *408 | *410 |
| | | | At upstream corporate limits..... | *414 | *415 |
| | | Flat Rock Creek..... | Approximately 0.8 mile downstream of downstream corporate limits. | None | *395 |
| | | | Upstream side of first crossing of Interstate Route 540 (southbound). | *408 | *410 |
| | | | Upstream side of U.S. Route 64-71 (westbound)..... | *429 | *430 |
| | | | Approximately 900 feet upstream of Rudy Road..... | None | *478 |
| | | Town Branch..... | At downstream corporate limits..... | *399 | *398 |
| | | | At downstream side of Chestnut Street..... | *414 | *413 |
| | | | Approximately 740 feet upstream of North 20th Street..... | *427 | *425 |
| | | | Approximately 650 feet upstream of Alma Boulevard..... | *445 | *444 |
| | | Town Branch Overflow..... | At confluence with Flat Rock Creek..... | *399 | *396 |
| | | | At point of Overflow from Town Branch..... | *402 | *401 |
| | | Lee Creek..... | Upstream side of Interstate Route 40 (westbound)..... | *412 | *413 |
| | | | Approximately 1,162 feet upstream of Rena Road..... | None | *415 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) | |
|---|--|--|--|--|----------|
| | | | | Existing | Modified |
| Maps available for inspection at the City Hall, 1000 East Main, Van Buren, Arkansas. Send comments to The Honorable Gene Bell, Mayor of the City of Van Buren, Crawford County, 1000 East Main, Van Buren, Arkansas 72956. | | | | | |
| California | City of Antioch, Contra Costa County. | East Antioch Creek | Atchison, Topeka and Santa Fe Railroad | *7 | *7 |
| | | | Lake Alhambra, 300 feet above West Lake Drive | *10 | *9 |
| | | | East 18th Street | *13 | *13 |
| | | | 2,100 feet upstream of East 18th Street | None | *20 |
| | | | 600 feet downstream of Willow Avenue | None | *36 |
| | | | 800 feet downstream of Hillcrest Avenue | None | *128 |
| | | | 2,850 feet upstream of Hillcrest Avenue | None | *136 |
| | | Cavallo Drain | 400 feet above East 18th Street | *16 | None |
| | | Los Medanos Wasteway | Confluence with San Joaquin River | None | *7 |
| | | | 1,000 feet downstream of West 10th Street | None | *18 |
| | | | 1,100 feet upstream of West 10th Street | None | *25 |
| | | West Antioch Creek | Atchison, Topeka and Santa Fe Railroad | None | *7 |
| | | | 850 feet upstream of Atchison, Topeka and Santa Fe Railroad. | None | *10 |
| | | | 20 feet downstream of 4th Street | None | *12 |
| Maps available for inspection at City Hall, Third and H Streets, Antioch, California. Send comments to Mayor Joel Keller, P.O. Box 130, Antioch, California 94509. | | | | | |
| California | Clearlake (city) Lake County | Burns Valley Creek | At confluence with Clear Lake | *1,330 | *1,331 |
| | | | 50 feet upstream of Lakeshore Drive | *1,334 | *1,334 |
| | | | 850 feet upstream of State Highway 53 | *1,406 | *1,406 |
| | | Burns Valley Creek Overflow | At confluence with Clear Lake | *1,331 | *1,331 |
| | | | 25 feet upstream of Olympia Drive | *1,353 | *1,353 |
| | | | 320 feet upstream of Old State Highway 53 | *1,377 | *1,377 |
| | | Molesworth Creek | At confluence with Clear Lake | *1,331 | *1,331 |
| | | | At Old State Highway 53 | *1,347 | *1,347 |
| | | | 1,050 feet upstream of State Highway 53 | *1,412 | *1,412 |
| | | Cache Creek | At Clear Lake Dam | *1,331 | *1,331 |
| | | | At confluence with Herndon Creek | *1,329 | *1,331 |
| | | | At Outlet of Clear Lake | *1,331 | *1,331 |
| Maps are available for review at the Clearlake City Hall, 14360 Lakeshore, Clearlake, California 95422. Send comments to The Honorable Arsenio P. Sanchez, Mayor, P.O. Box 2440, Clearlake, California 95422. | | | | | |
| California | Riverside County (unincorporated areas). | Edgemont B North Fork | At Atchison, Topeka and Santa Fe Railway Crossing | *1,519 | None |
| | | | 100 feet upstream of Cottonwood Avenue | *1,529 | None |
| | | | 700 feet west along Eucalyptus Avenue from intersection with Day Street. | *1,549 | *1,549 |
| | | Sunnymeade Storm Channel | 900 feet upstream of Alessandro Boulevard | *1,568 | None |
| | | | Just upstream of Parris Boulevard | *1,682 | None |
| | | | 450 feet upstream of Kitching Lane | *1,842 | None |
| | | Pigeon Pass | At confluence with Sunnymeade Storm Channel | *1,610 | None |
| | | | At U.S. Route 60 crossing | *1,642 | None |
| | | | 400 feet north of point on U.S. Route 60 that is 1,000 feet west of Indian Street. | *1,644 | None |
| | | Big Morongo Wash | At intersection of Dillon Road and Little Morongo Drive | None | #3 |
| | | | At intersection of Indian and 10th Avenues | None | #4 |
| | | Little Morongo Wash | At intersection of Dillon Road and Palm Drive | None | #4 |
| | | | Just west of point on Little Morongo Drive that is 1,000 feet south of Mission Lakes Boulevard. | None | #5 |
| | | | 100 feet south of intersection of Annandale and Augusta Avenues. | None | #6 |
| | | Mission Creek | At intersection of 18th Avenue and Little Morongo Drive. | None | #3 |
| | | Mission Creek | At intersection of Pierson Boulevard and Indian Avenue. | None | #4 |
| | | North Palm Springs Wash | At intersection of Dillon Road and Indian Avenue | None | #3 |
| | | Long Canyon | At intersection of Dillon and Mountain View Roads | None | #3 |
| | | | At intersection of Long Canyon and Far View Roads | None | #4 |
| | | | 2,000 feet northeast along Unnamed Road from intersection with Long Canyon Road. | None | #5 |
| | | Stream A (vicinity of Desert Hot Springs). | At Desert Hot Springs Corporate Limits | None | #2 |
| | | Stream C (vicinity of Desert Hot Springs). | 4,000 feet north of intersection of Rosemont Avenue and Marion Way. | None | #1 |
| | | San Jacinto River | 1,600 feet upstream of Ethnac Road | None | *1,418 |
| | | | Just upstream of Goetz Road Crossing | None | *1,419 |
| | | | At intersection of Ellis Avenue and Trumble Road | None | *1,418 |
| | | Lakeview Wash | At intersection of Pomona Expressway and Hansen Avenue. | None | #1 |
| | | | At intersection of Wolfskill and Hansen Avenues | None | #2 |
| | | Bautista Wash | 500 feet west along Unnamed Road from its intersection with Lyon Avenue, 0.5 mile north of Cottonwood Creek. | None | *1,498 |
| | | | At intersection of Ninth and Green Streets | None | *1,530 |
| | | Bautista Wash | At Santa Fe Street Crossing | None | *1,546 |
| | | | Just west of intersection of Meridian Street and Washington Avenue. | None | #1 |
| | | Interstate 10 Wash | 900 feet north of intersection of Interstate Highway 10 and Date Palm Drive. | None | #2 |
| | | | 2,000 feet north of intersection of Interstate Highway 10 and Date Palm Drive. | None | #3 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) | |
|-------|------------------|-----------------------------------|--|--|----------|
| | | | | Existing | Modified |
| | | Thousand Palms Tributary A | At intersection of Varner Road and Date Palm Drive | None | #4 |
| | | | At intersection of Varner Road and Rio Del Sol | None | #1 |
| | | | 500 feet north of a point on an Unnamed Road that is 2 miles north of Ramon Road and 0.8 mile west of intersection of Unnamed Road and Sierra Del Sol. | None | #2 |
| | | Thousand Palms Tributary B | 100 feet west of intersection of Sierra Del Sol and an Unnamed Road, 2 miles north of Ramon Road. | None | #1 |
| | | | 2,000 feet north of a point on an Unnamed Road that is 2 miles west of intersection of Unnamed Road and Sierra Del Sol. | None | #2 |
| | | Thousand Palms Tributary C | At intersection of Desert Moon Drive and Ramon Road. | None | #4 |
| | | | 500 feet east of intersection of Sierra Del Sol and an Unnamed Road 2 miles north of Ramon Road. | None | #2 |
| | | | 1,000 feet east of a point on Sierra Del Sol that is 2.3 miles north of Ramon Road. | None | #3 |
| | | Thousand Palms Canyon | 1,000 feet north of intersection of Interstate Highway 10 and Washington Street. | None | #2 |
| | | Thousand Palms Canyon | At intersection of Ramon and Thousand Palms Roads... 0.4 mile north along Thousand Palms Road from intersection with Ramon Road. | None | #3 |
| | | | | None | #4 |
| | | Pushawalla Canyon | 3 miles north along Washington Street from intersection with Interstate Highway 10. | None | #3 |
| | | | 3 miles north along Washington Street from intersection with Interstate Highway 10. | None | #3 |
| | | | At northeast corner of Section 24, Range 6 East, Township 4 South. | None | #4 |
| | | Macomber Palms Channel | At northeast corner of Section 32, Range 7 East, Township 4 South. | None | #1 |
| | | | 1,000 feet north of northeast corner of Section 32, Range 7 East, Township 4 South. | None | #2 |
| | | Biskra Palms Channel | At northeast corner of northwest quarter of Section 33, Range 7 East, Township 4 South. | None | #1 |
| | | McVicker Canyon | 100 feet south of southeast corner of the southwest quarter of Section 34, Range 5 West, Township 6 South. | None | #1 |
| | | Ortega Wash | At northeast corner of northwest quarter of northwest quarter of Section 14, Range 5 West, Township 6 South. | None | #1 |
| | | West Macomber Palms Channel | At northeast corner of Section 30, Range 7 East, Township 4 South. | None | #2 |
| | | Lake Elsinore | 200 feet northeast of intersection of Grand Avenue and Wood Street. | None | *1267 |
| | | Pechanga Creek | 200 feet upstream of confluence with Temecula Creek... At Temecula Lane Crossing | *997 | *997 |
| | | | At Via Gilberto Extended | None | *1,045 |
| | | | At Via Gilberto Extended | None | *1,083 |
| | | North Side Wolf Valley | 800 feet upstream of confluence with Temecula Creek... At intersection of Pala and Loma Linda Roads | *1,010 | *1,010 |
| | | | 200 feet north of intersection of Pala and Pechanaga Roads. | None | *1,030 |
| | | | | None | *1,144 |
| | | Peak Hill Drain | 400 feet north on Santa Fe Street from intersection with Midway Street. | None | *1,565 |
| | | | Just upstream of Oakland Avenue | None | *1,616 |
| | | | On south side of Devonshire Avenue, 500 feet east of intersection with Yale Street. | None | *1,640 |
| | | Salt Creek | On Atchison, Topeka and Santa Fe Railway tracks, 1,500 feet east-northeast of California Avenue crossing. | *1,495 | *1,494 |
| | | | On Atchison, Topeka and Santa Fe Railway tracks, 2,500 feet west-southwest of Warren Road Crossing. | *1,499 | *1,498 |
| | | | On Atchison, Topeka and Santa Fe Railway tracks, 0.8 mile west-southwest of Sanderson Avenue crossing. | *1,512 | *1,512 |
| | | Perris Valley Storm Drain | Just upstream of Nuevo Road | *1,422 | *1,423 |

Maps are available for review at the Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, California.
Send comments to The Honorable Kay Caniceros, Chairperson, Riverside County Board of Supervisors, 4080 Lemon Street, Riverside, California.

| | | | | | |
|----------------|---|----------------------------------|---|------|--------|
| Colorado | Broomfield (city), Boulder, Adams and Jefferson Counties. | Airport Creek | At intersection of Airport Dr. and Pierce St | None | *5,330 |
| | | | At confluence with North Branch Airport Creek | None | *5,401 |
| | | | 1,500 feet upstream of State Highway 121 | None | *5,496 |
| | | North Branch Airport Creek | At confluence with Airport Creek | None | *5,401 |
| | | | 100 feet upstream of State Highway 121 | None | *5,512 |
| | | | 840 feet upstream of State Highway 121 | None | *5,540 |
| | | Rock Creek | At intersection with Brainard Dr. | None | *5,308 |
| | | | 60 feet downstream of Burlington Northern Railroad | None | *5,338 |
| | | | 160 feet upstream of Denver Blvd. Turnpike | None | *5,357 |
| | | Big Dry Creek | 3,600 feet east of the intersection of Lowell Blvd. and West 124th Ave., along West 124th Ave. extended. | None | *5,199 |
| | | | 1,900 feet north of a point on West 120th Ave., 3,400 feet east of the intersection of Lowell Blvd. and West 120th Ave. | None | *5,303 |
| | | Gay Reservoir Creek | 2,600 feet downstream of Lowell Blvd | None | *5,218 |
| | | | 60 feet upstream of Lowell Blvd | None | *5,250 |
| | | | 2,420 feet upstream of confluence with Gay Reservoir Channel North Tributary. | None | *5,313 |
| | | | At confluence with Gay Reservoir Channel | None | *5,284 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) | |
|-------|------------------|--|---|--|----------|
| | | | | Existing | Modified |
| | | | 1,000 feet upstream of confluence with Gay Reservoir Channel. | None | *5,298 |
| | | | 2,200 feet upstream of confluence with Gay Reservoir Channel. | None | *5,323 |
| | | City Park Channel..... | 760 feet downstream of West 120th Ave..... | None | *5,239 |
| | | | At downstream face of Emerald St..... | *5,344 | *5,295 |
| | | | 1,630 feet upstream of Burbank St..... | None | *5,415 |
| | | Nissen Reservoir Channel..... | At confluence with City Park Channel..... | None | *5,238 |
| | | | At intersection with Main St..... | None | *5,362 |
| | | | 660 feet upstream of Daphin St..... | None | *5,389 |
| | | West Lake Channel North Tributary. | At confluence with West Lake..... | None | *5,265 |
| | | | 360 feet upstream of confluence with West Lake..... | None | *5,273 |
| | | | 500 feet upstream of confluence with West Lake..... | None | *5,275 |
| | | West Lake Channel..... | 30 feet downstream of West 128th Ave..... | None | *5,218 |
| | | | At intersection with Lowell Blvd..... | None | *5,267 |
| | | | 2,280 feet upstream of Lowell Blvd..... | None | *5,299 |
| | | City Park Channel South Tributary..... | At confluence with City Park Channel..... | None | *5,348 |
| | | | At intersection with Kohl St..... | None | *5,371 |
| | | | 800 feet upstream of Nickel St..... | None | *5,402 |
| | | Brandywine Creek..... | 80 feet downstream of Lowell Blvd..... | None | *5,239 |
| | | | At intersection with W. 121st Place..... | None | *5,240 |
| | | | 1,550 feet upstream of W. 121st Place..... | None | *5,240 |

Maps are available for review at The City Engineers Office, 6 Garden Office Center, Broomfield, Colorado.

Send comments to Mr. George DiCiero, City Manager, City of Broomfield, 6 Garden Office Center, Broomfield, Colorado 80020.

| | | | | | |
|---------------|-------------------------------------|-------------------------------|--|--------|--------|
| Colorado..... | Boulder (city), Boulder County..... | Boulder Creek..... | At intersection with Burlington Northern Railroad..... | *5,225 | *5,224 |
| | | | 50 feet upstream of Broadway..... | *5,348 | *5,345 |
| | | | 400 feet downstream of Arapahoe Ave..... | None | *5,486 |
| | | South Boulder Creek..... | 20 feet upstream of Burlington Northern Railroad..... | *5,221 | *5,222 |
| | | | 500 feet downstream of Arapahoe Ave..... | *5,226 | *5,227 |
| | | | At downstream face of Arapahoe Ave..... | *5,332 | *5,231 |
| | | Dry Creek..... | 1,500 feet downstream of Central Ave..... | *5,196 | *5,196 |
| | | | At downstream face of Central Ave..... | *5,205 | *5,206 |
| | | | 20 feet upstream of Burlington Northern Railroad..... | None | *5,222 |
| | | Elmers Twomile Creek..... | At confluence with Goose Creek..... | None | *5,294 |
| | | | 50 feet downstream of Iris Ave..... | None | *5,320 |
| | | | At downstream face of Kalmia Ave..... | None | *5,334 |
| | | Fourmile Canyon Creek..... | 80 feet downstream of 28th St..... | None | *5,363 |
| | | | 1,000 feet upstream of 28th St..... | None | *5,379 |
| | | | 150 feet upstream of confluence with Farmers Ditch..... | None | *5,384 |
| | | | 2,500 feet upstream of confluence with Silverlake Ditch..... | None | *5,635 |
| | | | 3,150 feet upstream of confluence with Silverlake Ditch..... | None | *5,668 |
| | | | 4,000 feet upstream of confluence with Silverlake Ditch..... | None | *5,688 |
| | | Goose Creek..... | 800 feet upstream of confluence with Boulder Creek..... | None | *5,208 |
| | | | At upstream face of 30th St..... | None | *5,271 |
| | | | 140 feet upstream of 9th St..... | None | *5,380 |
| | | Skunk Creek..... | At confluence with Bear Canyon Creek..... | None | *5,243 |
| | | | 80 feet upstream of Aurora..... | None | *5,298 |
| | | | 370 feet upstream of Bluebell Ave..... | None | *5,471 |
| | | Wonderland Creek..... | 500 feet upstream of confluence with Boulder Creek..... | None | *5,205 |
| | | | At downstream face of 47th St..... | None | *5,275 |
| | | | At downstream face of 34th St..... | None | *5,292 |
| | | | At upstream face of 19th St..... | None | *5,436 |
| | | | At downstream face of Broadway..... | None | *5,488 |
| | | Arapahoe Avenue Overflow..... | At confluence with Boulder Creek..... | None | *5,247 |
| | | | At intersection with 30th St..... | None | *5,272 |
| | | | 480 feet upstream of 25th St..... | None | *5,299 |
| | | Bear Canyon Creek..... | At confluence with Boulder Creek..... | None | *5,231 |
| | | | 150 feet downstream of Martin Dr..... | None | *5,366 |
| | | | At downstream face of Yale Rd..... | None | *5,476 |

Maps are available for review at the Utilities Development Service, City of Boulder, Box 791, Boulder, Colorado 80306.

Send comments to The Honorable Linda Jourgensen, Mayor, City of Boulder, Box 791, Boulder, Colorado 80306.

| | | | | | |
|---------------|------------------------|-----------------------------|---|--------|--------|
| Colorado..... | County of Boulder..... | Boulder Creek..... | At intersection with Northeast County Line St..... | None | *4,948 |
| | | | 100 feet downstream of North 95th St..... | *5,053 | *5,052 |
| | | | At confluence with Fourmile Canyon Creek..... | *5,164 | *5,164 |
| | | | 27 feet downstream of Burlington Northern Railroad..... | *5,222 | *5,222 |
| | | | At intersection with Arapahoe Ave..... | None | *5,456 |
| | | | At confluence with Barker Reservoir..... | None | *8,028 |
| | | South Boulder Creek..... | At confluence with Boulder Creek..... | *5,174 | *5,174 |
| | | | At upstream face of Colorado State Highway 93..... | *5,465 | *5,465 |
| | | | 500 feet upstream of Eldorado Springs Rd..... | *5,805 | *5,805 |
| | | Coal Creek..... | At confluence with Boulder Creek..... | *4,959 | *4,960 |
| | | | At downstream face of Kenosha Rd..... | *4,986 | *4,986 |
| | | | At downstream face of Northeast County Line St..... | *4,997 | *4,995 |
| | | | At downstream face of Empire Dr..... | *5,277 | *5,277 |
| | | | 3,400 feet upstream of Third Ave..... | *5,536 | *5,536 |
| | | Dry Creek No. 1..... | At confluence with St. Vrain Creek..... | None | 4,940 |
| | | | At confluence with Clover Basin Tributary..... | None | 5,037 |
| | | | 5,950 feet upstream of North 75th St..... | None | 5,111 |
| | | Clover Basin Tributary..... | At confluence with Dry Creek No. 1..... | None | *5,037 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) | |
|--|---------------------------------|---|---|--|----------|
| | | | | Existing | Modified |
| | | | 1,800 feet upstream of confluence with Dry Creek No. 1. | None | *5,044 |
| | | Steel Lakes Tributary..... | 80 feet upstream of North 75th St..... | None | *5,057 |
| | | | At confluence with Dry Creek No. 1..... | None | *5,050 |
| | | | At downstream face of North 75th St..... | None | *5,054 |
| | | Dry Creek No. 2..... | At upstream face of North 75th St..... | None | *5,059 |
| | | | At downstream face of Northeast County Line St..... | None | *4,901 |
| | | | 10 feet downstream of North 75th St..... | None | *5,007 |
| | | | At downstream face of Mineral Rd..... | None | *5,105 |
| | | Dry Creek No. 3..... | 50 feet upstream of State Highway 119..... | None | *5,135 |
| | | | At confluence with Boulder Creek..... | None | *5,067 |
| | | | At downstream face of Arapahoe Rd..... | None | *5,188 |
| | | | 1,450 feet upstream of Baseline Rd..... | None | *5,277 |
| | | Elmers Twomile Creek..... | 230 feet upstream of Glenwood Dr..... | None | *5,315 |
| | | | 500 feet downstream of Iris Ave..... | None | *5,119 |
| | | | At intersection with Iris Ave..... | None | *5,326 |
| | | Fourmile Creek..... | At confluence with Boulder Creek..... | None | *5,731 |
| | | | At confluence with Arkansas Gulch..... | None | *6,165 |
| | | | At confluence with Long Gulch..... | None | *7,184 |
| | | | 860 feet upstream of Pennsylvania Gulch Rd..... | None | *7,776 |
| | | Fourmile Canyon Creek..... | At confluence with Boulder Creek..... | None | *5,163 |
| | | | At upstream face of 47th St..... | None | *5,302 |
| | | | At downstream face of Broadway..... | None | *5,527 |
| | | | 80 feet south of line between sections 10 and 15 in Range 7/W Township 1N. | None | *6,092 |
| | | James Creek..... | At confluence with Left hand Creek..... | None | *6,338 |
| | | | At confluence with Castle Gulch..... | None | *6,490 |
| | | | 720 feet upstream of confluence with Jenks Gulch..... | None | *6,802 |
| | | Lefthand Creek..... | At confluence with St. Vrain Creek..... | None | *4,926 |
| | | | At downstream face of 49th St..... | *5,297 | *5,300 |
| | | | At confluence with James Creek..... | None | *6,368 |
| | | | At confluence with Spring Gulch..... | None | *7,545 |
| | | | At confluence with Tuscarora Gulch..... | None | *8,210 |
| | | | At upstream face of Peak To Peak Dr..... | None | *9,220 |
| | | Little James Creek..... | 450 feet upstream of Ward St..... | None | *7,003 |
| | | | 800 feet upstream of Ward St..... | None | *7,940 |
| | | | 1,900 feet upstream of Ward St..... | None | *7,097 |
| | | Little Thompson River..... | At intersection with the Larimer County-Boulder County line in Section 6 Range 69W Township 3N. | None | *5,091 |
| | | | 300 feet east of the line between Sections 1 and 2 in Range 70W Township 3N. | None | *5,175 |
| | | | At line between Sections 2 and 3 in Range 70W Township 3N. | None | *5,232 |
| | | Middle Boulder..... | At confluence with North Creek Beaver Creek..... | None | *8,185 |
| | | | At downstream face of State Highway 119..... | None | *8,224 |
| | | | 2,900 feet upstream of State Highway 119..... | None | *8,320 |
| | | North Beaver Creek..... | At confluence with Middle Boulder Creek..... | None | *8,185 |
| | | | 10 feet downstream of Jefferson St..... | None | *8,241 |
| | | | 1,100 feet upstream of State Highway 72..... | None | *8,302 |
| | | Rock Creek..... | At confluence with Coal Creek..... | *5,129 | *5,129 |
| | | | At downstream face of Dillon Rd..... | *5,217 | *5,217 |
| | | | At upstream face of U.S. Highway 287..... | *5,233 | *5,233 |
| | | | At downstream face of Brainard Dr..... | *5,307 | *5,307 |
| | | St. Vrain..... | At downstream face of Creek 119th St..... | None | *4,918 |
| | | | At confluence with Spring Gulch..... | None | *4,929 |
| | | | 30 feet downstream of Hover Rd..... | None | *4,978 |
| | | | At downstream face of Airport Rd..... | None | *5,023 |
| | | St. Vrain Creek (Vicinity of Lyons).... | 2,430 feet downstream of Second Ave..... | None | *5,299 |
| | | | 690 feet downstream of Second Ave..... | None | *5,314 |
| | | South St. Vrain Creek..... | 1,020 feet upstream of confluence with North St. Vrain Creek. | None | *5,334 |
| | | | At upstream face of Old St. Vrain Dr..... | None | *5,566 |
| | | | At downstream face of Forest Service Bridge..... | None | *6,900 |
| | | | At confluence with Middle St. Vrain Creek..... | None | *7,006 |
| | | Middle St. Vrain Creek..... | At confluence with South St. Vrain Creek..... | None | *7,006 |
| | | | At downstream face of State Highway 7..... | None | *7,443 |
| | | | At downstream face of Peak To Peak Drive..... | None | *8,283 |
| | | | 350 feet upstream of State Highway 72..... | None | *6,510 |
| | | Spring Gulch..... | At confluence with St. Vrain Creek..... | None | *4,929 |
| | | | At intersection with Burlington Northern Railroad..... | None | *4,987 |
| | | | 80 feet downstream of 12th Ave..... | None | *4,990 |
| | | Wonderland Creek..... | At confluence with Boulder Creek..... | None | *5,201 |
| | | | At upstream face of Valmont Dr..... | None | *5,245 |
| | | | At upstream face of State Highway 119..... | None | *5,317 |
| | | | 1,090 feet upstream of Broadway..... | None | *5,506 |
| Maps are available for review at the Floodplain Administrator's Office, Public Works Department—Engineering Division, Boulder County Courthouse Annex, 13th and Spruce Streets, Boulder, Colorado. | | | | | |
| Send comments to The Honorable Ron Stewart, Chairman, Boulder County Board of Commissioners, County Courthouse, Box 471, 14th and Spruce Streets, Boulder, Colorado 80306. | | | | | |
| Colorado..... | Longmont (city), Boulder County | Dry Creek No. 1..... | At confluence with St. Vrain Creek..... | *4,941 | *4,939 |
| | | | At upstream face of Bowen Street..... | 4,961 | 4,959 |
| | | | At upstream face of Hover Road..... | None | *4,990 |
| | | Lefthand Creek..... | At confluence with St. Vrain Creek..... | *4,927 | *4,926 |
| | | | 200 feet upstream of South Bowen Street..... | *4,964 | *4,964 |
| | | | 690 feet upstream of Pike Road..... | None | *4,916 |
| | | St. Vrain Creek..... | At downstream face of N. 119th Street..... | *4,915 | *4,916 |
| | | | At upstream face of Sunset Street..... | *4,989 | *4,989 |
| | | | 80 feet upstream of Airport Road..... | *5,022 | *5,022 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) | |
|---|---|--|---|--|----------|
| | | | | Existing | Modified |
| | | Spring Gulch | At confluence with St. Vrain Creek | *4,931 | *4,929 |
| | | | At upstream face of East Longs Peak Avenue | *4,975 | *4,976 |
| | | | At downstream face of East 15th Avenue | *5,003 | *5,003 |
| Maps are available for review at the City Engineering Office, Civic Center Complex, 3rd and Kimbark Streets, Longmont, Colorado. Send comments to The Honorable Larry Burkhardt, Mayor, City of Longmont, Civic Center Complex, 3rd and Kimbark Streets, Longmont, Colorado 80501. | | | | | |
| Florida | Unincorporated Areas of Dade County | Atlantic Ocean | About 1200 feet east of intersection of Harbour Way and Park Drive. | *11 | *7 |
| | | | About 3000 feet northeast of intersection of East Drive and Caribbean Road. | *11 | *7 |
| | | | About 4000 feet northwest of Sands Cut | *14 | *9 |
| | | | About 400 feet east of inter section of State Road 826 and State Road AIA. | *11 | *10 |
| | | | About 1100 feet east of inter section of Collins Avenue and 34th Street. | *14 | *11 |
| | | | About 2000 feet north of Sands Cut | *20 | *12 |
| | | Intracoastal Waterway | About 1.5 miles northwest of U.S. Route 1 bridge over Glades Canal. | *11 | *2 |
| | | | At intersection of Arthur Vining Davis Parkway and Southwest 122nd Avenue. | *12 | *3 |
| | | | At intersection of Oleta Drive and Northeast 162nd Drive. | *8 | *6 |
| | | | About 1,450 feet south of intersection of Tiger Tail Avenue and Ematilla Street. | *16 | *16 |
| | | | About 2,250 feet south of intersection of Southwest 147th Street and Southwest 63rd Street. | *19 | *18 |
| | | | About 0.95 mile east of inter section of Southwest 97th Avenue and Southwest 264th Street. | *20 | *18 |
| Maps available for inspection at the Department of Environmental Resources, Miami, Florida. Send comments to The Honorable Sergio Pereira, County Manager, Dade County, 111 NW. 1st Street, Miami, Florida 33126. | | | | | |
| Florida | Unincorporated areas of Escambia County | Pine Barren Creek | Just downstream of Louisville and Nashville Railroad | None | *34 |
| | | | Just upstream of Wiggins Bridge | None | *58 |
| | | Thompson Bayou | About 1.8 miles upstream of mouth | None | *9 |
| | | | About 2.4 miles upstream of mouth | None | *26 |
| | | Elevenmile Creek | About 1.1 miles downstream of confluence of Hurst Branch. | *6 | *7 |
| | | | About 1.2 miles upstream of confluence of Eightmile Creek. | None | *24 |
| | | Escambia River | At confluence of Govenors Bayou | None | *9 |
| | | | About 6.4 miles upstream of confluence of Pine Barren Creek. | None | *35 |
| | | Escambia Bay | About 500 feet southeast of intersection of U.S. Route 90 and Louisville and Nashville Railroad. | None | *7 |
| | | Perdido Bay | At mouth of Escambia River | None | *13 |
| | | | Along shoreline of Tarklin Bayou | *7 | *4 |
| | | | Along Perdido River just downstream of U.S. Route 90 | None | *6 |
| | | | Along eastern shoreline of Perdido Bay from just west of intersection of U.S. Route 98 and Santa Maria Drive to about 1.4 miles west of mouth of Eleven-mile Creek. | *6 | *10 |
| | | Pensacola | At shoreline about Bay 2000 feet east of Chevalier Field. | None | *6 |
| | | | Along western shoreline of Pensacola Bay from about 2200 feet north east of Sherman Inlet to about 1400 feet south southeast of intersection of Hovey Road and San Carlos Road. | None | *10 |
| | | Gulf of Mexico | About 600 feet north of inter section of Perdido Key Drive and Old River Road. | *8 | *5 |
| | | | At Red Fish Point | *10 | *9 |
| | | | Along shoreline of Gulf of Mexico from western county boundary to State Road 292. | *11 | *15 |
| | | | Along shoreline of Gulf of Mexico from State Road 292 to about 500 feet east of east end of Johnson Branch Road. | *10 | *15 |
| | | | Along shoreline of Gulf of Mexico from about 2.1 miles east of east end of Johnson Beach Road to about 2000 feet east of Spanish Point. | *10 | *17 |
| | | Santa Rosa Sound | Along southern shoreline of Santa Rosa Sound from Big Sabine Point to the eastern county boundary. | None | *6 |
| | | Shallow Flooding (overflow from Gulf of Mexico due to wave overtopping of dunes). | Along northside of Perdido Key Drive from western county boundary to 500 feet south of Gongorra Drive. | *8 | #1 |
| | | | Along Johnson Beach Road from Perdido Key Drive to 4000 feet east. | *9 | #1 |
| | | | About 1800 feet southeast of State Road 58 bridge over Sherman Cove. | *10 | #1 |
| | | | At Fort McRae | None | #1 |
| | | | About 500 feet east of west end of Fort Pickens Road | None | #1 |
| | | | About 1500 feet north of Fort Pickens Road at point 1.5 miles east of west end. | None | #1 |
| | | | Along north side of State Road 399 from Big Sabine Point to about 6.0 miles east. | None | #1 |
| | | Shallow Flooding (overflow from Gulf of Mexico due to wave overtopping of dunes) (cont'd). | Along north side of state Road 399 from east county boundary to about 1.0 mile west. | None | #1.0 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) | |
|--|---|---|---|--|----------|
| | | | | Existing | Modified |
| | | | About 550 feet north of shore line and 1.4 miles west of eastern county boundary Along north side of State Road 399 from eastern county boundary. | None | #1.0 |
| | | | About 600 feet north of shore line at eastern county boundary. | None | #1.0 |
| Maps available for inspection at the Building Inspection Department, City Hall, 1190 Leonard Street, Pensacola, Florida. | | | | | |
| Send comments to The Honorable Willie J. Junior, Chairman, Escambia County Board of Commissioners, Escambia County, P.O. Box 1591, Pensacola, Florida 32597. | | | | | |
| Florida | City of Pensacola, Escambia County. | Pensacola Bay | Just upstream of State Road 292 bridge over Chico Bayo. | *8 | *6 |
| | | | Just upstream of Louisville and Nashville Railroad bridge over Bayou Texar. | *9 | *6 |
| | | | Along western shoreline of Pensacola Bay from mouth of Chico Bayo to Emanuel Point. | *9 | *9 |
| | | | Escambia Bay Along western shoreline of Escambia Bay from Gull Point to northern corporate limits. | *10 | *7 |
| | | | Along western shoreline of Escambia Bay from New Hope Road to Gull Point. | *10 | *9 |
| | | | Along western shoreline of Escambia Bay from Emanuel Point to New Hope Road. | *9 | *9 |
| Maps available for inspection at the Building Inspection Department, City Building, Pensacola, Florida. | | | | | |
| Send comments to The Honorable Ronald Kendig, City Manager, City of Pensacola, P.O. Box 12910, Pensacola, Florida 32521. | | | | | |
| Florida | Pensacola Beach-Santa Rosa Island Authority, Escambia County. | Santa Rosa Sound | Along shoreline of Santa Rosa Sound from about 1,000 feet east of western corporate limits to State Road 399. | *9 | *6 |
| | | | Along shoreline of Santa Rosa Sound from State Road 399 to eastern corporate limits. | *8 | *6 |
| | | Gulf of Mexico | Along Shoreline of Santa Rosa Sound from western corporate limits to about 1,000 feet east. | *9 | *9 |
| | | | Along northern shoreline of Gulf of Mexico from western corporate limits to Sound Drive. | *10 | *15 |
| | | Shallow Flooding (overflow from Gulf of Mexico due to wave overtopping of dunes). | Along Fort Pickens Road from 3,300 feet east of Sabine Drive to Via de Luna. | *10 | *#1 |
| | | | Along Via de Luna from Fort Pickens Road to Avenida 18. | 10 | *1 |
| | | | About 400 feet north of Ariola Drive from Avenida 18 to Avenida 23. | *10 | #1 |
| | | | Along Via De Luna from Avenida 23 to eastern corporate limits. | *10 | #1 |
| Maps available for inspection at the Offices of Santa Rosa Island Authority, Via Del Luna Road, Pensacola Beach, Florida. | | | | | |
| Send comments to The Honorable James M. Sheffer, General Manager, Pensacola Beach-Santa Rosa Island Authority, P.O. Box 1208, Pensacola Beach, Florida 32561. | | | | | |
| Massachusetts | Marion, town, Plymouth County | Buzzard's Bay | State Route 105 and western corporate limits | *14.5 | *15 |
| | | | East side of U.S. Route 6 | *14.5 | *16 |
| | | | Intersection of Doran Way and South Street | *14.5 | *15 |
| | | | Bass Point Road extended to shoreline | *14.5 | *20 |
| | | | Hermitage Road extended to shoreline | *14.5 | *18 |
| | | | Intersection of Front Street and Vine Street | None | *15 |
| | | | Intersection of Front Street and Island Wharf Road | *14.5 | *17 |
| | | | Front Street extended to shoreline | *14.5 | *20 |
| | | | Intersection of Holly Road and Delano Road | *14.5 | *15 |
| | | | Rodgers Drive extended east to shoreline | *14.5 | *20 |
| | | | Approximately 1,700' southwest on North Drive from Point Road. | None | *15 |
| | | | Sippican Lane extended to shoreline | *14.5 | *17 |
| | | | Richardson Road extended southwest to shoreline | *14.5 | *21 |
| | | | Intersection of Rocky Knorr Lane and Soloman Road | None | *14 |
| | | | Approximately 500' northeast along Holly Pond Road from intersection of Holly Pond Road and Indian Cove Road. | None | *17 |
| | | | Aucoot Avenue extended to shoreline | *14.5 | *20 |
| | | | Intersection of Bay Road and Cabana Road | *14.5 | *18 |
| | | | Bay Road extended to shoreline | *14.5 | *20 |
| | | | Entire shore of Bird Island | *14.5 | *22 |
| Maps available for inspection at the Town Office, Marion, Massachusetts. | | | | | |
| Send comments to The Honorable Richard Lagreze, Chairman of the Board of Selectmen for the Town of Marion, Plymouth County, 2 Spring Street, Marion, Massachusetts 02738. | | | | | |
| Massachusetts | Wareham, town, Plymouth County. | Buzzard's Bay | Intersection of Coolidge Street and Circle Drive | *15 | *17 |
| | | | Marks Cove at Wankinquoit Avenue, extended | *15 | *20 |
| | | | At Stony Point Dike | *15 | *20 |
| | | | Shoreline at Long Beach Road, extended | *15 | *22 |
| Maps available for inspection at the Office of the Town Planner, Memorial Town Hall, 54 Marion Road, Wareham, Massachusetts. | | | | | |
| Send comments to The Honorable Phyllis McGrath, Chairman of the Town of Wareham Board of Selectmen, Plymouth County, Memorial Town Hall, 54 Marion Road, Wareham, Massachusetts 02571. | | | | | |
| Mississippi | Unincorporated areas of Hancock County. | Bayou Coco | About 1,700 upstream of Kiln-deLisle Road | *11 | *11 |
| | | Bayou LaTerre | About 350 feet upstream of Joe Morgan Road | *26 | *25 |
| | | | About 400 feet upstream of Kiln-deLisle Road | *11 | *11 |
| | | | About 3.6 miles upstream of Firetower Road | None | *60 |
| | | Rotten Bayou/Bayou LaSalle | About 400 feet upstream of Kiln-deLisle Road | *11 | *11 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) | |
|-------|------------------|---------------------|---|--|----------|
| | | | | Existing | Modified |
| | | Hickory Creek | About 4.0 miles upstream of Kiln-deLisle Road | None | *67 |
| | | | About 2.6 miles downstream of State Highway 43 | None | *50 |
| | | | At northern county boundary | *135 | *136 |
| | | Necaise Creek | At mouth | *106 | *106 |
| | | | About 1.9 miles above mouth | *123 | *123 |
| | | Anner Creek | At mouth | *87 | *97 |
| | | | About 2.5 miles above mouth | *122 | *125 |
| | | Bayou Bacon | About 1,700 feet downstream of State Highway 43 | None | *42 |
| | | | About 1.5 miles upstream of State Highway 603 | None | *105 |
| | | Catahoula Creek | About 1.6 miles downstream of State Highway 43 | None | *55 |
| | | | Just downstream of northern county boundary | *143 | *143 |
| | | Crane Creek | At mouth | *89 | *89 |
| | | | About 2.8 miles upstream of Crane Creek Road | None | *128 |
| | | Orphan Creek | About 0.8 mile downstream of State Highway 43 | None | *38 |
| | | | About 1.0 mile upstream of State Highway 603 | None | *80 |
| | | Shiloh Creek | At mouth | *83 | *82 |
| | | | About 3.5 miles above mouth | None | *120 |
| | | White Cypress Creek | At mouth | *64 | *62 |
| | | | About 400 feet upstream of State Highway 603 | None | *107 |
| | | Wolf River | At eastern county boundary | *88 | *88 |
| | | | At northern county boundary | *100 | *100 |
| | | Pearl River | About 2.8 miles downstream of Interstate 10 | *10 | *9 |
| | | | About 5.8 miles upstream of Old Highway 11 | *27 | *27 |
| | | Mill Creek | About 1.0 mile downstream of county boundary | *59 | *59 |
| | | | At county boundary | *71 | *71 |

Maps available for inspection at the Hancock County Courthouse, Bay St. Louis, Mississippi.

Send comments to The Honorable Alton Keller, President, County Board of Supervisors, Hancock County, County Courthouse, Bay St. Louis, Mississippi 39528.

| | | | | | |
|-------------|---|-----------------------|---|-----|-----|
| Mississippi | Unincorporated areas of Jackson County. | Escatawpa River | About 4.8 miles downstream of Interstate 10 | *7 | *9 |
| | | | About 6.4 miles upstream of confluence of Big Creek | *24 | *29 |
| | | Lyons Creek | At confluence with Escatawpa River | *14 | *21 |
| | | | About 1.3 miles upstream of Orchard Road | *22 | *22 |
| | | Bluff Creek | At confluence with West Pascagoula River | *8 | *8 |
| | | | About 1.7 miles upstream of State Highway 57 | *20 | *21 |
| | | Black Creek | About 0.9 mile upstream of the confluence with Escatawpa River | *7 | *11 |
| | | | Just downstream of State Highway 613 | *21 | *22 |
| | | Perigal Creek | At confluence with Bayou Costapia | *24 | *25 |
| | | | Just downstream of Seaman Road | *41 | *41 |
| | | Tchoutacabouffa River | About 0.9 mile downstream of the confluence of Little Bang Branch | *26 | *22 |
| | | | About 1,500 feet upstream of the confluence of Bayou Billie | *35 | *35 |

Maps available for inspection at the Jackson County Planning Commission, 600 Convent Avenue, Pascagoula, Mississippi.

Send comments to The Honorable Douglas Holden, President, County Board of Supervisors, Jackson County, P.O. Box 998, Pascagoula, Mississippi 39567.

| | | | | | |
|-------------|-------------------------------------|-----------------|---|----|-----|
| Mississippi | City of Moss Point, Jackson County. | Escatawpa River | At confluence with Pascagoula River | *7 | *7 |
| | | | About 4.5 miles upstream of Mississippi Export Railroad | *7 | *10 |

Maps available for inspection at the City Hall, 4412 Denny Street, Moss Point, Mississippi.

Send comments to The Honorable Louis Jackson, Mayor, City of Moss Point, City Hall, 4412 Denny Street, Moss Point, Mississippi 39563.

| | | | | | |
|------------|-----------------------------------|----------------|--|------|-----|
| New Jersey | Berkeley, township, Ocean County. | Atlantic Ocean | Intersection of 20th Avenue and Barnegat Avenue | *8 | *7 |
| | | | Intersection of Beach Lane and 6th Lane | *8 | *9 |
| | | | Entire Atlantic Coast Shoreline within Island Beach State Park | None | *13 |
| | | | Shoreline, 8th Lane extended | *8 | *13 |

Maps available for inspection at the Berkeley Township Municipal Building, Pinewood—Keswick Road, Berkeley, New Jersey.

Send comments to The Honorable Zenon N. Palkoski, Mayor of the Township of Berkeley, Ocean County, 1 New Castle Court, Holiday City at Berkeley, Tom's River, New Jersey 08757

| | | | | | |
|------------|--|--------------|--|-----|-----|
| New Jersey | Bound Brook, borough, Somerset County. | Middle Brook | Upstream side of Conrail bridge (3rd upstream crossing) | *39 | *40 |
| | | | Approximately 600 feet upstream of State Route 28 | *54 | *53 |
| | | | Approximately 1,750 feet upstream of State Route 28 | *65 | *61 |
| | | Green Brook | At downstream corporate limits | *33 | *34 |
| | | | Approximately 300 feet upstream of the upstream corporate limits | *35 | *36 |

Maps available for inspection at the Municipal Building, 230 Hamilton Street, Bound Brook, New Jersey.

Send comments to The Honorable Michael J. Miller, Mayor of the Borough of Bound Brook, Somerset County, Municipal Building, 230 Hamilton Street, Bound Brook, New Jersey 08805.

| | | | | | |
|----------|------------------------------------|--------------|---|------|------|
| New York | Watertown, city, Jefferson County. | Cold Creek | Upstream side of Hunt Street | None | *509 |
| | | | Downstream side of State Street | None | *514 |
| | | | Approximately 350 feet upstream of Gifford Street | None | *515 |
| | | Kelsey Creek | Approximately 100 feet downstream of West Main Street | None | *382 |
| | | | Downstream side of Bradley Street | None | *394 |
| | | | Approximately 400 feet upstream of corporate limits | None | *399 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) | |
|---|--|--------------------------------|---|--|----------|
| | | | | Existing | Modified |
| <p>Maps available for inspection at the City Hall, City Engineer's Office, Watertown, New York. Send comments to The Honorable T. Uring Walker, Mayor of the City of Watertown, Jefferson County, 245 Washington Street, Watertown, New York 13601.</p> | | | | | |
| Oregon | Vale (city), Malheur County | Malheur River | 120 feet upstream of the center of U.S. Highway 20 and 28 eastbound lane. | None | *2,240 |
| | | Bully Creek | 450 feet upstream of the center of Main Street | None | *2,244 |
| | | Willow Creek | 1,000 feet north of a point 100 feet west of the intersection of Railroad Avenue and 10th Street. | None | *2,239 |
| <p>Maps are available for review at the City Hall, 252 B Street West, Vale, Oregon 97918. Send comments to Mr. Howard Ego, City Manager, 252 B Street West, Vale, Oregon 97918.</p> | | | | | |
| Texas | Bevil Oaks, city, Jefferson County | Pine Island Bayou | At downstream corporate limits | *23 | *24 |
| | | | At upstream corporate limits | *27 | *30 |
| <p>Maps available for inspection at the City Hall, Bevil Oaks, Texas. Send comments to The Honorable H. C. Davidson, Mayor of the City of Bevil Oaks, Jefferson County, Route 1, Box 293, Beaumont, Texas 77706.</p> | | | | | |
| Texas | Burleson, city, Johnson and Tarrant Counties | Village Creek | Approximately 500 feet downstream of the most downstream corporate limits. | *669 | *659 |
| | | | At the most upstream corporate limits | *722 | *606 |
| | | Quil Millier Creek | At the confluence with Village Creek | *663 | *661 |
| | | | Approximately 60 feet upstream of Interstate Route 35 Frontage Road. | None | *725 |
| | | Hurst Creek | At the confluence with Quil Millier Creek | None | *675 |
| | | | Approximately 1.4 miles upstream of County Route 601A. | None | *721 |
| | | Bypass Creek | At downstream corporate limits | None | *721 |
| | | | At upstream corporate limits | None | *725 |
| | | North Creek | At the confluence with Village Creek | *674 | *672 |
| | | | Approximately 400 feet downstream of McAllister Road. | *748 | *746 |
| | | Little Booger Creek | At the confluence with Village Creek | *691 | *689 |
| | | | Approximately 0.9 mile upstream of Southwest Thomas Road. | *731 | *748 |
| | | Shannon Creek | At the confluence with Village Creek | *717 | *718 |
| | | | Approximately 840 feet upstream of the corporate limits. | *753 | *751 |
| | | South Shannon Creek | At the confluence with Shannon Creek | *722 | *723 |
| | | | Approximately 0.9 mile upstream of County Route 920 | *787 | *785 |
| | | Stream VC-8 | At the confluence with Village Creek | None | *758 |
| | | | Approximately 160 feet upstream of the confluence of Stream VC-8A. | None | *777 |
| | | Stream VC-8A | At the confluence with Stream VC-8 | None | *776 |
| | | | Approximately 450 feet upstream of the most upstream corporate limits. | None | *778 |
| | | Willow Creek | At the confluence with Village Creek | None | *770 |
| | | | At the most upstream corporate limits | None | *793 |
| <p>Maps available for inspection at 141 West Renfro, Burleson, Texas. Send comments to The Honorable Jerry Boone, Mayor of the City of Burleson, Johnson and Tarrant Counties, City Hall, 141 West Renfro, Burleson, Texas 76028.</p> | | | | | |
| Texas | Victoria, City, Victoria County | Guadalupe River | Approximately 2.6 miles downstream of Ben Jordan Street (extended). | None | *51 |
| | | | At the confluence of West Outfall | *63 | *62 |
| | | | Approximately 0.9 mile upstream of the confluence of Spring Creek. | None | *71 |
| | | Jim Branch Outfall | At downstream corporate limits | None | *51 |
| | | | Upstream side of Pleasant Green Drive | None | *71 |
| | | | Approximately 150 feet downstream of North Street | None | *80 |
| | | West Outfall | At confluence with the Guadalupe River | None | *70 |
| | | | At upstream corporate limits | None | *95 |
| | | Whispering Creek | At confluence with Spring Creek | *77 | *78 |
| | | | Upstream side of Whispering Creek Drive | None | *95 |
| | | | Approximately 1,850 feet upstream of upstream corporate limits. | None | *117 |
| | | North Outfall | At confluence with Spring Creek | None | *80 |
| | | | At confluence with Whispering Creek | None | *96 |
| | | U.S. Route 77 Outfall | At confluence with North Outfall | None | *95 |
| | | | Downstream side of U.S. Route 77 | None | 102 |
| | | Lone Tree Creek | At downstream corporate limits | *86 | *87 |
| | | | Downstream side of John Stockbauer Road | None | *106 |
| | | East Branch of Lone Tree Creek | At confluence with Lone Tree Creek | None | *94 |
| | | | Approximately 50 feet downstream of the upstream corporate limits. | None | *99 |
| <p>Maps available for inspection at 100 West Juan Linn Street, Victoria, Texas. Send comments to The Honorable Ted Reed, Mayor of the City of Victoria, Victoria County, P.O. Box 1758, Victoria, Texas 77902.</p> | | | | | |

Issued: December 8, 1986.

Harold T. Duryee,
Administrator, Federal Insurance
Administration.

[FR Doc. 86-28039 Filed 12-12-86; 8:45 am]

BILLING CODE 6710-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 86-404; FCC 86-447]

Specialized Mobile Radio Service

AGENCY: Federal Communications
Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission has adopted a Notice of Proposed Rulemaking to amend Part 90, Subparts M and S, and to modify policies concerning Specialized Mobile Radio (SMR) Service. This action will facilitate the merger of two subparts and will relax Commission Regulation of SMR systems.

DATES: Interested parties may file comments on or before January 30, 1987 reply comments on or before March 13, 1987.

ADDRESS: Federal Communications
Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:
Nia Chirigos Cresham, Private Radio
Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, adopted October 16, 1986, and released November 28, 1986. The full texts of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street Northwest, Washington, DC. The complete text of this decision may be purchased from the Commission's Copy Contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rulemaking

1. The Notice of Proposed Rulemaking adopted by the Commission has two goals: To facilitate the merger of two distinct subparts of Part 90 into a unified subpart; and to relax Commission regulation of SMR systems so that they can operate more freely in the marketplace.

2. Currently, two subparts govern the use of trunked channels in the SMR service. Subpart M was created in 1974 when the Commission released 200

channels for private land mobile trunked use and 100 channels for conventional use. See *Second Report and Order*, Docket No. 18262, 46 FCC 2d 752 (1974). Subpart S was created in 1982 when the Commission released 250 channels for private land mobile use and specifically designated 80 channels for the SMR category. See *Second Report and Order*, Docket No. 79-191, 90 FCC 2d 1281 (1982). Each of these subparts sets forth different standards governing trunked land mobile systems at 800 MHz.

3. On September 1, 1987, Subpart M will be eliminated and all the channels governed by that subpart will fall under the purview of Subpart S. Because of the differences between Subpart M and Subpart S, the Commission proposed changes to Subpart S to establish a consistent approach to the regulation of the 800 MHz spectrum and the newly released 900 MHz spectrum. The changes proposed by the Commission are directly primarily to the SMR service where licensees can provide land mobile communications on a commercial basis to entities eligible under Part 90.

4. The 300 channels released in 1974 were allocated by technology—200 channels were designated for trunked use in any service category and 100 channels were designated for conventional use in any service category. (An additional 50 channels were designated for conventional use in 1978, and all 150 conventional channels are now governed by Subpart S). Under Subpart M, the 200 trunked channels are assigned on a first-come, first-served basis. Applications that cannot be granted because channels are not available are placed on a waiting list. Also under Subpart M, licensees of trunked systems must meet a loading requirement of 70 mobile units per channel within five years of authorization.

5. In contrast to the rules in Subpart M, the channels governed by Subpart S are not divided according to system technology. They are divided into four service categories and applicants in each of these categories are given the flexibility to choose trunked or conventional technology. Applications that cannot be granted because channels are not available are dismissed, and if the Commission receives mutually exclusive applications for available channels on the same day these applications are subject to comparative analysis and random selection (lottery) procedures. Finally, licensees governed by Subpart S must meet a loading requirement of 60 mobile units per channel within three years of authorization and 80 mobile units per

channel within five years of authorization.

6. In addition to eliminating the differences between the two subparts, the Commission also evaluated various trends in the SMR and land mobile community to propose changes to the current policies governing those industries. The Commission encouraged commenters to explore all the possibilities mentioned in the *Notice* and to suggest any other alternatives that would fulfill the regulatory objectives. The proposed changes to the Commission's rules and policies are as follows: (1) Elimination of loading standards for trunked SMR systems; (2) elimination of loading standards for non-SMR trunked systems at 800 MHz; (3) transfer of the 200 channels designated for trunked use in Subpart M to the SMR pool in Subpart S; (4) use of a unified waiting list procedure to reassign SMR channels at 800 MHz (and at 900 MHz once channels have been released); (5) repeal of the prohibition against partial assignments of authorizations; (6) expansion of SMR end user eligibility to include individuals and the federal government; and (7) increased technical flexibility for trunked SMR systems in the 800 MHz and 900 MHz bands. The *Notice* also clarifies the Commission's rules to state that only SMR licensees are permitted to engage in for-profit sharing in the 800 MHz and 900 MHz bands.

Initial Regulatory Flexibility Analysis

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

Paperwork Reduction

8. The rule amendment set forth here has been analyzed with respect to the Paperwork Reduction Act of 1980, and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure or record retention requirements, and will not increase and may decrease burden hours imposed on the public.

Procedural Matters

9. This is a non-restricted notice and comment rulemaking proceeding. See § 1.1231 of the Commission's rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contracts.

10. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and

1.419, interested parties may file comments on or before January 30, 1987, reply comments on or before March 13, 1987. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

Ordering Clause

11. The authority for issuance of this *Notice of Proposed Rulemaking* is contained in sections 4(i), 303(r) and 331(a) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r) and 332(a).

List of Subjects in 47 CFR Part 90

Private land mobile radio services, Radio.

PART 90—[AMENDED]

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

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

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

2. Section 90.179 is amended by revising the section heading and introductory paragraph to read as follows:

§90.179 Shared use of radio stations in the frequency.

Licensed use of radio stations below 800 MHz authorized under this rule part may share the use of their facilities. A station is shared when persons not licensed for the station control the station for their own purposes pursuant to the licensee's authorization. Shared use of a radio station below 800 MHz may be either on a non-profit, cost-shared basis or on a for-profit private carrier basis. Shared use of an authorized station below 800 MHz is subject to the following conditions and limitations:

3. Subpart M (§§ 90.350 through 90.390) is removed and reserved.

**Subpart M (§§ 90.350—90.390)—
[Removed and Reserved]**

4. Section 90.601 is revised to read as follows:

§ 90.601 Scope.

This subpart sets out the regulations governing the licensing and operations of all systems operating in the 806-821/851-866 MHz and 896-901/935-940 MHz bands. This subpart also governs the use of frequencies in the 806-821/851-866 MHz bands along the Mexican and Canadian Border areas in accordance with existing agreements. It includes eligibility requirements, application

procedures, operational and technical standards for stations licensed in these bands. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern with respect to licensing and operation in these frequency bands.

Section 90.603 is amended by revising paragraph (c) to read as follows:

§90.603 Eligibility.

(c) Any person, except wire line telephone common carriers, eligible under this part and proposing to provide on a commercial basis base station and ancillary facilities for the use of individuals, federal government and persons eligible for licensing under Subparts B, C, D, or E of this part.

§90.609 [Amended]

6. Section 90.609 is amended by removing paragraph (c).

7. Section 90.611 is amended by removing paragraphs (b) and (c) to read as follows:

§ 90.611 Processing of applications.

(b) All applications in pending status will be processed in the order in which they are received, determined by the date on which the application was received by the Commission in its Gettysburg, PA office.

(c) Each application will then be reviewed to determine whether it can be granted. Frequencies must be specified by applicants in the Public Safety/Special Emergency, Industrial/Land Transportation and Business categories, and by SMR applicants for conventional channels pursuant to the provisions of §90.621. SMR applicants for trunked frequencies may select their frequencies pursuant to § 90.621 or request the Commission to select frequencies. Frequencies will be selected in accordance with the Commission's assignment policies and loading criteria. If the application cannot be granted due to a lack of available frequencies, the application will be placed in queue on a waiting list. When frequencies become available they will be assigned to the highest ranking applicant which is eligible to use them based on the site specified, the Commission's mileage separation standards, and other applicable standards.

8. Section 90.617 is amended by revising paragraph (d) and Table 4 for Groups Nos. 224-440 and adding a new Table 4(c) to read as follows:

§90.617 [Amended]

(d) The channels listed in Tables 4, 4B, and 4C are available only for eligibles in the SMR category which consists of Specialized Mobile Radio (SMR) stations and eligible end users. This paragraph deals with the assignment of channels only in areas farther than 110 km (68.4 miles) from the U.S./Mexico border and farther than 140 km (87 miles) from the U.S./Canada border. See §90.619 for the assignment of SMR channels in these border areas. Channels 401-600 are available only for trunked operations. For stations located within 70 miles of Chicago channels 401-600 will be assigned in groups as outlined on Table 4(c)

TABLE 4A—SMR CATEGORY; 806-821/851-866 MHz BAND CHANNELS (280 CHANNELS)

| Group No. | Channel Nos. |
|-----------|---------------------|
| 228..... | 228-268-308-348-388 |
| 401..... | 401-441-481-521-561 |
| 402..... | 402-442-482-522-562 |
| 403..... | 403-443-483-523-563 |
| 404..... | 404-444-484-524-564 |
| 405..... | 405-445-485-525-565 |
| 406..... | 406-486-488-528-568 |
| 407..... | 407-447-487-527-567 |
| 408..... | 408-448-488-528-568 |
| 409..... | 409-449-489-529-569 |
| 410..... | 410-450-490-530-570 |
| 411..... | 411-451-491-531-571 |
| 412..... | 412-452-492-532-572 |
| 413..... | 413-453-493-533-573 |
| 414..... | 414-454-494-534-574 |
| 415..... | 415-455-495-535-575 |
| 416..... | 416-456-496-536-576 |
| 417..... | 417-457-497-537-577 |
| 418..... | 418-458-498-538-578 |
| 419..... | 419-459-499-539-579 |
| 420..... | 420-460-500-540-580 |
| 421..... | 421-461-501-541-581 |
| 422..... | 422-462-502-542-582 |
| 423..... | 423-463-503-543-583 |
| 424..... | 424-464-504-544-584 |
| 425..... | 425-465-505-545-585 |
| 426..... | 426-466-506-546-586 |
| 427..... | 427-467-507-547-587 |
| 428..... | 428-468-508-548-588 |
| 429..... | 429-469-509-549-589 |
| 430..... | 430-470-510-550-590 |
| 431..... | 431-471-511-551-591 |
| 432..... | 432-472-512-552-592 |
| 433..... | 433-473-513-553-593 |
| 434..... | 434-474-514-554-594 |
| 435..... | 435-475-515-555-595 |
| 436..... | 436-476-516-556-596 |
| 437..... | 437-477-517-557-597 |
| 438..... | 438-478-518-558-598 |
| 439..... | 439-479-519-559-599 |
| 440..... | 440-480-520-560-600 |

**TABLE 4C SMR CATEGORY; CHICAGO
PLAN 2,3**

| Group No. | Channel Nos. |
|------------------------|---------------------|
| 401 ¹ | 401-410 |
| 411..... | 411-447-483-519-555 |
| 412..... | 412-448-484-520-556 |
| 413..... | 413-449-485-521-557 |
| 414..... | 414-450-486-522-558 |
| 415..... | 415-451-487-523-559 |
| 416..... | 416-452-488-524-560 |
| 417..... | 417-453-489-525-561 |
| 418..... | 418-454-490-526-562 |
| 419..... | 419-455-491-527-563 |
| 420..... | 420-456-492-528-564 |

TABLE 4C SMR CATEGORY; CHICAGO
PLAN 2,3—Continued

| Group No. | Channel Nos. |
|-----------|---------------------|
| 421..... | 421-457-493-529-585 |
| 422..... | 422-458-494-530-586 |
| 423..... | 423-459-495-531-587 |
| 424..... | 424-460-496-532-588 |
| 425..... | 425-461-497-533-589 |
| 426..... | 426-462-498-534-570 |
| 427..... | 427-463-499-535-571 |
| 428..... | 428-484-500-536-572 |
| 429..... | 429-465-501-537-575 |
| 430..... | 430-466-502-538-574 |
| 431..... | 431-467-503-539-575 |
| 432..... | 432-468-504-540-576 |
| 433..... | 433-469-505-541-577 |
| 434..... | 434-470-506-542-578 |
| 435..... | 435-471-507-543-579 |
| 436..... | 436-472-508-544-580 |
| 437..... | 437-473-509-545-581 |
| 438..... | 438-474-510-546-582 |
| 439..... | 439-475-511-547-583 |

TABLE 4C SMR CATEGORY; CHICAGO
PLAN 2,3—Continued

| Group No. | Channel Nos. |
|-----------|---------------------|
| 440..... | 440-476-512-548-584 |
| 441..... | 441-477-513-549-585 |
| 442..... | 442-478-514-550-586 |
| 443..... | 443-479-515-551-587 |
| 444..... | 444-480-516-552-588 |
| 445..... | 445-481-517-553-589 |
| 446..... | 446-482-518-554-590 |
| 591..... | 591-592-593-594-595 |
| 596..... | 596-597-598-599-600 |

¹ Reserved for contiguous assignments or as a frequency pool for assignments to systems with odd number of channels.

² These channels will be authorized only in the area encompassed by a 70 mile radius centered at 41°52'28" N, 87°38'22" W.

³ All stations located beyond the 70 mile distance authorized on or before August 16, 1982 to use these channels may continue to do so. Stations beyond the 70 mile distance authorized after August 16, 1982 shall employ channels

listed in Table 4 C subject to the provisions of § 90.621 (b) or (c) as applicable.

* * * * *

9. Section 90.631 is amended by revising the section heading as follows, and removing paragraphs (a) and (b) and redesignating paragraphs (c) as (a), (d) as (b), (e) as (c) and (f) as (d).

§ 90.631 Trunked systems construction and authorization requirements.

Federal Communications Commission

William J. Tricarico,

Secretary.

[FR Doc. 86-27859 Filed 12-15-86; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 51, No. 241

Tuesday, December 16, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 86-025N]

Policy Change; State Certification and Oversight

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of policy change.

SUMMARY: The Food Safety and Inspection Service (FSIS) is changing its policy regarding State certification and oversight activities. The change will provide for discontinuing the regular quarterly reviews of State inspected meat and poultry plants. The review system was established by FSIS to determine whether States that operate a meat and/or poultry inspection program have laws and effectively enforce laws that impose requirements at least "equal to" those imposed under the Federal Meat Inspection Act and/or the Poultry Products Inspection Act. Instead of the quarterly review system, the Agency is adopting a more comprehensive and efficient State certification program that will provide for a broader Federal review approach and will allow for a more complete assessment of State programs.

EFFECTIVE DATE: January 15, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. C.O. McCullough, Director, Federal-State Relations Staff, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6313.

SUPPLEMENTARY INFORMATION: The Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) authorize the Secretary of Agriculture to cooperate with individual States in programs to inspect meat and poultry products in

establishments in the State that prepare products solely for distribution within the State. The Acts specify that State programs must impose inspection and other requirements that are at least "equal to" those imposed under the FMIA and PPIA. The FMIA and PPIA also require USDA annually to report to the Congress on the status of State requirements and enforcement. If a State does not effectively enforce requirements at least "equal to" those imposed under the Federal laws, USDA must designate the State for Federal inspection. In designated States, all establishments wishing to engage in activities requiring inspection must apply to, and be approved by, the USDA for Federal inspection.

To determine if a State's inspection program is meeting the "equal to" requirements of the Federal laws, FSIS established a quarterly review and rating system that focused on inspection activities at the plant level.

FSIS conducted an in-depth study of its State certification activities and in April 1986, issued a report titled "State Certification and Oversight".¹ The study was conducted to assess the effectiveness and uniformity of present procedures, and to develop options and recommendations for improving the State certification and oversight activities. The study suggests that using only quarterly in-plant reviews of State inspected plants to determine "equal to" status gives an incomplete view of a State's inspection program. Not looking at other phases of the State inspection programs limits the extent of the Agency's oversight activities and may be an inefficient use of Agency resources. With rapidly escalating inspection costs and severe budget constraints, FSIS managers are compelled to make the most effective and efficient use possible of its limited resources, while at the same time continuing to provide a high degree of public protection. Therefore, FSIS is changing its current policy of conducting quarterly reviews of State inspected plants to determine the "equal to" status of a State inspection program. The Agency is adopting a more comprehensive and efficient State certification program which will provide

for a broader Federal review approach and will allow for a more complete assessment of State programs.

Under the comprehensive program, each State that maintains its own inspection program will submit a State Performance Plan. The plan will be updated as necessary and will provide information regarding organization of the State inspection program and procedures that the State will use to insure that the program meets the "equal to" requirements of the FMIA and PPIA.

To replace the quarterly in-plant review method of determining the "equal to" status of a State's inspection program, FSIS will review the State Performance Plan and related reports on the operation of the State program, conduct an initial comprehensive review of each State's program, and conduct subsequent comprehensive and special reviews. The frequency and scope of reviews will be determined by information gained from reviewing the State Performance Plan and related reports and the previously determined status of the State inspection program. However, each State will be reviewed at least annually as required by the FMIA and PPIA. Reviews may include one or more, or all, phases of a State program ranging from reviews of records and reports to in-plant verification reviews.

The Agency believes that this approach to State Certification will provide a more complete assessment of the overall State inspection program. In addition, the approach recognizes that State programs have developed and maintained a level of effectiveness that allows for a broader based, comprehensive assessment of regulatory effectiveness and permits less intensive scrutiny of individual plants. It allows the States to assume more responsibility for the operations of their programs and provides Federal field supervisors with more time to provide the expert advice and consultation requested by State program personnel.

Done at Washington, DC, on November 28, 1986.

Lester M. Crawford,
Acting Administrator, Food Safety and Inspection Service.

[FR Doc. 86-28130 Filed 12-15-86; 8:45 am]

BILLING CODE 3410-DM-M

¹ A copy of the report is available free of charge from the FSIS Hearing Clerk, Policy Office, Room 3168, South Building, U.S. Department of Agriculture, Washington, DC 20250.

Forest Service**Cibola National Forest, Bernalillo County, NM; Intent To Prepare an Environmental Impact Statement**

The Department of Agriculture, Forest Service will prepare an environmental impact statement in recognition of the unique fragile riparian resource and the heavy recreation demands in Las Huertas Canyon, to determine the management objectives desired, the degree of development or non-development of the area, and the types of mitigation that will be required under each alternative management proposal.

The Record of Decision for the Cibola National Forest Land and Resource Management Plan was signed July 15, 1985 and implemented on August 18, 1985. One of the management decisions in the Plan was to study further the management objectives in the Las Huertas Canyon area, lying on the north end of the Sandia Mountains, in the vicinity of Placitas, New Mexico.

A range of alternatives for this area will be considered. At least one of these will be non-development and other alternatives will consider additional road development and resource related management options.

Federal, State, and local agencies; potential developers; and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. This process will include:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been adequately examined in the Cibola National Forest Land and Resource Plan and Environmental Impact Statement.
4. Determination of potential cooperating agencies and assignment of responsibilities.

The Fish and Wildlife Service, Department of the Interior, will be invited to evaluate potential impacts to threatened and endangered species habitat in Las Huertas Canyon drainages.

The Forest Supervisor will hold public meetings in Placitas, Cedar Crest, and Albuquerque, New Mexico during the spring and summer of 1987.

C. Phil Smith, Forest Supervisor, Cibola National Forest, Albuquerque, New Mexico, is the responsible official.

The analysis is expected to take about 10 months. The draft environmental impact statement should be available for public review by August, 1987. The final environmental impact statement is

scheduled to be completed by March, 1988.

Written comments and suggestions concerning the analysis should be sent to Mr. C. Phil Smith, Forest Supervisor, Cibola National Forest, 10308 Candelaria N. E., Albuquerque, New Mexico, 87112.

Questions about the proposed action and environmental impact statement should be directed to Jimmy E. Hibbetts, Project Manager, Cibola National Forest, phone 505-275-5207.

Dated: December 5, 1986.

C. Phil Smith,

Forest Supervisor.

[FR Doc. 86-28127 Filed 12-15-86; 8:45 am]

BILLING CODE 3410-11-M

Ridge Timber Sale; Okanogan National Forest, Okanogan County, WA

This notice revised the original Notice of Intent published in the **Federal Register** on August 16, 1985, on page 33088.

The Department of Agriculture, Forest Service, will prepare an environmental impact statement for the development of the Ridge Timber Sale on the Twisp Ranger District. The environmental impact statement will be prepared in accordance with existing approved land and resource management plans.

A range of alternatives for timber harvest in the assessment area will be considered. One of the alternatives will be No Action. Other alternatives will consider harvest ranging from approximately 7,000 mbf to 9,000 mbf on approximately 1,000 to 1,600 acres. Road construction alternatives include no construction to approximately 16 miles of new road.

Federal, State, and local agencies, potential purchasers, and other individuals or organizations who may be interested in or affected by the decision have been invited to participate in the scoping process. This process includes:

1. Identification of those issues to be addressed.
2. Identification of issues to be analyzed in-depth.
3. Elimination of insignificant issues, those covered by previous environmental analysis, and those issues not within the scope of this decision.
4. Determination of potential cooperating agencies and assignment of responsibilities.

The analysis is expected to take about one month longer. The draft environmental impact statement should be available for public review by February 1987.

William D. McLaughlin, Forest Supervisor of the Okanogan National Forest, is the responsible official. Written comments and suggestions concerning the analysis should be sent to William D. McLaughlin, Forest Supervisor, 1240 Second Avenue, Box 950, Okanogan, Washington 98840.

Questions about the proposed action and environmental impact statement should be directed to Jim Hulbert, Forest Service, USDA; Twisp Ranger District, Okanogan National Forest, P. O. Box 188, Twisp, Washington 98856.

Dated: December 2, 1986.

James Schelhaas,

Acting Forest Supervisor.

[FR Doc. 86-28076 Filed 12-15-86; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE**Office of the Secretary****Availability of (a)(2) Index; Notice**

Pursuant to the Freedom of Information Act (5 U.S.C. 552(a)(2)), notice is hereby given of the availability of the Department of Commerce update index of materials determined to be in the public domain as set forth in subsection (a)(2) of the Act.

Interested parties may inspect and obtain a copy of the index at the U.S. Department of Commerce, Central Reference and Records Inspection Facility, 14th Street and Constitution Avenue NW., Room 6628, Washington, DC 20230, between the hours of 9 a.m. and 4:30 p.m.

If you need further information, please contact Ms. Hedy L. Walters, Management Analyst, Office of Information Resources Management, (202) 377-4217.

Dated: December 10, 1986.

Geraldine P. LeBoo,

Management Analyst, Office of Information Resources Management.

[FR Doc. 86-28165 Filed 12-15-86; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

[A-588-049]

Calcium Pantothenate from Japan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

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

SUMMARY: In response to requests by two importers, two third-country resellers, and an exporter, the Department of Commerce has conducted an administrative review of the antidumping finding on calcium pantothenate from Japan. The review covers one exporter and four third-country resellers of this merchandise and various periods from July 1, 1981 through December 31, 1984. The review indicates the existence of dumping margins for some of the firms during some of the periods.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value.

When no information was received in response to our questionnaire, we used the best information available for assessment and estimated antidumping duties cash deposit purposes.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: December 16, 1986.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2923/3601.

SUPPLEMENTARY INFORMATION:

Background

On August 24, 1983, the Department of Commerce ("the Department") published in the *Federal Register* (48 FR 38526) the final results of its last administrative review of the antidumping finding on calcium pantothenate from Japan (39 FR 2086, January 17, 1974). We began this review of the finding under our old regulations. After the promulgation of our new regulations, two importers, two third-country resellers, and an exporter requested in accordance with section 353.53a (a) of the Commerce Regulations that we complete the administrative review. We published the new initiation on February 12, 1986 (51 FR 5219). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of calcium pantothenate, a member of the B-complex vitamin family, which is produced in two grades: D-Cal Pan (USP Grade, which is used for human nutrition in the form of multi-vitamin tablets) and DL-Cal Pan (Feed

Grade, which is used as a food supplement for swine and poultry). Both grades of calcium pantothenate are currently classifiable under item 437.8225 of the Tariff Schedules of the United States Annotated.

The review covers one exporter and four third-country resellers of Japanese calcium pantothenate and various periods from July 1, 1981 through December 31, 1984. Three third-country resellers failed to respond or provided an inadequate response to the Department's questionnaire. For these non-responsive firms the Department used the best information available. The best information available is the highest rate from the last review.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the packed c.i.f. price to unrelated purchasers in the United States. Where applicable, we made adjustments for foreign inland freight, ocean freight, and marine insurance. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used a third-country reseller's home market prices, as defined in section 773 of the Tariff Act. Home market price was based on the packed delivered price to unrelated purchasers in West Germany, with adjustments, where applicable, for inland freight and insurance. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

| Manufacturer/ exporter | Time period | Margin (percent) |
|--|---------------------|---------------------|
| Nagase & Co., Ltd. | 1/1/82-5/ 31/82 | 10 |
| Third-country Reseller (Country): BMP GmbH (W. Germany)..... | 1/1/82-8/ 31/83 | 3.98 |
| Chemeta BV (Netherlands) .. | 6/1/82-12/ 31/84 | 3.98 |
| M. Gurvey & Berry Co. (Canada)..... | 6/1/82-8/ 31/83 | 3.98 |

| Manufacturer/ exporter | Time period | Margin (percent) |
|--|--------------------|---------------------|
| Kompanie Ultramar Sievers (W. Germany)..... | 7/1/81-3/ 31/82 | 0 |

¹ No shipments during the period.

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 thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for these firms. For any future entries of this merchandise from a new exporter, not covered in this or prior administrative reviews, whose first shipments occurred after December 31, 1984 and who is unrelated to any reviewed firm or any previously reviewed firm, no cash deposit shall be required. These deposit requirements are effective for all shipments of Japanese calcium pantothenate entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53a of the Commerce Regulations (19 CFR 353.53a).

Dated: December 8, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-28179 Filed 12-15-86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

[Modification No. 1 to Permit No. 517; P273C]

Marine Mammals; Permit Modification; LGL Limited, Environmental Research Associates

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 § 220.24 of the regulations on endangered species (50 CFR Parts 217-227), Scientific Research Permit No. 517 issued to LGL Limited, Environmental Research Associates, P.O. Box 280, King City, Ontario, LOG 1K0, Canada on August 23, 1985 (50 FR 35286) is modified as follows:

Section A.2 is replaced by:

2. Up to 20 of the above permitted whales may be radio tagged, as described in the permit application.

Section B. 7 is replaced by:

7. This Permit is valid with respect to the taking authorized herein until December 31, 1987.

This modification becomes effective upon publication in the **Federal Register**.

As required by the Endangered Species Act of 1973 issuance of this modification is based on a finding that such modification (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of the modification, and (3) will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. This modification was issued in accordance with, and is subject to Parts 220-222 of Title 50 CFR of the National Marine Fisheries Service regulations governing endangered species permits (39 FR 41367), November 27, 1974.

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

Protected Species Division, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Room 805, Washington, DC; and
Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: December 10, 1986.

Richard B. Roe,

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

[FR Doc. 86-28188 Filed 12-15-86; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish Plan Teams will convene a joint public meeting, January 12-13, 1987, at the National Marine Fisheries Service's conference room, Alaska Regional Office, 709 W. 9th Street, Juneau, AK, to review proposals for changes in fisheries management and to discuss future development of both Teams' groundfish fishery management plans.

For more information contact Steve Davis, North Pacific Fishery Management Council, P.O. Box 103136, 411 West Fourth Avenue, Suite 2D, Anchorage, AK; telephone: (907) 274-4563.

Dated: December 11, 1986.

Richard B. Roe,

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

[FR Doc. 86-28187 Filed 12-15-86; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**Announcing Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Turkey Effective on January 1, 1987**

December 10, 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 January 1, 1987. For further information contact Ann Fields, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Background

The Bilateral Cotton and Man-Made Fiber Textile Agreement of October 18, 1985 between the Governments of the United States and the Republic of Turkey establishes specific limits on cotton sheeting in Category 313 and plied acrylic yarn in Category 604-A

(only T.S.U.S.A. number 310.5049), produced or manufactured in Turkey and exported during the twelve-month period beginning on January 1, 1987 and extending through December 31, 1987. The letter from the Chairman of the Committee for the Implementation of Textile Agreements which follows this notice directs the Commissioner of Customs to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textiles and textile products in Categories 313 and 604-A, in excess of the designated twelve-month limits.

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

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

William H. Houston, III,

Chairman, Committee for the Implementation of Textile Agreements.

December 10, 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 further extended on July 31, 1986; pursuant to the Bilateral Cotton and Man-Made Fiber textile Agreement of October 18, 1985, between the Governments of the United States and Turkey; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 313 and 604-A¹, produced or

¹ In Category 604, only T.S.U.S.A. number 310.5049.

manufactured in turkey and exported during the twelve-month period beginning on January 1, 1987 and extending through December 31, 1987, in excess of the following restraint limits:

| Category | Twelve-month restraint limit |
|------------|------------------------------|
| 313..... | 16,854,000 square yards. |
| 604-A..... | 730,340 pounds. |

In carrying out this directive, entries of textile products in the foregoing categories, produced or manufactured in Turkey, which have been exported to the United States on and after January 1, 1986 and extending through December 31, 1986, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The restraint limits set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of October 18, 1985, between the Governments of the United States and the Republic of Turkey, which provide, in part, that specific limits may be increased by designated percentages for swing, carryover and carryforward; however, carryforward will not be available in the final twelve-month agreement period.

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

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

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

Sincerely,

William H. Houston, III,

Chairman, Committee for the Implementation of Textile agreements

[FR Doc. 86-28180 Filed 12-15-86; 8:45 am]

BILLING CODE 3510-DR-M

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday,

December 23, 1986 beginning at 1:30 p.m. in the Goddard Conference Room of its offices at 25 State Police Drive, West Trenton, New Jersey. The hearing will be part of the Commission's regular business meeting which is open to the public.

An informal pre-meeting conference among the Commissions and staff will be open for public observation at about 11:30 a.m. at the same location.

The subjects of the hearing will be as follows:

Current Expense and Capital Budgets. A proposed current expense budget for the fiscal year beginning July 1, 1987, in the aggregate amount of \$2,221,000 and a capital budget for the same period in the amount of \$837,500 in revenue and \$723,300 in expenditures. Copies of the current expense and capital budget are available from the Commission on request.

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or section 3.8 of the Compact:

1. **Warrent County (Pequest River) Municipal Utilities Authority D-71-96 CP (Amendment No. 1).** An application for approval of a sewerage project that would extend the service area of the Oxford Township sewage treatment plant as documented in Docket No. D-71-96 CP. The existing secondary treatment plant is designed to treat 0.5 million gallons per day (mgd) of sewage, but currently processes less than 0.1 mgd on an average basis. The applicant requests extension of the service area to include Washington Township, also in Warrent County, New Jersey. No other docket modifications are requested.

2. **West Deptford Township D-79-82 CP Renewal.** Renewal of an approved ground water withdrawal from Well Nos. 7 and 8 which supply water to the West Deptford Township distribution system, Gloucester County, New Jersey. Commission approval was limited to five years and will expire unless renewed. The proposed 30-day withdrawal limit from Well Nos. 7 and 8 remains at 32.4 and 43.2 million gallons (mg) respectively, and 105 mg total from all wells.

3. **Chalfont-New Britain Township Joint Sewage Authority D-86-35 CP.** An application for the expansion of the applicant's 2.0 mgd secondary level sewage treatment plant to process an average flow capacity of 3.8 mgd. The expanded plant is designed to serve a total equivalent population of 38,000 residential and industrial users through the year 1995. The treatment plant will continue to serve Chalfont and New Britain Boroughs, and portions of New Britain, Buckingham, Plumstead, and

Doylestown Townships in Bucks County, Pennsylvania. A portion of Montgomery Township in Montgomery County is served as well. The treatment plant is located in Doylestown Township. The treated effluent will continue to be discharged from the existing outfall into Neshaminy Creek at River Mile 115.63-37.4.

4. **Landis Sewerage Authority D-86-52 CP.** An application to construct additional wastewater treatment facilities at the City of Vineland Wastewater Treatment Plant in Cumberland County, New Jersey. Several units at the existing 5.4 mgd plant will be modified to facilitate the expansion to treat 8.2 mgd. Secondary treatment will be followed by spray irrigation over 180 acres of Authority land. The project is designed to serve the year 2009 projected population of 55,000 persons. An industry in Pittsgrove Township, Salem County, and a food processing company in Franklin Township, Gloucester County, will also be served. During extended periods when land application cannot be implemented, treatment plant effluent will be stored in the existing rapid infiltration basins.

5. **University of Pennsylvania School of Veterinary Medicine D-86-71.** An application for a wastewater treatment plant upgrading and expansion project to provide secondary treatment for 0.075 mgd of sewage. The existing 0.05 mgd plant is located off Pennsylvania Route 926, approximately 2.2 miles west of the intersection of Routes 82 and 926, in East Marlborough Township, Chester County, Pennsylvania. The project is designed to serve the New Bolton Veterinary Center, exclusively, through the year 2006. Treatment plant effluent will continue to be discharged to South Brook, tributary to West Branch Red Clay Creek.

6. **Historical Developers of Pennsylvania, Inc. D-86-73.** An application to rehabilitate and redesign an historic, former paper mill located in the Delaware River floodplain off Pennsylvania Route 32 in New Hope Borough, Bucks County. The applicant proposes to restore much of the "Union Mill's" facade, and to reconstruct the interior for use as condominiums. Various floodproofing methods have been proposed to protect most of the complex from the 100-year flood. Five of the sixty-two condo units will have a floor that is one foot below the 100-year flood level, and may be subject to flooding approximately once in fifty years. The applicant also proposes to provide the condo owners with an upgraded facility to withdraw from the

Delaware River and treat up to 60,000 gallons/day for domestic water supply.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact David P. Everett concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman,
Secretary.

December 9, 1986.

[FR Doc. 86-28077 Filed 12-15-86; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Conduct of Employees; Notice of Waiver

Section 602(a) of the Department of Energy Organization Act (Pub. L. 95-91, hereinafter referred to as the "Act") prohibits a "supervisory employee" (defined in section 601(a) of the Act) of the Department from knowingly receiving compensation from, holding any official relation with, or having any pecuniary interest in any "energy concern" (defined in section 601(b) of the Act).

Section 602(c) of the Act authorizes the Secretary of Energy to waive the requirements of section 602(a) in cases of exceptional hardship.

The Department of Energy has entered into an agreement with Texas A&M University for Dr. Murray C. Gilbert to serve as a geoscientist in the Department's Office of Energy Research pursuant to the Intergovernment Personnel Act (Pub. 91-648). The university has been determined to be an "energy concern" within the meaning of section 601(b) of the Act.

It has been established to my satisfaction that requiring Dr. Gilbert to sever his relationship with Texas A&M University would impose an exceptional hardship on him. Accordingly, I have granted Dr. Gilbert a waiver of the divestiture requirements of section 602(a) of the Act, for the duration of his employment with the Department, with respect to his relationship with the university.

In accordance with section 208 of title 18, United States Code, Dr. Gilbert will be directed not to participate personally and substantially, as a Government

employee, in any particular matter the outcome of which could have a direct and predictable effect upon Texas A&M University unless his supervisor and the Counselor agree that his financial interest in the particular matter is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him.

In addition, in accordance with section 606 of the Department of Energy Organization Act, Dr. Gilbert will be directed not to participate for a period of one year after commencing service in the Department—

(1) In any Department proceeding in which Texas A&M University is substantially, directly, or materially involved, other than a rulemaking proceeding having a substantial effect on numerous energy concerns; or

(2) In any Department proceeding for which he had direct responsibility, or in which he participated personally or substantially, within the previous five years while in the employment of Texas A&M University; unless the Secretary makes a written finding that the application of such prohibition would be contrary to the national interest.

Dated: December 5, 1986.

John S. Herrington,
Secretary of Energy.

[FR Doc. 86-28164 Filed 12-15-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. C187-148-000 and C187-149-000]

Marathon Oil Co.; Application

December 10, 1986.

Take notice that on December 1, 1986, Marathon Oil Company ("Marathon") filed in this proceeding an application pursuant to sections 4 and 7 of the Natural Gas Act ("NGA") and § 2.77, Parts 154 and 157 of the Commission's regulations. The application requests an order (1) authorizing blanket permanent abandonment of certain sales for resale of natural gas in interstate commerce to United Gas Pipe Line Company ("United") (2) issuing a blanket limited-term certificate of public convenience and necessity authorizing the sale for resale of such natural gas in interstate

commerce for three years, and (3) authorizing blanket pregranted abandonment of any sales for resale of natural gas made under the requested certificate. Marathon also requests waiver of certain Commission regulations including those in Parts 154 and 271 of the Commission's regulations and requests that the authorizations sought in this proceeding be considered on an expedited basis, to be made effective as soon as possible.

This application involves the abandonment of approximately 16,500 Mcf/day of natural gas qualifying under NGPA sections 102, 103, 104, 106(a) and 108. This gas is presently dedicated to United by Marathon under twelve different contracts and United has agreed to permanently release all the gas under these contracts. Marathon states that in the past 12-month period United has taken only approximately 20 percent of Marathon's total deliverability, that United is currently purchasing approximately five percent of the sections 104 and 106(a) gas under these contracts and that United is not making take-or-pay payments on this gas. Marathon indicates that United and Marathon have entered into a settlement of take-or-pay disputes dated November 21, 1986. Marathon states that approval of this Application will relieve United of take-or-pay obligations and permit Marathon to sell this gas to others at market-clearing levels.

Any person desiring to be heard or to make any protest with reference to said application should, on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

APPENDIX A.—MARATHON CONTRACTS FOR WHICH ABANDONMENT IS REQUESTED¹

| Marathon's certificate docket No | Marathon rate schedule | Contract date | Field |
|----------------------------------|------------------------|----------------|---|
| G-11819 | 14 | Mar. 16, 1984 | Phoenix Lake Field, Calcasieu Parish, La. |
| G-11820 | 15 | Mar. 16, 1984 | Duke Lake Field, St. Mary and Martin Parishes, La. |
| G-11821 | 16 | Apr. 23, 1980 | Maxie-Pistol Ridge Field, Forest, Lamar and Pearl River Counties, Miss. |
| G-12185 | 36 | Mar. 16, 1984 | Theall Field, Vermillion Parish, La. |
| G-15385 | 38 | Jan. 31, 1979 | Ada Field, Bienville Parish, La. |
| CI61-572 | 52 | May 27, 1981 | Cotton Valley Field, Webster Parish, La. |
| CI77-584 | 141 | Dec. 29, 1976 | Eugene Island Area Block 47, Offshore La. |
| CI78-283 | 147 | Sept. 12, 1977 | Eugene Island Area Blocks 37, 38, 57 and 58, Offshore La. |
| CI78-990 | 153 | Mar. 16, 1984 | Overton Field, Smith County, Texas. |
| CI78-1115 | 158 | Aug. 14, 1978 | High Island Area Block A-480, Offshore Texas. |
| CI79-417 | 163 | Mar. 9, 1979 | High Island Area Block A-279, Offshore Texas. |
| CI79-677 | 169 | Aug. 1, 1979 | High Island Area Blocks 474 and 489, Offshore Texas. |

¹ In addition to the twelve contracts listed above, Marathon and United have agreed to the permanent release of gas dedicated under three other contracts involving the sale of nonjurisdictional or intrastate gas: (1) Contract dated August 28, 1979—Overton Field, Smith County, Texas; (2) Contract dated November 1, 1982—S. Grand Chenier Field (Deep Lake Area), Cameron Parish, La.; and (3) Contract dated January 5, 1983—Victoria Mainline Field, Eddy County, Texas.

[FR Doc. 86-28089 Filed 12-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP87-85-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

December 4, 1986.

Take notice that on November 18, 1986, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP87-85-000 an application pursuant to section 7(c) of the Natural Gas Act for authorization to (1) provide firm deliveries of firm Interim Natural Gas Service (INGS) volumes authorized by the Commission on September 26, 1986, in Docket Nos. CP86-251-000 and CP86-251-001 (36 FERC ¶ 31,370) at six delivery points on the Beverly-Salem lateral to Boston Gas Company (Boston Gas), and (2) construct and operate \$4,086,000 in new facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it originally sought authority in Docket Nos. CP86-251-000 and CP86-251-001 to upgrade the Beverly-Salem lateral to provide firm service to Boston Gas. Applicant explains that on June 9, 1986, it withdrew that portion of the application seeking to upgrade the Beverly-Salem lateral because of the excess time required to resolve environmental concerns raised by parties located where the upgraded line would have been placed. In the September 26, 1986 order, the Commission authorized Applicant to increase its firm deliveries to Boston Gas by 10,460 Mcf of natural gas per day, but the firm deliveries to Boston Gas on the Beverly-Salem lateral was authorized on a best-efforts basis.

Applicant now seeks authority in the subject application to upgrade the Beverly-Salem lateral to allow delivery of the authorized INGS best-efforts volumes on a firm basis.

Applicant requests authority to increase firm deliveries of INGS volumes to Boston Gas at the following delivery points located on the Beverly-Salem lateral:

| Beverly-Salem delivery points | Maximum delivery quantity (Mcf per day) |
|-------------------------------|---|
| 1. Reading | 5,800 |
| 2. Lynnfield | 200 |
| 3. Lynn | 10,460 |
| 4. West Peabody | 200 |
| 5. Beverly-Salem | 4,700 |
| 6. Gloucester | 500 |

Applicant states that total firm deliveries to Boston Gas of INGS volumes at the Beverly-Salem delivery points would not exceed the authorized level of 10,460 Mcf of natural gas per day.

To accomplish the increased deliveries for which authorization is sought by this application, Applicant proposes to replace 2.0 miles of its existing 12-inch Beverly-Salem lateral with new 24-inch pipe from Applicant's valve 270C-101.1 to mile post 270C 101.1 + 2.0 located in Middlesex County, Massachusetts. Applicant states in its Environmental Report, filed in Exhibit F-IV of its application, that it proposes installing the new 24-inch line parallel to and at a 10-foot offset from the existing 12-inch line except where route deviations would avoid obstacles or reduce the environmental impact of construction, and either remove or abandon the old line once the new replacement line is in service. Applicant estimates the total cost of these facilities to be \$4,086,000.

The Commission Staff will be preparing an environmental assessment on Applicant's proposed Beverly-Salem lateral replacement. By separate notice, Commission Staff will request public comments concerning the scope of the environmental issues to be addressed in its environmental assessment.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 24, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-28090 Filed 12-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-446-002]

Natural Gas Pipeline Co. of America;

December 8, 1986.

Take notice that on December 5, 1986, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street,

P.O. Box 1207, Lombard, Illinois 60148, filed in Docket No. CP80-446-002 an amendment to its application in Docket No. CP80-446-000 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of the compressor unit at Station 139 in Lea County, New Mexico, on a permanent basis commencing on December 31, 1986, all as more fully set forth in the amendment which is on file with the Commission and open for public inspection.

It is stated that in 1980, Natural was authorized to install certain compression along its Permian Basin line for a two year period to restore lost capacity on that line caused by decreased pressure and which would make possible the flow of large volumes of gas from Natural's Gulf Coast line to its Amarillo line. It is stated that the gas was transported pursuant to gas transportation agreements with Houston Pipe Line Company and Oasis Pipeline Company (cross-haul arrangement). The retention and operation of the compressor unit at Station 139 for an additional 4-year period was subsequently authorized, with authorization expiring on December 30, 1986, it is stated.

Natural proposes herein to operate the compressor unit at Station 139 on a permanent basis commencing December 31, 1986. Natural states that the compressor continues to support the cross-haul arrangement and provide backup compression if outages occur along the Permian Basin line. Natural notes that the recent emphasis on the transporter role of interstate pipelines under Order 436 required that pipelines maintain system facilities that offer maximum flexibility. Natural contends that Station 139 enhances system flexibility and thus helps Natural retain the ability to quickly respond to requests to move gas either direction along its Permian Basin system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 18, 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.

Kenneth F. Plumb,

Secretary.

FR Doc. 86-28091 Filed 12-15-86; 8:45 am]

BILLING Code 6717-01-M

[Docket No. CP84-441-021]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Petition to Amend

December 4, 1986.

Take notice that on November 18, 1986, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-441-021 a petition to further amend the Commission's order issued on June 14, 1985 (31 FERC ¶ 61,308), pursuant to section 7(c) of the Natural Gas Act so as to authorize FSST-NE to Boston Gas Company (Boston Gas) at Petitioner's existing Lexington, Burlington, and Arlington sales meter stations due to delays in construction of the Laws Brook Road delivery point authorized for this service, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner explains that under the June 14, 1985, order it was authorized to provide firm storage transportation service to Boston Gas of 13,040 dekatherm (dt) equivalent of natural gas per day¹ under Petitioner's Rate Schedule FSST-NE. By order issued August 15, 1985, in Docket No. CP84-441-000, *et al.*, Petitioner was authorized to construct and operate the Laws Brook Road delivery point to Boston Gas for delivery of firm storage withdrawals. Due to delays in construction of the Laws Brook Road delivery point, Petitioner states that it was authorized to deliver firm storage gas withdrawals to Boston Gas at the Lexington, Burlington, and Arlington sales stations for a limited period expiring December 19, 1986, by Commission order issued December 19, 1985, in Docket No. CP84-441-011.

Petitioner now alleges that it has still not been able to obtain the necessary local permits to complete construction of the authorized Laws Brook Road delivery point and requests authority to continue to make firm deliveries of the

¹ All volumes have been converted to dekatherms pursuant to Commission Opinion No. 240, *Tennessee Gas Pipeline Company*, 32 FERC ¶ 61,086 (1985).

storage withdrawals to Boston Gas at the following three additional delivery points:

| Delivery point | Current daily quantity limit dt equivalent | Additional daily quantity limit for FSST-NE service dt equivalent |
|-------------------------------|--|---|
| Lexington sales station..... | 3,793 | 1,025 |
| Burlington sales station..... | 10,455 | 1,025 |
| Arlington sales station..... | 31,536 | 10,977 |

Petitioner further requests that the three additional delivery points be certificated on a permanent basis for the FSST-NE service and states that no additional facilities would be required to render this additional service at these delivery points.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 16, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-28097 Filed 12-15-86; 8:45]

BILLING CODE 6717-01-M

[Docket No. RP87-24-000]

U-T Offshore System; Renote of Proposed Changes in FERC Gas Tariff

December 11, 1986.

Take notice that on December 1, 1986, U-T Offshore System (U-TOS) tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1 in Sixth Revised Sheet No. 4. The proposed changes would increase revenues from jurisdictional transportation services by approximately \$25,000 based on the 12-month period ending August 31, 1986, as adjusted, compared with the revenues generated through the presently effective rates.

U-TOS states that the principal reasons for the rate changes filed herein are as follows:

(a) Decreased cost of capital which results in an overall rate of return of 12.28% which is required to afford U-TOS the opportunity to earn a fair and reasonable return.

(b) A reduction in rate base due to increase in reserve for depreciation, and

(c) A decrease in projected transportation quantities to a level equal to approximately 44% use of U-TOS' daily contract demand of 1,036,457 Mcf.

U-TOS requests an effective date of January 1, 1987, for the proposed Revised Sheet. U-TOS states that it served copies of this filing upon all of its shippers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211, 214). All such motions or protests should be filed on or before December 17, 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 86-28096 Filed 12-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP-87-3-000]

Sea Robin Pipeline Co. v. POGO Producing Co.; Complaint

December 10, 1986.

On November 7, 1986, Sea Robin Pipeline Company (Sea Robin) filed a complaint pursuant to 18 CFR 271.1105(d)(3) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206. Sea Robin requests the Production-Related Costs Board (Board) to find that POGO Producing Company (POGO) is in violation of § 271.1104 by overcharging and collecting (1) \$994,890.54 in delivery allowances under two contracts and (2) \$116,739.65 in compression allowances under one contract. In addition, Sea Robin requests the Board to require POGO to supply information as to (1) the date of initial site preparation for gas delivered under six contracts and (2) the date that construction commenced on compressor facilities under two contracts. If the information supplied

does not support the collection of gathering and compression allowances, Sea Robin then requests the Board to order refunds of these amounts. Sea Robin also requests that all refunds include interest as specified in § 154.102(c).

POGO, or its predecessor Pennzoil Offshore Gas Operators, as seller, and Sea Robin, as buyer, previously entered into eleven contracts that are the subject of this complaint. All the gas purchased by Sea Robin under these contracts is produced from blocks located on the Outer Continental Shelf, Offshore Louisiana.

Sea Robin states that the two contracts under which they have already paid \$994,890.54 in delivery allowances contain both area rate clauses and specific provisions which provide that POGO "agrees to construct, operate and maintain, at its expense, the necessary facilities from Seller's wells to the above described delivery points." Sea Robin believes that because the "at its expense" language is not phrased as operating in the alternative to the area rate clause, as mentioned in Order No. 94-A, then POGO is not "expressly authorized" to collect the delivery allowances.

Sea Robin claims that under the contract which they have paid \$116,739.65 in compression allowances, POGO was required to give Sea Robin written notice of the need for compression. After receiving written notice, Sea Robin had the right but not the obligation to install compressors or to reduce the line pressure in order to receive the gas. Sea Robin claims that they have no record of any written notice from POGO that the delivery pressure was inadequate and that POGO installed the compressors on its own. Sea Robin believes that because it did not receive written notice, it cannot be said to have "expressly" agreed to compensate POGO for its compression costs.

With regard to sales under six other contracts, POGO is claiming the delivery allowances for post-NGPA delivery systems. Sea Robin states that a review of the material submitted by POGO, or its agent, casts doubt on the eligibility for the post-NGPA delivery allowances. They requested additional information several times concerning the date of site preparation and POGO has refused to provide any information. Sea Robin requests the Board to order such information from POGO and if the information is not provided, then the Board should order refunds of the difference between the pre-NGPA and the post-NGPA delivery allowances.

POGO is claiming compression allowances under two contracts. No compression allowance is allowed if the construction of the compression facilities commenced prior to the NGPA. Sea Robin claims that POGO has not supplied the date it commenced construction of its compression facilities under the two contracts even though Sea Robin has requested such information. Sea Robin requests the Board to order such information from POGO and if the information is not provided, then the Board should order refunds of the compression allowances.

Under the Rules 206(b) and 213(a), 18 CFR 385.206(b) and 385.213(a), POGO must file an answer to Sea Robin's complaint with the Commission unless otherwise ordered by the Commission. Under Rule 213(e), 18 CFR 385.213(e), any person failing to answer a complaint may be considered in default, and all relevant facts stated in such complaint may be deemed admitted. POGO shall file its answer with the Commission not later than 15 days after publication of this notice in the *Federal Register*.

Any person desiring to be heard or to protest said filing should file a protest or a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214, 18 CFR 385.211 and 385.214. All such protests or motions should be filed not later than 15 days after the publication of this notice in the *Federal Register*. 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. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-28092 Filed 12-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP86-53-000]

Texaco Producing Inc. v. Oklahoma Natural Gas Co., a Division of ONEOK, Inc.; Complaint

December 10, 1986.

On September 8, 1986, as completed on November 20, 1986, Texaco Producing Inc. (Texaco) filed a complaint pursuant to 18 CFR 271.1105(d)(3) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206. Texaco requests the Production-Related

Costs Board (Board) to find that Oklahoma Natural Gas Company, a Division of ONEOK, Inc. (ONG) is in violation of 18 CFR 271.1104 by refusing to reimburse Texaco for approximately \$836,576.82 in production-related costs.

Texaco states that from July 25, 1980 to January 1, 1985, the period relevant to this complaint, it delivered natural gas volumes to ONG, an intrastate pipeline, at the tailgate of the Velma Gasoline Plant in Stephens County, Oklahoma. The gas was sold pursuant to an April 1, 1947 contract that was periodically amended. By agreement dated July 17, 1974, the 1947 contract was amended so as to allow the seller to collect from ONG for "new gas" the highest price the seller was allowed to collect from Lone Star Gas Company. Texaco claims that the highest price Texaco was permitted by law to collect from Lone Star was the applicable maximum lawful price specified by the NGPA, as augmented by delivery allowances in the amounts permitted by § 271.1104.

Texaco further states that the "new gas" sold to ONG at the tailgate of the Velma Plant is subject to sections 102, 103, 105, 108 and 109 of the NGPA and that the claimed gathering allowances range from 5 cents per MMBtu to 44 cents per MMBtu for both pre-NGPA and post-NGPA gathering systems. Despite demands from Texaco, ONG has refused to pay any delivery allowances for any of the "new gas", asserting that such allowances are not permitted by § 271.1104.

Texaco requests that the Board issue an order finding that Texaco is entitled to collect from ONG, for all "new gas" delivered to ONG at the tailgate of the Velma Plant under the 1947 contract, the delivery allowances specified in its complaint which amount to approximately \$836,576.82.

Under the Rules 206(b) and 213(a), 18 CFR 385.206(b) and 385.213(a), ONG must file an answer to Texaco's complaint with the Commission unless otherwise ordered by the Commission. Under Rule 213(e), 18 CFR 385.213(e), any person failing to answer a complaint may be considered in default, and all relevant facts stated in such complaint may be deemed admitted. ONG shall file its answer with the Commission not later than 15 days after publication of this notice in the **Federal Register**.

Any person desiring to be heard or to protest said filing should file a protest or a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214, 18 CFR 385.211 and 385.214. All such protests or motions should be filed

not later than 15 days after publication of this notice in the **Federal Register**. 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. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-28093 Filed 12-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP87-8-000]

United Gas Pipe Line Co. v. POGO Producing Co.; Complaint

December 10, 1986.

On November 21, 1986, United Gas Pipe Line Company (United) filed a complaint pursuant to 18 CFR 271.1105(d)(3) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206. United requests the Production-Related Costs Board (Board) to find that POGO Producing Company (POGO) is in violation of § 271.1104 by overcharging and collecting (1) \$2,828,087.55 in delivery allowances under five contracts and (2) \$55,284.69 in compression allowances under eight contracts. In addition, United requests the Board to require POGO to supply information as to (1) the date of initial site preparation for gas delivered under fifteen contracts and (2) the date that construction commenced on compressor facilities under ten contracts. If the information supplied does not support the collection of gathering and compression allowances, United then requests the Board to order refunds of these amounts. United also requests that all refunds include interest as specified in § 154.102(c).

POGO, or its predecessor Pennzoil Offshore Gas Operators, as seller, and United, as buyer, previously entered into thirty-eight contracts that are the subject of this complaint. All the gas purchased by United under these contracts is produced from blocks located on the Outer Continental Shelf.

United states that the five contracts under which it has already paid \$2,828,087.55 in delivery allowances contain both area rate clauses and specific provisions that provide that POGO agreed to construct, operate and maintain "at its expense" any delivery facilities. United believes that because the "at its expense" language is not phrased as operating in the alternative to the area rate clause, as mentioned in Order No. 94-A, then POGO is not

"expressly authorized" to collect the delivery allowances.

United claims that two contracts, under which they have already paid \$39,266.13 in compression allowances, require POGO to give United written notice of the need for compression. After receiving written notice, United has the right but not the obligation to install compressors or to reduce the line pressure in order to receive the gas. United claims that it has not received any written notice from POGO that the delivery pressure was inadequate and that POGO installed the compressors on its own. United believes that because it did not receive written notice, it cannot be said to have "expressly" agreed to compensate POGO for its compression costs.

With respect to six other contracts, United claims that POGO filed a blanket affidavit under § 154.94(k), which became effective November 23, 1984, authorizing collection of compression allowances. POGO has already made refunds of overcollected compression allowances through September 30, 1984, but had not made refunds of \$16,018.56 incurred between October 1, 1984 through November 23, 1984. United claims that refunds should have been made through November 23, 1984, the effective date of POGO's § 154.94(k) affidavit.

POGO is claiming the delivery allowances for post-NGPA delivery systems for sales under fifteen contracts. United states that a review of the material submitted by POGO, or its agent, casts doubt on the eligibility for the post-NGPA delivery allowances. United has requested additional information several times concerning the date of site preparation and claims that POGO has refused to provide any information. United requests the Board to order such information from POGO and if the information is not provided, then the Board should order refunds of the difference between the pre-NGPA and the post-NGPA delivery allowances.

POGO is claiming compression allowances under ten contracts. No compression allowance is allowed if the construction of the compression facilities commenced prior to the NGPA. United claims that POGO has not supplied the date it commenced construction of its compression facilities under the ten contracts even though United has requested such information. United requests the Board to order such information from POGO and if the information is not provided, then the Board should order refunds of the compression allowances.

Under the Rules 206(b) and 213(a), 18 CFR 385.206(b) and 385.213(a), POGO must file an answer to United's complaint with the Commission unless otherwise ordered by the Commission. Under Rule 213(e), 18 CFR 385.213(e), any person failing to answer a complaint may be considered in default, and all relevant facts stated in such complaint may be deemed admitted. POGO shall file its answer with the Commission not later than 15 days after publication of this notice in the **Federal Register**.

Any person desiring to be heard or to protest said filing should file a protest or a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214, 18 CFR 385.211 and 385.214. All such protests or motions should be filed not later than 15 days after publication of this notice in the **Federal Register**. 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. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-28094 Filed 12-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP87-2-000]

**Wintergreen Energy Corp., and
Grampian Co. Ltd. v. Transcontinental
Gas Pipe Line Corp.; Complaint**

December 10, 1986.

On November 3, 1986, Wintergreen Energy Corporation and Grampian Company, Ltd. (Complainants) filed a complaint pursuant to 18 CFR 271.1105(d)(3) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206. The Complainants request the Production-Related Costs Board (Board) to find that Transcontinental Gas Pipe Line Corporation (Transco) is in violation of 18 CFR 271.1104 by refusing to reimburse the Complainants for \$19,099.48 in production-related costs incurred between July 25, 1980 through March 7, 1983 (retroactive period).

Complainants state that by invoice dated July 1, 1986, as revised August 19, 1986, Transco was billed \$19,099.48 in production-related costs due under a contract dated November 7, 1974, covering wells in the LaGloria Gas Unit Production, Brooks and Jim Wells

Counties, Texas. Transco responded to the invoice stating that the Complainants are precluded from receiving collections for the retroactive period because the invoices were dated after December 31, 1984.

Complainants assert that the issue in this case is whether 18 CFR 271.1104 bars them from collecting production-related costs incurred prior to March 7, 1983, because it did not submit an invoice to Transco until after 1984. They believe that the Commission did not intend for its regulations to operate in the manner asserted by Transco, but was merely one recovery mechanism to avoid a huge lump sum payment by pipelines.

Complainants request that the Board issue an order finding Transco in violation of 18 CFR 271.1104 for failing to pay them \$19,099.48 in production-related costs.

The Complainants also request that in the alternative if a waiver of the time frame for requesting collection of production-related costs prior to March 7, 1983 is required, then they are requesting such a waiver. The Board's authority to dispose of matters initiated by referrals and complaints is set forth under 18 CFR 271.1105(d). The Complainants' request for waiver does not fall under § 271.1105(d) and is therefore dismissed from this proceeding.

Under the Rules 206(b) and 213(a), 18 CFR 385.206(b) and 385.213(a), Transco must file an answer to this complaint with the Commission unless otherwise ordered by the Commission. Under Rule 213(e), 18 CFR 385.213(e), any person failing to answer a complaint may be considered in default, and all relevant facts stated in such complaint may be deemed admitted. Transco shall file its answer with the Commission not later than 15 days after publication of this notice in the **Federal Register**.

Any person desiring to be heard or to protest said filing should file a protest or a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214, 18 CFR 385.211 and 385.214. All such protests or motions should be filed not later than 15 days after publication of this notice in the **Federal Register**. 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. Copies of this filing are

on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-28095 Filed 12-15-86; 8:45 am]

BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION
AGENCY**

[OPPE-FRL-3127-9]

**Agency Information Collection
Activities Under OMB Review**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

FOR FURTHER INFORMATION CONTACT: Patricia Minami, (202) 382-2712 or FTS 382-2712.

**SUPPLEMENTARY INFORMATION:
Office of Air and Radiation**

Title: Source Compliance and State Action Reporting (EPA ICR #0107). (Renewal of a currently approved collection; no change.)

Abstract: State governments provide the Agency with information on their inspections, compliance, and enforcement activities for input to the Agency's Compliance Data System (CDS). The information is used to assess progress in meeting air quality standards and to ensure continued attainment of Clean Air Act requirements.

Respondents: Motor vehicle and engine manufacturers.

Title: Emission Recall Audit Program Owner Questionnaire (EPA ICR #0180). (Renewal of a currently approved collection without change.)

Abstract: The Agency surveys vehicle owners whose vehicles are included in an Agency-ordered recall. The Agency uses the results of this survey to determine why vehicle owners do not respond to recalls and to assess the manufacturer's performance during the recall campaign.

Respondents: Owners of automotive vehicles.

Title: Vehicle Emission Control Defect Survey (EPA ICR #0184). (Renewal of a currently approved collection without change.)

Abstract: During the course of a motor vehicle recall, the Agency surveys owners or new/used car dealers to collect data on emission control defects that may cause vehicles to exceed Federal emission standards. EPA uses this data to substantiate the need for a recall.

Respondents: Owners and operators and/or dealers of new and used cars.

Title: Emission Defect Information Report and Records (EPA ICR #0282). (Renewal of a currently approved collection without change.)

Abstract: Motor vehicle and engine manufacturers voluntarily provide information on potential emissions-related defects and quarterly reports on any voluntary recall plan. EPA uses the information to determine whether the vehicles are free of Federal emission standard defects during each vehicle's useful life and to assess the effectiveness of the recall procedures and remedial plan.

Respondents: Motor vehicle and engine manufacturers.

Title: Annual Updates to National Emission Data System and Hazardous and Trace Emission System (EPA ICR #0916). (Renewal of a currently approved collection without change.)

Abstract: States must annually update information on stationary sources emitting more than specified amounts of pollutants regulated by national ambient standards. The data is used in developing emissions standards, dispersion modeling analyses, acid precipitation assessments, various impact analyses and, for national trends assessments, is used in reports to Congress, the public, etc.

Respondents: State and local governments.

Title: Primary Nonferrous Smelter Orders (EPA ICR #1151). (Reinstatement of a previously approved collection for which approval has expired.)

Abstract: Owners or operators of nonferrous smelters may apply for a nonferrous smelter order (NSO) which provides relief from requirements for continuous emissions. To obtain an NSO they must submit a letter of intent and an application to EPA or to an appropriate State air pollution control agency, submit several other reports, and maintain data generated for these reports.

Respondents: Owners and operators of nonferrous smelters.

Agency PRA Clearance Requests Completed by OMB

EPA ICR #0922, Data Call-In/Registration Standards Program, was approved 11/18/86 (OMB #2070-0057; expires 11/30/89).

Comments on the abstracts in this notice may be sent to:

Patricia Minami, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), Information and Regulatory Systems Division, 401 M Street, SW., Washington, DC 20460;

and

Wayne Leiss, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, DC 20503.

Dated: December 9, 1986.

Daniel J. Fiorino,

Director, Information and Regulatory Systems Division.

[FR Doc. 86-28032 Filed 12-15-86; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3128-8]

Extension of PSD Permit to The Washington Water Power Co., Creston, WA; Region 10

Notice is hereby given that on December 16, 1986, the Environmental Protection Agency (EPA) granted an extension of the Prevention of Significant Deterioration (PSD) permit to The Washington Water Power Company for approval to construct a coal-fired electrical generating plant at Creston, Washington.

This permit has been extended under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations, subject to certain conditions specified in the permit.

Copies of the permit are available for public inspection upon request at the following location: Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Room 11D, M/S 532, Seattle, Washington 98101.

For information contact Laurie Kral at (206) 442-0180.

Dated: November 13, 1986.

Gary L. O'Neal,

Director, Air & Toxics Division.

[FR Doc. 86-28159 Filed 12-15-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30000/47B; FRL-3128-3]

Amendment to Notice of Intent to Cancel Registrations of Pesticide Products Containing Diazinon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of amendment to notice of intent.

SUMMARY: On September 24, 1986, EPA concluded the Special Review and announced its final decision to cancel registrations and deny applications of all pesticide products that contain the active ingredient diazinon and that are registered for use on golf courses and sod farms. A Notice of Intent to Cancel concerning these actions was published in the *Federal Register* of October 1, 1986 (51 FR 35034). This Notice amends the terms and conditions of the existing stock provisions provided by the October 1, 1986, Notice of Intent to Cancel.

DATE: December 16, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail:

Ingrid M. Sunzenauer, Special Review Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1006, Crystal Mall Building #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7416).

SUPPLEMENTARY INFORMATION: On September 24, 1986, EPA issued a Notice of Intent to Cancel (Diazinon Notice) the registrations of pesticide products containing diazinon registered for use on golf courses and sod farms, as published in the *Federal Register* of October 1, 1986 (51 FR 35034). The Diazinon Notice provided that existing stocks of pesticide products subject to the Notice could not legally be sold or distributed by a registrant after November 30, 1986, or by any person after April 30, 1987, unless the product's labeling was revised to incorporate a prohibition of use on golf courses and sod farms.

Unanticipated delays and obstacles were encountered in identifying all registrants of products subject to the Notice and in providing copies of the Diazinon Notice to them. To correct these difficulties, the Agency is now providing copies of the Diazinon Notice and the Notice of Amendment to all registrants of pesticide products which contain diazinon. Some of these registrants have previously received the Diazinon Notice and others have not. The time period for the registrants who have not previously received the

Diazinon Notice to respond to the Notice will extend beyond the date on which they otherwise would be prohibited from selling or distributing existing stocks of their products without revising the labeling under the terms of the original Diazinon Notice. The Agency has determined that it would be inequitable to impose the regulatory requirements of the Diazinon Notice on some registrants while the required changes are delayed for other registrants because they received the Notice later. Accordingly, the Agency, pursuant to the authority of section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act, is hereby amending the Diazinon Notice to revise the existing stock provision, so it will apply to all registrants equally. This revised existing stock provision replaces and supersedes the provision in the Diazinon Notice. The Agency has determined that this existing stock provision is consistent with the Act.

I. Definitions

The following terms are defined for the purposes of this Existing Stock Provision.

1. "Manufacturer" refers to any registrant who sells or distributes an end-use product containing diazinon registered for use on golf courses and sod farms.
2. "Existing stocks" refers to any quantity of diazinon products registered for use on golf courses and sod farms which are in the United States on January 1, 1987, and which are governed by the terms of the Diazinon Notice.
3. "Distribute and sell" and grammatical variants refer to the distribution, sale, offering for sale, holding for sale, shipping, delivering for shipment, or receiving and (having so received) delivering or offering to deliver a pesticide product.

II. Existing Stocks

The following paragraphs describe the conditions under which registrants and others may sell and distribute existing stocks of diazinon registered for golf courses and sod farms. It is unlawful to sell or distribute any pesticide product subject to the Diazinon Notice unless it complies with the terms of the Notice, or sale and distribution is permitted by this Existing Stock Provision. Existing stocks may not be sold and distributed except as provided below.

1. No manufacturer may release for shipment after April 30, 1987, any pesticide product subject to the Diazinon Notice unless the product bears an amended label or has supplemental labeling affixed which

complies with Unit V.C of the Diazinon Notice.

2. No pesticide product subject to the Diazinon Notice may be distributed or sold by a retailer or other person after October 31, 1987, unless the product bears an amended label or has supplemental labeling affixed which complies with Unit V.C of the Diazinon Notice.

The Agency has determined that revision to the existing stock provision creates no new opportunity to request a hearing pursuant to section 6 of FIFRA to contest the terms of the Diazinon Notice. This Notice of Amendment merely extends the period of time during which a registrant or other person may comply with the terms of the Diazinon Notice. As such, this Notice is not a notice of intent to cancel any registration nor will any person be adversely affected by this Notice within the meaning of section 6(b) of FIFRA.

The time period during which a registrant is entitled to request a hearing concludes 30 days from the registrant's receipt of the Diazinon Notice. If a registrant has previously received a copy of the Diazinon Notice, the time period for requesting a hearing or amending a registration to comply with the Notice commenced upon its original receipt of the Notice, and this Notice of Amendment does not affect that time period. If the registrant did not receive the Diazinon Notice until it also received this Notice of Amendment, the registrant is permitted thirty days to respond to the Notice as provided by unit VI of the Diazinon Notice.

Persons who have requested a hearing to contest the Diazinon Notice are entitled to amend their objections as a matter of right within 30 days of the issuance of this Notice of Amendment. 40 CFR 164.22(c).

Dated: November 20, 1986.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 86-28161 Filed 12-15-86; 8:45 am]

BILLING CODE 6560-SO-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review.

December 8, 1986.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under

the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW, Suite 140, Washington, DC 20037. For further information on these submissions contact Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0302

Title: Section 97.82, Availability of operator license

Action: Extension

Respondents: Amateur radio operators

Estimated Annual Burden: 40,000

Recordkeepers; 40 Hours

OMB Number: 3060-0303

Title: Section 97.83, Availability of operator license

Action: Extension

Respondents: Amateur radio operators

Estimated Annual Burden: 40,000

Recordkeepers; 40 Hours

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-28122 Filed 12-15-86; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1632]

Petitions for Reconsideration and Clarification of Actions in Rulemaking Proceedings

December 4, 1986.

Petitions for reconsideration and clarification have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC., or may be purchased from the Commission's copy contractor, International Transcription Service (202-857-3800). Oppositions to these petitions must be filed within 15 days after publication of this Public Notice in the Federal Register. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Cookeville, Donelson, Livingston, Lebanon, Celina, South Pittsburg, Goodlettsville and Smyrna, Tennessee) (MM Docket No. 84-14. RM's

4601,4720,4826,5180,5181 & 5182) Number of petitions received: 3.

Subject: Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems. (Gen Docket No. 84-1231, RM-4812) Amendment of Parts 2, 15, and 90 of the Commission's Rules and Regulations to Allocate Frequencies in the 900 MHz Reserve Band for Private Land Mobile Use. (Gen Docket No. 84-1233, RM-4829) Amendment of Parts 2, 22 and 25 of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to the Use of Radio Frequencies in a Land Mobile Satellite Service for the Provision of Various Common Carrier Services. (Gen Docket No. 84-1234, RM-4247) Number of petitions received: 9.

Subject: Amendment of Parts 2, 22 and 25 of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to the Use of Radio Frequencies in a Land Mobile Satellite Service for the Provision of Various Common Carrier Services. (Gen Docket No. 84-1234, RM-4247) Number of petitions received: 1.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-28123 Filed 12-15-86; 8:45 am]

BILLING CODE 6712-01-M

Memorandum Opinion and Order; Digital Paging Systems, Inc., et al.

In matter of Digital Paging Systems, Inc. and VideOhio, Inc. and Microband Corporation of America; For Construction Permits in the Multipoint Distribution Service for a new station on Channel 2 at Toledo, Ohio. (CC Docket No. 86-457, File No. 50062-CM-P-74, File No. 50199-CM-P-74, File No. 50203-CM-P-74)

Adopted: November 21, 1986.

Released: December 5, 1986.

By the Common Carrier Bureau:

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Toledo, Ohio. The applications are therefore mutually exclusive and require comparative consideration. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services they propose, and that a hearing will be required to determine, on a comparative basis,

which of these applications should be granted.

3. Accordingly, It Is Hereby Ordered, That pursuant to section 39(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications Are Designated For Hearing, in a Consolidated Proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:¹

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It Is Further Ordered, That Digital Paging Systems, Inc., VideOhio, Inc., Microband Corporation of America and the Chief of the Common Carrier Bureau, Are Made Parties to this proceeding.

| Applicant | City/State | File No. | MM Docket No. |
|---|-------------|---------------|---------------|
| A. Family Stations, Inc. | Augusta, GA | BPED-840309CS | 86-456 |
| B. South Carolina Educational Television Commission | Aiken, SC | BPED-840629IO | |

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issue whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

¹ Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

5. It Is Further Ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. It Is Further Ordered, That any authorization granted to Digital Paging Systems, Inc., a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned as follows:

(a) Without prejudice to reexaminations and reconsideration of that company's qualifications to hold an MDS license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. The Secretary shall cause a copy of this Order to be published in the *Federal Register*.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 86-26124 Filed 12-15-86; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Family Stations, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

| Issue Heading | Applicant(s) |
|---|--------------|
| 1. Financial | B |
| 2. 307(b)—Noncommercial Educational | A, B |
| 3. Contingent Comparative—Noncommercial Educational | A, B |
| 4. Ultimate | A, B |

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding 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 may also be purchased

from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

*Assistant Chief, Audio Services Division,
Mass Media Bureau.*

[FR Doc. 86-28125 Filed 12-15-86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067-0090

Title: Staffing Profile

Abstract: FEMA needs the information requested on the Staffing Profile form to help assure that Federal funds are provided and expended for necessary State and local civil defense personnel expenses authorized under the enabling legislation. State and local civil defense organizations submit the information

Type of Respondents: State or local governments

Number of Respondents: 2,750

Burden Hours: 916.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C. Street, SW., Washington, DC 20472.

Comments should be directed to Francine Picoult, (202) 395-7231, Office of Management and Budget, 3235 NEOB, Washington, DC 20503 within two weeks of this notice.

Dated: December 10, 1986.

Wesley C. Moore,

Acting Director, Office of Administrative Support.

[FR Doc. 86-28178 Filed 12-15-86; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

December 10, 1986.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received within fifteen working days of the date of publication in the Federal Register.

ADDRESS: Comments, which should refer to the OMB Docket number (or agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into

OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below:

Federal Reserve Board Clearance Officer Nancy Steele, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822).

Proposal to approve under OMB delegated authority the implementation of the following report:

1. Report title: Senior Financial Officer Survey

Agency form No.: FR 2023

OMB Docket No.: 7100-0223

Frequency: Up to four times per year
Reporters: Commercial banks, other depository institutions, corporations or large money stock holders.

Small businesses are not affected.

General description of report: This information collection is voluntary [12 U.S.C. 225, 245(a) and 263] and the confidentiality will be determined on a case-by-case basis.

Survey collects qualitative and limited quantitative information about deposit relationships and other aspects of bank funding practices from a selection of commercial banks, or if appropriate, other depository institutions, corporations or large money-stock holders.

Board of Governors of the Federal Reserve System, December 10, 1986

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-28112 Filed 12-15-86; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0515]

Policy Regarding Risks on Large-Dollar Wire Transfer Systems; Amendment

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Policy statement; amendment.

SUMMARY: This document amends the Board's policy statement, "Reducing Risks on Large-Dollar Electronic Funds Transfer Systems," to provide that depository institutions and other entities (such as foreign banks) that undergo a self-assessment to establish levels for their sender net debit caps need do so only once each year, rather than every six months as provided for in the original policy statement. The original policy statement was published in the *Federal Register* on May 22, 1985 (50 FR 21,120).

EFFECTIVE DATE: December 10, 1986.

FOR FURTHER INFORMATION CONTACT:

Edward C. Ettin, Deputy Director (202-452-3368), or Matthew D. Gelfand, Economist (202-452-3634), Division of Research and Statistics; Elliott C. McEntee, Associate Director (202-452-2231), Division of Federal Reserve Bank Operations; Oliver I. Ireland, Associate General Counsel (202-452-3625), or Joseph R. Alexander, Senior Attorney (202-452-2489), Legal Division; Board of Governors of the Federal Reserve System, Washington, DC 20551. For the hearing impaired *only*: Telecommunications Device for the Deaf (202-452-3544), Earnestine Hill or Dorothea Thompson.

SUPPLEMENTARY INFORMATION:

The Board's policy on reducing risks on large-dollar wire transfer systems strongly urges each depository institution or other entity (such as an Edge corporation or U.S. branch or agency of a foreign bank) that participates on a private large-dollar network or incurs daylight overdrafts on Fedwire (hereafter "institution") to adopt a sender net debit cap. The cap is to be adopted by the institution's board of directors after a self-evaluation according to Board guidelines of the institution's creditworthiness, credit policies, and operational controls and procedures. The Board's policy currently provides that this self-evaluation should take place at least once every six months, or more frequently if conditions warrant.

In order to reduce the burden on institutions of complying with the risk reduction policy, the Board is amending the policy statement to provide that institutions need update their self-assessment ratings and cap level selections only once during each twelve month period. Any institution that chooses to adopt a new self-assessment rating at shorter intervals in order to revise the existing cap may do so. In any event, any institution that experiences a material adverse change in its condition should conduct a new self-assessment and establish a new cap as soon as practical after discovery of the change. All institutions should submit renewals of board of director certifications of self-assessments at the time of their new filings.

The following change is made in Docket No. R-0515, appearing on page 21,120 in the issue of May 22, 1985, and in the Board's release of May 17, 1985:

On page 21,122, in the first full paragraph of the third column (the first full paragraph of page 11 of the Board's release), the last sentence is amended to read: "The process of self-evaluation, with board of director review, should be

conducted at least once in each 12 month period."

Board of Governors of the Federal Reserve System, December 10, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-28108 Filed 12-15-86; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0591]**Risks on Large-Dollar transfer Systems, Automated Clearing House Transactions**

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System ("Board") is proposing several changes related to automated clearing house ("ACH") transactions, which are intended as additional steps in implementing the risk reduction policy adopted by the Board in May, 1985. (See, policy statement, "Reducing Risks on Large-Dollar Electronic Funds Transfer Systems," 50 FR 21120). The changes proposed include:

A. Modification of the *ex post* monitor to post ACH debit transactions and check transactions at 1:00 p.m., Eastern Time, on the settlement/presentation date.

B. Amendment of the Reserve Banks' ACH Operating Circular to modify the time of finality for ACH credit and debit transactions, and to clarify the Reserve Bank's rights with regard to ACH credit transfers.

C. Efforts to reduce return times and improve procedures for handling large-dollar ACH return items.

D. Procedures for handling ACH credit transfers when the originating institution is closed during the middle of the week or for a nonstandard holiday.

DATE: Comments must be received by March 16, 1987.

DATES: Comments, which should refer to Docket No. R-0591, may be mailed to the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551, to the attention of Mr. William W. Wiles, Secretary, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments may be inspected in room B-1122 between 8:45 a.m. 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding the Availability of Information, 12 CFR 261.6(a).

FOR FURTHER INFORMATION CONTACT: Elliott C. McEntee, Associate Director

(202/452-2231), or Florence M. Young, Adviser, Division of Federal Reserve Bank Operations (202/452-3955); Terrence M. Belton, Economist (202/452-2444), Division of Research and Statistics; Oliver I. Ireland, Associate General Counsel (202/452-3625), or Elaine M. Boutilier, Senior Attorney, Legal Division (202/452-2418), Board of Governors of the Federal Reserve System, Washington, DC 20551. For the hearing impaired *only*: Telecommunications Device for the Deaf ("TDD"), Earnestine Hill or Dorothea Thompson (202/452-3544).

SUPPLEMENTARY INFORMATION: This is one of a series of proposals regarding payment system risk that the Board is issuing for public comment today. The others concern the net debit cap (Docket Nos. R-0588 and R-0589), pricing of daylight overdrafts (Docket No. R-0592), consolidation of affiliated institutions for cap monitoring purposes (Docket No. R-0590), and book-entry securities transfers (Docket No. R-0587). The Board encourages all interested parties to comment on each of these proposals. The Board urges that in filing comments on these proposals, commenters prepare separate letters for each proposal, identifying the appropriate docket number on each. This procedure will facilitate the Board's processing and analysis of the comments on these complex proposals, and will ensure that each comment is quickly brought to the attention of those responsible for analyzing the proposal.

Background

On May 22, 1985, the Board published its policy statement, "Reducing Risks on Large-Dollar Electronic Funds Transfer Systems" (50 FR 21120). That statement did not, however, resolve the issues of risks arising from ACH transactions. In a related document, the Board requested comment on issues relating to risk in ACH transfers. (50 FR 21130) Based upon the comments received and further study of the issues, the Board is proposing certain changes related to ACH transactions. The Board anticipates implementing the proposed changes set forth in this document by the fourth quarter of 1987, after consideration of the comments received.

For a complete and detailed discussion of the ACH risk issues considered by the Board, please refer to the Board staff memorandum dated November, 1986, entitled, "Risk Associated with the Automated Clearing House Mechanism." Copies of this memorandum are available from the Daylight Overdraft Officer at each Federal Reserve Bank. (The

memorandum also includes a detailed summary of the comments received regarding the May 1985 proposal on these issues.)

While the risks relating to the ACH are small compared with large-dollar funds transfer systems, the Board is concerned that the ACH mechanism exposes individual participants and the Federal Reserve to significant risk in certain cases. One source of this concern is the temporal exposure associated with ACH transactions. Because the ACH is a value-dated mechanism, depository institutions are typically exposed to overnight as well as intra-day credit risk when using the ACH. In the case of ACH credit transactions—such as payrolls or corporate trade payments—temporal risk begins one or two days prior to settlement day when the originating depository institution deposits the payments with the processor. At that time, the depository institution is committed to making the payment for its customer even though the customer may not fund its account until close of business on settlement day. About one-half of all ACH credit transactions are processed two days in advance of settlement day. These transactions entail credit risk comparable to a two or three day loan granted by the originating depository institution to its corporate customer. This is significantly longer than the temporal risk associated with wire transfer payments—where payments are processed and settled on the same day.

ACH debit transactions also entail temporal risk. In this case, however, the risk exists on the days following settlement day when the ACH debit transactions—like checks—may be returned after the collecting corporate customer has already made use of the funds. Five to six days typically elapse before collecting institutions receive ACH return items from payor institutions, so the collecting institutions may be exposed to substantial temporal exposure. Again, this exposure significantly exceeds the temporal exposure associated with wire transfer payments.

In addition to concerns about temporal risk, the Board is concerned that its recently adopted guidelines on daylight overdrafts may create incentives to use the ACH for some types of large-dollar payments that are currently made over wire transfer systems. Accordingly, the Board is proposing changes in the treatment of ACH transactions that fall into four categories: (1) Modification of the *ex post* monitor; (2) amendments to the

Reserve Banks' ACH Operating Circular concerning the finality of ACH transactions; (3) efforts to reduce return times for large-dollar ACH return items; and (4) treatment of ACH credit transactions originated by institutions observing a midweek closing or nonstandard holidays.

Ex Post Monitoring System

The current *ex post* monitoring system is designed to monitor depository institutions' compliance with the Board's payment system risk reduction program.¹ The Board's analysis suggests that existing procedures for monitoring ACH debit transactions and checks have a number of serious shortcomings. First, ACH debit and check transactions are treated differently even though the intra-day credit risk associated with the two payment forms is similar. Currently, the net of ACH debit transactions is posted at the opening of business for *ex post* monitoring purposes. By contrast, if the net of check transactions plus all other "off-line"² transactions is a credit, it is posted in the *ex post* monitor at the opening of business; yet if it is a debit, it is posted at the close of business. It is desirable to treat checks and ACH debit items as similarly as possible in the *ex post* monitor to avoid artificial incentives to use one over the other. Second, posting ACH debit transactions to receivers' accounts at the opening of business is inappropriate because these institutions do not incur intra-day credit risk and do not impose any risk on the Federal Reserve until after the return deadline.

A final problem with the current *ex post* monitoring procedures is that they create incentives for depository institutions to originate ACH debit transactions in order to circumvent the Board's large dollar payments system risk reduction program. There are several factors that contribute to these incentives. First, ACH transactions entail significantly lower costs than wire transfer payments. Second, ACH payments provide depository institutions greater control over the timing of payments. This is because a collecting institution that receives payments by wire transfer must rely on the payor institution to send funds on a timely basis. By contrast, institutions that collect funds by originating ACH debit transactions currently have these funds posted to their reserve accounts at

opening of business on settlement date. This earlier crediting of ACH transactions creates an incentive for collecting institutions near their cap to substitute ACH debit originations for wire transfer payments. By making such a substitution, the collecting institution is able to receive the credit from the transaction at the opening of business in the *ex post* monitor, and thereby able to use that credit to fund anticipated daylight overdrafts. Payor institutions not near their caps, moreover, may be willing to accommodate this substitution because of the lower costs associated with ACH transactions and their ability to reverse the transaction without risk if the originating institution does not cover its debit with the receiving institution by the end of the settlement day.

After evaluating a number of alternatives, the Board proposes that ACH debit and check transactions be posted to the accounts of collecting (originating) and payor (receiving) institutions, for *ex post* monitoring purposes, on the settlement (presentation) date at 1:00 p.m. Eastern Time. This posting time would apply to items processed by the Federal Reserve as well as items processed by private clearers that use the Federal Reserve's net settlement service. Accordingly, these private ACH clearers will be required to segregate their ACH debit transactions from their credit transactions. The proposal would reduce the inequitable impact of current procedures on receivers of ACH debit transactions by providing them some additional time to obtain funds to cover incoming payments. At the same time, the proposal reduces incentives to use the ACH and check collection mechanisms to create intra-day credit in order to circumvent the Board's risk-reduction program. Finally, the proposal acknowledges that the risks associated with ACH debit and check transactions are comparable.

Under existing *ex post* monitoring procedures, there are approximately 400 depository institutions that incur daylight overdrafts solely from the receipt of ACH debit transactions. The Reserve Banks have excused these institutions from conducting a self-evaluation, pending the Board's review of ACH risk. If the 1:00 posting time for ACH debits is adopted as proposed, there could be approximately 70 depository institutions that might have daylight overdrafts only as a result of ACH debit transactions or checks that will exceed the *de minimis* cap proposed in a related Board action. (See "Request for Comment on Proposals Regarding 'De Minimis' Caps", Docket

¹ The time at which transactions are posted to the *ex post* monitor does not affect the time at which funds become available or final.

² Off-line transactions include all transactions other than ACH, funds transfer, and book-entry security transfers.

No. R-0589). Because the majority of these institutions should have little difficulty in remaining below their net debit caps under 1:00 p.m. posting, the Reserve Banks will no longer grant exemptions from the risk reduction program to institutions incurring daylight overdrafts solely from ACH transactions or checks.

With respect to ACH credit transactions, the current procedure for posting these transactions to the *ex post* monitor treats them like funds transfers originated at the opening of business on the settlement day. This procedure is reasonable because the originating depository institutions commit to make the payments when they deposit them with a Reserve Bank. As a result, this procedure accurately measures intra-day credit risk. Furthermore, the current procedures for posting ACH credit transactions to the *ex post* monitoring system do not create incentives to use the ACH as a substitute for wire transfers because originators' accounts are debited at the opening of business on the settlement day. Therefore, ACH credit transactions will continue to be posted to the accounts of both originating and receiving institutions in the *ex post* monitor at the opening of business on the settlement day.

In summary, the proposal for the *ex post* monitoring system is to: (1) Post ACH debit and check transactions to the accounts of collecting and payor institutions at 1:00 p.m. Eastern Time; (2) discontinue the exemptions from the risk reduction policy for institutions incurring daylight overdrafts solely from ACH transactions or checks; and (3) continue to post ACH credit transactions, for *ex post* monitoring purposes, at the opening of business on the settlement date.

ACH Operating Circular Changes

Most depository institutions treat credit received for ACH credit items as final as of the opening of business on the settlement day. However, the Reserve Banks' ACH operating circular states only that credit given for ACH credit transactions is available for use on the settlement day.³ Further, the Reserve Banks reserve the right to reverse transactions if either the originator or receiver is suspended or closed before or during the settlement day. While the Reserve Banks would make a reasonable effort to provide timely notice to receiving institutions when they reverse transactions, reversing entries can be functioned without prior notice.

³ Copies of the ACH Uniform Operating Circular are available at each Reserve Bank office.

Because the dollar value of the majority of ACH credit transactions is low, the risk of loss to most receiving depository institutions is also low. In addition, because receiving institutions for credit transactions originated by a single institution are a highly diverse group, the reversal of ACH credit transactions on the settlement day should not result in systemic risk. Nevertheless, the Board believes that receiving institutions would benefit if there were greater certainty regarding the time that "small-dollar" ACH credit transactions become final. At the same time, the Board believes that the ACH should not be used as a substitute for large-dollar payments that are currently made via the large-dollar payments network (Fedwire or CHIPS). The Board, therefore, proposes that the Reserve Banks modify their ACH operating circular to provide (1) finality at 1:00 p.m. local time on the settlement date to receivers of ACH credit transactions amounting to \$5,000 or less, and (2) finality for ACH credit transactions over \$5,000 when the Reserve Banks have received actually and finally collected funds. If "small-dollar" ACH credit transactions are reversed, the Reserve Banks would use their best efforts to notify the receiving depository institution before the 1:00 p.m. deadline for finality. In the case of "large-dollar" payments, the Reserve Banks would use their best efforts to notify receiving depository institutions as soon as possible that payments are being reversed.

If ACH credit transactions of \$5,000 or less are treated as final to receivers at 1:00 p.m. local time on the settlement day, the finality accorded these transactions would be closer to the treatment the Board believes that the majority of ACH users believe is currently accorded to ACH credit transactions. Treating ACH credit transactions in amounts over \$5,000 as provisional until the Reserve Banks have received actually and finally collected funds would clearly differentiate the ACH mechanism from Fedwire. It would also create the inducement for receiving institutions to be particularly cautious about making funds received via "large-dollar" ACH transactions available to their customers on the settlement date.

Under the Reserve Banks' ACH operating circular, ACH debit transactions may not be reversed by a Reserve Bank acting on its own initiative after the opening of business on the banking day following the settlement date. Transactions reversed as a result of the receiver exercising his

right of return, however, need not be dispatched by the receiver until midnight of the banking day following the settlement (presentment) day. With regard to check services, the Reserve Banks reserve the right indefinitely to charge back the amount of an item for which credit was given subject to receipt of payment in actually and finally collected funds. (12 CFR 210.13) While the treatment accorded ACH debit transactions and checks should be comparable, the language in the ACH operating circular may be misleading to users of ACH services. The Board, therefore, proposes that the Reserve Banks modify their ACH operating circular to indicate that credit given for an ACH debit item, like that for checks, is not final until the Reserve Bank has received payment in actually and finally collected funds.

To protect the Reserve Banks from risk associated with handling ACH transactions for institutions experiencing financial problems, another modification to the Reserve Banks' ACH operating circular is proposed. For institutions experiencing financial difficulties, procedures will be established to monitor at individual institutions the cumulative balance of all ACH credit transactions originated by settlement date.⁴ The operating circular would be modified to explicitly permit Reserve Banks, (1) to require advance funding or collateral for ACH credit transactions originated by problem institutions, and (2) to reject credit transactions if there is a question about the originating institution's ability to cover the payments.

ACH Return Items

Currently, five to six days, on average, elapse before return items reach depository institutions originating ACH debit transactions. A number of factors contribute to the delays, including the fact that a large proportion of return items are submitted to the Reserve Banks in paper form, necessitating the use of ground transportation for delivery. In addition, dispatch by the returning depository institution by the midnight deadline does not coincide with processing cycles at Reserve Banks and contributes to delays in items being returned to depository institutions.

The Board believes that meaningful reductions in ACH risk could be realized by reducing return times and improving procedures for providing advices of large-dollar returns. The Board,

⁴ A task force will be established to develop specific procedures for monitoring ACH debit and credit transactions.

therefore, requests comment on the following questions:

- Should the ACH return deadline for debit transactions amounting to \$2,500 and above be changed from dispatching return items by midnight of the banking day following the settlement date or the day of receipt, whichever is later, to depositing them for processing at the nighttime deposit deadline on the banking day following the settlement date or day of receipt, whichever is later?

- If the ACH return deadline for debit transactions amounting to \$2,500 and above were changed, the deadline for paper returns would be changed to a range of 5:00 p.m. to 8:00 p.m. Eastern Time so that paper returns could be processed during the nighttime operating cycle. To facilitate a change in the paper return deadline, it is envisioned that the Reserve Banks would offer a telephone return service to institutions that are unable to present paper return items by the paper return deadline. It is anticipated that the fee for the proposed telephone return service would be about \$6.00 per return item, which is comparable to the fee the Reserve Banks charge for off-line funds transfer requests.

- If the return deadline for ACH debit transactions were changed, should all institutions returning ACH debit transactions amounting to \$100,000 or more be required to send to the originator of the transaction a notice that the item is being returned by 3:00 p.m. Eastern Time the banking day following the settlement date or the day of receipt, whichever is later? Would a higher or lower dollar cut-off for required advices be preferable? If such a requirement is adopted, the Reserve Banks would assess fees for this notification service that would be comparable to the fees assessed for the check notification service, that is, \$2.25 for an on-line notice and \$4.25 for an off-line notice.

- The Reserve Banks could segregate ACH return items and transmit them to originators at the opening of business on the day following processing, rather than intermingling them with original transactions as is currently the practice. Would institutions originating ACH debit transactions be interested in using such a service?

Midweek and Nonstandard Holiday Closings

In November 1985, the Board requested public comment on a proposal to modify the procedures used by the Reserve Banks to recover the cost of ACH float caused by depository institutions that close during the middle

of the business week and on nonstandard holidays. (50 FR 47752). In May of this year, the Board approved procedures for recovering the cost of such float generated by ACH debit transactions, but deferred action on procedures associated with ACH credit transactions until the ACH risk study was completed. (51 FR 21421, June 12, 1986).

In November 1985, the Board proposed that float caused by the closing of depository institutions during the middle of the business week or on nonstandard holidays be recovered by debiting the institutions on the preceding business day and compensating them for the early debit by means of an as-of adjustment. The Board now proposes to modify that proposal so that originating depository institutions would be charged, as though they were open, for ACH credit transactions that settle on days that they are closed. This policy would apply to both voluntary and mandatory holidays because the depository institutions are aware of their obligation in advance.

The Reserve Banks have adopted a standard holiday schedule that, with one exception—the observance of Mardi Gras Day at the New Orleans Branch—eliminates the observance of nonstandard holidays. For depository institutions located in the New Orleans zone and originating credit transactions for settlement on Mardi Gras Day, it is proposed that they be charged at the close of business on the preceding business day and be compensated for the early debit through an as-of adjustment.

Board of Governors of the Federal Reserve System, December 10, 1986.

William W. Wiles,
Secretary.

[FR Doc. 86-28111 Filed 12-15-86; 8:45 am]
BILLING CODE 6210-01-M

[Docket No. R-0587]

Request for Comments on Proposals Regarding Payment System Risks; Book-Entry Securities Transfers

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board is proposing for public comment a policy for reducing the risks arising from daylight overdrafts associated with transfers of book-entry securities on Fedwire. The proposed policy includes the following principal components.

1. Depository institutions (and other entities, such as U.S. branches and agencies of foreign banks) would choose between including all book-entry overdrafts with their net debit positions arising from cross-system funds transfers for determining their total overdrafts subject to their net debit caps, or collateralizing book-entry overdrafts with the eligible incoming book-entry securities and including only the uncollateralized portion of their book-entry overdrafts with the cross-system funds overdrafts subject to their caps.

2. Each institutions choosing the collateralization option would enter into a written security agreement with its Reserve Bank and warrant that a specified minimum percentage of book-entry overdrafts would always be covered by collateral. In monitoring an institution's compliance with the warranty, a Reserve Bank would apply a margin to the value of the securities to account for interest rate and clearing risk. The margin for clearing risk would be established for each institution choosing this option based on a self-evaluation conducted according to Board established guidelines.

3. Book-entry securities transfers on Fedwire (with the exception of original issue transactions and stripped securities) would be subjected to a transaction size limit of either \$50 or \$25 million, with public comment solicited on the most appropriate level.

DATE: Comments must be received by February 9, 1987. The Board expects that the policy will become effective on March 23, 1988.

ADDRESS: Comments, which should refer to Docket No. R-0587, should be addressed to the Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551, Attention: Mr. William W. Wiles, Secretary; or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

FOR FURTHER INFORMATION CONTACT: Edward C. Ettin, Deputy Director (202-452-3368), or Stephen A. Lumpkin, Economist (202-452-2378), Division of Research and Statistics; Elliott C. McEntee, Associate Director (202-452-2231), Division of Federal Reserve Bank Operations; Oliver I. Ireland, Associate General Counsel (202-452-3625), or Joseph R. Alexander, Senior Attorney (202-452-2489), Legal Division; Board of Governors of the Federal Reserve

System, Washington, DC 20551. For the hearing impaired *only*: Telecommunications Device for the Deaf (202-452-3544), Earnestine Hill or Dorothea Thompson.

SUPPLEMENTARY INFORMATION: This is one of a series of proposals regarding payment system risk that the Board is issuing for Public comment today. The others concern the net debit cap (Docket Nos. R-0588 and R-0589), pricing of daylight overdrafts (Docket No. R-0592), consolidation of affiliated institutions for cap monitoring purposes (Docket No. R-0590), and treatment of payments processed through automated clearing houses (Docket No. R-0591). The Board encourages all interested parties to comment on each of these proposals.

The Board urges that in filing comments on these proposals, commenters prepare separate letters for each proposal, identifying the appropriate docket number on each.

This procedure will facilitate the Board's processing and analysis of the comments on these complex proposals, and will ensure that each comment is quickly brought to the attention of those responsible for analysing the proposal.

Background

In May, 1985, the Board announced its policy to reduce the risks that large-dollar payments systems present to the Federal Reserve, to depository institutions and other entities (such as U.S. branches and agencies of foreign banks and Edge Act corporations) using such systems (hereafter referred to as "institutions"), to the banking system, and to other sectors of the economy. 50 FR 21,120 (May 22, 1985). In formulating this policy, the Board was concerned about the effect that overdraft restrictions could have on the U.S. government securities market, the smooth functioning of which is vital both to the conduct of monetary policy through Federal Reserve open market operations and to the efficient funding of the federal debt. Consequently, the Board exempted from quantitative overdraft controls, such as sender net debit caps, Fedwire daylight overdrafts resulting from the transfer of book-entry securities. Rather, the Board sought comment on a proposal to control the risks associated with such overdrafts by requiring institutions incurring them to choose one of three collateralization options. 51 FR 21,132 (May 22, 1985).

Comments on these proposals were largely negative, and the Board's staff reevaluated the proposals. As a result of this reconsideration, together with discussion with industry groups, new collateralization options were

developed, supplemented by other proposals not previously considered. These staff recommendations formed the basis for the proposals on which the Board is now seeking comment. Full details on the staff's recommendations, including a detailed comment summary, an analysis of the markets in Treasury and agency securities, an evaluation of policy options, and likely market responses, may be found in the staff study, *Book-Entry Daylight Overdrafts* (Nov. 1986). Copies of this study are available free of charge from the Secretary of the Board at the address noted above, or from the Daylight Overdraft Liason Officer of each Federal Reserve Bank. The Board encourages all parties interested in commenting to obtain a copy of the staff study, as it contains background information that may enable them more readily to understand the rationale for the Board's proposals.

Because the issues associated with these proposals have been subjected to comment previously and interested parties are familiar with them, the Board believes that a 60-day comment period is sufficient. Further, in order to provide the public with time to prepare for implementation, the Board plans to implement this new policy on March 23, 1988, unless the public comments reveal substantial, unforeseen difficulties with the Board's proposal that require a significantly different policy.

Proposal

Introduction

The Board's May, 1985, proposals would have required institutions incurring book-entry overdrafts to select one of three collateralization options: (1) Treat book-entry overdrafts the same as other daylight overdrafts, subjecting both to the sender net debit cap; (2) establish a stable pool of collateral to secure book-entry overdrafts; or (3) establish a pledge account containing securities, including customer securities, that could be pledged to collateralize book-entry overdrafts. Under the third option, institutions would have been required to shift securities out of the pledge account when they no longer became eligible to pledge, say, as a result of a payment for the securities by an institution's customer.

The proposal on which the Board is now requesting comment would continue to permit institutions to choose the first option; the other two options, however, have been dropped. In place of the two collateralization options, the Board is proposing a modified pledge account option that will allow an institution to collateralize book-entry

overdrafts with the incoming book-entry securities (other than paid for securities and securities not eligible to pledge) and to include with cross-system funds overdrafts subject to the sender net debit cap only that portion of the book-entry daylight overdraft that is not so collateralized. For ex post monitoring purposes, each institution choosing the collateralization option would warrant to its Federal Reserve Bank that a specific minimum percentage of its book-entry overdrafts would be collateralized by securities in the pledge account. A margin would be applied to the value of the securities offered as collateral to represent risks to the Reserve Banks of (1) declines in collateral values and (2) deficiencies in the pledgor institution's internal operating controls over its securities transfer and clearing business. The Board's policy is rounded out by (1) the use of a supplementary self-assessment of each institution's own book-entry operations and controls as a factor in determining margin amounts, and (2) a maximum limitation on Fedwire book-entry transactions of either \$25 or \$50 million.

Details of the Board's proposal follow:

1. Collateralization

A. Pledge Agreement. A depository institution or other entity choosing to collateralize its book-entry overdrafts would take two steps. First it would enter into a written agreement with its Reserve Bank granting the Reserve Bank a security interest in all those securities that are eligible collateral under the Board's policy.¹ A Reserve Bank's actual collateral position at any time during the day would be determined by the total market value of the book-entry securities eligible to be pledged under the Board's policy. Given accounting lags, market price changes, and possible conflicting interests in the securities, a Reserve Bank would know the actual value of the securities in which it could successfully assert a security interest only after the fact.

Second, recognizing the impossibility of tracking the exact collateral amount that secures a book-entry overdraft at any point in time, the institution would warrant to its Reserve Bank that the adjusted value² of its pledgeable securities would be no less than a stated warranty ratio.³ This ratio would be

¹ See Section B, below, for a discussion of eligible collateral.

² See Section C, on adjustments to collateral values, below.

³ See Section D, on the warranty, below.

used to determine collateralized and uncollateralized book-entry overdraft amounts for day-to-day ex post cap monitoring purposes. As described in detail below, the relationship of the warranty to actual collateral values would be checked on a periodic basis.

B. Eligible Collateral. The Board believes that institutions should be permitted to pledge only securities that were received through book-entry transfers to secure book-entry related overdrafts. A healthy institution should not be permitted to pledge portfolio assets or securities released each day from pledge as collateral for dealer loans and maturing hold-in-custody and three-party repurchase agreements (RPs). Accordingly, the Board proposes to permit institutions to count as collateral for book-entry related overdrafts only those book-entry securities that the institution is authorized to pledge and that are transferred to the pledging institution over Fedwire on the particular day they are pledged.

The Board realizes that excluding collateral released from maturing RPs and loans may require an increase in costs to depository institutions to track throughout the day those securities in a dealer's position that do not come in during the day on the book-entry wire. Therefore, the Board is requesting comment on what the increase in costs for institutions such tracking is likely to be. Specifically, the Board is interested in knowing the cost to clearing banks of excluding from their own customers' collateral used to secure credit extensions those securities that were not transferred over the book-entry wire that day—and hence did not give rise to a book-entry overdraft.

C. Value Adjustments. In order to protect Reserve Banks against credit exposures and to increase incentives for institutions to improve prudential controls over (and reduce the size of) their book-entry overdrafts, the Board proposes two adjustments to the value of eligible-to-pledge collateral.

First, for purposes of book-entry collateralization only, a market risk adjustment would be subtracted to protect the Reserve Banks against interest rate changes over the interval between the time the collateral is taken and the time the Reserve Bank's claim is extinguished. The Board is proposing to adopt a market risk "haircut" of between three and five per cent to be applied to book-entry securities collateral on a daily basis. Reserve Banks would be given the flexibility to choose haircut factors within this range for purposes of applying the standard to particular institutions. The size of the

individual institution market-risk haircut could be reviewed as often as the Reserve Bank wishes, but on any day it would be fixed within the three to five per cent range. Given recent price history, a daily haircut for market risk in this range should be sufficient to account for most day-to-day fluctuations in prices of government securities. The Board specifically requests comment on whether this procedure is desirable, whether a fixed haircut should be applied to all institutions, or whether the criteria for application of the haircut to institutions should be further refined.

A supplementary haircut in addition to the market risk margin, which would be specific to each institution's own operations, would be based on the results of each institution's self-assessment of these risks. This haircut, which would be subject to supervisory review, is initially expected to be between 0 and 10 per cent for institutions with excellent to satisfactory assessments.

The self-assessment of an individual institution's controls and procedures in its book-entry operations would be an extension of the self-assessment approach of the earlier Policy Statement, which addressed policies, procedures, internal controls, and monitoring capabilities. Under the proposed policy on book-entry risks, four basic areas would be addressed in detail as they relate to book-entry clearing and settlement activities:

- Credit policy and controls;
- Collateral monitoring and control;
- Operational risk; and
- Funding capacity.

The self-assessment of credit policy and controls would look in detail at the adequacy of an institution's policies and procedures for establishing credit limits for a customer or a group of related customers and monitoring the intra-day exposures within these limits. Although the focus of the monitoring would be heavily on the book-entry activity, the institution's overall exposure to the customer would also be taken into account.

The assessment of an institution's ability to monitor the position of a customer's collateral would focus on this critical element of the institution's exposure in book-entry activity. A sound credit judgment would be impossible without both a good measure of control over that collateral is available to secure a customer's overdraft position in book-entry securities.

The assessment of an institution's operational environment would have to identify risks posed by such factors as capacity constraints, internal

bottlenecks, and other operating conditions that (1) could affect internal information flows needed to make otherwise sound policies and procedures work properly, or (2) could affect the overall operation of the book-entry securities market and the exposures of the institution itself and other institutions in the market. The reliability of automated systems, the availability of back-up processing capability, and the ability to reconcile and resolve fails and suspense items would be key factors in this area.

Finally, the assessment of funding capacity would look at the ability of the institution to tap the funds market to support not only its normal level of funding needs, but also its ability to fund large book-entry securities positions of its own or its customers in situations involving temporary operational disruptions or external market strains. In this regard, market perception of the institution, existing and normal funding patterns, demonstrated funding capacity, and identified contingency funding plans are key factors.

Each of the four factors (credit policy and controls, collateral monitoring and control, operational risk, and funding capacity) would be rated on a four level scale of Excellent, Very Good, Satisfactory, and Unsatisfactory, with an overall summary rating. Any institution rated unsatisfactory on any of the four factors would not be eligible to participate in the option permitting collateralization of overdrafts related to book-entry activity, and all of its book-entry overdrafts would be included with cross-system funds overdrafts for purposes of the consolidated net debit cap.⁴ Institutions with an overall rating of excellent would require no additional haircut on their pool of eligible collateral after the adjustment for market risk. Institutions rated satisfactory on all four factors would take an additional haircut of 10 per cent. Those with a very good rating would take an additional haircut of 5 per cent.

Further details on this self-assessment procedure may be found in the staff study referred to earlier.

The Board requests comments on whether the additional haircut to cover these risks is needed, and whether the self-assessment guidelines that the Board is proposing are appropriate.

D. Warranty. As part of the collateralization agreement, the pledging institution would warrant to its Reserve Bank that a specific percentage of its

⁴ See section E, below, on the consolidated sender net debit cap.

book-entry related overdrafts would always be covered by eligible collateral as adjusted. This warranty ratio would be used for cap monitoring purposes only, i.e. for determining the uncollateralized daylight overdraft that would be subject to the cap. The Board estimates that banks providing clearing services for broker-dealers should have adjusted-collateral-value-to-book-entry-overdraft ratios of 85 to 95 per cent, and thus would be able to use warranty ratios of at least that amount.

The warranty ratio selected by each institution would be based on the historical evidence of the adjusted values of eligible-to-pledge securities relative to its book-entry overdrafts. Each institution would have to present evidence to its Reserve Bank to support or modify its warranty ratio; the Reserve Bank would be able to change that ratio if the Reserve Bank's independent review called for it. This review could take several forms. The normal periodic examination would, for example, test the warranty and review the margin for other Reserve Bank risks associated with the self-evaluation guidelines. Moreover, on a random basis—say twice a month for clearing banks—the Reserve Bank would ask the institution at the end of the day to demonstrate ex post that the adjusted value of its eligible collateral in its accounting record at a specific time that day was equal to or larger than the warranty percentage of its book-entry overdrafts. If it was not, the Reserve Bank might lower the warranty ratio, pending new evidence from the institution. Thus, spot checks, as well as periodic certification coupled with normal examination, would provide checks on the adequacy of the warranty.

With the warranty ratio used only for monitoring purposes and the real collateral position coming from the repledging of eligible incoming securities, there would be no need to require institutions to reposition collateral between accounts at Reserve Banks, as under the pledge account option published for comment in 1985.

Under the proposal, each institution would be given the choice—but not be permitted to switch back and forth—of either (1) using the warranty *percentage* throughout each day, or (2) adjusting the intra-day warranty *amount* the next day by providing its Reserve Bank with the measured adjusted dollar amount of pledgeable collateral the institution held each 15 minutes during the day. Institutions choosing the second option could have the benefit of eligible collateral in excess of their own warranty when they could demonstrate

it. They would also bear the cost—higher uncollateralized overdrafts subject to cap—when the collateral data available the next day indicated a level below their warranty ratio. This approach would provide an incentive for institutions to develop collateral tracking programs in order to be able to show collateral positions above their minimum warranty ratio and thus lower their overdraft subject to cap. At each institution, the collateral tracking data would only have to be recaptured ex post. Under either approach, Reserve Banks would have to compare from time-to-time warranty ratios (or amounts) with the ex post adjusted value of pledgeable securities for which a security interest has been taken. The actual pledged securities would be the same under both approaches.

E. Consolidated Net Debit Cap. The voluntary sender net debit cap—now applicable to cross-system funds overdrafts—would, under the proposed policy, become a cross-system consolidated net debit cap applicable to the sum of cross-system funds and uncollateralized book-entry overdrafts. Institutions would continue to establish their own caps through a self-evaluation based on current Board guidelines; those institutions not adhering to the guidelines and the policy would, as under the present policy, be prohibited from incurring funds transfer overdrafts on Fedwire. Under the new policy, they would also not be able to incur book-entry overdrafts. The Board would also consider it an inappropriate use of Fedwire to substitute purposefully book-entry transfers (which can be collateralized) for funds transfers (which cannot) in order to avoid the constraints of the consolidated sender net debit cap.

The current daylight overdraft policy authorizes a Reserve Bank to take full collateral for Fedwire funds overdrafts whenever it believes it is necessary to protect its own position with an individual institution. The Board proposes that this policy be extended for book-entry overdrafts at problem institutions as well, permitting Reserve Banks to take other collateral for book-entry overdrafts, if deemed necessary. Full collateralization is required by the Board's current policy for all the Fedwire funds overdrafts of Edge corporations, bankers' banks, institutions with negative adjusted primary capital, and for the amount by which the Fedwire funds overdrafts of U.S. branches and agencies of foreign banks exceeds their cap based on their "U.S. capital equivalency." The Board proposes that the required

collateralization for Fedwire funds transfers for these special entities be extended to book-entry overdrafts as well.

2. Transfer Limits

The Board is also proposing to adopt a mandatory size limit on book-entry securities transfers of either \$25 or \$50 million. The Board believes that this limit would not change market trade size, but would likely alter delivery practices so that transactions would be split, and partial delivery of orders could begin earlier in the day. The Board estimates that this size limit would increase transactions by less than 10 per cent of all transactions, but would affect about one-third of the dollar value of book-entry transfers. The objective of the transfer limit is to constrain intra-day position-building by dealers, spread book-entry volume more evenly over the day, and limit the level of book-entry overdrafts. Maximum transfer limits would not apply to either original issue transactions or to transfers of stripped securities.

These limitations would only be effective if sellers and purchasers of securities are willing to accept and pay for multiple transactions, know what their rights are in the case of a failure to deliver one or more transactions involved in a single trade, and do not simply continue to build positions thereby increasing the size and duration of overdrafts and contributing to end-of-day volume bottlenecks. Thus, to ensure that transfer size limits are effective, the staff of the Board and the Federal Reserve Bank of New York will work with the various committees of the Public Securities Association, as well as other industry representatives, to encourage development of conforming delivery practices and compensation rules.

The Board is requesting public comment on whether the proposed maximum transaction limit should be \$25 or \$50 million. With a lower limit, position building may be minimized, but such a limit may unduly increase the transactions costs of large trades and have negative market effects.

If the Board finally adopts this policy of a size limit of either amount, it will modify its current policy on proper uses of Fedwire. On March 29, 1984, the Board issued a policy statement stating that "use of Fedwire for the avoidance of Federal Reserve or private sector risk reduction measures is not appropriate." With the May, 1985, policy statement, the Board reaffirmed this policy. If the Board adopts a maximum transfer limit as a risk reduction measure, the Board

will similarly consider it an unacceptable use of Fedwire to avoid the intent of the transfer limit, such as by multiple deliveries at the same time for the account of the same customer, unless the securities were already in position at the time of the order. Reserve Banks would monitor the book-entry wire and take appropriate action to end violations of the Board's policy.

As with levels for sender net debit caps, the Board is intentionally setting the transfer limit at a high level, and plans to reduce the level over time as more experience is gained. The Board is interested in the public's view as to whether the initial limit should be set lower, such as \$25 million.

3. Netting Arrangements

The Federal Reserve System will continue to monitor private sector initiatives to develop a non-Federal Reserve facility for netting of securities trades made prior to a given date. The Board understands that participants of such a facility would be mainly dealers and brokers. The facility would net positions multilaterally and then settle the nets through the Federal Reserve's book-entry wire. Such an approach, by reducing daylight exposure and intraday credit risks, especially at the large clearing banks, could significantly reduce Federal Reserve market exposure. The Board believes this private sector initiative should be monitored closely, however, to ensure that these reduce both Federal Reserve and systemic risks in a fashion that provides adequate safeguards and limitations within the netting system.

The Board proposes that any private network desiring to obtain Federal Reserve net settlement services for the clearing of U.S. Treasury or agency securities would have to provide intraday data on each participant's net positions and adjusted collateral values. Net debits on such networks that are collateralized in ways acceptable to the Board would be exempt from the consolidated cap (whether or not the network uses Federal Reserve net settlement services).

4. Monitoring

The Board's current policy on funds daylight overdrafts calls for ex post monitoring and counseling of those institutions whose overdrafts exceed their caps. Moreover, the Fedwire funds transfers of problem institutions are to be monitored as they occur (i.e., in "real-time"), and those transfers exposing the Reserve Bank to excessive risk, after available collateral is considered, are to be held until sufficient funds are available or rejected outright. By March,

1987, all Reserve Banks are to have the capability to do such monitoring on an automated basis, and those that cannot do so prior to that time are to be able to limit funds transfers of problem institutions by manual intervention.

Book-entry securities transfers, however, are initiated by the seller of securities (sending institution) who gives up securities and receives funds from the buyer (receiving institution). The receiving institution does not directly control either the timing or the exact amount of the charge to its account that occurs with the securities transfer. Moreover, unlike a rejection of a funds transfer which is known only to—and is controllable by—the sending institution, both the sender and receiver would know if a securities transfer were to be rejected because of insufficient funds at a troubled receiving institution. It seems clear that a real-time monitoring process cannot simply reject a securities transfer to a troubled institution, as might be done in funds transfer monitoring. Rather, securities transfers being received by troubled institutions should be made only on a fully collateralized basis.

The Board assumes that prior to real-time monitoring, the warranty ratio of a financially troubled institution would have been gradually reduced by the Reserve Bank. Thus, increasing amounts of the institution's book-entry exposures would be included in, and controlled by, its consolidated cap. The Board also assumes that the institution would be monitored in real-time against its cap, and that excessive exposures would have to be secured by a stable, nontransferable pool of collateral held by the Reserve Bank. When the Reserve Bank decides to implement full real-time controlled book-entry monitoring for a troubled institution, it will, in effect, reduce the institution's warranty ratio to zero and require the institution to supplement its collateral to cover both its expected funds and securities overdrafts.

With a real-time book-entry monitor the value of an incoming book-entry transfer would be compared in real-time to available funds balances and the value of the collateral pool. If these amounts were sufficient to cover the transfer, the incoming securities would be released to the receiving institution. (It should be noted that securities receipts delivered against funds balances and collateral could severely restrict the institution's ability to make funds transfers.) If funds balances and collateral values were insufficient to cover the book-entry transfer, it would be held until funds were available to cover the purchase. (The sending

institution would receive payment and be unaware that the securities were being held by the receiving institution's Reserve Bank.) The securities being held could become available to the receiving institution either through incoming funds transfers, sales of other securities, or transfers of securities to another institution against payment. Thus, a continual check of funds balances as well as the cash position arising out of securities transfers would be necessary to determine when the book-entry transfer could be processed.

Board of Governors of the Federal Reserve System, December 10, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-28105 Filed 12-15-86; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0588]

Request for Comments on Proposals Regarding Payment System Risks, Cap Levels

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board is proposing for public comment an amendment to its policy regarding risks on large-dollar payment systems. The proposal would reduce the levels for the sender net debit cap in the present policy by 25 percent. The Board has also announced that it plans to consider further cap reductions at the end of 1987.

DATE: Comments must be received by February 9, 1987. The Board is proposing that the cap reductions become effective on June 18, 1987.

ADDRESS: Comments, which should refer to Docket No. 0588, should be addressed to the Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551, Attention: Mr. William W. Wiles, Secretary, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

FOR FURTHER INFORMATION CONTACT: Edward C. Ettin, Deputy Director (202-452-3368), or Matthew D. Gelfand, Economist (202-452-3634), Division of Research and Statistics; Elliott C. McEntee, Associate Director (202-452-2231), Division of Federal Reserve Bank Operations; Oliver I. Ireland, Associate General Counsel (202-452-3625), or Joseph R. Alexander, Senior Attorney

(202-452-2489), Legal Division; Board of Governors of the Federal Reserve System, Washington, DC 20551. For the hearing impaired *only*: Telecommunications Device for the Deaf (202-452-3544) Earnestine Hill or Dorothea Thompson.

SUPPLEMENTARY INFORMATION: This is one of a series of proposals regarding payment system risk that the Board is issuing for public comment today. The other concern the book-entry securities (Docket No. R-0587), pricing of daylight overdrafts (Docket No. R-0592), consolidation of affiliated institutions for cap monitoring purposes (Docket No. R-0590), treatment of payments processed through automated clearing houses (Docket No. R-0591), and a new cap category (Docket No. R-0589). The Board encourages all interested parties to comment on each of these proposals.

The Board urges that in filing comments on these proposals, commenters prepare separate letters for each proposal, identifying the appropriate docket number on each. This procedure will facilitate the Board's processing and analysis of the comments on these complex proposals, and will ensure that each comment is quickly brought to the attention of those responsible for analysing the proposal.

Background

In May, 1985, the Board announced its policy to reduce the risks that large-dollar payment systems present to the Federal Reserve, to the depository institutions using them, to the banking system, and to other sectors of the economy. 50 Fed. Reg. 21,120 (May 22, 1985). As a principal component of this policy, the Board strongly encouraged depository institutions and other entities (such as Edge corporations and U.S. branches and agencies of foreign banks) incurring daylight overdrafts on Fedwire or participating on a private large-dollar wire network (hereafter "institutions") to adopt voluntarily a cross-system sender net debit cap following guidelines established by the Board. To encourage institutions to perform the self-evaluation necessary for setting cap levels, the Board announced that institutions not complying with the policy would not be permitted to incur daylight overdrafts on Fedwire.

Under the Board's policy, an institution performing the self-evaluation rates itself in three categories: creditworthiness; operational controls, policies, and procedures; and credit policies and procedures. It then establishes an overall assessment of

"High," "Above Average," "Average," and "No Cap."¹ These translate into corresponding cap levels defined as a certain multiple of "adjusted primary capital."² The cap multiples for each self-assessment cap category are as follows:

| Cap class | Dual sender net debit cap | |
|--------------------|---------------------------|-----------------|
| | 2-week average | Plus single-day |
| High..... | 2.0 | 3.0 |
| Above Average..... | 1.5 | 2.5 |
| Average..... | 1.0 | 1.5 |
| No Cap..... | 0.0 | 0.0 |

Under the Board's policy, an institution is expected to avoid incurring cross-system net debits that, on average over a two-week period, exceed the two-week average cap, and, on any one day, exceed the single-day cap. Institutions that have negative adjusted primary capital or have recently grown to a small positive adjusted primary capital position may incur overdrafts on Fedwire as large as 50 percent of their unadjusted primary capital if they perform the self-evaluation and are judged otherwise satisfactory by their Reserve Banks. The Board has announced that the special cap levels for these institutions will be eliminated on January 1, 1989.³

In its policy statement, the Board explained that its initial policy was

Purposely designed to minimize initial disruptions and permits the Board to monitor the impact of its policy on financial markets. The Board fully expects that it will, after review of the initial impact of its policies, be adopting guidelines designed to reduce further the volume and incidence of daylight overdrafts and other uses of intra-day credit.

¹ The overall rating is basically the lowest of the ratings in any one category.

² "Primary capital" includes common stock, perpetual-preferred stock, surplus, undivided profits, contingency and other capital reserves, qualifying mandatory convertible instruments, allowances for possible loan and lease losses (exclusive of any allocated transfer risk reserves), and minority interests in equity accounts of consolidated subsidiaries, but excludes limited-life preferred stock. "Adjusted" primary capital is defined as the sum of these primary capital components less all intangible assets and deferred net losses on loans and other assets sold. Adjusted primary capital for thrift institutions includes any capital assistance provided by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation in the form of net worth certificates pursuant to 12 U.S.C. 1729(f) or 1823(i). U.S. branches and agencies of foreign banks have a cap based on a "U.S. capital equivalency;" this "capital equivalency" follows the deposit requirements applied to Federal branches and agencies by 4(g) of the International Banking Act of 1978, 12 U.S.C. 3102(g).

³ 51 FR 23,829 (July 1, 1986).

Moreover, the policy statement continues.

[I]t should be noted that the Board has purposely set the recommended caps to be associated with each category at relatively high levels so that institutions and their examiners can gain experience with caps while maintaining a margin of flexibility for most institutions. The Board will evaluate these caps continuously, and expects to have enough data on their impact to recommend new, lower cap levels by March, 1987.

The Board is now proposing for comment lower cap levels in accordance with its previously stated intention.

The Board's Division of Research and Statistics has prepared a study, *Proposals for Daylight Overdraft Cap Reductions, De Minimis Caps, and Frequency of Self-Assessment Ratings* (Nov. 1986), that forms the basis of the proposal on which the Board is requesting comment. This study contains information on the experience with present cap levels and the possible effects various proposals to reduce cap levels could have. Copies of this study are available free of charge from the Secretary of the Board at the address noted above, or from the Daylight Overdraft Liaison Officer of each Federal Reserve Bank. The Board encourages all parties interested in commenting to obtain a copy of the staff study as it contains background information that may enable them more readily to understand the Board's proposal.

Proposal

The Board proposes to reduce the current cap levels by 25 percent, effective June 18, 1987. Under the proposal, the dual sender net debit cap levels would be as follows:

| Cap class | Dual sender net debit cap | |
|--|---------------------------|-----------------|
| | 2-week average | Plus single-day |
| High..... | 1.5 | 2.25 |
| Above Average..... | 1.125 | 1.875 |
| Average..... | .75 | 1.125 |
| No Cap..... | .0 | .0 |
| Institutions with negative adjusted primary capital or that have recently improved to a slight positive adjusted primary capital position..... | ** .375 | ** .375 |

** Applied to unadjusted primary capital.

If the Board adopts the proposal effective June 18, 1987, it intends to review the impact of the cap reductions at the end of 1987, and will consider further cap reductions at that time.

Board of Governors of the Federal Reserve System, December 10, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-28107 Filed 12-15-86; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0592]

Risks on Large-Dollar Transfer Systems, Request for Comments on Proposal Regarding Pricing Daylight Overdrafts

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comments.

SUMMARY: The Board is exploring the concept of instituting a charge or fee on daylight overdrafts in lieu of, or as a complement to, lowering the cap levels on daylight overdrafts. The Board is therefore requesting comment on the concept of pricing daylight overdrafts.

DATE: Comments must be received by April 13, 1987.

ADDRESS: Comments, which should refer to Docket No. R-0592 may be mailed to the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551, to the attention of Mr. William W. Wiles, Secretary, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding the Availability of Information, 12 CFR 261.6(a).

FOR FURTHER INFORMATION CONTACT:

Edward C. Ettin, Deputy Director, Division of Research and Statistics (202/452-3368); Elliott C. McEntee, Associate Director, Division of Federal Reserve Bank Operations (202/452-2231); or Oliver Ireland, Associate General Counsel, Legal Division (202/452-3625), Board of Governors of the Federal Reserve System, Washington, DC 20551. For the hearing impaired *only*, Telecommunications Device for the Deaf ("TDD") Earnestine Hill or Dorothea Thompson (202/452-3544).

SUPPLEMENTARY INFORMATION: This is one of a series of proposals regarding payment system risk that the Board is issuing for public comment today. The others concern the net debit cap (Docket Nos. R-0588 and R-0589), book-entry security transfers (Docket No. R-0587), consolidation of affiliated institutions for cap monitoring purposes (Docket No. R-0590), and treatment of payments processed through automated clearing houses (Docket No. R-0591). The Board encourages all interested parties to

comment on each of these proposals. The Board urges that in filing comments on these proposals, commenters prepare separate letters for each proposal, identifying the appropriate docket number on each. This procedure will facilitate the Board's processing and analysis of the comments on these complex proposals, and will ensure that each comment is quickly brought to the attention of those responsible for analyzing the proposal.

On May 22, 1985, the Board of Governors of the Federal Reserve System published its policy statement, "Reducing Risks on Large-Dollar Electronic Funds Transfer Systems." (50 FR 21120). In that statement, the Board announced its intention to adopt additional guidelines in the future "to reduce further the volume and incidence of daylight overdrafts and other uses of intraday credit." At present, overdrafts are not explicitly priced. However, the Board is exploring the concept of levying a charge or fee for daylight overdrafts that occur in accounts maintained with the Federal Reserve in lieu of, or as a complement to, lowering the level of net debit caps.

The system of net debt caps now in place likely would continue to be the Federal Reserve System's primary risk reduction policy tool, but pricing daylight overdrafts could be used as a supplement to net debit caps. Such pricing would provide additional incentives for users to reduce overdrafts below the caps and would charge those depository institutions who continue to use daylight credit and generate payments system risks. In addition, it would compensate the Federal Reserve for assuming credit risk and providing finality of all Fedwire payments.

Caps have reduced the level of overdrafts from what they otherwise would be. While the growth of payments' value over large dollar networks continues to be greater than 15 percent a year, the level of cross-system overdrafts has remained relatively flat since caps have been in place. Pricing Fedwire daylight overdrafts would continue this trend by encouraging banks to reduce overdrafts below the caps. Pricing daylight overdrafts is expected to provide incentives for payments network participants to use and develop further a number of institutional changes for reducing overdrafts. Such changes could result in both a reduction in the daily value of payments sent over external wire transfer networks and an elimination of the current gap in processing time between totally or partially offsetting payments. Some examples of changes in

payments practices that could reduce overdrafts are:

(1) *Rollovers* where the same amount of maturing overnight (or longer) funds borrowing is renegotiated with the same seller. No funds move over the wire networks except the initial borrowing and the *final* repayment. Importantly, there is no time gap between daily repayment of borrowed funds and receipt of borrowings for the next time period. As a result, the value of payments over wire networks is reduced, the time gap is eliminated, and associated daylight overdrafts fall;

(2) *Continuing contracts* where differing amounts of daily funds borrowings are renegotiated with the same sellers but only the net change in the position (including interest) is sent over the wire. The value of the single net transfer is less than either the early in the day full repayment of the gross funds borrowed or the later in the day full reborrowing of an altered gross amount for the next period. The value of payments made is thus reduced and the time gap between the two gross flows eliminated, so overdrafts fall;

(3) *Term funds* where longer term borrowings are substituted for overnight funding. Overdrafts fall due to the lower average daily value of funds sent and returned over the wire network, as well as the now more infrequent daily time gap between return of borrowed funds and subsequent reborrowing;

(4) *Intraday funding* where excess funds are sold and sent to other payments participants for portions of the day to fund, for a price, what otherwise would be daylight overdrafts at the purchasing institution; and,

(5) *Netting by novation* Where gross bilateral payment obligations between depository institutions are legally netted using contracts among the parties prior to the value or settlement date. Legal exposure from payment obligations is reduced from gross to net positions so that payments satisfying these obligations over the wire are reduced. Even though a time gap may remain, both measured overdrafts and risk decrease.

Although there are a number of advantages to pricing of daylight overdrafts, such pricing would represent a significant modification of current policy. Accordingly, public comment is invited on the general concept of pricing daylight overdrafts. In addition, comment is requested on the following specific questions:

1. If daylight overdrafts that occur in accounts maintained with the Federal Reserve are priced,

(a) How should the price be determined?

(b) Should the overdraft value assessed be the maximum overdraft incurred during the day or some average value?

(c) Should the price vary according to the duration of the overdraft? If so, how much should the price be adjusted for overdraft duration?

(d) Should daylight overdrafts lasting less than, say, one hour be excluded in order to allow for computer outages and other operational difficulties? Similarly, should some portion of the measured overdraft, be exempt from pricing for the same reason?

(e) What operational improvements or changes in institutional practices would depository institutions contemplate in response to pricing? (Examples of such improvements and changes include better control over third party payments that are not time-critical, rollovers of overnight funding, shifting from overnight to term federal funds and payment netting by novation arrangements.)

(f) Would depository institutions attempt to pass overdraft charges through to customers in order to encourage them better to control payments that do not have to be made immediately? Are there other means of improving an institution's control over the timing of payments made?

(g) Should the proceeds of the overdraft charges be placed in a special reserve fund for possible Federal Reserve losses from providing payment finality? Should it be used to make improvements in Fedwire?

(h) Would pricing induce a private sector market for intraday funds?

(i) What operational problems are anticipated with pricing? How might they be alleviated?

2. Would pricing be a suitable substitute for further cap reductions from their current levels?

3. What are the anticipated problems with pricing compared with a policy of lowering caps without pricing?

Suggestions of any other alternatives for pricing daylight overdrafts are welcome.

Board of Governors of the Federal Reserve System, December 10, 1986.

Williams W. Wiles,
Secretary.

[FR Doc. 86-28110 Filed 12-15-86; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-05891]

Request for Comment on Proposals Regarding Risks on Large-Dollar Transfer Systems "De Minimis" Caps

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board is proposing to amend its policy statement "Reducing Risks on Large-Dollar Electronic Funds Transfer Systems" to provide for a "de minimis" cap category in addition to the sender net debit cap provided for in the original policy. This cap would be available only for those institutions whose boards of directors approved the de minimis cap. Institutions coming under the new cap category would not have to undergo the periodic self-evaluation required to select a sender net debit cap. The de minimis cap would be the lesser of 10 per cent of the institution's adjusted primary capital or \$500,000. As under the present policy, an institution's Federal Reserve Bank could prohibit the use of Fedwire daylight overdrafts, and its primary supervisor continues to have authority to restrict the use of daylight credit that is not consistent with safe and sound banking. The Board also seeks comment on whether the de minimis cap should be available only to those institutions that incur overdrafts up to the de minimis level no more than twice per biweekly monitoring period.

DATE: Comments must be received by February 9, 1987.

ADDRESS: Comments, which should refer to Docket No. R-0589 should be addressed to the Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, Attention: Mr. William W. Wiles, Secretary; or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

FOR FURTHER INFORMATION CONTACT: Edward C. Ettin, Deputy Director (202-452-3368), Matthew D. Gelfand, Economist (202-452-3634), Division of Research and Statistics; Elliott C. McEntee, Associate Director (202-452-2231), Division of Federal Reserve Bank Operations; Oliver I. Ireland, Associate General Counsel (202-452-3625), or Joseph R. Alexander, Senior Attorney (202-452-2489), Legal Division; Board of Governors of the Federal Reserve System, Washington, DC 20551. For the

hearing impaired only:

Telecommunications Device for the Deaf (202-452-3544), Earnestine Hill or Dorothea Thompson.

SUPPLEMENTARY INFORMATION:

This is one of a series of proposals regarding payment system risk that the Board is issuing for public comment today. The others concern the book-entry securities (Docket No. R-0587), reducing cap levels for institutions filing self-assessment ratings (Docket No. R-0588), pricing of daylight overdrafts (Docket No. R-0592), monitoring of daylight overdrafts of affiliated institutions on a consolidated basis (Docket No. R-0590), and treatment of payments processed through automated clearing houses (Docket No. R-0591). The Board encourages all interested parties to comment on each of these proposals.

The Board urges that in filing comments on these proposals, commenters prepare separate letters for each proposal, identifying the appropriate docket number on each. This procedure will facilitate the Board's processing and analysis of the comments on these complex proposals, and will ensure that each comment is quickly brought to the attention of those responsible for analysing the proposal.

Background

In May, 1985, the Board announced its policy to reduce the risks that large-dollar payments systems present to the Federal Reserve, to depository institutions using them, to the banking system, and to other sectors of the economy. 50 FR 21,120 (May 22, 1985). As a principal element of that policy, each depository institution or other entity (such as an Edge corporation or U.S. branch of a foreign bank) participating on private large-dollar networks or incurring daylight overdrafts on Fedwire (hereafter "institution") were strongly encouraged to adopt a "sender net debit cap" (a ceiling on the aggregate cross-system net debit position that it incurs during a given interval) and file it with its district Federal Reserve Bank. For most participants, the sender net debit caps are computed as a multiple of adjusted primary capital.¹ An institution selects a

¹ "Primary capital" includes common stock, perpetual-preferred stock, surplus, undivided profits, contingency and other capital reserves, qualifying mandatory convertible instruments, allowances for possible loan and lease losses (exclusive of any allocated transfer risk reserves).

Continued

cap after undergoing a self-assessment, including review by its board of directors, following guidelines developed by the Board.

Under the Board's current policy, formal caps apply to all institutions in the cap classification category, regardless of the size of their relative or absolute daylight overdrafts. This part of the policy has proved difficult to administer. In any two-week period, almost half of the 3,400 institutions incurring an overdraft have either not filed a cap or have filed a cap of zero. These 1,600 institutions are mainly small and account for about 0.4 per cent of all funds overdrafts. The managements of these institutions find either the self-evaluation or the absolute avoidance of overdrafts very burdensome, and many Reserve Banks have found the resources required to monitor and counsel these institutions to be unusually high relative to the risk exposure involved.

In order to alleviate the burdens and costs both to the Federal Reserve and the institutions involved, the Board is proposing to establish a "*de minimis*" cap category. This proposal is based on a paper prepared by the Board's Division of Research and Statistics, *Proposals for Daylight Overdraft Cap Reductions, De Minimis Caps, and Frequency of Self-Assessment Ratings* (Nov. 1986). Copies of this study are available free of charge from the Secretary of the Board at the address noted above, or from the Daylight Overdraft Liaison Officer of each Federal Reserve Bank. The Board encourages all parties interested in commenting to obtain a copy of the staff study as it contains background information that may enable them to understand the rationale for the Board's proposals more readily.

Proposal

The Board is proposing to create a *de minimis* cap category as follows:

1. Any institution, regardless of size, could incur total cross-system daylight overdrafts up to the *de minimis* level. That level would be the lesser of 0.1

and minority interests in equity accounts of consolidated subsidiaries, but excludes limited-life preferred stock. "Adjusted" primary capital is defined as the sum of these primary capital components less all intangible assets and deferred net losses on loans and other assets sold. Adjusted primary capital for thrift institutions includes any capital assistance provided by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation in the form of net worth certificates pursuant to 12 U.S.C. 1729(f) or 1823(i). U.S. branches and agencies of foreign banks have a cap based on a "U.S. capital equivalency;" "capital equivalency" follows the deposit requirements applied to federal branches and agencies by § 4(g) of the International Banking Act of 1978, 12 U.S.C. 3102(g).

times the institution's adjusted primary capital or \$500,000. This cap would be applied on a daily basis.

2. Institutions would not have to undergo the self-assessment required for selecting a sender net debit cap under the existing Board policy. Nevertheless, for an institution to be in compliance with the Board's policy, its board of directors would have to approve the use of daylight credit up to the *de minimis* level. A copy of the board of director's resolution approving the use of daylight credit would have to be filed annually with the institution's Reserve Bank.

3. As under the present policy, an institution's Federal Reserve Bank could, at any time, prohibit an institution from incurring daylight overdrafts if the Reserve Bank believes that the institution's use of daylight credit exposes the Reserve Bank, other depository institutions, or the payments system to excessive risk. Further, an institution's primary supervisor would continue to have the authority to restrict or prohibit the use of daylight credit that is not consistent with safe and sound banking.

4. The Board also seeks comment on whether the *de minimis* cap should be available only to institutions that incur overdrafts up to the *de minimis* level no more than twice per biweekly monitoring period.

5. Any institution that incurred a daylight overdraft for the first time and that the Reserve Bank judges to be financially sound would be assigned a *de minimis* cap. If, after 90 days, the institution did not file with its Reserve Bank a copy of its board's resolution adopting a *de minimis* cap or a positive sender net debit cap under the Board's guidelines, the Reserve Bank would drop the institution's cap to zero.

6. Reserve Banks will vigorously counsel institutions that chronically violate their *de minimis* or zero caps, and will prohibit Fedwire overdrafts to any institution that violates these caps and does not respond to Reserve Bank counseling. Overdrafts may be denied either through real-time monitoring or by taking the institution "off-line."

The Board intends that the *de minimis* cap policy take effect on June 18, 1987, unless the public comments raise substantial issues.

Board of Governors of the Federal Reserve System, December 10, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-28109 Filed 12-15-86; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0590]

Request for Comments on Proposals Regarding Payment System Risks, Limits on Inter-Affiliate Fedwire Transfers

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board is proposing to amend its policy statement, "Reducing Risks on Large-Dollar Electronic Funds Transfer Systems," by limiting inter-affiliate Fedwire transfers at originating depository institutions and other entities that incur daylight overdrafts. The Board requests comment on whether the policy should be amended to either (1) permit transfers of funds over Fedwire among affiliated institutions that create a pattern of daylight overdrafts up to the sending institution's net debit cap provided certain conditions are met, or (2) prohibits such transfers.

DATE: Comments must be received by February 9, 1987. The Board proposes to make the new policy effective on June 18, 1987.

ADDRESS: Comments, which should refer to Docket No. R-0590, should be addressed to the Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551, Attention: Mr. William W. Wiles, Secretary; or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m.

Comments received may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

FOR FURTHER INFORMATION CONTACT: Edward C. Ettin, Deputy Director (202-452-3368), Division of Research and Statistics; Elliott C. McEntee, Associate Director (202-452-2231), Division of Federal Reserve Bank Operations; Oliver I. Ireland, Associate General Counsel (202-452-3625), or Joseph R. Alexander, Senior Attorney (202-452-2489), Legal Division; Board of Governors of the Federal Reserve System, Washington, D.C. 20551. For the hearing impaired only: Telecommunications Device for the Deaf (202-452-3544), Earnestine Hill or Dorothea Thompson.

SUPPLEMENTARY INFORMATION: This is one of a series of proposals regarding payment system risk that the Board is issuing for public comment today. The others concern book-entry securities (Docket No. R-0587), pricing of daylight overdrafts (Docket No. R-0592), cap levels (Docket No. R-0588), "*de minimis*" caps (Docket No. R-0589), and

treatment of payments processed through automated clearing houses (Docket No. R-0591). The Board encourages all interested parties to comment on each of these proposals.

The Board urges that in filing comments on these proposals, commenters prepare separate letters for each proposal, identifying the appropriate docket number on each.

This procedure will facilitate the Board's processing and analysis of the comments on these complex proposals, and will ensure that each comment is quickly brought to the attention of those responsible for analysing the proposal.

Background

The Board's policy statement "Reducing Risks on Large-Dollar Electronic Funds Transfer Systems" establishes intra-day net debit limits for depository institutions and other entities (such as Edge corporations and U.S. branches of foreign banks; hereafter, all will be referred to as "institutions") on an individual entity basis. The 1985 staff report to the Board, from which the policy statement was drawn, recommended that the private-sector Large-Dollar Payments System Advisory Group study the possibility of allowing institutions affiliated through holding company ownership to treat all of the affiliates as a single entity for purposes of the Board's daylight overdraft policy. The Federal Reserve's staff also studied the issue.

After reviewing the consolidation issues, the Board has determined that the current prohibition on consolidation of affiliates for daylight overdraft monitoring purposes should be retained. Permitting holding company organizations to consolidate their funds transfer activity for daylight overdraft monitoring purposes would result in an increase in either Federal Reserve Bank credit risk or systemic risk to depository institutions. Consolidation could also significantly increase the maximum permissible level of daylight overdrafts for the lead institution in a holding company organization. Without enforceable guarantees to the Reserve Bank from the affiliates of the lead institution covering this additional overdraft level, the Reserve Bank's credit exposure would increase. If, however, enforceable guarantees were provided, reliance by the Reserve Bank on them in the event of a default could endanger other institutions in the holding company organization.

One of the arguments advanced in favor of modifying the policy statement to permit monitoring on a consolidated basis is that holding company organizations can approximate

consolidation through daily Fedwire transfers, concentrating at one lead institution funds equal to their subsidiaries' caps. For example, a holding company could arrange for all of its depository institution subsidiaries to transfer funds up to their individual sender net debit caps to the lead bank; each of the sending affiliates would then have used all the daylight credit available to them under the Board's policy to provide the lead bank with a large net credit position against which the lead bank's payments could be made. The effect would be to consolidate the caps of all institutions in the holding company in the one subsidiary, giving that subsidiary a much higher cap than would be available to it if it stood alone under the Board's policy.

The Board believes that such *de facto* consolidation practices may be inconsistent with the principle of monitoring daylight overdrafts on a separate-entity basis. Accordingly, the Board is requesting comments on two alternative amendments to its policy statement: one would permit institutions within a holding company system to simulate consolidation through inter-affiliate funds transfers that result in daylight overdrafts so long as certain conditions were met; the second would prohibit such transfers.

Further background material regarding these proposals may be found in the staff paper, *Consolidated Daylight Overdraft Monitoring of Affiliated Depository Institutions* (Nov. 1986). Copies of this study are available free of charge from the Secretary of the Board at the address noted above, or from the Daylight Overdraft Liaison Officer of each Federal Reserve Bank. The Board encourages all parties interested in commenting to obtain a copy of this staff paper as it contains background information that may enable them to understand more readily the rationale for the Board's proposal.

Proposal

The Board requests public comments on the following alternative proposals for dealing with inter-affiliate transfer practices:

1. Under the first alternative, the Board's policy would continue to permit depository institutions to transfer funds to their affiliates, even if such transfers cause the originating institutions to incur overdrafts up to their net debit caps, provided that each institution's board of directors specifically approves each year the extension of credit to specified affiliates and sends a copy of its resolution to its Reserve Bank. Further, the institution's primary

supervisor, during the examination process, will review the transfer in the context of the institution's overall credit relations with the affiliates for consistency with standards of safety and soundness, and confirm that the originating institution continues to exercise independent credit judgment in deciding each day whether or not to make the transfers and maintains adequate internal controls to do so. The Federal Reserve Banks, of course, retain the right unilaterally to require collateral or to prohibit any Fedwire transfer that, in the opinion of the Reserve Bank, exposes the Reserve Bank to excessive risk.

2. Under the second, alternative the Board would modify its policy statement to prohibit inter-affiliate transfers that create a pattern of daylight overdrafts at the sending institutions in order to enable one or more institutions of a holding company system to obtain the benefits of a higher net debit cap than they would be entitled to in the absence of such transfers. To ensure that institutions do not engage in such practices, funds transfer activities among affiliates will be monitored by Reserve Banks and through the examination process.

Board of Governors of the Federal Reserve System, December 10, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-28106 Filed 12-15-86; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b) (2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade

Commission and the Assistant Attorney
General for the Antitrust Division of the

Department of Justice. Neither agency
intends to take any action with respect

to these proposed acquisitions during
the applicable waiting period:

TRANSACTIONS GRANTED EARLY TERMINATION OF THE WAITING PERIOD

| Transaction No. | Name of acquiring person | Name of acquired person | Name of acquired entity | Date terminated |
|-----------------|--------------------------------|---------------------------------|--------------------------------|-----------------|
| (1) 86-1658 | Kramer Capital Partners L P | H F Ahmanson Co | National American Insu Co | Sept. 3, 1986 |
| (2) 86-1670 | Bundy Corp | Owens-Corning Fiberglass Corp | CHR Industries Inc | Aug. 26, 1986 |
| (3) 86-1687 | Delta Air Lines Inc | Jet America Inc | Jet America Inc | Sept. 2, 1986 |
| (4) 86-1721 | K mart Corp | Service Merchandise Co Inc | Service Merchandise Co Inc | Sept. 11, 1986 |
| (5) 86-1727 | Old World Trading Co Inc | Enron Corp | Enron Corp | Oct. 1, 1986 |
| (6) 86-1730 | Salt River Pima-Maricopa India | Gifford Hill Co Inc | Phoenix Cement Company | Sept. 30, 1986 |
| (7) 86-1737 | Newell Co | Anchor Hocking Corp | Anchor Hocking Corp | Sept. 23, 1986 |
| (8) 86-1757 | Arvin Industries Inc | Swiss Aluminum Ltd | Maremount Corp | Oct. 15, 1986 |
| (9) 86-1774 | Unilever N B | Naarden Intl N V | Naarden Intl N V | Sept. 25, 1986 |
| (10) 86-1789 | Flatley Thomas J | Aer Lingus plc | Dunley-Hyannis Corp | Sept. 30, 1986 |
| (11) 86-1805 | RMS Limited Partnership | Moore Sam | WKJL-TV | Oct. 10, 1986 |
| (12) 86-1807 | Blue Cross Health Service Inc | Missouri Medical Service | Missouri Medical Service | Sept. 30, 1986 |
| (13) 86-1811 | Dart & Kraft Inc | Fulcrum Partnership | NeuCow Inc | Sept. 26, 1986 |
| (14) 86-1818 | General Motors Corp | Volvo GM Heavy Truck Corp | Volvo GM Heavy Truck Corp | Oct. 10, 1986 |
| (15) 86-1823 | Agway Inc | Cherry Central Cooperative Inc | Wilderness Foods-Naturally Goo | Oct. 8, 1986 |
| (16) 86-1828 | Viacom Intl Inc | Hearst Corp | Hearst Corp | Oct. 2, 1986 |
| (17) 86-1827 | Aktiebolaget Volvo | Volvo GM Heavy Truck Corp | Volvo GM Heavy Truck Corp | Oct. 14, 1986 |
| (18) 86-1828 | Pacific Dunlop Limited | Diamant Fred D | Desco Shoe Corp | Oct. 6, 1986 |
| (19) 86-1829 | Pacific Dunlop Limited | Eisenberg Emil | Desco Shoe Corp | Oct. 8, 1986 |
| (20) 86-1830 | Northeast Savings F A | I S F A Holding Co Ltd | I S F A Holding Co Ltd | Oct. 1, 1986 |
| (21) 86-1831 | Kemper Corp | I S F A Holding Co Ltd | I S F A Holding Co Ltd | Oct. 1, 1986 |
| (22) 86-1833 | Hearst Corp | Cable TV Fund 10-A Ltd | Castro Valley | Oct. 2, 1986 |
| (23) 86-1834 | Supermarket Development Corp | Kroger Co | Gromarco Inc | Oct. 2, 1986 |
| (24) 86-1836 | Perelman Raymond G-Den-Tal-Ez | Syntax Corp | Syntax Dental Products Inc | Oct. 6, 1986 |
| (25) 86-1837 | Hudson James T-Hudson Foods | Corbett Enterprises Inc | Corbett Enterprises Inc | Sept. 26, 1986 |
| (26) 86-1838 | Sr Augusto Trajano de Azevedo | M A Hanna Co | St John d'el Rey Mining Co | Oct. 1, 1986 |
| (27) 86-1842 | Atlantic Research Corp (ARC) | Systems Applied Sciences Corp | Systems Applied Sciences Corp | Sept. 26, 1986 |
| (28) 86-1843 | United HealthCare Corporation | Peak Health Care Inc | Peak Health Care Inc | Oct. 8, 1986 |
| (29) 86-1844 | UtiliCorp United Inc | Inter City Gas Corporation | Minnesota Utilities Division | Oct. 3, 1986 |
| (30) 86-1845 | Reebok International Ltd | Katz Bruce R | Highland Import Corporation | Sept. 30, 1986 |
| (31) 86-1847 | Alco Health Services Corp | Mississippi Drug Company Inc | Mississippi Drug Company Inc | Oct. 2, 1986 |
| (32) 86-1850 | Beltzberg William | Far West Financial Corp | Far West Financial Corp | Oct. 10, 1986 |
| (33) 86-1851 | GEO International Corp | Advance Process Supply Co | Advance Process Supply Co | Oct. 10, 1986 |
| (34) 86-1852 | Adams Communications Corp | Tom Chauncey | KOOL-AM and FM | Oct. 2, 1986 |
| (35) 86-1853 | Krueger Financing Inc | The Northwestern Mut Lf In | Krueger Holdings Inc | Oct. 1, 1986 |
| (36) 86-1854 | Holderbank Financiere Glars | Ideal Basic Industries Inc | Ideal Basic Industries Inc | Oct. 20, 1986 |
| (37) 86-1857 | Warburg Pincus Cap Ptnrs LP | Sedgwick Group PLC | Fred S James & Co Inc | Oct. 2, 1986 |
| (38) 86-1860 | First Financial Mngmt Corp | First Columbia Financial Corp | Mid-Continent Computer Ser Inc | Sept. 30, 1986 |
| (39) 86-1861 | Westfield Holdings Limited | Macy Acquiring Corp | Garden ST Plaza Shop Cnt Corp | Sept. 30, 1986 |
| (40) 86-1862 | Krueger Financing Inc | Northwestern Mutual Lf In Co | Krueger Holdings Inc | Oct. 1, 1986 |
| (41) 86-1863 | Siemens Aktiengesellschaft | Exxon Corp | Exxon Nuclear Co Inc | Oct. 3, 1986 |
| (42) 86-1864 | Federal-Mogul Corp | IC Industries Inc | Abex Corp | Oct. 8, 1986 |
| (43) 86-1867 | Smith Nephew Associated Co plc | CooperVision Inc | Richrds Medical Co et al | Oct. 3, 1986 |
| (44) 86-1868 | American Financial Corp | National Convenience Stor Inc | National Convenience Stor Inc | Oct. 24, 1986 |
| (45) 86-1869 | Delta Air Lines Inc | Western Air Lines Inc | Western Air Lines Inc | Oct. 3, 1986 |
| (46) 86-1870 | Fisons plc | C J Hoff | Applied Research Laboratories | Oct. 10, 1986 |
| (47) 86-1871 | Avery Intl Corp | Kingsbacher Murphy Co | Kingsbacher Murphy Co | Oct. 2, 1986 |
| (48) 86-1875 | Turner Corp | Lathrop Co | Lancon Inc-Service Products | Oct. 15, 1986 |
| (49) 86-1876 | Union Pacific Corp | Overnite Transportation Co | Overnite Transportation Co | Oct. 3, 1986 |
| (50) 86-1877 | Bell Atlantic Corp | Greyhound Corp | Greyhound Capital Corp | Oct. 8, 1986 |
| (51) 86-1880 | W.A. Krueger Co | Rotary Offset Printers | Rotary Offset Printers | Oct. 20, 1986 |
| (52) 86-1884 | Pakhoed Holding NV | McKesson Corp | McKesson Chemical Co Divi | Oct. 14, 1986 |
| (53) 86-1885 | Hershey Trust Co Trustee | Dietrich Corp | Dietrich Corp | Oct. 8, 1986 |
| (54) 86-1886 | Victualco Co of America | Sim-Kar Lighting Fixture Co | Sim-Kar Lighting Fixture Co | Oct. 2, 1986 |
| (55) 86-1889 | Guilford Mills Inc | F F F Industries Inc | Saratoga Knitting Mill Inc | Oct. 22, 1986 |
| (56) 86-1891 | Humana Inc | Recarey Enterprises Inc | Intl Medical Centers Inc | Oct. 10, 1986 |
| (57) 86-1893 | Johnson and Johnson | Revlon Group Inc | FRG One - FRG Two - FRG Three | Nov. 21, 1986 |
| (58) 86-1893 | Millard Charles E F | Coca-Cola Bottling Co of N Y | MFC Dorn Co Inc | Oct. 6, 1986 |
| (59) 86-1894 | Masco Corp | Kennedy Peter M | Drexel Heritage Furnishings | Oct. 2, 1986 |
| (60) 86-1895 | Univar Corp | Pakhoed Holding N V | DSW Inc | Oct. 2, 1986 |
| (61) 86-1896 | Pakhoed Holding N V | Univar Corp | DSW Inc | Oct. 2, 1986 |
| (62) 86-1897 | Lawrence J D | Conductor Products Inc | Conductor Products Inc | Oct. 2, 1986 |
| (63) 86-1901 | Nationale-Nederlanden N V | Associated Doctors Health Life | Associated Doctors Health Life | Oct. 6, 1986 |
| (64) 86-1903 | General Electric Co | Pleindler Peter G | Polaris Aircraft Leasing Corp | Oct. 6, 1986 |
| (65) 86-1904 | Dubuque Packing Co | Dugdale of Nebraska Inc | Dugdale of Nebraska Inc | Oct. 10, 1986 |
| (66) 86-1905 | Schnitzer Steel Products Co | USX Corp | West Coast Division | Oct. 20, 1986 |
| (67) 86-1906 | Inter-City Gas Corp | Whirlpool Corp | Heil-Quaker Home Systems Inc | Oct. 8, 1986 |
| (68) 86-1907 | Fleet Financial Group Inc | Security Pacific Corp | Security Pacific Mortgage | Oct. 10, 1986 |
| (69) 86-1908 | Color Tile Associates Ltd | Color Tile Inc | Color Tile Inc | Oct. 8, 1986 |
| (70) 86-1909 | Transworld Corp | American Medical Services Inc | American Medical Services Inc | Oct. 25, 1986 |
| (71) 86-1910 | Texas Air Corp | People Express Inc | Peoples Express Airlines Inc | Oct. 14, 1986 |
| (72) 86-1911 | Revlon Group Inc | Playtex Holdings Inc | BCI Max Factor Co | Oct. 20, 1986 |
| (73) 86-1912 | Triton Energy Corp | Worldwide Energy Corp | Worldwide Energy Corp | Oct. 10, 1986 |
| (74) 86-1913 | Wilson Steven J | Champion Intl Corp | Dependable Insu Group Inc | Oct. 3, 1986 |
| (75) 86-1914 | Levy Julie Edward C | Justice Donald R | Donald Justice Corp | Oct. 3, 1986 |
| (76) 86-1916 | Commonwealth Venture Partners | Minstar Inc | AMF Leisureland Centers Inc | Oct. 26, 1986 |
| (77) 86-1917 | Catalyst Energy Develop Corp | Boston Edison Co | Boston Edison Co | Oct. 27, 1986 |
| (78) 86-1918 | Sara Lee Corp | Schloss Kahn | Schloss Kahn | Oct. 20, 1986 |
| (79) 86-1919 | Universal Furniture Ltd | Bench Craft Inc | Bench Craft Inc | Oct. 10, 1986 |
| (80) 86-1920 | Azabu Building Co Ltd | Ala Moana American Hotel Co | Ala Moana American Hotel Co | Oct. 20, 1986 |
| (81) 86-1921 | Alts Bates Corp | Eskaton | Eskaton | Oct. 10, 1986 |
| (82) 86-1922 | Brierley Investments Ltd | Ocean Transport Trading plc | Ocean Transport Trading plc | Oct. 20, 1986 |
| (83) 86-1924 | Builders Transport Inc | Estate of John William Trammell | Jay Trammell Inc | Oct. 7, 1986 |
| (84) 86-1926 | Hearst Trust | Viacom Intl | Mountain Valley | Oct. 2, 1986 |
| (85) 86-1927 | Kaman Charles H | Raymond Engineering Inc | Raymond Engineering Inc | Oct. 8, 1986 |
| (86) 86-1928 | Kaman Charles H | Raymond Engineering Inc | Raymond Engineering Inc | Oct. 8, 1986 |
| (87) 86-1931 | Echo Bay Mines Ltd | Tenneco Ltd | Tenneco Subsidiaries | Oct. 20, 1986 |

TRANSACTIONS GRANTED EARLY TERMINATION OF THE WAITING PERIOD—Continued

| Transaction No. | Name of acquiring person | Name of acquired person | Name of acquired entity | Date terminated |
|-----------------|--------------------------------|---------------------------------|---------------------------------|-----------------|
| (88) 86-1932 | Reckitt Colman plc | Gold Seal Co | Gold Seal Co | Oct 20, 1986 |
| (89) 86-1933 | Azabu Building Co Ltd | Maui Waikiki Hotel Asscs-JV | Maui Waikiki Hotel Asscs-JV | Oct 20, 1986 |
| (90) 86-1934 | MagneTek Inc | Cooper Industries Inc | Cooper Service Inc-Cooper Cont | Oct 8, 1986 |
| (91) 86-1935 | Canteen Corp | Consolidated Coin Caterers Cor. | Consolidated Coin Caterers Cor. | Oct 10, 1986 |
| (92) 86-1937 | Infinity Broadcasting Corp | Edwards William T. | Radio Station WQYK-FM | Oct 30, 1986 |
| (93) 86-1938 | First Crystal Diamond | Nasco Inc | WCLQ-TV Cleveland | Oct 14, 1986 |
| (94) 86-1939 | Price Communications Corp | Hubbard Stanley E | KOB-AM Inc - KOB-FM Inc | Oct 10, 1986 |
| (95) 86-1940 | Kohler Co | United States Philips Trust | Baker Knapp & Tubbs Inc | Oct 20, 1986 |
| (96) 86-1942 | Redstone Sumner M | Viacom International Inc | Viacom International Inc | Oct 22, 1986 |
| (97) 86-1943 | Pearson plc | New American Library | NAL Assets & Subsidiaries | Oct 20, 1986 |
| (98) 86-1944 | Ford Motor Company | American Network Inc | American Network Inc | Oct 10, 1986 |
| (99) 86-1945 | James River Corp | Specialty Papers Co | Specialty Papers Co | Oct 24, 1986 |
| (100) 86-1947 | First Crystal Diamond Partner | Warburg Pincus Capital Partner | Warburg Pincus Capital Partner | Oct 30, 1986 |
| (101) 86-1948 | N V Homes L P-N V Acquisi Corp | Ryan Homes Inc | Ryan Homes Inc | Oct 20, 1986 |

FOR FURTHER INFORMATION CONTACT:

Sandra M. Peay, Legal Technician,
Premerger Notification Office, Bureau of
Competition, Room 301, Federal Trade
Commission, Washington, DC 20580,
(202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 86-28128 Filed 12-12-86; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR A-40, Supp. 22]

Changes to Federal Travel Regulations

AGENCY: Federal Supply Service, GSA.

ACTION: Notice of Changes to Federal
Travel Regulations (FTR).

SUMMARY: GSA has issued GSA Bulletin
FPMR A-40, Supplement 22, transmitting
a changed page to amend FPMR 101-7,
Federal Travel Regulations (FTR),
Chapter 2, Part 6, by increasing the
maximum dollar amount for
reimbursement of allowable real estate
sale and purchase expenses incident to
change of official station.

EFFECTIVE DATE: The revised provisions
in Part 6 of Chapter 2 of the FTR are
effective for employees whose effective
date of transfer is on or after October 1,
1986. For purposes of these regulations,
the effective date of transfer is the date
on which the employee reports for duty
at the new official station.

FOR FURTHER INFORMATION CONTACT:
Raymond Price, Regulations and Policy
Division, FTS 557-1256 (for non FTS use
AC 703).

SUPPLEMENTARY INFORMATION: The
General Service Administration has
determined that this rule is not a major
rule for the purposes of Executive Order
12291 of February 17, 1981, because it is
not likely to result in an annual effect on
the economy of \$100 million or more; a

major increase in costs to consumers or
others; or significant adverse effects.
The General Services Administration
has based all administrative decisions
underlying this rule on adequate
information concerning the need for, and
consequences of, this rule; has
determined that the potential benefits to
society from this rule outweigh the
potential costs and has maximized the
net benefits; and has chosen the
alternative approach involving the least
net cost to society.

Section 118 of Pub. L. 98-151 (97 Stat.
977), November 14, 1983, which
amended the statutory authority for the
employee relocation allowances
contained in subchapter II of chapter 57,
title 5, United States Code, enacted into
law dollar limitations for reimbursement
of expenses for the sale and/or purchase
of a residence incident to an employee's
transfer to a new official station.

5 U.S.C. 5724a(a)(4)(B) provides for an
annual update in the maximum dollar
amounts applicable to reimbursement of
expenses incurred by an employee for
the sale and purchase of a residence.
The law requires that the dollar amounts
be increased effective October 1 of each
year based on the percent change, if
any, in the Consumer Price Index for All
Urban Consumers, United States City
average, Housing Component for
December of the preceding year over
that published for December of the
second preceding year.

Explanation of changes. Paragraphs
2-6.2g (1) and (2) are amended to reflect
a 4.3 percent increase in the dollar
maximums for reimbursement of
allowable expenses incurred for the sale
of the residence at the old official
station from \$16,177 to \$16,873 and for
the purchase of a new residence at the
new official station from \$8,089 to
\$8,437. Agencies should make a pen and
ink changes to annotate the real estate
expenses section on page 6 of Table 2 in
Appendix 2-A to reflect the new dollar
amounts and the effective date. The
table itself will be changed in the future.

Accordingly, the Federal Travel
Regulations are amended as follows:

CHAPTER 2—RELOCATION ALLOWANCES

PART 6—ALLOWANCES FOR EXPENSES INCURRED IN CONNECTION WITH RESIDENCE TRANSACTIONS

Authority: Sec. 205(c), 63 Stat. 390; 40
U.S.C. 486(c); 5 U.S.C. 5707; Executive Orders
No. 11609, July 22, 1971, No. 12466, February
27, 1984, and No. 12522, June 24, 1985.

1. Paragraph 2-6.2g is revised to read
as follows:

2-6.2. Reimbursable and nonreimbursable expenses.

* * * * *

g. *Overall limitations.* The total
amount of expenses that may be
reimbursed is as follows:

(1) In connection with the sale of the
residence at the old official station,
reimbursement shall not exceed 10
percent of the actual sale price or
\$16,873, whichever is the lesser amount.

(2) In connection with the purchase of
a residence at the new official station,
reimbursement shall not exceed 5
percent of the purchase price or \$8,437,
whichever is the lesser amount.

* * * * *

Dated: November 10, 1986.

T.C. Golden,

Administrator of General Services.

[FR Doc. 86-28138 Filed 12-15-86; 8:45am]

BILLING CODE 6620-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Board of Tea Experts; Rechartering

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug
Administration announces the
rechartering of the Board of Tea Experts
by the Commissioner of Food and Drugs.
This notice is issued under the Federal
Advisory Committee Act of October 6,
1972 (Pub. L. 92-463, 86 Stat. 770-776 (5
U.S.C. App. I)).

DATE: Authority for this committee will expire on January 3, 1989, unless the Commissioner formally determines that rechartering is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: December 9, 1986.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-28078 Filed 12-15-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86P-0464]

Enriched Bread Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Campbell Taggart, Inc., to market test a bread enriched to the nutrient levels recommended by the National Academy of Sciences, Food and Nutrition Board, in 1974 (with the exception that iron will remain at the level required by the standard of identity for enriched bread). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the food.

DATE: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than March 16, 1987.

FOR FURTHER INFORMATION CONTACT: Catharine R. Calvert, Center for Food Safety and Applied Nutrition (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0121.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of a standard of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 41), FDA is giving notice that a temporary permit has been issued to Campbell Taggart, Inc., 6211 Lemmon Ave., P.O. Box 660217, Dallas TX 75216-0217.

The permit covers limited interstate marketing tests of enriched special formula bread. The test product deviates

from the standard of identity for enriched bread (21 CFR 136.115) in that it will contain in each 2-slice (approximately 2 ounces) serving: (1) 6 percent of the U.S. Recommended Daily Allowance (U.S. RDA) of vitamin A, (2) 8 percent of the U.S. RDA of vitamin B-6, (3) 8 percent of the U.S. RDA of folic acid, (4) 6 percent of the U.S. RDA of magnesium, and (5) 6 percent of the U.S. RDA of zinc. The test product meets all requirements of § 136.115 with the exception of these deviations.

The permit provides for the temporary marketing of 20,243,000 pounds of the product. The test product will be distributed in the metropolitan areas of Dallas, TX, and Denver and Pueblo, CO. The test product is to be manufactured at Rainbo Bakeries, Inc., Pueblo, CO 81002, Rainbo Bread Co., Adams City, CO 80022, and Manor Baking Co. of Dallas, Dallas TX 75235.

The principal display panel of the label states the product name as "Enriched Special Formula Bread," and each of the ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101. A side-by-side comparison of the percentage of U.S. RDA's for nutrients in the test product and in regular enriched bread is shown on the label for the applicable nutrients. This permit is effective for 15 months, beginning on the date the test product is introduced or caused to be introduced into interstate commerce, but no later than March 16, 1987.

Dated: December 8, 1986.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-28079 Filed 12-15-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0468]

Bausch & Lomb Optics Center; Premarket Approval of Bausch & Lomb * Sterile Multi-Purpose Lens Solution and Bausch & Lomb * Sterile Concentrated Cleaner

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Bausch & Lomb Optics Center, Rochester, NY, for premarket approval, under the Medical Device Amendments of 1976, of the Bausch & Lomb * Sterile Multi-Purpose Lens Solution and Bausch & Lomb Sterile * Concentrated Cleaner. After

reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by January 15, 1987.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On January 13, 1983, Bausch & Lomb Optics Center, Rochester, NY 14692, submitted to CDRH an application for premarket approval of Bausch & Lomb * Sterile Multi-Purpose Lens Solution for use in the cleaning, rinsing, chemical disinfecting, wetting, and storage of those rigid gas permeable contact lenses listed in the labeling and Bausch & Lomb * Sterile Concentrated Cleaner for use as an extra strength cleaning solution for those rigid gas permeable contact lenses listed in the labeling.

On November 18, 1983, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On October 15, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ-460), address above.

The labeling of the Bausch & Lomb * Sterile Multi-Purpose Lens Solution states that the solution is indicated for use in the cleaning, rinsing, chemical disinfecting, wetting, and storage of those rigid gas permeable contact lenses listed in the labeling, and that the Bausch & Lomb * Sterile Concentrated Cleaner is indicated for use as an extra strength cleaning solution for those rigid gas permeable contact lenses listed in

the labeling. Manufacturers of rigid gas permeable contact lenses that have been approved for marketing are advised that whenever CDRH publishes a notice in the **Federal Register** of the approval of a new solution for use with an approved rigid gas permeable contact lens, the manufacturer of each lens shall correct its labeling to refer to the new solution at the next printing or at such other time as CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 15, 1987, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: December 9, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-28080 Filed 12-15-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0469]

Coburn Optical Industries; Premarket Approval of Model 120 Posterior Chamber Intraocular Lens

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Coburn Optical Industries, Clearwater, FL, for premarket approval, under the Medical Device Amendments of 1976, of the Model 120 Posterior Chamber Intraocular Lens. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by January 15, 1987.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nancy C. Brogdon, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7536.

SUPPLEMENTARY INFORMATION: Under the Medical Device Amendments of 1976 (Pub. L. 94-295), intraocular lenses are regulated as class III devices (premarket approval). On January 6, 1986, Coburn Optical Industries, Clearwater, FL 33517, submitted to CDRH an application for premarket approval of the Model 120 Posterior Chamber Intraocular Lens. The device is indicated for primary implantation in patients 60 years of age and older following extracapsular cataract extraction. The device is available in a range of powers from 8.0 to 18.0 diopters and from 25.0 to 30.0 diopters in 1 diopter increments and from 18.0 to 25.0 diopters in 0.5 diopter increments.

On July 17, 1986, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On October 31, 1986, CDRH approved the application by a letter to the applicant

from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Nancy C. Brogdon (HFZ-460), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before (January 15, 1987, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and

re delegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: December 9, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-28081 Filed 12-15-86; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

Fertility and Maternal Health Drugs Advisory Committee

Date, time, and place. January 8, 9 a.m., Lister Hill Auditorium, National Library of Medicine, 8600 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 12:30 p.m. (dinoprostone gel); open public hearing, 1:30 p.m. to 2:00 p.m.; open committee discussion, 2 p.m. to 5:30 p.m. (progesterin labeling); Philip Corfman, Center for Drugs and Biologics (HFN-810), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1869 or 301-443-3510.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in obstetrics and gynecology.

Agenda—Open public hearing. Interested persons who wish to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the contact person.

Open committee discussion. In the morning, the committee will discuss the approvability of dinoprostone gel (NDA 19-617). In the afternoon, the committee will discuss the current progesterin labeling.

Anti-Infective Drugs Advisory Committee

Date, time, and place. January 16, 8:30 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 4:30 p.m.; Thomas E. Nightingale, Center for Drugs and Biologics (HFN-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4695.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in infectious disease.

Agenda—Open public hearing. Interested persons who wish to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the contact person.

Open committee discussion. The committee will discuss the safety and efficacy of one or more drugs for the treatment of acquired immune deficiency syndrome (AIDS).

Dermatologic Drugs Advisory Committee

Date, time, and place. January 26, 8:30 a.m., Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 4:30 p.m. Thomas E. Nightingale, Center for Drugs and Biologics (HFN-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4695.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in dermatologic disorders.

Agenda—Open public hearing. Interested persons who wish to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the contact person.

Open committee discussion. The committee will discuss the safety and efficacy of minoxidil (Upjohn) in male pattern baldness. The committee will also discuss requirements for proof of effectiveness of broad spectrum sunscreens. The committee's discussions and conclusions regarding requirements

for testing of ultraviolet sunscreens may be considered by the agency in its preparation of a tentative final monograph on over-the-counter (OTC) sunscreen drug products. Such a monograph is being developed as part of the OTC drug review. The advance notice of proposed rulemaking for these products was published in the **Federal Register** of August 25, 1978 (43 FR 38206).

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be

allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: December 9, 1986.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-28082 Filed 12-15-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Plan for the Use and Distribution of the Aleut Indian Judgment Funds in Docket 369 Before the United States Claims Court

November 25, 1986.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice. This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

EFFECTIVE DATE: This plan was effective on October 6, 1986.

FOR FURTHER INFORMATION CONTACT: Lynn Forcia, Tribal Services Specialist, Bureau of Indian Affairs, Branch of Acknowledgment and Research, Code 440B, 32 SIB, 1951 Constitution Avenue NW., Washington, DC 20245.

SUPPLEMENTARY INFORMATION: The Act of October 19, 1973, (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use and distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on July 24, 1985, in satisfaction of the award granted to the Aleut before the United States Claims Court in Docket 369. The plan for the use and distribution of the funds was

submitted to Congress with a letter dated July 8, 1986 and was received by the Senate on July 15, 1986 (as recorded in the Congressional Record) by the House of Representatives on July 15, 1986. The plan became effective on October 6, 1986 as provided by the 1973 Act, as amended by Pub. L. 97-458, since a joint resolution disapproving it was not enacted. The plan reads as follows:

For the Use and Distribution of the Aleut Judgment Funds in Docket 369 before the United States Claims Court

The funds appropriated July 24, 1985, in satisfaction of an award granted to the Aleut Tribe in Docket 369 before the United States Claims Court, less attorney fees and litigation expenses, including all interest and investment income accrued, shall be used and distributed as herein provided.

The Secretary of the Interior shall divide the funds as follows: Atka 7.3%, Nikolski 4.0%, Akutan 5.4%, Belkofski .8%, False Pass 4.6%, King Cove 30.0%, Nelson Lagoon 4.3%, Sandpoint 28.6%, and Unalaska 15.0%. Such funds shall be maintained in separate accounts.

The shares of Atka, Nikolski, Akutan, Belkofski, False Pass, King Cove, Nelson Lagoon, and Sandpoint shall be used and distributed as follows:

Such funds shall be invested by the Secretary of the Interior until such time as a trustee is chosen by an administrative committee comprised of one representative from each village. Any trust will be subject to the approval of the Secretary. Upon submittal of a specific social or economic development program from one of these villages, the village shall direct the trustee to withdraw the necessary funds from its respective share on a budgetary basis for programs which may include, but are not limited to, the following: land purchase and development, business development and investment, education assistance, community development, and assistance to the elderly and handicapped.

The share of the Unalaska village shall be used and distributed as follows:

Eighty (80) percent of the funds will be used to establish a perpetual investment fund for an elderly assistance program and twenty (20) percent will be used for social and economic development programs.

Unalaska Elderly Assistance Program

A perpetual investment fund for an elderly assistance program will be established with the eighty (80) percent of the funds with only the interest and investment income accrued as follows:

The funds shall be invested and administered by three (3) trustees to be chosen by the vote of the Unalaska community at a general membership meeting. The program shall provide eighty (80) percent of the interest and investment income, for the elderly assistance fund for annual dividend payments, in sums as equal as possible, to all eligible Aleuts and Aleut descendants. The remaining twenty (20) percent of the interest and investment income accrued from the elderly assistance fund, may be used for administrative cost in implementing the program. The trustees shall make a determination of the eligibility age for sharing in the funds, based upon the amount of interest or investment income accrued annually. Aleuts or Aleut descendants who are residents of Unalaska and have lived in Unalaska three (3) consecutive years or more immediately prior to the date of application for funds will be eligible to receive funds from the elderly assistance program. Eligible Aleuts who believe they may qualify can apply yearly to share in the fund. The trustees shall make a determination whether applicants are eligible to share in the program, however, all decisions of the trustees are subject to review and approval by the Unalaska Aleut Development Corporation Board of Directors. In the event any residue funds remain after the dividend payment and administrative cost are provided for, the funds will revert to the elderly assistance program for succeeding years.

Unalaska Programing Funds

Twenty (20) percent of the Unalaska funds will be used for social or economic development programs as determined by the Unalaska Aleut Development Corporation Board of Directors, subject to the approval of the Secretary, on a budgetary basis. Such programs may include, but are not limited to, the following: land purchase and development, business development and investment, education assistance, medical assistance, community development and assistance to the handicapped and elderly.

General Provisions

None of the funds made available under this plan for programing or per capita distribution shall be subject to Federal or State income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which

such household or member would otherwise be entitled under the Social Security Act or, except for per capita shares or dividend payments in excess of \$2,000, any Federal or federally assisted program.

Ronald L. Esquerro,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 86-28084 Filed 12-15-86; 8:45 am]

BILLING CODE 3310-02-M

Plan for the Use and Distribution of the Manchester Point Arena Band of Pomo Indians Judgment Funds in Docket 630-84L Before the United States Claims Court

November 25, 1986.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice. This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

EFFECTIVE DATE: This plan was effective on October 13, 1986.

FOR FURTHER INFORMATION CONTACT: Lynn Forcia, Tribal Services Specialist, Bureau of Indian Affairs, Branch of Acknowledgment and Research, Code 440B, 32 SIB, 1951 Constitution Avenue NW., Washington, DC 20245.

SUPPLEMENTARY INFORMATION: The Act of October 19, 1973, (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use and distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on July 17, 1985, in satisfaction of the award granted to the Manchester Point Arena Band of Pomo Indians before the United States Claims Court in Docket 630-84L. The plan for the use and distribution of the funds was submitted to Congress with a letter dated July 8, 1986 and was received (as recorded in the Congressional Record) by the Senate on July 22, 1986 and by the House of Representatives on July 17, 1986. The plan became effective on October 13, 1986 as provided by the 1973 Act, as amended by Pub. L. 97-458, since a joint resolution disapproving it was not enacted. The plan reads as follows:

For the Use of the Manchester Point Arena Band of Pomo Indians Indian Judgment Funds in Docket 630-84L before the United States Claims Court

The funds appropriated July 17, 1985, in satisfaction of an award granted to the Manchester Point Arena Band of Pomo Indians in Docket 630-84L before the United States Claims Court, less attorney fees and litigation expenses,

including all interest and investment income accrued, shall be used and distributed as herein provided.

One hundred (100) percent of the funds shall be used for programing, which may include:

| | |
|-------------------------------------|---------|
| Computer equipment..... | \$3,000 |
| Printer..... | 1,500 |
| Business software..... | 600 |
| Computer supplies..... | 500 |
| Office furniture..... | 400 |
| Funeral assistance..... | 1,500 |
| Road repair to tribal cemetery..... | 500 |
| Fence repair..... | 473 |
| Speed bumps for road..... | 500 |
| Fire suppression equipment..... | 500 |

Any residue funds remaining after the above projects have been completed, shall be used by the tribal governing body for other social or economic development projects on a budgetary basis, subject to the approval of the Secretary.

General Provisions

None of the funds made available under this plan for programing or per capita distribution shall be subject to Federal or State income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act or, except for per capita shares or dividend payments in excess of \$2,000 any Federal or federally assisted program.

Ronald L. Esquerro,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 86-28085 Filed 12-15-86; 8:45 am]

BILLING CODE 4310-02-M

Pueblo of Santa Ana, NM and the Regents of the University of New Mexico; Exchange of lands within Sandoval County, NM

Pursuant to section 3 of the Act of October 28, 1986, Pub. L. 99-575, notice is hereby given to classify the lands described below for disposal through exchange in Sandoval County, New Mexico. These lands are those described as Tracts 1 and 2 of that Settlement Agreement dated November 12, 1985, as agreed to by the Pueblo of Santa Ana, the Regents of the University of New Mexico, the Museum of New Mexico, and the Park and Recreation Division of the New Mexico State Natural Resources Division.

The Regents of the University of New Mexico, through proper instrument, are

to convey the following lands to the United States to be held in trust for the benefit of the Pueblo of Santa Ana:

Tract No. 1: From the point of beginning, being the quarter corner on the west line of section 30; whence the U.S.C and G.S. brass cap "Pilgrim" bears S. 44°18'59" E., a distance of 122.7 feet; thence N. 0°35'01" E., a distance of 2,414.82 feet to a G.L.O. brass cap closing corner common to sections 25 and 24; thence N. 0°42'44" E., a distance of 220.35 feet to a G.L.O. brass cap closing corner to sections 19 and 30; thence S. 89°57'32" E. along an existing fence, a distance of 2,639.55 feet to the quarter corner brass cap common to sections 19 and 30; thence S. 89°58'04" E., a distance of 581.94 feet to G.L.O brass cap closing corner common to section 19 and 30, also being a point of intersection with the west boundary line of El Ranchito Grant; thence also said grant boundary S. 8°47'13" W., a distance of 592.37 feet; thence leaving said grant boundary N. 89°57'37" W., a distance of 1,499.08 feet; thence S. 0°34'24" W., a distance of 2,051.03 feet; thence N. 89°54'39" W., a distance of 318.60 feet to a brass cap being the 1/16 closing corner of the northwest quarter of section 30; thence N. 89°54'39" W., a distance of 1,320.17 feet to the point and place of beginning, said tract containing 119.86 acres.

The United States and the Pueblo of Santa Ana, through proper instrument, are to convey the following lands to the Regents of the University of New Mexico:

Tract No. 2: From the point and place of beginning being the southwest corner of the El Ranchito Grant; thence N. 16°40'00" E., along the west boundary of the El Ranchito Grant line, a distance of 2,389.02 feet; thence N. 08°47'13" E., along said Grant line, a distance of 1,641.23 feet to G.L.O. brass cap closing corner common to sections 19 and 30; thence leaving said grant boundary S. 89°58'04" E., a distance of 882.76 feet; thence S. 40°14'24" W., a distance of 187.85 feet; thence S. 35°20'50" W., a distance of 705.62 feet; thence S. 26°44'05" W., a distance of 263.71 feet; thence S. 18°26'07" W., a distance of 353.73 feet; thence S. 20°24'10" W., a distance of 253.84 feet; thence S. 27°10'56" W., a distance of 212.45 feet; thence S. 25°11'52" W., a distance of 414.01 feet; thence S. 08°45'24" W., a distance of 89.58 feet; thence S. 11°32'20" W., a distance of 180.24 feet; thence S. 17°35'19" W., a distance of 266.19 feet; thence S. 21°13'03" W., a distance of 241.74 feet; thence S. 22°30'35" W., a distance of 248.00 feet; thence S. 19°56'07" W., a distance of 252.76 feet;

thence S. 10°05'31" W., a distance of 246.90 feet; thence S. 16°37'46" W., a distance of 207.32 feet; thence S. 15°34'08" W., a distance of 172.27 feet; thence N. 89°59'01" W., a distance of 149.21 feet to the point and place of beginning, said tract containing 26.57 acres.

Ross O. Swimmer,

Assistant Secretary—Indian Affairs.

[FR Doc. 86-28083 Filed 12-15-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[WY-010-07-4322-10]

Grazing Advisory Board; Meeting for the Worland District, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Taylor Grazing Act of 1934, the Public Rangelands Improvement Act of 1978, the Federal Land Policy and Management Act of 1976, and the Executive Order No. 12548 of February 14, 1986, notice is hereby given of a meeting of the Worland District Grazing Advisory Board to be held at 10:00 a.m., January 8, 1987, in the conference room at the BLM District Office, 101 South 23rd Street, Worland, Wyoming.

The Agenda for the meeting includes:

1. Discussion of the Grazing Advisory Board Charter.
2. Election of a Chairperson and a Vice Chairperson.
3. Update on range improvement project planning.
4. Review of FY 1986 range improvement projects.
5. Review of current Allotment Management Plan development.
6. Discussion and Recommendations for proposed FY 1987 and 1988 range improvement projects.
7. Update on the objectives for grazing allotment rangeland monitoring.
8. Range Program Update: Grazing Agreements and Decisions, Allotment Categorization, Rangeland Monitoring.
9. Assigning maintenance responsibility for rangeland improvements.
10. Opportunity for the public to present information or make comments.
11. The meeting will be open to the public. Interested persons may make oral statements to the Board during the public comment period, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager by January 2, 1987.

DATES: January 8, 1987, 10:00 a.m.

ADDRESSES: Bureau of Land Management, 101 South 23rd Street, Worland, Wyoming.

FOR FURTHER INFORMATION CONTACT: Chester E. Conard, District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401 (307) 347-9871.

SUPPLEMENTARY INFORMATION: Summary minutes of this meeting will be on file in the District Office and available for public inspection (during regular business hours) within 30 days of the meeting.

Edward L. Fisk,
Associate District Manager.

[FR Doc. 86-28134 Filed 12-15-86; 8:45 am]

BILLING CODE 4310-22-M

[NM-060-07-4410-08]

Availability of Supplement to Carlsbad Resource Area Proposed Resource Management Plan/Final Environmental Impact Statement; Issuance

AGENCY: Bureau of Land Management, Interior.

ACTION: Issuance of supplement to proposed Carlsbad Resource Management Plan/Final Environmental Impact Statement.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of supplemental information to the Proposed Resource Management Plan (RMP) and Final Environmental Impact Statement (EIS). The supplement is being issued due to the omission of a portion of the Proposed RMP/Final EIS during publication and the error of including a recommendation for designation of two areas as Areas of Critical Environmental Concern (ACEC's). The Proposed RMP/Final EIS 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 proposal that certain areas be designated as ACEC's. The Draft Carlsbad RMP/EIS was made available for public review and comment in March 1986. Comments received on the Draft were considered in preparing the Proposed RMP/Final EIS. The Proposed RMP/Final EIS was made available for public review and protest in September 1986. A supplement will be made available to everyone who

received the Proposed RMP/Final EIS, due to the omission of the information and the error in ACEC processing. A 60-minute comment period from January 2, 1987 to March 2, 1987 will be provided to receive comments on the Proposed RMP/Final EIS as supplemented. A protest period will be reestablished for a 30-day period from February 1, 1987 to March 2, 1987. Any person who participated in the planning process and has an interest that is or may be affected by the approval of the Proposed RMP may file a protest. Any person who has received the document and wishes to comment may do so. Copies of the supplement will be mailed to everyone who received the Proposed RMP/Final EIS. Copies will also be available at the Carlsbad Resource Area Office.

DATE: Comments and protests must be postmarked on or before March 2, 1987.

ADDRESS: Comments must be sent to: State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Protests must 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 Resource Area, Bureau of Land Management, P.O. Box 1778, Carlsbad, New Mexico 88220; Telephone (505) 887-6544.

SUPPLEMENTARY INFORMATION: During the publishing process of the RMP/EIS a portion of the document was inadvertently omitted. This information is critical to understanding the responses to comments and the impacts related to oil and gas. Additionally, two areas, Los Medanos Raptor Management Area and Seven River Hills Endangered Species Habitat Area, were proposed to be designated as ACEC's in the Proposed RMP/Final EIS. Such a proposal is not in accordance with the provisions of 43 CFR 1610.7-2(b) Inclusion of such recommendations in a Proposed RMP/Final EIS does not allow for the mandatory 60-day review/comment period for ACEC's. The proposal for designation of these two areas as ACEC's will not be made during this planning process. ACEC's may only be designated with full and complete public involvement and opportunity for comment. The Bureau is not precluded from consideration of this matter through future land use plan amendments. The uses within these areas will be monitored and mitigative measures developed to ensure that their unique resource values are protected.

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 Energy 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.

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, Yesso 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 approved 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: December 9, 1986.

Monte G. Jordan,

Acting State Director.

[FR Doc. 86-28143 Filed 12-15-86; 8:45 am]

BILLING CODE 4310-FB-M

National Park Service

Golden Gate National Recreation Area; Public Hearing

Section 460bb-2(i) of the legislation establishing the Golden Gate National

Recreation Area ("GGNRA"), 16 U.S.C. sec. 460bb-2(i), prescribes limitations on new construction or development at the Presidio of San Francisco, which is located entirely within the boundaries of the GGNRA. The legislation also requires that a public hearing conducted by the Secretary of the Interior or his designated representative be held in connection with any proposed new construction or development.

Accordingly, notice is hereby given that a public hearing will be conducted by the Superintendent of the GGNRA on Thursday, January 15, 1987 in order to present to the public and solicit its views on a new one-story bowling center facility at the Presidio of San Francisco. The hearing will commence at 7:30 p.m. (PST) at Building 201, Fort Mason, San Francisco, California.

The new bowling center will be a single-story building, 20 feet high, with a total area of 12,200 square feet. The structure will include 12 bowling lanes, a small snack bar, a game room, and a sales counter. The exterior design will complement adjacent buildings, including the Post Theater.

This building will be located on the lot east of the Post Theater bounded by Montgomery Street, Sheridan Avenue, Moraga Street, and Arguello Boulevard. It is presently the site of the outdoor recreation building, which will be demolished at some time in the future.

This project will replace the old ten-lane facility which was built in the World War II era as a theater. A former bowling center, (12,599 square feet), has been demolished.

A fact sheet on the bowling alley construction project and an environmental document are available by request from the Staff Assistant, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123, telephone (415) 556-4484.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public hearing. Those not wishing to appear in person may submit written statements to the General Superintendent of the Golden Gate National Recreation Area on this construction project. Statements will be accepted until January 29, 1987.

This meeting will be recorded for documentation and transcribed for dissemination.

Dated: December 8, 1986.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 86-28086 Filed 12-15-86; 8:45 am]

BILLING CODE 4310-70-M

Golden Gate National Recreation Area; Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. (PST) on Thursday, January 15, 1987 at Building 201, Fort Mason, San Francisco, California and at 7:30 p.m. (PST) on Thursday, February 12, 1987 at Tamalpais High School Student Center in Mill Valley, California.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin, San Francisco and San Mateo Counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Vice Chair
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Margot Patterson Doss
Mr. Jerry Friedman
Ms. Daphne Greene
Ms. Gimmy Park Li
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams
Brig. Gen. John Crowley, USA (ret)
Mr. Neil D. Eisenberg
Mr. Steve Jeong
Mr. Gary Pinkston
Mr. R.H. Sciaroni
Dr. Howard Cogswell

The main agenda item for the January 15 meeting in San Francisco will be the initial presentation of the GGNRA Staff Report on the proposed Coast Guard Station at Horseshoe Bay, East Fort Baker in Marin County. The Coast Guard is requesting to move their facility at Fort Point near Crissy Field in San Francisco to this new location and is seeking approval of the move from the National Park Service. No vote will be taken at this meeting. The purpose of this presentation will be to solicit comments of the public and the Advisory Commission.

The main agenda for the February 12 meeting in Mill Valley will be for final consideration of the Coast Guard proposal by the Advisory Commission. A vote on the proposal will be taken at this meeting.

Both of these meetings are open to the public. Any member of the public may file with the Commission a written

statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact General Superintendent Brian O'Neill, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, California 94123.

Minutes for the meeting will be available for public inspection by February 9, 1987 and for the meeting in Mill Valley minutes will be available by March 12, 1987 in the Office of the Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, California 94123.

Dated: December 8, 1986.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 86-28087 Filed 12-12-86; 8:45 am]

BILLING CODE 4310-70-M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than December 29, 1986. Comments may also be addressed to, and copies of the submissions obtained from the Reports Management Officer, Fred D. Allen, (703) 875-1573, IRM/PE, Room 1109, SA-14, Washington, DC 20523.

Date submitted: December, 11, 1986.

Submitting agency: Agency for International Development.

OMB No. 0412-0510.

Type of submission: Renewal.

Title: Information Collection—Requirements Contained in A.I.D.'s Handbook 13 (Grants and Cooperative Agreements).

Purpose: Section 635(b) of the Foreign Assistance Act (FAA) authorizes A.I.D. to make grants and cooperative agreements with any corporation or other body of persons, whether within or without the United States, and international organizations in furtherance of the purposes and within the limitations of the FAA. A.I.D. is required to ensure that recipients are responsible and that they prudently manage public funds. These information collection and recordkeeping

requirements are necessary for A.I.D. to review and monitor recipient's responsibility and compliance with U.S. Government requirements concerning use of funds.

Reviewer: Francine Picoult (202) 395-7231, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, DC 20503.

Dated: December 10, 1986.

Fred D. Allen,

Planning and Evaluation Division.

[FR Doc. 86-28144 Filed 12-15-86; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30950]

Missouri Pacific Railroad Co. Renewal of Trackage Rights and Lease Exemption by Illinois Central Gulf Railroad Co.

Illinois Central Gulf Railroad Company (ICG) has agreed to grant renewal of trackage rights to Missouri Pacific Railroad Company (MP) between Survey Station 30504+07 near Willisville, IL and Survey Station 30694+93.5 near Percy, IL. MP will have the right to use ICG trackage for 305 feet east of Survey Station 30504+07 and approximately 310 feet from Survey Station 30694+03.5 to Survey Station 30698+03.5 and will renew its lease of the connecting ICG track for approximately 945 feet at Survey Station 30698+03.5. The trackage rights will be effective on December 8, 1986.

This Notice is filed 49 CFR 1180.2(d)(4) and (7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

As a condition to use of this exemption any employees affected by the lease transaction will be protected pursuant to *Mendocino Coast Ry., Inc.—Lease and Operate*, 354 I.C.C. 732 (1978) and 360 I.C.C. 653 (1980). Any employees affected by the trackage rights will be protected pursuant to *Norfolk & Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast, supra*, 360 I.C.C. 653 (1980).

Decided: December 9, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 86-28147 Filed 12-15-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30947]

Missouri-Kansas-Texas Railroad Co.—Grant of Trackage Rights by Southern Pacific Transportation Co.; Notice of Exemption

Southern Pacific Transportation Company (SPT) has agreed to grant overhead trackage rights to Missouri-Kansas-Texas Railroad Company over approximately two miles of SPT's line in the vicinity of Tower 105 and Tower 112 in San Antonio, TX. The trackage rights are effective December 12, 1986.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

As a condition to use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: December 10, 1986

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 86-28148 Filed 12-15-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30899]

River Rock Railroad Company, Inc.; Exemption From 49 U.S.C. Subtitle IV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. Subtitle IV, the construction and operation by River Rock Railroad Company, Inc. of a 5-mile line of railroad and 2 miles of run-around, repair, and loading tracks between a quarry of the South Texas Sand and Gravel Company and a terminal at milepost 76 of The Texas Mexican Railway Company, south of Realitos, in Duval County, TX.

DATES: This exemption is effective on January 15, 1987. Petitions to stay must be filed by December 31, 1986, petitions for reconsideration must be filed by January 12, 1987.

ADDRESSES: Send pleadings referring to Finance Docket No. 30899 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
 (2) Petitioner's representative: John Griffin, Jr., 221 South Main, Victoria, TX 77901

FOR FURTHER INFORMATION CONTACT:
 Joseph H. Dettmar (202) 275-7245.

SUPPLEMENTARY INFORMATION:
 Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: December 8, 1986.
 By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Commissioner Lamboley dissented in part with a separate expression.

Noreta R. McGee,
 Secretary.
 [FR Doc. 86-28149 Filed 12-15-86; 8:45 am]
 BILLING CODE 7035-01-M

[Docket Nos. AB-19 (Sub-No. 127X) and AB-69 (Sub-No. 22X)]

The Baltimore and Ohio Railroad Co. and Western Maryland Railway Co.; Discontinuance of Service and Abandonment in Grant and Tucker Counties, WV

AGENCY: Interstate Commerce Commission.
ACTION: Notice of Exemption.

SUMMARY: The Commission exempts from prior approval under 49 U.S.C. 10903, et seq., discontinuance of service by The Baltimore and Ohio Railroad Company over and abandonment by Western Maryland Railway Company of approximately 16 miles of track in Grant and Tucker Counties, WV subject to standard labor protective conditions.

DATES: This exemption is effective on January 15, 1987. Petitions to stay must be filed by December 31, 1986, and petitions for reconsideration must be filed by January 12, 1987.

ADDRESSES: Send pleadings referring to Docket No. AB-19 (Sub-No. 127X) and Docket No. AB-69 (Sub-No. 22X) to:
 (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
 (2) Petitioners' representative: Lawrence H. Richmond, 100 North Charles Street Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT:
 Joseph H. Dettmar (202) 275-7245.

SUPPLEMENTARY INFORMATION:
 Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423 or call 289-4357 (DC Metropolitan Area) or toll free (800) 424-5403.

Decided: December 8, 1986.
 By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.
 Noreta R. McGee,
 Secretary.
 [FR Doc. 86-28145 Filed 12-15-86; 8:45 am]
 BILLING CODE 7035-01-M

[Docket No. AB-18 (Sub-No. 86X)]

The Chesapeake and Ohio Railway Co.; Exemption from Prior Approval for Abandonment and Discontinuance of Trackage Rights in Waynesboro, VA

AGENCY: Interstate Commerce Commission.
ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 10903 et seq., (1) the abandonment by The Chesapeake and Ohio Railway Company (C&O) of a 1.12-mile line of railroad between Valuation Station 1377+99 (=0+64) and the end of C&O trackage at Valuation Station 60+00, and (2) the discontinuance by C&O of trackage rights over the adjacent 0.14-mile Norfolk and Western Railway Company (N&W) line between Valuation Station 60+00 and Valuation Station 67+56, in Waynesboro, VA, subject to standard employee protective conditions and to the condition that the abandonment not be consummated until N&W is authorized to discontinue its trackage rights over the C&O line.

DATES: This exemption is effective on January 15, 1987.

Petitions to stay must be filed by December 26, 1986, and petitions for reconsideration must be filed by January 5, 1987.

ADDRESSES: Send pleadings referring to Docket No. AB-18 (Sub-No. 86X) to:
 (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
 (2) Petitioner's representatives:
 Lawrence H. Richmond, Peter J. Schudtz, 100 N. Charles St., Baltimore, MD 21201

FOR FURTHER INFORMATION CONTACT:
 Joseph H. Dettmar, (202) 275-7245.

SUPPLEMENTARY INFORMATION:
 Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: December 8, 1986.
 By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.
 Noreta R. McGee,
 Secretary.
 [FR Doc. 86-28146 Filed 12-15-86; 8:45 am]
 BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree in Clean Air Act Enforcement Action

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a consent decree in *United States v. Package Products, Flexible* was lodged with the United States District Court for the Western District of North Carolina on December 5, 1986. The proposed consent decree requires Package Products to comply with applicable Clean Air Act requirements governing emissions of volatile organic compounds and pay a civil penalty of \$87,000.

The Department of Justice will receive for thirty (30) days from the publication date of this notice, written comments relating to the decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. Package Products, Flexible*, 90-5-2-1-942.

The consent decree can be examined at the office of the United States Attorney, Room 248, Charles R. Jones Bldg., Charlotte, North Carolina 28202, the Region IV Office of the Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia, and at the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice, (Room 1515), Ninth and Pennsylvania Avenue, N.W., Washington, DC 20530. Copies of the consent decree can be obtained in person or by mail from the

Environmental Enforcement Section at the above address.

F. Henry Habicht, II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86-28142 Filed 12-15-86; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

National Cooperative Research Act of 1984; ADBAC QUAT Joint Venture

Notice is hereby given that, pursuant to section (6)(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98-462 (the "Act"). Huntington Laboratories, Inc., filed on November 21, 1986 a written notification simultaneously with the Attorney General and the Federal Trade Commission stating that an additional company is a member of the ADBAC QUAT Joint Venture. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The notification identifying the original parties to the project, and describing the nature and objectives of the project, is published at 51 FR 35706 (October 7, 1986).

On June 10, 1986, Mason Chemical Company became a party to the ADBAC QUAT Joint Venture.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 86-28133 Filed 12-15-86; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Samuel Brint, D.O., Revocation of Registration

On October 2, 1986, the Administrator of the Drug Enforcement Administration (DEA) issued to Samuel Brint, D.O. of 2517 Church Road, Cinnaminson, New Jersey 08077, an Order to Show Cause proposing to revoke his DEA Certificate of Registration, AB9125902. The Order to Show Cause alleged that the continued registration of Dr. Brint would be inconsistent with the public interest, as set forth in 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(4). Additionally, citing his preliminary finding that Dr. Brint's continued registration posed an imminent danger to the public health and safety, the Administrator ordered the immediate suspension of DEA Certificate of Registration AB9125902 during the pendency of these proceedings. 21 U.S.C. 824(d).

The Order to Show Cause/Immediate Suspension was personally served on Dr. Brint on October 6, 1986. More than thirty days have passed since the Order to Show Cause was served and the Drug Enforcement Administration has received no response thereto. Pursuant to 21 CFR 1301.54(a) and 1301.54(d), Dr. Brint is deemed to have waived his opportunity for a hearing. Accordingly, the Administrator now enters his final order in this matter without a hearing and based on the investigative file. 21 CFR 1301.57.

The Administrator finds that beginning in 1983, Dr. Brint was the subject of a two year investigation conducted by the Drug Enforcement Administration and the New Jersey Division of Criminal Justice. As a result of this investigation, on January 22, 1985, a Grand Jury in a New Jersey State Court returned a six count indictment charging Dr. Brint with illegal drug distribution, maintaining a drug resort and Medicaid fraud, all in violation of the laws of the State of New Jersey. The trial on these six counts is scheduled for May 1987.

The Administrator further finds that over the past several months, a large number of Dr. Brint's prescriptions for Ritalin, a Schedule II controlled substance, have been found in pharmacies throughout central New Jersey. Drug Enforcement Administration investigators have found some of the prescriptions in pharmacies more than 50 miles from Dr. Brint's office.

On August 19, 1986, an individual was arrested while attempting to have one of Dr. Brint's prescriptions filled at a pharmacy. At the time of his arrest, the individual possessed four prescriptions written on Dr. Brint's prescription forms. Each of these prescriptions were for Ritalin 20 mg. and each was written in the name of a different individual.

On September 4, 1986, a cooperating individual and an undercover investigator for the State of New Jersey went to Dr. Brint's office and received five prescriptions for Ritalin and Percocet, also a Schedule II controlled substance, for no legitimate medical purpose. They paid Dr. Brint \$220.00 for these prescriptions. On September 5, 1986, the cooperating individual and the undercover investigator returned to Dr. Brint's office and received four prescriptions for Ritalin and Percocet for no legitimate medical purpose. They paid Dr. Brint \$200.00 for these prescriptions. Subsequently, on September 5, 1986, Dr. Brint was arrested for illegal distribution of controlled substances.

The Administrator concludes that there is ample evidence to indicate that the continued registration of Dr. Brint is inconsistent with the public interest. 21 U.S.C. 824(a)(4). While awaiting trial on controlled substance violation charges, Dr. Brint continued to divert controlled substances. Dr. Brint did not respond to the Order to Show Cause. He did not offer any evidence of explanation or mitigating circumstances. Accordingly, the Administrator concludes that the registration must be revoked.

On September 24, 1986, the Executive Committee of the New Jersey State Board of Medical Examiners ordered the immediate temporary suspension of Dr. Brint's license to practice medicine. Therefore, Dr. Brint is not currently authorized to handle controlled substances in the State of New Jersey. Even if the public interest grounds to revoke the registration were not as compelling as they are, the loss of state licensure requires DEA to revoke the DEA Certificate of Registration. 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(3). See, *Morris Salkind, D.O.*, 51 FR 32545 (1986); *Jerry L. Word, M.D.*, 51 FR 26613 (1986); *Meyer Liebowitz, M.D.*, 51 FR 11654 (1986); *George P. Gotsis, M.D.*, 49 FR 33750 (1984).

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AB9125902, previously issued to Samuel Brint, D.O., be, and it hereby is revoked. In addition, the Administrator orders that any pending applications for the renewal of such registration are hereby denied. This order is effective immediately.

Dated: December 9, 1986.

John C. Lawn,
Administrator.

[FR Doc. 86-28172 Filed 12-15-86; 8:45 am]

BILLING CODE 4410-09-M

Amante L. Medina, M.D., Revocation of Registration

On October 14, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Amante L. Medina, M.D., of 450 North Oak Street, Kermit, Texas. The Order to Show Cause proposed to revoke Dr. Medina's DEA Certificate of Registration, AM8766719, and to deny his pending application for renewal, executed on January 31, 1986. The statutory predicates for seeking the revocation of Dr. Medina's current registration and the denial of his

pending application for renewal are that: (1) Dr. Medina was convicted of two felony offenses relating to controlled substances, and (2) he is not authorized to handle controlled substances in the state in which he seeks to conduct his practice.

On November 17, 1986, Dr. Medina submitted to DEA a waiver of hearing together with a written statement regarding his position on the issues raised in the order to Show Cause. Based upon Dr. Medina's submission, the Administrator concludes that he has waived his opportunity for a hearing, pursuant to 21 CFR 1301.54(c). Therefore, the Administrator enters this final order based upon the information contained in the investigative file and Dr. Medina's written statement.

The Administrator finds that on May 24, 1985, in the United States District Court for the Northern District of Texas, San Angelo Division, Dr. Medina was convicted, after entering pleas of guilty, to two counts of intentionally, knowingly and unlawfully dispensing controlled substances, to wit: Phendimetrazine, a Schedule III controlled substance, and diethylpropion, a Schedule IV controlled substance, for other than a legitimate purpose and not in the usual course of professional practice, in violation of 21 U.S.C. 841(a)(1), both felony offenses relating to controlled substances.

The Administrator further finds that the investigation which led to Dr. Medina's convictions revealed that, on at least nine separate occasions, Dr. Medina issued prescriptions for controlled substances to two undercover officers employed by the Texas Department of Public Safety. In each instance, Dr. Medina issued the prescriptions without conducting proper medical examinations and without taking medical histories of either undercover officer. The controlled substances prescribed by Dr. Medina to the undercover officers included amphetamine, a Schedule II controlled substance, diethylpropion, a Schedule IV controlled substance, and phendimetrazine, a Schedule III controlled substance. Each of the controlled substances listed above was prescribed by Dr. Medina to the undercover officers for other than legitimate medical purposes.

In his written statement, Dr. Medina alleges that his controlled substance felony convictions were the result of entrapment by the undercover officers. Dr. Medina fails to explain how he was entrapped into unlawfully prescribing controlled substances on at least nine separate occasions. In addition, Dr.

Medina claims that he pleaded guilty only after receiving poor advice from his attorney. Since Dr. Medina does not deny that he issued the illegal prescriptions, nor does he allege that he properly examined the undercover officers prior to issuing the prescriptions, the issue as to whether he made an intelligent choice in pleading guilty to the criminal charges is irrelevant to this proceeding. Instead, the Administrator finds that, regardless of whether Dr. Medina pleaded guilty, the investigative file contains substantial evidence to show that he committed the crimes for which he was convicted. Entrapment, if indeed there was entrapment, is an issue which should be raised in the courts and not in this forum. Finally, Dr. Medina alleged that he was improperly convicted since amphetamine is a Schedule III controlled substance, rather than Schedule II as listed in the indictment. Since Dr. Medina was not convicted of unlawfully prescribing amphetamine, his argument is moot. However, the Administrator finds rather disturbing Dr. Medina's lack of knowledge that amphetamine was placed in Schedule II of the Controlled Substances Act in 1971. See 36 FR 12734 (July 7, 1971). Physicians and other persons responsible for handling controlled substances are expected to familiarize themselves with all Federal laws and regulations relating to controlled substances. Dr. Medina was clearly ignorant of important changes in Federal controlled substance regulations fifteen years after the changes occurred. After reviewing the investigative file and the entirety of the record, the Administrator concludes that Dr. Medina's written statement can be afforded very little weight.

Dr. Medina's felony convictions relating to controlled substances constitute sufficient grounds to warrant the revocation of his DEA Certificate of Registration and the denial of his pending application for renewal of that registration. 21 U.S.C. 824(a)(2) and 21 U.S.C. 823(f).

Further, the Administrator finds that on March 31, 1986, Dr. Medina was denied renewal of his Texas Department of Public Safety Registration. Consequently, Dr. Medina is no longer authorized to handle controlled substances in the State of Texas. The Drug Enforcement Administration does not have statutory authority under the Controlled Substances Act to maintain or renew the registration of a registrant who no longer has authority to handle controlled substances in the state in which he practices. See 21 U.S.C. 824(a)(3) and 21 U.S.C. 823(f). This

agency consistently has revoked registrations and denied applications for registration in such instances. See *Emerson Emory, M.D.*, Docket No. 85-46, 51 FR 9543 (1986); *Avner Kauffman, M.D.*, Docket No. 85-8, 50 FR 34208 (1985); *Agostino Carlucci, M.D.*, Docket No. 82-20, 49 FR 33184 (1984).

Since Dr. Medina is no longer authorized to handle controlled substances in the state in which he is currently registered, the Administrator is obliged to revoke his DEA Certificate of Registration and to deny his pending application for renewal. Dr. Medina's felony convictions relating to controlled substances further support this action.

Therefore, having concluded that there is a lawful basis for the revocation of Dr. Medina's registration and for the denial of his application for renewal, and having further concluded that under the facts and circumstances presented in this case, the registration should be revoked and the application for renewal should be denied, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 21 CFR 0.100(b), orders that DEA Certificate of Registration, AM8766719, previously issued to Amante L. Medina, M.D., be, and it hereby is revoked. The Administrator further orders that the application for renewal of Dr. Medina's DEA Certificate of Registration, executed on January 31, 1986, be, and it hereby is, denied.

This order is effective December 16, 1986.

Dated: December 11, 1986.

John C. Lawn,
Administrator.

[FR Doc. 86-28173 Filed 12-15-86; 8:45 am]
BILLING CODE 4410-09-M

[Docket No. 86-56]

Taneytown Pharmacy, Revocation of Registration

On July 1, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Taneytown Pharmacy, Respondent, 7 York Street, Taneytown, Maryland, proposing to revoke its current DEA Certificate of Registration, AF4169656, and to deny any pending applications for renewal of its registration as a retail pharmacy under 21 U.S.C. 823(f). The statutory bases for seeking the revocation of Respondent's DEA Certificate of Registration and the denial of any pending applications for renewal of the registration are that: (1) On April 6, 1986, in the United States

District Court for the District of Maryland, Julian Friedman, the owner and registered pharmacist of Taneytown Pharmacy, was convicted of conspiracy to distribute controlled substances in violation of 21 U.S.C. 846, a felony conviction relating to controlled substances, and (2) The pharmacy's continued registration is inconsistent with the public interest, as evidenced by, but not limited to the fact that an audit of the pharmacy records, for the period from May 1, 1983 to October 14, 1983, revealed excessive shortages of several controlled substances.

Respondent, through counsel, initially requested a hearing on the issues raised in the Order to Show Cause. Subsequent to requesting a hearing, Respondent, again through counsel, waived its opportunity for a hearing in this matter. Based upon Respondent's most recent action, the Administrator concludes that Respondent has waived its opportunity for a hearing on the issues raised in the Order to Show Cause, and enters this final order based upon the information contained in the agency's investigative file, pursuant to 21 CFR 1301.54(d) and 1301.54(e).

The Administrator finds that on April 6, 1986, in the United States District Court for the District of Maryland, Julian Friedman, the owner and registered pharmacist of Respondent pharmacy, was convicted, after entering a plea of guilty, or conspiracy to distribute controlled substances, to wit: Methaqualone, a Schedule II controlled substance at the time of the offense (methaqualone was subsequently placed in Schedule I); hydrocodone syrup and Tylenol with codeine, Schedule III controlled substances; and diazepam, phenobarbital and ethchlorvynal, Schedule IV controlled substances, in violation of 21 U.S.C. 846.

Mr. Friedman's conviction resulted from an investigation of Taneytown Pharmacy which was initiated after the Baltimore County Police Department had received numerous complaints regarding drug dealing in the Catonsville area of Baltimore County. The complaints led the police to Roger Greenberg, the alleged drug dealer. Further information indicated that Mr. Greenberg's source for the illicit drugs was Julian Friedman, the owner and pharmacist of Respondent pharmacy. Based upon this information, the Baltimore County Police Department followed Mr. Greenberg to Respondent pharmacy. In the pharmacy, a detective overheard Mr. Friedman state to Mr. Greenberg, "I was afraid to get you everything you wanted." Following the conversation, Mr. Greenberg entered the

back of the store with Mr. Friedman and was observed existing the pharmacy carrying a brown briefcase. Mr. Greenberg was later stopped by the police and the briefcase was searched. Inside the briefcase, police found 200 tablets of phenobarbital, 400 capsules of ethchlorvynal, 1000 tablets of diazepam and two pint bottles of hydrocodone syrup. All of the bottles of controlled substances seized were the type commonly found in pharmacies and not used for retail sales to the general public.

The Administrator concludes that Mr. Friedman's felony conviction relating to controlled substances constitutes a sufficient ground for the revocation of Respondent's DEA Certificate of Registration under 21 U.S.C. 824(a)(2). DEA has consistently held that the registration of a corporate registrant may be revoked upon a finding that a natural person who is an owner, officer, or key employee, or has some responsibility for the operation of the registrant's controlled substances business, has been convicted of a felony offense relating to controlled substances. See *Ozell Green, d/b/a Green's Prescription Center*, 51 FR 28897 (1986); *Ozie T. Faison d/b/a Smith's Discount Drugs*, Docket No. 85-37, 51 FR 16403 (1986); *Diodo Leduc d/b/a Farmacia Leduc*, Docket No. 85-5, 51 FR 12751 (1986); *Spoon's Pharmacy*, Docket No. 84-42, 50 FR 46520 (1985); *Daniel Levine, t/a Gladstone Pharmacy*, Docket No. 84-20, 50 FR 32651 (1985); *Coolidge Drugs, Inc., d/b/a The Apothecary*, 50 FR 31785 (1985); *Medicine Shoppe*, 50 FR 30533 (1985); *B. Ruppe Drugstore, Inc.*, Docket No. 84-16, 50 FR 23203 (1985); and *K & B Successors, Inc.*, Docket No. 82-15, 49 FR 34588 (1984).

The Administrator finds also that an audit of Respondent pharmacy's controlled substance records conducted by DEA personnel for the period from May 1, 1983 to October 14, 1983 revealed excessive shortages of various controlled substances. The shortages included the following: a 100% shortage of hydrocodone syrup; a 90.29% shortage of diazepam, 10mg.; a 52.67% shortage of diazepam, 5mg.; a 27.36% shortage of Tylenol with codeine #2 tablets; a 40.28% shortage of Tylenol with codeine #3 tablets; an 88.88% shortage of Tylenol with codeine #4 capsules; a 21.7% shortage of methaqualone; a 36.76% shortage of phenobarbital, 30mg.; a 91.77% shortage of phenobarbital, 60 mg.; and a 59.18% shortage of ethchlorvynal, 50mg. These shortages amount to almost 28,000 dosage units of

controlled substances for which the Respondent pharmacy could not account during a less than six month period. Such unexplained excessive shortages indicate that a very significant amount of controlled substances were diverted from Respondent pharmacy for other than legitimate purposes. Based upon these excessive shortages, the Administrator concludes that maintaining Respondent's pharmacy registration would be inconsistent with the public interest, as defined in 21 U.S.C. 823(f).

The Administrator concludes that, based upon the facts and circumstances involved in this matter, the registration of Taneytown Pharmacy should be revoked and any pending applications for renewal of its DEA Certificate of Registration should be denied. The Administrator further concludes that Mr. Friedman has demonstrated that he cannot be trusted to handle controlled substances. He blatantly ignored his professional obligations, both as a pharmacist and as the owner of Taneytown Pharmacy, when he chose to illegally distribute large quantities of controlled substances. Mr. Friedman's control over Respondent pharmacy is too extensive to justify the continued registration of Taneytown Pharmacy. Therefore, the Administrator concludes that revocation of this pharmacy's registration is the only appropriate sanction which will adequately protect the public interest.

Accordingly, having concluded that there are lawful bases for the revocation of Respondent's registration and for the denial of any pending applications for renewal, and having further concluded that under the facts and circumstances presented in this case, the registration should be revoked and any pending applications for renewal should be denied, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 24 and 28 CFR 0.100(b) orders that DEA Certificate of Registration, AF4169656, currently issued to Taneytown Pharmacy, be, and it hereby is, revoked. The Administrator further orders that any pending applications for renewal, be, and they hereby are, denied.

This order is effective January 15, 1987.

Dated: December 11, 1986.

John C. Lawn,
Administrator.

[FR Doc. 86-28174 Filed 12-15-86; 8:45 am]

BILLING CODE 4410-09-M

Albert E. Thill, M.D., Revocation of Registration

On August 30, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause proposing to revoke DEA Certificate of Registration AT0002965, previously issued to Albert E. Thill, M.D., of Laguna Beach, California. The statutory basis for revocation cited in the Order to Show Cause was Dr. Thill's conviction of a controlled substance-related felony offense in the United States District Court for the Central District of California. The Order to Show Cause, directed to Dr. Thill at his Laguna Beach address, was returned undelivered by the Postal Service, as was a subsequent mailing directed to Dr. Thill at an address in Long Beach, California. A copy of the Order to Show Cause was ultimately served upon Dr. Thill while he was incarcerated at the Federal Prison Camp at Lompoc, California.

Although several months have elapsed since Dr. Thill received the Order to Show Cause, the Drug Enforcement Administration has received no response thereto. Accordingly, pursuant to the provisions of 21 CFR 1301.54, the Administrator concludes that Dr. Thill has waived his opportunity for a hearing and, pursuant to the provisions of 21 CFR 1301.57, the Administrator hereby enters his final order in this matter, without a hearing, and based upon the investigation file and the record of this proceeding as it now appears.

The Administrator finds that Dr. Thill was charged, in an eight-count indictment, with conspiracy to distribute Preludin (phenmetrazine), a Schedule II non-narcotic controlled substance, in violation of 21 U.S.C. 846; distribution of a controlled substance in violation of 21 U.S.C. 841(a)(1); and aiding and abetting such unlawful distribution in violation of 18 U.S.C. 2. Dr. Thill entered pleas of guilty to counts four and five of the indictment and he was convicted of knowingly and intentionally distributing phenmetrazine outside the course of his professional practice and not for a legitimate medical purpose. The offenses of which Dr. Thill was convicted are felonies relating to controlled substances.

21 U.S.C. 824(a)(2) provides that a registration may be revoked upon a finding that the registrant has been convicted of a felony offense relating to controlled substances. Dr. Thill has been so convicted. There is a lawful basis for the revocation of his registration. Dr. Thill has not responded to the Order to

Show Cause and, therefore, has provided no evidence as to why his registration should not be revoked. Accordingly, the Administrator concludes that revocation is the only appropriate sanction in this matter.

Having concluded that there is a lawful basis for the revocation of Dr. Thill's registration and, having concluded that such registration should be revoked, the Administration of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AT0002965 be, and it hereby is, revoked. And pending applications for renewal of such registration are hereby denied.

This order is effective January 15, 1987.

Dated: December 11, 1986.

John C. Lawn,
Administrator.

[FR Doc. 86-28175 Filed 12-15-86; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comment.

SUMMARY: The National Archives and Records Administration (NARA) publishes a notice at least monthly of all agency requests for records disposition authority (records schedules) which include records being proposed for disposal or which reduce the records retention period for records already authorized for disposal. The first notice was published on April 1, 1985. Records schedules identify records of continuing value for eventual preservation in the National Archives of the United States and authorize agencies to dispose of records of temporary value. NARA invites public comment on proposed records disposals as required by 44 U.S.C. 3303a(a).

DATE: Comments must be received in writing on or before February 17, 1987.

ADDRESS: Address comments and requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy.

The control number appears in parenthesis immediately after the title of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records in the form of paper, film, magnetic tape, and other media. In order to control the accumulation of records, Federal agencies prepare records schedules which specify when the agency no longer needs them for current business and what happens to the records after the expiration of this period. Destruction of the records requires the approval of the Archivist of the United States, which is based on a thorough study of their potential value for future use. A few schedules are comprehensive; they list all the records of an agency or one of its major subdivisions. Most schedules cover only one office, or one program, or a few series of records, and many are updates of previously approved schedules.

This public notice identifies the Federal agencies and their appropriate subdivisions requesting disposition authority, includes a control number assigned to each schedule, and briefly identifies the records scheduled for disposal. The complete records schedule contains additional information about the records and their disposition. Additional information about the disposition process will be furnished with each copy of a records schedule requested.

Schedules Pending Approval

1. Department of the Air Force, Directorate of Administration (N1-AFU-86-62). Continuing health education program records.
2. Department of the Air Force, Directorate of Administration (N1-AFU-87-6). Requests for retraining.
3. Department of the Army, Office of the Adjutant General (NC1-AU-85-75). Records pertaining to the development of man-power staffing standards for support functions.
4. Department of the Army, Records Management Operations Office (N1-AU-86-9). Records summarizing the status of Army material development projects accumulated by offices other than the office responsible for maintaining these records on an Army wide-basis.
5. Department of the Army, Records Management Operations Office, Records Programs Division (N1-AU-86-52). Automated tracking system for medical research volunteers.
6. Department of the Army, Records Management Operations Office (N1-AU-87-2). Records relating to the general administration of Army research

and development programs accumulated by lower echelon offices.

7. Department of the Army, Information Systems Command (N1-AU-87-4). Information manager designation records.

8. Department of Agriculture, Forest Service, Resources Programs and Assessment (RPA) Staff (N1-95-86-8). RPA special studies case files (final report of each study has been designated for transfer to the National Archives).

9. Department of Agriculture, U.S. Forest Service, Fiscal and Accounting Management (NC1-95-83-7). Fiscal, accounting, and cost analysis records.

10. Department of Commerce, International Trade Administration (N1-151-87-1). Correspondence, secondary source materials from other government agencies and organizations in the private sector, and copies of general literature, 1949-57.

11. Department of Commerce, Business and Defense Services Administration (N1-151-87-2). Textile Trade Briefing Books, 1964, created by the Office of Textiles.

12. Department of Commerce, Business and Defense Services Administration (N1-151-87-3). General subject files, 1950-57, created by the National Production Authority.

13. Environmental Protection Agency, Budget Division (NC1-412-85-9). Comprehensive schedule covering records relating to the preparation, modification, and execution of the agency's budget.

14. General Services Administration, Public Buildings Service (NC1-121-81-1). Records relating to the space management program, including those concerning space assignment, lease and management, site acquisition, relocation, and project development.

15. Department of Housing and Urban Development, Office of Elderly and Assisted Housing Development (N1-207-86-3). Housing Development Grant Records.

16. Department of the Treasury, Customs Service (N1-36-87-1). Case activity report, used to input statistical data on time expended on individual cases into a machine readable data base.

17. Veterans Administration, Department of Veterans Benefits (N1-15-86-9). Lenders Identification File. Punched cards maintained in VA Data Processing Center for administrative purposes.

18. Veterans Administration, Department of Veterans Benefits (N1-15-86-12). Counseling/Evaluation/Rehabilitation (CER) folders. Working

files used for agency Field Station administrative purposes.

19. Veterans Administration, Department of Veterans Benefits (N1-15-86-13). Monthly machine generated reports relating to VA loans.

20. Veterans Administration, Department of Veterans Benefits (N1-15-87-1). Mortgage Loan Information Card, VA Form 26-8982. Cards used to collect information for portfolio loan borrowers.

Dated: December 9, 1986.

Frank G. Burke,

Acting Archivist for the United States.

[FR Doc. 86-28098 Filed 12-15-86; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL SCIENCE FOUNDATION

Committee Management; Reestablishment

The Assistant Director for Engineering has determined that the reestablishment of the Advisory Review Panel for Engineering Research Centers is necessary and in the public interest in connection, with the performance of duties imposed upon the Director, National Science Foundation (NSF) and other applicable law. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee

Advisory Review Panel for Engineering Research Centers (formerly named Advisory Panel for Engineering Research Centers)

Purpose

To review and evaluate Engineering Research Center proposals requesting NSF support to establish a center to develop fundamental knowledge in engineering fields that will enhance the international competitiveness of U.S. industry and prepare engineers to contribute through better engineering practice.

M. Rebecca Winkler,

Committee Management Officer.

December 10, 1986.

[FR Doc. 86-28099 Filed 12-15-86; 8:45 am]

BILLING CODE 7555-01-M

Privacy Act of 1974: New System of Records

AGENCY: National Science Foundation.

ACTION: Notice of new system of records and routine uses.

New System of Records

This document provides notice of the existence and character of a proposed new system of records, NSF-48, that is designated "Call Detail Records System". This system will be established and maintained by the NSF, enabling it to collect and use information relating to its employees and other persons using the NSF's telephone system, in accordance with requirements under the Privacy Act of 1974.

The NSF has established a call detail program to help it control the costs of operating its telephone system. To this end the program will collect information about the use of the agency's telephone system for long distance and other toll calls and will attempt to assign call responsibility to a telephone station. The purpose for this collection of information is to: (1) Assist the NSF in choosing more efficient and cost-effective ways of communicating, (2) make decisions about acquiring hardware, software, and services; (3) develop management strategies for using existing telecommunications capabilities more efficiently; (4) to certify telephone calls as being official government business; (5) deter the use of the telephone system for unofficial purposes; (6) and to recover for the agency the cost of unofficial calls.

EFFECTIVE DATE: The new system of records and its routine uses will become effective thirty days after publication of this notice, unless comments are received on or before that date that would result in a contrary determination. In this case a notice will be published to that effect.

ADDRESSES: Comments should be addressed to the Director, Division of Administrative Services, National Science Foundation, Room 201, 1800 G Street NW., Washington, D.C. 20550. Written comments will be available for public inspection in Room 201 at the above address between the hours of 9:00 am and 4:00 pm.

FOR FURTHER INFORMATION CONTACT: Herman Fleming, Privacy Act Officer, National Science Foundation, Room 208, 1800 G Street NW., Washington, D.C. 20550, (202) 357-9520.

NSF-48

SYSTEM NAME:

Telephone Call Detail Program.

SYSTEM LOCATION:

National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees (permanent, temporary, part or full time) and all contractors, sub-contractors, and consultants using the National Science Foundation telephone system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to use of NSF telephones to place long distance and other charges; records indicating assignment of telephone extension numbers to employees and other covered individuals; records relating to location of telephone extensions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records and data may be disclosed to employees, contract/sub-contract employees and other users of NSF telephone system to determine originating station for telephone calls, but only to the extent that such disclosures consist of comprehensive lists of called numbers, length of calls, location of called numbers, the day and time of calls.

Records may also be disclosed for law enforcement purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN SYSTEM:**STORAGE:**

Records are maintained manually in file folders, on diskettes and/or magnetic tapes.

RETRIEVABILITY:

Records are retrieved by telephone extension number or by telephone number called.

SAFEGUARDS:

NSF employs full-time guards around the clock and the building is locked during non-business hours. Rooms in which records are kept are locked during non-business hours. Manual and machine readable records are maintained in filing cabinets with restricted access that are locked after office hours.

RETENTION AND DISPOSAL:

Paper records are retained for 180 days and then destroyed, unless an active investigation is pending, then these records are maintained for 3 years and destroyed. Magnetic tapes are retained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Administrative Services, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

NOTIFICATION PROCEDURES:

The NSF Privacy Act Officer should be contacted in accordance with procedures found at CFR part 613.

RECORD ACCESS PROCEDURES:

See "Notification Procedures" above.

CONTESTING RECORD PROCEDURES:

See "Notification Procedures" above.

RECORD SOURCE CATEGORIES:

Telephone assignment records: Call detail listings (monthly).

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: December 11, 1986.

Herman G. Fleming,

NSF Privacy Act Officer.

[FR Doc. 86-28100 Filed 12-15-86; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-416/50-417]

Mississippi Power and Light Co.; Middle South Energy, Inc; South Mississippi Electric Power Association; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is issuing an exemption for an interim period from certain requirements of 10 CFR Part 100 to Mississippi Power and Light Company (MP&L), the South Mississippi Electric Power Association (SMEPA) and Middle South Energy, Inc. (MSE), which are the joint licensees for the Grand Gulf Nuclear Station (GGNS),¹ Unit 1 and Unit 2, located in Claiborne County, Mississippi.

Environmental Assessment*Identification of Proposed Action*

The proposed action would provide a temporary partial exemption to the joint licensees from 10 CFR 100.11(a)(1) insofar as it incorporates by reference the definition of "exclusion area" (10 CFR 100.3(a)) requiring that a reactor licensee have "the authority to determine all activities including exclusion or removal of personnel and

¹ MSE has recently changed its name to System Energy Resources, Inc. (SERI)

property from the area." The exemption would, for a limited period of time, not to extend beyond April 30, 1987, permit use of joint licensees' current exclusion area boundaries for purposes of 10 CFR 100.11 and 100.3(a) notwithstanding that the joint licensees have not demonstrated their ability, over the entire term of their construction permit for Unit 2 or operating license for Unit 1, to determine all activities in the exclusion area with respect to exercise of mineral rights within the exclusion area. This temporary partial exemption would be effective for the period of time until the mineral rights issue is resolved, or until April 30, 1987, whichever is earlier.

The Need for the Proposed Action

The exemption is required to permit the joint licensees to retain the current configuration of the exclusion area for GGNS, notwithstanding that joint licensees have not demonstrated, over the full term of their license and construction permit, the authority to determine the exclusion area activities of non-licensee owners of mineral rights.

Environmental Impact of the Proposed Action

Parties in addition to the joint licensees own varying fractions of the mineral rights in the Grand Gulf Nuclear Station exclusion area. However, joint licensees have submitted information which demonstrates that their failure to demonstrate complete control over the exercise of mineral rights for the terms of their current licenses will not have any practical ramifications or pose significant hazards to the public health and safety during the period through April 30, 1987. Joint licensees own or have agreements assuring complete control over access to the exclusion area for purpose of exercising any rights other than mineral rights. Physical control over the area is provided through fences and security forces. Any legal rights to the minerals of the exclusion area cannot be exercised lawfully by force, and must be obtained through legal steps requiring notice and opportunity to be heard by the State permitting authority. Joint licensees have various legal means for preventing the exercise of mineral rights in the exclusion area and they have committed to pursue these legal means if exercise of the mineral rights is attempted. This would effectively preclude site activities by any non-licensees mineral rights owners during the period of the exemption. In addition, it has been shown that the likelihood of attempts by non-licensees to exercise mineral

exploration rights in the vicinity of GGNS during the period of the exemption is very remote due to the drilling history of the region.

Therefore, during the limited period of this exemption, there is reasonable assurance that, although the licensees do not own all of the mineral rights in the exclusion area, issuance of the exemption will not affect any activities within the exclusion area. Consequently, the potential for any increase in the environmental impact associated with this exemption is insignificant.

Alternative to the Proposed Action

The staff has concluded that there is no measurable environmental impact associated with issuance of the exemption. The principal alternative would be to deny the requested exemption. This alternative would not reduce the environmental impacts of operations at the GGNS. However, denial of the exemption could result in some unwarranted interruption of power production.

Alternative Use of Resources

The issuance of the exemption discussed above does not involve the use of resources not previously considered in connection with the "Final Environmental Statement related to the Operation of the Grand Gulf Nuclear Station, Units 1 and 2," dated September 1981.

Agencies and Persons Contacted

The NRC staff reviewed the joint licensees' request for exemption and did not consult other agencies or persons.

Finding of No Significant Impact

The staff has reviewed the proposed action relative to the requirements set forth in 10 CFR Part 51. Based on this assessment, the staff concludes that there are no significant environmental impacts associated with the proposed action and that the issuance of the proposed exemption will have no significant impact on the quality of the human environment. Therefore, pursuant to 10 CFR 51.31, an environmental impact statement need not be prepared for this action.

For further details with respect to this action, see the request for exemption and approval of the exemption which is available for public inspection at the Commission's Public Document Room, 1717 H St., NW., Washington, DC 20555 and at the Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Dated at Bethesda, Maryland this 12th day of December 1986.

For The Nuclear Regulatory Commission.
Walter R. Butler,
Director, BWR Project Directorate No. 4,
Division of BWR Licensing.
[FR Doc. 86-28258 Filed 12-15-86; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corporation et al., Crystal River Unit 3 Nuclear Generating Plant; Exemption

I.

Florida Power Corporation (FPC, the licensee) and eleven other co-owners are the holders of Facility Operating License No. DPR-72, which authorizes operation of the Crystal River Unit 3 Nuclear Generating Plant (the facility or CR-3) at power levels not in excess of 2544 megawatts thermal. The license provides, among other things, that the facility is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a pressurized water reactor located at the licensee's site in Citrus County, Florida.

II.

Paragraph III.D.2(b)(ii) of Appendix J of 10 CFR Part 50 requires, in part, that a full pressure airlock leakage test be performed whenever airlocks are opened.

III.

By letter dated December 1, 1986, the licensee requested an Exemption from the requirement of 10 CFR 50, Appendix J, III.D.2(b)(ii) identified in Section II above. Instead, the licensee would conduct an airlock seal leakage test (Paragraph III.D.2(b)(iii) of Appendix J, 10 CFR Part 50) for the full pressure airlock test otherwise required by Paragraph III.D.2(b)(ii) when the airlock is opened while the reactor is in cold shutdown (Mode 5) or refueling (Mode 6), if no maintenance has been performed on the airlock that affects airlock sealing capabilities.

If an airlock is opened during Modes 5 and 6, Paragraph III.D.2(b)(ii) of Appendix J requires that an overall airlock leakage test at not less than the calculated peak containment pressure from a design-basis loss of coolant accident (Pa) be conducted before plant heatup and startup (i.e., before entering Mode 4). The existing airlock doors are designed such that a full-pressure test of an entire airlock can only be performed after strongbacks (structural bracing) have been installed on the inner door. Strongbacks are needed because the

pressure exerted on the inner door during the test is in a direction opposite to that of the accident pressure direction. Installing strongbacks, performing the test, and removing strongbacks requires at least 28 man-hours of effort per airlock and could occur several times during an outage and ultimately delay mode change and startup.

If the periodic six-month test of Paragraph III.D.2(b)(i) of Appendix J and the test required by Paragraph III.D.2(b)(iii) of Appendix J are current and no maintenance has been performed on the airlock, there should be no reason to expect the airlock to leak excessively just because it has been opened in Mode 5 or Mode 6. If maintenance has been performed which could affect airlock sealing capability, then a full-pressure airlock test will be performed following such maintenance.

The licensee's letter dated December 1, 1986, submitted information to identify the special circumstances for granting this exemption to CR-3 pursuant to the Final Rule amending 10 CFR 50.12 (50 FR 50764) published on December 12, 1985. The purpose of Appendix J to 10 CFR 50 is to assure that containment leak-tight integrity can be verified periodically throughout service lifetime so as to maintain containment leakage within the limits specified in the facility Technical Specifications. The proposed alternative test method, along with the six-month test requirement of Paragraph III.D.2(b)(i) of Appendix J and the testing requirements when maintenance is performed on the airlock that affects sealing capability, is sufficient to achieve this underlying purpose in that it provides adequate assurance of continued leak-tight integrity of the airlock. In addition, at the time this section of Appendix J was revised in 1980, the Commission's staff did not contemplate the undue hardship and cost through reduced operational flexibility and possible startup delay which would result from the requirement to perform a time-consuming full-pressure test before starting up from any cold shutdown during which the airlock had been used for containment entry. Because of this, the Commission's staff has already granted this same exemption to other plants, and intends to revise Appendix J to alleviate the need for further similar exemptions.

Based on the above discussion, the licensee's proposed substitution of an airlock seal leakage test described in III.D.2(b)(iii) for a full-pressure test as discussed above is acceptable.

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, this exemption is authorized by law, and will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances described by 10 CFR 50.12(a)(2)(ii) and (iii) exist in that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule since FPC has proposed an acceptable alternative method that accomplishes that intent of the regulation. Compliance would result in undue hardship that is significantly in excess of that contemplated when the regulation was adopted and that is significantly in excess of those incurred by others similarly situated in that operational flexibility is reduced and plant startup could be delayed.

Accordingly, the Commission hereby grants the exemption as described in Section III above from the requirements of 10 CFR 50, Appendix J, III.D.2(ii).

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (51 FR 44394).

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 9th Day of December, 1986.

For the Nuclear Regulatory Commission,
Frank Schroeder, Acting Director,

Division of PWR Licensing-B.

[FR Doc. 86-28177 Filed 12-15-86; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-15467; 813-75]

Application for Exemption; Star Reacher Limited Partnership

December 9, 1986.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

Applicant: Star Reacher Limited Partnership (formerly, Profit Allocation Limited Partnership) ("Partnership").

Relevant 1940 Act Sections: Exemption is requested under sections 6(b) and 6(e) as set forth below, and confidential treatment is requested under section 45(a).

Summary of Application: The Partnership seeks an order as an employees' securities company within the meaning of section 2(a)(13) of the 1940 Act exempting it from each and every provision of the 1940 Act or, alternatively, from the provisions of section 8(b), 8(e), 10(a), 12(d)(3), 13(a)(2), 15(a), 15(e), 16(a), 17(a), 17(f), 17(g), 18(i), 19(b), 21(b), 23(a), 23(b), 23(c), 30, of the 1940 Act and certain rules and regulations thereunder, and granting it confidential treatment for certain documents.

Filing Date: The application was filed on August 19, 1986, and amended on December 9, 1986.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on January 2, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, Washington, DC 20549.
Applicant, Prudential Plaza, Chicago, Illinois 60601, with a copy to Jerome W. Jakubik, Baker & McKenzie, Prudential Plaza, Chicago, Illinois 60601.

FOR FURTHER INFORMATION CONTACT: Denis R. Molleur, Staff Attorney (202) 772-2363 or Brion R. Thompson, Special Counsel (202) 772-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 253-4300).

Applicant's Representations

1. The Partnership is an employees' securities company within the meaning of section 2(a)(13) of the 1940 Act designed to provide a vehicle for Leo Burnett Company, Inc. and its affiliates (the "Company") to make available to certain key employees a growth investment program as a compensation incentive. The Company desires to make available to such key employees a program that is funded by contributions by the Company to the Partnership of profits of the Company in which the

employees can share through limited partnership interests. By pooling individual incentive compensation payments in the Partnership, the Company can provide to its employees the advantages of the returns available for investments in larger amounts than otherwise would be obtainable for the individual allocations.

2. The Partnership initially will have approximately 200 limited partners. The employees receiving interests in the Partnership would generally be those employees in the highest levels of the Company, who share a community of interests with each other and with the Company. Approximately 127 of the limited partners of the Partnership (together with the general partners of the Partnership) are "accredited investors" with respect to the Company within the meaning of Rule 501(a) under the Securities Act of 1933 and, thus, have considerable financial sophistication. The amount of the contributions to the Partnership by the Company and the employees to receive such contributions as compensation will be determined solely by the Company for the purpose of retaining and rewarding certain of its key employees. No such employee who is a recipient of limited partnership interests under the compensation plan will have any discretion as to whether such employee will receive such interests or the timing of the distributions. The Partnership will serve as an investment vehicle by the Company for the benefit of such employees, but will not involve any investment decisions by them.

3. The general partners of the Partnership will be from five to fifteen individuals, all of whom are directors and executive officers of the Company. The general partners will at all times own at least an aggregate interest of 1% of the Partnership and, accordingly, will be making investment decisions with respect to their own funds when they invest the assets of the Partnership. The general partners will keep minutes of their meetings which will be available at any reasonable time for inspection by any limited partner and any investment committee determination or other investment advice also will be in writing and similarly available for inspection. It is anticipated that any such investment determination will utilize the advice of independent and qualified professional investment advisors. Each general partner shall have all powers and rights necessary, proper, convenient or advisable to effectuate and carry out the purpose, business and objectives of the Partnership. No compensation will be paid to the general partners for their

services other than for out-of-pocket expenses incurred during the course of conducting the business of the Partnership. Such out-of-pocket expenses include mailing costs, travel expenses on behalf of the Partnership, telephone charges applicable to the Partnership's business and similar costs.

4. The Partnership will operate as a non-diversified, closed-end, management investment company within the meaning of the 1940 Act. The investment objective of the Partnership is to seek investments offering growth of capital. The Partnership may seek long term growth of capital through investments with high potential for long term appreciation, but also involving speculation and risk. The Partnership's investments may include bank certificates of deposit, shares or other securities of any issuer, foreign or domestic, including interests in mutual funds, and other types of financial investments. The nature and amount of such investments would be determined solely by the general partners, or an investment committee of general partners.

5. The Partnership requests an exemption from the requirement of filing registration statements under sections 8(b) and 8(e); from section 10(a) to permit all of the general partners of the Partnership also to be directors and officers of the Company; from section 12(d)(3) to permit the Partnership to enter into repurchase agreements with broker-dealers; from the requirement in section 13(a)(2) of obtaining the consent of a majority of the partners for substantial changes in the Partnership's investment policy; from sections 15(a) and 15(e) to permit the general partners and employees of the Company to analyze and review proposed investments without a written contract and to permit the general partners to retain investment advisors unrelated to the Partnership without a vote of the limited partners; from section 16(a) to permit the Company to designate the general partners of the Partnership without a vote of the partners; from section 17(a) to permit transactions with affiliated persons; from the custodial requirements of section 17(f) and the rules and regulations thereunder; from the bonding requirements of section 17(g) and the rules and regulations thereunder; from section 18(i) to permit partners in the Partnership to have only such voting rights as stated in the Limited Partnership Agreement; from section 19(b) to permit the Partnership to distribute to Partners long-term capital gains more frequently than once every twelve months; and from section 21(b) to

permit the Partnership to make loans to the Company.

Applicant further requests an exemption from section 23(a) to the extent it would prohibit the company from making capital contributions to the Partnership on behalf of such individuals' "services" as employees of the Company, and from section 23(b) to the extent that any valuation must be made within any minimum period of time prior to the Company's contribution of capital to the Partnership and the distribution of interests therein; and an exemption from section 23(c) and Rule 23c-1 to permit the Partnership to purchase, in accordance with the terms of the Limited Partnership Agreement, the Partnership interests of partners who withdraw from the Partnership. The Partnership asserts that it is unable to comply with paragraphs (a)(4), (6), (7), (10) and (11) or Rule 23c-1 under the 1940 Act, which recites the conditions under which a closed-end investment company may repurchase its shares without having to obtain an exemption order under section 23(c)(3).

6. The Partnership submits that the exemptions requested are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act because:

(i) The Partnership is an "employees" securities company" under the 1940 Act;

(ii) No sales load and no compensation is payable to the general partners, or any affiliated person;

(iii) There is a clear and substantial community of economic and other interests among the officers or employees of the Company as the partners of the Partnership and there is no broad public group of investors in the Partnership;

(iv) All investments in the Partnership, other than investments by the general partners, will be made by the Company as employee compensation payments for the purpose of rewarding and retaining employees, and such recipients will not be making any individual investment decisions;

(v) The proposed investment operations to be conducted by the Partnership were conceived and organized by the Company and will be conducted by persons who by reason of being directors and executive officers of the Company are responsible for supervising the limited partners as employees of the Company, and who also will have interests in the Partnership, and will not be promoted or conducted by persons outside the Company seeking to profit from fees for

investment advice or from the distribution of securities; and

(vi) Certain aspects of compliance with the provisions of the Act are potentially burdensome and unnecessary under the circumstances, particularly the imposition of unnecessary expenditures both of money and time on the part of the Partnership, and to some extent on the part of the staff of the Commission. The Partnership requests an exemption from the above listed sections of the 1940 Act, the reasons for which are fully set forth in the application.

7. The Partnership may enter into an investment, loan or other financial accommodation with the Company or any corporation or other entity affiliated with the Company only to the extent the general partners of the Partnership find the return to the Partnership from any such transaction to be reasonable and fair to the Partnership, such transaction does not involved overreaching on the part of any person concerned and such transaction is no less favorable to the Partnership than similar arms length transactions with non-affiliated persons. Section 17(a) of the 1940 Act will still preclude the Partnership from engaging in any transactions (other than those involving the Company) with entities in which the general partners own a "controlling" interest (as described in section 2(a)(9) of the 1940 Act.

The Partnership covenants that no general partner, directly or indirectly (other than as an employee or shareholder of the Company or as a partner in the Partnership), may benefit in such general partner's individual capacity in any investment or asset of the Partnership. The Partnership also represents that no brokers' commissions or expenses for the foregoing transactions will be paid to an affiliate. The Partnership specifically represents and concedes that the general partners are subject to sections 9, 36 and 37 of the 1940 Act, and will, at all times, comply with the requirements of such sections and of sections 57(f)(3) and 57(h) of the 1940 Act.

8. The Partnership states that because of the strong community of interest among the partners of the Partnership and the Company, and particularly since the contributions to the Partnership in almost all cases will be made by the Company, the general partners may deem an investment, loan or other financial accommodation to the Company or any other person (including those with which the Company is affiliated) to be in the best interests of the employee partners and should be able to enter into such transaction

without further application or approvals. It is not anticipated that such transactions will be frequent nor that all of the investment portfolio of the Partnership would be so invested. The circumstances of such transactions if they arise, however, are unlikely to permit the time necessary to obtain specific Commission approval. It is submitted that such transactions are consistent with the nature of the Partnership that Company-interested investments be permitted.

9. The Partnership will be funded with Company profits and were the Company to be in financial difficulty it would simply not make further contributions, rather than making such contributions and borrowing such funds back from the Partnership. Moreover, earlier profits deposited in the Partnership by the Company could be loaned to the Company in such circumstances only if such loan is found by the general partners to be in the best interests of the Partnership. The general partners who will determine whether such transactions are made will not be removed from the investment company, but will be deciding the investment of their own capital contributions, as well as those of the limited partners. In addition, the limited partners will be key employees of the Company most of whom are "accredited investors", will be in daily contact with one or more of the general partners, and thereby will be able to have access to the general partners to question their decisions. Moreover, if the general partners abuse their authority, they may be removed by the limited partners.

10. An exemption is requested from section 30 to permit the Partnership to report annually to the limited in the manner prescribed by the Limited Partnership Agreement. The Partnership submits that providing annual rather than semi-annual reports to the limited partners is consistent with the protection of investors and the policies fairly intended by the 1940 Act. For similar reasons, it is further requested that filings under section 30 made by the Partnership be afforded confidential treatment under section 45(a) of the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 86-28150 Filed 12-15-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; City of Santa Ana, Orange County, CA

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 the proposed widening of Bristol Street between Memory Lane and Warner Avenue in the City of Santa Ana, Orange County, California.

FOR FURTHER INFORMATION CONTACT: Glenn Clinton, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone (916) 551-1310.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation and the City of Santa Ana will prepare an Environmental Impact Statement (EIS) on the proposed widening of Bristol Street. The project is necessary to reduce congested traffic.

The original Notice of Intent for a smaller section of the project described above was published on November 1, 1985, in *Federal Register* Vol. 50, No. 212, page 45702. The limits of the proposed widening project have been changed to include the area between First Street and Memory Lane.

Alternatives under consideration include: (1) Take no action; (2) Widen Bristol Street to 100 feet between Memory Lane and Warner Avenue on the east; (3) Widen Bristol Street to 100 feet between Memory Lane and Warner Avenue on the west; (4) Widen Bristol Street on both the east and west sides; (5) Intersection widening and upgrades only on Bristol Street and cross-streets; (6) Widen Bristol Street to 120 feet in the configurations discussed in (2) to (4) above.

A formal scoping meeting is scheduled for Wednesday, December 10, 1986 at 7:00 p.m. in the City Hall Annex, Building 23 located at the corner of Santa Ana Boulevard and Ross Street, Santa Ana, California.

To insure that a full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA 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 December 1, 1986.

Glenn C. Clinton,

District Engineer, Sacramento, CA.

[FR Doc. 86-28135 Filed 12-15-86; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Waukesha County, WI

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 improvement project in Waukesha County, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Mr. Michael M. Moravec, Environmental Coordinator, Federal Highway Administration, 4502 Vernon Boulevard, Madison, Wisconsin 53705-4905; telephone (608) 264-5947.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation, is currently preparing an Environmental Impact Statement for transportation improvements to State Trunk Highway (STH) 59 in Waukesha County, Wisconsin. The study area extends approximately seven miles from County Trunk Highway (CTH) "A" in the City of Waukesha, east to 124th Street (Milwaukee County Line). The section of STH 59 under study has limited vehicular capacity, poor roadway geometrics, and limited sight distance along the roadway and at several intersections. For many years there has been interest in improving safety and relieving congestion in this transportation corridor.

Planning, environmental, and engineering studies are underway to develop transportation improvement alternatives. The EIS will assess the need, location, and environmental impacts of alternatives including: (1) The no-build alternative, and (2) reconstruction of the existing roadway, which would consider the following options: a four-lane undivided urban roadway; a four-lane divided urban roadway; a four-lane divided with auxiliary lanes; a five-lane undivided roadway; and a combination of the above.

Coordination and Scoping Process

Coordination activities will begin soon and will involve agencies that are identified as having an interest in or jurisdiction by law regarding the proposed action. Agencies will be notified by mail of the date of the formal scoping meeting. In addition, coordination will continue with local units of government, private interest groups, and local citizens, including public meetings.

Comments and suggestions are invited from all interested parties to insure that the full range of issues related to the proposed action are addressed and all significant issues identified. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided.

(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: December 8, 1986.

Frank M. Mayer,

Division Administrator, Madison, Wisconsin.

[FR Doc. 86-28101 Filed 12-12-86; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1986 Rev., Supp. No. 6]

Surety Companies Acceptable on Federal Bonds: Sentry Insurance a Mutual Co.

The Certificate of Authority as an acceptable surety on Federal bonds is hereby renewed, effective July 1, 1986, for the following Company under sections 9304 to 9308, Title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1986 Revision, on page 23950 to reflect this addition:

Sentry Insurance A Mutual Company.
BUSINESS ADDRESS: 1800 North Point Drive, Stevens Point, WI 54481.

UNDERWRITING LIMITATION^b:
\$4,306,000. SURETY LICENSES^c. All except CU and VI. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS^d

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to Underwriting Limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Department of the Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, DC 20226, telephone (202) 634-2381.

Dated: December 9, 1986.

Mitchell A. Levine,

Assistant Commissioner, Comptroller, Financial Management Service.

[FR Doc. 86-28102 Filed 12-15-86; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register

Vol. 51, No. 241

Tuesday, December 16, 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).

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: Thursday, December 18, 1986, At 2:00 p.m.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, DC.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE

INFORMATION: Ms. Gravelee (202) 377-6679.

MATTERS TO BE CONSIDERED: Regulation of direct investment by insured institutions.

No. 12, December 12, 1986.

Jeff Sconyers

Secretary.

[FR Doc. 86-28238 Filed 12-12-86; 12:01 pm]

BILLING CODE 6720-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of December 15, 22, 29, 1986 and January 5, 1987.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of December 15

Tuesday, December 16

9:30 a.m.

Briefing on Status of TVA (Open/Portion Closed—Ex. 5 & 7)

Wednesday, December 17

10:00 a.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

2:00 p.m.

Briefing on Source Term and Severe Accident Matters (Public Meeting)

Thursday, December 18

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Final Rulemaking on Revisions to Operator Licensing—10 CFR Part 55 and Conforming Amendments (Tentative)

b. Proposed Revision to Part 110 Concerning Import of Uranium from South Africa (Tentative)

Week of December 22—Tentative

No Commission meetings

Week of December 29—Tentative

No Commission meetings

Week of January 5—Tentative

Thursday, January 8

10:00 a.m.

Briefing on Status of Safety Goal Implementation (Public Meeting)

2:00 p.m.

Discussion/Possible Vote on Full Power Operating License for Shearon Harris (Public Meeting)

Friday, January 9

10:00 a.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Proposed Order on Shearon Harris (Tentative)

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING)—(202) 634-1498.

CONTACT PERSON FOR MORE

INFORMATION: Rober McOsker (202) 643-1410.

Robert B. McOsker,

Office of the Secretary.

December 11, 1986.

[FR Doc. 86-28257 Filed 12-12-86; 3:39 pm]

BILLING CODE 7590-01-M

Corrections

Federal Register

Vol. 51, No. 241

Tuesday, December 16, 1986

This section of the FEDERAL REGISTER contains editorial corrections of previously published Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency-prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 301 and 319

[Docket No. 86-341]

Unshu Oranges; Japan

Correction

In proposed rule document 86-27745 beginning on page 44481 in the issue of Wednesday, December 10, 1986, make the following corrections:

1. On page 44481, in the first column, in the **DATE** caption, in the third line, "1970" should read "1987".

2. On the same page, in the second column, in the fourth paragraph, in the fourth line, "7 CFR 319.8" should read "7 CFR 319.28".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 85N-0286]

International Drug Scheduling; Convention on Psychotropic Substances; Barbiturate-Type Sedative and /or Hypnotic Drug Substances; Public Meeting

Correction

In notice document 86-24213 beginning on page 37977 in the issue of Monday, October 27, 1986, make the following corrections:

1. On page 37977, in the third column, the heading **United Nations Nations Unies** should be transferred to appear after the first complete paragraph.

2. On page 37978, in the third column, in paragraph 2.1.1, in the fifth line, "diallylmalonylurea" was misspelled.

3. On page 37979, in the first column, in paragraph 2.5.1, in the fourth line, "allylbarbital" was misspelled.

4. On the same page, in the third column, "Secbutobarbital" should read "Secbutabarbital" in paragraph 2.24 and wherever else it appeared in the third column and on page 37980 in the first column.

5. On page 37979, in the third column, in paragraph 2.24.1, in the last line "secumalnatrrium" was misspelled.

6. On the same page, in the same column, in paragraph 2.24.2, in the fourth line, after "hypnotic" insert "barbiturate with a profile similar to that of pentobarbital. As a hypnotic,". Also in the fifth line "does-related" should read "dose-related".

7. On the same page, in the same column, in paragraph 2.24.5, in the third line from the bottom, "is" should read "in".

8. On page 37980, in the second column, in the fourth complete paragraph, in the fourteenth line, "an" should read "and".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 171

Proposed Customs Regulations Amendment Relating to the Definition of Fraud Under 19 U.S.C. 1592

Correction

In proposed rule document 86-27705 beginning on page 44483 in the issue of Wednesday, December 10, 1986, make the following correction:

On page 44483, in the first column, the **DATE** caption should read as follows:

DATE: Comments must be received on or before February 9, 1987.

BILLING CODE 1505-01-D

REFERENCES

ANDERSON, R. A. (1958) *Journal of the American Statistical Association*, 53, 130-135.

ANDERSON, R. A. (1960) *Journal of the American Statistical Association*, 55, 130-135.

ANDERSON, R. A. (1962) *Journal of the American Statistical Association*, 57, 130-135.

ANDERSON, R. A. (1964) *Journal of the American Statistical Association*, 59, 130-135.

ANDERSON, R. A. (1966) *Journal of the American Statistical Association*, 61, 130-135.

ANDERSON, R. A. (1968) *Journal of the American Statistical Association*, 63, 130-135.

ANDERSON, R. A. (1970) *Journal of the American Statistical Association*, 65, 130-135.

ANDERSON, R. A. (1972) *Journal of the American Statistical Association*, 67, 130-135.

ANDERSON, R. A. (1974) *Journal of the American Statistical Association*, 69, 130-135.

ANDERSON, R. A. (1976) *Journal of the American Statistical Association*, 71, 130-135.

ANDERSON, R. A. (1978) *Journal of the American Statistical Association*, 73, 130-135.

ANDERSON, R. A. (1980) *Journal of the American Statistical Association*, 75, 130-135.

ANDERSON, R. A. (1982) *Journal of the American Statistical Association*, 77, 130-135.

ANDERSON, R. A. (1984) *Journal of the American Statistical Association*, 79, 130-135.

ANDERSON, R. A. (1986) *Journal of the American Statistical Association*, 81, 130-135.

ANDERSON, R. A. (1988) *Journal of the American Statistical Association*, 83, 130-135.

ANDERSON, R. A. (1990) *Journal of the American Statistical Association*, 85, 130-135.

ANDERSON, R. A. (1992) *Journal of the American Statistical Association*, 87, 130-135.

ANDERSON, R. A. (1994) *Journal of the American Statistical Association*, 89, 130-135.

ANDERSON, R. A. (1996) *Journal of the American Statistical Association*, 91, 130-135.

ANDERSON, R. A. (1998) *Journal of the American Statistical Association*, 93, 130-135.

ANDERSON, R. A. (2000) *Journal of the American Statistical Association*, 95, 130-135.

ANDERSON, R. A. (2002) *Journal of the American Statistical Association*, 97, 130-135.

ANDERSON, R. A. (2004) *Journal of the American Statistical Association*, 99, 130-135.

ANDERSON, R. A. (2006) *Journal of the American Statistical Association*, 101, 130-135.

ANDERSON, R. A. (2008) *Journal of the American Statistical Association*, 103, 130-135.

ANDERSON, R. A. (2010) *Journal of the American Statistical Association*, 105, 130-135.

ANDERSON, R. A. (2012) *Journal of the American Statistical Association*, 107, 130-135.

ANDERSON, R. A. (2014) *Journal of the American Statistical Association*, 109, 130-135.

ANDERSON, R. A. (2016) *Journal of the American Statistical Association*, 111, 130-135.

ANDERSON, R. A. (2018) *Journal of the American Statistical Association*, 113, 130-135.

ANDERSON, R. A. (2020) *Journal of the American Statistical Association*, 115, 130-135.

Federal Register

Tuesday
December 16, 1986

Part II

Department of the Interior

Office of Surface Mining Reclamation and
Enforcement

30 CFR Part 950

Surface Coal Mining and Reclamation
Operations; State-Federal Cooperative
Agreements; Wyoming; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

Surface Coal Mining and Reclamation Operations; State-Federal Cooperative Agreements; Wyoming

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

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE), Department of the Interior, amends the cooperative agreement between the Department of the Interior and the State of Wyoming for the regulation of surface coal mining and reclamation operations and certain exploration operations on lands subject to the Federal lands program in Wyoming. Cooperative agreements are provided for by section 523(c) of the Surface Mining Control and Reclamation Act of 1977. The amendments clarify Wyoming's responsibility for the administration of its approved State program on lands subject to the Federal lands program in Wyoming.

EFFECTIVE DATE: January 15, 1987.

FOR FURTHER INFORMATION CONTACT: Mary Josie Smith, Office of Surface Mining Reclamation and Enforcement, Division of Permit and Environmental Analysis, 1951 Constitution Avenue, NW., Washington, DC 20240; Telephone (202) 343-5150.

SUPPLEMENTARY INFORMATION: This preamble is divided into four parts as follows:

- I. Background
- II. The State of Wyoming's Amendment Request
- III. Summary of Cooperative Agreement and Responses to Public Comments
- IV. Administrative and Procedural Matters

I. Background

The previous cooperative agreement between the Department of the Interior and the State of Wyoming was signed by the Secretary of the Interior and the Governor of Wyoming on January 7, 1981, and became effective on March 18, 1981. See 46 FR 9065 (January 28, 1981) for the final rule promulgating the previous cooperative agreement and 46 FR 17191 (March 18, 1981) for the notice of its effective date.

OSMRE published final regulations (48 FR 6912) on February 16, 1983, amending the Federal lands regulations in 30 CFR Chapter VII, Subchapter D. Those regulations allow States with cooperative agreements to assume greater responsibility for regulating

surface coal mining and reclamation operations on Federal lands than was previously allowed.

The State of Wyoming requested on June 27, 1983, that the cooperative agreement be revised to reflect the new Federal lands rules. OSMRE proposed the requested amendments in the February 2, 1984, *Federal Register* (49 FR 4106) and announced a public comment period on the proposed rules open until March 5, 1984. The notice also provided for a public hearing at OSMRE's Wyoming Field Office on February 29, 1984. Because no person contacted OSMRE to express an interest in testifying at the public hearing it was not held. OSMRE received written comments from four commenters during the public comment period. OSMRE's disposition of each comment received is described below under "Summary of the Cooperative Agreement and Responses to Public Comments."

The nature and extent of the Secretary's ability to delegate authority for surface coal mining operations on Federal lands to States through cooperative agreements was a subject of a recent Federal District Court opinion in *In Re: Permanent Surface Mining Regulation Litigation II*, Civil Action No. 79-1144 (D.D.C.; July 6, 1984). The Wyoming Cooperative Agreement adopted here is consistent with that opinion and delegates the Secretary's authority under the Surface Mining Act which is required to be covered under the Federal lands program and retains the Secretary's non-delegable responsibilities under the Mineral Leasing Act.

Although OSMRE has not yet amended the scope of the Federal lands program, 30 CFR 740, to be consistent with the District Court decision, this agreement encompasses the salient features of that decision. If changes to the Federal lands program are adopted which are not covered by this agreement, OSMRE and the Secretary will promptly initiate steps necessary to conform the agreement.

II. The State of Wyoming's Amendment Request

In view of the expanded role allowed by OSMRE's Federal lands regulations (48 FR 6912, February 16, 1983), the State of Wyoming requested on June 27, 1983, that the cooperative agreement between the Department and the State be amended, and submitted proposed changes to the agreement for Departmental review. The provision for amending cooperative agreements is found in 30 CFR 745.14. Under it, a cooperative agreement which has been approved pursuant to 30 CFR 745.11 may

be amended by mutual agreement of the Secretary and of the Governor of a State. Amendments to a cooperative agreement must be adopted by Federal rulemaking in accordance with 30 CFR 745.11.

Sections 745.11(b) (1) through (8) require that certain information be submitted with a request for a cooperative agreement if the information has not previously been submitted in the State program.

The information relating to the budget, staffing, organization and duties of the State regulatory authority, the Wyoming Department of Environmental Quality, Land Quality Division, was submitted when Wyoming requested its previous cooperative agreement. See 46 FR 9065; January 28, 1981. OSMRE has determined that this information satisfies the requirements for this amendment to the cooperative agreement and no additional information is needed. A written certification from the Wyoming Attorney General was also included in the State's request for its previous cooperative agreement. The Attorney General concluded that no State statutory, regulatory or other legal constraint exists which would limit the capability of the State to fully carry out the cooperative agreement.

III. Summary of Cooperative Agreement and Responses to Public Comments

A summary of the changes to the previous cooperative agreement and responses to public comments appear below. The full text of the new cooperative agreement is being published for continuity and for the convenience of the reader.

As proposed, the introductory paragraph preceding Article I is revised to clarify that the Cooperative Agreement (Agreement) is between the Governor of the State of Wyoming acting by and through the Department of Environmental Quality, Land Quality Division, and the Secretary of the Department of the Interior acting by and through the Office of Surface Mining Reclamation and Enforcement. No comments were received relative to this clarification.

Article I: Introduction and Purpose

Minor editorial revisions were made to the introductory paragraph and the first paragraph of Article I.1. for clarity.

The second paragraph of previous Article I.1. was proposed to be amended by deleting the phrase "for surface coal mining and reclamation operations" because the definition of "surface coal mining and reclamation operations" in section 701(28) of the Act does not

include coal exploration operations which are subject to section 512 of the Act. Deletion of this phrase would have eliminated the limitation on the applicability of the Agreement to activities included in the definition of "surface coal mining and reclamation operations." Thus, the State would have been able to regulate coal exploration operations except those covered by section 4 of the Federal Coal Leasing Amendments Act of 1975. This proposal is consistent with the Federal lands program and the State program which contain requirements for coal exploration operations. No comments were received relative to this change.

Final Article I.1. does not delete the phrase "for surface coal mining and reclamation operations"; it adds the phrase "coal exploration operations not subject to 43 CFR Parts 3480 through 3487." This change was necessary to clarify what types of activities are covered by the Agreement and it results in no substantive change from the proposal. New Article I.1. also includes references to the various programs and laws and clarifies that the Agreement is consistent with the Wyoming Environmental Quality Act. The paragraph now reads "[i]n this Agreement provides for State regulation of coal exploration operations not subject to 43 CFR Parts 3480 through 3487 and surface coal mining and reclamation operations in Wyoming subject to the Federal lands program (30 CFR 740 through 746) consistent with the Act, the Wyoming Environmental Quality Act (W.S. 35-11-401-437), and the Wyoming State program (Program)."

As proposed, the phrase "coal exploration operations not subject to 43 CFR Parts 3480 through 3487" has also been added to Article I.2(a) for the same reason as noted above. No comments were received relative to this change.

Article II: Effective Date

Article II has been revised to clarify that the Agreement will not take effect until thirty days after the signed Agreement is published in the **Federal Register**. This change is necessary for compliance with the Administrative Procedure Act.

As proposed, Article II has also been revised by replacing the roman numeral "IX" at the end of the last sentence with roman numeral "X" to correspond to the redesignation of the Article covering termination. No comments were received relative to this change.

Article III: Scope

The first sentence of Article III is revised to acknowledge that the Federal lands regulations in 30 CFR Part 740

through 746 make the requirements of a State program applicable to lands subject to the Federal lands program. This differs from the proposal in so far as the applicability of the final Agreement is keyed to the scope of the Federal lands program, when the Federal lands program is amended to conform with the District Court decision, this Agreement will be so amended automatically. The first sentence has also been amended to delete the reference to the conditional approval of the Wyoming program because it is fully approved. The first sentence now reads "[i]n accordance with the Federal lands regulations in 30 CFR Parts 740 through 746, the laws, regulations, terms and conditions of the Wyoming State program as approved or amended in accordance with 30 CFR Part 732, are applicable to lands in Wyoming subject to the Federal lands program except as otherwise stated in this Agreement, the Act, 30 CFR Part 745, or other applicable laws or regulations." Thus, this provision is consistent with the Federal lands program, which adopted the Wyoming State Program as substantive Federal law on all Federal lands in Wyoming and made it enforceable by the State and the United States.

As proposed, Article III has also been revised to state "[o]rders and decisions issued by the State in accordance with the Program that are appealable shall be appealed as provided for by State law." Article III also states "[o]rders and decisions issued by the Department that are administratively appealable shall be appealed to the Department's Office of Hearings and Appeals." These provisions clarify the proper jurisdiction for appeals of orders from the respective agencies. No comments were received on this change. The term "administratively" has been added to the new Agreement to more accurately describe those Departmental orders and decisions that are appealable.

Article IV: Requirements for the Agreement

In paragraph 5(a) of Article IV, the term "State regulatory authority" has been replaced with the term "Division" to more clearly reflect which State entity has responsibility for administering the Agreement. Final paragraph 5(b) is changed from the previous and proposed agreements by stating that the State has the authority to carry out this Agreement. This change is necessary because various State agencies have differing authorities pursuant to the Wyoming Environmental Quality Act, the State's enabling surface mining legislation. Minor editorial

revisions have also been made to paragraphs 5 (a) and (b) for clarity.

As proposed, paragraph 5(c) has been revised by adding language describing the cooperative agreement grant process. This paragraph has also been revised to clarify that the Department shall reimburse the State as provided in the grant agreement. Language was added, as proposed, which requires that OSMRE and the State promptly meet to decide on appropriate measures to be taken to ensure that mining and exploration operations are regulated in accordance with the Program if adequate funds have not been appropriated. Termination is authorized if agreement cannot be reached. No comments were received relative to the proposed changes.

As proposed, paragraph 5(d) has been revised by adding a parenthetical limitation on the obligation of OSMRE and the State to exchange information developed under the Agreement. Such an exchange will not occur where prohibited by Federal law. For example, in certain instances where requested by the citizen, the identity of a person requesting a Federal inspection will be withheld from the State in accordance with 30 CFR 842.12(b) which prohibits disclosure of such information.

In the State of Wyoming's comments to OSMRE on the proposed agreement, the State urged that the identity and full complaint of a citizen should be shared with the State regulatory authority.

OSMRE has not accepted this suggestion. As mentioned above, 30 CFR 842.12(b) prohibits OSMRE from revealing the citizen's identity where he or she has requested anonymity.

Minor editorial changes to paragraphs 5 (d), (e), and (f) have been made for clarity.

As proposed, paragraph 5(g) concerns permit application fees. Fees will be determined according to W.S. 35-11-406 and will be retained by the State and deposited with the State Treasurer. Readers should be aware that OSMRE has recently proposed rules governing the collection of permit fees for certain activities related to the review of permits and mining plans. (50 FR 7522, February 22, 1985).

As proposed, the permit fee rule would involve recovery by the Department of costs incurred by the State; it would not affect fees charged by the State. Should the final permit fee rule require modification of any cooperative agreement, OSMRE will propose appropriate changes in the **Federal Register**.

*Article V: Policies and Procedures:
Permit Application Package Review*

As proposed, Article V has been retitled "Policies and Procedures: Permit Application Package Review" for consistency with the Federal lands regulations in 30 CFR Part 740. In those regulations, OSMRE adopted the term "permit application package" (PAP) to describe the material submitted by an applicant for a proposed surface coal mining and reclamation operation on Federal lands. OSMRE adopted the term because there are requirements for mining on Federal lands that are in addition to those required for a permit application under the State program for non-Federal lands. For example, operations on Federal lands may be subject to requirements of the Federal land management agency or of the Secretary under Federal laws other than the Act. Such information must be included with the permit application required by the State program.

Throughout this Article and elsewhere in the Agreement, the term "operator" has been replaced with the term "applicant" to more accurately define the person submitting the PAP.

As proposed, the PAP must be submitted in the form required by the State and will include any supplemental information required by OSMRE. Also as proposed, the PAP must include, at a minimum, the information necessary for the State to make a determination of compliance with the State regulatory program, and the information necessary for the Secretary and other Federal agencies to determine compliance with all other requirements for mining on Federal lands. Federal laws which may be applicable include the Mineral Leasing Act of 1920, as amended, and other Federal laws including but not limited to those listed in Appendix A to the Agreement.

One commenter requested that Appendix A be expanded to include the Bald and Golden Eagle Protection Act, Migratory Bird Treaty Acts, and Fish and Wildlife Coordination Act. OSMRE has accepted this suggestion and has revised Appendix A accordingly.

Proposed paragraph 6 of Article V required that the State forward to the Bureau of Land Management (BLM) any material submitted by an applicant solely to comply with the 3-year requirement of section 7(c) of the Mineral Leasing Act of 1920. If the material was submitted as part of the PAP, the State would send a copy of the entire package to BLM. This provision was proposed to meet the requirements of 43 CFR Part 3480.

The State of Wyoming suggested that the Agreement be revised to clarify that OSMRE will submit the "3-year material" to BLM if it is submitted to the State as part of a PAP. OSMRE agrees with the State. The new Agreement requires the State to forward such material to OSMRE. OSMRE will then forward it to BLM.

The State also suggested that the requirement that the PAP include any supplemental information required by OSMRE be stricken because such a requirement is redundant. OSMRE does not accept the State's suggestion. OSMRE may in some cases require additional information relating to valid existing rights or other areas of OSMRE statutory responsibility. Therefore, OSMRE must have the flexibility to require additional information in the PAP where a need for such information becomes apparent.

As proposed, paragraph 6(e) of the previous cooperative agreement has been removed as unnecessary because adequate provisions for specifying the level of information required in a PAP are contained elsewhere in paragraph 6.

As proposed, paragraphs 7 through 16 of the previous cooperative agreement have been renumbered as paragraphs 7 through 12 and revised to describe the procedures for the cooperative review and analysis of the PAP in accordance with the Federal lands program.

Paragraph 7(a) continues to identify the State as primarily responsible for the analysis and review of the permit application component of the PAP. The new Agreement also clarifies that the State will have primary authority for the approval or disapproval of the permit application. This change is consistent with the Federal lands program and the July 6, 1984, Federal District Court decision. If requested by the State, OSMRE will assist as possible in the review of the permit application. The Department will carry out its responsibilities which cannot be delegated to the State under other Federal laws and regulations concurrently with the State's review of the permit application.

Paragraph 7(b) also requires that the Department carry out its responsibilities under other Federal laws and regulations in a timely manner to avoid duplication of the responsibilities of the State.

Paragraph (7)(c) addresses the responsibility for handling other Federal laws. The agreement requires the permit issued by the State to include, to extent allowable by Wyoming law, applicable conditions required by the lease issued pursuant to the Mineral Leasing Act, or by other applicable Federal laws and

regulations in accordance with 30 CFR 740.13(c)(1).

Wyoming is concerned that 30 CFR 740.13(c)(1) appears to require the State to include and enforce conditions required by other Federal laws. The State has pointed out that it lacks authority to enforce other Federal laws and regulations.

This Cooperative Agreement does not require nor authorize the State of Wyoming to enforce Federal laws other than the Act. However, the State will enforce its own permits, including those permit conditions required under 30 CFR 740.13(c)(1). The State must consider the comments of Federal agencies in the context of permit issuance and will document these comments in the record of permit decisions. After considering the comments and proposed conditions of Federal agencies, the State may adopt the recommended conditions. If the State does not incorporate a permit condition proposed pursuant to other Federal laws and regulations, the State will document why the condition was not accepted and transmit the documentation to OSMRE. OSMRE may agree with the State that the condition is not necessary. When OSMRE believes the conditions are necessary, it has a variety of options to consider to impose those conditions—

(1) OSMRE may work with the Federal land management agency to find another means to resolve the issue.

(2) Those conditions associated with Federal laws other than the Act could be included as part of the mining plan approval, surface use permit, or other Federal authorization.

(3) In rare instances where no other Federal authorizations will be required, OSMRE will, after consulting with other Federal agencies as required by this Cooperative Agreement, issue a supplemental SMCRA permit attaching only those conditions which are necessary to assure compliance with other Federal laws. The State shall not be required to enforce the conditions of the Federal permit.

As proposed, a new provision, under paragraph 7(d), allows OSMRE and the State to develop working agreements specifying any delegable responsibilities of other Federal laws and regulations which may be delegated to the State without amendment to the Agreement. This provision recognizes that, in the interest of reducing duplication in the review of PAPs, the State may assume certain responsibilities that are fully or partially delegable which would otherwise be performed by OSMRE. For example, a working agreement may specify how the State can assist the

Secretary in meeting his responsibilities under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA). It is possible for the State to perform much of the basic research and analysis required for the Secretary to meet his NEPA responsibilities, although the Secretary will assume full responsibility for ensuring compliance with NEPA. Joint preparation of NEPA documents is an authorized means of achieving that compliance and is consistent with 30 CFR 740.4(c)(7).

One commenter expressed concern that the "working agreement" provision would allow Federal responsibilities pertaining to the Endangered Species Act, the Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act to be delegated to the State. The commenter suggested that the provision be deleted or modified to allow for the responsible Federal agency to concur in the working agreement.

Another commenter wanted the Agreement to clarify that "working arrangements" would cover only OSMRE functions and responsibilities. The commenter also suggested that working agreements be entered into only with the concurrence of any affected Federal land management agency.

One comment was received encouraging the development of working agreements between OSMRE and the State to eliminate duplication of responsibility and effort.

Working agreements may include only those responsibilities which can be delegated. Thus, while working agreements may allow the State to assist the Department, responsibility for all non-delegable functions will remain with the Department. However, to eliminate the expressed confusion over which Federal responsibilities and decisions can be delegated to the State, this provision has been revised to clarify that the working agreement involving other Federal agency responsibilities will need the concurrence of the Federal agency involved.

As proposed, the first sentence in paragraph 8 has been revised to read "[t]he State will be the primary point of contact for applicants regarding the review of the PAP, except on matters concerned exclusively with the regulations in 43 CFR Parts 3480 through 3487 administered by BLM and on matters unrelated to the review of the PAP." This revision ensures that any concerns related to the PAP which must be addressed by the applicant are communicated through the State. This provision does not preclude the Secretary from contacting the applicant independently of the State to carry out

his responsibilities on matters not covered by the program. New paragraph 8 also clarifies that information related to the PAP shall be sent to OSMRE. Other editorial revisions have been made for clarity and consistency with the Federal lands regulations in 30 CFR Parts 740 through 746. No comments were received relative to the proposed changes.

The BLM was concerned that the Agreement may make BLM dependent on the State rather than OSMRE for information relating to that agency's areas of operations and that the Agreement should provide that all necessary information is readily available to land management agencies. According to paragraph 9, OSMRE, not the State, will coordinate with other Federal agencies on review of the PAP. OSMRE is responsible for assuring that these agencies have adequate information in the review process on which to base decisions or make necessary findings.

Paragraph 9 assigns to the State certain OSMRE responsibilities and describes how OSMRE will assist the State in carrying out these responsibilities. The new Agreement clarifies which responsibilities under 30 CFR 740.4(c) are delegated to the State and which are retained by OSMRE. The State will take on the responsibilities in 30 CFR 740.4(c) (1), (4), (5), (6), and (7). OSMRE will retain the responsibilities listed in 30 CFR 740.4(c) (2), (3), and the exceptions in 30 CFR 740.4(c)(7)(i)-(vii), including among other things, responsibility for providing to other appropriate Federal agencies copies of the PAP and for coordinating the review of the PAP among those agencies. This requirement was in paragraph 10 of the previous agreement. Editorial changes have been made to this paragraph to ensure clarity in the meaning of this paragraph.

As proposed, paragraph 10 incorporates and revises former paragraphs 11 through 16 of the previous cooperative agreement. The provisions describing each agency's role in the PAP review process has been revised to comport with the Federal lands regulations and the District Court's decision.

Final paragraph 10 has been revised from the proposal to clarify that the procedures set forth in that paragraph are for the review of PAPs for mining operations where leased Federally-owned coal is involved and, consequently, where the Secretary must make a decision on a mining plan.

As proposed, paragraph 10(a) provides for coordination between OSMRE and the State on the review of

PAPs. Proposed paragraph (b) has been changed to paragraphs 10(c) and (d) in the final Agreement.

A new paragraph 10(b) has been added to the Agreement to clarify the State's review responsibilities with regard to the PAP.

Under paragraph 10(c), OSMRE is required to review and make decisions on the elements of the PAP relating to the non-delegable responsibilities of the Act and other Federal laws. This includes determinations on postmining land use on Federally-owned surface (in coordination with the applicable Federal land management agency), and determining compliance with NEPA. Final paragraph 10(c) also states that OSMRE's review of the PAP will be consistent with paragraphs 7 and 8 of this Agreement.

Paragraph 10(d) specifies the time within which OSMRE must furnish the State with its preliminary findings or request any additional data. The State suggested that the timeframe should be 45 days to be consistent with other time periods. OSMRE believes that the 50 day timeframe is not unreasonable. OSMRE must distribute the PAP to other Federal agencies, coordinate its review among those agencies, and review the PAP for OSMRE's statutory responsibilities.

Proposed paragraph 10(c) has been changed to paragraphs 10(e) and 10(f). New paragraph 10(e) differs from the proposal in that it uses the term State decision package when discussing the document to be prepared by the State.

As proposed under paragraph 10(c), final paragraph 10(f) authorizes the State to issue a permit prior to the necessary Secretarial action on the mining plan. Even though the permit will be issued by the State, mining of Federal coal will not be allowed until the Secretary approves a mining plan and complies with other requirements related to the approval of a mining plan. If a permit to mine Federal coal is issued prior to Secretarial approval of the mining plan, paragraph 10 preserves the State's right to modify or rescind the permit to conform with the Secretary's decision. A sentence has been added to this paragraph consistent with 30 CFR 740.13(e)(3).

One commenter was concerned that the Agreement could result in mandated OSMRE changes to the findings document even after a permit is issued by the State. Under paragraph 10(e) of the final agreement, OSMRE will have the opportunity to review the State's draft and final decision documents prior to permit issuance and mining plan approval. This review will coincide with

OSMRE's review of the mining plan and should result in maximum coordination and consistency of the two processes.

The same commenter stated his understanding that the Secretary's power to approve, amend or rescind, is only applicable to the mining plan and that the State has authority under the cooperative agreement to make final decisions with respect to the remainder of a permit package. The commenter's understanding is generally correct. However, the recent Federal district court decision has set the parameters for mining plan review and approval. OSMRE will review the operation and reclamation portion of the permit application to the extent required by the Federal Court.

Another commenter sought a statement in this paragraph that OSMRE will not exercise any permitting or approval responsibilities once the cooperative agreement is finalized. OSMRE has worked with the State to minimize OSMRE's role in permitting; however, as discussed below, OSMRE will retain a very limited role in permitting as well as its role in mining plan approval. Paragraph 7 has been revised, however to clarify that the State has primary responsibility for approving or disapproving permit applications on lands subject to the Federal lands program.

As proposed, paragraph 11 is a new provision which addresses the processing of a PAP for surface coal mining and reclamation operations on Federal lands where no Secretarial approval of a mining plan is required. This paragraph differs from the previous agreement and proposed amendments in that it is divided into various subparagraphs which clarify the review responsibilities of OSMRE and the State where no mining plan is involved.

As proposed under paragraph 11, final paragraph 11(a) specifies that OSMRE is responsible for coordinating the review of the PAP with the appropriate Federal agencies and is responsible for obtaining the determinations or conditions of these agencies. Final paragraph 11(a) also specifies that OSMRE will forward these determinations and conditions and any determinations required by OSMRE pursuant to section 522 of the Act to the State within the time frame allowed by State law. OSMRE will determine whether the proposed mining operation is limited or prohibited under section 522(e)(1) or (2) of the Act. Under 30 CFR 740.4(a)(4), the Secretary remains responsible for determining valid existing rights (VER) for surface coal mining operations on Federal lands within the boundaries of any area

specified under section 522(e)(1) or (2) of the Act. In accordance with the July 6, 1984, and March 22, 1985, court opinions, the Secretary will also perform VER determinations for proposed surface coal mining operations within 522(e)(1) areas affecting the Federal interest within such areas.

A new paragraph 11(b) has been added to clarify the review responsibilities of the State.

Proposed paragraph 11 required OSMRE to forward to the State the conditions of other Federal agencies within the time frame allowed by State law for processing permits. The proposal also authorized the State to issue the permit without OSMRE concurrence.

One commenter expressed concern that the provisions under this paragraph could allow the State to ignore other Federal agencies' recommendations or requirements and issue a permit which would not be in compliance with Federal laws.

In response to the comment, final paragraph 7(c) requires the State to consider the comments of the Federal Agencies and document these comments in the record of the permit decision. The State should incorporate into the permit, to the extent allowable by Wyoming law, the terms and conditions requested by Federal Agencies under other applicable Federal Laws. When a Federal Agency recommends conditions and those conditions are not adopted, the State is required to provide OSMRE with documentation as to why they were not incorporated as permit conditions. If OSMRE determines such conditions are necessary, these conditions will be attached to other Federal authorizations, such as mining plans approvals or special use permits, when they are available. If no other Federal authorization is required, then OSMRE may issue a supplemental SMCRA permit, attaching those conditions necessary to assure compliance with other Federal laws.

Paragraph 7(c) was developed, rather than revising paragraph 11, to assure that the procedures discussed therein apply to processing Federal agency comments on all PAPs. Paragraph 11 deals with processing a PAP which does not require Secretarial approval of a mining plan under the Mineral Leasing Act.

This provision is consistent with 30 CFR 740.4(e)(3) which states that the Federal land management agency is responsible for requiring permit conditions needed to regulate surface coal mining operations on its lands. It is also consistent with 30 CFR 745.13(k) which does not allow the Secretary to delegate to the States the approval or

determination of postmining lands uses on Federally-owned surface.

A new paragraph 11(d) has been added which requires the State, after issuing the permit, to send OSMRE and the Federal land management agency a copy of the signed permit form and State decision package.

As proposed, paragraph 12 contains a new provision concerning the review of permit revisions and renewals on Federal lands. Final paragraph 12 differs from the previous agreement and the proposed amendments in that it is divided into subparagraphs describing the procedures to be used depending on the type of permit revision or renewal to be processed. These procedures will ensure that each permit revision and renewal is afforded appropriate input by those Federal agencies affected by the revision or renewal.

Final paragraph 12(a) authorizes the State to review and approve or disapprove permit revisions or renewals only after consultation with OSMRE on whether or not the revision or renewal constitutes a mining plan modification under 30 CFR 746.18. OSMRE has 30 days upon receiving a copy of the revision or renewal within which to make a decision as to whether it constitutes a mining plan modification.

Where approval of a mining plan modification is required, OSMRE and the State will follow the procedures outlined in paragraph 10 of this Article.

The BLM believes that because permit revisions necessarily directly affect the protection and recovery of natural resources for which BLM is responsible, and the BLM should be included in the State-OSMRE consultation on permit revisions.

Although consultation with BLM on permit revision is not specifically addressed in the Agreement, 30 CFR 740.13(d)(2) requires OSMRE to review each permit revision in consultation with the BLM and the appropriate Federal land management agency to determine whether the revision constitutes a mining plan modification. Therefore, it is not necessary that the Agreement specifically state that BLM be included in the State-OSMRE consultation on permit revisions.

Under paragraph 12(b), permit revisions or renewals which do not constitute mining plan modifications will be reviewed and approved following the procedures outlined in paragraph 11.

One commenter believes that the State should be required to consult with other Federal agencies and incorporate those agencies' recommendations or conditions into permit revisions or

renewals. The commenter also believes that due to the length of time between permit renewals, it is essential that the State permits be reviewed by other agencies each time they are renewed to ensure compliance with Federal laws and to ensure that protective and reclamation measures are adequate. OSMRE agrees with the substance of these comments and has revised paragraph 12 accordingly as described below.

As proposed, paragraph 12(c) contains a mechanism which enables OSMRE to establish criteria for permit revisions or renewals which do not constitute mining plan modifications. Such permit revisions and renewals also may not affect the non-delegable responsibility of OSMRE and other Federal agencies. Permit revisions or renewals which meet such criteria can be approved prior to the State informing OSMRE of the approval and prior to the State submitting copies of the permit revisions or renewals to OSMRE. Establishing criteria for those revisions and renewals which clearly do not constitute mining plan modifications will minimize administrative delay in processing.

The BLM believes that BLM should be involved in setting up the criteria for permit revisions and renewals which do not constitute mining plan modifications. The BLM also recommended that the words "and BLM" be inserted after each reference to OSMRE in paragraph 12. OSMRE agrees that BLM should be involved in setting up the criteria to be established under paragraph 12(c); however, OSMRE does not believe that it is appropriate for this Agreement to set forth the working arrangements between OSMRE and BLM. That is more appropriately found in an agreement between those two agencies.

One comment was received supporting the provision found in paragraph 12(c). The same commenter was of the impression, however, that if a permit is revised to include fee coal under Federal surface or fee coal under private surface, OSMRE concurrence is not required. The commenter is generally correct on this point. Section 740.13(d)(1) of the Federal lands program requires that OSMRE review each permit revision with respect to operations on lands containing leased Federal coal. However, the Agreement agreed upon by the Department and the State and adopted here will require OSMRE consultation on each permit revision and renewal on lands in Wyoming subject to the Federal lands program. The types of revisions described by the commenter may be

excluded from OSMRE review by the criteria to be established under paragraph 12(c).

Article VI: Inspections

As proposed, former paragraphs 17 through 21 of Article VI have been renumbered as paragraphs 13 through 17. No changes were proposed except minor editorial revisions for clarity. No comments were received on these revisions.

Proposed paragraph 14 retained a sentence from the previous agreement stating that the State's inspection shall satisfy the Secretary's obligations under 30 CFR 842.11(c). This provision is not included in the final Agreement. Since § 842.11(c) only relates to OSMRE actions where OSMRE is the regulatory authority or where OSMRE is enforcing a State program, the provision is not necessary in this Agreement. In addition, paragraph 13 of the Agreement states that the State shall conduct inspections on Federal lands in accordance with the approved State program.

The previous agreement and the proposed amendments to paragraph 15 declared the State to be the sole inspection authority under the Agreement. In final paragraph 15, the term "sole" has been deleted since the Department still retains some inspection authority under 30 CFR Parts 842 and 843. This paragraph has also been clarified by removing the reference to Part 740. Departmental inspections are conducted under Parts 842 and 843 (specifically, § 843.12(a)(2) addresses reinspections). Part 740 only references these Parts.

Article VII: Enforcement

As proposed, paragraphs 22 and 23 of Article VII have been renumbered as paragraphs 18 and 19. Several editorial revisions have been made for clarity.

Previous paragraph 24 has been renumbered as paragraph 20 and was proposed to be revised by adding a sentence which requires that any enforcement action taken by the Department be based on the applicable substantive requirements included in the permit or the Program, and the procedures and penalty system contained in 30 CFR Parts 843 and 845. Final paragraph 20 states that enforcement actions shall be based on the standards in the Program, the Act, the permit, or all three, and shall be taken using the procedures and penalty system contained in 30 CFR Parts 843 and 845. This change is necessary to clarify that any enforcement action will be based on the Act, in addition to the permit and the approved State program.

Previous paragraphs 25 and 26 have been renumbered as paragraphs 21 and 22 and editorial revisions have been made for clarity.

No comments were received relative to proposed Article VII.

Article VIII: Bonds

Paragraph 27 of the previous agreement has been renumbered as paragraph 23 and revised to expressly protect the Federal interest in a performance bond in the event of termination of the Agreement by stating that if the Agreement is terminated, the bond shall be payable only to the United States to the extent that lands covered by the Federal lands program are involved. The final wording is different from the proposed agreement which stated that termination of the Agreement "shall not affect the Department's rights under the bond". No difference in the meaning is intended with this clarification.

Paragraphs 28 and 29 of the previous agreement have been renumbered as paragraphs 24 and 25 and minor editorial revisions made for clarity. As in the previous agreement, final paragraph 24 states that prior to releasing the operator from an obligation under a bond, the State shall obtain the concurrence of the Department. The final paragraph clarifies however that Departmental concurrence is only required for bonds covering lands subject to the Federal lands program. Departmental concurrences shall be based on field surveys, observations, and coordination with other applicable Federal agencies.

As in the previous agreement, final paragraph 25 states that bonds shall be subject to forfeiture, with the concurrence of the Department, in accordance with the procedures and requirements of the Program.

One commenter sought a change in the cooperative agreement that OSMRE's approval not be required for release of performance bonds covering fee coal lands regardless of surface ownership. The commenter also understood that where disturbances occurred prior to August 3, 1977, the State acting alone may approve bond releases.

No substantive changes were proposed for the bond release provision of the Agreement from the previous agreement. Therefore, the Department and the State adopt final paragraph 24 as requiring Departmental concurrence on all bonds subject to the Federal lands program.

OSMRE does not assert jurisdiction over bonds for disturbances predating SMORA.

Article IX: Designation of Land as Unsuitable

As proposed, new Article IX has been added to describe the roles of the State and OSMRE in the review and processing of petitions to designate lands as unsuitable for surface coal mining operations on adjacent Federal and non-Federal lands. New paragraph 26 states that OSMRE and the State will cooperate in the review and processing of petitions to designate lands as unsuitable for surface coal mining. When either party receives a petition which could affect adjacent Federal and non-Federal lands it will notify the other and solicit its cooperation.

Paragraph 27 assigns to the State authority to designate State and private lands as unsuitable for surface coal mining, while reserving to the Secretary such authority over Federal lands.

One commenter suggested the addition of a sentence stipulating that both OSMRE and the State would be mutually available to respond to questions or comments on a petition. OSMRE rejected that comment as unnecessary because paragraph 26 clearly states that OSMRE and the State shall cooperate in processing petitions that could adversely affect Federal and non-Federal lands.

As proposed, former Articles IX through XV have been renumbered as Articles X through XVI and corresponding paragraphs 30 through 37 have been renumbered as paragraphs 28 through 35.

Article X: Termination of Cooperative Agreement

Proposed Article X, paragraph 28, like the previous cooperative agreement, stated that the State or the Secretary may terminate the Agreement. New paragraph 28 of Article X has been revised to clarify that only the Governor or the Secretary may terminate the Agreement.

Article XI: Reinstatement of Cooperative Agreement

As proposed, paragraph 29 of Article XI is identical to Article X, paragraph 31 of the previous agreement. No comments were received.

Article XII: Amendments of Cooperative Agreement

As proposed, paragraph 30 of Article XII is identical to Article XI, paragraph 32 of the previous agreement. No comments were received.

Article XIII: Changes in State or Federal Standards

As proposed, paragraph 31 of Article XIII reflects the clarification of how OSMRE and the State will coordinate on any changes in State or Federal standards. If any changes are proposed, OSMRE and the State will inform each other of any final changes and of any effect such changes may have on the Agreement. If it is necessary to keep the Agreement in force, the State will take legislative action and each party will change or revise its regulations or promulgate new regulations, as applicable. Changes will be made in accordance with 30 CFR Part 732 for changes to the approved State program and sections 501 and 523 of the Act for changes to the Federal lands program. The timetable for accomplishing any necessary changes has been removed. Minor editorial changes were made from the proposal. No comments were received on this Article.

Article XIV: Changes in Personnel and Organization

As proposed, paragraph 33 of Article XIV is identical to paragraph 35, Article XIII of the previous agreement. No comments were received.

Article XV: Reservation of Rights

Proposed paragraph 34 of Article XV was identical to previous paragraph 36, Article XIV. New paragraph 34 of Article XV has been amended to include that, in addition to those statues listed, the Secretary reserves the right to act under other Federal laws, including but not limited to those listed in Appendix A.

Article XVI: Definitions

As proposed, previous paragraph 37 of Article XV has been changed to Article XVI, paragraph 35 and has been revised by including reference to 30 CFR Part 740 and the State program to clarify that definitions in the Federal rules and the State program will also be applicable to the Agreement.

Also as proposed, a sentence has been added providing for the resolution of conflicts in definitions used in the Agreement. No comments were received on the proposed amendments to this Article.

Article XVII: Resolution of Conflicts

As proposed, new Article XVII and corresponding paragraph 36 has been added to the Agreement to require that efforts be made to resolve errors, omissions and conflicts on data and data analysis at the State and field level. However, any disagreements which cannot be resolved at the State

and field level will be referred to the Governor and the Secretary for resolution. No comments were received relative to this new Article.

Appendix A

As previously mentioned, a commenter suggested the addition to Appendix A of (1) the Bald and Golden Eagle Protection Act, (2) the Migratory Bird Treaty Acts, and (3) the Fish and Wildlife Coordination Act. OSMRE agrees and has revised Appendix A accordingly. The Mineral Leasing Act for Acquired Lands of 1947 has also been added to Appendix A because of the Secretary's responsibility under this act when mining occurs on Federal lands. The Surface Mining Control and Reclamation Act has also been added to this Appendix.

IV. Administrative and Procedural Matters

1. E.O. 12291 and Regulatory Flexibility Act

On October 21, 1982, the Department of the Interior received from the Office of Management and Budget an exemption for Federal/State cooperative agreements from the requirements of sections 3 and 7 of Executive Order 12291.

The Department has reviewed these amendments in light of the Regulatory Flexibility Act (Pub. L. 96-354). Having conducted this review, the Department has determined that this document will not have a significant economic effect on a substantial number of small entities because no significant departure from either the State or Federal requirements already in effect will occur and no new or additional information will be required by the amendments.

2. Recordkeeping and Reporting Requirements

There are recordkeeping and reporting requirements in the Wyoming Cooperative Agreement which are the same as and required by the permanent regulations. Those regulations required clearance from the Office of Management and Budget under 44 U.S.C. 3507 and were assigned the following clearance numbers:

| Location of requirement | OMB clearance No. |
|---|-------------------|
| Article V.6. (required by 30 CFR Part 740)..... | 1029-0026 |
| Article VI.14. (required by 30 CFR Part 840).... | 1029-0051 |
| Article VIII.24. (required by 30 CFR Part 800)... | 1029-0043 |

3. National Environmental Policy Act

Proceedings relating to adoption of a permanent program cooperative agreement are part of the Secretary's implementation of the Federal lands program pursuant to section 523 of the Act. Such proceedings are exempt under section 702(d) of the Act from the requirements to prepare an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

4. Indexing Requirements

List of Subjects in 30 CFR Part 950

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

For the reasons set forth herein, 30 CFR Part 950 is hereby amended as follows.

Dated: December 8, 1986.

James E. Cason,

Acting Assistant Secretary for Land and Minerals Management.

PART 950—[AMENDED]

1. The authority citation for Part 950 is revised to read as follows:

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

2. Section 950.20 is revised to read as follows:

§ 950.20 State-Federal Cooperative Agreement.

The Governor of the State of Wyoming (State) acting by and through the Department of Environmental Quality, Land Quality Division (Division), and the Secretary of the Department of the Interior (Department) acting by and through the Office of Surface Mining Reclamation and Enforcement (OSMRE), enter into a Cooperative Agreement (Agreement) to read as follows:

Article I: Introduction and Purpose

1. This Agreement is authorized by section 523(c) of the Surface Mining Control and Reclamation Act of 1977 (Act), 30 U.S.C. 1273(c), which allows a State with a permanent regulatory program approved under 30 U.S.C. 1253 to elect to enter an Agreement with the Secretary for the regulation and control of surface coal mining and reclamation operations on Federal lands.

This Agreement provides for State regulation of coal exploration operations not subject to 43 CFR Parts 3480 through 3487 and surface coal mining and reclamation operations in Wyoming subject to the Federal lands program (30 CFR Parts 740 through 746) consistent with the Act, the Wyoming Environmental Quality Act (W.S. 35-11-401-437), and the Wyoming State Program (Program).

2. The purposes of this Agreement are to (a) foster Federal-State cooperation in the regulation of surface coal mining and reclamation operations and coal exploration operations not subject to 43 CFR Parts 3480 through 3487; (b) eliminate intergovernmental overlap and duplication; and (c) provide uniform and effective application of the Program in Wyoming, in accordance with the Act.

Article II: Effective Date

3. This Agreement shall take effect following signing by the Secretary and the Governor, and thirty days after publication as a final rule in the Federal Register. This Agreement shall remain in effect until terminated as provided in Article X.

Article III: Scope

4. In accordance with the Federal lands regulations in 30 CFR Parts 740 through 746, the laws, regulations, terms and conditions of the Wyoming State Program, as approved or as amended in accordance with 30 CFR Part 732, are applicable to lands in Wyoming subject to the Federal lands program except as otherwise stated in this Agreement, the Act, 30 CFR Part 745, or other applicable laws or regulations. Orders and decisions issued by the State in accordance with the Program that are appealable shall be appealed as provided for by State law. Orders and decisions issued by the Department that are administratively appealable shall be appealed to the Department's Office of Hearings and Appeals.

Article IV: Requirements for the Agreement.

5. The Governor and the Secretary affirm that they will comply with all of the provisions of this Agreement and will continue to meet all the conditions and requirements specified in this Article.

(a) *Responsible Administrative Agency.* The Division shall be responsible for administering this Agreement on behalf of the Governor. OSMRE shall administer this Agreement on behalf of the Secretary, in accordance with the regulations in 30 CFR Chapter VII.

(b) *Authority of State.* The State has and shall continue to have authority under State law to carry out this Agreement.

(c) *Funds.* The State will devote adequate funds to the administration and enforcement on Federal lands in the State of the requirements contained in the Program. If the State complies with the terms of this Agreement, and if necessary funds have been appropriated, the Department shall reimburse the State as provided in section 705(c) of the Act, the grant agreement, and 30 CFR 735.16 for costs associated with carrying out responsibilities under this Agreement. Reimbursements shall be in the form of annual grants and grant amendments, and applications for said grants shall be processed and awarded in a timely and prompt manner. If sufficient funds have not been appropriated to OSMRE or the State, the parties shall promptly meet to decide on appropriate measures that will ensure that surface coal mining and reclamation operations and exploration operations on Federal lands are regulated in accordance with the Program. If agreement cannot be

reached, then either party may terminate the Agreement.

(d) *Reports and Records.* The State shall make annual reports to OSMRE containing information with respect to compliance with the terms of this Agreement pursuant to 30 CFR 745.12(d). Upon request, the State and OSMRE shall exchange (except where prohibited by Federal law) information developed under this Agreement. OSMRE shall provide the State with a copy of any final evaluation report prepared concerning State administration and enforcement of this Agreement.

(e) *Personnel.* The State shall have the necessary personnel to fully implement this Agreement in accordance with the provisions of the Act and the Program.

(f) *Equipment and Laboratories.* The State shall have access to equipment, laboratories, and facilities with which all inspections, investigations, studies, tests and analyses can be performed and which are necessary to carry out the requirements of this Agreement.

(g) *Permit Application Fees.* The amount of the fee accompanying an application for a permit shall be determined in accordance with W.S. 35-11-406(a)(xii). All permit fees shall be retained by the State and deposited with the State Treasurer in the General Fund. The Financial Status Report submitted pursuant to 30 CFR 735.26 shall include a report of the amount of permit application fees collected and attributable to Federal lands during the prior Federal fiscal year. This amount shall be disposed of in accordance with Federal regulations and OMB Circular No. A-102, Attachment E.

Article V: Policies and Procedures: Permit Application Package Review

6. The State and OSMRE agree and hereby require that an applicant proposing to conduct surface coal mining operations on lands subject to the Federal lands program shall submit a permit application package (PAP) in an appropriate number of copies to the State and OSMRE. If any material is submitted to the State by an applicant for the sole purpose of complying with the 3-year requirement of section 7(c) of the Mineral Leasing Act of 1920, 30 U.S.C. 181 *et seq.*, the State will forward such material through OSMRE to the Bureau of Land Management (BLM). If the material is submitted as part of the PAP, a copy of the entire package will be sent through OSMRE to BLM. The PAP shall be in the form required by the State, and shall include any supplemental information required by OSMRE. The PAP shall include the information required by, or necessary for, the State and the Secretary to make a determination of compliance with:

- W.S. 35-11-406(a) and (b) (1980);
- Chapter II, Land Quality Division Rules and Regulations, Department of Environmental Quality, or other chapters where these may supersede Chapter II;
- Applicable terms and conditions of the Federal coal lease; and
- Applicable requirements of the Program, and other Federal laws and regulations, including, but not limited to those listed in Appendix A.

7. a. *State Responsibility.* The State shall assume primary responsibility for the analysis, review, and approval or disapproval of the permit application component of the PAP for surface coal mining and reclamation operations on lands subject to the Federal lands program.

b. *OSMRE Responsibility.* (1) OSMRE will, at the request of the State, assist the State in its analysis and review of the PAP. (2) The Department shall concurrently carry out its responsibilities which cannot be delegated to the State under the Act, the Mineral Leasing Act (MLA), as amended, the National Environmental Policy Act (NEPA), and other applicable Federal laws (including but not limited to those in Appendix A). The Department shall carry out those responsibilities in accordance with the Federal lands program and this Agreement in a timely manner so as to eliminate, to the maximum extent possible, duplication of the responsibilities of the State set forth in this Agreement and the Program. The Secretary will consider the information in the PAP and, where appropriate, make decisions required by the Act, MLA, NEPA, and other Federal laws.

c. *Responsibility for Handling Other Federal Laws.* The State must consider the comments of Federal agencies in the context of permit issuance and will document these comments in the record of permit decisions. Permits issued by the State shall include, to the extent allowed by Wyoming law, terms and conditions required by the lease issued pursuant to the Mineral Leasing Act and by other applicable Federal laws and regulations in accordance with 30 CFR 740.13(c)(1). When Federal agencies recommend permit conditions and these conditions are not adopted, the State will provide OSMRE with documentation as to why they were not incorporated as permit conditions.

Upon notification from the State that certain permit conditions are not incorporated, OSMRE will determine whether such conditions are necessary and may be attached to other Federal authorizations. If not other Federal authorizations are required, then OSMRE may issue a supplemental SMCRA permit attaching only those conditions which are necessary to assure compliance with other Federal laws. The State shall not be required to enforce the conditions of the Federal permit.

d. *Working Agreements.* Responsibilities and decisions which can and cannot be delegated to the State under the Act and other applicable Federal laws may be specified in working agreements between OSMRE and the State with the concurrence of any Federal agency involved, and without amendment to this Agreement.

8. The State will be the primary point of contact for applicants regarding the review of the PAP, except on matters concerned exclusively with the regulations in 43 CFR Parts 3480-3487 administered by the BLM and on matters unrelated to the review of the PAP. The State will be responsible for informing the applicant of any joint State-Federal determinations. The State shall send to OSMRE copies of any correspondence with the applicant and any information received from the applicant which may have

a bearing on decisions regarding the PAP. OSMRE would not independently initiate contacts with applicants regarding completeness or deficiencies of the PAP with respect to matters covered by the Program; however, the Department reserves the right to act independently of the State to carry out its responsibilities under laws other than the Act or provisions of the Act not covered by the Program, and in instances of disagreement over the Act and the Federal lands program. OSMRE shall send to the State copies of all independent correspondence with the applicant which may have a bearing on decisions regarding the PAP.

9. The State shall assume the responsibilities listed in 30 CFR 740.4(c)(1), (4), (5), (6), and (7). OSMRE will retain the responsibilities listed in 30 CFR 740.4(c)(2), (3) and the exceptions in 30 CFR 740.4(c)(7)(i)-(vii). In addition to the procedures outlined in paragraphs 9, 10, and 11, OSMRE shall assist the State in carrying out its responsibilities by:

(a) Distributing copies of the PAP to, and coordinating the review of the PAP among all Federal agencies which have responsibilities relating to decisions on the package. This shall be done in a manner which ensures timely identification, communication and resolution of issues relating to those Federal agencies' statutory requirements. OSMRE shall request that such other Federal agencies furnish their findings or any requests for additional data to OSMRE within 45 calendar days of the date OSMRE transmits to them a copy of the PAP.

(b) Providing the State with the analyses and conclusions of other Federal agencies regarding those portions of the PAP which affect their statutory responsibilities.

(c) Resolving conflicts and difficulties between or among other Federal agencies in a timely manner.

(d) Assisting in scheduling joint meetings as necessary between State and Federal agencies.

(e) Where OSMRE is assisting the State in reviewing the permit application, furnishing the State with the work product within 45 calendar days of receipt of the State's request for such assistance, or earlier if mutually agreed upon by OSMRE and the State.

(f) Exercising its responsibilities in a timely manner as set forth in a mutually agreed upon schedule, governed to the extent possible by the deadlines established in the Program.

(g) Assuming all responsibility for ensuring compliance with any Federal lessee protection bond requirement.

10. This paragraph describes the procedures that OSMRE and the State will follow in the review of a PAP for surface coal mining and reclamation operations where a mining plan is required under the Mineral Leasing Act:

(a) OSMRE and the State shall coordinate with each other during the review process as needed. The State shall keep OSMRE informed of findings made during the review process which bear on the responsibilities of OSMRE and other Federal agencies. OSMRE shall ensure that any information OSMRE receives which has a bearing on decisions regarding the PAP is promptly sent to the State.

(b) The State shall review the PAP for compliance with the Program and State laws and regulations.

(c) OSMRE shall review the appropriate portions of the PAP for compliance with the non-delegable responsibilities of the Act and the requirements of other Federal laws and regulations consistent with paragraphs 7 and 8 of this Agreement.

(d) OSMRE and the State shall develop a work plan and schedule for PAP review and each shall identify a person as project leader. The State and OSMRE project leaders shall serve as the primary point of contact between OSMRE and the State throughout the review process. Not later than 50 days after receipt, OSMRE shall furnish the State with its preliminary findings and specify any requirements for additional data. OSMRE shall advise the State on the need for it to perform any work as part of the preparation of an Environmental Impact Statement as soon as possible in the review process.

(e) The State shall prepare a State decision package on the PAP. To the fullest extent allowed by the State and Federal law and regulations, the State and OSMRE will cooperate so that duplication will be eliminated in conducting the technical analyses and meeting NEPA requirements for the proposed mining operation. Copies of the draft State decision package shall be sent to OSMRE for review and comment. OSMRE shall evaluate the package and inform the State within 30 days, whenever possible, of any changes that should be made. The State shall consider these comments and send a final State decision package to OSMRE for action in a timely manner consistent with the Federal lands program. OSMRE shall have 30 days after receipt to request any changes to the State's final decision package.

(f) The State may proceed to issue the permit in accordance with the Program prior to the necessary Secretarial approval, provided that the State advises the permittee in the permit of the necessity for Secretarial approval of a mining plan prior to beginning operations to mine Federal coal. The State shall reserve the right to amend or rescind any requirements of the approved permit to conform with any terms or conditions imposed by the Secretary in his approval of the mining plan.

11. This paragraph describes the procedures that the State and OSMRE will follow in processing a PAP for surface coal mining and reclamation operations which does not require Secretarial approval of a mining plan under the Mineral Leasing Act:

(a) Upon receipt of a PAP for such operations, OSMRE shall consult with and obtain the determinations or conditions of any other Federal agencies with jurisdiction or responsibility over Federal lands affected by the operations proposed in the PAP. To the extent possible, these determinations and conditions and any determinations required by OSMRE pursuant to section 522 of the Act, shall be forwarded to the State within the time frame allowed by State law for processing permit applications.

(b) The State shall review the PAP for compliance with the Program and State laws and regulations.

(c) The State may proceed to issue the permit.

(d) After issuing the permit, the State shall send OSMRE and the Federal land management agency a copy of the signed permit form and State decision package.

12. The following procedures will be used in processing permit revisions or renewals:

(a) Any permit revision or renewal for operations on lands subject to the Federal lands program shall be reviewed and approved or disapproved by the State after consultation with OSMRE on whether the revision or renewal constitutes a mining plan modification under 30 CFR 746.18. OSMRE shall inform the State within 30 days of receiving a copy of a proposed revision or renewal, whether it constitutes a mining plan modification. Where approval of a mining plan modification is required, OSMRE and the State will follow the procedures outlined in paragraph 10 of this Article.

(b) Permit revisions or renewals for operations not constituting a mining plan modification and not meeting the criteria that may be established under (c) of this paragraph shall be reviewed and approved or disapproved following the procedures outlined in paragraph 11 of this Article.

(c) OSMRE may establish criteria to determine which types of permit revisions and renewals do not constitute mining plan modifications and will not affect the non-delegable responsibilities of OSMRE and other Federal agencies. Revisions or renewals meeting such criteria may be approved by the State prior to informing OSMRE of the approval and submission of copies of the revision or renewal to OSMRE.

Article VI: Inspections

13. The State shall conduct inspections on lands subject to the Federal lands program and prepare and file inspection reports in accordance with the Program.

14. The State shall, subsequent to conducting any inspection, and on a timely basis, file with the Secretary an inspection report adequately describing (1) the general conditions of the lands under the permit and license; (2) the manner in which the operations are being conducted; and (3) whether the operator is complying with applicable performance and reclamation requirements.

15. The State will be the point of contact and the inspection authority in dealing with the operator concerning operations and compliance with the requirements covered by this Agreement, except as described hereinafter. Nothing in this Agreement shall prevent inspections by authorized Federal or State agencies for purposes other than those covered by this Agreement. The Department may conduct any inspections necessary to comply with 30 CFR Part 842 and 30 CFR 843.12(a)(2) and its obligations under laws other than the Act.

16. OSMRE shall give the State reasonable notice of its intent to conduct an inspection in order to provide State inspectors with an opportunity to join in the inspection. When the Department is responding to a citizen complaint of an imminent environmental danger or a threat to human health pursuant to 30 CFR Part 842.11(b)(1)(ii)(C), it will

contact the State no less than 24 hours if practicable, prior to the Federal inspection to facilitate a joint Federal/State inspection. The Secretary reserves the right to conduct inspections without prior notice to the State as necessary to carry out his responsibilities under the Act.

17. Personnel of the State and representatives of the Department shall be mutually available to serve as witnesses in enforcement actions taken by either party.

Article VII: Enforcement

18. The State shall have primary enforcement authority under the Act concerning compliance with the requirements of this Agreement and the Program.

19. During any joint inspection by the Department and the State, the State shall have primary responsibility for enforcement procedures, including issuance of orders of cessation, notices of violation, and assessment of penalties. The Department and the State shall consult prior to issuance of any decision to suspend or revoke a permit.

20. During any inspection made solely by the Department or any joint inspection where the State and the Department fail to agree regarding the propriety of any particular enforcement action, the Department may take any enforcement action necessary to comply with 30 CFR Parts 843 and 845. Such enforcement action shall be based on the standards in the Program, the Act, the permit, or all three, and shall be taken using the procedures and penalty system contained in 30 CFR Parts 843 and 845.

21. The State and the Department shall promptly notify each other of all violations of applicable laws, regulations, orders, or approved mining plans and permits subject to this Agreement, and of all actions taken with respect to such violations.

22. This Agreement does not affect or limit the Secretary's authority to enforce violations of Federal laws other than the Act.

Article VIII: Bonds

23. The State and the Secretary shall require each operator on lands subject to the Federal lands program to submit a single performance bond payable to both the United States and the State of Wyoming that is sufficient to cover the operator's responsibilities under the Act and the program. Such performance bond shall be conditioned upon compliance with requirements of the Program, the Act and the permit. Such bond shall provide that if this Agreement is terminated, the bond shall be payable only to the United States to the extent that lands covered by the Federal lands program are involved.

24. Prior to releasing the operator from any obligation under a bond required by the Program on lands subject to the Federal lands program, the State shall obtain the concurrence of the Department. Departmental concurrence shall be based on field measurements, observations, and coordination with other Federal agencies having authority over the affected lands. The State shall also advise the Department annually of adjustments to the bond pursuant to the Program.

25. Performance bonds shall be subject to forfeiture, with the concurrence of the

Department, in accordance with the procedures and requirements of the Program.

Article IX: Designation of Land Areas as Unsuitable

26. The State and OSMRE shall cooperate with each other in the review and processing of petitions to designate lands as unsuitable for surface coal mining operations. When either agency receives a petition that could impact adjacent Federal or non-Federal lands, the agency receiving the petition shall (1) notify the other of receipt and of the anticipated schedule for reaching a decision; and (2) request and fully consider data, information and views of the other.

27. The authority to designate State and private lands as unsuitable for mining is reserved to the State. The authority to designate Federal lands as unsuitable for mining is reserved to the Secretary or his designated representative.

Article X: Termination of Cooperative Agreement

28. This Agreement may be terminated by the Governor or the Secretary under the provisions of 30 CFR 745.15.

Article XI: Reinstatement of Cooperative Agreement

29. If this Agreement has been terminated in whole or in part, it may be reinstated under the provisions of 30 CFR 745.16.

Article XII: Amendments of Cooperative Agreement

30. This Agreement may be amended by mutual agreement of the Governor and the Secretary in accordance with 30 CFR 745.14.

Article XIII: Changes in State or Federal Standards

31. The Department or the State may promulgate new or revised performance or reclamation requirements or administration and enforcement procedures. OSMRE and the State shall immediately inform each other of any final changes and of any effect such changes may have on this Agreement. If it is determined to be necessary to keep this Agreement in force, the State shall take legislative action and each party shall change or revise its regulations or promulgate new regulations, as applicable. Such changes shall be made under the procedures of 30 CFR Part 732 for changes to the Program and sections 501 and 523 of the Act for changes to the Federal lands program.

32. The State and the Department shall provide each other with copies of any changes to their respective laws, rules, regulations, and standards pertaining to the enforcement and administration of this Agreement.

Article XIV: Changes in Personnel and Organization

33. The State and the Department shall, consistent with 30 CFR Part 745, advise each other of changes in organization, structure, functions, duties and funds of the offices, departments, divisions, and persons within their organizations. Each shall promptly advise the other in writing of changes in key personnel, including the heads of a

department or division, or changes in the functions or duties of persons occupying the principal offices within the structure of the Program. The State and the Department shall advise each other in writing of changes in the location of offices, addresses, telephone numbers, and changes in the names, locations and telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible.

Article XV: Reservation of Rights

34. In accordance with 30 CFR 745.13, this Agreement shall not be construed as waiving or preventing the assertion of any rights that have not been expressly addressed in this Agreement, that the State or the Secretary may have under other laws or regulations, including the Surface Mining Control and Reclamation Act of 1977, the Mineral Leasing Act, as amended, the Mineral Leasing Act for Acquired Lands, the Stockraising Homestead Act, the Federal Land Policy and Management Act, other Federal laws including but not limited to those listed in Appendix A, the Constitution of the United States, and the Constitution of the State or State laws.

Article XVI: Definitions

35. Terms and phrases used in this

Agreement which are defined in 30 CFR Parts 700, 701 and 740, or the Program shall be given the meanings set forth in said definitions. Where there is a conflict between any definitions, the definitions used in the Program will apply except in the case of a term which conflicts with the Secretary's remaining responsibilities under the Act and other laws.

Appendix A

(1) Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 *et seq.*, and implementing regulations.

(2) The Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.*, and implementing regulations.

(3) The Mineral Leasing Act of 1920, 30 U.S.C. *et seq.*, and implementing regulations including 43 CFR Part 3480 *et seq.*

(4) The Mineral Leasing Act for Acquired Lands of 1947, as amended, 30 U.S.C. 351 *et seq.*, and implementing regulations.

(5) The National Environmental Policy Act of 1969, 42 U.S.C. 4312 *et seq.*, and implementing regulations including 40 CFR Part 1500 *et seq.*

(6) The Endangered Species Act, 16 U.S.C. 1531 *et seq.*, and implementing regulations including 50 CFR Part 402.

(7) The National Historic Preservation Act

of 1966, 16 U.S.C. 470 *et seq.*, and implementing regulations including 36 CFR Part 800 and Executive Order 11593 (May 13, 1971).

(8) The Clean Air Act, 42 U.S.C. 7401 *et seq.*, and implementing regulations.

(9) The Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, and implementing regulations.

(10) The Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq.*, and implementing regulations.

(11) The Reservoir Salvage Act of 1960, amended by the Preservation and Historical and Archaeological Data Act of 1974, 16 U.S.C. 469 *et seq.*

(12) Executive Order 11988 (May 24, 1977) for floodplain protection. Executive Order 11990 (May 24, 1977) for wetland protections.

(13) The Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661-667.

(14) The Bald and Golden Eagle Protection Act of 1940, as amended, 16 U.S.C. 668-668d, and implementing regulations.

(16) The Migratory Bird Treaty Act, as amended, 16 U.S.C. 701-718h.

[FR Doc. 86-28126 Filed 12-15-86; 8:45 am]

BILLING CODE 4310-05-M

Federal Register

Tuesday
December 16, 1986

Part III

Environmental Protection Agency

40 CFR Part 439

**Pharmaceutical Manufacturing Point
Source Category; Best Conventional
Pollutant Control Technology Limitations;
Final Rule**

**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 439
[FRL-3076-2]
**Pharmaceutical Manufacturing Point
Source Category; Best Conventional
Pollutant Control Technology
Limitations**
AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is establishing "best conventional pollutant control technology" (BCT) effluent limitations guidelines as required by the Clean Water Act. This final regulation would limit the discharge of five-day biochemical oxygen demand (BOD5) and total suspended solids (TSS) into waters of the United States by existing sources that conduct pharmaceutical manufacturing operations. This regulation also maintains the acceptable pH range for pharmaceutical wastewater discharges.

DATES: In accordance with 40 CFR Part 23, this regulation shall be considered issued for purposes of judicial review at 1:00 p.m. Eastern time on December 30, 1986. These regulations shall become effective January 29, 1987.

Under section 509(b)(1) of the Clean Water Act, judicial review of this regulation can be made only by filing a petition for review in the United States Court of Appeals within 90 days after the regulation is considered issued for purposes of judicial review. Under section 509(b)(2) of the Clean Water Act, the requirements in this regulation may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: The basis for this regulation is detailed in documents listed in section XIV—Availability of Technical Information. For information on those documents and copies of the technical information, contact Dr. Frank H. Hund, Industrial Technology Division (WH-552), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (Phone: (202) 382-7182).

On January 15, 1987, the complete public record for this rulemaking, including the Agency's responses to comments received during rulemaking, will be available for review in EPA's Public Information Reference Unit, Room 2404 (Rear) (EPA Library), 401 M Street, SW., Washington, DC. The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:
Dr. Frank H. Hund at (202) 382-7182.

SUPPLEMENTARY INFORMATION:

- I. Legal Authority
- II. Scope of This Rulemaking
- III. Background
- IV. Methodology and Data Gathering Efforts
- V. Summary of Changes to Proposed Regulations
- VI. Control and Treatment Options and Technology Basis for the Final Regulation
- VII. Economic Considerations
- VIII. Non-Water Quality Environmental Impacts
- IX. Best Management Practices (BMP's)
- X. Upset and Bypass Provisions
- XI. Variances and Modifications
- XII. Relationship to NPDES Permits
- XIII. Public Participation and Responses to Major Comments
- XIV. Availability of Technical Information
- XV. Office of Management and Budget (OMB) Review
- XVI. List of Subjects
- XVII. Appendix A

I. Legal Authority

EPA is promulgating this regulation under the authority of sections 301, 304, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et seq., as amended by the Clean Water Act of 1977, Public Law 95-217), also called the "Act."

II. Scope of This Rulemaking

This final regulation establishes BCT limitations for existing pharmaceutical manufacturing facilities. Existing source pharmaceutical manufacturing plants which utilize fermentation (subcategory A), biological extraction (subcategory B), chemical synthesis (subcategory C) and formulation (subcategory D) operations to manufacture pharmaceutical products are covered by this regulation. Facilities which engage in pharmaceutical research (chemical, biological or microbiological) only are not covered by this final regulation.

III. Background

The Federal Water Pollution Control Act Amendments of 1972 established a comprehensive program to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (section 101(a).) To implement the Act, EPA was required to issue effluent limitations guidelines, pretreatment standards, and new source performance standards for industrial dischargers.

EPA promulgated effluent limitations guidelines based on Best Practicable Technology, Best Available Technology, New Source Performance Standards, and pretreatment standards for existing and new sources for the pharmaceutical

manufacturing category on October 27, 1983 at 48 FR 49808.

The 1977 amendments to the Clean Water Act added section 301(b)(2)(E) establishing "best conventional pollutant control technology" (BCT) for discharges of conventional pollutants from existing industrial point sources. Conventional pollutants are those defined in section 304(a)(4) [biochemical oxygen demanding (BOD5), total suspended solids (TSS), fecal coliform, and pH], and any additional pollutants defined by the Administrator as "conventional" (oil and grease, 44 FR 44501, July 30, 1979).

BCT is not an additional limitation but replaces BAT for the control of conventional pollutants. In addition to other factors specified in section 304(b)(4)(B), the Act requires that BCT limitations be assessed in light of a two-part "cost reasonableness" test. [*American Paper Institute v. EPA*, 660 F.2d 954 (4th Cir. 1981)]. The first test compares the cost for private industry to reduce its conventional pollutants to the costs for similar levels of reduction at publicly owned treatment works. The second test examines the cost effectiveness of additional treatment beyond BPT. Generally, EPA must find that limitations more stringent than BPT are "reasonable" under both tests before establishing them as BCT. If they are not found "reasonable" then BCT will be established as equal to BPT. In no case may BCT be less stringent than BPT.

EPA first published its methodology for carrying out the BCT analysis on August 24, 1979 (44 FR 50732). In the case mentioned above, the Court of Appeals ordered EPA to correct data errors underlying EPA's calculation of the first test, and to apply the second test (EPA had argued that a second test was not required). The Agency proposed a revised methodology for the general development of BCT limitations on October 29, 1982 (47 FR 49176) and an additional Notice of Data Availability on September 20, 1984 (49 FR 37046). The BCT methodology has recently been published in final form. (See 51 FR 24974 on July 9, 1986). Final BCT limitations for the pharmaceutical manufacturing point source category have been developed based on this methodology and are the subject of this notice.

IV. Methodology and Data Gathering Efforts

On November 26, 1982, EPA proposed BCT limitations for the pharmaceutical manufacturing point source category based on the BCT methodology proposed on October 29, 1982 (47 FR 49176). Following these proposals, the

Agency received numerous public comments on both its proposed BCT methodology and the proposed BCT limitations for the pharmaceutical industry. For a discussion of the Agency's methodology and data gathering activities since the publication of the proposed BCT methodology, the reader should consult the preamble to the recently promulgated BCT methodology. (See 51 FR 24974).

In the period since November 26, 1982, the Agency has responded to a number of issues raised by public commenters on the proposed pharmaceutical BCT limitations. One significant issue raised by the commenters concerned EPA's proposal to resubcategorize the industry and combine four of the five original BPT subcategories into one subcategory. A number of commenters indicated that this subcategorization scheme was inappropriate for the pharmaceutical manufacturing category. As part of a response to this comment, the Agency analyzed the existing data from pharmaceutical plants and thereafter agreed with the commenters that the original 1976 BPT subcategorization scheme was the more appropriate one. When the Agency promulgated final BPT, BAT, PSES, PSNS, and NSPS regulations in 1983 (see 48 FR 49808), it maintained the original subcategorization scheme. That same subcategorization scheme is retained in these BCT regulations.

The Agency also received a number of comments concerning its cost estimates for the proposed BCT limitations. In order to respond to some of these comments as well as to gather additional information, EPA published a notice of availability of March 9, 1984 at 49 FR 8697 concerning new cost information to be used in the development of BCT limitations for the pharmaceutical industry. In the notice, the Agency responded specifically to comments concerning the use of biological *k* rates in the sizing of aeration basins, BPT baseline costs, and the catalytic treatment model. The Agency also presented a BCT methodology option along with the results of the Agency's application of this methodology option to the two technology options. Following publication of this notice of availability, the Agency received additional public comments. Responses to these comments as well as all other comments received since the 1982 proposal may be found in the "Summary of Comments and Responses" section of the public record supporting this regulation. In addition, responses to major comments may be found in the "Public

Participation and Response to Major Comments" section of this preamble.

V. Summary of Changes to Proposed Regulations

In reviewing comments on the proposed regulations, the Agency conducted analyses of existing data and new data and information submitted by the commenters. As a result, the Agency has made some changes to the proposed regulations. These changes are summarized below.

A. Subcategorization

As noted in the previous section, the Agency originally proposed one set of BCT limitations for four subcategories on November 26, 1982. After a review of the comments and new data, the Agency analyzed the data from pharmaceutical plants and determined that the original BPT subcategorization scheme was more appropriate than the scheme proposed on November 26, 1982. For a discussion of this analysis and the results, see section IV of "Development Document for Effluent Limitations Guidelines for the Pharmaceutical Manufacturing Point Source Category."

B. Proposed and Final BCT Limitations

At proposal, the Agency grouped the four original subcategories into one subcategory and proposed BCT effluent limitation guidelines more stringent than the BPT effluent limitation guidelines based on the technology option of advanced biological treatment. This technology was found to pass the repropoed BCT cost test (October 26, 1982 at 47 FR 49176). Since proposal, we have applied the revised BCT cost test to each of the four original subcategories. None of the BCT candidate technologies pass the recently promulgated BCT cost test in any of the subcategories (see 51 FR 24974). Thus, final BCT effluent limitation guidelines are being established equal to existing BPT effluent limitation guidelines for all four subcategories.

C. Technology Options

The Agency proposed BCT effluent limitation guidelines based on one of two different candidate levels of advanced biological treatment on November 26, 1982. In its March 9, 1984 notice of availability, the Agency indicated that it would be considering an additional technology option as the basis for final BCT limitations. This option was advanced biological treatment plus effluent filtration. The technology options evaluated in that notice were identical to the technology options considered in the development of proposed NSPS (see 48 FR 49832).

These technology options are also the candidate technology options to which the recently promulgated BCT cost test methodology was applied.

D. Costing Methodology

The Agency has made numerous changes to its pharmaceutical treatment plant costing methodology since the November 26, 1982 proposal in response to public comment. The initial changes to the costing methodology were discussed at the time revised NSPS were proposed on October 27, 1983 at 48 FR 49832. Following this proposal, the Agency received additional public comments on its model plant cost estimation methodology. The Agency responded to some of these comments in the March 9, 1984 notice of availability. Responses to these comments and all other comments relating to the Agency's plant costing methodology may be found in the public record for this rulemaking. The only difference between the costing methodology used in the development of NSPS model plant costs and BPT and BCT individual plant costs is that, in the former case, EPA used subcategory average data, i.e. flow, influent and effluent BOD₅ and TSS concentrations, whereas in the latter case, the Agency used data supplied by individual plants to estimate BPT and BCT plant costs whenever these data were available and subcategory average data when individual plant data were not available.

VI. Control and Treatment Options and Technology Basis for the Final Regulation

A. Control and Treatment Options Applicable to the Pharmaceutical Manufacturing Industry

In developing final BCT effluent limitation guidelines, EPA considered two technology options (A and B) as the bases of BCT limitations that would be more stringent than the existing BPT regulation. A detailed description of these technology options may be found in sections V and VI of *Development Document for Best Conventional Technology Effluent Limitations Guidelines for the Pharmaceutical Manufacturing Point Source Category*, U.S. EPA, August 1986.

B. Control and Treatment Options Considered

An extensive review of the control and treatment technology alternatives available for application in the pharmaceutical manufacturing industry resulted in the identification of two methods for the control of conventional pollutants beyond the level of control provided by the application of BPT

effluent limitation guidelines. Two technology options were considered for the basis of the final BCT effluent limitation guidelines. Costs for each option were developed on a plant-by-plant basis for plants in the A/C and B/D subcategories and these costs were applied to the recently promulgated BCT methodology to determine whether one or both options passed the cost test. The two options, which are discussed in detail in section V and VI of the *Final BCT Development Document*, are summarized below:

Option A. Promulgate BCT effluent limitation guidelines controlling BOD₅ and TSS based on the performance of the best plants employing advanced biological treatment for four subcategories (subparts A, B, C, and D) of the pharmaceutical manufacturing category. These final limitations would require that specific concentration-based limits be met. The options for subcategories A and C are identical as are the options for the B and D subcategories (see 48 FR 49811). Limitations for extraction (subcategory B) and formulation (subcategory D) plants would be identical. Limitations for fermentation plants (subcategory A) would be the same as those for chemical synthesis plants (subcategory C). Option A is identical to the Option A considered as the basis of the proposed NSPS regulations for the pharmaceutical manufacturing point source category. (See 48 FR 49832).

Option B. Promulgate BCT effluent limitation guidelines controlling BOD₅ and TSS based on the performance of the best plants employing advanced biological treatment and effluent filtration for four subcategories (subparts A, B, C, and D) of the pharmaceutical manufacturing category. These final limitations would require that specific concentration-based limits be met. The options and limitations for extraction (subcategory B) and formulation (subcategory D) plants would be identical. The options and limitations for fermentation (subcategory A) plants would be the same as those for chemical synthesis (subcategory C) plants. Option B is identical to the option selected as the basis for the proposed NSPS regulations for the pharmaceutical manufacturing point source category.

C. Technology Option Costs and Application to the BCT Methodology.

For plants in the A/C and B/D subcategories, EPA calculated the costs for each of the two technology options.

The development of these costs is detailed in Section VI of the *Final BCT Development Document*. Individual plant costs for each candidate option are also presented.

The costs for each technology option are used to determine if the candidate technology option passes the BCT cost test. EPA evaluated the two technology options considered for the pharmaceutical manufacturing industry by applying the recently promulgated BCT cost test which consists of two parts: the POTW test and the industry cost effectiveness test. This methodology is detailed in Section II of the BCT methodology preamble (51 FR 24974).

POTW Test

In general, to "pass" the POTW test, the cost per pound of conventional pollutants removed by industrial dischargers in upgrading from BPT to the candidate BCT level must be less than the cost per pound of conventional pollutants removed in upgrading POTWs from secondary treatment to advanced secondary treatment. For the pharmaceutical manufacturing industry, this upgrade cost must be less than the POTW benchmark of \$0.43 per pound (1982 dollars) based on long-term performance data. (See 51 FR 24974 for description of the use of long-term performance data where available.)

As discussed in section I, conventional pollutants are defined by the Act to include BOD₅, TSS, oil and grease, fecal coliform, and pH. The pollutants included in calculating the POTW pollutant removal for purposes of the BCT test are BOD₅ and TSS. These pollutants were also used to calculate the pollutant removal for candidate BCT technology options. Oil and grease was not included since this conventional pollutant is not generally a concern in the pharmaceutical manufacturing industry. Fecal coliform is also not a concern for the pharmaceutical industry. The pollutant parameter pH is not included in the calculations because control of this pollutant is not measurable as "pounds removed." An acceptable interval for controlling pH is evaluated with respect to the particular processes of a candidate technology. Generally, the acceptable pH interval for BCT will be the same as that for BPT.

Industry Test. Candidate technologies must also "pass" the industry cost-effectiveness test. For each industry subcategory, EPA computes a ratio which is a comparison of two

incremental costs. The first is the cost per pound removed by the BCT candidate technology relative to BPT; the second is the cost per pound removed by BPT relative to no treatment (i.e., raw wasteload).

The ratio of the first cost divided by the second is a measure of the candidate technology's cost-effectiveness. The ratio is compared to an industry cost benchmark, which is based on POTW cost and pollutant removal data. If the industry ratio is lower than the benchmark, the candidate technology passes the industry cost test. The benchmark for the pharmaceutical industry, whose ratio is based on long-term performance data, is 1.29.

For each subcategory in the pharmaceutical manufacturing industry, EPA applied the cost calculated for each option to the BCT cost test. Results are presented in Table 1.

As shown in Table 1, none of the subcategories in the pharmaceutical manufacturing industry pass the BCT cost test at any of the two alternative treatment options. Therefore, BCT limitations for each subcategory are set equal to the BPT limitations.

TABLE 1.—SUMMARY OF BCT COST TEST CALCULATIONS FOR THE PHARMACEUTICAL MANUFACTURING INDUSTRY
[1982 Dollars]

| Subcategory (subpart) | POTW test ¹ | Industry cost test ² |
|-------------------------|------------------------|---------------------------------|
| Fermentation (A): | | |
| Option A..... | \$0.86 | 2.08 |
| Option B..... | 0.94 | 2.27 |
| Extraction (B): | | |
| Option A..... | 5.19 | 3.15 |
| Option B..... | 6.43 | 3.90 |
| Chemical Synthesis (C): | | |
| Option A..... | 0.86 | 2.08 |
| Option B..... | 0.94 | 2.27 |
| Formulation (D): | | |
| Option A..... | 5.19 | 3.15 |
| Option B..... | 6.43 | 3.90 |

¹ POTW Test: total annual cost per pound removed (BPT to BCT).

Candidate technology passes if POTW test is less than \$0.43 (1982 dollars).

² Industry Cost Test:

total annual cost per pound removed (BPT to BCT)

total annual cost per pound removed (raw wasteload to BPT)

Candidate technology passes if industry cost test is less than 1.29.

VII. Economic Considerations

A. Cost and Economic Impact

As shown in section VI, none of the candidate technology options considered as the basis of BCT effluent limitation guidelines for the pharmaceutical manufacturing category pass the BCT cost test. BCT effluent limitation guidelines are being set equal to existing BPT effluent limitation guidelines for all four subcategories (A, B, C, and D) and, consequently, there are no incremental costs or adverse economic impacts associated with these regulations.

B. Executive Order 12291

Executive Order 12291 requires EPA and other agencies to perform regulatory impact analyses on major regulations. Major rules are those which impose an annual cost on the economy of \$100 million or more or have certain other economic impacts. This regulation is not considered a major rule because no incremental costs are associated with attainment of BCT limitations and it meets none of the other criteria specified in section I, paragraph (b) of the Executive Order.

C. Regulatory Flexibility Analysis

Public Law 96-354 requires EPA to prepare a *Regulatory Flexibility Analysis* for all regulations that have a significant impact on a substantial number of small entities. Since no economic impacts are anticipated to result from the final BCT effluent limitations, a formal Regulatory Flexibility Analysis is not required.

VIII. Non-Water Quality Environmental Impacts

Eliminating or reducing one form of pollution may cause other environmental problems. Section 304(b) and 306 of the Act require EPA to consider the non-water quality environmental impacts (including energy requirements) of certain regulations. Since the final BCT effluent limitations for the pharmaceutical manufacturing industry do not require any incremental conventional pollutant removal beyond the BPT level, no additional non-water quality impacts (including air pollution, solid waste generation, and energy requirements) are expected.

IX. Best Management Practices (BMP's)

Section 304(e) of the Clean Water Act authorizes the Administrator to prescribe what have been termed "best management practices" (BMPs). The

Agency is not promulgating BMPs for the pharmaceutical industry at this time.

X. Upset and Bypass Provisions

A recurring issue of concern has been whether industry guidelines should include provisions authorizing noncompliance with effluent limitations guidelines and standards during periods of "upset" or "bypass." An upset, sometimes called an "excursion," is an unintentional noncompliance occurring for reasons beyond the reasonable control of the permittee. Industry argues that an upset provision in EPA's effluent limitations guidelines is necessary because such upsets inevitably occur even in properly operated control equipment. Because technology-based effluent limitations guidelines require only what technology can achieve, they claim that liability for such situations is improper. When confronted with this issue, courts have been divided on the question of whether an explicit upset or excursion incident may be handled through EPA's exercise of enforcement discretion. Compare, *Marathon Oil Co. v. EPA*, 564 F.2d 1253 (9th Cir. 1977) with *Weyerhaeuser Co. v. Costle*, 590 F.2d 1011 (D.C. Cir. 1978) and *Corn Refiners Association, Inc. v. Costle*, 594 F.2d 1223 (8th Cir. 1979.) See also, *American Petroleum Institute v. EPA*, 540 F.2d 1023 (10th Cir. 1976); *CPC International, Inc. v. Train*, 540 F.2d 1320 (8th Cir. 1976); *FMC Corp. v. Train*, 539 F.2d 973 (4th Cir. 1976).

While an upset is an unintentional episode during which effluent limitations are exceeded, a bypass is an act of intentional noncompliance during which waste treatment facilities are circumvented in emergency situations. Bypass provisions have, in the past, been included in NPDES permits.

EPA has determined that both upset and by-pass provisions should be included in NPDES permits and has promulgated NPDES regulations that include such permit provisions (40 CFR 122.41; 45 FR 14146, April 1, 1983). The upset provision establishes an upset as an affirmative defense to prosecution for violation of technology-based effluent limitation guidelines. The bypass provision authorizes bypassing to prevent loss of life, personal injury or severe property damage. Permittees in the pharmaceutical manufacturing industry are entitled to upset and bypass provisions in NPDES permits and this final regulation does not affect the applicability of such provisions.

XI. Variances and Modifications

These effluent limitation guidelines must be applied in all Federal and State NPDES permits issued to direct

dischargers in the pharmaceutical manufacturing industry.

The only exception to the binding limitations is EPA's "fundamentally different factors" variance (see *E.I. duPont de Nemours and Co. v. Train*, 430 U.S. 112 (1977); *Weyerhaeuser Co. v. Costle*, supra). This variance recognizes factors concerning a particular discharger that are fundamentally different from the factors considered in this rulemaking. This variance clause is now included in the NPDES regulations and is cross referenced in the pharmaceutical manufacturing industry regulations (see the NPDES regulations at 40 CFR Part 125, Subpart D).

XII. Relationship to NPDES Permits

This regulation does not restrict the power of any permit-issuing authority to act in a manner that is consistent with EPA regulations, guidelines, or policy. For example, the fact that this regulation does not control a particular pollutant does not preclude the permit issuer from limiting such pollutants on a case-by-case basis when necessary to carry out the purposes of the Act. In addition, to the extent that state water quality standards or other provisions of state or Federal law require limitation of pollutants not covered by this regulation (or require more stringent effluent limitations on covered pollutants), the permit-issuing authority must apply such effluent limitations.

One additional topic that warrants discussion is the operation of EPA's NPDES enforcement program, many aspects of which have been considered in developing this regulation. The Agency wishes to emphasize that, although the Clean Water Act is a strict liability statute, the initiation of enforcement proceedings by EPA is discretionary (*Sierra Club v. Train*, 557 F.2d 485 (5th Cir. 1977)). EPA has exercised and intends to exercise that discretion in a manner that recognizes and promotes good faith compliance efforts.

XIII. Public Participation and Responses to Major Comments

Individual pharmaceutical manufacturing facilities and trade associations have participated in the development of this regulation. Following the publication of proposed rules on November 26, 1982 in the *Federal Register*, the technical Development Document, the economic impact analysis, and supporting record materials were made available for public review.

Since proposal, the Agency has received many comments on its BCT

technical analysis for the pharmaceutical manufacturing industry. All comments received have been considered carefully, and appropriate changes in the regulations have been made where data and information supported those changes. All comments received as well as the responses to these comments are included in the public record for this rulemaking in a document entitled "Summary of Comments and Responses on the November 26, 1982 Proposed BCT Regulations, the October 27, 1983 Proposed NSPS Regulations, and the March 9, 1984 Notice of Availability for the Pharmaceutical Manufacturing Industry." A summary of the Agency's responses to major comments appears below.

1. *Comment:* Under the Clean Water Act, EPA is required to develop a standard based on "best conventional technology." This BCT requirement, by definition, mandates that the Agency base its standard on actually available technology that is used by an industry group. EPA's BCT standards for the pharmaceutical industry are not technologically feasible, and thus the standard cannot qualify as a BCT standard.

Response: The Agency has identified two candidate technology options based on data from existing plants in the A and C and B and D subcategories. Candidate BCT limitations derived for each technology option are based on the performance of the best plants with the candidate technology in-place. Therefore, the Agency has identified technology options for BCT which are technologically feasible.

2. *Comment:* The approach the Agency has taken in the proposed rulemaking is to assume that a single concentration standard is as appropriate for the subcategory A and C waste streams as it is for the low concentration, low volume wastes of subcategory D. This approach ignores the multitude of variable factors which confront the high waste concentration operations in subcategory A and C.

Response: The Agency agrees with this and other comments which assert that the use of one set of limitations for the four pharmaceutical subcategories is not appropriate. The Agency has returned to original BPT subcategorization scheme (see 48 FR 49808 and 49 FR 8697).

XIV. Availability of Technical Information

The major documents on which this regulation is based are (1) *Development Document for Best Conventional Pollutant Control Technology Effluent*

Limitations Guidelines for the Pharmaceutical Manufacturing Point Source Category (U.S. EPA, Washington, DC, September 1986), and (2) *Summary of Comments and Responses on the November 26, 1982 Proposed BCT Regulations, the October 27, 1983 Proposed NSPS Regulations, and the March 9, 1984 Notice of Availability for the Pharmaceutical Manufacturing Industry.*

On January 15, 1987 (30 days after publication in the *Federal Register*) copies of the technical Development Document will be available for public review in EPA's Public Information Reference Unit, Room 2404 (Rear) (EPA Library), 401 M Street SW., Washington, DC. On January 15, 1987 (30 days after publication in the *Federal Register*) the complete Record, including the Agency's responses to comments on the proposed regulation, will be available for review at the Public Information Reference Unit. The EPA information regulation (40 CFR Part 2) allows the Agency to charge a reasonable fee for copying.

Copies of the technical Development Document may also be obtained from the National Technical Information Service (NTIS), Springfield, Virginia 22161 (703/487-6000). A notice will be published in the *Federal Register* announcing the availability of these documents from NTIS. (This should occur within 60 days of publication of this regulation.)

XV. Office of Management and Budget (OMB) Review

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Written comments made by OMB are in the record for this final rulemaking.

List of Subjects in 40 CFR Part 439

Pharmaceutical manufacturing industry, Water pollution control, Waste treatment and disposal.

Dated: December 5, 1986.

Lee M. Thomas,
Administrator.

XVI—Appendix A

Abbreviations, Acronyms, and Other Terms Used in this Notice

Act—The Clean Water Act.
Agency—The U.S. Environmental Protection Agency.

BAT—The best available technology economically achievable, under section 304(b)(2)(B) of the Act.

BCT—The best conventional pollutant control technology, under section 304(b)(4) of the Act.

BMPs—Best management practices, under section 304(e) of the Act.

BPT—The best practicable control technology currently available, under section 304(b)(1) of the Act.

Clean Water Act—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.), as amended by the Clean Water Act of 1977 (Public Law 95-217).

Direct Discharger—A facility where wastewaters are discharged or may be discharged into waters of the United States.

Indirect Discharger—A facility where wastewaters are discharged or may be discharged into a publicly owned treatment works.

New Sources—Industrial facilities which are "new sources" under the definition in section 306 of the Act.

NPDES Permit—A National Pollutant Discharge Elimination system permit issued under section 402 of the Act.

NSPS—New source performance standards, under section 306 of the Act.

POTW or POTWs—Publicly owned treatment works.

PSES—Pretreatment standards for existing sources of indirect discharges, under section 307(b) of the Act.

PSNS—Pretreatment standards for new sources of indirect discharges, under section 307(c) of the Act.

RCRA—Resource Conservation and Recovery Act (Pub. L. 94-580) of 1976, as amended, 42 U.S.C. 6901 et seq.

PART 439—[AMENDED]

For the reasons stated above, EPA is amending Title 40, Part 439, Subparts A through D as follows:

1. The authority citation for Part 439 continues to read as follows:

Authority: Sec. 301, 304(b), (c), (e) and (g), 306(b) and (c), 307(b) and (c), and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977) (the "Act"); 33 U.S.C. 1311, 1314(b), (c), (e), and (g), 1316(b) and (c), 1317(b) and (c), and 1361; 86 Stat. 816, Pub. L. 92-500; 91 Stat. 1587, Pub. L. 95-217.

2. Section 40 CFR 439.13 is amended by adding text to read as follows:

§ 439.13 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 439.12 of this subpart for best practicable control technology currently available (BPT).

3. Section 40 CFR 439.23 is amended by adding text to read as follows:

§ 439.23 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 439.22 of this subpart for best practicable control technology currently available (BPT).

4. Section 40 CFR 439.33 is amended by adding text to read as follows:

§ 439.33 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 439.32 of this subpart for best practicable control technology currently available (BPT).

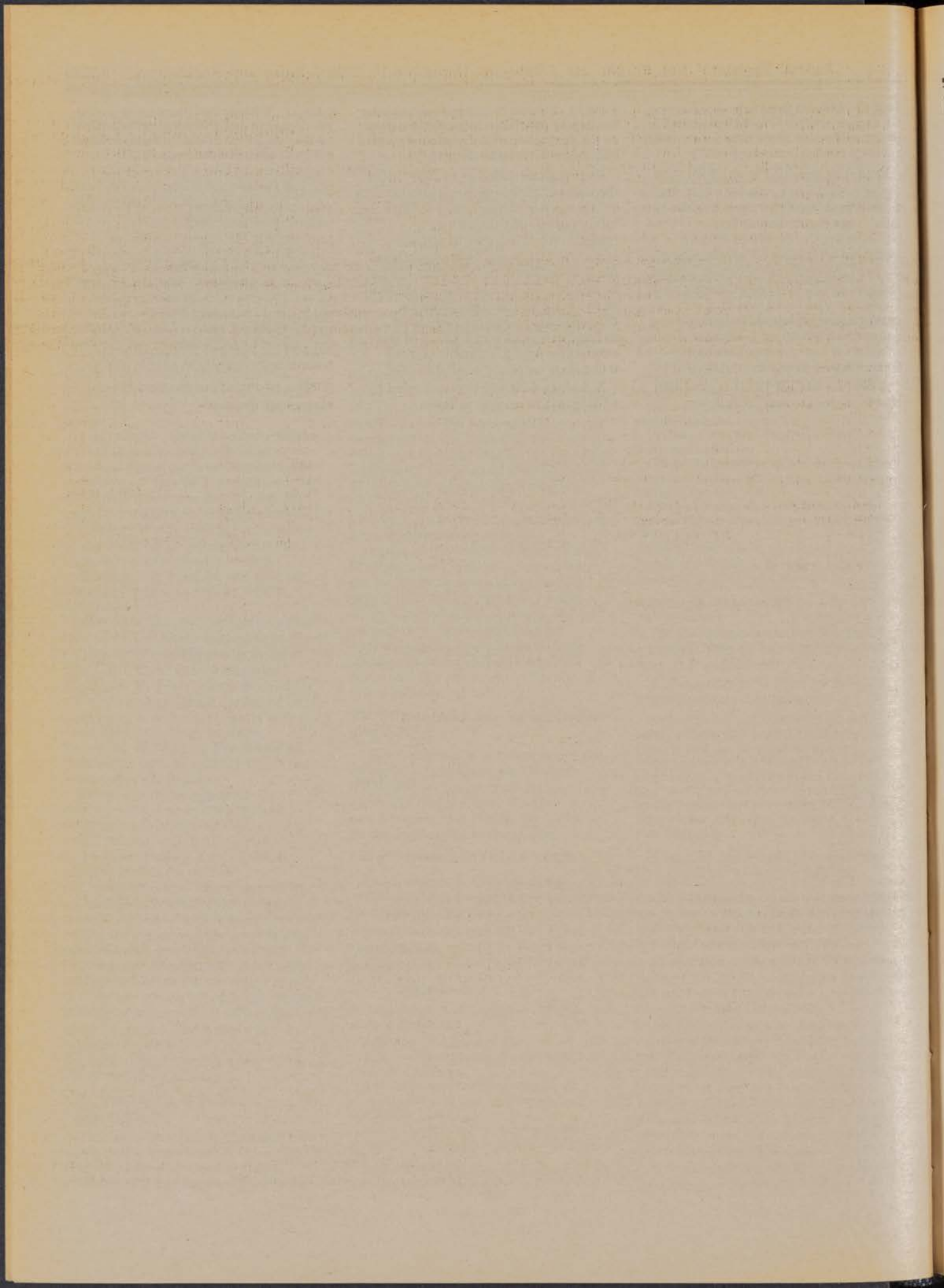
5. Section CFR 439.43 is amended by adding text to read as follows:

§ 439.43 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 439.42 of this subpart for best practicable control technology currently available (BPT).

[FR Doc. 86-28156 Filed 12-15-86; 8:45 am]

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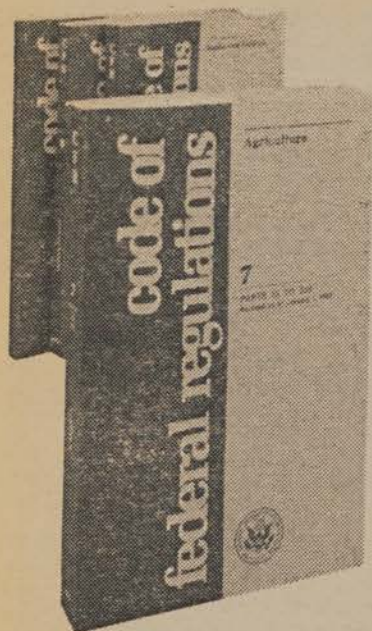
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